

# A YARD DIVIDED...

*(Got Windmills?)*

Submitted at 2/28/2008 8:36:00 PM

**STAY ON YOUR HALF OF THE YARD:** Silly season, better known as an election year on Kaua'i, is upon us and little could get sillier than activist Jonathan Jay's "moku" based Charter Amendment effort to achieve districting for the Kaua'i County Council.

Despite seven rejections of districting by Kaua'i voters over the past 30 years Jay is fixated on the idea- but apparently wants to do it illegally.

Jay, a leader in the Superferry fight has formed an organization called and proposes a system based on specific traditional geographically delineated land divisions in the Islands of Kona, Puna, Na Pali and the like called moku (see map), each of which contain the various local watersheds called "ahupua'a"

The problem is that under U.S. and State law a governmental legislative body's representational districts must be one-person-one-vote, population-based and apportioned thusly every ten years based on the U.S. Census.

The proposal even has an unpopulated "common" Na Pali Moku where despite the fact that people may reside there, legally or not. Na Pali residents would be un-represented and pay tax but have no vote.. Voters are registered to vote in jurisdictional districting in which they actually reside and all Hawai'i county clerks' offices will accept anyplace someone may clam to reside as their residence whether under a bridge, at the beach or on Na Pali. They just want the truth and will register you there.

But legalities aside some of the arguments of Pono Kaua'i and its listed supporters make, fly in the face

of the political history and tradition of Kaua'i politics .

As a prime rationale the site says that "(a)s things stand now, 6 of the 8 elected officials on the Council and the Mayors office (sic) are all from one part of the island; the Lihue (sic)-Wailua corridor on the east side. The entire west side from Puhii to Poli Hale (sic) has no representation. The same is true of the north shore from Hanalei to Haena (sic)."

For those who don't or can't remember that the same rationale for districting that was used 15-25 years ago. However it was the east and north sides complaining that all the reps came from the south and west side.

But what has not really changed from the first time Kaua'i considered Council districts is that, despite the differences in climate, culture, ethnicity, and other demographics of each town on the island we are still, when all is said and done, an island unit. On a small island distant on-island development reverberates more with those who live there than any off island events..

What happens in Ha'ena has a direct effect on Kekaha and vice versa. We all holo holo to the other side occasionally and when things happen there they are our concern whether we traveled a whole hour to get there or live across the street.

We all go hukilau at Makua or Mana often enough to let us have a kama'aina voice all over the island.

Kaua'i likes voting for seven council people- and have shown it over and over at the ballot box by rejecting districting, even as part of the traditionally approved Charter Commission packages like last election year again.

Each Kaua'i CC member is, at least in theory, answerable to every voter on Kaua'i, not just, at worst, a self-interested insular bunch of business interests who use plantation mentality to control the town.

Some of the other silly provisions in the current version of the proposed amendment- which is supposed to be finalized in April or May- call for two-year residencies in the district but, as previously said, the districts would have to be population based and subject to reapportionment, which is a political contrivance (according to the US Supreme Court). It's commonly and legally used to draw a line around a politician's house and push them out of their district... to be used at any time, not just during the required every 10-years Census reapportionment. Plus the petition calls for immediate removal for those who move or are "districted out" from their electorate.

Oh and a probably illegal two-years residency requirement.. And what happens when the four "best candidates"- whether defined as the highest vote getters or any other way- all live in one area? And what happens when Bob "I'm-running-so-my-wife-will-take-me-back-after-I-beat-her" Carriffe is the only one living and running in another district... or worse when Derrick "Young Mr. Big Save" Kawakami, skein of the Westside old boys and girls buys, buys his way into office. .

Funny that today's paper included an article about a meeting of the "the Kaua'i and Ni'ihau members of the Aha Kiolo Advisory Committee... a start-up group tasked with recommending how the state Legislature should establish an 'Aha Moku Council Commission that will assist in the formation and eventually oversee regional 'aha moku councils"

The article says that "(t)he 'aha moku councils will consist of residents having traditional Hawaiian cultural and generational knowledge and expertise as farmers, or mahi'ai, fishermen, or lawai'a, and caretakers, or konohiki, for each ahupua'a, the old way of dividing land where a slice of an island went from the top of the local mountain (volcano) to the shore."

But though this state advisory committee is a step in the right direction toward the Pono Kauai goal of a grassroots way to control our lives, Kauai- unlike O'ahu- has no officially fully-enabled local "neighborhood boards" whether organized by the western concept of watersheds or the similar ahupua'a system the Kanaka Maoli used before the military overthrow of their governance system.

Though there are ad hoc non-profit neighborhood associations in places like Koloa and Kilauea the only thing "official" on Kaua'i that approximates this is the current administration's "don't-show-up-if-you're-haole" Ka Leo complaint deflection service whose motto is apparently "do it yourself- what am I your mother?"... which the council de-funded but somehow still survives... As we discussed over and over with Jay leading up to his Council moku-districting proposal over the past few months if there's a need for a Charter Amendment based on empowering district planning bodies it just might be that geographically designated elected bodies that can represent the "smarts" of the affected area to perpetuate smart growth. That might actually accomplish something through a Charter Amendment

Oh, and while you're at it order me an elected Planning Commission.

# Safety at UH needs a sound solution

*(Disappeared News)*

Submitted at 2/29/2008 5:24:00 AM

by Larry Geller

"If a tree falls in a forest and no one hears it, does it make a sound?" Ok now, if UH sends text messages and no one receives them, are they solving the problem of notifying students in the event of an emergency?

Doug Carlson takes up this issue on his CHORE blog.

Today's Advertiser story, UH offers emergency text alerts to students, describes a technology approach to getting the word out to students and faculty in the event of a campus emergency.

As the article points out, though, this is only partially effective. Students in class, professors, and those walking around may not see the messages. Text messages are certainly a good idea, but won't reach many students. As the

article points out, few will subscribe. The email approach UH chose in October was worth doing at the time, but even more inadequate as a future solution:

The texts are limited to 130 characters and are designed to close the information gap experienced in October when a 46-year-old man was arrested in Moili'ili after threatening to shoot 30 UH-Manoa students.

UH officials immediately issued a

campuswide e-mail alert after the man was overheard making the threats on a city bus. But students who didn't read their e-mails continued to walk the 330-acre campus unaware of the manhunt. The article covers the problems and describes other parts of the solution. For more discussion on the UH security situation, click over to Doug Carlson's article, Text Messaging Has a Role in Emergencies, but UH Needs Much More To Reach Everyone.

# Musings: Dysfunctional Politics

(KauaiEclectic)

Submitted at 2/28/2008 10:13:00 AM

As we all know on Kauai, somebody is always watching what you do. As a reader noted in an email last night:

"At today's county council meeting where the ag subdivision moratorium was being re-examined, one of those salivating was Falko Partners' director Shawn Smith. He was salivating probably because Falko has some nice ag property to subdivide, and it didn't look like supporters of the bill could sway the opponents on the council.

"He said it was better than the cage match he watched last night. I wonder if it was rigged like wrestling. I love it when developers reveal themselves true to their ruthless stereotype.

"Shawn is so close to councilman Ron Kouchi that he felt he could send him text messages DURING THE MEETING. For example, after Ron made a point against the bill, Shawn sent him the message "Kick ass! [I love it] when you get rolling." In the address book is almost as good as in the pocket.

"I just wonder what he's planning with Mike Tressler over at Grove Farm.

"To another lucky text recipient, possibly Larry Bowman, he spilled the beans: "Here's my secret - I wrote that letter blasting Bynum." Sure enough, today's TGI has a criticism of Bynum

attributed to one Brian Flournoy of Kapa'a. Previous letters by that alias have the same vitriol against ADU sunsetting and ferry protestors.

"Never trust a developer, but do read over their shoulders," the reader/eavesdropper concludes.

Nor, it seems, are emails private. Anna Chavez circulated her response from Councilman Mel Rapozo:

"The problem with the ag moratorium is that it would not prohibit the large landowners from creating CPRs, which would legally bypass the public input process during the division of land. In fact, if the moratorium passes, CPRs would likely increase. Lands would be divided without any opportunity for the public to comment. Is this what we want? I don't think so. Currently, when a landowner wants to subdivide a parcel, it has to go through the Planning Commission. This allows for public testimony. I don't want to see CPRs popping up all over the island. This is a complex issue, and a moratorium is not the answer in my opinion. Thank you for your valuable input. Take care."

Mel declines to note that CPRs already are popping up all over the island. Nor does he mention that the county has the legal authority to regulate or even stop CPRs on ag land.

But to expect the Council to do anything that would go up against the

powerful real estate and development industry is obviously unrealistic.

All it took was a threatening letter from the Land Use Research Foundation of Hawaii to make Councilman Kouchi babble their party line.

As the Garden Island reports today: "The bill lacks statutory authority, a legal nexus and amounts to an illegal taking, Kouchi said, reading from the foundation's letter."

Now aren't you glad you didn't elect him Mayor when he was running against Bryan Baptiste and our choice, as one friend observed, was "between the sly f\*\*\* and the dumb f\*\*\*"?

Unfortunately, in this case Bryan has shown himself to be neither bright nor politically savvy, which is why his legislation went down in flames although the testimony received was 100-1 in favor of the moratorium.

According to the Garden Island, even the Kauai Farm Bureau backed the bill:

"Roy Oyama, co-chair of the Farm Bureau, said he supported the moratorium despite its potential to harm farmers by temporarily stopping them from subdividing their land for legitimate reasons. "Let's stop the squabbling and get to work," he told the council."

Of course, the Council could have

fixed some of the flaws — JoAnn Yukimura, an attorney, had amendments ready to do that — but it was easier to blame the Mayor and skirt the issue entirely.

In the end, only Bynum, JoAnn Yukimura and Kaipo Asing voted to keep the bill alive, while Mel, Ron, Jay Furfaro and Shaylene Iseri-Carvalho (she's running for prosecutor next, just so you know) killed it.

So much for caring about what the people want. We're only the citizens and voters after all, not the rich and powerful ones who can advance their careers.

According to the Garden Island: "To make big decisions you have to take risks," he [Baptiste] said after the meeting. "I don't see why the administration has to do it all. This is a legislative body ... they can do legislation just as well as I can."

Problem is, neither arm of government is doing it well, which is why it continues to be business as usual on Kauai, with the developers and realtors still firmly in control.

As one reader observed in a comment left on yesterday's post: "There is so much dysfunctional politics at play makes you want to disengage from the process and advocate for anarchy."

# Musings: Fuel-Sucking Tourists

(KauaiEclectic)

Submitted at 2/26/2008 11:42:00 AM

Brrrr is the operative word this morning, which is feeling delightfully wintry, despite the sunshine.

After working all weekend, I have a bit of a respite, so Koko and I headed over to a trail where she can run free and chase chickens and I can walk far enough to escape all sounds of humanity.

I was watching worms move across the trail in that way they have of curling up into a ball and then flinging themselves forward, which I guess is faster than creeping, and all around me were uluhe ferns and birdsong and even a few ohia trees were blooming.

And then along came a helicopter, on the sunrise flight over Waialeale. It got me wondering, as the state moves forward with its 2050 sustainability plan — touted on its website as the "people's plan" — about how much fuel is used in this state to entertain the tourists.

Just think of all the fuel being sucked down in the helicopter flights, boat rides and movie site tours. And that doesn't include the AC and hot water in the hotel rooms, the gas in the rental

cars. Tourism is the giant gaping puka in the state's sustainability plan.

Surely Russell Kokubun, the smart, well-intentioned Senator from the Big Island who chairs the 2050 Task Force, recognizes that it's inherently unsustainable to have 7 million people jet over to these islands every year to consume, consume, consume.

Yet somehow we think we can continue to have tourism and militarism — two of the most wasteful industries on the planet — as our economic mainstays and achieve some modicum of sustainability.

If we were really serious about sustainability, we'd be saving every speck of ag land and creating incentives for people to farm. We'd also be doing everything we can to support taro — the one food crop that we know can support a large population in the Islands.

The county's ag moratorium is a start, but some on the Council — Shaylene Iseri-Carvalho, Mel Rapozo and Jay Furfaro — are trying to kill the measure without any public discussion.

Councilman Tim Bynum yesterday sent me a copy of his views on the issue, which is running today as a

guest commentary in the Garden Island.

The issue is coming before the Council again tomorrow, on what is already a packed agenda, with a presentation on the 2050 sustainability plan, a bill requesting money to FINALLY begin development impact fee studies (a system that many other states adopted some 25 years ago) and a resolution supporting SB 958, which imposes a 10-year moratorium on developing, testing, propagating, cultivating, growing and raising genetically modified taro in Hawaii.

Koohan "Camera" Paik, the woman who made the Discover Kauai video, sent me a link to her latest youtube video, which addresses the push to stop GMO taro research.

In the video, Kauai Rep. Mina Morita, who lives in Hanalei Valley, the center of taro production in the state, notes that kalo "is the symbol of sustainability."

Camera's video prominently features Chris Kobayashi, a Hanalei taro farmer who overcame her shyness and reluctance to speak out and became a major force in this issue. Way to go, Chris. Nobody can address the topic better than somebody who spends time

in the loi.

While all GMO crops are controversial, the modification of taro is especially contentious because it has such tremendous cultural significance. Hawaiians believe they are descended from Haloa, a taro plant conceived by the gods.

"Without Haloa, we're pau," Mina said.

Yet the University of Hawaii has been pushing forward with its GMO research even though taro farmers have not requested it. If the state wants to help taro farmers, it should move to address the apple snail problem, water diversion issues and long-term taro land leases, and quit fiddling around with genetic engineering.

Finally, a couple of readers sent me a link to a story that reports Washington state didn't get even one bid on the MV Chinook, a high-speed passenger ferry it's trying to sell.

Maybe the Hawaii Superferry folks would be interested. It doesn't carry cars, but presumably it is operational, which is more than can be said for the dry-docked, rudder-damaged Alakai.

# THE FARMERS' BEST FRIEND

(Got Windmills?)

Submitted at 2/27/2008 9:33:00 PM

**THE FARMERS' BEST FRIEND:** One would think that the Ag subdivision moratorium bill that the Kaua'i County Council was set to kill today was the most important piece of legislation to hit the Council floor since the big box bill, judging by the dozens emails and blog postings over the last few days

Actually the bill has farm truck sized loopholes and, like the feel-good Kawakami Memorial Anti-Wal-Mart bill fails to do anything that Mayor Bryan couldn't tell his made-man Planning Director Ian Costa to do administratively.

But unlike the previously proliferating Pandora's Products there aren't a lot of ag subdivisions going through right now, not that Grove Farm isn't smacking their lips over the "important ag lands" study a-comin.

Today was also the day that the Council was to hear a presentation on the "Sustainability 2050" program and the day after the Planning Commission's approval of a plan to grow a fast-growing, known-invasive-species Albezius bean-trees to produce electricity from it's wood chips and grow it on the best prime ag land on the island.

Also over the last few days a couple of

columns and letters to the local newspaper about our secretive electric Co-op, KUIC and their election with Big Save Owner Derrick Kawakami, who has "taken out paper" to run for Council, pleading to re-elect the apparently ineffective current board rather than a tag team of Apollo's top man Ben Sullivan and local "Green Economist" Ken Stokes.

So what do all these have to do with each other? Plenty if you delve into the devilish details of each.

The "temporary" halt in ag subdivisions doesn't really address the problem which is the exemptions from the "one-time-rule" for ag subdivisions on Kaua'i, by law and administrative rule. The exemptions that one can apply for to the Planning Commission is still possible under the law as originally proposed last year upon mandatory referral by the council.

The bill is designed to be in effect until the highly-anticipated, State-mandated "identification of important ag lands" study. .

Despite attempt to allay everyone's fear when it was ordered it has proved true... by identifying important agricultural parcels it by definition identified unimportant ones those subject to the executioners development. chopping block, never to be seen in nature again.

Council Planning Committee Chair JoAnn Yukimura helped pass the State law telling constituents not to worry- no one was calling any ag lands important as did every legislator on Kaua'i who spoke of it to us.

But at the 2/13/08 meeting of Yukimura's Committee she apparently changed her mind. After saying how the study would determine if some ag lands were "inappropriately zoned" she said "we will figure out that some lands may not be designated agricultural appropriately any more" clearing the way to move what has been estimated as anywhere between 50-80% of all ag lands into residential and/or urban use..

Just yesterday the Planning Commission okayed a plan to grow Albezius tress for energy on prime ag land in a secretly-price agreement with KIUC. Despite protestations from the Farm Bureau and the current farmers on Kaua'i it went through the Planning Commission with a slice of the very best ag land here going to forestry.

It's surprising that with alternative fuels driving ethanol-producing grain and sugar prices through the roof the fuel-growers- and those State and County planners who regulate them - don't look to those "hard to farm" ag lands before they put a forest in a previously big-producing farmland.

The question that makes

environmentally concerned people grimace when they think about ethanol and bio diesel is not just the lack of carbon neutrality but it's the driving upward of food prices as they are tied more and more to fuel prices, sometimes to the point where oil could remain relatively cheap as soon as the cycle battles between food vs. fuel play out to some kind of stability.

For an small island in the middle of the ocean to grow it's fuel so that it doesn't interfere with the food that is needed to achieve any self-sufficient sustainability there's gotta be a lot of growing space. Cellulose based fuel crops like switch grass and even wood chips- can be grown on any ag land, whether marginal or not

Will Yukimura well-known "Davis, California vision" of creating little walkable communities play out on those "unimportant" ag lands?

With one hand the County planning to get rid of the marginal ag lands, on another it's giving away prime ag land to grow bio-fuel crops that can be grown on the marginal ag lands. And the electric co-op is secretly making deals for the latter expecting an ever increasing stream of population as those disposable farms disappear down the cul-de-sac.

Oh, I forgot...late last night I heard the screen door slam.

# KIBBLES AND BITS

(Got Windmills?)

Submitted at 2/29/2008 7:24:00 PM

**KIBBLES AND BITS:** Larry Geller at Disappeared News has pointed to today's reverberating rumor that the damage done to "the Alakai" Superferry during the dry-docking procedure may have been permanent and has wondered why no one in the paid media has bothered to actually investigate the matter. We wondered what would happen if someone from the MSM or even a blogger asked the witnesses if the Advertiser isn't too busy taxing their staff with rip and read transcription of official press release duties.

As an adjunct he also has delved into what the difference between a blog and a newspaper might be these days asking if there is a difference and what it may be. He also reports the latest from anti-community radio KKCR's reinstatement of Katy Rose and Jimmy Trujillo's Thursday program as long as they don't say anything about the lack of free speech on free speech radio.

Capitol Notebook - a hidden blog of the Honolulu Advertiser and must read for Hawai'i Legislature political junkies- is reporting on the Governor's efforts to keep early childhood education funds out of the hands of the department of Education today. Why doesn't Lingle just put it in the Dept. of Transportation so Fukunaga and Formby can give the money to the Superferry's Garibaldi and Lehman... then we can just exempt the kids from learning...

The KIUC candidate forum last night reportedly separated the corporate control of our energy future from control by the people as candidate Ben Sullivan of Apollo Kaua'i lit into the way the usual good old boys have excluded the public from their decision making process.

Candidate Ken Stokes also seems to be

championing the members' right to push for renewable energy but unknown ex-Navy Commander and Alaska Co-op board member, corporate control advocate Thomas Ellis, has now apparently declared himself to be a wanna-be part of the paternalistic current regime. The article may not be fully informative but extensive written answers by most candidate are available at the local newspaper's web site although not at the link provided on their web site.

PNN is trying to find out exactly which board members got paid what at the rate of \$176 some-odd a day, but how many hours a day that means is unclear. Some board members estimate 800 hours a year is spent on KIUC business. A total figure of a \$138,000 for the board has been confirmed from KIUC spokesperson Anne Barnes today and she has said she will provide a detailed breakdown of hours served, money paid and junkets/"training sessions" attended- and the cost for the directors to attend them- next week when she gets them from their

accounting department. That info is purported to be public, not proprietary, information and we'll be letting you know what those stats are next week.

Finally the Honolulu Advertiser had a great tease of a head on their editorial today saying "Dem delegate disputes show need for reform" but an examination of the contents didn't reveal anything substantive about the democracy of the Democrat's process but rather complaints about the DP's Super-delegates process.

As we opined in their comments sections "THIS is your big process-problem, Advertiser Ed Board? The Stupid-Delegates?... not the fraudulent free-for-all the Democratic Party laughingly called a democratic process?Political parties are private clubs. If you don't like one either join it and change it or start your own club. THAT is what you should have learned in civics class."

# CAT V. DOG UPDATE

(Got Windmills?)

Submitted at 2/26/2008 5:30:00 PM

**CAT V. DOG UPDATE:** Yesterday's Voter-Owned Elections vs current matching fund debate goes on today at

Ian lind's blog and in its comments section and with articles in both the Advertiser and Star Bulletin reporting on the bill before the legislature.

And if you really want to know who

owns elections watch this from ONN, which if you're like us you'll have to watch twice after falling off your chair laughing at the first time.

# Musings: Passing the Buck

(KauaiEclectic)

Submitted at 2/27/2008 10:08:00 AM

The moon was just over half full and lined up, roughly, with Venus and Jupiter in a mostly clear sky when Koko and I went walking on a morning so chilly I wore sweatpants instead of shorts.

Waialeale and all the other mountains appeared as mere hulks in the pre-dawn landscape, then came sharply into view as the rising sun rimmed the eastern sky in gold. It's so enchanting, that scene of night giving way to day, as roosters beat their wings and crow and all the birds start singing.

Still, Spring is on her way, despite the nip in the air, with a friend this morning delivering a bag of heavenly gardenias. The water has dropped a few degrees, too, as I've noticed recently on my afternoon swims. It's hard at first to plunge in, just as it's hard sometimes to leave a snug bed in the morning, but I'm invariably glad I do.

While driving to the beach yesterday I heard a man on the radio talking about GMOs, saying what's the big deal; people have been altering and cross-breeding plants and animals forever, and that's why we have so many different types of fruit and other crops.

His is a common misconception among those ignorant of the

technology.

Genetic engineering is not akin to either the processes of hybridization or natural selection. Instead, it involves taking a gene from another organism — typically an entirely different species — and forcing it into an unreceptive cell. That's done through use of a virus that invades the cell, or electronic bombardment that weakens the cell so the alien gene can slip through.

In this way, it crosses a barrier that Nature herself created precisely to prevent this type of transgenic propagation. But as usual, humans think they know best and have figured out ways to get around this ancient safeguard.

There ain't nothin' natural about genetic engineering, and it's never been done at any time in the known history of the world. It's a giant experiment, with the ecosystem — including us — as guinea pigs.

And here in Hawaii — the world capital of GMO open field testing — we're not even allowed to know what the biotech companies are growing, or where. Anyway, if you want to learn more, I did a piece a while back on the technology and controversy for Honolulu Magazine.

I see it as one of the key issues of our time, because it has the ability to affect

life as we know it on the planet. As Dr. Lorin Pang, Maui's state health officer, has often noted (although not in his official position, as his views aren't shared by the pro-biotech state administration): Once these organisms get out into the environment, as they do daily, wherever they're grown, there's no calling them back.

Got a couple of emails regarding the proposed ag subdivision moratorium. The moratorium is temporary, until the inventory of important ag lands is completed. This could take 10 years, and according to an email from Councilman Mel Rapozo, who was questioned by Jimmy Torio: "This is definitely beyond the legal parameters of a moratorium."

However, Mel goes on to state that the bill came to the Council without a legal overview, so I'm not sure where he came up with the idea that a moratorium can't last for 10 years.

He also thinks there needs to be "scientific data" to justify the moratorium, and "the crisis has not been adequately defined and supported."

I guess Mel is not alarmed by our own planning director's observation that 80 percent of our ag lands are not owned by farmers.

What will constitute a sufficient crisis to protect ag lands, Mel? We already

import nearly all of our food and three-acre ag lots in Kealia are selling for \$500,000.

Meanwhile, the big land owners and speculators are salivating at the prospect of turning yet more of our ag land into lucrative estate housing for part-time residents.

Mel continues with this bit of buck passing: "Finally, the Mayor once told me that his job was to send over a vision to the Council. It was the Council's job to work out the details. This is totally irresponsible in my opinion. He has access to all the legal advisors, the department heads, the statistics, and the historical data required to properly draft a bill. To expect the Council to do all of the legwork for his vision is simply not acceptable."

Yes, Mel, it would be nice if Mayor Baptiste did a better job of drafting the bill. But to even get a vision out of the guy is pretty darn good. You on the Council also have access to legal advisors (who give you opinions you don't share with the public) and all the other county resources.

If the mayor isn't showing leadership, can't the Council? Or do we just keep losing ground — literally and figuratively — until somebody is willing to stop passing the buck?

# Musings: Bring on the Clowns

(KauaiEclectic)

Submitted at 2/29/2008 10:00:00 AM

Koko and I were blanketed by a celestial patchwork of stars, white clouds and waning moon when we went walking, then dawn stirred and the quilt was reversed to a pattern of gray clouds and blue sky.

Ran into farmer Jerry along the road, who told me, when I asked why the Upper Kapahi Reservoir is so low, that the East Kauai Water Users Cooperative is draining it for repairs. It's just one of many reservoirs on the island that need fixing, and fortunately some state monies came through to help the Coop — which actually provides water for farming — with the cost.

I asked him about Councilman Ron Kouchi's comment, in killing the ag subdivision moratorium bill, that we don't even know how much ag land is needed to feed the island.

"Every bit of it," was Jerry's reply.

However, Grove Farm apparently thinks it can be done with 1,000 acres it's putting into orchards and taro. I had to wonder, if they think they can

feed the island with that amount of land, does that mean they'll be seeking the go-ahead to develop the rest of the 40,000 acres — much of it ag land — they own on Kauai?

It seems Rodney Haraguchi, the largest taro grower on Kauai, will be cultivating the Grove Farm taro lands. He already depleted the land he leases in Hanalei Valley land through intensive cultivation. Now he dumps chemical fertilizer on his fields five times over the 14-month growing period — with the excess flowing into the Hanalei River — and imports Micronesians to do the field work.

You know, just the kind of farming model we want to perpetuate elsewhere on the island.

Why can't we get small farmers back on the land with long-term leases or better yet, affordable farm lots where they can also build a home?

A friend called yesterday to say she was disappointed to see Councilmembers JoAnn Yukimura and Tim Bynum getting praise for supporting the ag subdivision moratorium, when they were such obstructionists in the vacation rental

bill, especially as it related to vacation rentals on ag land.

It's true. Those two were a total washout on the vacation rental bill, while Councilmembers Shaylene Iseri-Carvalho and Mel Rapozo, performed well on that issue, then helped kill the ag subdivision moratorium.

What do these guys actually stand for?

What bothered me most about Shaylene's and Mel's stance on the moratorium is they thought it was an important issue, but didn't like what the mayor had introduced. But rather than try and fix it, they killed it entirely.

"Maybe we could challenge them to come up with a really good bill," suggested my friend, ever hopeful, even after decades in the land use political trenches.

Maybe. But earlier, I'd run into another friend who had what is perhaps a better solution.

"Let's get rid of all seven of those clowns," he said. "We need a new circus."

## Federal court requires Department of Education to fulfill obligations to homeless kids

(Supreme Court of Hawai'i Blog (Unofficial))

Submitted at 2/26/2008 12:39:00 AM

From an ACLU press release:

"The DOE's disregard of the McKinney-Vento Act has virtually guaranteed that the poor and homeless children of Hawaii will become poor and homeless adults," said William Durham, an attorney with Lawyers for Equal Justice. "The DOE has ignored these problems for years, and it is deplorable that these children needed a court order from a federal judge for the DOE to do the right thing and comply with the law."

Did the Board of Education discuss this case with its legal counsel at its most recent meeting? No one knows. The BOE's meeting agenda stated: "Executive Session . . . Consultation with the Attorney General on Legal Matters." It's anybody's guess what those legal matters were.

## Walter Dods advises Superferry opponents

(Supreme Court of Hawai'i Blog

"Get over it," he says, in Scalia-like fashion.

# Text Messaging Has a Role in Emergencies, but UH Needs Much More To Reach Everyone

*(Citizens Helping Officials Respond to Emergencies)*

Submitted at 2/29/2008 9:53:00 AM

Many University of Hawaii students text message one another to stay in touch, but as a key component of UH's emergency notification procedure, TM is sorely lacking.

Today's Honolulu Advertiser story lays it out plainly enough: "...UH officials expect only 10 percent of the students to sign up" for TM alerts. Doesn't that say it all about TM's role in emergencies?

CHORE made this same point four months ago by quoting a National Public Radio report:

"College administrators are finding that students are not rushing to sign up for cell phone text-message alerts. After the Virginia Tech shootings last spring, many campuses felt this was the answer to keeping their students alert to danger, but students don't share their concerns."

It should come as no surprise to UH officials that students here apparently feel the same. Whether they "don't

care enough" about emergency notification – as one official is quoted in today's story – isn't the point. UH must use information channels that actually work!

## The Love Affair with Technology

The Advertiser story notes that officials are taking steps beyond TM, but here again, technology is seen as a solution. A warning siren would be "...designed to alert faculty, staff and students and direct them to the UH Web site for more information."

Always it's about technology -- the web, TM, wifi. We love technology, too, but let's get real about its limitations. We're talking about potentially life-saving information that must be communicated to virtually everyone on campus. Do administrators really believe the Web would be effective? Sure, it's ONE way to communicate, but only one.

Tech-oriented administrators may not want to admit it, but low technology has a major role. Nowhere in the story do officials mention good old-fashioned loud speakers in campus

buildings. They don't mention using the campus radio station or how off-campus broadcasters could relay security messages.

## Calling Common Sense

In other words, emergency communications is too important to leave to high-tech gurus. We need a heavy dose of common sense, and while we're at it, the public also needs to see UH's complete emergency communications plan for evidence that common sense is at work.

Shortly after a recent test of text messaging among UH's faculty, we were told by a UH official that the test had been a success. How do you know, we asked. Because we received the message, was the answer. How many faculty and staff didn't receive it? The official paused slightly, then said she didn't know.

Unless UH has created a web of information channels to its community, we have to expect many faculty, staff and students will be ignorant about a potentially life-threatening situation. And that's not good enough.

# Friday...Leahey & Leahey hit AD search committee, former MidWeek publisher ...

*(iLind.net)*

Submitted at 2/28/2008 11:25:09 PM

PBS Hawaii's locally produced Leahey & Leahey on Wednesday nights, which features an intergenerational airing of issues by the sportscasters Leahey, is proving to be sports with an often critical bite and more news than one would perhaps expect. Past the overdone faux Leahey household shtick, the father-son team are managing to hit on key issues. This week they took on the makeup of the UH Manoa search committee charged with recommending a new athletic director. Both took aim at Manoa Chancellor Virginia Hinshaw for not only appointing herself as chair of the committee, signaling that she intends to control the outcome, but also then appointing her own staff assistant to also sit on the committee.

"Isn't that a conflict of interest," one of the Leahey's asked several times? They also noted that a diverse selection committee is usually used to provide an independent perspective to the decision makers, but independence goes out the window when the

decision maker takes direct control of the committee.

In any case, they made their point and even underscored it with Jim Leahey's poetic blast at the committee and its work. It was a clear no confidence vote by these interested outside observers in Hinshaw's handling of the matter. Hinshaw is also co-chair of another problematic search committee looking for a new vice-chancellor for academic affairs, and that search appears to have stalled out. It was referred to as a "failed search" during discussion at the UH Faculty Senate earlier this month, although apparently Hinshaw does not share that opinion.

So Leahey & Leahey may be way ahead of the news reporters in zeroing in on problems in the new UH administration.

A press release earlier in the week reported that former MidWeek publisher Ken Berry is heading to Tennessee.

Berry will be the new Director of Target Marketing for the Chattanooga Times Free Press in Chattanooga, Tennessee. He will report to Jason Taylor another Honolulu Advertiser

veteran who recently resigned as Senior Vice President of Advertising and Marketing to become the President of the Chattanooga operation, a subsidiary of the WEHCO Corporation which owns several other daily newspapers including the Arkansas Democrat-Gazette.

And from the Honolulu Community-Media Council:

Sheila Coronel, Director of The Stable Center for Investigative Journalism at the Columbia University Graduate School of Journalism, kicks off the Honolulu Community-Media Council's Ah Jook Ku Lecture Series Freedom of Information Luncheon with her presentation, "Endangered Watchdogs: Investigative Journalism in Troubled Times," at the East-West Center on March 17; 11:30 registration, 12:00 lunch. (Registration form)

I don't have a whole batch of cats for this Feline Friday, so Mr. Silverman will just have to fill in. I caught him napping between Sudoku challenges, which tend to wear him out. Maybe it's just the leap year thing. In any case, just click for a larger version.

# Thursday&hellip;candidate disclosures, I Am running, views of news, and more morning dogs

*(iLind.net)*

Submitted at 2/27/2008 11:17:46 PM

Now that more candidates are filing their nomination papers to run in this year's elections, I wondered when candidate's personal financial disclosure are due. These are the disclosures of their personal interests that can sometimes reveal financial and business ties that could influence their future votes.

I was surprised to find that disclosure don't have to be made until a few weeks before the September 20 primary election. The due date is set by Section 84-17 HRS, part of the state's ethics law.

"...candidates for state elective offices or the constitutional convention shall file the required statements no later than twenty days prior to the date of the primary election for state offices or the election of delegates to the constitutional convention."

Candidates file somewhat less detailed reports with less complete disclosure than those filed by the winners when they take office, but the reports can still be useful. They are useful tidbits to file away as they sometimes can provide otherwise unavailable about candidates who lose but later resurface in other contexts.

Speaking of candidates, I Am thinking of running against Mazie Hirono for the 2nd Congressional District seat. Let me clarify. I'm not running, but someone who signed their name "I Am" (as in "I think, therefore...") with an address in Pahoehoe on the Big Island did pick up papers on February 14 in preparation for a run. Oh-I Am is a Republican.

Zogby International has reported the results of a poll of Americans' views of journalism and what people want in their news. Interesting stuff.

Seattle Post-Intelligencer columnist Robert Jamieson Jr. takes a look at "what our kids don't know."

Those who relish a challenge have only another day to apply for the job of heading up the state's Historic Preservation Division at the Dept. of Land and Natural Resources. Here's the DLNR ad with details.

And both the State Ethics Commission and Campaign Spending Commission are looking for new members. Application deadline for both is March 14.

And it's time for another bunch of our morning dogs of Kaaawa, part of the pack that greets us every morning on our walk to the beach and back at dawn. This is Ms. Inu, who apparently will chase this ball forever. At least we've never seen her stop.

# "Natural born citizen" status "not a frivolous issue" - Olson researches for McCain

*(Hawaiian Independence Blog)*

Submitted at 2/27/2008 7:23:16 PM

A couple weeks ago I pondered whether Barack Obama might not be a "natural born citizen" as constitutionally required to be eligible for the presidency because he was born in Hawaii, if one presumes Hawaii's continued independent, occupied status, not legally part of the United States.

After looking into it a bit more, I posted in an update that John McCain was actually born in the Panama Canal Zone, and had his own issue with this question, but that while it hasn't ever been ruled on the Supreme Court, the most likely interpretation of that clause of the constitution is that "natural born" means one is born a citizen, whether by jus soli (place of birth) or jus sanguinis (parentage), as opposed to being naturalized, in which case whether Hawaii is part of the U.S. is a moot point when it comes to Obama.

Well today the NY Times has an

interesting story looking into this exact question in regards to McCain. The general consensus seems to be that McCain is eligible for the reason above, but it is far from a settled matter, and McCain's campaign considers the issue serious enough that "the campaign recently asked Theodore B. Olson, a former solicitor general now advising Mr. McCain, to prepare a detailed legal analysis," research on which Olson has yet to finish. (Coincidentally, Olson was the one who argued for the plaintiffs before the Supreme Court in Rice v. Cayetano.)

Hawaii's status with regard to Obama is of course a whole different aspect of the issue, but according to at least one person who wrote an article on the topic in the Yale Law Journal, the basic question of exactly what "natural born citizen" means "is certainly not a frivolous issue."

Update 2/29: WaPo "The Trail" campaign blog reports that Obama is co-sponsoring legislation drafted by

Sen. Claire McCaskill (D-Mo.) that would ensure McCain is qualified by defining "natural born citizen" to include "any person born to any citizen of the United States while serving in the active or reserve components of the United States Armed Forces."

Some say it is obvious that McCain is qualified, but the senators seemed to take the question seriously enough that they feel the need to introduce legislation just to make sure, and once you get into this it is apparent that there are in fact many different interpretations.

Defining it as military, rather than just being born as a citizen, seems unnecessarily restrictive to me. By that definition, if one considers Hawaii independent, Obama would not qualify.

There are extensive comments after the post, in case anyone wants to chime in with some background about Hawaii...

# Hawaiian national lands deal moving forward

*(Hawaiian Independence Blog)*

Submitted at 2/28/2008 9:58:07 AM

Advertiser reports: The state House, the Lingle administration and the Office of Hawaiian Affairs now appear to all be on the same page regarding a settlement of a longstanding dispute over ceded [sic] land revenues.

That could leave the fate of the \$200 million settlement package in the hands of the 25 members of the state Senate.

Three House committees yesterday voted to approve House Bill 266, House Draft 2, which OKs the state to hand over three parcels of land valued at \$187 million and \$13 million in cash to OHA.

There are two key differences between SB 2733 — the original bill — and HB 266, the bill passed by the three committees yesterday:

- The House bill states OHA will get a minimum of \$15.1 million in future years as its share of ceded land revenues. A biennial report would be submitted from the state Department of Land and Natural Resources, which would analyze the amount of money derived from ceded lands, and the Legislature would determine how much OHA would ultimately get. The original bill calls for a flat \$15.1 million annual payment, a key sticking point for some Native Hawaiians.

- The House bill deletes all references to a "settlement." Caldwell said: "I believe this legislation sets a policy that enables a settlement but does not set the terms of the settlement. We're the policymaking branch of government."

Update: ps - Joan Conrow had a report on Kauai hearing last week on the settlement proposal.

The two sentiments voiced most frequently were that OHA, a state agency, cannot be trusted to fully represent kanaka maoli in negotiations with the state, and that such negotiations represent a tacit acceptance that the state has jurisdiction over the 1.4 million lands in question. (Another 400,000 acres are held by the fed.)

"You're promoting a fraud," said one man.

"You're asking us to be collaborators with the enemy," said another.

# Israeli politician threatens Palestinian "holocaust"

*(Disappeared News)*

Submitted at 2/29/2008 12:19:00 AM

by Larry Geller

From the Daily Telegraph story (picture caption: Relatives of a Palestinian boy killed in an Israeli rocket attack):

A senior Israeli politician provoked controversy today when he warned that Palestinians firing rockets from Gaza would be punished with a "bigger holocaust" from Israeli armed forces.

The use of the Hebrew word for holocaust, "shoah", tends to be used exclusively in Israel to describe the Nazi persecution of Jews.

Palestinian activists routinely claim to be suffering a "shoah" at the hands of Israel, but the Jewish state normally denies any moral equivalence between the suffering of Palestinians today and European jewry under the Nazis.

Matan Vilnai, deputy defence minister, broke that taboo when he used the term "shoah" during interview on Army Radio.



"The more qassam fire intensifies and the rockets reach a longer range, they (the Palestinians) will bring upon themselves a bigger shoah because we will use all our might to defend ourselves," he said.

Israeli Minister Threatens Gaza "Holocaust"

In Israel and the Occupied Territories, at least 18 Palestinians have been killed in continued Israeli attacks on the Gaza Strip. Thursday's Palestinian toll includes four young boys, killed by bombs as they were playing soccer. The youngest was eight years old. Another Palestinian child was killed along with two adult civilians. Palestinian officials say at least nine

Palestinian militants also died. At least thirty-one Palestinians, including nine children, have died in the past two days of Israeli attacks. Israel says its responding to Palestinian rocket fire, with forty-five rockets launched from Gaza on Thursday. One Israeli was killed this week in the town of Sderot, the thirteenth Israeli killed by Palestinian rockets in the last seven years. A seventeen-year old girl was lightly injured Thursday when Palestinian rockets struck the Israeli town of Ashkelon. [snipped from today's Democracy Now headlines] This needs to stop. I don't think firing missiles into civilian areas can ever be condoned. As the news item state, 13 Israelis have been killed by Palestinian rockets in total over the last seven years. Israel killed at least 31 Palestinians in the last two days alone. If one is wrong, the other is much more wrong. And to talk about escalating Israeli attacks into a "holocaust" is something I never thought I'd hear said. A "holocaust" is not something that a Jew does to other people.

# Sunshine alert: SB2059 would cut off records of complaints against contractors, other professionals

*(iLind.net)*

Submitted at 2/28/2008 12:37:07 AM

From my column in last week's

Honolulu Weekly: ...under the terms of Senate Bill 2059, already approved by the Senate Committee on Judiciary and Labor,

regulators would be barred from disclosing information about a licensed professional's complaint history, even if they've drawn a string of complaints

for shoddy workmanship, unfinished jobs, over billing, bait and switch, fraud or other problems. -read more-

# Is it a blog? What is a blog?

*(Disappeared News)*

Submitted at 2/29/2008 7:35:00 AM

by Larry Geller

Andy Parx pointed me to this in-depth discussion from PBS, *Distinction Between Bloggers, Journalists Blurring More Than Ever*. Since Hawaii's legislature is considering a shield law, HB2557, that would protect journalists and possibly bloggers as well, the issue is very important to me right now. Thanks, Andy!

There's a little four-question quiz near the front of the article. The answers may surprise you.

Ian Lind has been writing about the shield law both on his blog and in a Honolulu Weekly article. He kindly left me the last word in his article: Larry Geller, author of the *Disappeared News* blog, points to the example of whistleblower protection laws which, while sometimes ineffective, protect people no matter what they do.

"No matter what your profession, whether you're a secretary or an engineer, you can seek protection as a whistleblower," Geller said, urging



that shield law protections be similarly based on the kind of information to be protected rather than the professional status of the person involved.

While I think this would be a useful way to go, it's not the way shield laws are currently written.

First thing ought to be to protect working journalists IMHO. I'd like to see bloggers protected also, and the Hawaii law looks like it might do that. Doug White is following the shield law also, with good discussion in comments: Shield laws introduced in House and Senate. And see also The shield gets tweaked on the Advertiser's Capitol Notebook blog.

Yes, blog.

## Wednesday...Shield law moves forward in House, and public financing generates a lively ...

*(iLind.net)*

Submitted at 2/26/2008 11:07:10 PM

Says one reporter on hearing of the global attention to last week's byline strike:

"Oh gawd, we're in trouble if the Tiser bloggers are considered militants."

If you don't routinely check the comments left here, there was quite an active back-and-forth yesterday regarding the public financing of elections.

One upshot is that Voter Owned Hawaii, the key backer of the current public financing bill, isn't actually supporting the existing House draft of HB661, and actually disagrees with some of its provisions. They are actually backing a different proposed draft of the bill which is not generally available yet. I don't think this changes the substance of yesterday's debate but it may smooth out some of the rough

edges.

The Advertiser's Capitol Notebook blog reported last night on the latest House draft of the proposed reporters' shield law, which is coming out of the House Judiciary committee much broader than expected with clear coverage for bloggers.

And, on that topic, here's an interesting commentary titled, "Bloggers vs. Journalists is over."

I'm cutting this short today as we're dealing with some family medical issues. Just how serious is still not known.

It's one of those "hope for the best but prepare..." situations, I'm afraid.

[Update: Good news in this a.m., so it looks like we've dodged a bullet again on the family health front.]

In the meantime, enjoy each sunrise that comes your way.

## Auditor's report on state administration's actions re Superferry due tomorrow

*(Disappeared News)*

Submitted at 2/29/2008 1:41:00 PM

by Larry Geller

Act 2 of the 2nd special session of 2007 included the requirement for an audit, to be delivered on March 1:

The auditor shall conduct a performance audit on the state administration's actions in exempting certain harbor improvements to facilitate large capacity ferry vessels from the requirements of conducting

an environmental assessment or environmental impact statement under chapter 343, Hawaii Revised Statutes.

The audit shall also include the state administration's actions in not considering potential secondary environmental impacts of the harbor improvements prior to granting the exemption from these requirements. So there could be some weekend reading if the report is ready on schedule.

## Councils get "tough" on pandhandlers; all taxpayers eventually forced to pay up?

*(Supreme Court of Hawai'i Blog (Unofficial))*

Submitted at 2/26/2008 12:23:00 AM

The Honolulu City Council and the Hawai'i County Council are cracking down on "aggressive panhandling." But they're also likely violating the free-speech guarantees of the state and federal constitutions. Thus, they're probably heading down a path that will

eventually lead to court losses, just like what happened to the City of Las Vegas in 2006. To cover the costs of these cases, the councils may end up effectively putting their hands out and asking for money from their constituents in the most aggressive form of panhandling that exists (taxation).