

GENERAL PLAN COMMITTEE

Council of the County of Maui

MINUTES

Council Chamber

July 31, 2012

CONVENE: 9:09 a.m.

PRESENT: Councilmember Gladys C. Baisa, Chair
Councilmember Donald G. Couch, Jr., Vice-Chair
Councilmember Robert Carroll
Councilmember Elle Cochran
Councilmember G. Riki Hokama

EXCUSED: Councilmember Danny A. Mateo
Councilmember Joseph Pontanilla
Councilmember Michael P. Victorino
Councilmember Mike White

STAFF: Kirstin Hamman, Legislative Attorney
Regina Gormley, Legislative Attorney
Josiah Nishita, Legislative Analyst
Clarita Balala, Committee Secretary

ADMIN.: William Spence, Director, Department of Planning
John Summers, Administrator, Long Range Planning Division,
Department of Planning
Simone Bosco, Senior Planner, Long Range Planning Division,
Department of Planning
Daniel McNulty-Huffman, GIS Analyst, Department of Planning
Michael Napier, GIS Analyst, Department of Planning
James A. Giroux, Deputy Corporation Counsel, Department of the
Corporation Counsel

Seated in the gallery:

Mark King, GIS Analyst, Department of Planning
Ricky Uedoi, Lieutenant, Department of Police
Lee Mainaga, Fire Services Officer, Department of Fire and Public
Safety

OTHERS: Tamara Paltin, Save Honolua Coalition
Henry Ariyoshi, Member, Ka'anapali 2020
John Seebart
Kawai Rodrigues
Anthony (Tony) Caputo, Plantation Estates Lot Owners Association
Jeff Rebugio, Vice President, Kaanapali Land Management

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Gordon C. Cockett
Stan S. Fujimoto, Hawaii Housing Finance and Development
Corporation, State of Hawaii
Debbie Arakaki
Mark Deakos
Irene Bowie, Executive Director, Maui Tomorrow
Audrey Dack
Adeline K. Rodrigues
Lucienne de Naie
Susan Moikeha
Dick Mayer
Paul Ratterman
Howard Hanzawa
Eve Clute
Kaniloa Kamaunu, Hui Pono Ike Kanawai
Bill Johnston
Bill Frampton, Olowalu Town
Mary Traynor
Bo Petty
Edward Kaahui
David DeLeon, Government Affairs Director, Realtors Association of
Maui
Thelma P. Kaahui
Kimokea Kapahulehua
Thelma Akita-Kealoha, FACE Maui
(17) additional attendees

PRESS: *Akaku: Maui Community Television, Inc.*

**ITEM NO. 2(2) GENERAL PLAN UPDATE (MAUI ISLAND PLAN: CHAPTER 8 (DIRECTED
GROWTH PLAN) - (WEST MAUI))**

CHAIR BAISA: . . . (*gavel*) . . . Will the General Plan Committee please come to order. Before we begin, would you please put your cell phones or anything else that rings on silent mode? Chair would appreciate that. I am Councilmember Baisa, Chair of the Committee. At our last meeting on July 23rd, we heard public testimony on the Directed Growth Plan for West Maui and also received a PowerPoint presentation from the Department of Planning. This morning we will again accept public testimony and then we will begin our review of the West Maui region. If we are unable to complete our review today, we will probably recess to Thursday, August 2nd at 9:00 a.m. The Committee members that are here this morning, I have Don Couch, Vice-Chair of the Committee.

VICE-CHAIR COUCH: Morning, Madam Chair.

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CHAIR BAISA: Good morning. I have Mr. Robert Carroll.

COUNCILMEMBER CARROLL: Good Morning.

CHAIR BAISA: Good morning. Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good morning, Chair.

CHAIR BAISA: And Riki Hokama, good morning. Excused at this point are Chair Mateo, Mr. Victorino, Mr. White and Mr. Pontanilla. From the Administration, we have quite a few people. We have Will Spence, our Planning Director.

MR. SPENCE: Good morning, Chair.

CHAIR BAISA: Good morning. John Summers, our Administrative Planning Officer.

MR. SUMMERS: Good morning, Chair.

CHAIR BAISA: Good morning. We have Simone Bosco, Senior Planner.

MS. BOSCO: Good morning, Chair.

CHAIR BAISA: And we have Mr. James Giroux, our Deputy Corporation Counsel.

MR. GIROUX: Aloha, Madam Chair.

CHAIR BAISA: And from the GIS division, we have Mike Napier, GIS Analyst. Good morning. And we have Dan McNulty-Huffman, GIS Analyst Supervisor.

MR. McNULTY-HUFFMAN: Good morning.

CHAIR BAISA: Good morning. We will also have other GIS people joining us when we get to the point where we will be doing the reviews. We also have our Committee Staff this morning. And we have with us our Legislative Attorneys, Kirstin Hamman and Regina Gormley. And we have Legislative Analyst, Josiah Nishita and Committee Secretary, Clarita Balala. We'll be starting testimony in just a minute. Testimony today will be limited to the item on our agenda today. Please sign up at the desk located in the lobby if you haven't already. You'll be limited to three minutes per person with one minute to conclude if requested. Also, would you please state your name and if you're representing a group, would you also reveal that also? We'd like to know. I'm sure that all of you are familiar with the light system, but if you aren't, we'll be using that this morning for, for testimony. It'll be green when you start and it'll be yellow when it's time to wrap it up, and when it's red it says your time is finished. So if you would need an additional minute or you need to wrap up then we'll also begin timing that also at that point. So without further ado, we'll get started here. We have quite a few people signed up to testify. And our first testifier this morning will be Tamara Paltin, and Tamara will be followed by

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Henry Ariyoshi. Good morning.

... **BEGIN PUBLIC TESTIMONY** ...

MS. PALTIN: Good morning. The Save Honolua Coalition was formed as a result of the General Plan process. In January of 2007, a much different version of Maui Land and Pineapple submitted conceptual plans for a golf course, 40 home sites and a surf park cultural area at Honolua. Much has changed since then, but our mission remains the same: maintain open space, public access, and revitalize the health of the Honolua ahupuaa utilizing native Hawaiian practices and values. Our community remains vigilant and committed to Honolua. The all-volunteer board and supporters of the Save Honolua Coalition have been working diligently since 2007 to show our concern. We have formed a 501C nonprofit, collected over 16,000 petition signatures. We have worked to fund porta-potty services for over three years although we do not own the land and do not run a commercial business that makes a profit off of Honolua. We have helped to organize testimony and input on a wide range of issues, including the Honolua Bridge, day-use mooring buoys and water quality. Our West Maui community has seen Maui Land & Pineapple Company go from a family plantation business belonging to the Camerons to a publicly traded real estate corporation with a lot of debt. We have survived mass layoffs. We have witnessed the Kapalua Bay Hotel torn down, shut down, and in its place a towering luxury condominium put up. The residences at Kapalua now stands empty and less than five years later has gone out of business, shut down for lack of profit, jobs lost, small local landscape characteristic gone forever. I beg you, do not allow this to happen at Honolua. If the Maui County General Plan is a comprehensive blueprint for the physical, economic, environmental development and cultural identity of the County, then Lipoa Point must be left in preservation as indicated by professional planners, and the undeveloped 220 plus acres mauka of Lipoa Point must be included in that designation as supported by the community. To leave Lipoa Point in agriculture when there is no agriculture going on, nor is there any plan, defies logic. The corporation asks the Council to consider Lipoa Point as collateral for its 1600 pensioners. We ask the Council to consider everyone, na keiki o ka aina, visitors, residents and future generations. What will happen to Lipoa Point if the corporation fails on its loan? Why have negotiations stalled? It is not because the community is not committed. A May 3, 2007 article entitled "The Battle of Honolua Ridge" by Maui Times Anthony Pignataro states, "We don't usually associate mud-clogged drainage inlets, potentially unsafe drainage basins and poorly graded roads with new Kapalua Resort development, but a new owners' association report concerning Honolua Ridge is saying exactly that." In February 2007, the Plantation Estate Lot Owners Association wrote to ML&P about the ill-designed drainage system at Honolua Ridge. Up-zoning this development from Agricultural to Rural would set a bad precedent especially since their track record shows that the infrastructure at the time of development in this environmentally sensitive area did not meet their own lot owner association standards. Allowing a change to Rural designation would increase the number of empty mansions to be built, currently there are 50. It also would not require any Environmental Impact Statement mauka of our State Marine Life Conservation District. Please keep the zoning Agriculture and hold the owners accountable to the agriculture requirements that were in place when they created this subdivision. He ali'i aina, he kauwa ke kanaka. The land is our chief and we are its servants.

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MS. HAMMAN: Four minutes.

CHAIR BAISA: Could you please wrap up? Thank you.

MS. PALTIN: Ua mau ke ea o ka aina i ka pono – the life of the land is perpetuated in balance, it is up to you as our leaders to keep the balance between development and natural beauty so that Maui doesn't lose the magic that makes it so special.

CHAIR BAISA: Thank you very much, Tamara. Members, any questions for the testifier? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And good morning, Tamara. Thank you for being here. Tamara, you mentioned about the petition and somewhere around 16,000 signatures on it. What is, what does that petition state?

MS. PALTIN: The petition states, "We the undersigned believe the following: All undeveloped land at and around Lipoa Point, which is adjacent to Honolua Bay, in West Maui holds great cultural, environmental, archeological and recreational significance and should be preserved in perpetuity. The Maui County Council," which is you guys, "should be, should use County, State, Federal and private funds to acquire this land by negotiation, or if necessary by eminent domain. Three, no developer should be allowed to use the General Plan update process to evade environmental laws or other requirements normally imposed on land use applicants at Lipoa Point or elsewhere. We respectfully ask for Members of the Maui County Council and other government officials to consider our beliefs when making decisions." That is 16,000 people asking you folks, the Maui County Council, to help us to save Honolua.

CHAIR BAISA: Ms. Cochran, anything else?

COUNCILMEMBER COCHRAN: Yeah, you also mentioned, so part of that petition and vision I guess of these signatures also is speaking about 220 acres mauka and what's the reason for the mauka portion?

MS. PALTIN: Basically the ahupuaa system of land management, which is the only sustainable and successful island stewardship model in Hawaiian history, is based on the mauka to makai relationship. In an ahupuaa it is all interconnected. The makai will not be healthy if the mauka is not healthy and vice versa. So to, to us it doesn't make sense if you have the top of the mountain protected in the Puu Kukui Watershed preserve, you have the bay area protected in a state-designated marine life conservation district and then you let development happen right in the middle. Why, why bother protecting any of it if you're not going to protect all of it? Let, let people fish there if that's the case, you know, 'cause the fish are gonna die because of irresponsible stewardship.

COUNCILMEMBER COCHRAN: Thank you, Tamara. And lastly, Chair, if you don't mind --

CHAIR BAISA: Go right ahead.

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COUNCILMEMBER COCHRAN: --where's the negotiations going?

MS. PALTIN: It's been kind of stalled from what I understand that nobody really wants to touch it I guess until after August 2nd when you folks make a decision. The community has always been for it. We, we try to convince, it's, the negotiations have to occur between the mayor and the land owner. We learned that under Tavares Administration where we tried to get involved in the negotiations, we came out with a deal and then the mayor just didn't do anything, not Arakawa, Tavares. But, so, from what I understand, Mayor Arakawa is very willing and ready and now it takes two people to come to the table. So the landowner needs to, or they, they need to sit down together and make, make something happen.

COUNCILMEMBER COCHRAN: Thank you, Tamara. Thank you, Chair.

CHAIR BAISA: Alright. Any further questions for Ms. Paltin? Seeing none, thank you very much, Tamara.

MS. PALTIN: Thank you.

CHAIR BAISA: Next testifier is Henry Ariyoshi, and he'll be followed by John Seebart.

MR. ARIYOSHI: Members of the Maui County Council on the Maui Island General Plan, Council members, I'm sorry I missed last week's opportunity to testify, but please hear me. My name is Henry Ariyoshi and I'm submitting this testimony in support of the proposed development of the Kaanapali and Wainee Village land areas as planned by the Ka'anapali 2020 organization. I have been a longstanding member of the organization dating back to the planning and selection of members to participate in the future search program for community-based land planning. After four intensive days of meeting with members of a cross section of the Lahaina community, the consensus-based program emerged with the formation of the Ka'anapali 2020 program. We have been meeting regularly for 12 years in planning for the development of the two areas owned by the Kaanapali Land Management Corporation. Although I no longer live in Lahaina, I remain active in the organization as this community-based land planning program addresses the needs of the people in the community. Primarily because of a lack of a hospital, I moved to Waikapu as my health care needs made it prudent for me to relocate to Waikapu. Ka'anapali 2020 addresses this concern with the development of a new acute care health facility in Lahaina hopefully to be built in the near future. The plan also addresses the need for much needed burial site in Lahaina and this is being addressed in this plan. The planned affordable Wainee housing project, Wainee Village, I'm sorry, plan will afford affordable housing for the residents of the Lahaina community can live and work in the Lahaina community. This project will give young families an opportunity to live in the same area where their parents and families reside. This housing area will provide families to live in an area that is close to several big recreational facilities. The Ka'anapali 2020 program has given members of the Lahaina community an, a unique opportunity in providing input in the developmental property in Lahaina, and I sincerely hope that this true community-based planned development will meet with your support and approval. Thank you.

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CHAIR BAISA: Thank you, Mr. Ariyoshi. Members, questions for the testifier? Seeing none, thank you very much.

MR. ARIYOSHI: Thank you.

CHAIR BAISA: The next testifier will be John Seebart, and he'll be followed by Kawai Rodrigues.

MR. SEEBART: Good morning, aloha. Thank you for considering these things today which are difficult decisions. Last time I was here I talked about the flower pot. It's the concept of diminishing returns and how you just can't continue to add to things without thought or you'll end up with a destroyed pot of dead flowers. And I mean it applies to an island very, very aptly, I think. When I was a kid, we used to drive from Wailuku to Lahaina on the Pali. A lot of people probably got there, got here today that way. But when I was a kid, it was a gravel road and there was no tunnel. And I don't know how many cars there were in Lahaina other than plantation vehicles, but not many. So by simply adding a two-lane road, which is the primary method of transportation to the West Side, look what's happened. I mean there's been huge development; it's incomprehensible. So a lot of us don't perceive that things changed that much in a short time in our, in our generation or maybe even in our life, but for somebody who was here in the '50s, things have changed a lot. And I'd just like to beg you not to allow some of these natural resources to be destroyed. I mean, I completely support Tamara. I've been a fringe member of, of Save Honolulu for a long time, since the beginning really. I volunteer with the Department of Aquatic Resources in the Kaanapali Makai Watch. I started a group called The sLower Road out in Kahana to try to mitigate some of the changes that we see. The thing about Olowalu is that it is a reef that is a very fragile thing. And we hear testimony today I'm sure from many people who live in the area. I mean I don't know really how many people actually live there. I mean there are people living there, no doubt. But really this is a question, this is a question of wealth. And, and we have to consider the benefits in wealth to the people who are testifying pro development of Olowalu versus the wealth that Maui and we all are going to lose if that reef is, is damaged, destroyed or harmed in any way. When I was a kid there were tons of sampans here in Maui. And people would go out and made a living fishing. We don't see that anymore. They're gone, the fish are gone basically. I mean it's very, very diminished. It's not that there aren't any fish, but they're very diminished. We need to protect these reefs which are nurseries and, and provide habitat for young fish. They also provide food for bigger fish that come and eat those fish. When we destroy these things, we're, we're destroying Maui. And, you know, I've got, pretty much my time here, but I just beg you not to let Olowalu go forward. Also the Villages at Leialii, I mean I don't think that Lahaina needs a ghetto built in. And I think that's what the State is gonna end up building. And there's certainly no way that you should allow the boundaries to be pushed out by, to double the size of what they're requesting. Thank you.

CHAIR BAISA: Thank you, Mr. Seebart. Members, questions for the testifier? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair, actually more like a comment. Thank you, John, for being here and sharing the diminishing, you know, fish stocks that we have. It's funny

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because the Kukahiko family had a, a 900 turnout reunion in Makena and they went hukilau, they tossed out their first net and they brought in two fish. They tossed out the second net, they brought in zero fish. So that's, you know, back in the day when they all were growing up in the area, there was just plentiful, now that's what they come up with.

MR. SEEBART: Right.

COUNCILMEMBER COCHRAN: So thank you for sharing that, it's a good reminder for all of us. Thank you.

MR. SEEBART: Thank you.

CHAIR BAISA: Any other questions? Member Couch.

VICE-CHAIR COUCH: Thank you. Thank you, Mr., oh...

CHAIR BAISA: Oh, Mr. Seebart, you're a popular guy. Mr. Couch has a question for you.

MR. SEEBART: If wishes were horses, beggars would rise. Sir.

VICE-CHAIR COUCH: Mr. Seebart, what's your stance on the Ka'anapali 2020?

MR. SEEBART: I think that that is a community-based development that has, has been long in the making with a lot of community input and I, I have no complaint about that whatsoever.

VICE-CHAIR COUCH: So you support community-based developments?

MR. SEEBART: I support Ka'anapali 2020.

VICE-CHAIR COUCH: Okay.

MR. SEEBART: And, and in general, yes. And in general I support the Island Plan as it was written by the people who, who developed it and don't think that any boundary should be extended. However, in some cases like Olowalu, I would support a change that makes it smaller and maybe a trade could be done somewhere like that but those reefs are delicate.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR BAISA: Any further questions? All done? Seeing none, Mr. Seebart, thank you.

MR. SEEBART: Okay, thanks.

CHAIR BAISA: Next testifier will be Kawai Rodrigues and followed by Anthony Caputo. Good morning.

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MR. RODRIGUES: Aloha kakahiaka, good morning, Chair Baisa, and General Plan Members. My name is Kawai Rodrigues. I am testifying today in support of Olowalu Town Development and its inclusion in the Urban Growth Boundaries of the Maui County General Growth Plan. In November of 2005 I began my support of Olowalu Town Development by participating in the week-long, community-based planning workshop to establish the community of Olowalu. I also testified at numerous GPAC meetings and finally testified at the Maui County Planning Commission. After six and a half years of participating in the community-driven process, I am fulfilling the need to complete the process and build Olowalu Town. I will always cherish the childhood memories of growing up in Olowalu, a small _____ neighborhood where you knew all your neighbors, from riding my bicycle or even walking to the General Store, hiking the valleys of Olowalu, Ukumehame and the Pali. I loved surfing, diving and fishing the entire coastline from the Pali to Cut Mountain. Today, we often enjoy that healthy lifestyle with standup paddle boarding with my family. Now I am reaching that period in my life where I long to return to my home, that special place in my heart. I also long that my children will also follow me with their families. Olowalu Town reflect the establishment of a community at Olowalu where Maui residents can afford to live with affordable housing, stores, schools, parks, beaches and community services all integrated within walking distance of the homes. Town centers would provide business and commercial opportunities for residents to live and work in the same community. There is a Hawaiian saying that goes "Mohala i ka maka o ka pua". Translated, it means "Flowers thrive where there is water", or "Thriving people are found where living conditions are good." The pattern of human settlement in Maui has historically been influenced by this saying, which suggests not only environmental sustainability, but also social and cultural sustainability as well. Unfortunately many of the more recently developed communities in the island has not always followed this philosophy. Olowalu provides dramatic setting for the proposed development like no other locale, set against the lush green valleys of the West Maui Mountains from which Olowalu Stream emerges, finally reaching the blue expanse of the Auau Channel. Olowalu presents the opportunity to create a new town guided by the principles of smart planning development and growth and a strong sense of community life responsive to the land and the local culture, all in the spirit of caring for Olowalu's future. I conclude, many testimony was brought up about the reef, and I'll always believe --

MS. HAMMAN: Four minutes.

MR. RODRIGUES: --that in this day and age, we can negotiate and work with those in opposition, environmental groups. You've heard of the word "mediate". You've heard of the word "compromise". There is always a solution for a win-win solution for all of us. Thank you.

CHAIR BAISA: Members, questions for the testifier? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, good morning --

MR. RODRIGUES: Good morning.

COUNCILMEMBER COCHRAN: --thank you being here. So you know of the Fujii family that are still there currently?

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MR. RODRIGUES: Yes.

COUNCILMEMBER COCHRAN: And have you, what do you think about their, you know, their little area, the mom still lives there, I think she's made a 100 years old, Olowalu General Store, the new Leoda's Pie Shop is there. I believe their concern is the realignment of that highway which is going to run through this proposed town. So how has, how have you or families or whoever that's in support addressed their concerns? For me, it's a really prime example of what used to be in Lahaina, what used to be in different villages and plantation towns we had at one time, you know, the true mom-and-pop kinda example. So I just kinda want your comments and feedback on how that concern of a really true Olowalu family still there a hundred plus years later is living and trying to survive.

MR. RODRIGUES: I grew up in this western society, ___ have a college education and I understand the general mom-and-pop stores and I mentioned in my testimony that I liked that, but I not talking about just one simple 500 square foot store. There, there can be a balance. This is progress. We need more stores but we don't need the big box stores in Olowalu. So I feel that, you know, we can still try to find that balance between a small town community and separate it from the big box stores, at the same time having in a sense it's scaled down, not a scaled down, not as small as scaled-down community like one general store like the Fujii's had, but several smaller stores like a coffee shop, convenience store where it could handle the, the bigger community but at the same time trying to be small.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

CHAIR BAISA: Further questions for the testifier? Mr. Couch.

VICE-CHAIR COUCH: Thank you, and thank you, Mr. Rodrigues, for being here. You mentioned right at the end of your, your testimony about the reefs. Have, has there been any conversations about how to mitigate the issue with the reef, because that is a huge concern is the, that it is a pretty good reef, I mean a very good reef, and wouldn't want to lose that one. So has there been any conversation?

MR. RODRIGUES: Well, the only, the only information I had is, is from my testimony and from attending GPAC meetings where countless pages of testimony and, and facts were presented regarding the reef situation, and the developer has, has proposed several mediating factors that can address or, or help solve some of the potential for, for any reef damage.

VICE-CHAIR COUCH: Okay.

MR. RODRIGUES: So my conversations was pretty much the factual information that was presented and reading those materials.

VICE-CHAIR COUCH: Thank you.

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CHAIR BAISA: Thank you, Mr. Rodrigues. Any further questions? Seeing none, thank you very much. Our next testifier will be Anthony Caputo, and he will be followed by Jeff Rebugio. Good morning.

MR. CAPUTO: Good morning, Chair Baisa, Committee members. As President of the Plantation Estates Lot Owners Association, I urge you to include both Plantation Estates and Honolua Ridge within the Rural Growth Boundary of the Maui Island Plan, Directed Growth Map. PELOA, our association, is the association governing both Plantation Estates and Honolua Ridge. We appreciate the Planning Department's support of including Plantation Estates within the Rural Growth Boundary; however, because we are one community and literally you drive to Honolua Ridge through Plantation Estates, they were named differently by Maui Land and Pineapple for marketing purposes but they are one community. We would appreciate your considering that, to include both in the Directed Growth Map. Several of our owners within Plantation Estates and Honolua Ridge have submitted written or oral testimony in support of including both communities within the Rural Growth Boundary. In fact, a total of 19 owners have written in support and supplied testimony. That's about 18 percent of our owners. We expect more. So our community is, in general is in support of this and in fact more Honolua Ridge owners have written testimony in support of this move than Plantation Estates owners. In summary, we do not seek to prohibit agricultural activities. Rather, we seek to keep peace among neighbors and support established land values by implementing parameters regarding noises, nuisances and the type and number of animals allowed. We are aware that the Save Honolua Coalition seeks to preserve Honolua Bay, Honolua Bay water quality and Lipoa Point itself and we agree with those concerns. Plantation Estates and Honolua Ridge are existing subdivisions with all roads and infrastructure in place. All grading necessary for the subdivisions, roads, et cetera, has taken place years ago and there are no graded areas contributing to increased runoff into Honolua Bay. In fact, the groundcover and landscaping in place at Plantation Estates and Honolua Ridge probably provide for better soil retention and runoff control than when the area was in pineapple cultivation years ago. Nearly half of our owners have already built their homes or are in process of building them. We do not seek to expand or further subdivide our lots, and our covenants, conditions and restrictions or CC&Rs restrict any further subdivision. Any new grading within our community would be limited to very small areas such as a building pad on an existing approved lot, and therefore builders would be bound by County grading requirements and the PELOA CC&Rs to implement Best Management Practices to retain runoff while soil is exposed. After construction, any increased runoff is required to be retained on the site of construction. And the bottom line is this, including Plantation Estates and Honolua Ridge within the Rural Growth Boundary will have no impact on the water quality in Honolua Bay or the preservation of Lipoa Point. We support both. Our community at Plantation Estates and Honolua Ridge already exists. We're not seeking to increase the intensity of uses already allowed. We simply seek to implement consistent rules and design guidelines for both areas, because we are one community we seek the same designation. Thank you for your consideration of our request to include Plantation Estates and Honolua Ridge within the Rural Growth Boundary area of the Maui Island Plan Directed Growth Map and we urge your support. Thank you very much.

CHAIR BAISA: Thank you. Members, questions for the testifier? Mr. Couch.

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VICE-CHAIR COUCH: Thank you, Madam Chair, and thank you, Mr. Caputo, for being here. Got a couple questions for you. One is the runoff, you saw the pictures of the runoff, and are you claiming that that is not from, as a result of the, your subdivision being there?

MR. CAPUTO: There, I don't know when the pictures were taken, so I can't specifically comment on that. But what I can tell you is that our subdivision and particularly the change that we are seeking, will have no impact on runoff.

VICE-CHAIR COUCH: That's neither here nor there. I'm just curious, very concerned about that runoff. But the other one and the more importantly, is that you seek to restrict what type of animals can be in the subdivision when this is already an Ag subdivision. When people bought into this subdivision, they knew it was gonna be Ag, they knew all kinds of Ag can be done there, and now you're telling us you want to restrict it if it goes to Rural. Is that correct?

MR. CAPUTO: We would appreciate the opportunity in some extreme circumstances to be able to do that, yes. And our goal there is to maintain the value of the community. I believe you've seen testimony before that indicates that the community is a significant taxpayer and that it uses very little County resources. We would like to be able to maintain land values and thus have our owners benefit and also have the County benefit at the same time.

VICE-CHAIR COUCH: Thank you, Madam Chair.

CHAIR BAISA: Any further questions for the testifier?

COUNCILMEMBER COCHRAN: Chair.

CHAIR BAISA: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Good morning, Mr. Caputo.

MR. CAPUTO: Good morning.

COUNCILMEMBER COCHRAN: So you're saying the current designation and, I mean, if we don't change it into Rural, your land values will be going down, primarily due to the permitted uses of what it's currently designated as as Ag?

MR. CAPUTO: What I'm saying, Ms. Cochran, is, is that I think our land values will be maintained at a high level if we are able to provide consistent guidelines to our owners.

COUNCILMEMBER COCHRAN: Okay. And again, is your homeowners association currently five members?

MR. CAPUTO: The association --

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COUNCILMEMBER COCHRAN: Five --

MR. CAPUTO: --the association --

COUNCILMEMBER COCHRAN: Yeah.

MR. CAPUTO: --is 103 owners. If you're asking if our board has five members?

COUNCILMEMBER COCHRAN: Is it your board then, five members on your board?

MR. CAPUTO: Yeah, there are five members on our board.

COUNCILMEMBER COCHRAN: And four are living from which section of this subdivision?

MR. CAPUTO: Four are currently owners in Plantation Estates and one is in Honolua Ridge, our Vice-President is in Honolua Ridge.

COUNCILMEMBER COCHRAN: Okay.

MR. CAPUTO: That changes from time to time. I would expect that at, at the next annual meeting the percentages are likely to change, based upon people who will be retiring from the board. We have several owners in Honolua Ridge who have indicated that they are willing to support, to serve on the board in the future.

COUNCILMEMBER COCHRAN: Okay, good, hopefully more balance.

MR. CAPUTO: Yes.

COUNCILMEMBER COCHRAN: Thank you, Mr. Caputo. Thank you, Chair.

CHAIR BAISA: Any further questions? Seeing none, Mr. Caputo, thank you.

MR. CAPUTO: Thank you.

CHAIR BAISA: Next testifier will be Jeff Rebugio, and he'll be followed by Gordon Cockett.

MR. REBUGIO: Good morning, Chair Baisa --

CHAIR BAISA: Good morning.

MR. REBUGIO: --and Council members. My name is Jeffrey Rebugio. I'm with Kaanapali Land Management. I hope to make this quick since my testimony will sound much like others who have testified in support of Ka'anapali 2020 and Wainee Village. By now you know about the community involvement Kaanapali Land has implemented in the planning of these two projects, twelve years for Ka'anapali 2020 and nine years for Wainee Village. I want to reaffirm that this

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process still continues today and it will continue in the near future. Those testimonies you have heard like Bruno earlier or Henry Ariyoshi and much that you might have read in written testimony from some of these community members are the result of their resolve, their dedication, their commitment, they're the true leaders of the West Maui community. We acknowledge the process of updating the General Plan and greatly respect the work that you folks and the County Administration and others that have been involved in this long process. It is our hope that the many years of planning and again the continuing effort that is ongoing will be a nice fit to your decision when you make the decisions for Kaanapali and Lahaina Town. Because maps appear to be an important component of the General Plan, there are a few things I want to point out and I think there's a map that was offered up. So first off, in, with respect to Ka'anapali 2020, the north edge of the project area was left out of the Growth Boundary. A couple years ago, the community group recognized that there was nothing planned for what is sure to be a need even now, the cemetery or memorial park. And if you guys have a map to reference, I hope you do, it's the north edge, sort of north mauka corner of the Ka'anapali 2020 area. And this area is large enough to accommodate both the veterans cemetery and a community cemetery. So again, we respectfully request that this Growth Boundary be amended or included. Secondly, and perhaps to our biggest disappointment was the fact that Wainee Village was left out of the Growth Boundary. So again, we ask that you consider the effort that has been put forward with our community group and the master planning that has been involved in, and to again include it back into the growth area. We know that one testimony of support will not do it and we know that at some point we, we start sounding like a broken record. But for what it is worth, this is one more testimony of support for Ka'anapali 2020 in Lahaina, Wainee Village, and one more testimony we hope will make the difference. Aloha and mahalo.

CHAIR BAISA: Thank you very much, Mr. Rebugio. Members, questions for the testifier? Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Good morning, Jeff, nice to see you.

MR. REBUGIO: Nice to see you.

COUNCILMEMBER COCHRAN: So we just got the maps handed to us. So the north section you said is deleted --

MR. REBUGIO: Yeah.

COUNCILMEMBER COCHRAN: --could you just reference back again?

MR. REBUGIO: Yeah.

COUNCILMEMBER COCHRAN: It's that black --

MR. REBUGIO: The black --

COUNCILMEMBER COCHRAN: --outlined section.

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MR. REBUGIO: --where it says proposed cemetery site on --

COUNCILMEMBER COCHRAN: Right.

MR. REBUGIO: --on your map. I hope it's the same. That area after looking closely at the Growth Boundary Maps that were provided, seemed to be left out of that. So just wanted to clarify that point.

COUNCILMEMBER COCHRAN: Okay. We'll definitely double check on that, thank you. And again I think last testimony opportunity, Long Range had mentioned the reason behind deleting portions of the Wainee Village.

MR. REBUGIO: I'm sorry, I wasn't here at that, that time.

COUNCILMEMBER COCHRAN: Okay. But I, I guess how they came up with that final proposal was in dialogue with your, your group or, you know, KLM or K2020 people a while back and it was sorta, I'm told, discussed and, and, you know, sorta agreed upon in a sense.

MR. REBUGIO: Okay, that...

COUNCILMEMBER COCHRAN: Except now I'm hearing otherwise.

MR. REBUGIO: I know we were, we followed the general, the GPAC process at the time, and the GPAC maps are, are more consistent with what I think is in place with our plan. One thing also I noted that, in that particular area there was not the defining area for the flood control channel and the Lahaina Bypass so it might be a little deceiving as to, you know, where the Growth Boundaries would, should occur.

COUNCILMEMBER COCHRAN: So, Chair, a follow-up on that?

CHAIR BAISA: Surely, go right ahead.

COUNCILMEMBER COCHRAN: So, Mr. Rebugio, you're not aware of the reasons behind deleting that section which is --

MR. REBUGIO: No.

COUNCILMEMBER COCHRAN: --in particularly what you just mentioned?

MR. REBUGIO: Correct.

COUNCILMEMBER COCHRAN: The drainage basin area which I believe your group mentioned that it wouldn't be, you know, looked at to develop ten plus years down the road. So this is why our Department decided it's okay to not be in this particular General Plan, we'll address at the next.

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So that is my...so you're not even aware --

MR. REBUGIO: I'm not aware.

COUNCILMEMBER COCHRAN: --of that dialogue and discussion?

MR. REBUGIO: No.

COUNCILMEMBER COCHRAN: Okay, thank you. Thank you, Chair.

CHAIR BAISA: Any further questions for the testifier? Seeing none, thank you very much. Before we proceed, the Chair would like to ask those of you in the audience who are going to testify, if you have a handout, would you please give it to the Staff at the door so that they can get it to the Members? It is very disruptive to have the Staff walking around while the testifier is trying to talk. So if you have stuff, I promise you, it will not be lost, the Members will get it. I know that there's some concern about if we hand it in early, you know, they'll never get it. I promise you we're not gonna lose it, but the Members will have it before you speak, and therefore we won't have this walking around, which is disruptive and I just want to pay, focus the attention on the testifier. I think it's really important. If you're the testifier, I know you want us taking, you know, putting our attention on you. So if you would do that, I'd appreciate it. Go ahead, Mr. Cockett, thank you. Mr. Cockett will be followed by Stan Fujimoto.

MR. COCKETT: Good morning, Madam Chair, ladies and gentlemen of the County Council. My name is Gordon C. Cockett. My concern is Leialii and Olowalu together on the West Side. Let's look at Honolulu today. Six-lane highways packed with cars in the morning, fatal traffic accidents too frequently, 39 so far this year, murders committed with knives and guns, this is the bad side of a big city. Too many people from somewhere else with reputations we know nothing about. That's what Maui will become if keep allowing these out-of-state developers to come in with their outlandish plans. With out-of-state workers who come here and join our labor unions, pay their dues and stay here after the project is finished, then you have the union leaders coming to say we need jobs for our unemployed members. Give us a break. We may be dumb but we're not stupid. Add these two projects to others and we'll have a real party with everyone invited. These two unit, these two projects will total over 6,000 units, potentially more than 12,000 more cars on Honoapiilani Highway. How many more schools will we need and how many more teachers? Will we be able to check credentials in time? Who's gonna pay for all this, developers? Wanna bet? How many more police and fire stations will we need and who's gonna pay for them? Wanna bet? Will we have to build a hospital on the West Side? Where will staffing come from? And who's gonna pay for all this? Wanna bet? Time to draw the line, ladies and gentlemen. Thank you.

CHAIR BAISA: Thank you. Members, questions for the testifier? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair, and thank you, Mr. Cockett, for being here. You said you, you don't like the idea of Leialii and Olowalu together. What if we, for instance, took out Leialii and just did Olowalu or vice versa?

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MR. COCKETT: Well if I had my druthers, I would say take out Leialii, that's 4,600 units, the bigger of the two.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR BAISA: Members, further questions for the testifier? Seeing none, Mr. Cockett, thank you. Our next testifier will be Stan Fujimoto, and he'll be followed by Debbie Arakaki.

MR. FUJIMOTO: Good morning, Chair Baisa, Council members, my name is Stan Fujimoto. I am a project manager with HHFDC and I'm speaking in support of the Villages of Leialii project. We provided testimony last Monday. This morning I'd like to focus on the investment portion of what we've done so far. The project, the Leialii project has Urban classification and community plan approvals. Based upon these approvals, the State made substantial investments towards the development of the project and this morning I passed out a summary of all the contracts that the State has done for or with the County of Maui and these are completed projects. It totals \$8.4 million. It involves the expansion of the wastewater treatment plant. We installed the wastewater sewer line and reclamation line for about half way of the distance, and we basically installed booster pumps at the Kahana and Wahikuli Booster Pump Station. We just ask that this Council consider this portion of the, of our contracts as part of its deliberations in our request. Thank you.

CHAIR BAISA: Thank you, Mr. Fujimoto. Members, question? Mr. Couch.

VICE-CHAIR COUCH: Thank you and thank you, Mr. Fujimoto, for being here. Just a couple quick questions. You were aware of the Ka'anapali 2020 and the Olowalu projects and all the community talk-stories and community input and planning that went, years of it?

MR. FUJIMOTO: Yes, I was, I'm aware based upon --

VICE-CHAIR COUCH: Okay.

MR. FUJIMOTO: --what I've heard at this Council meeting.

VICE-CHAIR COUCH: Just out of curiosity, how many, how many community meetings and whatnot that the, that your developers do for Villages at Leialii?

MR. FUJIMOTO: Well, we did an EIS, we did two EIS's. As part of the EIS process, we interact, we send out our, our draft EIS to the stakeholders and we get comments. We also hold community meetings as part of the input.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR BAISA: Any further questions? Ms. Cochran.

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COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Mr. Fujimoto --

MR. FUJIMOTO: Yes.

COUNCILMEMBER COCHRAN: --for being here. So I'm just curious, you know, it's like pulling teeth to get developers or projects to do their upgrades, and you have, you know, exceeded that and jumped on board to do your upgrades way early in the process. So I'm just curious how come it was done that way, 'cause I rarely see that occur?

MR. FUJIMOTO: Well, as I said, we got our approvals in 1990. Based upon those approvals, we went ahead and made investments. We were, development was suspended because of the ceded land litigation which is beyond our control and at that point we had already done our investments so the investments have been made and that's how we, that's where we are. And I know this Council is interested in putting a fire under the developers to proceed with projects as they've requested for entitlement, and I offer or submit that if you're gonna cut back a project after a developer has made his investments in good faith, you'll add another deterrent, not an inducement, for developers to proceed with their projects.

COUNCILMEMBER COCHRAN: So the ceded land issue really put a damper and hindered your progress forward?

MR. FUJIMOTO: Yes, it suspended our development.

COUNCILMEMBER COCHRAN: And, and I have a follow-up, Chair.

CHAIR BAISA: Go ahead.

COUNCILMEMBER COCHRAN: The added improvements and, you know what, I commend you because it, it fit the description of the enormity of your development. But that's gotta be one of the most headaches for me in West Maui is that upgrade to the Wahikuli Pump Station because of the fact that you upgraded it at such a high level, it takes that much more to fill up with sewage in order to start the pumping action, so it sits there fallow, you know, just percolating and obviously the odors emit everywhere. So that's one downside to what occurred. Just wanted to shed light on that. So I'm not sure if you folks are, are at this point held accountable for perhaps addressing that situation in any way, because the upgrade, you know, isn't falling in line with the progress of your, your project.

MR. FUJIMOTO: No, I wasn't aware of the issue.

COUNCILMEMBER COCHRAN: Okay, thank you.

CHAIR BAISA: Further questions for the testifier? Seeing none, Mr. Fujimoto, thank you.

MR. FUJIMOTO: Thank you.

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CHAIR BAISA: Josiah, if you want to make a quick pass out here. Debbie, hold on for a second, we're gonna pass out some things --

MS. ARAKAKI: Sure.

CHAIR BAISA: --and then we'll begin. Okay, go ahead.

MS. ARAKAKI: Good morning. My name's Debbie Arakaki. I'm here speaking on behalf of myself as a resident of the Mahanalua Nui Subdivision located in Launiupoko. I am just here to basically say I'm in favor of your change from Ag to Rural there. It is a, being a resident of that area since it started in 2000, I enjoy it for, for what it is, it's an Ag neighborhood with a very rural type atmosphere. And, as such, the residents there have nice neighborhood orchards, gardens, but the land itself is not something that would, I would say in any sense of the Ag money-producing venture, it is not that type of land. And that's, that's it. Thank you so much.

CHAIR BAISA: Members, questions for our testifier? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And good morning, Ms. Arakaki. Besides being a resident, you're also a realtor --

MS. ARAKAKI: I am.

COUNCILMEMBER COCHRAN: --that sells...I've, I've driven around there and seen your little brochures at all the different little boxes --

MS. ARAKAKI: Yes, I am.

COUNCILMEMBER COCHRAN: --that, properties that are up for sale. And, and I understand the, your, your concerns about people not being able to sorta make a living, I guess, off farming there. But there's a gentleman there doing tomatoes in greenhouse type, so he's, I don't believe he's literally planting in the hard rocky soil, I think where a lot of testifiers have been coming to say it's not conducive to farming itself. So I believe there's other options. I, I believe there's a lady, there's coffee, there's other crops. I know eight, I think, different people are actually truly farming and doing ag there which --

MS. ARAKAKI: We do have --

COUNCILMEMBER COCHRAN: --that's what it is --

MS. ARAKAKI: --we do have --

COUNCILMEMBER COCHRAN: --...(inaudible)...

MS. ARAKAKI: --we do have a lot of small farms that you're referring to. The one, the tomato farm you're referring to is not in the Mahanalua Nui Subdivision though. Mahanalua Nui itself is

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comprised mainly of the two-acre lots. We're, we have a few stragglers of five- to at the most I wanna say eight-acre lots. The coffee farm you're referring to is also on one of the larger lots within Mahanalua Nui so they are, they're doing a great job. I love their production up there but they are on one of the larger lots. The area that's being looked at to be re-zoning is comprised mainly of the smaller two-acre lots. And we do have, I mean, everybody up there, because it's Ag, has been doing some type of, like I said, more like gardens, more like neighborhood orchards or what you would consider something to share and give to the neighbors, your family, your friends.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Ms. Arakaki. Thank you.

CHAIR BAISA: Any further questions for the testifier? Seeing none, thank you very much. Next testifier is Mark Deakos, and he'll be followed by Irene Bowie.

MR. DEAKOS: Thank you, Chair Baisa, members of the Council. My name is Mark Deakos. I'm representing myself here today. But I would like to speak for those that don't have a voice, essentially the original residents of Maui, those that have been around for thousands of years. And I'm speaking of the corals and the endemic marine life that reside in our coastlines. If these corals could talk, they would probably remind you that NOAA recently appraised them in a report last year as a \$33 billion a year asset for the State. So let me repeat that, 33 billion dollars, that's with a "b" as in brilliant. So do we have any programs that come remotely close to generating that kind of revenue? I'm surprised that every cop and DOCARE agent in the State isn't protecting that resource, every inch of that resource. But maybe it's because nature provided it for free so we don't, we don't feel invested in it. Or maybe it's underwater, so out of sight, out of mind. So instead of protecting our \$30 billion a year golden goose, we're deciding whether we're gonna build an entire town next to the only healthy reef we have left here in Maui. Do we not have a choice? Well the Planning Department has shown that there's adequate space for urban expansion around existing infrastructure without all the risks that we dealing with at Olowalu. And what exactly is our assurance that this Olowalu Town pilot project wouldn't have an impact on the reef. I hope it's not the EIS, which inadequately addresses a multitude of items already that you'll hear about today. Is it because the developers have a great track record and therefore can be trusted? Well I have a letter here dated April 2010 from County Planning regarding a previous...(clears throat)...excuse me, Olowalu Project listing violation after violation, failing to comply with permit requirements. So maybe the CCRs provide the necessary assurance. Not really, since the CCRs state, and I'm paraphrasing here, that the declarant or land owner can make executive decisions unilaterally to modify easements, roads and lots as they see fit, with no input from residents. So I encourage the current residents of Olowalu to take the time, read the EIS, read the CCRs, take a close look at the track record of those that are making those promises to you. And those of you that live in Olowalu probably noticed the giant mud plume over the last three weeks that's extending off Ukumehame where they have that road construction going on. I just dove there yesterday, I was about a half mile offshore, about 50 feet down, I couldn't see my hand in front of my face. So now imagine what building an entire town...by the way, the coral on, that's suffocating under there is likely dying. And now imagine building an entire town next to that reef, what kind of impact that would have. So anyway those of us that are trying to protect the coral reefs, we're on your side, we share the

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common goal of protecting our natural resources here, and in conclusion, I ask the Council members, please follow the Planning Department's recommendation to not add Olowalu as an Urban Growth Boundary and let's leave our \$30 billion asset intact for the prosperity of our future generations. Thank you.

CHAIR BAISA: Any questions for the testifier? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair, and thank you, Mr. Deakos, for being here. Question for you. Were you, since you are so concerned about the reef, as we all are, how many of the community meetings and the design meetings of this thing, this project that's been going on since 2006 have you joined?

MR. DEAKOS: The only, I've had one meeting with the developers where they outlined their plans. We outlined our concerns with the plan. And other than that, there, there has been no other meetings.

VICE-CHAIR COUCH: So you're basing all this on one, one meeting you had after many, many years of meetings and proposals to mitigate the system.

MR. DEAKOS: Basing what?

VICE-CHAIR COUCH: Basing all your comments and, as a matter of fact, you're disparaging of the supposedly developer, but this is the first time these guys have done anything in that area. So you're obviously using somebody else as pointing it at them so I'm a little concerned about that as well. So you actually haven't talked to them except once, is that correct?

MR. DEAKOS: I met with them a few time but I've sat with them going over the plan once, yes.

VICE-CHAIR COUCH: Thank you.

CHAIR BAISA: Any further questions for the testifier? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And good morning, Mr. Deakos, thank you for being here. And I know you're very much in touch with Department of Aquatic Resources and a lot of the...NOAA, as you mentioned. There's an Olowalu resident testifier who wanted us to ask the question of the marine experts and people like yourselves, like how much studies and how much work and how much hands on and, you know, intimate contact with this reef and the marine life itself have, you know, these people have? So I think if you can address that and comment because I know you're one of the real diligent people who are keeping an eye on the area. So I'd like you to elaborate and highlight what you know of our marine, you know, people that have been in touch with the area.

MR. DEAKOS: Well, my, my personal expertise and my doctoral research at University of Hawaii was on the manta ray population out there. So I was a little further off the reef, probably spent close to 400 hours under water on that reef. I am aware of Department of Aquatic Resources doing

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monitoring. They have several monitoring sites all along Olowalu. I've been assisting with them to monitor the cleaning stations and the, and the reef areas where the manta rays tend to aggregate. I know there was a preliminary survey--I forget when that was--by Dr. Eric Brown, very well respected marine biologist, you know, wrote the book on coral reef assessment here. And I don't see a lot of reference to that in the, when we talk about those reefs. In the EIS, the descriptions of what is out there, I don't see the references to that. But he recommended that there be ongoing monitoring there. I know that's not stated in the EIS and he also stated that this is probably some of the best reef in the State. So, you know, Dr., bringing Dr. Eric Brown back on board, I don't know what happened, why he's not part of this process, but there's a lot of work being done out on that reef and there is a lot of consensus about how valuable and how important that resource is, how unique it is.

COUNCILMEMBER COCHRAN: Right. Thank you, Mr. Deakos. Thank you, Chair.

CHAIR BAISA: Further questions for the testifier? Seeing none, Mr. Deakos, thank you.

MR. DEAKOS: Thank you.

CHAIR BAISA: Next testifier is Irene Bowie, and she'll be followed by Audrey Dack.

MS. BOWIE: Good morning, Chair and Committee members. I'm Irene Bowie with Maui Tomorrow Foundation. I, last week I did email to the General Plan Committee a copy of the Planning Department's comments on the draft EIS. Just in case you hadn't looked at those recently, I hope you received that and looked at it again. They made 36 comments on inadequacies and misstatements and areas that needed further clarification in the draft EIS. I'm here today to ask you to please keep Urban off the table at Olowalu. Smart growth principles add units that are adjacent to existing development and infrastructure. Olowalu Town has neither. Following this principle will prevent sprawl along West Maui's coastline. With future housing needs already being met, Directed Growth areas proposed by the Planning Department are at 116 percent of need for West Maui. There's no reason to add Olowalu under the Urban Growth Boundary. The Maui Planning Commission did not include the makai development of this project in the recommendations, yet Olowalu Town's draft EIS implies that they did. So I think it's ingenuous to say that they will be able to mitigate harm to the reefs when they're still looking to even put development makai of the highway. The Best Management Practices proposed by the developers, they may or may not work. But if they fail, we lose one of the last healthy reefs in the State and that risk is too great. Are we gonna be standing up here in ten, fifteen or twenty years holding up pictures of the reef at Olowalu that compare to what we saw today at Honolua? It's just too much. Olowalu is in a fire-prone area. Drought and high winds are a bad combination and climate analysis says that that's not going to be changing. Factor in the traffic issues that will arise with this development. The highway's level of service is already rated at an "E" or an "F". And use the powers and responsibilities of your Council seats and use your common sense and do not include Olowalu into West Maui's Urban Growth Boundaries. I also have a map that I'll drop off that just shows a little more clearly the planning, the Maui Planning Commission's recommendations for not including the makai portion of this development and I'll leave that up at the table. Thank you.

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CHAIR BAISA: Questions for the testifier?

COUNCILMEMBER COCHRAN: Chair.

CHAIR BAISA: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Ms. Bowie, for refreshing all our memories and resubmitting the Department of Planning's comments to the EIS and DEIS. Have, has there been rebuttal or answers back into their, our Department's inquiries?

MS. BOWIE: I have not seen that. If there has been, I don't have a copy of that. But I think time and again what it shows is things are very vague, like the Best Management Practices for mitigation of the reef. It's vague and again that makes it 50/50 at best. I think if you look also at the Directed Growth part of the West Maui Plan, what are we looking at? What are highlighted here? Traffic issues, tsunami sea level rise, fire hazards, impact of development on marine and shoreline resources. It's so clear. If we don't need to do this, why are we gonna risk it?

COUNCILMEMBER COCHRAN: Right. Thank you, Ms. Bowie.

MS. BOWIE: Thanks.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR BAISA: Further questions? Seeing none, Ms. Bowie, thank you. Next testifier is Audrey Dack, and she'll be followed by Adeline Rodrigues.

MS. DACK: Good morning, Council members --

CHAIR BAISA: Good morning.

MS. DACK: --and Committee members. I'm Audrey Dack and I have been a science teacher and currently I'm a snorkeler with the, as a volunteer for the DLNR Aquatic Resources Division and me and others like me are the eyes of the reef. Olowalu is a unique reef, with coral structures that are over a hundreds, or over hundreds of years old and it's an extensive reef. It's very unique and this uniqueness requires protection, leaving, leaving this important ecosystem intact for future years to come. The uniqueness of this, this uniqueness needs to be preserved with, and the mitigations that have been used in the past for these kinds of reefs have not been very effective. I snorkel at Olowalu frequently. I've done numerous surveys there and I have a pretty good understanding, dozens of surveys. I frequently meet tourists there who come from all over and they specifically come to snorkel at Olowalu. It's a priority for them, it's important to preserve that area for them. Damaged reefs will not support tourism or fishing or a place to satisfy youthful explorations of our beautiful reefs. We cannot afford to lose another reef especially not one so unique. I support affordable housing and communities and community in a less eco-sensitive location. There are much better locations where infrastructure is not such a

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great a concern. Relocated, we can preserve instead of destroy yet another reef with development. Thank you so much.

CHAIR BAISA: Thank you. Members, questions for the testifier? Seeing none, thank you very much. Next testifier is Adeline Rodrigues, and she'll be followed by Lucienne de Naie.

MS. RODRIGUES: Good morning.

CHAIR BAISA: Good morning.

MS. RODRIGUES: Good morning to all of you. My name is Adeline Kaahui Rodrigues. I was here last Monday testifying in favor of the Olowalu Town Development. I didn't want to come today but hearing what people are saying, innuendos, insinuations. What I want to say is this. How sad it is for us local families to feel displaced on an island where, where all of us were born. We allow people to come here and dictate where to live, where not to live, how to live and how not to live. I will only ask the Maui County Council to make the decision to approve the development of Olowalu Town. I leave the decision to you, and God bless you.

CHAIR BAISA: Thank you very much, Ms. Rodrigues. Any questions for her?

COUNCILMEMBER COCHRAN: Chair.

CHAIR BAISA: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR BAISA: Ms. Rodrigues, if you could hold on for a moment. Ms. Cochran has a question.

COUNCILMEMBER COCHRAN: Good morning.

MS. RODRIGUES: Good morning.

COUNCILMEMBER COCHRAN: Thank you for coming back. And I know this is difficult. But in your real quick statement about local families and feeling displaced, that's kind of the general feeling that I get from the Fujiis that are currently there also. So I just kind of want comment, you know, they're really trying hard to figure out a way where they're not going to be displaced and put out of business and, you know, and mom gotta move away or be sort of away from contact and, and easy access to her and what have you. So I'm just wanting comments from your family to the Fujii family, who are your neighbors.

MS. RODRIGUES: Well I don't know how they feel. I've never heard them come in front of the Council to testify. I really don't know. But I know that I do feel displaced when I hear no Olowalu Town. I did something there.

COUNCILMEMBER COCHRAN: Thank you. Just a follow-up, real quick.

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CHAIR BAISA: Yes, please.

COUNCILMEMBER COCHRAN: Thank you. I mean, because this project has been priding themselves on the outreach to, to the neighbors and to the island as a whole and what have you. I believe the Fujiis were at these initial meetings with you folks and all the rest of the ohanas from the area. So at that point you didn't hear, you know, what their, their concerns or issues were?

MS. RODRIGUES: I've seen them once or twice but they have never said they didn't want Olowalu Town.

COUNCILMEMBER COCHRAN: Thank you, Ms. Rodrigues. Thank you.

CHAIR BAISA: Any further questions for the testifier? Seeing none, Ms. Rodrigues, thank you very much. Next testifier is Lucienne de Naie, and she'll be followed by Susan Moikeha.

MS. DE NAIE: Aloha and good morning to all. Lucienne de Naie testifying on my own behalf. I did submit testimony yesterday, which you might have. I think it does need to be restated. There are local families that live at Olowalu who do not think it's a great idea to do a new town there. They do not come and testify at meetings. It's just a fact of life and it's too bad, you know. You can say you snooze, you lose, but it is a fact. So, you know, our question today on the Olowalu instance is, is this a good place for urban development and it's really about trusting all the promises that are made. We know that there could be major impacts and we're told there could be major benefits. There have been a lot of promises made and I think that this group should really clarify on who's in control of the partnerships. It's my understanding that the original owners of Olowalu Land are still partners and it is they who have been cited for not complying with the conditions that were given by the SMA. I sent a copy of the SMA, 36 conditions. To my understanding, Mr. Ward has been pursuing those permits. He signed off on the letters of compliance since 2003 on. So he is aware, and Frampton and Ward I believe have been in some sort of partnership since 2005. So the grading that you're seeing on the road is the road that was supposed to be built ten years ago, before anybody moved into their houses, and it's being built now in another location from where homeowners were told it would be. There's just a lot of sort of slipping and sliding here. And if you just look at the conditions that were imposed, one of the ones that disturbs me the most is that everyone who bought the lots up there, and I participated in this process since 1999, long before the charrettes and I went to the charrettes too. So if you want to know, you know, I've tracked this, and folks there were promised a beautiful greenway below their houses, the 14 first lots that were sold, the mauka lots. And it's actually in the subdivision map that was approved and I sent you a little map and it shows where that greenway is recorded in the subdivision map. The conditions of development for the SMA say, and you're gonna put in 60 acres of greenway. Well that's all been redefined and the reason it can be redefined is because their CC&Rs that everybody had to sign on to that say everything can be changed unilaterally with those, with those easements. And so will you folks say, yeah, these guys have done everything right and we really want to give 'em a chance. And don't worry, we're gonna put conditions on and everything's gonna be okay. The Planning Commission will put conditions on. The Council on rezoning will put conditions on. But who

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tracked whether these were conditions actually ended up being implemented? You know, the answer is unfortunately nobody. And it took citizen lawsuits to even get a letter sent in 2010 saying you know you're not in compliance with a bunch of these conditions. If folks wanted, I have a copy of the letter. I could turn it in. But maybe people aren't interested. Sure the local families should have a say, but we should also really look at the track record and say are they being told everything or are they just like trusting that these are good people because they've been treated well? Is everybody going to be treated well? That's what we need to know the answer to and the track record seems to indicate that things just keep changing about Olowalu. It is a sensitive location and it's gonna be hard to keep all the promises that are kept. It's gonna be hard to know if there's really gonna be a town there or if it's gonna be like a vacation rental, sort of more oriented development once the entitlements are in place. So since you have many other choices, I would just recommend that you folks --

MS. HAMMAN: Four minutes.

MS. DE NAIE: --stand back on this and let it be decided in the Community Plan if people are so adamant about it. Thank you.

CHAIR BAISA: Thank you, Ms. de Naie. Members, questions for the testifier? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair. Thank you, Ms. de Naie, for being here. And thank you for your service on the General Plan as well, General Plan Advisory Committee. You were on the committee when they voted twenty-one to four?

MS. DE NAIE: I was.

VICE-CHAIR COUCH: So you're, you're asking us to go against the GPAC recommendations on this one project?

MS. DE NAIE: Well, may I say, the GPAC --

VICE-CHAIR COUCH: Yes or no, ma'am?

MS. DE NAIE: --was told. Yes or no?

VICE-CHAIR COUCH: Yeah.

MS. DE NAIE: The GPAC was told something different about the project.

VICE-CHAIR COUCH: Okay.

MS. DE NAIE: And so people widely supported it. I voted against it. I was one of the four.

VICE-CHAIR COUCH: Okay, thanks.

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CHAIR BAISA: Any further questions for the testifier? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you and thank you, Ms. de Naie, for being here. And that is interesting that you mentioned...thank you for bringing up the SMA conditions and that whole layout from, from back in 2000. I guess it's some disturbing statistics and, and facts here, and a park was discussed and mentioned in the conditions. So are you aware, was that ever dedicated?

MS. DE NAIE: Well that's, it goes all the way back to the Community Plan, and the Community Plan said that if agriculture ceased, 50 percent of agriculture ceased at Olowalu, that besides the ten acres of park shown in the Community Plan, 20 acres of park land should be considered for addition. And what Ms. Medeiros said when she was on the Planning Commission is gee, I was on the CAC that wrote, you know, that, and what we meant was plantation agriculture, so you guys in your Ag development--this was the Ag development in '99, 2000--you should really put aside for a 30-acre park and it should be down where Camp Pecusa is. And if you look at any plans that Olowalu has submitted, there's some small park areas there. There's certainly nothing like 30 acres. There's some realigning the road and bringing in another coastal park, but I'm not sure if you can actually take a historic road, a kingdom area road, and just say it doesn't go through anymore and redo it. There's a lot of questions that aren't answered here. And no, the owners have always said well the park would need to be purchased by the County and no one's purchasing it so we're not really, you know, taking that too seriously.

COUNCILMEMBER COCHRAN: And, Chair, another question --

CHAIR BAISA: Yes.

COUNCILMEMBER COCHRAN: --please. The other interesting point, I guess on your map, the pink area, that was a proposed greenway --

MS. DE NAIE: Yeah.

COUNCILMEMBER COCHRAN: --area?

MS. DE NAIE: This, and, and it was a greenway for the reasons that we're hearing because folks there, it's a steep, you know, steep lots up there. And they, they felt that the greenway was needed not only for esthetic reasons but to mitigate runoff. So the greenway, there's now a version of the greenway and the area that, that's on the subdivision maps that you can see on the Olowalu website is now proposed for house lots. So I'm just saying it's like people might say oh, one thing is happening but ten years from now another thing is gonna happen. So take that into mind. It, it's just, it may not be what's being presented to you as nice as it sounds.

COUNCILMEMBER COCHRAN: Thank you, Ms. de Naie. And as in water for this area, I know that's been brought up time and time again and I know how diligent you are with our water issues.

MS. DE NAIE: That was one thing that really disturbed me and thank you for bringing that up because

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the conditions of the SMA, they say, okay you're saying these are gonna be Ag lots, you need to provide an irrigation system for people. And indeed, and, and you need to, to prove, give us proof that there was an irrigation system. So there is a section in the CC&Rs, Appendix D, that talks all about that irrigation system. And basically it's very disappointing. It says, okay, we're gonna use the stream and if the State says we can't use the intake anymore, then we have this well that hasn't been used since 1999, but we'll fire it up and it'll be your system. And it doesn't go everywhere but if, if the stream doesn't work and this well doesn't work, then we'll use our potable water well. So this is all promises that are being made to the 14 lot owners. Then basically they had to sign on to CC&Rs that said oh that potable system, well if it doesn't work, it's not our fault. If the water quality's bad, it's not our fault and don't expect that you even get water, it's just we're not guaranteeing you get any non-potable water, because we don't have control over it maybe. And no one from the County ever went back and checked and said is that condition really fulfilled and is the intention really fulfilled? So it's just, it's very disturbing to see all these things that everything's okay and nothing will happen, and yet you can just look in the existing documents and see that, that's not really the case. And the residents there did complain that sometimes they couldn't even use the water, it had so much dirt in it and, you know, I don't want to take up all your time but there are severe questions that should be answered here. This, this is more promises than delivery and you should really determine who the owners are as of 2005 and what responsibilities --

CHAIR BAISA: Ms. de Naie --

MS. DE NAIE: --they have. Thank you.

CHAIR BAISA: --I think you answered the question. Ms. Cochran, any more?

COUNCILMEMBER COCHRAN: Thank you, Ms. de Naie. No, done, thank you, Chair.

CHAIR BAISA: Any other questions for the testifier? Seeing none, thank you. Next testifier is Susan Moikeha, and she'll be followed by Dick Mayer.

MS. MOIKEHA: Good morning, Chair and Committee members. My name is Susan Moikeha and I was a member of the GPAC and I'm just here to give you part two of my testimony from the previous week. And I've been up here a lot this week and I'm gonna try and stay focused on that. You know, I support what we did on the GPAC in reference to the West Side and the recommendations that we made. And the reason I did that was from what all that we established in the way of policies and objectives that were to lead to support a vision. And on a personal level, my vision is when I look at a good development, I'm looking at a circle and in the circle is your town center, and of course some urban and density. And as you spread further out, you get into a rural designation and as you go further out, it's an Ag designation. And all of these parts take and incorporate good planning principles so that they are all connected and they work together. And what I have seen personally in what I have reviewed in my capacity as a GPAC member and since that time is that these things could be used and either as a whole or components of. And when you look at the West Side, there's a lot of planning that has already occurred that it's not the best. You have these large lot housing on one side of the, of the

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roadside and the mountain side and example would be Makila. I mean I can see a rural center being established there to bring that together and to give it a meaning and a place where we could correct what was done that was not the best in planning. And along with that, the benefit of preservation of the makai side. Throughout the inner parts of Lahaina area I, I see Ka'anapali 2020 and some of those other projects that have had labored, labored, long involvement from the community, and they have had a stake in seeing what they want developed and they have put it out there to us as the GPAC went through that review. As far as Olowalu, I don't think there's anybody here that if you look at a vision of a clean slate and you try and incorporate what I just described to you, that that would be the perfect prototype, if you will, of a project, because you're not dealing with what is existing and overgrown and done wrong, you're having an opportunity to do it right. And I, you know, these visions are what this plan is all about. I don't think you're here to mitigate the issues. I think there's another time and place for that. I think the community plans will help to bring forth those visions of policies that will dictate what kind of development we want. I see these projects as bringing choices of housing and that's what's really pushing all of this is how many houses do we need for the people that will live here, that live here now and will in the future? And when I look at my daughter's example, they live in Wailuku, she works in Lahaina, her husband works in Wailea, they have a son that goes to Kamehameha, where should they live? If you'd follow what the Planning Department tells you, they should be living close to where they work. Well people don't make choices only on where they work. They make choices on where they live because recreational desires. They make choices, yes, on economics, close to work, but they also make choices because maybe they lived there all their life and that's where they want to choose to live. So there's many choices and that's really what we're providing as part of this vision is choices of where we want to live. And that's not up to us, we're just here to say this is the pattern and how we will grow. I totally defer to all of those that testify and the impact in their areas, particularly in Olowalu, to those that have ancestral ties to that land, to the kupunas who came out during this process and gave their knowledge and concerns and love for what they feel and want done in these areas. I am just a visitor. I don't live in those areas, but they do. And if my --

MS. HAMMAN: Four minutes.

MS. MOIKEHA: --decision making, that had great impact on how I felt about where development should be placed. And I thank you for the time.

CHAIR BAISA: Thank you very much. Members, questions for the testifier? Mr. Couch, followed by Ms. Cochran.

VICE-CHAIR COUCH: Thank you, Madam Chair, and thank you, Susan, for being here and thank you also for being on the General Plan Advisory Committee. The question I have about Olowalu and, and my biggest concern on Olowalu is the reef. You've heard several people testify about potential disaster on the reef. How have, have you looked at, or was there anything done during the GPAC to show the mitigation attempts on?

MS. MOIKEHA: You know, and here's my opinion. This is not about mitigation. Okay, our role, and if you look at the ordinance, we're to establish a vision and patterns and that's what we were to

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look at. Now the Department tried very different ways of presenting this. They tried to disguise the areas as, with no names attached so we wouldn't recognize what development it was. But you have a land, you have owner here and he has a stake in that land whether he's a large landowner or a smaller, just a individual, and they have a right to have input on that. I still believe the focus should not be on what the impacts are, because you have regulation, you have a process that follows that and is able to dictate that. If you take the policies we've already established and this body has already approved, they're telling you what kind of development you want and how it should be. And that's the focus of where you should be. You know, a lot of people raised all these, all these impacts and yeah they are realistic but is this the time and the place? Aren't we supposed to be developing how we want to grow and where we want to grow? And it's a general plan and the details will be forthcoming in the community plans and in every single part of the entitlement process. And so I don't know if I answered your question but I just, I think it's the wrong thing to focus on.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR BAISA: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you and thank you, Ms. Moikeha, you definitely put in a lot of volunteer hours and service to this community. And so I'm looking at the GPAC map and sort of relaying it to, you know, the process here through Maui Planning Commission and all that. And it looks like GPAC sorta delineated like two halves of Olowalu Town, the stream itself was the dividing factor and then the Urban Growths were on either side of it. So today with, and I know you said you wanted to defer to the families and the people of the area more so, but I see a very, very distinct, you know, difference between what GPAC worked on versus what is being proposed, not via our Planning Department 'cause obviously they've wiped the slate clean. But, you know, so I'm just, I'm curious, your, you really would like to see it revert, revert back to the General Plan, GPAC's vision?

MS. MOIKEHA: I know what we left off with. I have no idea what it looks like today 'cause there have been so many changes through every entity or body that has reviewed it. So unless I look at something today, I can't tell you what you're looking at. I was happy to be part of the decision making that felt that development needed to occur in that area. And while I say defer to those that it'll affect the most and those that have lived there through generations of time, I mean, for me that, that is the standard for me and everything that I've looked at in every aspect of planning that I've been involved in, not just the GPAC. There's value there and understanding because those people have a connection there, far more than I do or any one of you unless you're from that area. The map itself, I'm sorry I don't know which map you're looking at. What was presented to me and what I recall I felt was good about...it fits my vision, a town center, some urban, a rural center, preservation, open space, interconnective roads, contribution to regional impacts, I mean introduction of new technology that has never maybe been done here before to take care of wastewater. I mean is that not, if it wasn't Olowalu, would you not all agree, that is what you ultimately want? Take, take out the fact that you want to put it there, hold that to the side and say, is that not encompassing every principle of good planning? I'm sure the Department would agree with you. And that is what we developed in this process, our intent was

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to the policies and values and vision that we got to. The problem was it's become so complex because of the ordinance. It's become so technical that people aren't just stepping back and saying this is a good plan, this is a good development, and we should all have that. And if we can't have it because of the constraints of what's already there, then take good components of it and make it better because you know better, so do better.

COUNCILMEMBER COCHRAN: Right. Thank you and I think that's what the community plan level will go more into those finer details, but unfortunately it's a plan and it is where it is. And I think that's where it's a big balancing, and concerns and issues arise from because of the location to and possible impacts. But, thank you, Ms. Moikeha. Thank you, Chair.

CHAIR BAISA: Further questions for the testifier? Seeing none, Ms. Moikeha, thank you very much.

MS. MOIKEHA: Thank you.

CHAIR BAISA: Our next testifier will be Dick Mayer, and Mr. Mayer will be followed by Paul Ratterman. Members, if you're wondering, we have two people after Mr. Mayer signed up, so I thought we'd try to finish if you don't mind. If we need a break, raise your hand. Okay, go ahead, Mr. Mayer.

MR. MAYER: Thank you, Chair Baisa, and Members of the Council. I handed out a handout and I will, would like to refer to that right now. This is the matrix that was presented to you. I've left off the, part of the second page but basically it's the matrix. And on there I've indicated some suggestions that I'm making. The Planning Director has suggested that several items, numbers 92 to 97 be eliminated and I urge that you keep those in. I think you all last week did something, or two weeks ago, did something very good when you created the greenway along Haleakala Highway and this is a very similar thing. We have a high tourist area here with some very scenic views and I would urge you to keep those greenways, greenbelts in, on the highways, and that's what basically those are. There's one of them that separates Pulehua from the next area that would be developed. I don't see any reason to delete those protected areas. As far as the very first item and the very last one on that page there and, as well as Makila, I see no reason at this stage to put those large Agricultural areas into Rural Growth Boundaries for the same reasons that Kula 200, Kula Glen and all those areas in Haiku, you folks I think wisely did not include those in as Rural Growth areas and I would urge you to do the same, and you can see the other comments that I've made there. With respect to the second page, on Olowalu, I was very pleased to hear...and I represent myself not the GPAC per se...but I do want to go back. This is the presentation that Ms. Moikeha referred to when she said she liked what GPAC got. And this is the plan and what I want to point out is that the plan now being put forth to you is very different than what GPAC got. The vote was twenty-one to four and I can very much understand why Ms. Moikeha and others voted. I was one of the four who voted against it but why many of the people, they were promised to have 500 affordable units and 500 other units that would be below market price, 1,000 units that would be submarket price. Now the proposal is much less than that. The EIS that they put forth indicates it's lower and I would urge you to look at that if you, if you don't believe me and I think it's a little bit of a bait and switch. The developers also made several other changes. In this proposal here they promised there'd be only 25,000 square feet of

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commercial. In other words, a small country town type village there. They're now proposing 300,000, twelve times the amount of commercial space. They also said they would pay for much of the infrastructure. In the EIS now, they no longer saying that they're going to pay for all that infrastructure. There are schools that are going to be needed. There are all kinds of other things that are going to be needed in that area and there's no promise to pay for those. So I think what we have now is a very different proposal that the GPAC and the Planning Commission saw and gave their a green light to. So really, you have to consider the Department is not recommending this, the GPAC had a different proposal in front of them. One of the things that sounds, may sound cute at at this point but it's, I think it might be something you may want to think about, it was, came to me from one of the Planning Department staff. We have a train out in West Maui. I would urge you, put that into a greenway belt because that may turn out and extending it north and south to be a transportation corridor for West Maui residents as well as, as well as tourists. So it's something you may want to add to the, the thing. It may be a smaller train now, maybe eventually it will be a larger train. Honolulu is suffering greatly. This map that you have in front of you has development going all the way from north of Kapalua all the way to Ukumehame. We will need a transportation corridor along that route. Let's make sure we have both a highway system and the greenways that I mentioned as well as that train route. And I urge you to consider why, consider carefully putting Olowalu in at this time. It's a real bait and switch from what we saw at the GPAC.

MS. HAMMAN: Four minutes.

MR. MAYER: Thank you.

CHAIR BAISA: Thank you Mr. Mayer. Members, questions for the testifier? Seeing none, Mr. Mayer, thank you.

MR. MAYER: Thank you.

CHAIR BAISA: Next testifier is Paul Ratterman, and Mr. Ratterman will be followed by Howard Hanzawa. Members, I'm sorry but the list is growing. If anyone feels the need for a break, I know we're down to a bare quorum, so if you need a break just give me the sign. Okay, alright.

MR. RATTERMAN: Good morning, Madam Chair --

CHAIR BAISA: Good morning.

MR. RATTERMAN: --and the rest of the Council. My name is Paul Ratterman and while I'm in my third term as President of the Mahanalua Nui Association, I am here representing myself. The board has not had a chance to meet on this subject. I'm here to discuss the change in, from Agriculture to a Rural, Rural classification. I'd like to go on record as that, as long as it does not ultimately lead to further zoning changes impacting our density, I personally am all for it. The other members that I've spoken to and other, well members of the board as well as members of the community seem to be for it in this same respect. We do not want to see further degradation

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[sic] of our community by subdividing the two-acre lots into three or four units. That's not what we're after. The place, the place is, is not really farmable from let's say Phase II, III and IV. Phase I, which is the lower portion where the sugar cane used to grow, had been cleared of rock by the, by Ampac, so that's where that tomato farm is and that's where some of the other guys are growing significant amounts of, of agricultural there. But up where we are has not been cleared. About four years ago I cleared about a quarter acre portion of my lot to try and develop it into something usable. Well after about \$35,000 of expenses, I gave up. And that's a quarter of an acre or less. Walking around the rest of the, the property is so deep in rock and debris, you probably talking five times that amount just to make it so you could actually plant something there. It's really not usable for agriculture. Also the wind, we get extreme wind up there and I imagine that's part of the reason the sugar people got out of there as well because anything you grow up in there, it better be very well wind resistant, otherwise it's gonna get knocked down. We have trees going down all the time when the heavy winds come. Well that does it for me.

CHAIR BAISA: Thank you very much. Members, questions for the testifier? Mr. Ratterman, I have a question, I'm just curious. When you purchased this land, were you able to come and walk it?

MR. RATTERMAN: Madam Chairman, that's a very good question and it was extremely difficult to move around in, on the property. I had to put on some heavy hiking boots and long pants and scramble around inside the rocks, between the rocks and up and down, and I still got cut by doing so. But, of course, before you buy two acres of land, you want to walk it. So, yes, the answer to that is a very strong yes.

CHAIR BAISA: And at that time, you still were okay with that being Ag?

MR. RATTERMAN: Well, I was not...

CHAIR BAISA: That's what we're struggling with.

MR. RATTERMAN: I understand that.

CHAIR BAISA: 'Cause, you know, you buy Ag, you know it's Ag.

MR. RATTERMAN: When I first indicated my interest in the property I understand it was agriculturally zoned. What I was not made aware of, either by my estate agent or my own research, which I probably should have done, was that it's a requirement. It was not made clear to me. Okay, it's Ag land, that's great, if I want to put a farm in, I can. And they said we had to put in a Ag plan and the Ag plan was done by, for my property--'cause I was living in American Samoa at the time so I was going back and forth--this lady who was down the street, she said she's very good at it, paid her 250 bucks to get the permit and the Ag plan which she never even kept a copy of, I went and got a copy of two years later 'cause I needed --

CHAIR BAISA: Sure.

MR. RATTERMAN: --to know what was on it --

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CHAIR BAISA: Sure.

MR. RATTERMAN: --was a piece of, a single piece of paper with hand-drawn, couple of avocado trees and a goat, that was my Ag plan. And apparently it got approved 'cause I got a permit to build my house. So, no, just didn't understand the ramifications that we could actually be forced to do something with our property that we didn't want to do.

CHAIR BAISA: Thank you very much for sharing your story. I think it's something that we have all thought might have gone on but we didn't hear it from you. Thank you very much.

MR. RATTERMAN: Thank you for this opportunity.

CHAIR BAISA: Members, any further questions for our testifier? Seeing none, thank you for coming.

MR. RATTERMAN: Thank you.

CHAIR BAISA: Our next testifier is Howard Hanzawa, and Mr. Hanzawa will be followed by Eve Clute.

MR. HANZAWA: Good morning, Chair and Committee members. I actually wasn't planning to testify today, but I wanted to answer some of the questions that Councilmember Cochran had about Wainee Village. First of all, Wainee Village is, I think most people agree is an ideal infill project. It's close to the Aquatic Center, the Lahaina Regional Park, next to existing residences and it was approved, much of it was approved, well most of it was approved by GPAC and all of it was approved by the Planning Commission, Maui Planning Commission. Ms. Cochran had a question as to the time after the Planning, Maui Planning Commission approved of it. About two years ago we were called in for a meeting with the Planning Director at that time, Jeff Hunt, and the Chief of the Long Range Division, Mr. John Summers, who's here. They wanted to talk about Wainee Village and we were kinda surprised at what they brought up, that they were asking about the possibility of having Wainee Village or a portion of it in a designation called the Urban Reserve. And that's a designation that we never heard of before, but we listened. And basically the Urban Reserve designation, from what I understood it to be, was that the portion could be developed at a later time with justification. So we thought about it and at that time we thought that the, the Lahaina Watershed Channel was gonna have problems in being completed because of funding. So we, we thought about it and it, it possibly did make sense. They wanted to put a portion of the project within the so-called Urban Reserve to, to accommodate the units at Olowalu and, I'm sorry, the State project. However, since that meeting I did have a meeting with Representative Mazie Hirono as part of a meeting that we had with the Department of Ag and the Natural Resource Conservation Service and, and Ms. Hirono did say that if any project can get the funding for the future to be completed it's the project that started work, and, of course, the Lahaina Watershed Channel did start Phase 1, you know, and they're starting Phase 2. So also we went back to our people, the community members who were involved. And, of course, these people had put in many, many hours in many meetings and we gotta push for it, you know, the County had a chance to come to our meetings to explain to us their rationale and

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we, we gotta push for that. And subsequently we found that, that the Urban Reserve designation was taken out and that the --

MS. HAMMAN: Four minutes.

MR. HANZAWA: --boundary excluded a portion of Wainee, right in the middle. So that's where we stand. Thank you.

CHAIR BAISA: Thank you, Mr. Hanzawa. Members, questions for Mr. Hanzawa? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And thank you, Mr. Hanzawa, for clarification and sharing your, you know, historical knowledge of the events. Another understanding of mine is that the Ka'anapali 2020 project kinda grew a little bigger than originally proposed, thereby to sort of balance everything we're trying to balance here in West Maui. That's also one of the reasons for taking the portion of Wainee Village out of, and I know you know my comments in regards to Wainee as an infill project I believe is, is excellent. You know, it, it makes sense in the area. But again to try and balance the unit counts that are being proposed right now and the ones that have already been entitled is that difficulty we're all facing, and I, if I understand Department correctly, that was one of their reasons for. I didn't hear about this Urban Reserve designation that had been discussed at that time. But, so, do you have comments about that, the change in, in, unit count I guess in, in the Ka'anapali 2020 area in relation to Wainee Village?

MR. HANZAWA: No, the unit count for Ka'anapali 2020 did not change.

COUNCILMEMBER COCHRAN: Okay.

CHAIR BAISA: Further --

COUNCILMEMBER COCHRAN: Okay, thank you.

CHAIR BAISA: --further questions for Mr. Hanzawa? Seeing none, Mr. Hanzawa, thank you.

MR. HANZAWA: Thank you.

CHAIR BAISA: Next testifier is Eve Clute, and she'll be followed by Kaniloa Kamaunu.

MS. CLUTE: Good morning, Council members. My name is Eve Clute and I oppose any development at Lipoa Point, Honolua or Olowalu. I have the documents that show the developer's plans for Olowalu. The plans will greatly alter the community that exists there, cultural and environmental degradation will occur, large amounts of money will be, are being spent right now to preserve that reef at Olowalu. Run off from the development will destroy the reef and another scenic and recreational resource will be lost. I am a doctor of public health and I am a professor of environmental sciences. I have read the studies. I understand the studies. There is no way that development in Olowalu will not get into the reef. If the reef does degrade, and it will from any runoff, then you will have flooding of the highway. That's what happens. That is the

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progression when you lose the reef, the ocean water will come over and it will flood the highway. I also have read the letter from Maui Land and Pine regarding Lipoa Point, that says that the County Council wants to remove the designation of preservation so they can build at Lipoa Point. If that happens, we will lose a natural treasure enjoyed by local and tourists. I have researched what is called an important historic site designation and Lipoa Point qualifies. It will bring Lipoa Point under Federal protection which means they will protect Lipoa Point, they will keep it as a historic site forever and you will never have to deal with that as an issue again. It will be there, preserved. It will be, it will get Federal funding if it degrades and it needs assistance, and I will be more than happy to help you get that designation and preserve one of the most important places that we have left in West Maui.

CHAIR BAISA: Any questions for our testifier? Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And thank you, Ms. Clute, for being here. So what you just stated, even against the will of current landowner, can, that can occur?

MS. CLUTE: Yeah, they'll still qualify. It still qualifies as a site. If the builders wanna go, if Maui Land and Pine wants to go against the Federal government, that is really up to them, but at this point, if the focus is on getting a historic site designation, that is a separate issue. And like I said, it does qualify and I urge you to work with me and make that happen.

COUNCILMEMBER COCHRAN: Thank you, Ms. Clute. Thank you, Chair.

CHAIR BAISA: Any further questions for Ms. Clute? Thank you very much. Our next testifier is Kaniloa Kamaunu, and he'll be followed by Bill Johnston.

MR. KAMAUNU: Good morning, Chair. Good morning, Council. My name is Kaniloa Kamaunu. I'm from Waihee Valley and my interest in this area is basically going back to what I always talk about and how it infringes upon the native tenant rights that we have. One is the road itself. If I'm not mistaken, this road was already in existent in the 1800's. So that needs to be looked at as a historical site, because you have to, now how you going to, once you take this out, you lose that significance. So what is gonna happen to make sure that there's something entailed to make sure that this is recognized. The other thing, the other portion of this too is up in, just before Olowalu, I think it's at the 14-mile marker, there is a heiau there, _____, I believe that's the name of it. Now we went up and we did some, we went to do some sites and we did an astrological class up there. Some of these points have, have certain areas that make markers. And so what is the effect of homes coming into, inundating this area, the changing of the lands itself, what is the cultural impact that will happen to this, to this area? I know that the kupuna over there want to have this and they, they feel that they'll be able to have a better input if they go along with the project. That is well and fine but as for me I look at what will happen to the cultural significance, especially provided that already in the 1900's, 1993 and with the Akaka Bill as I described the last time, that Hawaii or its native tenants were never made part of the naturalization process and it is signified that we are still sovereign. Being such, all laws that pertain to us still have to be looked at, statutes HRS 7-1, HRS 172-11. These things already incorporate the kingdom laws and why is that? Because as a statute it forces you to look at when

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you make some kind of policy or you intrude upon rights that have already been vested to people, that you have to make sure that it doesn't interfere with such. And a lot of these things that you are doing, a wastewater treatment closer to the roadside, what happens when it overflows? When you redirect the road on the upper portion, what happens to the flow of the river? A lot of these things impact us because even when you make the road and you redirect it, what, what assurances do we have that access to these different areas as cultural practices will be afforded? 'Cause we know a lot of times when these things come in, come into play, these things are forgotten, there's not enough parking, they say they going to provide parking for people who want to do surfing, for those who want to go fishing, for those who want to go camping. What is the ramification of such big movements to those rights that we already have? Even as regular, as local people here, we enjoy that part of the beach, you know, we enjoy camping, we enjoy doing all these things. What is, is, where is the impact on all these things? We talk about the houses, we talk about the water but what is the impact of use? What intrusions upon my vested rights and those that are there that the kupuna want to protect to make sure that they can continue to do is already there? I don't see that 'cause some of these things make it very clear that they would be intruded upon. And how are the County --

MS. HAMMAN: Four minutes.

MR. KAMAUNU: --gonna deal with the repercussions? You know, I mean, making sure that by law, by statutes--and you have to look at the statutes 'cause you make laws--that these things are provided. Thank you.

CHAIR BAISA: Thank you, Mr. Kamaunu. Members, any questions for the testifier? Thank you very much. Our next testifier is Bill Johnston. Members, after Mr. Johnston, we have five more testifiers signed up. Would you like a break? Everybody okay? Mr. Carroll? Because we are operating with very, just a bare quorum, you know, if anybody needs to take a break, just let me know. Go ahead, Mr. Johnston. Thank you very much.

MR. JOHNSTON: Thank you, Chair Baisa. Thank you, Committee members. My name is Bill Johnston. I'm here today as an individual, and I am in favor of Olowalu Town. First thing I want to say is I've listened all day Monday, last Monday, and all day today and the one thing I haven't heard enough of is thanks and mahalo to all the work that, that people have put in on this General Plan starting with GPAC, going to the Planning Commission, including our Planning Department and now this great body of Council and Committee members. So thank you, thank you, thank you. I want to say four other things today. Hinano Rodrigues, my brother-in-law, couldn't be here today. He had business in Oahu. He has submitted a written testimony and I just wanted to make sure that got on the record and that you see that. The second thing that I want to talk about is infrastructure. I've heard that there's a lack of infrastructure for Olowalu and it's certainly something people should be concerned about, but if you think about it we wouldn't be here in Hawaii if we had to have infrastructure as a reason for developing a community. The thing that I think about is I think about a new community that would include 1,500 homes is you're increasing your tax base, that's how you'll cover much of the infrastructure. Last Monday I heard a man come up and testify in opposition to Olowalu and his complaint was that if you allow Olowalu Town to be built, people will have to be driving miles

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and miles and miles to work. But in the middle of his testimony, he admitted that he lived in Napili and drove over here to County Council offices on a daily basis. So I think if he had had a chance to live in Olowalu and knew that he was working in Wailuku, he would've lived in Olowalu and would have...glad to have it. Lastly, we've heard a lot of people testify against Olowalu because of the reef and the damage that could be, that could happen. What they're saying is this government body and these government departments don't have the ability to do things and put things in place for a developer to make that not happen and I'm telling you, I believe this government and our departments can do that. I thank you again for the opportunity to testify before you today. I ask you to, I urge you to vote for, add Olowalu back into the General Plan. Thank you very much.

CHAIR BAISA: Thank you, Mr. Johnston. Any questions? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you, Mr. Johnston, for being here and, well, I know we have BMPs, Best Management Practices in place and all these laws, rules, regulations and what have you to protect our environment, yet as you saw the, the darkened Honolua Bay of runoff and what have you, things of this nature does occur and once it does there's no going back. Anyways, that being said, so you mentioned that increase, the, the development will increase our tax base on the County level thereby paying for infrastructure, public services that are going to occur such as police, fire, schools, what have you. Is that what your statement in regards to increasing the tax base is addressing?

MR. JOHNSTON: My personal belief is that will cover or at least help to, to defray the cost of infrastructure.

COUNCILMEMBER COCHRAN: Okay. And, and we, as this body that does appropriations for our real property tax and General Funds and what have you, yeah it'd be nice to see if that were to pan out. I, I'd like to see that balance but it's really hard for me to, to fathom that out of this development. So that is a concern.

MR. JOHNSTON: I understand.

COUNCILMEMBER COCHRAN: And I still don't see it in black and white and figures that, that's gonna address and, and answer that, you know, with confidence for me anyways. So I just wanted to have your elaboration on that. So thank you.

MR. JOHNSTON: I appreciate --

COUNCILMEMBER COCHRAN: Mr. Johnston.

MR. JOHNSTON: --and I, and I appreciate this body's ability to, to balance those and make it happen so.

COUNCILMEMBER COCHRAN: Thank you.

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MR. JOHNSTON: Thank you.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR BAISA: Further questions for Mr. Johnston? Seeing none, Mr. Johnston, thank you very much. Next testifier will be Bill Frampton, and he'll be followed by Mary Traynor.

MR. FRAMPTON: Good morning, Council members. Good morning, Chair Baisa, and Committee members. My name's Bill Frampton. I'm here on behalf of Olowalu Town as the project developer and manager and appreciate the opportunity to come up and share some thoughts and comments. There have been numerous statements made this morning, many that are true, many that are not true and many that are just flatly wrong. What we've done at Olowalu again is on a very large picture we are talking about is Olowalu an appropriate location for Urban and Rural Growth Boundary designations in order to build a small town, a small-scale community to provide housing opportunities for Maui's families? Keep in mind that today that project out there right now, the 630 acres that we're dealing with, is already subdivided into large Agricultural lots. If we fail and if we don't succeed in getting the Council's approval, the land is not going to sit as is. It will be sold off and it will not be sold to local families. It will be high-end priced lots and I can guarantee you the local families will not have an opportunity to come back to the land. When we, in 2005, went to do this plan, we invited, we sent out 65,000 newspapers to every mailbox in the island. We wanted people to participate. We had an incredible opportunity and what we started with was a blank slate, and the values and principles that we used to shape the decisions which shaped our plan were based upon smart growth principles. And these principles are not brand new to this island, they're principals that the families in Olowalu have known for generations. You honor and respect culture. You honor and respect your natural resources and you show that you, we are capable of coexisting with nature. This question about the reefs, this question about infrastructure is not solely, should not be just Olowalu Town. This is an island-wide discussion, island-wide, Statewide, worldwide. You ask the marine biologists who are here today. They cannot tell you that these reefs are not in decline, this is worldwide phenomena and it's happening and we need to do something about it. By saying no growth to anything is not viable. If we say no to Olowalu then wherever you put those units, if you say let's not put Olowalu Town on the map, okay. But where are you going to put those units? And then we're gonna rely upon the same kind of infrastructure that has resulted in the plumes, that has resulted in decline of our natural resources. We can't continue to do that. That is why at Olowalu we hired the best natural resource engineers out there. I've done projects on Maui for over 20 years and I've never personally hired a natural resource engineer. In addition to our civil engineer, our traffic engineer, soils, air quality engineers, noise engineer, we hired a natural resource engineer that helped us design an integrated resource management plan. That integrated resource management plan was a holistic system. It didn't just look at a sewer pipe. It didn't just look at water. It didn't just separately look at recycled water and it didn't separately look at drainage. We can't continue to do that and that's what we've done on Maui for the last hundred years. We know other, we know it better than that. The Planning Department knows it, they've provided planning principles in our General Plan to address this. We are doing that at Olowalu. Chair, I'll gladly answer their --

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MS. HAMMAN: Four minutes.

MR. FRAMPTON: --all the statements that were made today, I'd love to answer 'em and if there's any specific questions, I'm here to answer.

CHAIR BAISA: Mr. Frampton, I'm sure...will you be available when we get to discussing Olowalu?

MR. FRAMPTON: Absolutely.

CHAIR BAISA: I'm sure there will be many questions, but there may be one or two now that just really are burning so if you could hold on I'll ask the Members.

MR. FRAMPTON: Yeah.

CHAIR BAISA: Members, Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair. And yeah there are a ton but I'll, I'll just ask a couple for now and we can do that later when that subject comes up. The biggest question is the reef.

MR. FRAMPTON: Uh huh.

VICE-CHAIR COUCH: What, I mean, you, you heard Mr. Deakos and a few other people come up and say that that is a very special reef, and it is.

MR. FRAMPTON: Absolutely.

VICE-CHAIR COUCH: But have any of these folks been to any of your, any of your meetings to talk about how to mitigate the reefs and are you going to mitigate the reef damage or, or what is your plan for mitigating the reef damage?

MR. FRAMPTON: Thank you, Councilmember Couch. When we did our Olowalu talk story, we had 1,350 people participate in a ten-day charrette. I can't tell you for certainty who was at, who were and were not at those meetings. A lot of the folks who testified today were. And they're here, who were at those. However, after that we developed our plan. After we developed the plan, Dave and I went out, we've had over 110 community presentations and meetings to share this project and to honestly look for comments. One of the most important groups we wanted to meet with was under advisement of the late Ed Lindsey, contacted me and told me the reefs are critical, the families at Olowalu, the reefs are critical. My two boys, the reefs are critical. All my friends on Maui, the reefs are critical. Maui Nui Marine Resource Council had just been recently formed. We arranged for a meeting. Mr. Deakos did come to come to our office. So did a handful of other members, Darla White, Meghan Dailer, Robin Knox, even Ms. Paltin who was here earlier. The problem was it was once. We followed up with numerous e-mails, numerous letters saying could we please meet again? It was just a simple big picture meeting. We were, let's meet again and go into details, what can we do to insure the protection of that

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beautiful resource? And we wanted to share our detailed Best Management Practices that have not been done on Maui. And so your question about mitigation, absolutely. We can mitigate. Our storm water runoff, we can absolutely mitigate.

VICE-CHAIR COUCH: And, Madam Chair, sorry to interrupt but --

MR. FRAMPTON: It's okay.

VICE-CHAIR COUCH: --because of the time. If he has some plans, we can look at that when, when and if the subject comes up.

CHAIR BAISA: Most certainly.

VICE-CHAIR COUCH: The other question that's, that's big on my list is it's been said a couple times that this is a bait and switch, that the GPAC was told something different from what is out there now. What's the response to that?

MR. FRAMPTON: That's wrong. Bait and switch is a pretty interesting way to describe us from someone I've known most of my whole life. That wasn't the case. What we presented to the GPAC, and again we were talking about a general plan, we weren't talking about zoning, we weren't talking about SMA, we were talking about a general plan. We gave general descriptions to make sure that they made a well-informed decision, we gave 'em information. We did not change the project. What we have done since then, have done extensive studies and extensive research. One of them was the economic impact feasibility. We did not have enough commercial space and business to provide for a real thriving community. If we really wanted to make it where you could live, work and play, we needed more. We shared that with the families. We shared that with every group we went with. They said, good, you probably even still don't have enough, but we said we want to restrict it to a size. This bait and switch again, one of the things we did change was the location of the town center on the south side of Olowalu Stream. It previously was located closer to the Kapaiki, where the Olowalu Village is today. We moved it closer to the Fujii's store. We moved it closer to where the historic, that's the Ichiki Store is what the name of that store actually was historically, which was the Fujii family. Wally Fujii was my principal at Kula School. I can't afford to have him be upset at me, but it's just not the right thing to do. That's the landmark facility for Olowalu. Everyone knows, you drive through that valley, those tunnel of trees, and you look forward to getting the red hotdogs and the drinks at the store. What we did do though, Councilmember Couch, was we shifted the town center over closer to, to make them be part of our community. They are now going to be one of the landmark stores that we will build off of.

VICE-CHAIR COUCH: Okay. Thank you, Madam Chair, and, and I have a lot more but we'll do it at the other time.

CHAIR BAISA: Yeah. When the subject comes up, we'll spend a whole lot of time I'm very sure. So this is testimony now, so we're here to listen to what the testifiers have to say. We can get into detailed discussions later. Ms. Cochran.

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COUNCILMEMBER COCHRAN: Yeah, thank you. Thank you, Mr. Frampton, for being here. And my question to you is...I got like 36 of 'em I guess in reference to Planning Department's --

MR. FRAMPTON: Yeah.

COUNCILMEMBER COCHRAN: --questions to the draft EIS --

MR. FRAMPTON: Sure.

COUNCILMEMBER COCHRAN: --so have, are there comments coming forth for all these --

MR. FRAMPTON: Absolutely.

COUNCILMEMBER COCHRAN: --things that's being addressed?

MR. FRAMPTON: Absolute. Not only that letter, the Maui Tomorrow letter, the U.S. Fish and Wildlife Service, State DOT, everyone was provided an opportunity to comment upon our draft EIS, that's what it is.

COUNCILMEMBER COCHRAN: Right.

MR. FRAMPTON: The purpose is, we present, here's all of our good information, we're very hopeful you would use that information to make a well informed decision; however, the process works is when we put something out there and say here's our information. If they come back and say that's incorrect or did you really look at this, whatnot, that's fantastic because all the project's going to do is get better. As far as replying to every one of those conditions, absolutely, that's forthcoming when we file the final EIS and just to respectfully note, we've held off from filing the final EIS because of this process. The reason we started in 2005 was to keep pace with this process. It was promised to be two years, it's now ten years but, Councilmember Cochran, those comments, the 36 ones, many of them were incorrect. However, we'll reply, reply, in that process, if that makes sense --

COUNCILMEMBER COCHRAN: Yeah.

MR. FRAMPTON: --including...well anyways, go ahead.

COUNCILMEMBER COCHRAN: Yeah, I, I'm looking forward to the replies 'cause--

MR. FRAMPTON: Sure.

COUNCILMEMBER COCHRAN: --it seems to be pulling out inaccuracies and things that are just aren't consistent to. So, just...anyways I'm looking forward to the answers --

MR. FRAMPTON: Us, too.

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COUNCILMEMBER COCHRAN: --and clarifications.

MR. FRAMPTON: Us too.

COUNCILMEMBER COCHRAN: Thank you. Thank you Department too.

CHAIR BAISA: Thank you. Any further questions for the testifier?

MR. FRAMPTON: Chair, could I have one, only one comment related to the previous --

CHAIR BAISA: Very brief, please.

MR. FRAMPTON: --related to those previous violation letters, I would challenge anyone to produce a letter that says we are in violation. 'Cause one, it's not we, it's not Frampton and Ward, it's Olowalu Elua Associates. Also that letter was issued related to the SMA that was done in 2000, there was a letter that came out. There also is a second letter that came back from the Department that said we are absolutely in compliance, there's no violations and I just wanted to make sure that's clear for the record. Thank you.

CHAIR BAISA: Thank you, Mr. Frampton. I guarantee you, you'll be here a long while when we get to discussing this --

MR. FRAMPTON: Okay.

CHAIR BAISA: --in, in detail.

MR. FRAMPTON: And thank you again for having that opportunity.

CHAIR BAISA: Okay. Next testifier is Mary Traynor, and she'll be followed by Bo Petty.

MS. TRAYNOR: Good morning, everyone. I'm Mary Traynor and I'm testifying on behalf of myself. The 2010 Draft Maui Island Plan recommendations meets projected housing demand by 116 percent. I support the Growth Boundaries as recommended in the 2010 Draft Maui Island Plan because it provides for ample growth. There is a rampant number of development projects proposed for West Maui, and anything beyond the Maui Island Plan recommendations is simply not necessary. The Honoapiilani Highway cannot handle any more traffic congestion and none of these projects should go through until the Lahaina Bypass is in place. Water is also another issue that the Committee should take into account before approving increasing any more density in this region. I would like to remind the Committee that the Focus Maui Nui identified the highest priority and main core value of residents is to protect the environment. On Page 43 of the Countywide Policy Plan, this body adopted the following language, For example most participants said that if they must choose between areas of need or make tradeoffs, the preservation of natural resources, the island's identity and cultural assets must be considered before improvements to infrastructure or even steps to strengthen the economy. You'll find that

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in the intro to the section four. A goal that is identified in the Countywide Policy Plan is to protect and restore, restore near shore reef environments and water quality. You can find this in the environment chapter policy. Section three of key strategies, Page 41 says, one of Maui County's greatest assets is its natural beauty. From the upland forest to the coral reefs, the islands of Maui County are a portrait of a rare and amazing natural world. Protection of the natural environment including the ecological systems therein is a vital importance. I ask the Committee to please abide by the policies that have already been adopted by the County. Olowalu Town. When Olowalu was a camp for the sugar mill, there were not more than 500 people living there. The proposed development project of Olowalu Town is a far cry from that, with 1,500 units and potentially 3,750 residents. I am concerned about all the infrastructure issues of Olowalu Town and the devastating effects it will have on the reefs. Even if conditions are placed on this project, I am not confident these conditions will actually be enforced. I do not support Olowalu Town. Our housing need will be met by the 2010 Draft Maui Island Plan and we do not need to put the Olowalu reefs at risk of devastation. If the Committee does decide to approve this project, please scale down the project to a sensitively designed, small village on the makai side of the highway only. Ag subdivisions. As you have heard in my previous testimonies, I support preserving Maui's Ag lands. I do not support the Planning Director's 2012 recommendations to include Plantation Estates, Launiupoko, Ukumehame in the Rural Growth Boundaries. I also do not support including Honolua Ridge in a Rural Growth Boundary. Runoff from this development project has already had a negative impact on Honolua Bay. Potentially increasing density in this environmentally sensitive area would only further worsen the damage that has already been done at Lipoa Point. Please do not include Honolua Ridge or Plantation Estates in a Rural Growth Boundary.

MS. HAMMAN: Four minutes.

CHAIR BAISA: Thank you.

MS. TRAYNOR: I also just wanted to say that I support the four planned protection areas and would like to ask the Committee to stand behind the promises made by the former Administration to preserve Lipoa Point.

CHAIR BAISA: Thank you, Ms. --

MS. TRAYNOR: Thank you.

CHAIR BAISA: --Traynor. Members, any clarification of the testifier, of her remarks? Let's remember, Members, let's not debate the issues. That's not what we're doing now. We're taking testimony.

COUNCILMEMBER COCHRAN: Right.

CHAIR BAISA: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Ms. Traynor, for being here. I

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think you, did you mean to say, you said makai side of highway. Did you mean mauka?

MS. TRAYNOR: I, I said no development should be allowed on the makai side of the highway.

COUNCILMEMBER COCHRAN: Oh, "no."

MS. TRAYNOR: No development.

COUNCILMEMBER COCHRAN: Oh I thought you said only development.

MS. TRAYNOR: No, no, no. I'm sorry.

COUNCILMEMBER COCHRAN: Thank you.

MS. TRAYNOR: Okay. Maybe I, maybe, maybe I misstated it, but that's what I meant if I did.

COUNCILMEMBER COCHRAN: Got it. Okay, thank you, just wanted clarification.

MS. TRAYNOR: Okay, thank you.

COUNCILMEMBER COCHRAN: Sure.

CHAIR BAISA: It's been a long morning.

MS. TRAYNOR: Yes.

CHAIR BAISA: Mr. Couch, anything? No. No questions? Mary, thank you very much.

MS. TRAYNOR: You're welcome.

CHAIR BAISA: Next testifier is Bo Petty, and Mr. Petty will be followed by Edward Kaahui.

MR. PETTY: Good morning, Madam Chair, Council members. My name's Bo Petty. I'm here speaking as an individual. And one is that as far as Olowalu goes, I just want to add my voice to those that already have, against development if possible to protect the reef. If development must occur, then I hope that Council members will work hard to watch that the reef is not harmed and perhaps trees are no longer cut back and things like that to change the environment. So prefer not harming the reef. As far as Ag and Rural up there, I live up in Launiupoko. I do try to farm. Maybe not real financially successful at it, but I'm not against the change to Rural, I think that's okay. If I want to continue farming for sustainability on Maui, I believe that that will not stop me. What I do ask about the Rural change is that we do not change density. So keep the density ideas where they are. I would prefer that. I think that not having to farm gives me the option to farm but takes the pressure off financially and I like that idea. Number three, the Bypass extension, I am not against the extension, but the Mayor came to a meeting, environmental impact, listen to the community meeting and proposed a park with playing fields down below.

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I'm against a park with playing fields. The suggestion was to take a high road. I'm against the high road. I would prefer the middle road. I think the high road opens up opportunity for more development down there that I really don't want to see. I also do not think it makes sense to have a bypass and then have a traffic light put in at Kai Hele Ku right there. There will be plenty of access a mile south or a mile north based on the current planning. If we take the middle road so people can get on and off of that bypass easily there, I propose a tunnel. Perhaps by using the middle route will save more money through earth moving, et cetera and perhaps be able to pay for a tunnel so that traffic is not put into the neighborhood and changing that environment significantly. So that's all I have to say. I just wanted to share those voices.

CHAIR BAISA: Thank you very much, Mr. Petty. Members, need any clarification of the testimony?
Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And you're in the Launiupoko area?

MR. PETTY: Yes, ma'am.

COUNCILMEMBER COCHRAN: Not...okay.

MR. PETTY: Up on the hill.

COUNCILMEMBER COCHRAN: 'Cause I'm just finding out there's so many different subdivisions in this area actually --

MR. PETTY: Right.

COUNCILMEMBER COCHRAN: --with Makila, Puunoa --

MR. PETTY: I'm up --

COUNCILMEMBER COCHRAN: --your...

MR. PETTY: --Kai Hele Ku Road, which goes up and around and then I'm on Huapala Place, which is the first cross street up there.

COUNCILMEMBER COCHRAN: Okay, 'cause there is a master plan for this area so I was just curious if you, sounds like you're not aware of, that there's already designated lots proposed way makai of you.

MR. PETTY: Yes, there's evidently two routes that are being proposed for the bypass is what I'm talking about.

COUNCILMEMBER COCHRAN: Right, but, okay, thank you for coming and testifying.

CHAIR BAISA: Further questions? Seeing none, thank you very much. Our next testifier will be

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Edward Kaahui, and he'll be followed by Dave DeLeon.

MR. KAAHUI: Aloha, Council members, Planning Department staff. I'm getting tired of coming up here and testifying before you people because nobody listens. You all listen to the experts. Well, let me tell you something. When did the experts start, start the project, surveying the reef? What have they done so far? Have they gone to Olowalu, cleaned the reef? No. Picked up all the trash around there? No. Stop the kayakers and everybody else from going across the reefs, stepping on the reef? No. The two boats are over there every day, you guys can see that as you drive by. Have you stopped the pollution, the cars, the exhaust, the tires, the noise? No. Highway is right alongside the road, right alongside the reef, what about that? And I hear people say, well there shouldn't be construction until the highway is done. Well that's not their problem. People in Lahaina need the homes. I've walked all over Lahaina. I only look across here and see everybody put your hands up, have you walked all the way up Lahainaluna Road and all the way down, down to the mill? Have you walked around Wahikuli Terrace, Kahoma? No. Go take a look, look at the homes over there. Look at the condition. Those homes have been built for quite some time now and they're ready to be torn down, maybe, or fall apart. And somebody come up here and say, oh, those people don't need any homes in Lahaina, they should wait until the highway is done. What, 20 years? We've been talking about this highway for 30 to 40 years. I've lived in Lahaina, worked in Lahaina, drove in Lahaina, drove that highway for years, patrolled the highway in fact and have seen nothing done. And, and you folks come and let these guys come up here and testify and tell everything that shouldn't be done about Olowalu. Not one of 'em live there. They have no intentions of living there but they don't want Olowalu. They must have a hidden agenda somewhere because I don't see anybody else. I mean, people like me, come up and speak against Olowalu. Now if you talk about boundaries, keep the development apart by bunch of green trees, roads. That's not the way to do it. You do it the, the Hawaiian way, through the ahupuaa system, the ridges, the streams, not by a, not by a bunch of trees. Oh this is a greenway. Let me tell you something, something about this story, this beautiful story they talk about greenway. Who's gonna make it green? Well you guys know Olowalu hardly rains. Ukumehame hardly rains. Lahaina hardly rains. Where is all the water gonna come from? Make it green, well paint 'em green if you want. I mean this is a joke. I'm tired of coming here testifying. I wish you guys would listen to what these people say, people that live there all their lives, this is what they want. So when people from nowhere, maybe Kula, maybe you should build a heliport in Kula. Come on, you guys, I'm serious. I'm getting mad already. I have important things to do. If you talk about the highway, I'm for all that, I'm for the highway, not just the Bypass over there in Lahaina, from underneath the highway all the way to Wailuku, let's get serious. Let's get everybody involved. And if there's no today, there is no tomorrow. Go to Lahaina, see what the people, what kind houses they live in. And so far I don't think anybody around here live in those houses. So Planning Department, Council members, everybody, go take a look.

CHAIR BAISA: Thank you, Mr. Kaahui.

MR. KAAHUI: Thank you very much.

CHAIR BAISA: Thank you. We hear you. Members, questions, clarifications? Thank you very much.

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Our next testifier is Dave DeLeon, and Mr. DeLeon will be followed by Thelma Kaahui.

MR. DELEON: Good morning, aloha. I was planning not to speak but I heard some comments and thought I need to make some brief comments in response to. One comment was well, we, we shouldn't be changing our Ag, well this, my comments are purely about Ag to Rural. One of the comment was well we shouldn't be changing our Ag lands to Rural. Well reality is go look, they're not ag lands, they're rural homesteads. The reason for the changing, reason for the Planning Department's proposal is why, why change what exists is because it's a failed policy. We did not create farms, we did not create a farming activity there in a real sense. And so yeah maybe 20 years ago everybody thought they were gonna farm but reality struck, especially in places like Launiupoko where the soil is not compliant to it at all. And the Chair's question about walking the property, when I bought my two acres in Haiku, I literally could not walk my property because it was jungle. And literally, I mean there was no way to walk across it so I had to wait until after I owned the property to see what I had. The, the reason why this is a failed policy is it forces people to do an economic activity that cannot succeed. You're not going to make a living from farming two acres in Maui County. There might be three or four guys out there who are real farmers to do it. Most of the people who bought these properties were not farmers, they bought it for lifestyle purposes and when they walked the property, if they walked the property, they didn't know what they were looking at. They didn't know what it meant by farming, and what we've turned it into is okay, so if you got a lawn, then you have a sod farm or if you have some, you have couple of fruit trees then you got an orchard. And that's supposedly farming. And Planning Department's gotta police that. So Planning Department's gotta go out and play games with farm plans. And by the way, when I bought my property in 1994, there was no farm plan required. There was no farming activity required and nobody ever policed that in my neighborhood to my knowledge. As a result, very few of my neighbors have anything that looks like a farm. In reference to the Haiku decision, on the, on the subdivisions in Haiku, my community got almost no notice. They got letters on Saturday about a Tuesday hearing. And this letters were, had enough information in them to confuse, and nothing else. So my community did not get any kind of notice and would like another, another whack at it, 'cause I know some people are actually trying to do petitions and trying to get organized on it. On density, again the why, the Maui Association of Realtors does not support changing the densities these properties. We're talking Ag 2 to Ag...Rural 2. Mahalo.

CHAIR BAISA: Thank you, Mr. DeLeon. Members, any clarification needed of the testimony? Seeing none, Mr. --

MR. DELEON: Thank you.

CHAIR BAISA: --DeLeon, thank you. Next testifier is Thelma Kaahui, and she'll be followed by Kimokea Kapahulehua. If you have any papers that need to be passed out, this might be a good time. Okay, alright.

MS. KAAHUI: Good morning, everyone.

CHAIR BAISA: Hello.

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MS. KAAHUI: I wasn't going to say anything but you know when I was sitting up there I felt like, you see I live in Olowalu, I love Olowalu. You have to live there to feel it. And I felt like I was being attacked by these so-called insects and I didn't like that. It's beautiful in Olowalu, I love it and I think we should look over Olowalu about becoming a town, a beautiful town, and where I live, I can see the ocean, and I hear about this reef. What do they know about the reef? It's always been there. I live in my parent's home, it's 72 years old. There've been tidal waves, lot of stuff but my parents always knew that the island around would protect us and the reefs will protect us. And now, you know, I don't know about this master degrees and, you know, these people come and study but I can tell you this, why don't we try get rid of those boats outside there and the kayakers are there every day. Only one day I saw ten boats out there and each boat should at least have about 49 people on it, because we used to cater and when I used to work we used to cater to one of 'em. And that's a lot of people but believe me only that one day I saw that ten boats and when you talk about the reef, why don't we try to do something with the, with the boats first. You know, 'cause I feel like if you go study, you go dive, dive, dive 400 hours or whatever, and then you go look your book and then come back, you go dive, that's what I see. I love Olowalu. Thank you.

CHAIR BAISA: Thank you, thank you very much. Members, any clarification needed? Thank you so much.

MS. KAAHUI: You're welcome.

CHAIR BAISA: Our next testifier is Kimokea and that last name is a challenge but I think I can do it, Kapahulehua. I like "Bully", easier.

MR. KAPAHULEHUA: Mahalo, Chair.

CHAIR BAISA: Good morning.

MR. KAPAHULEHUA: Council Chair and Members, thank you so much for allowing me to have the opportunity to come before you and speak in behalf, in support of Olowalu. I just want to take you back on, as Hawaiians how Olowalu was and how today the family that telling you how it was and how we change over the years, but the concept of this was mauka/makai. So in mauka we talking about the forest and Mr. Kaahui told you about the rain, so the rain is in the mauka but if you come downside, it's pretty dry. So the water come down to the ocean and in the ocean we talk about the, the fish that's by the entrance of Olowalu. So that concept was put, put in this plan. I wanted to tell you that in the year 2000, I started talking with the developers there, with Dave and Bill, asked if I could check it out. I already did check it out because I know the Kaahui family since I arrived on this island since 1970. So my affiliation with them has always been from a long time affiliation with Ed and his family and knowing what the taro patches they have up there. But I going tell you about yesterday's culture and _____ talked about today's culture. That in 2000 they put in 125 acres for a culture preserve area. Since then they also went do archeological findings. Since then we talked about the plants and the reefs and everything else. I want to go back to you guys about the coral and the reef, because I don't know if you

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guys know, but the State Harbors Division just went down to Mala Wharf and _____ everything out over in Mala and out at Lahaina Pier. They went use Mala for _____ but they dug out a whole bunch of things out at Lahaina Harbor. And they took the coral off the pillars, the Maui Ocean Center took the coral off the pillars and it's now in the nursery at the Maui Ocean Center. So mitigation has been going on for the coral reef, not only for now but has been in the past. There's a lot of coral reef restoration going on. So one of the coral reef restoration that we, we have is in Molokai, 14,000 acres of reef. That's the reason why the people no want nobody go on their reef. Same with Lanai. Lanai, you go on the backside, we have a lot of, lot of reef back there, we no like nobody go on the reef. So the culture thing is that the people on all of the island, including Olowalu, have their own restoration style. One of the things that we do in the local i`a I wanna tell you guys, is that we go out south by Kalama Park, pick up all the loose rocks and we teach the kids how for make a brown garden, a green garden and a purple garden. What is the brown garden? The brown garden is the kala limu, picking up the coral with the limu in the canoe and taking 'em around to the south shore's north side and putting 'em outside the pond. The green limu, the limu `ele `ele, the palahalaha, that's the same deal. The purple limu, the huluhuluwaena, so with that we bring the crab, we bring the lobster, we bring the puhi, all of those stuff. So when you talk about experts and everything, they should come talk to the people of Olowalu and learn from the people from Olowalu what their grandfather, their great-grandfather, their grandmother, great-grandfather taught them how they would keep the place the way they wanted. So I support that, we have been working with them and I support the development and knowing that they are very sensitive to the culture, very sensitive to the environment. They not just here speaking, these guys live here and they been here, their children are raised here and so I support the efforts of you to support this development. So mahalo.

CHAIR BAISA: Thank you very much. Members, any need for clarification? Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Hi, good morning --

MR. KAPAHULEHUA: Aloha.

COUNCILMEMBER COCHRAN: --nice to see you. So speaking of local i`a I think there, isn't there one that was there pre-contact days in Olowalu --

MR. KAPAHULEHUA: Correct.

COUNCILMEMBER COCHRAN: --that you're aware?

MR. KAPAHULEHUA: Yes.

COUNCILMEMBER COCHRAN: Was there, has, have you been consulted and perhaps trying to revive that, restore it, bring it back into its full glory at all?

MR. KAPAHULEHUA: Yes we have and unfortunately we're in the process of planning environment and permit process. So we have several local i`as we trying to get into the planning stage and that's one of 'em that's in the map.

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COUNCILMEMBER COCHRAN: Good. Thank you, Chair.

MR. KAPAHULEHUA: Thank you very much.

CHAIR BAISA: Further clarifications? Seeing none, thank you very much.

MR. KAPAHULEHUA: Mahalo, Members.

CHAIR BAISA: Our next testifier is Thelma Akita-Kealoha.

MS. AKITA-KEALOHA: It's almost the end of our morning but good morning. Thank you for allowing me to speak. FACE, my name is Thelma Akita-Kealoha and I'm representing FACE Maui, the housing and land use committee, and last week several of us were here. Actually a lot of us were here in support but we had several speakers, myself as well, and this week we decided that we're only going to have one person because, you know, time is money and we're all busy, including you folks. So I volunteered to come up and give my support to the Olowalu Town project. I wanted to say that we at FACE Maui believe that all people have a right and an, a right to the opportunity to live in a safe, healthy and affordable home and that we need to eliminate the barriers that prevent this access to anyone who lives on this island. And we support definitely the residents of Olowalu. And I, myself, live in Pukalani so I'm not from Olowalu but I am born and raised on the island and I lived in a small town, plantation town in Paia, and I can relate to this small town feeling of the Olowalu Town project. The proposed project, the proposed Olowalu Town project fits into FACE Maui's principles for support for affordable housing developments that provides opportunities for our local working families to establish themselves and be successful in our community. It doesn't promote sprawl but it sets forth an innovative model for shaping future developments on the island of Maui. Olowalu is not like other developments. Changing times require a fresh vision, renewed insight and adaptability to new circumstances while reaching to the future to achieve a healthy, prosperous Maui for everyone. We like the small town concept, getting away from small into smart, from sprawl into smart growth, an inclusive community with schools, businesses, parks, having the small town easily accessible with walkable, bikeable community for its residents, promoting health and wellness, a sense of place, as well as young, disabled and the aging community in one accessible area. FACE Maui supports the Olowalu Town project and respectfully asks the County Council to support this project as well. Thank you.

CHAIR BAISA: Thank you, Ms. Kealoha. Members, any need for clarification of the testimony? Seeing none, thank you very much. Ms. Kealoha was the last person to sign up to provide testimony this morning. Is there anyone else out there? Seeing none, Members, without objection, the Chair would like to close testimony for this morning.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

... END OF PUBLIC TESTIMONY ...

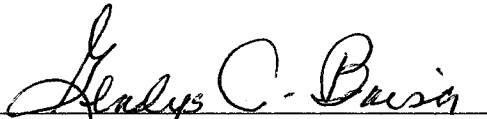
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CHAIR BAISA: Thank you very much. Public testimony is closed. Members, it's been a very long morning and the Chair apologizes for not giving you a break, but I'd like to thank you. We have been through almost...well, 29 testifiers, if I didn't miss any. So the Chair would like to again thank everybody who came today and because we have the opportunity we will be recessing this meeting to Thursday, August 2nd at 9:00 a.m. Thank you to everyone, thank you to Staff, thank you to everybody who's helped, and especially my Members. I apologize again and thank you very much for being here. Meeting is now in recess. . . . (*gavel*) . . .

RECESS: 11:50 a.m.

APPROVED BY:



GLADYS C. BAISA, Chair
General Plan Committee

gp:min:120731

Transcribed by: Annette L. Hoopii

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CERTIFICATE

I, Annette L. Hoopii, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 20th day of August, 2012, in Haiku, Hawaii.



Annette L. Hoopii