

**MAUI PLANNING COMMISSION
REGULAR MINUTES
JANUARY 26, 2016**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Vice-Chairperson Max Tsai at approximately 9:13 a.m., Tuesday, January 26, 2016, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

A quorum of the Commission was present. (See Record of Attendance.)

Vice-Chair Tsai: Okay, thank you all for waiting. Today is January 26, 2016. Calling the Maui Planning Commission to order. Wanna first to actually recognize our Commissioners present. We have Commissioner Hedani, Commissioner Duvauchelle, Commissioner Robinson, Commissioner Higashi, Commissioner Medeiros, and Commissioner Hudson. We're all volunteers so I thank you all for your presence and dedication. We also have our Planning Director, Corporation Counsel as well. We're gonna go to public testimony.

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed.

Vice-Chair Tsai: So anyone who wish to testify now, you may testify now but you won't be allowed to testify again when the agenda item comes up. So you have choice either testify now or wait for the agenda item to come up. So if there's anyone wish testify, please come forward and you have three minutes. Please identify yourself.

Ms. Kamaile Makekai: Hi my name is Kamaile Makekai.

Ms. Takayama-Corden: Can you speak into the mic please?

Ms. Makekai: My name is Kamaile Makekai. I'm here to represent my family. I come from the descendant of King Kamehameha the Great and King Kamehameha I. I have all my genealogies and paperwork here. I also have documentation of all the bureau sites of my family at Makena and I think it is really ridiculous that you guys would even consider the fact of making this. There are heiaus over here and I believe in the Hawaii status revised that is against the law to be going against heiau developments and also on burial site of my family. I don't know how you guys would feel if I was to make huge hotel on family's grave. Maybe you guys can tell me where your family lives or where your family graves are and then I can consider making a hotel over there over guys place instead, right? Okay.

Also, second of all, I have a paper here from the governments lines in Hawaii Kupai Aina in the Hawaii status revised stamped and sealed by the United States. It says that, where is it, government lines to be of his Majesty King Kamehameha III to have and to hold to himself and his heirs and successors forever irrevocably ...(inaudible)... forever meaning that you guys cannot touch this land. It is irrevocably ...(inaudible)... forever in my family's name. Here and stamped and sealed by the United States. Would you guys like to see this? It says that Maluoka is the name of the land in the Ahupuaa of Honuaula and it shall not be touched. Who do I show this too?

Mr. Spence: We can take that as public testimony. I mean, do you need it back or?

Ms. Makekau: I totally need this back.

Mr. Spence: Okay. I don't know if you made copies or whatever.

Ms. Makekau: But I also have every little piece of heiau property and my family's burial sites and I also would like you guys to have a DNA test also if you guys need going straight to the descendants of Hawaii's crown royal families. So it shouldn't be touched. It says also that if you guys go against this that you guys will be starting an act of war.

Vice-Chair Tsai: Do I have any questions from the Commission for the testifier?

Ms. Makekau: Questions? Stamped and sealed.

Vice-Chair Tsai: Okay, I have a list here, so I'm going to call your name. Go ahead and let me know if you wanna to testify now or wait till the agenda item comes up. We have a Trinetta Furtado?

Ms. Furtado: I'll wait till the agenda item.

Vice-Chair Tsai: Okay. Autumn Ness?

Ms. Autumn Ness: Aloha, good morning Commissioners. I'm here to testify on the Makena project.

Vice-Chair Tsai: I'm sorry, please identify yourself again?

Ms. Ness: Oh, my name is Autumn Ness. I live in Kihei. I'm here to testify on the Makena project. I'm just gonna hit a couple points real quick 'cause I only have three minutes. Looking through the draft, I guess study that was done in the 70's there's a couple of issues I have with this project. One is traffic. Apparently that the draft that was done in the 70's only talked about three adjacent intersections near the resort. I don't know if you've ever been to Kihei. We live at...at lot of us live in Kihei try go down South Kihei Road or the highway morning or evening especially during a high season. It's impossible. There's no way to fit the number of people that it's gonna support a 47-acre resort in Makena without totally clogging up Kihei and Wailea.

Second of all, apparently that draft said that there's gonna be "no drainage runoff impacts to ocean and waters." I don't know if any of you spend any time in the water but that is ridiculously untrue. I don't know who did that draft. Only just recently when the Andaz was being built and finished I literally watched with my own eyes the reef at Ulua deteriorate through the construction of Andaz and through the rise in the tourist use of that reef. It makes me cry sometimes when I go there now. Just in the maybe year and a half or two years that that project during, you know, construction and completion the reef over there has really taken a beating and that's just one small hotel. I've never seen a project, I don't think any of us have ever seen a project on this island that has had no impact on the reef...(inaudible)... impossible. Runoff and silt is definitely going to affect the reef.

Affordable housing is a big issue. There's no affordable housing in here. We have a major state of emergency homelessness issue in the State of Hawaii. Affordable housing is an issue that comes up in the Council on a daily basis and nobody has an answer for it and there's not even a mention of it in this massive project. It's not only not affordable but the residences are clearly aimed at people who can't afford it who live on this island. They're out of reach of even people who can afford market priced housing. They are clearly aimed at mostly off islanders who won't pay income taxes to support the infrastructure that's needed to support this big resort. The roads that's gonna need to be built to get there. The garbage pickup, that kind of stuff. These people aren't gonna be paying income taxes to support that stuff. I don't see a single benefit to local people or environment coming from this project, a single one.

Instead the local people and the environment will bear the massive burden of the negative impacts of this project not only now, but for generations to come and those impacts are gonna be irreversible. I think many of us and me personally are asking not only for a new EIS but for unless major improvements in infrastructure and construction technologies are made then there's no way the surrounding environment will show no impact from this project.

I'm asking this project to be denied and to leave Makena alone. There are few reefs and natural areas on this island that are still the way they should be and this one of them. Leave it alone. I'm in staunch opposition to this project. Thank you.

Vice-Chair Tsai: Thank you. Any questions from the Commission? Thank you.

Ms. Ness: Thanks.

Vice-Chair Tsai: Next one Kaena Elaban?

Mr. Kaena Elaban: Aloha ka kou, ...(spoke in Hawaiian)...My kupuna come from the west side of Maui, a place called Kahakuloa. I'm in opposition to this. Another gated community in Wailea. Might as well cut off Wailea in the beginning, right when you can enter Wailea might as well put one big gate right there, yeah. From when I was a keiki everything has changed down there. Places we used to go now covered with houses. And the only place to get in is this little tiny space we can walk in between the houses. It's the only area that you can go on top the beach. You go over there at night security is there to kick you off, huh, how's that? Security is there to kick you off when we used to go there as kids, yeah. To me that isn't right.

You know how did we become foreigners in our own land, yeah? Before this projects should go ahead we should first give the water first to the residential projects. Why should these projects have the first say in what happens to our water? What if there is no water once all these project go up for the people that actually live here? Why is there no residential houses in Wailea? Why is it? Is the people with money better than the people that was born and raised here that our kupuna was born and raised here, that our kupuna became the soil of this aina? Are they better than us? Is that why there's no residential down in Wailea? Are we not good enough to have a house right next to the beach too? It seems that that's what this planning commission has been giving to this area in Wailea is just all these houses for these people that come like they said, none of us can afford that. None of you can afford any of that. How many of you guys going buy one house over there? How many of you live in Wailea? Wow, one guy out of how many you get at the table. And you wonder why there's resistance to you guys building. It's like you guys wanna make another area on Maui exclusive to only members. You guys don't wish to be

a part of the community or they don't wish to be a part of the community, they wish to tear us further apart. Yes, I'm in opposed to this project. It will definitely affect the future generations of this aina and the places that we call home, yeah. The beaches that we go to, the reefs that get impacted from all of this, all the runoff that goes into the water. Look at the honu. Look at the honu. When's the last time you guys went to the ocean and looked at the honu? The honu are dying with the tumors all over their head. What is that from? That's from development. That's from runoff. They're directly connected to aina. What happens to the honu, the Hawaiians believe whatever happens to the honu happens to the aina. If the honu is sick, the land is sick and what are we gonna do, we're gonna go ahead and try to make it more sick, you know. That's all I have to say. Mahalo for having me. Mahalo for hearing me today.

Vice-Chair Tsai: Thank you. Any questions from the Commission? Commissioner Higashi?

Mr. Higashi: I have a question to you based upon the fact that how long have you lived on Maui?

Mr. Eleban: My ancestors have been here for thousands of years since the first canoe arrived on the island of Maui.

Mr. Higashi: Do you know the tax structure from Keawakapu to Makena as how much these people pay?

Mr. Eleban: Do you understand that money is nothing to me?

Mr. Higashi: Let me just share with you education wise.

Mr. Eleban: Go ahead, go ahead.

Mr. Higashi: The taxes and we all have to pay taxes, the taxes that are paid by Keawakapu all the way to Makena is a equivalent or more than all the taxes paid in Kahului and Wailuku which means that our senior citizens who live in Kahului and Wailuku their house taxes are kept low.

Vice-Chair Tsai: Commissioner Higashi, please reserve your comments to questions only. Do you have a question, please?

Mr. Higashi: Thank you. I just wanted to just share with you that there are issues that we have to look at in comparison to the kind of stuff you talked to and we do address ahupuaa as well to make sure.

Mr. Eleban: Mahalo. And you know, there is issues on my end too. Like I said, money is nothing. What is forever is the aina. The aina is forever. Money, we cannot take money with us. Wherever you going, everybody gotta die, yeah. We cannot take the money with us. Where we going go to? We going back into the aina. That's it. What is gonna be here for my children after my I gone, what is gonna be here for their children after I gone, what is gonna be here for their grandchildren after I gone is gonna be this aina, yeah. So money is nothing. Money is monetary, only now, eh? Aina is forever. Mahalo.

Vice-Chair Tsai: Thank you. Next testifier Mary Whispering Wind. We're gonna take a five-minute recess, I'm sorry.

A recess was called at 9:28 a.m., and the meeting was reconvened at 9:40 a.m.

Vice-Chair Tsai: Planning Commission is called back to order. A couple of things. Commissioners please note that we're trying to get this meeting going and please resort to only questions to the testifiers. We don't wanna get into a situation of a discussion or debate on any matters that's outside of this Commission. And also too for all the testifiers in respect for everybody else, we do have a presentation coming up so maybe a lotta of things that you guys are concerned about will be answered during the presentation. So limit your testimony for three minutes please. Thank you. So we have Mary Whispering Wind.

Ms. Mary Whispering Wind: Good morning. Hello, I'm Mary Whispering Wind and I just heard about this meeting this morning on Facebook and I understand that the Environmental Impact Statement for this...for a big building project in Makena was done in 1970 which of course should just throw it out right there. It's too old. And was very concerned that another big development with a terrible traffic that is in South Kihei how, you know, another hundreds of more people will back up the traffic even more. I don't think the infrastructure can handle another big resort and I'm very worried about the environment being polluted and especially the low income housing. I'm a volunteer for Patients Without Time and so I'm...I talk with low income people all the time that have no place to live. They're living in lawn sheds and tents in their relatives or friends backyard. Many, many people it's just becoming a lifestyle on Maui because there's no place to live. So it kind of hurts our heart when we see, oh let's have another resort for people, the wealthy people to enjoy and close off the beach for regular citizens can't enjoy it. So I'm very much against that whole project especially until there is a place for the citizens to live. It's seems the Council's project highest priority should be the housing crisis of poor people and not building more houses just for wealthy people, I don't...because their taxes are not trickling down to the poor people. You know if there were resorts were really taking care of the people, if there was housing for people it may be okay, but the environment is probably a little rough for that too. So I would like you to not approve this project at least there must be a new Environmental Impact Statement because 1970 is well, absurd. Thank you very much for your time today.

Vice-Chair Tsai: Thank you. Questions from the Commission? Thank you ma'am.

Ms. Whispering Wind: Thank you.

Vice-Chair Tsai: We have Brian Murphy next.

Mr. Brian Murphy: Aloha, my name is Brian Murphy. I'm from Pukalani. I have a issue also with the 40-year-old Environmental Impact Statement. Kihei has changed so much over the 40 years I think that alone merits you putting a hold on this project before that is completed. The other day when I was flying back from Honolulu just to see the traffic jam from a brush fire getting to Lahaina made me keep thinking about what is gonna happen to the far end of Kihei. And again, the Environmental Impact Statement is 40-years-old and Kihei has really changed over that 40 years compared to when that was done.

Secondly one of the issues I have is this affordable housing issue. Here we have a backlog of developers who never met their agreements to produce affordable housing and I think maybe the Planning Commission should do a moratorium on until these builders catch up with what

they said they already owe us for affordable housing, I don't think you should issue any more permits to any of these people. And again, that's just my opinion and mahalo for being able to testify today.

Vice-Chair Tsai: Thank you. Questions? Director?

Mr. Spence: Commissioners and members of the public, there seems...I'm not sure where the misunderstanding comes from, but just for everybody's information this Environmental Assessment is dated November 2015. So it's just a couple of months old. It's not from 1970. So it is up to date. I don't know, I haven't reviewed exactly when all the studies were done and everything but the document itself is dated just November of last year.

Unidentified Speaker speaking from the audience.

Vice-Chair Tsai: Please, can we have order please and not—

Mr. Spence: I'm just explaining because there seems to be a misunderstanding. That's informational only. That's not a judgment on whether it's...you think it's adequate or not.

Vice-Chair Tsai: And to keep order here, please don't speak unless you're at the podium. Thank you. Roger Strong?

Mr. Roger Strong: Hello, my name is Roger Strong. I live in Haiku. I've been on the island off and on since 1996, the past 20 years. So aside from the primary argument that is, that is the, that is developing a project in Makena is maybe nothing more than a land grab against the Hawaiian people, their legacy and stewardship, regardless of the current owner, the Hawaiian people still have the sacred stewardship to take care of the aina. And it's not only for their children but also as a gift to share with all of us when we visit.

Instead I speak to what is best, in the best interest of the island and Maui. We have seen plenty of land developments all over Maui. As a real estate broker myself, I have seen plenty in a last 20 years. However, one must realize that there are certain places way too precious to cut up and sell. Makena is one of these. Visitors and locals alike recognize the value of an undeveloped, prime shoreline area. So development essentially steals that experience away from all of us. So I ask you for a full and current EIS and that the Commissioners and this Department block and refuse this project with all the power of your office. Remember this is your island too. If you sell out to this project, you sell out all of us and that's all I have to say. Thank you.

Vice-Chair Tsai: Thank you. Questions from the Commission? Okay, Edward Chang?

Mr. Chang: I'll wait.

Vice-Chair Tsai: Deb Mader?

Ms. Debra Mader: Good morning, my name is Debra Mader. I live in Kihei. Children born here. This area of Makena is very special spiritually, culturally, historically. I haven't even been able to the opportunity to even my teach keiki about how special this area is. Aside from the Environmental Impact Statement which my understanding is different than the Assessment.

The Assessment was done in 2015, the Environmental Impact Statement which is supposed to be more detailed is what some people are referencing from the 70's and how much the community has changed since then. I stand firm with those that have spoke before me in opposition to accepting the Draft EIS as covering all the information for this very special area. The turtles found just off shore, you can just walk into the ocean, kids just seeing them for the first time may not have that opportunity if this project goes forward as planned. The exclusiveness of those that will come and use this area is quite upsetting to those of us who live and appreciate and help take care of this area. So with that being said, before I completely break down and cry, we are opposed to the way this project is moving forward out of respect for kanakas. Thank you.

Vice-Chair Tsai: Thank you. Any questions? Kamaile Makekai? Oh, I'm sorry. Yeah, thank you, sorry. You already did. If you only did once, we can only give you.

Ms. Makekai: I just wanna make sure you guys read the part—

Vice-Chair Tsai: No, I'm sorry.

Ms. Makekai: --if you guys overrule this it is a act of war, right.

Vice-Chair Tsai: Thank you.

Ms. Makekai: Just to make sure you guys know that. If you guys go against this document, it is an act of war.

Vice-Chair Tsai: Thank you, we got that. The one one is Kyle Faye, sorry Hoku. You wanna wait or you wanna testify now? Susan Cabatter?

Ms. Susan Cabatter: Aloha, I just to let you folks know I lived in my apartment for eight and a half, nine years and I just live in South Kihei. My building was recently sold and my rent went up a \$1,000 per month. I am homeless and I'm living at friends and families houses. I'm 49-years-old. I've never been homeless in my life. Where's our affordable housing? We are we supposed to go? I'm 49-years-old. I scrub toilets so I can try to find a place to live. I don't have, I don't have except for what, what the island gives us for free. And you're gonna try to take it away. This is all we have. We don't have money, but we have lot for each other, the land and money is not everything because when we die God is not gonna let us take our money. He's gonna take our hearts and souls and all the good things and the bad things that we did. And I ask that you really acknowledge what is happening to not only this land, to our world and let's make the right decisions because this is where it started the people do things right. And even when things are done wrong, they try to do the better thing. Kanaka lifestyle should be everywhere for everybody and that's why everybody from all over the world come here. They come here, they want to live, but if you wanna come somewhere and live don't change the life. If you cannot adapt to the lifestyle and all the aloha that is given for free why would you wanna take it away? Thank you so much. Please affordable housing. God bless you all. Take care of all of our land.

Vice-Chair Tsai: Thank you. Questions? Magdalena Wood.

Ms. Magdalena Wood: Aloha, my name is Magdalena Wood, I give testimony today to speak upon behalf of the ones that cannot speak. This is not regarding our natural resources and our marine life, our reefs are numbers are dropping. That is basically where we go for food. That's where we go to plenish our families. Did anybody ever consider the underwater, fresh water deposits that actually tunnel out to our reefs? You're gonna hit that. That whole place that you guys are thinking to put this bed and breakfast on that is one of our beds for our deer that's also food that's going over our deer paths. So all the things that you guys have planned for Wailea, all these luxurious houses, you guys are basically kicking out their natural inhabitants. There's also a heiau over there, also a place for worship to give back plentiful to our fish what we eat. So everything has a counter effect. This whole project is gonna be a domino effect and it's gonna crucify everything that we have. And also has anybody ever thought about the fish, what the fish eat if it is polluted, the fish will die. We eat the fish. Everybody eat fish here, right? Everybody eat everything off of the reef, right? There's always something for everybody. Why not think about the ones that no can speak, our habitats, our marine, our mammals that we have this is gonna kick and end basically eradicate what we have already. So everything that we have basically in Wailea has basically kicked everything else out that was already there. So I am opposed to this whole idea and it should be actually thrown out. Now the studies for the marine and everything that should be actually redone as...and also arbitration. Has anybody ever thought about that? There's also corrosion that happens over time to places that are actually developed really close to the ocean. So that's actually a danger to the wellbeing of our humans as well, the ones that like to come and live here. So we actually need to take a step back and do a whole reevaluation of everything that's gonna happen. Not just think for it today and about the money that is going to possibly make from this, but think about five to ten years from now our environment is not gonna be able to keep up. It just cannot. Are we going to risk the life of our resources for the life our greed, the money, the income? It's not gonna work out. This doesn't work out for the both us in the end result. Thank you for your time.

Vice-Chair Tsai: Thank you. Questions? Leslie Kuloloio?

Mr. Leslie Kuloloio: Good morning, Commissioners, Chair and to the kuleana that we all talking about in the subjects that you see that is coming from the voice of the public, ancestral voices as well as voices that speak back into time. And so I just wanted to come here...this morning I'm speaking on behalf of the Chair of the Aha Moku Hawaii and I wanted to pass my card around, please. I wanted to speak as the po`o of the Island of Kahoolawe and the Chair of the Aha Moku Advisory Committee that has been put into law and act that speaks about this body protecting under Act 288, the cultural and natural resources of Hawaii. This natural resources involve shoreline, water, land, and sea, the ocean. This resources go back to listening to the voices of our ancestral voices of Hawaii that's being misrepresented by sometime organizations that come from far away from Hawaii to become the consultation processors or decision makers for us all called the DAD system. You Decide, you Announce, and you Defend what you're speaking for, not for Hawaii but for some place away from Hawaii.

I want you to pass this...I want this hearing to be sent our Executive Director, Lemana Delmonte who are trying to work hand in hand with the Department of Land and Natural Resources. Under this Act it gives us under the Constitutional rights. I'm not speaking for OHA, it's a mess. I'm not speaking for Kingdom of Hawaii it's a total mess. I'm speaking of our roots that we, who's tried to fight for Makena in 1980 and the 60's on the Old Makena Road. My parents, my mom and I, and my dad, my children, we were the one that started the conversations against the Prince Seibu Hotel. I was gifted with the help of my mom to protect the Piilani Trail that sits

in front of the existing hotel. Wow, we saved the footprints of our ancestors that belong to the Piilani lineage that circled around Maui. We protected that under the 071 plan remember, when Maui County was going into the high density Lahaina, Makena, Kihei as a big density. Remember Maalaea, Kihei, and Makena got pulled into the high density? This is what's happening after how many years, 35, 40, 50 years now? We need to reevaluate. We need to reassess real fast.

Vice-Chair Tsai: Thank you, would you please—

Mr. Kuloloio: Yes, I will.

Vice-Chair Tsai: Thank you.

Mr. Kuloloio: I wanna come back and be sure that this process is listening to the voices of this next generation because Makena is a mess. From Makena Landing it's a mess. We pay \$52,000 to pay for our taxes to save our lands in Makena only three more families. The last we gonna save is that graveyard of my kupuna. The Makena now is for the rich, rich, rich, rich, most rich, highest rich, the very rich, the rich, rich, rich, rich, rich, rich, rich, rich, rich taxes, sir, taxes, taxes, rich, rich, rich is that who you represent. I do not represent. Chair, thank you for saying that, but I had to end 'em like this. I'll be back again. I'm through and this involves Makena, the Island of Molokini, Kahoolawe, on all the natural resources that I spoke to through the Aha Moku and the Chair of Hawaii. Thank you.

Vice-Chair Tsai: Thank you. Questions from Commission. Ashford DeLima?

Mr. Ashford DeLima: Aloha Chairman. Aloha Chair. Aloha. My name is Ashford Kaleiolani DeLima. ...(inaudible)...I was born in Kula, raised in Makena. I'm the fourth generation of Makena ohana. I have seen Makena change for years to come and I've seen Makena change up to this point. The feeling that I have that's going on right now my testimony is I'm against this resort. I'm against to improve Makena. Leave Makena alone. Let Makena be Makena. Also, my roots of my family goes back to the Queen that was overthrown. My great, great grandfather came from England to defend her and that didn't help. My momma's family is the Kukahiko family and we here 800 strong. Not here today, I hope I can represent them the best way possible. My saying to you, all of you malama ka aina. A`ole building noho`i kila. Save the building for people. Put affordable homes. My home had acreage in Oneloa. She had to sell that for whatever reason which I'm not gonna explain. A`ole pilikia. But now it's a State park. This is what I wanna see Makena to be a State park. From the hotel all the way to Wailea and Keoneoio also. We cannot bring back the land if you build this building here.

When I was growing up we had one water line which was 2-inch line. It came from Olinda. All you folks here that know Olinda, we had 2-inch water line. We survived. My dad had a farm. At one time we had 500 pigs. My dad worked for the Federal to support us and to put me to school. My mom was always his backbone. My mom raised in ...(inaudible)... My dad was raised in Ulupalakua. Malama pa aina. And my little background goes back where I was educated at Ulupalakua School until I was fifth grade then went to Kihei. After I went to Lahainaluna four-year boarder there I went further my education at Church College of Hawaii now is BYU Hawaii. I later became a elevator mechanic. Worked in Honolulu for 43 years. I've seen Waikiki change and also watch Makena and the way it is today a`ole.

Vice-Chair Tsai: Please conclude. Thank you.

Mr. DeLima: Mahalo. Leave Makena as it is. Do not touch the aina. Mahalo.

Vice-Chair Tsai: Erma Tanigawa? Colleen Curran? Joan Moore?

Ms. Joan Moore: Hi, my name is Joan Moore. I live at Wailea Fairway Villas on Kalai Waa Street. I've been coming to Maui and have been an owner of many condos on Maui since 1975. I have paid multiple amounts of property tax, but for many of those years I actually thought that the property tax I was paying was going to Maui to help the infrastructure and was actually found out that that really wasn't the case. There are quite a few things I wanna say in three minutes.

So first I am asking that this Planning, Maui Planning Commission have the courage to vote this project down. I am 100 percent against this project. I want you to save Makena. In the '70s and '80s there used to be a Save Makena signup sheet. It was all over the island. Some of you might remember it, I'm not really sure, maybe a couple of you. And for some unknown reason, and I think perhaps it has something to do with the people in this audience Makena was saved, but now Makena is being trashed. As you know, there will be condominiums going in because Maui Prince is now going to go condo. There's going to be a new hotel there. So we already have the condo traffic that's coming and the hotel traffic that's coming plus all the, all the homes that are going to be built around the golf course, they're coming. So now it appears from this project that there's going to be vacation rentals and commercial property and stores and I do not know when was the last time you actually walked Makena Road but I walk it four days a week. It is the only road left on this island that you can walk in peace and yet, you really can't even that because we got all the canoers there trashing the reef every day, trash...I mean it is unbelievable. Has anybody driven down Piilani to see the trash all over the roads? There's no money coming from the State to fix our infrastructure, to pick up our trash. We've got one public bathroom down in Makena, one. The parking lot at Makena Landing is full by 8:00 a.m., from locals just trying to get on a boat or get on your canoe and snorkeling. This plan does not allow for any our people to go to Makena. Is there a hospital down there, is there a clinic down there? When we hear a EMS go by, we know okay let's see by the time it gets down to Big Beach that guy is gonna be dead by the time he gets back to the hospital. Is there a planning, are they gonna build a hospital for us?

Vice-Chair Tsai: Ma'am please conclude. Thank you. Mike Moran?

Mr. Mike Moran: Aloha Chair and Commissioners. Mike Moran once again for the Kihei Community Association on Item D of New Business. Our purpose in submitting testimony to you from our organization is following the prescribed process as we understand it. The Commission is to prepare comments on the Draft EA and it our duty to offer input from our community to you which we hope you will consider while performing your prescribed volunteer duty. We believe the list of 10 preliminary items we distributed to you would be sufficient to require an environmental document that addresses water runoff and effect on coastal waters.

In our opinion, the most critical to the environmental assessment would be the following: The Hawksbill Turtle is endangered and the Green Turtles are protected. Using the County's Best Management Practices will not be sufficient to stop increased sediment from impacting quality of the bay that is already out of compliance with the Hawaii State Department of Health. The

Planning Commission need only to look at Mahana Estates project which used these County Best Management Practices for sediment control during construction to have evidence of out of control silt into the coastal waters. DT Fleming Beach has been closed for much of the year from brown water events. Mahana Estates had a stop work order when it was too late to halt the damage from the silt entering the ocean. Damage to the reefs will not be repairable.

Due to our structure examining the approximately 700 page document is extremely challenging. And while we could not state we read every word, our volunteers did examine the portions that we addressed in our list of 10 items. In our opinion, the inadequate environmental information addressed in the document expresses the need for a full EIS. There is no way...thus in no way a FONSI is justified of this document before the Commission this morning. Mahalo.

Vice-Chair Tsai: Thank you, Mike. Questions from the Commission? Debra Greene?

Ms. Debra Greene: Aloha, my name is Debra Greene and I serve as President of the Maui Meadows Neighborhood Association. I'm testifying on behalf of our association and its constituency.

We oppose the Draft Environmental Assessment for the proposed Makena Resort expansion and the Finding of No Significant Impact. A Draft Environmental Assessment does not adequately address true traffic impacts and does not take archaeological and historic sites into serious consideration. So we request a full Environmental Impact Statement which is different than a Draft Environmental Impact Assessment and a full EIS as has been mentioned hasn't been done in 40 years. So let's be really clear about the difference between those two. We're concerned about potential reef damage due to insufficient fill material used to control silt. The silt runoff can cause turbidity in the water that negatively impacts the reef and marine life. The affected bay is home to the endangered Hawksbill Turtle and protected Green Turtles. Further, a Draft EA does not adequately address true traffic and infrastructure impacts and doesn't take...oh, I already said that...anyway traffic impact report only analyzed three intersections close to the project. There was no analysis of impacts to the Piilani Highway, to Wailea Alanui or South Kihei Road which seems like a pretty egregious oversight. The two entrances to Maui Meadows are already backed up at shift changes from the hotels and those are the only two access points in and out of Maui Meadows. That's it. When they get backed up we cannot move.

Our Kihei-Makena Community Plan says, "upon adoption of this plan allow no further development unless new infrastructure, public facilities and services needed to service new development are available to prior to or concurrent with the impacts of the new development." Because infrastructure to support additional residents is not in place or even planned for, new residential construction in Makena is not supported by the community plan. What we're seeing is key infrastructure like transportation, drainage, falling further and further behind land use development. We see our County government not following the goals, objectives and policies of the community plan to the detriment of all. The County is supposed to "control the timing and phasing of construction through zoning in order to ensure systematic and incremental development. Such an action shall prevent haphazard development and ensure that the provision of adequate infrastructure and public facilities and services takes place prior to or concurrent with development." That's a quote from our community plan. The County government has been following these policies or objectives for development in our South Maui District and we are not happy about this.

Ms. Takayama-Corden: Three minutes.

Ms. Greene: So for starters we request a full EIS on this proposed development. Thank you.

Vice-Chair Tsai: Thank you. Questions? Tamara Paltin?

Ms. Tamara Paltin: Aloha Planning Commission. My name's Tamara Paltin. I'm here representing myself and I'm in opposition to this development. If you can, I would like you to just vote to do away with the whole project. If you cannot, I'm in agreement with the majority of the testifiers before that a Draft Environmental Assessment is not adequate as testifier Moran mentioned, I was on the front lines of the Mahana Ridge development. I work at Honokohua Bay and I seen firsthand everyday it rained more than one-inch the whole bay would get brown. I got pictures some of it is from trespassing, but you know, lesser of two evils. I didn't do the trespassing.

Anyway, the other thing about it is that this is a special management area and you know, we have no shortage...I live in West Maui, but all of Maui there's no shortage of gated communities. You know, people that wanna separate themselves from everybody else. Keep the culture, but there is a shortage of open space coastline. Climate change whether you wanna believe it or not is a real thing. In West Maui we have Hololani and several other condominiums that are actually falling into the ocean right now. And there's nothing that they know what to do. Seawalls only exacerbate the problem. You can try and find sand from someplace else and rebuild and the next storm will take it away. So that this development is so close to the coastline, it's not falling into the ocean, but where will it be from 50 years from now, 100 years from now? Have kids, Hawaiian kids growing up in Hawaii that won't be able to see the coastline as it was meant to be. That's the culture. When I go out to rescue people and see the coastline of Kahana Sunset where they shore out the whole wall and make this big seawall that's not Hawaii. That's like mainland or somewhere else. It has no characteristics of Hawaii. It's just a big wall. If you look at Kahana Sunset from the ocean, that's not Hawaii. Our kids, our Hawaiian, Haole, whatever growing up in Hawaii are losing the opportunity with each decision you make to see what the natural coastline is, to gather a`ama crab, to gather and experience what has been experienced for many years.

You know the other thing too to point out is in 2008 there was big economic collapse and all the plans that you guys had for development just stopped. You think it's not going to happen again? What is the price of oil? What is the loans being taken out by the people drilling oil? There's collapse. Doesn't not happen you know. So I think you should consider what braddah said over here, money is nothing. Our ability to sustain ourselves from what comes from the ocean, what comes from shoreline that's what is important. Building houses for off island people that don't live here, poho. Mahalo.

Vice-Chair Tsai: Thank you. Albert Perez?

Mr. Albert Perez: Good morning, Commissioners. Albert Perez, Maui Tomorrow Foundation. You know the Planning Commission is given a lot of power to protect the resources of our coastline and we rely on you to make the decisions that will enable our environment, our fisheries to last over time. So we do appreciate the role that you play and State Law gives you a lot of power.

We submitted many comments in response to the early consultation request for this project and several were not addressed in the Draft Environmental Assessment including identification of the water source. The Draft EA states that the developer is working with the Department of Water Supply to obtain water but there's no discussion of the impact on existing aquifers, no discussion of the alternative uses to which our limited supply of water could be put including the provision of affordable housing that's sorely needed. And since the lack of housing is causing and will continue to cause severe societal disruption, the impacts of using water for part-time homes and vacation rentals for mega millionaires should be evaluated in a full Environmental Impact Statement.

A couple of other testifiers talked about the brown water. Standard best management practices for drainage and runoff we know that they fail. We've seen it at Kapalua, we see it at Olowalu and other sites and that impacts the near shore water quality, the reefs, the fish populations. The potential impacts from that kind of a failure even though it's the best management practice it still will impact the reef if we get a bigger storm than it can handle, and that once you get the sediment on the reef it takes years to recover. The coral cannot reseed. So that's an impact that should be evaluated and a full EIS if we wanna continue to be able to fish in this area.

The Environmental Assessment talked about...sorry, we asked that alternative site densities be considered that would minimize the harm from storm water. But lower density alternatives were not evaluated in the Draft Environmental Assessment.

And finally, if you look at the last page of the testimony I submitted, it shows a parcel, it's in what's called M-5 of the project, and kind of horizontally you can see the old Makena to Ulupalakua Road going up through the kiawe and that is listed...actually our Kihei-Makena Community Plan talks about ancient roads and paths, historical roads and paths as cultural features that need to be preserved.

Ms. Takayama-Corden: Three minutes.

Mr. Perez: Three? Yeah, I'm almost pau. Thank you. So we ask that the EA include project designs that preserve its alignment, but this was not done and without a change to this design the project will cause an irreversible impact on a historic resource that is specifically protected in the community plan. And that alone is enough for you to require a full EIS. Thank you.

Vice-Chair Tsai: Questions? Thank you. Tim Lara?

Mr. Tim Lara: Aloha, my name's Tim Lara. I'm speaking on behalf of Surf Rider Foundation and our thousands of members here in Maui County. I was a graduate from the 2011-2012 Ka Ipu Kahui Fellowship and one of the things that we learn there is to kinda look at both sides of these things as we move forward and I fully understand that development will happen. It's more of a question of how, when, and why it happens. With this development the Draft EA was from 2015. I forget who it was that brought that up, however it's based off of information from a 1974 EIS. So one thing that Surf Rider will ask that you guys to consider, actually require is an updated full EIS that looks at all of these issues.

Just a couple of things that speak directly to Surf Rider's mission which is protecting our oceans, beaches, and waves through conservation, activism, research, and education is that

specifically addressing what measures will be taken to ensure there's no runoff especially in a event of like a 100-year storm. You know, we've had several testifiers talk about the project over at Honolua. I spent about 320, 340 days in the ocean here in Maui. Not only do I coach, but I also paddle competitively and recreationally. I personally seen in the past couple years what's happened at Honolua where the bay has gone from you know, bright and vibrant, it's degraded a little bit ...(inaudible)...from sediment but in the last couple years it's completely black from the runoff from the development there. I understand Kihei doesn't have the same amount of rainfall, Makena doesn't have the same amount rainfall but we've seen numerous in the past, you know, 13 years that I've been here storms that have flooded all of South Maui and Makena. So what happens in a situation like that? That's what needs to be specifically addressed. Not kind of these vague, we have measures in place to ensure that no runoff happens. We wanna specifically know what those measurements are especially again in the 100-year storms.

Another one is...has been brought up is beach access, actual open beach access not here's 10 parking stalls. The area is already heavily used by visitor industry as well as individuals that live here. You better staying at the nearby resorts. I think we've seen time and time again, Kaanapali, Makena, Wailea where resorts go in, beach access is provided in terms of 6 to 20 stalls that are full by you know, 7:30, 8:00 in the morning. Again, this area with the access road heading down and the shoreline area is heavily used. If you drive down there you can see that. So both the impact of the actual construction itself and the vehicles for the construction itself I think that needs to be addressed, but then after-the-fact where are the parking and where the beach access is gonna be. This is one of the last open spaces in Makena that's available at which you wanna pull up on any day of the week and go access the ocean. Be on stand up paddle board, kayak, canoe, what have you. There's really not any other place in Makena that you can do that currently. And so I think that that's definitely from Surf Rider standpoint, it's something that needs to be addressed as well. So again we're requesting that should you guys move forward with this that a current full EIS is provided and I'd venture to say that there would probably be having stated all of these and hearing the testimony from not only Surf Rider but others there would be legal action—

Ms. Takayama-Corden: Three minutes.

Mr. Lara: --if a EIS isn't updated from 1974. Thank you.

Vice-Chair Tsai: Thank you. Questions from Commission? Thank you. Junya Nakoa?

Mr. Junya Nakoa: Morning. My name is Junya Nakoa from Lahaina. What his name again? ...(inaudible)...or whatever? Okay, I not opposed to this project. I no fricken like this project, okay, and any other project like this, okay. Us guys...us kanakas getting cornered into one corner. You guys creating one wild animal, okay. You guys taking away our beaches, you guys taking away our culture, you guys creating one fricken...one wild animal, okay. Kaanapali, how much times I gotta go see this guy if I like go protest or if I like go stand for union stuff, oh get all kind corners I gotta go. Before we can just go over there and march on the beach and speak my mind. Now get all kind of stuffs I gotta go through. It's getting kinda nuts. You guys taking our beaches away. Get one place in Kahana that us guys, that's my...as our family place, okay. Again, the State wanted for come over there take 'em away from us. Us guys said hell no. Just because the millionaires, million-dollar homes around our place like come over there tell us what for do. Okay, we said, hell no. We had stop 'em 'cause we did our own EIS. Showing them

how we protect 'em. And like Tamara said, Tamara said that seawall stuff buggah no work. Buggah make 'em more worse. Okay, leave 'em alone. The ocean and aina work together. The buggah still stay there that place. Thing neva run off. Okay, you can go ask the DLNR those guys came over there and we had to correct them, okay. Same thing with the Olowalu we when stop 'em. You guys taking away all these beaches and all this access. Same thing with Makena, like all everybody stay saying, mahalo to all everybody stay coming. But we get cultural rights, okay to gather, okay and I know 'em. You guys like us go Kaanapali put up one 20 x 30 tent and have one baby luau down there in front of all these Haoles, all these millionaires, the taxpayers you say you like protect, us taxpayers all go over there take back our beaches one way or another and I not joking. I mobilizing this buggah, okay. BEA 30 is when I used to like to go drink, time for drink, BEA 30, the B-E-A stand for Braddah Educating America. We going come over there let you guys know what where we stay and what we all about. Okay, you guys EIS no count, buggah's out. But if gotta do 'em for stop this kind stupid projects, stop 'em, okay. Do 'em. 'Cause us guys I tell you like the Olowalu part, these guys came with the EIS stuff, get all the people from the mainland telling us how, what, how for do with our own island. When we get people who can...the marines, whatever, the all this kind traffic guys, out of Maui can tell you guys what is right and wrong not the guy from North Carolina, South Carolina and all that kind stupid places. Come over here and stay over here in Maui. Like the guy said about no mo traffic impact, bull crap. You guys try drive with them, oh I don't know how much you guys live Lahaina, I know you gotta go 'cause you work over there. But try drive the road brah. It impacts like this thing, the braddah said this guy said not going impact, buggah going impact, okay. Stop cornering us guys in one corner. You guys going create one animal and you guys not going be able to control 'em 'cause we get choke rights and we educating ourselves about it, okay. And tax payers money? Uncle—

Ms. Takayama-Corden: Three minutes.

Mr. Nakoa: --us guys pay taxes every day. This guys that neva pay taxes yet, okay. And my...you talk about the senior citizens as my kupunas. Okay, you talking about us guys protect them, we help them, we make sure we da kine. And make sure they do the EIS 'cause if they screw up we not going wipe their ass again. We tired wipe people's ass.

Vice-Chair Tsai: Thank you. Okay, we're gonna take—Claire Apana?

Ms. Apana: I'd like to go after...(inaudible-speaking from the audience)...

Vice-Chair Tsai: Okay, all right can we take a five-minute recess, ten-minute, yeah come back at 10:35.

A recess was called at 10:30 a.m., and the meeting was reconvened at 10:38 a.m.

Vice-Chair Tsai: I have people who signed up late for testimony. If anybody needs to testify now on the list please come up, otherwise we're gonna keep the meeting going here and you may testify after the presentation.

Unidentified Speaker: Can we go two times?

Vice-Chair Tsai: No you only...sorry, you can only go once. I'm talking about the people who signed up. Okay, please come up and identify yourself.

Mr. Dustin Palos: Aloha Commissioners and thank you for coming up for the support to the community. My name is Dustin Palos, I represent Kaneloa. I'm the founder of Kaneloa trying to get the community especially the high risk communities out to these places, this was like Kahoolawe, Ahiki-Na`u is very near to this proposed development where critical habitat is crucially important. As you folks may know, critical habitats are habitats that are home to near extinction creatures in Hawaii, 18 invasive species get here every 30 days which is real bad. You guy may have heard of Rapid Ohia Death? Scientists have found no cure or no solution to this. Development is a real bad thing to the environment. Lots of these big multi billionaires, millionaires brings in resources from all over the world that have diseases and bugs. Brown Recluse got here from developments, the Black Widow got here from developments. The Koki Frog got here from big palms from Puerto Rico. I'm a descendant from this ancient moku of Honolua. This is my first time doing this. I really want the communities to get more involved. Again, Ahiki Na`u is one of the last pristine places on Maui and it now getting ruined by coral bleaching because of the lack of natural resources, no forests. Again, all these billionaires coming here what are they doing for the communities? What is the HTA and the hotels and the resorts, condominiums doing for the resources and the communities? You can build a police station or a hospital or whatever in overnight, in year, but it takes 15 years to build a school. But and then we have people with money, you come here, oh we can have a house in five years because I can go pay off the commissioners or the politicians who involved in this positions. I don't think it's right, but again, I am still new to this procedures and I don't think we need more development especially in that area unless you guys can make a come a commitment to the environment or you guys shouldn't approve any other big developments or hotels. The environment should be a priority. One percent of the state budget goes to natural resources and we have huge construction companies who are on the Board of Land and Natural Resources like TJ Gomes. Why is a developer on a Board and Natural...Land and Natural Resource Commission? That is conflict to me. Why is it we have Board of Ethics if the government is not following these mandates and ordinances? But I thank you for your time and I again, thank you to the community for coming out. Aloha.

Vice-Chair Tsai: Thank you. So does anyone else?

Ms. Trinette Furtado: My name is first on the list but I may have to go pick up my child before you get to the presentation.

Vice-Chair Tsai: Thank you. I'm sorry, what's your name again?

Ms. Furtado: My name is Trinette Furtado.

Vice-Chair Tsai: Thank you.

Ms. Furtado: Aloha Chair, Vice-Chair and Commission Members. O Trinette Furtado Ka ui noa. Noho mai au a mokumoku o hamakua loa. I'm a fifth generation kanaka on Maui and I have ohana who live in that area of Makena and whom I frequent that area of Makena with and the greater South Maui area.

I'm in opposition to this project and I ask that this Commission deny it. But if that is not within your power that you require the developer to conduct a full EIS before anything continues. I have several concerns regarding this project. It is only one of several planned projects by this

developer that will encompass a greater area and will eventually have a greater impact on South Maui. This Commission must consider not just the impacts of this project but how it will blend with other projects in the area. This is a cumulative effect and must be considered. Add to that the fact that there's been no EIS done for this project for 40 years, it just makes good business sense and community sense to do an updated one. Makena Resort did an EIS in the early '70s and the Makena then is not the Makena now. Why has Makena Resort avoided upgrading their EIS? EISs can be upgraded by a supplemental EIS based on the fact that things have changed since they did their first one. Given the fact that there are many culturally historic and archaeological sites in the area what is covered in the Draft EA is insufficient to ensure proper protection of mea Hawaii. It is this Commission's duty as it is the duty of all other departments, commissions, and committee to uphold the rights of kanaka to traditional and customary access to the areas our kupuna have tread. To save just scant few of the currently identified sites is a hewa that only compounds the persistent attitude of entitlement. Entitlement to pick and choose what will be saved and honored. Entitlement to change aina forever for the benefit of a select and wealthy few. That is simply not enough. There are those who've walked that aina and will verify that there are numerous sites located there. A more detailed analysis does need to be conducted.

It is a concern to me that our Planning Department has no notes for this Commission to refer to for you regarding this Draft EA today. So I do hope that you've all had the chance to read through the entirety of the Draft EA before making your decision. I want you to keep in mind Hawaii Administrative Rules 11-200-12 pertaining to issues that would trigger the request by this commission for an EIS which states and I have to paraphrase because of time, "in considering the significance of potential environmental effects agencies shall consider the sum of effects on the quality of the environment and shall evaluate the overall and cumulative effects of an action. That the agency shall consider every phase of a proposed action, it's expected consequences and the cumulative as well as the short-term and long-term effects of the action. In most instances, the action shall be determined to have a significant effect if it involves an irrevocable commitment to loss or destruction of any natural or cultural resource." I would consider these the specific archaeological sites in the area. "Whether it involves an irrevocable commitment to loss or destruction of these resources which substantially effects—

Ms. Takayama-Corden: Three minutes.

Ms. Furtado: --the cultural practice of the community or state." For these reasons and more, I request that you deny this project and if you are not able to do so, that you do not accept the Draft EA as sufficient and require a full EIS be done. Mahalo for your time.

Vice-Chair Tsai: Any questions from the Commission? Thank you. Anyone else wish to testify at this moment?

Mr. Larry Koss: Thank you. My name is Larry Koss. I live in Wailuku. I'd like the...I hope I can imprint a redefinition of when we hear the word, "development", what we're really hearing is devolvement. I think that's what so many people are speaking to. I know I just came from the Council meeting upstairs where people were talking about homeless, the need for to address homelessness. But as I stand here I wonder how many of us were here up in the Council meeting a mere 20 days ago addressing a similar experience of spec marketed construction attempting to further exploit Maui and with its efforts citizenry to preserve...(inaudible)...excuse me I'm nervous, disappearing remnants of pono. The last meeting was of course an effort on

the part of the collective industry itself to have the Show Me the Water Ordinance repealed. Thankfully the Council chose not to allow that to happen. My prayer is that this committee will demonstrate the same level of wisdom, heart and courage today as this public seeks to save Makena from the avaricious clutches of those who seek not to develop it rather to devolve it into another humongous resort complex.

At the February 6th meeting I noted that in February 2015 this Administration's Long Range Planning Department listed permits for 17,911 new single and multi-family homes. That's not even a resort that's just a home. Of these, 11,011 were designated committed and 6,900 partially entitled with none yet designated affordable. Indeed if they matched the 133, two-story townhouse development going up behind my...in my backyard, 25 feet from my back door adjacent to the Bailey House Museum or the 200 at Maui Lani Parkway site each by an Oahu based firm actually these seem to be homes will cost \$400,000 and up. Assuming few, if any will be affordable to average working class locals or indeed be sold, truly sold to them the impact of new residents would deliver an estimated 41,000 more cars. This is just the houses we've got, the permits we've got out now, right, 41,000 more cars, 204,000 tons, a quarter of a million tons of annual carbon emissions from the cars alone and 47,000 more people which would represent about a one-third increase in Maui's present population. Of course, this represents just the surface of additional costs and expansion.

So here we are again facing yet another version of the same dilemma that has plagued Maui for generations. Indeed it seems there's a great possible lesson on the table now should we wish to reach deep enough into our consciousness and love of this land and its people to grasp it. I believe our lesson should we choose to express embrace it is to recognize that these two issues within 20 days of each other represent a long, never ending, should we not wake up series of symptoms of an underlying context ...(inaudible)... diseased that this Administration and public have been swept up in from its beginnings.

Ms. Takayama-Corden: Three minutes.

Mr. Koss: Indeed one that has brought both this community and the rest of the world to an unprecedented level of jeopardy. Thank you. The underlying disease is the context from which we have practiced economics, politics and community administration today. Without the question this context has been and remains to this day a commitment to wealth economics which has vastly and tragically fostered a disparity not merely of wealth but wellbeing of people and our aina and resources throughout Maui and across the planet. I'll save you the rest of it.

Vice-Chair Tsai: Thank you.

Mr. Koss: Thank you very much.

Mr. Brian Naeole: Aloha, maikai kakihika. Aloha Council Member. I been in this project for a while and—

Vice-Chair Tsai: Your name?

Mr. Naeole: My name is Brian Naeole. I've been in this project for a while. As a SMA...I mean the EIS that came out I did diligently went out to recognize who I was first before I even attempt to even get involved. But a lot of these places in Makena has been through my mother's side

that's in history we have Kamehameha the Great and at the time of his born it was Alapahinui Kawawamahi and these property in this areas are all under his land commission award. And lot of the families that has land commission awards are all patented in with the like you know, the Mahele book. So I come here diligently just to know, you know, for my life is being on the land. You know these lands has been isolated for years now we finding a lotta significant resources that it's been there for years. And you know, being that we haven't had that opportunity to recognize our history, now we're getting this opportunity to go on the lands. And lot of these lands are already were owned by LCAs not tax map keys. It was all land commission awards. And now with the situation with Hawaii and everything we're kinda all confused right now. And this situation for me, you know, I'm concerned like everyone here in this room are concerned. Who owned these lands, you know? Where do we come from? What part of the world we come from? This recognition here gives me that opportunity as a lineal descendent to voice my opinion for my ohana that has been there for centuries. They left back a significant sign of what can we do, how can we work together of being pono? You know, today we having so many discussion of building, building, building, money, money, money, you know, this is...we never even take care the reality of the overthrow back in 1893. You know, we're stuck. You guys start from 1959 statehood is that legal? Is that binding in the eyes of U.N.? I think a lotta situations are gonna be coming around. So the first and foremost is recognizing who you are. What part of the world you come from. As a lineal descendant it's my legal right, my vested right, my opportunity to recognize these places because I'm a voice and a maka, eye for this places. And you know, again, I've been, I been around, I been at the Awahi Wind Farm as a consultant as a lineal descendant through Princess Ruth Kailikolani. You know it's a hard reality—

Ms. Takayama-Corden: Three minutes.

Mr. Naeole: --because today we need to know who we are and what part of the world we all live in. And you know, we're seeing something that we don't even 'em in the schools back then. It was illegal. But today now we understand what we need to do, why we're here and why it's so important that we all communicate together. But we have the EIS out there we wanna make sure that before we even attempt to destroy it, what was the significant life of it? You know, it's...to me it's alive and well and it's not going nowhere and we need to take care this problem--

Vice-Chair Tsai: Thank you.

Mr. Naeole: --if you like it or not. Mahalo.

Vice-Chair Tsai: Thank you. Okay, Dustin Palos? Tehya Kalanikau? Madison Burke? Shane Caldwell? Summer Travis? Simon Bater-Mongelli? Bart Patitucci? Public testimony is now closed and we're gonna go to our first agenda public hearing item, C-1, Director?

Mr. Spence: So Commissioners we are on your first public hearing item. That first one for Mr. James Argyropoulos requesting SMA Permit and Shoreline Setback Variance is related to a seawall. That's going to be rescheduled for March 8th. So that is no longer on this agenda.

C. PUBLIC HEARING (Action to be taken after public hearing.)

- 1. MR. JAMES P. ARGYROPOULOS requesting a Special Management Area Use Permit, and a Shoreline Setback Variance for debris removal at**

shoreline and slope repair project to mitigate the severe erosion fronting the project site at 475 Hana Highway, TMK: 2-6-009: 005, Kuau, Island of Maui. (SM1 2013/0015) (SSV 2013/0003) (J. Buika)

Due to recent erosion events, the Applicant is examining several possible design modifications. The public hearing will be rescheduled and renoticed when the Applicant is ready to proceed.

Mr. Spence: The second public hearing item is Mr. Ed Alexander and Mr. Kyron Brimmer requesting a Bed and Breakfast Permit within the Rural District in Maui Meadows, and our Staff Planner this morning is Ms. Evelyn Aako.

- 2. MR. ED ALEXANDER and MR. KYRON BRIMMER requesting a Bed and Breakfast Home Permit in order to operate the Nani Pulelehua, a four (4)-bedroom bed and breakfast home located in the Rural District at 3537 Malina Place, TMK: 2-1-017: 017, Maui Meadows, Kihei, Island of Maui. (BBKM T2015/0008) (E. Aako)**

The subject application is being brought to the Maui Planning Commission for review because there is at least one permitted bed and breakfast operation located within 500 feet of the subject property.

Ms. Evelyn Aako: Hi, good morning Commissioners. If I could just have a moment to get this set up the presentation?

Mr. Spence: Want five minutes?

Vice-Chair Tsai: Yeah, take a five-minute recess.

A recess was called at 10:56 a.m., and the meeting was reconvened at 11:02 a.m.

Ms. Aako: Staff Planner Evelyn Aako. This item is coming before you because the applicants Mr. Ed Alexander and Mr. Kyron Brimmer who are father and son are seeking a Bed and Breakfast Permit operate their bed and breakfast, Nani Pulelehua B&B. Because there are three permitted B&Bs within 500 feet pursuant to Maui County Code the B&B needs the Commission's approval for operations. So I have a brief PowerPoint presentation, go through the scope of the B&B. Thank you, Director. And then after which we can answer any questions. And one of the applicants is here to answer any questions you might have.

So the proposed B&B is in Kihei at 3535 Malina Place. You can see the location there on the location map. It is within the Maui Meadows subdivision. And this is the site and parking plans, and I apologize that it's a little small here, but it is Exhibit 2 in your staff report so you can look at it a little clearer there. But you can see Malina Place to the west of the property. The driveway that goes up running kind of upwards, slopes upwards, the...this is the primary dwelling where the proposed B&B will operate. Here is the ohana dwelling where the applicants plan to reside. You can see a parking space here and then plenty of parking spaces here. So there is plenty of off-street parking for guests as well as owner/proprietors. And then here is the deck/pool area that you'll see more clearly in the next slide.

So this is the view and the next few slides are all exterior pictures. This is the view again from Malina Place. You can see that driveway I was mentioning going up into the property. And then here is the pool deck area sort of below and there'll be some more pictures where you can see what that actually looks like from the front on view.

Here is the south side of the house, the driveway coming up. Here's the north side of the house. You can see some foliage that's kind of landscaped around the edge of the property boundary. And here's the pool deck area, west side of the house. Malina Place is right here. And then the east side of the house, southeastern, east side of the house here.

Next few slides are the interior of the B&B. And just as a side note, one of the applicants Mr. Brimmer is a licensed architect and he actually designed this place. So here you see the kitchen, living area, foyer. This is on second floor, second floor living area, second floor lanai that is attached to guest bedroom no. 4. Bed and bathroom, no. 1, bedroom and bathroom, no. 2, bedrooms 3 and 4 and bathroom no. 4.

So as I mentioned earlier, this is coming before you because there are three other permitted bed and breakfasts within 500 feet. So you can see this is the proposed B&B that we're talking about and then these are the existing B&Bs. They're right on the edge of that 500-foot boundaries so almost 500 feet away.

The community plan area is Kihei-Makena, and as of December 16th of last year there were 30 permitted bed and breakfasts in that area, 30 permitted short-term rentals. The community plan cap for each is a 100, 100 for each. So there's a remainder of 70 B&B permits available for this area.

The applicants have taken some steps to really ensure that the residential nature of the neighborhood is respected and that all their neighbors felt comfortable with the proposed B&B. So in addition to the required two mailings, there's one mailing that the applicant has to do at the onset of the application process. There's a second mailing that needs to be done when the public hearing date is determined. But actually prior to both of those mailings, the applicant sent a letter to neighbors saying we're planning to apply for a B&B if you have any feedback, if you have any concerns please let us know. And after the three mailings and as of today's date there's been no neighbor protest, no neighbor opposition. And in fact, there were two letters of support from neighbors within 500 feet. So those are all attached to your staff reports. Exhibit 6 is the letter that the applicant sent prior to the mailing and then Exhibit 7A and 7B are the letters of support from neighbors. Then you'll see in Exhibit 8 that the house policies emphasize quiet hours and respect again for the residential nature of the neighborhood. If you remember from the pictures we looked at the landscaping kind of helps to minimize any audio and visual disturbances that might affect neighbors. And finally, during the review, the Department looks with the MPD and there were no noise disturbances or any reports of any kind.

And then just to give you a little bit more personal biography and information about the applicants. Mr. Ed Alexander and Mr. Kyron Brimmer, father and son again, Mr. Alexander is a 20-year resident of Maui. He's an educator and teacher and has taught at a lot of different schools on island. He actually was here earlier, but had to leave because he had to go teach a class. And then Mr. Brimmer who's a 10-year resident of the island, licensed architect, works for the Federal Department of Defense and has a part-time architecture practice and his architecture design is based on sustainable design standards and attempts to incorporate local

resources into the architecture. So that, that is it.

Vice-Chair Tsai: Thank you. I'd like to open the floor up for public testimony regarding this agenda item. Please come forward, you have three minutes.

a) Public Hearing

Mr. Tom Croly: Aloha Commission. I'm Tom Croly and I'm a resident of Maui Meadows. I'm not familiar with the applicant. I don't know him personally. I'm familiar with the house. I watched it get constructed. It's a beautiful, beautiful house sitting up on a hill and enjoys a big view. I want to emphasize that a bed and breakfast should be a bed and breakfast. The owner living there, the owner keeping everything in check on site making sure that all of the bed and breakfast conditions are met and that's my only concern here. I'm pleased to see that there were no owner, no neighbor objections because I am aware that this place has operated for many years as a vacation rental. The fact that we haven't seen any letters of objection from neighbors must mean that it is fitting into its environment well. The only concern that I have, if you will, is that we've had the bed and breakfast law in place now for many years and why this application is only coming forward now. But seems to have met all the requirements and provided that the owner ensures that the conditions of the Bed and Breakfast Permit are held within then I would support this application. But again, I don't know this particular applicant. I do know almost all the bed and breakfast owners in Maui Meadows and I walk Maui Meadows every day and have a good feeling for it. Thank you.

Vice-Chair Tsai: Questions from the Commission for the testifier? Seeing none, testimony is closed...Oh, Commissioner Medeiros?

Mr. Medeiros: I had a question for the applicant.

Vice-Chair Tsai: Yeah, we're gonna open it up right now. So public testimony is now closed. We're gonna have questions from the Commission.

Vice-Chair Tsai: Commissioner Medeiros?

Mr. Medeiros: Yeah, I have a question for the applicant. Okay, it was just brought up that are you going to be living there?

Mr. Kyron Brimmer: My name is Kryon Brimmer. I do live there with my parents, Ed...(inaudible)...Alexander.

Mr. Medeiros: Thank you. And you ran this before as a vacation rental prior to this?

Mr. Brimmer: We did experiment with the vacation rental, yes.

Mr. Medeiros: When was the last time you rented the place out?

Mr. Brimmer: 2014.

Mr. Medeiros: 2014? Question for Corporation Counsel. Isn't there a ban on applications for vacation rental if you were running it illegally? If so, how long—

Vice-Chair Tsai: It's probably for the Director.

Mr. Murai: I don't know. I'd have to defer to the Director.

Mr. Spence: If an applicant...the five-year ban applies to short-term rental homes and for the members of the audience and for the Commissioners, we view short-term rental homes differently than bed and breakfast where one...where the B&Bs the applicants live in the home and the short-term rentals are absent, they live elsewhere. That five-year ban if they were, if they were operating without a permit and we find out about them they cannot apply for a period of five years. That's the way our law is written. We do advise people however, you could apply for a bed and breakfast, but you have to live there and we will ensure that. So the applicant could not, at this point could not apply for a short-term rental home, but he could apply for a bed and breakfast and that's what they're doing.

Vice-Chair Tsai: Any other questions from the Commission? Seeing none, I'd like to get the recommendation from Staff.

b) Action

Ms. Aako: Staff Planner Evelyn Aako again. So the application does comply with the applicable standards for a Bed and Breakfast Permit and as such the Department recommends approval subject to the 16 standard conditions for a B&B Permit.

Vice-Chair Tsai: Thank you. Do I hear a motion from the Commission?

Ms. Duvauchelle: I'll make a motion to approve the B&B application.

Vice-Chair Tsai: Motion made by Commissioner Duvauchelle.

Mr. Hudson: I'll second.

Vice-Chair Tsai: Second by Commissioner Hudson. Discussion regarding the motion?

Ms. Duvauchelle: I am glad that the applicants came in and did the application. I like out of...I'm not a real big vacation rental fan, but I like the B&Bs that live there and it looks like the home is set up well for it. So I support it.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: I'm not in favor of any B&B. Thank you.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: This is a question for Staff. Earlier this morning we heard from the president of the community association for Maui Meadows. Was any communication made to the community association about the application?

Ms. Aako: Not in regard to this specific application. We...the Department doesn't generally

confer with the homeowners associations specifically, but I did do some research as to whether or not these are permitted under their homeowners rules and regulations and there's no objection to that. So but we don't actually specifically go to them for comments or review.

Mr. Hedani: Thank you.

Vice-Chair Tsai: Director?

Mr. Spence: And just for the Commissioner's information the Maui Meadows Homeowners Association is not a mandatory membership like you would be if you were living in a condo project or certain residential subdivisions where you by living there you are automatically a member of that association, you pay dues and all that. It's a voluntary board. I'm not sure how they do their funding or anything, but you know, and I'm glad they're there that you know, they give some voice for that community. But it is not an official association where you are mandatorily a member. And just another comment, just the fact that there have been no complaints and everything that at least indicates to me that they've been very responsible operating.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: I guess this is a question for the Director. The association at Maui Meadows have pursued and obtained from the Council a cap on the number of short-term vacation rentals for the subdivision. Do you know if they have position relative to B&Bs?

Mr. Spence: There is...there's no specific cap on B&Bs for Maui Meadows. It's only for short-term rentals where the owners are not there.

Mr. Hedani: Right. No, the question was they had lobbied for and obtained a cap on short-term rentals for Maui Meadows. Do you know if they have a position on...that you know if the association has a position on B&Bs?

Mr. Spence: I'm not sure if they have a position or not, but there is no cap.

Vice-Chair Tsai: Any kind of comments? Director, can you please repeat the motion on the floor?

Mr. Spence: The motion is to approve as recommended by Staff.

Vice-Chair Tsai: So all in favor by raising your hand?

Mr. Spence: That's one, two, three, four. All opposed?

Vice-Chair Tsai: One.

Mr. Spence: There's one. And one abstention.

Mr. Medeiros: Mine is an abstention even though I know it's gonna be for it. It's just that I cannot see myself voting for somebody that broke the law.

Mr. Spence: So that would be five votes in favor.

Vice-Chair Tsai: Right. So abstention is actually a positive—

Mr. Medeiros: Yeah, I know.

Vice-Chair Tsai: --vote. So we have a majority vote. Motion passes. Congratulations.

It was moved by Ms. Duvauchelle, seconded by Mr. Hudson, then

VOTED: To Approve the Bed and Breakfast Home Permit as Recommended by the Department.
(Assenting – S. Duvauchelle, L. Hudson, W. Hedani, R. Higashi, abstained – J. Medeiros)
(Dissenting – K. Robinson)
(Excused – K. Ball, I. Lay)

Vice-Chair Tsai: Next item, New Business.

Mr. Spence: Okay, Commissioners we've gone through agenda C. Your next item is New Business, ATC Makena Holdings requesting comments on the Draft Environmental Assessment for the proposed Makena Resort M-5/M-6/S-7/B-2, and our Staff Planner this still morning is Ann Cua.

D. NEW BUSINESS

1. ATC MAKENA HOLDINGS, LLC requesting comments on the Draft Environmental Assessment for the proposed Makena Resort M-5/M-6/S-7/B-2 project on approximately 47.15 acres of land located in the vicinity of the Makena Alanui Road and Honoiki Street intersection, TMK: 2-1-008: 080, 098, 099, 100 and 106, Makena, Island of Maui. (EA 2015/0007) (A. Cua)

The Chapter 343 triggers are the use of County lands and work within the shoreline setback area. The Commission is the accepting authority of the Final EA.

The applicant also filed for a Special Management Area Use Permit. The public hearing on this application will be scheduled after the Chapter 343, HRS process has been completed.

Ms. Ann Cua: Good morning, Mr. Chair, Members of the Commission. What we're gonna do this morning is I'm gonna provide some introductory remarks and then I'm gonna turn the floor over to Mark Roy, who represents Munekiyo Hiraga and he's the consultant for the project and they're gonna do a presentation. And then we can come back and talk a little bit more about the document.

So the item that's before you this morning is a Draft Environmental Assessment prepared for the proposed Makena Resort M-5/M-6/S-7 and B-2 Project. The project is a mixed-use development project and the applicant's gonna go into the specifics of that project. I do wanna

mention a few things.

This document was submitted to the Department November 4, 2015, and we passed it out to you, the hard copy on January 12 for this discussion at today's meeting. On January 8th we filed this Draft Environmental Assessment with the Office of Environmental Quality Control and for 30 days from January 8th through February 8th it's the comments period. So coming before is in this comment period time. And in addition to coming before you we are receiving comments from various governmental agencies as well as the public. So, you know, at some point in time you will get to see all the comments that have come into the Department.

What we distributed to you today you first got it by email and then you also got hard copies today is a number of letters and including the ones that we received today. I was trying to, I was trying to put them in three categories. Letters that we've received directly in support of the project, letters that we received that directly are asking you to reject the project, and then letters that have concerns some of which specifically state they would like you to require an EIS versus this EA. So in support, we've received four letters. Opposed we received seven letters. And concerns, which again mention the preparation of an EIS versus an EA we've received eight letters.

In terms of process, we're here on the Draft EA today. We're asking for your comments during this comment period. Once we're done with this process, the applicant has to take not only your comments but all of the comment letters that they've received as well as any agency comments and they have to address each and every comment. They're gonna compile those, put it in a Final Environmental Assessment and we will be before you again for the Final Environmental Assessment. If the project passes that process then the next time we will be before you is for the Special Management Area Permit through a public hearing process. So this is the first time you're seeing this project and you'll see it two, at least two additional times. Okay, with that I'd like to turn it over to...oh, okay the applicant's representative Ed Divita, he's representing the owners.

Mr. Ed Divita: Good morning, Chairman, Commissioners and the public. Thank you very much for considering our Draft Environmental Assessment today. Our goal is to present the project in as clear and balanced manner as possible and pay attention to comments and questions and take them under consideration. We have assembled a team of scientists and engineers and designers, and a few of them will start by presenting the project and going over the details. And then the whole team will be available to address specifics as you may have for us. But especially we do recognize that this is Draft Environmental Assessment. We're very open to the comments and questions and feedback and we look forward to refining the Assessment and returning back with it in final form. So with that I'd like to introduce Mark Roy of Munekiyo and Hiraga to get into the details. Thank you.

Mr. Mark Roy: Thank you, Ed. Good morning, Chair, Members of the Maui Planning Commission and the public that are here today. My name is Mark Roy with Munekiyo Hiraga. We're the planning consultants assisting with this project. I thank you for the opportunity to be here before you today. I'd first like to go over the project team that has been assisting with the

Environmental Assessment and the design and planning process.

The applicant for this project is representing the ownership of Makena Resort, ATC Makena Holdings LLC., you've just heard from their development partners representative Mr. Ed Divita from Discovery Land Company. There is a comprehensive design team assisting with the design for the project that you'll see in the Draft Environmental Assessment. Vita Incorporated are the guiding land planners for the vision behind the project. There are two architectural firms assisting with the plans, WCIT and Hart Howerton and on our landscape architecture is PBR Hawaii. Civil Engineer is Austin Tsutsumi & Associates. The design team today are here represented by Rob Iopa from WCIT, Ray Higa from the landscape architectural side, PBR, and Adrienne Wong from ATA.

On the technical consultant side, so these are the consultants that have assisted with the preparation of the technical studies that are included within the Draft Environmental Assessment. We have Urban Green providing sustainability consulting services, Mr. Bob Hobdy, flora fauna, Scientific Consulting Services. Archaeologists on the project Hana Pono Cultural Consultant. Austin Tsutsumi & Associates providing traffic engineering services and Munekiyo Hiraga local planning consultants.

As I mentioned we're extremely thankful for the opportunity to be before you today and we have members of the project team in the audience to answer any questions that you may have on the Draft Environmental Assessment.

So as you've heard earlier today, the project involves the development of a new mixed use community within the Makena Resort area. This project implements the designations set forth by the Kihei Makena Community Plan. A Draft Environmental Assessment as Ann mentioned has been prepared and the intent of this document is to assess potential impacts from this new community on the environment and the Draft EA as published on January 8th and distributed to various agencies and community groups.

We're here today to respectfully request the Commission's review and comment on the Draft EA. As Ann mentioned the Final EA once prepared and we've received all of the comments that have come in from agencies and members of the public those comments will be responded to and a Final EA will be brought back to this Commission for review.

This is a map just showing the location of the project site. It's nestled in the heart of Makena Resort just makai of Makena Alanui Road on either side of Honoiki Street intersection. I'll just point out that intersection on the slide here. This is Honoiki Street most popular for people going down to Makena Bay, to Makena Landing Beach Park or to Keawalai Church or Maluaka Beach down in front of the hotel.

This project by its name utilizes three of the resort's development parcels. M-5, M-6, S-7. M-6, S-7 is a single parcel development parcel and parcel B-2. All in all they combined, they combined to about 47 acres, just over 47 acres. And all three of these development parcels are located within the Urban Growth Boundary of the Maui Island Plan. The parcels are designated

by the State Land Use Commission, the Kihei-Makena Community Plan, and County zoning for Single-Family, Multi-Family residences or developments in the case of M-5, M-6, S-7 and Resort Commercial development in the case of parcel B-2 which is actually zoned Resort Commercial.

This is another map, same map that you saw just now. What we've done is we've color-coded the parcels because there are three separate development parcels. M-5 is showing up here in kind of a reddish color, consists of three separate TMKs. Those TMKs are in the process of being consolidated through a subdivision process into a single lot to allow for the development. And then on the south side of Honoiki Street, the yellow parcel here is parcel M-6, S-7 is a single TMK, tax map key. And then at the bottom here nestled between the existing hotel and parcel M-6, S-7 this is what you'll hear today referred to as parcel B-2. Parcel B-2 is actually in the process of being subdivided into two separate lots through a subdivision process.

As Ed mentioned at the outset of this presentation there has been much time spent from the planning and design team standpoint to formulate a place appropriate plan for this area. It's been really based on three key guide posts. The first development of overarching sustainability framework, our sustainability consultant who is here today and the intent of that framework has been to from the very outset, inform and implement design strategies, sustainability strategies as part of the design process to come up with the best plan possible for this place. And the second of the findings of the various studies and surveys that have been completed for these lands some examples include topographic surveys, archaeological surveys, cultural surveys, a lot of work was put in to understanding the existing conditions on the land itself. And then finally, and very importantly there are two Makena community and cultural focus groups that have provided input on this project and have reviewed the various plans that have been formulated over the course of about a year or so. That input has been very gratefully received and has been reviewed as part of the site plan and the plans that will be presented to you today by Mr. Rob Iopa. With that, I'd like to hand over to Rob, Rob Iopa of WCIT. He's the architect for the project and will review the plan and the overall design vision behind the project. Thank you.

Mr. Rob Iopa: Thank you. Good morning, Chair, Commissioners. Rob Iopa, WCIT Architecture. We've prepared a short presentation for you today to try and summarize the inclusions of the application and the master plan. I'll be briefly kind of going over mostly the physical components of the plan and as I do so, and if there's more questions as Mark has illustrated we have our entire team here to participate in the discussion.

We have identified the parcels as shown here. Parcel M-5, parcel M-6 and S-7 existing down in through here and parcel B-2. The master plan is depicted here and is part of our application. In total, the project looks to propose a 158 units ..(inaudible)... the roughly 40 plus acres. We will go into each one of the development sites in more detail, but inclusions here on M-5 are 52 multi-family units, 15 lots, and ...(inaudible)... towards the more makai area. In the M-6 area, we're proposing 36 multi-family units, 20 single-family homes, and three lots. In the S-7 area our proposal for eight lots. And then in the B-2 area we have the inclusion of TVR units, condominium units and retail commercial space.

I'll start with B-2 first. B-2 is the parcel that allows for commercial use. We'll go into more detail but the intention is to create a retail village, a center if you will of the overall resort. The intention is to provide for functions that would have commercial/retail activity. We would include also parking that would allow for community access in totality. We tried to break down the structures of the buildings into more of a neighborhood and town center type approach. We also have the inclusion of a historical interpretative center, a new bridge element that comes through and around and tries to be very sensitive to all the archaeological issues and areas as part of the community. And then on the lower side we have the inclusion of the TVR units labeled that 10 units here.

Architecturally speaking we provided for these massing and architectural studies. They include elevations and massing that look to start at one story and mass up to two and three. We've taken our architectural cues from many of our nostalgic—

Unidentified Speaker from audience made an inaudible comment.

Mr. Iopa: --we tried to take our—

Vice-Chair Tsai: Please don't call at the sites. Please continue.

Mr. Iopa: We've taken our cues from our community's villages and architectural features and you can see the elevations here. The inclusions for the commercial areas, some of the architectural expressions here. We start to highlight some of the elements of the cultural interpretative areas. Again, the visual cues and architectural references that we are using as we started to develop the thinking and architectural massing and character.

The TVR units are located here in the project B-2 as well. Primarily two-story. We've started to take the characteristics of roof forms that are of kamaaina flair. We've used what we believe to be local colors, natural motifs as part of the architectural character for the TVR units located in B-2.

At M-6 and S-7, so again S-7 down in through here are the residential lots. We also have inclusions of the multi-family units in through here and then more single-family hales in this area here. We've taken several different architectural character that's expressed through here against...again the double pitched roofs. The natural materials and more earth tones and features as part of the architectural characteristics. Three story within the height limits as established by the zoning. We also have another component in this area we call it multi-family six-plex it's side by side units, three stories tall with the top floor having access to a roof top level. Again, 45 feet in compliance with the heights allowed and the architectural character starting to hint more towards the territorial style or contemporary territorial style of architecture. Again here too we have single-family units. Here we call them canoe club hale. In many ways, in character start to look at the style of architecture that we were presenting in the TVR, changing out some of the materials and colors, but the massing and general architectural features remain consistent.

As part of our application we also have a amenity buildings. We have amenity buildings that support the pool functions, amenity buildings that are gathering places so we've included those in the application as well.

Finally as part of the M-5 site plan here too and you'll see some of the familiar characteristics as we come through the multi-family and then the single lots on the makai side of the property. Similar architectural character again to provide for a uniformity and interest level within the same architectural vernacular throughout the project. Again, on the six-plex, on the territorial, contemporary territorial style, on the six-plex multi-family. We do have inclusions of an eight-plex in this area similar characters to the contemporary territorial style. And then again for complete inclusion some of the smaller structures it's part of the project as well.

I'll end my presentation at this. It includes the physical characteristics of the built product as proposed in the project. As Mark has mentioned we also have our entire team landscape, civil, and the rest of the rest of the team that has provided for input in the Draft EA in front of you today. Mahalo.

Mr. Roy: I'd like to just go to the last few slides that we have for the Commission this morning. The focus of the agenda item today is for the Draft Environmental Assessment and for us to answer any questions or comments from the Commission Members. Just a little bit of background, the EA has been prepared in support of an SMA Use Permit and Shoreline Setback Assessment application that has been submitted as part of the application package to the County. The EA is required due to a couple of triggers that require an environmental review process. The first being with a project like this installation of utilities and driveways will be necessary to support the project. So there will be utilization of County right-of-way lands. That's one of the triggers. And a very small portion of some of the improvements that I'll go over towards the end of the presentation today fall within the shoreline setback area along Old Makena Road. So there are two triggers involved in this project both of which require the preparation of an Environmental Assessment to determine the significance or potential significance of any impacts that may be generated by the project.

The process started with the distribution of an early consultation letter that went out to a full range of Federal, State, County agencies including community groups. And we received input during that process of which is included within the Draft Environment Assessment that's before Commissioners this morning. The Draft EA essentially consolidates and presents an analysis of the project using this early consultation input and the letters, and input, and information that we received, and also the findings of the technical studies that are attached as appendixes to the document.

A number of technical studies have been prepared by various members of the team to identify potential impacts that may be associated with the project and to propose mitigation as may be needed. Some of these reports just going down the list here we've got sustainability report, water quality report, flora fauna survey, full archaeological and cultural surveys of the site, a comprehensive view analysis based on the design that Rob has presented to you today and

also a traffic impact analysis report and preliminary engineering and drainage study.

I'd like to if it's okay offer the Planning Commission a summary of the impact analysis findings that are presented within the Draft EA and to go over some of the proposed mitigation measures that are being incorporated to address identified impacts.

The first item I'd like to go over is the marine water quality. So Makena Resort has a bi-annual water quality monitoring program that has been going for over 20 years now, almost 20 years. It occurs twice a year and involves a number of samples being taken at I believe four, four different sampling points out in the ocean. The findings of those reports I've summarized on the slide here. No significant increases in nutrient levels have been identified entering near shore waters over the last 20 years that the monitoring has been conducted and the findings of the reports and the most recent report in fact is that there are no identified detrimental impacts on the near shore marine community from land uses within the resort.

However, marine water quality is of utmost importance to Makena Resort and as we'll review with the Commission today there are best management practices, a comprehensive program of best management practices being formulated for this project in addition to a permanent comprehensive drainage system that has been designed by the engineer and has been a considerable focus and this is one of the design strategies come out of the sustainability framework for the project that incorporates and explores low impact development opportunities like bio swales and other measures that can assist with mitigating the runoff that is generated by this project. The goal being obviously to retain all project generated runoff attributable to this development on the site such that there would not be any significant impacts on their neighboring marine community.

The second, the second subject matter within the EA, flora fauna, we have Mr. Bob Hobdy here with us today. He completed a biological survey of the site. The findings of his report was there were no rare or threatened or endangered species identified during his surveys. In fact, the site is characterized by a domination nonnative species. Again, however precautionary measures will be implemented as part of this project. We have consulted with U.S. Fish and Wildlife Service. They've provided some initial recommendations for the project and those will be incorporated moving forward. There has been a lot of emphasis to ensure that the lighting design for the new community will utilize downward facing lighting fixtures to ensure minimization of any lighting impacts for the project.

Archaeological and cultural, this is obviously a very important section within the Draft Environmental Assessment. I'll go over the key findings that are summarized on the slide here. There are three archaeological inventory surveys that have been completed for this project. One for each of the development parcels. So one for M-5, one for M-6, S-7, and the other for B-2. There was consultation with SHPD during the preparation of those reports and they were submitted to the State Historic Preservation Division for review as we putting together the Draft Environmental Assessment. SHPD has accepted all three of the reports that have been prepared for this project. There were seven sites through the process of conducting the AIS that were recommended for preservation. The site plan that Rob presented to you today seeks

to retain and respect all seven of these sites in place as part of the community. There will be additional requirements with State Historic Preservation Division as we move forward with the project. There will be data recovery plans required, preservation plans for each of the preservation sites, and also monitoring plans all of which will be reviewed by SHPD as next steps. There is a commitment for archaeological monitoring during any ground altering activity during construction. Again, an archaeological monitoring plan will need to be reviewed and accepted by SHPD ahead of any work taking place. There was also a cultural impact assessment completed for the project that drew upon archival research and also all interviews with knowledgeable individuals throughout the Makena area. That report did not find any evidence of cultural practices occurring within the project site itself. However there were a number of recommendations set forth by the cultural consultant intended to ensure that construction crews for example are appropriately educated of cultural considerations, things like that. Those recommendations will be incorporated into the project as it moves forward.

Economic and fiscal impacts. This is a large resort project. The economic fiscal impact is expected to be positive. The three main findings of the analysis here are presented on the slide. There are about 185 full-time construction related jobs each year expected over an estimated five-year development period. The commercial space within B-2, the resort village, we estimate would generate approximately 60, 63 long-term jobs. And then in terms of revenue to the County from real property tax revenues the increase in those revenues on an annual basis would be in the realms of about \$5.2 million each year.

Affordable housing another important consideration for a project such as this it does trigger the need to comply with affordable housing requirements. Those requirements are set forth in the Maui County Code Residential Workforce Housing Policy which is Chapter 2.96. This project will comply with those requirements that are applicable moving forward and the ownership of Makena Resort will be using affordable housing credits to satisfy the affordable housing requirements for this project.

Impacts on parks and recreational resources as Rob mentioned there are couple of onsite recreational areas that are intended to provide residents of this new project with recreational amenities. Those of course will be for the residents of the project. There are impact measures set forth within the Maui County Code for projects such as these are generating impacts through additional residents on County facilities. It's called parks and playground assessment. The ownership of Makena Resort will be complying with those requirements that are applicable or triggered by this project through payments of in-lieu fees. Based on the most recent rates, they come out with new rates every year I believe, but we looked and it was \$17,540 per unit that would be triggered for this project. We'll be working with the Department of Parks and Recreation to address those requirements as the project goes forward.

Traffic, another key consideration obviously raised during some of the testimony today. A full traffic impact analysis report was completed by Austin Tsutsumi & Associates for the project. They looked at the project generated impact on the neighboring roadways and the infrastructure throughout the Makena area. There are 140 additional trips expected with this project during the a.m., the morning peak hour, and 176 during the afternoon, p.m. peak hour. The TIAR

concluded that the existing traffic infrastructure around the site is adequate to support this level of trip generation by the project and there were no recommended improvements to roadway intersections or roadways throughout the Makena area. There will be however, some improvements made to neighboring roadways and I'll touch upon that in a moment and those have been identified or defined through a consultation process with the Department of Public Works to really address engineering requirements and encourage or improve pedestrian access in and around the project site for local residents.

Views and open space were also evaluated within the Draft Environmental Assessment. This project has been designed to incorporate view corridors between buildings and seeks to enhance existing makai vantage opportunities from Makena Alanui Road. It seeks to utilize existing topography through a low rise design to really try and nestle the project into the existing fabric of the resort community. There have been design guidelines formulated as well to ensure that development of the single-family lots will be developed consistent with the design intent and the overall vision for the project.

Finally, I'd like to just touch upon infrastructure. A full engineering report was completed for the project by the engineer, Austin Tsutsumi & Associates. The applicant is or will be funding and installing all required infrastructure necessary to support the project. The first item, water, is obviously a really important island wide consideration. There is continuing work with the Department of Water Supply to secure the necessary system allocation for the project's estimated water demand. Wastewater, the connection or there will be connection to the Makena wastewater reclamation facility which is a privately owned wastewater facility in Makena Resort to accommodate the project's wastewater generation. There is adequate capacity within that facility to accommodate this project and the wastewater that would be generated by the project.

Drainage, a real key consideration for this project there's been much evaluation of the existing conditions on the site and work with the architectural design team from a site planning perspective to design a comprehensive drainage system that will incorporate retention but also a number of water quality measures including low impact development items such as Bioswales to really mitigate all project related increases and runoff that would be generated by this project.

And then we, down on the bottom here we've got roadways and this goes back to my comment that there will be some improvements that will be undertaken or proposed with this project and they're intended to address engineering and mobility related needs around the site to promote walkability for residents in the area and the public. We've got improvements proposed for Honoiki Street and also the Old Makena Road. And this was based on quite an extensive consultation process with Department of Public works. This is a section of Honoiki Street. Makena Alanui Road is at the top here. This is makai. This street will be upgraded to County standards. It will feature a 60-foot right-of-way with a meandering path separated from the travel lanes by a landscaping strip. The Old Makena Keoneoio Road will also be improved. I'm sorry this is spread into two sections, but ultimately the top section if you're looking mauka from the old road, the top section is on the left-hand side fronting M-5, and the south section is on the other side of Honoiki Street. This will be also upgraded and will feature a separated

meandering pathway, but will actually connect to Honoiki Street and will provide residents and the public with access along the frontage of the site, along both frontages of the site. These upgrades, another example of meeting some of the project sustainability goals, this one in particular is really to try and enhance walkability within the Makena Resort community.

We're before the Commission today to receive your comments on the Draft Environmental Assessment. Thank you for allowing me the time to go through this presentation and the key findings from the Draft EA. Your comments will be responded to as part of preparing the Final EA for the project and as Ann mentioned, the second Planning Commission meeting will be scheduled once we've gone through the work process of evaluating and reviewing all comments received from the public including the Commission and the agencies and the Final Environmental Assessment has been prepared. Once the Environmental Assessment review process is complete, a third meeting would then be scheduled with the Planning Commission for review of the SMA application for the project. With that, thank you for allowing us to be here before you today, and we are, of course, available at this point to answer any questions Members may have on the Draft EA. Thank you.

Vice-Chair Tsai: Thank you, Mark. Ann you wanna say something?

Ms. Cua: Just one thing that I forgot to mention. Mark touched upon the two groups that they've been working with in the review of this project. They have a cultural focus group that they've put together as well as a community advisory group. Just briefly I wanna tell you or summarize the type of people that sit on this group. There's two people that represent Makena Beach and Golf Resort. Seven people are Makena homeowners, and majority of them represent long-time families in the area, the Luuwais, the Changs, the Garcias just to name a few. Some of these people are in the audience today and may be speaking with you at the public hearing or when additional testimony is taken. I'm sorry this is not a public hearing. Also, two cultural practitioners sit on these boards, a representative from Keawalai Church, the Kahu actually, a cultural and historic resource person, a member from the Wailea Community Association and the Makena Homeowners Association, an individual from the GPAC, the Vice-Chair, a member of Maui Cultural Lands and two members from Maui Tomorrow. So again, just to give you an idea of the people that have been sitting down in meetings to talk about this project. Some minutes of their meetings are located in the Draft EA and their names are all in the Draft EA as well. I just wanted to point that out.

Mr. Robinson: I saw that in the back.

Vice-Chair Tsai: Thank you, Ann. At this point we're gonna break for lunch. We're gonna return at 1 o'clock. When we return, we're gonna open the floor up for public testimony on this item. Thank you.

A recess was called at 12:00 p.m., and the meeting was reconvened at 1:05 p.m.

Vice-Chair Tsai: Planning Commission is back to order. We're starting with public testimony. Oh...

Ms. Cua: Sorry, Chair. Sorry I was late. The reason why I was late is when I went back to my office I went through some emails there was quite a bit of emails with additional letters. So I, I think I got them all, you know, in fairness to those who wrote in I wanted to be able to provide that to you. I was not...I didn't have enough time to make a copy for each and every one of you. So I made three copies if you guys could share. I didn't even count how many letters there are. I didn't even...I wasn't able to sort them. So if you could just kinda look through them. I just wanted to...

Vice-Chair Tsai: Thank you, Ann. Ann, are they are the same package or duplicates? Okay.

Ms. Cua: So if I could just explain to the public 'cause I hear some comments in the back. These letters just literally came into the Department. Everything that came into the Department from the time I came into my office this morning was provided earlier. When I went back for lunch in that 45 minutes I was gone, I got all these letters. So they weren't held back or...they are provided as soon as we got them. I just wanna make that clear.

Unidentified Speaker from the Audience: Is that for or against?

Ms. Cua: Like I said, I literally tried to get back by 1 o'clock. I was just frantically printing them out. I didn't want to just bring one copy. I can tell you in trying to just skim it, a lot of it was similar to what we received before with people wanting an EIS versus an EA, but again, I did not look through every letter. I just didn't have the time. So you can...I think there might be couple of duplications because you know when you get one email and there's 15 letters attached and you're trying to copy them and maybe I printed the same letter twice that might be in there. Again, I apologize I couldn't go through it in the time that I had.

Vice-Chair Tsai: Thank you, Ann. Thanks for doing that. Okay, so we're gonna continue with the public testimony and some of you who decided wanted to testify now and I'm gonna go down the list. First one is Trinette Furtado.

Mr. Spence: She testified.

Vice-Chair Tsai: Oh, she did. Oh okay, sorry. Edward Chang?

Mr. Edward Chang: Good afternoon, Commission Members. Thank you for allowing me to testify. My name is Edward Chang. I, and my family, have long stayed in Makena. My great grandmother, Ahai Kukahiko was born in 1860. Her daughter married my grandfather who was from China. He had a store in Makena. And I'll get to the point why I'm saying all this, my father was a farmer at Makena. I went to Ulupalakua Elementary and graduated in 1945. I'm gonna give you my age pretty soon. I also went to Lahainaluna as a border and graduated in 1949. I also went to California and graduated from Cal Poly in 1956. In 1988, I retired and now reside and reside where I currently reside. The name of the place I reside we call it Paipu, the County renamed that to Poolenalena. It's amazing that we go through all these commissions and we name places that never are asked by locals of what the real name is. For your

information, Poolenalena I don't believe is a name of a place. It's a name of a promontory rock on the makai side of Grant 234. And they've had a lot of problems finding that rock because of the land claims that the owner, who supposedly purchased the property was trying to make. It is in the Makena, South Makena area. I'm also a member of the Makena Homeowners Association. I belong to both of the outreach committees that Makena, the current Makena Resort people have and I can say that they did a very good job and they're good listeners. You know, I think I'm of age to tell when people are listening and when they're not, and I can quote that they listened good, they come back and feed you what they find, and they don't always agree with you, but so be it. That's the sort of interplay we've had since I've been associated with this team for Makena and that association started in 2013 when the first outreach meeting was held.

I'd like to go back a few years because I heard earlier this morning was testimony of what Makena has become. It's...okay, you might agree that it's become a place for the rich, but you know when I was brought up as a kid, before World War II there was no road from Kihei to Makena. If you wanted to go to Makena you had to come through Kula, Ulupalakua down to Makena. Makena was a community a long time ago. It once had a port, I believe it was the first port for Maui and they used to ship...well, eventually cattle, but the used ship sweet potatoes out during the gold rush days in California.

Ms. Takayama-Corden: Three minutes.

Mr. Chang: Can I continue?

Vice-Chair Tsai: Yes you may.

Mr. Chang: We once had a community is my point in Makena. We had a church, we had a school, we had two stores. My grandfather as I said had a store. He closed his store in 1930. The other store closed about 1932. At the advent of World War II a lot of people moved out of Makena. In 1950 I believe Ulupalakua Ranch open half-acre lots from Paipu where I live now all the way through Keawakapu, half-acre for \$1,500. Hardly any buyers bought then. But Makena was overwhelmed with the opening of that road to Makena. People fish illegally. One of the reasons why we don't have fish, I seen people drop nets even as late as 1988 at 4 o'clock in the morning, later on at sunrise they come with a boat and snorkel gear to pick up their net and they laid it right on the reefs. I also seen witness of people using Clorox, they put Clorox in the tube, push the Clorox in the hole, shoot 'em with the spear and let all the fish float out. And if you ever were a diver and you probably still see evidence of it, you see bleaching whether it's coral or holes, et cetera, we abused and a lot of them were locals. Today, the other abuse is fishing now...people are now fishing with snorkel gear. A lot of our Uhu are speared at night and I was at the airport where they have ice chests of Maui fish going out to the mainland and that's how they're caught. I'm here to testify in favor of Makena Resort application. I think it's a good fit for Makena personally. Makena needs a community. With the absence of not having a community from the time I was a kid till now, no store, no place to collect. They only place that you could meet and congregate was the church. Makena has become what it is. It's a playground for a lot of people and they abuse it and it's gotten better.

Vice-Chair Tsai: Please sum it up.

Mr. Chang: With that, that's about all I have to say. Thank you very much for your time.

Vice-Chair Tsai: Thank you. Questions from the Commission? Hoku Faye?

Ms. Hoku Alfaya: Aloha, my name is Hoku Alfaya. I'm here to oppose it and I'm sorry his testament just threw me for a loop because he's family. And to hear him say that he wants to approve this is sad. A community where you cannot even go into. What kind of community is it if we're not allowed to do what we wanna do and be free to go into the ocean and everything around us? My kupunas is a long line of Makena Landing and I am really shaken up by what he said. I guess I'm just gonna have to say that I oppose it and I can't wait till the next meeting when we have more followers. Thank you.

Vice-Chair Tsai: Thank you. Erma Tanigawa?

Mr. Keoki: Aloha kakou. My name is Keoki. Kanaka maole. This is my home. We've been here from the beginning. We'll be here to the very end. Yeah, we'll continue our people fighting and defending our home. Definitely against this project. This project will bring devastation to our waters, our land, our people, our culture. Obviously the gentleman that was speaking earlier is not from Hawaii. Where he got his information from we don't know. The people who at that those beaches every day is a lot of 'em. A lot of 'em isn't here today, born and raised. Yeah, me I from Oahu so I came over here because get so much people on Oahu you know and we losing, losing the land. We losing the battle. It's a humble battle that we, that we fight. You know we try to do our best. Everything in tune with Hawaiian way of thinking, Hawaiian way of culture. How it should it. Because we think of the next generation. We no think of now. I going get paid now, and then I going buy all this stuff for my ohana. We on think like that. We think couple generations after so make sure we get for, for our ohana, our children's children, yeah. So this gentleman that was speaking earlier I don't know if that's a Kahului accent maybe he had, but I doubt it. He makes all this... he say all these things that people said that we know it's not true yeah because we know because we, we in these waters. Yeah, this is our culture. This is our life. This not our job. This is our life. So I mean no disrespect to this gentleman right here, yeah, no respect to him. He's probably a really nice guy probably can tell, I can tell he is. But remember when you're doing your job, your family looks at you when you making all that money and they think that you're doing the righteous thing. They think you doing righteous thing and doing good things for people, all right, and then you bring home the money, the kala. So when you look into your parent's eyes you gotta remember all these things, these lies that you say you gotta remember your children going look at my body say, he's...(inaudible)...and we when look ahead like we know that you really lying, you're really lying.

Ms. Takayama-Corden: Three minutes.

Mr. Keoki: So remember, we've been here from the beginning. We going be here all the way to the end. Okay, I respect everybody in this room and we expect the same respect back that's

the bottom line right there, okay. So kanaka maole ...(inaudible)... Everybody...everybody gotta come up and speak. You gotta give everybody a chance to come up and say what they gotta say 'cause you guys gotta hear from the people of Hawaii. Okay, mahalo nui. Mahalo.

Vice-Chair Tsai: Colleen Curran? Clare Apana?

Ms. Clare Apana: Good afternoon, Commissioners. Thank you. Clare Apana from Wailuku. My family has been here for many years and this area is one of our last frontiers. This is a place that says this is Maui, this is who we are. I've been going...in this area, in this district since I was little and I have a few years.

If you allow this development to go on the way it is proposed I honestly don't see how you...this project has retained a sense of place. I don't see any evidence of the kanaka maole who came there and first inhabited this place. I don't see any evidence of the living kanaka who are still here today. Where are they in this project? I don't see it. A sense of place is definitely not there. You will be asked to determine if this EA is enough to tell you if there are no significant impacts, right, a FONSI? I do not see how you will be able to do that with the current information you have. I stand with my brothers and sisters who speak for the land but today I speak for the Sierra Club because we come into your purview of laws. You will be breaking a law that was just tried and found that...upheld in court in 2014 of the Highways Act which was fought against Haleakala. They were found that they have to keep the trails and road open. The historic road of Ulupalakua to Makena which most of you have all gone on has no preservation and this is the kind of thought that has put this project together. It may look very nice on paper, but what has been missed? This place, this road is protected by law and you are to follow that law. How will you be able to say that there are no cultural impacts? They say there's no cultural impacts. Can you believe that in this area? There are no cultural impacts. That tells you this EA is not adequate. And I have...were you able to get it work? Okay, I have put a site here. It is in M-6, it is 7084, there is coral embedded in the walls. Some places it is stones high. Does that look like an agricultural planting area to you? It is nothing. There is no significance.

Ms. Takayama-Corden: Three minutes.

Ms. Apana: I say that not only do you have to look at the need for an EIS and a better study, you need to look at the AIS because it is missing the input of all of these cultural descendants and lineal descendants who have come to tell you that they are part of this place. Their story has not been included. And until their story is included the Western AIS is incomplete. You have not done the work to go out and get the views of people who have knowledge of this area. Thank you very much.

Vice-Chair Tsai: Sierra Knight? Okay, so does anyone else wish to testify who hasn't testified already on this matter? Please come up and you have three minutes, and please identify yourself first.

Mr. Keola Mahoe: Aloha guys. My name is Keola Mahoe. The line that I guess the land is

under...(inaudible)...you guys all know. I'm here to back up and oppose this thing, yeah. We've been here for generations. We'll be here to the end. Like Uncle Les said, this community you guys wanna build is not with Hawaiians. It's mostly with, you know, rich people, yeah. This thing, this community started off with rich people, what we call rich people, living off the land and off the ocean, all this type of rich not paper. I wasn't born of paper I was born from my mother and Ke Akua, yeah. Always trust him that's why we stay here for now. Everybody think so we died, our lineage died. I'm mostly, I'm a Mahoe. We have a lot of us over here. I'm...either got 200 and ...over 200 first cousins. We are all Mahoes and that whole Honoula is under us, okay. But I am...just because I'm high doesn't mean I'm higher than anyone else. I'm as equal as whoever got blood in them, okay. But the higher I get, the more responsibility I think so gets on me. So that's all I gotta say. Aloha guys.

Vice-Chair Tsai: Come up please.

Ms. Chisa Dizon: Hi my name's Chisa Dizon. I'm from Kauai, but I live here on Maui. I'm a radio personality here. I am definitely oppose this project. You know when I came to Maui I thought it would be a little bit advanced lifestyle because I wanted a little bit more than Kauai had to offer. It was kinda slow paced and you know, for a while Maui keep its charm and I've noticed with all these different communities popping up not even affordable communities, it's definitely took away from the beautification of this island. It's you know, it's a little bit much and I definitely oppose this project. I don't believe it would be affordable 'cause what really is affordable to you guys is not for...not for the local families. It's really tough to make ends meet. I mean there's been researches done, there's...it's all over the news, we're being priced out of paradise. Is anything really affordable that is even remotely in Makena? There is nothing there. So to say that this project would be something available for a single mom with two kids like me, I mean can that be said? And what is affordable is it what half a million dollars? You know, when people come here, they come here to get away from that city life. They come here to you know, take a step back and take a step back in time and to really appreciate Maui's charm. And with more communities being popped up like this it's really gonna take away. If they wanted to see a suburb in L.A., they would stay in L.A., they wouldn't be coming there. And we've got plenty open condos already. There's so much vacancies in these high end resort they can go there. And if they wanna go shopping they can go shopping in Kihei. We need to keep Makena open and free. And yeah, there has been some people who did fishing practices that probably wasn't pono, but you can't just have that one person blame it for all of us who is trying to be pono with our fishing practices. You know there's a big resurgency happening. People are trying to do right. You know, we're trying to not take the babies, put 'em...you know, replace and to replenish our fishing ...(inaudible)...in parts of the island and I don't think that you know, you should let a couple bad seeds ruin it for the rest of us. And again, it's all over the news. We are being priced out of paradise. This is our home. You're gonna have a bunch of jobs, yeah, but where are those workers gonna live? I can barely afford rent and so can my brothers and sisters behind me, it's hard. So yeah, you're gonna provide workers but they're not gonna have any place to live especially in condos, in high end condos? We already know what's gonna go up over there. It's gonna be mountains of cement that we can't even afford. There's cultural aspects, there's cultural sites everywhere I mean there has to be a rule of thumb. There has to be a proper assessment at least, at the very least. So if we can just really take a step back, put

the money thoughts aside and just look at the cultural impact, the island impact, just the beautification of this place 'cause we call it home. So thank you.

Mr. Herbert Santos: Aloha, my name's Herbert Santos and it's been a long time since I face the Planning Commission. Usually I'm on the side of the unions, but today I'm opposing this project. We all grew up on Maui living a sustainable lifestyle and it's getting pushed away. It's being given away, pushed away, we're losing our resources. And I feel in my heart if we keep developing there won't be nothing left. We're talking about you know, runoff, we're talking what do you call that sun lotion all in the water, everything's just polluting our water resources. And this new generation here they're coming out strong because they're fighting trying to save that resources. I've witnessed it with my own eyes. It's like the Cove Park. There was not thing there in water now you go there there's a couple handmade fish ponds that they're trying because they wanna bring in the big fish. So these younger generations are picking up for what my generation has forgotten about. And I think it's important to give our future generations the chance to improve our environment. Thank you.

Mr. Cody (last name not given): So we've heard a lot about the land, the runoff, oh, my name is Cody. But the one thing I wanna talk about is kinda what Uncle was saying about the connection. For the longest time the generations before us have lost, neglected the culture. They was neglected the culture, they was neglected their language, their way of life and everything like that. But for us generation we kinda trying for wonder who are we, where we come from? And things like this we grew up, we learned how to fish here, learned how to dive here and we want these places to be there for our younger generation coming up who hungry too for know who they are for go there and learn these things as well. I mean, it's so emotional and I don't know if it's going in one ear and out the other for you guys, but for us it hurts deep down in our bones and we the younger generation too. I mean, look at these guys and there's more and more of us. We like be connected again, okay, you guys can understand that. I like be connected with who we are, where we come from and preserve sites like this, the heiaus, the ocean, the reef and everything like that. We can teach the other generations how to take care, not for use Clorox or for fish the wrong way or for dive the wrong way, but for build fish ponds, for teach them the right way, for learn the right way and for keep pursuing the Hawaiian way of life and that's for everybody white, brown, whoever. Me, I'm Samoan but I grew up in the Hawaiian community my whole life and I go do everything I gotta do for keep the land the way it is so that it can strive for generations to come to teach future generations how for live pono, how for life righteous. And that's what the future of Hawaii needs guys. We need to learn that way again. We need to stop all the fighting, stop all the arguing, we need to come together and learn this way of life. This the only way that we can strive together. The money, the money's nothing when you're talking about the generations that are coming forth. So that's all I had to say, mahalo.

Mr. Sam Garcia: Aloha, Commissioner Members. My name is Sam Garcia and I'm a resident of Makena. I was born and raised about two, three hundred feet from this building right here in Wailuku and moved down to Makena about 45-50 years ago to our family property. My mother was Hawaiian and she was left this property which is now surrounded on all three sides by the Makena Resort. So I know very intimately about the resort. I also worked there for 15 years for

the Seibu Corporation and have been involved in the Makena Resort as it went through different owners and developers. The project I see right now before us and the plan that I see as Uncle Eddie Chang said is a very well-conceived plan and I support it. I've sent in written testimony to you and so I won't go in great detail, but I will tell you consistent with what Ed Chang says, we have been sitting on focus groups and boards along with quite a few other local people and spiritual leaders of the island that have directed and guided Discovery Group and ATC Makena toward what they have got today.

What I see today is a lot of open space in comparison to what was planned and what would be able to be built there if they maxed out the density. Their plan right now is for I think about 3.5 units per acre on the three project district, the three items up for concern which is why I support it. I like the treatment that they have given to the roads and their concerns for the people that live there in so far as the open vistas, in so far as preserving the landing and improving on the landing and adding more park space at Maluaka so more people can come and enjoy the parks down in Makena and everything else that they have done they're on the right track I feel. I

With regard to cultural preservation and I hear a lotta concern for that. I know for a fact they are going beyond what they need to do in preserving cultural sites and that they are very, very I guess cognizant, aware of our need to preserve what is important. And I totally support what they're doing and I'd be able to answer any questions if any of you have them. Again, thank you very much for time. Aloha.

Vice-Chair Tsai: Thank you. Questions from the Commission? Okay, anyone else to testify on the agenda item that haven't testified already? Please come forward.

Ms. Lucienne de Naie: Good afternoon Commissioners. My name is Lucienne de Naie, I'm testifying as a private individual. I know this land, my friend Dee Larson lived next door for many years on the Alaeloa property. I've hiked it many times and I just have to say the owners have not gone beyond what they need to do to preserve cultural sites. There was much more there. I am one of a small group of people that advocated for greater cultural review at Wailea 670. We were told there were 40 sites they absolutely sworn in this room. There were not, there were 200 and thousands of features. This happens again and again. Archaeologists don't always get it right. So you should listen to the people. The cultural practitioners that I've talked to who cannot be here today are concerned. They're concerned that the CIA, the Cultural Impact Assessment, says there's no cultural use currently or for a long time. I'm not sure that how many lineal descendants they interviewed. It seemed like just a handful. Were the people in this room, the Mohoes, were the Konahiki, this whole area, this family for generations I don't think anyone talked to them. You know people don't put up flyers when they have cultural practice on a land, it's like it's a quite kinda thing. So I think this might not be known. Also, I wanna clarify about the difference between an EIS. This project had an EIS for 1,000 acres including this 47 acres in 1974 and 75, that was the last EIS. This is an Environmental Assessment to do an Environmental Assessment it was issued last year, 2015, you do this when you think there's gonna be no impact. Well, you know, I would include, I would not conclude if I were you that there are no impacts.

First of all, there's 100 acres that are fully entitled upslope. It needs an SMA Permit just like this does and there's a lotta drainage from there. There's like 2, 54-inch pipes, three, 84-inch pipes, one, 60-inch pipe, on and on, they all drain into this land. They're on the engineering report maps. We need an EIS that covers the lands above and lands below because what happens on them is connected. I hear they have no plans for the land, but go to their website, they're talking about 1,800-acre resort. I think they have some plans, we're not being told about them.

And what about the workers? I mean they're closing down the Maui Prince next door so it's really like a, kind of a downsizing union wage jobs and upscaling density. The density is too much for this land. It's like, it's just, it's too heavy for the land. And the way that they're getting around that is to create a lot of retention basins. Those retention basins are placed where archaeological sites are. That's why so few archaeological sites, seven of 41 recorded sites are being preserved. It was only gonna be four I believe and then the committee talked them into three more. Really, it's way, way substandard what is being proposed here in terms of archaeological preservation. So all these sites are really being sacrificed. If they were on another location they'd be preserved because they're very worthwhile. One is a government Aupuni wall, that's a famous wall that's you know, written about. It's not even acknowledged as such in the archaeological report. We really need to, you know, go forward and look at this in terms of does it deserve a FONSI or a full EIS? You, as a Planning Commission, you can't force the project to provide affordable housing, they've already gotten out of that using a loophole that's perfectly legal, but it's legal. You can't say anything about that. That's done. You can't tell everybody that they have to provide some good union jobs for the jobs that are replaced for the hotels. This isn't creating any of those kind of jobs, but that's not in your purview. But you can insist that they do a full EIS and follow the law because what you've heard from the public is there are more impacts that are not being discussed in the EA that would trigger an EIS. If there are significant impacts, I know your staff doesn't support this, but you have the power to go beyond your staff. Thank you.

Vice-Chair Tsai: Thank you.

Mr. Dick Mayer: My name is Dick Mayer. I was a planning commissioner years ago before even Seibu got the land use entitlements initially back in '74. I was back in the early '70s. I was also on the...one of the advisory committees at Makena Resort. I just wanna make one small correction that, that the items that were, that are in the EIS were not minutes of that meeting because they were never approved, the committee never went back over them and any way ratified those. They're a record of the meetings but minutes really in the traditional sense.

I'm gonna be urging that this project be required to have a full on Environmental Impact Statement. The one that was done in '74 now 41 years ago there was at that time no Wailea, there was no Piilani Highway, there was no road down to Makena as we know it now, there was none of the things that were on there. There are major differences there and traffic in South Maui we know has a problem and they should be looking at this. That's just one of the many things. What I'd like to do is use a couple of slides from their EIS to make my points.

I would like you, I would like you to reject the Environmental Assessment with its Finding of No

Significant Impact. There were, there are significant impacts as several people have said and I would like to point a few examples of this.

Here is the, here are the building that were shown to you before. Those buildings are minimum 40 feet high up to 50 feet high. Where are they located? They're located right along the highway up above. The view corridor will be devastated as you drive from Wailea down towards Big Beach in that direction all along that road there you will no longer see the ocean except between, narrow vistas between the buildings. These buildings are being built parallel to the road, not perpendicular to the road and will largely cover up these scenes. These are huge buildings. A five-foot wall, a four-foot wall would already block people driving by, this is a 50-foot and 45 feet and 40-foot buildings. That's what you'll be looking at. Very long buildings close together.

This is what the EIS is showing. It exaggerates what the vista will be. It makes it look like somehow you'll see things when in fact there are very few places. This totally exaggerates the whole view plain along that highway. Another view. This is what the EIS, excuse me, the EA is showing we know that in fact you will no longer be able to see the ocean as you drive by, and in the Maui Island Plan, the community plans of South Maui, the community plan, the Maui Island Plan vistas are extremely important and there's specific language that says that these vistas should be maintained not just for the residents of those buildings but the residents of Maui.

Ms. Takayama-Corden: Three minutes.

Mr. Mayer: Here's...here's the view that you would see, here's the, excuse me, the project as you would see it as you drive along. I'm gonna go up to the map for a second.

Vice-Chair Tsai: Can you please conclude?

Mr. Mayer: This is the road and as you can see each of these buildings along here is the second of the road.

Vice-Chair Tsai: Thank you.

Mr. Mayer: Let me just get one last slide that I think is very important. Why should this require an EIS? This is the whole project. This is what the company ATC is actually applying for over the years. They have entitlements for many of those lands to be developed. That area that is to the lower left of that project is all that's being asked for at this time, but this is part of a very large project and state law requires that you do not segment the projects, you show all the impacts. And what are those impacts? Those impacts include—

Vice-Chair Tsai: Okay, I'm sorry, we're gonna have to cut you off here, just be fair for everybody else. Would you please sum it up?

Mr. Mayer: I think is...(inaudible)...that I have that I think is very relevant to what you're doing—

Vice-Chair Tsai: Yeah, but we also have a rule that we gotta be fair with everybody else.

Mr. Mayer: Many, many other went a lot longer than I did.

Unidentified individuals all speaking at the same time from the audience.

Vice-Chair Tsai: Okay, I need a...a move from a Commission Member, yes?

Mr. Robinson: I have a question for Mr. Mayer?

Vice-Chair Tsai: Yeah, that's fine.

Mr. Robinson: Mr. Mayer, could you please go back to that map, I didn't quite understand that map that you had there. Explain that for me please?

Mr. Mayer: I will do that. Chair, let me go up there for a minute.

Mr. Robinson: Is there a laser there? No?

Mr. Mayer: Let me say, I'll go up for second, point things and then come back to the mic. The area where the EA is is just this area right here. This is the location of the present hotel that we used to call the Prince Hotel, Makena Resort. This is the area of your EA. This is the rest of their project with various types of entitlements. This is all entitled here, zoned for multi-family houses. There's gonna be a lotta impact coming down that hill. This is the area within the Urban Growth Boundary in the Maui Island Plan for future development. The yellow being single family, here's multi family. Altogether there will probably be somewhere in the order of 2,000 units built on these areas in this project. By looking at only a 158 units that you're looking at here, you're avoiding many, many issues, traffic, drainage issues of the water coming down the hill, where will that go through this project, how is that being handled. None of that is handled in the EA as you're looking at it and that's why I'm saying they need to do an EIS. This project is being segmented from the overall project. Later on they'll come in and do just this project and look for some kind of a development. So I'm urging that you—

Mr. Robinson: Thanks Dick.

Mr. Mayer: You're welcome.

Vice-Chair Tsai: Thank you. Any other question from the Commission?

Mr. Mayer: Thank you for the extra time.

Vice-Chair Tsai: You wanna come forward ma'am?

Ms. Dana Naone Hall: Good afternoon, Chairman Ball and Commissioners. My name is Dana Naone Hall. I would like to comment on the Draft Environmental Assessment for the proposed

Makena Resort regarding archaeological and cultural sites.

Vice-Chair Tsai: Can you speak up a little more please? Thank you.

Ms. Hall: Regarding archaeological and cultural sites. A subject that I have been deeply involved with for the past 32 years. In fact, my active involvement in land use issues began in Makena over keeping the old Makena coastal road open. The road began as a trail in the 16th Century more than 500 years ago and evolved over time into the dusty ribbon of road that we had fought to protect for its irreplaceable access to the shoreline.

Among the kupuna guiding this effort were Auntie Alice Kuloloio and Uncle Eddie Chang, Sr., both of whom are no longer with us. They were about the age then that I am now. At that time, not only were we battling the State and County, but we were also battling the precursor group to Maui Tomorrow called the State Park at Makena or SPAM, the acronym. SPAM, a hui po'e ... (inaudible) had no qualms about cutting deals with the State to agree that 60 plus acres of ceded lands within the resort could be exchanged to Seibu for about an eight to ten acre parcel at Oneloa, Big Beach. The first of the lawsuits filed by Hui Alanui O Makena was over the illegal exchange of ceded lands. This too was history. And the larger story involves how Hui Alanui O Makena was able to save the ancient trail and prevent the closure of any further portions of the Old Makena Road as it travels from Palauea to Oneloa to Keoneoio today.

This brief history relates to the historic sites issue. I wish to address. I looked at Maui Tomorrow's notice on the meeting and found it to be inaccurate. Maui Tomorrow declares that "only 7 out of 41 currently identified cultural sites will be preserved". First a number of identified sites is 31 not 41, a significant difference. And I know because I had a great deal to do with reviewing the AISs and encouraging the landowner to preserve more sites that were significant. As a result 7 out of 31 sites were preserved or 23 percent of the total, nearly 23 percent.

Vice-Chair Tsai: Ma'am could you please conclude?

Ms. Hall: Yes. Nine other sites, so totaling 14 of the 31 sites are slated for further...will receive post archaeological inventory survey treatment.

Vice-Chair Tsai: Ma'am can you please conclude?

Ms. Hall: Yes. So out of 47 acres, anyway, that's enough. Thank you. And I do wanna say one this and that is that you know, we are living in tumultuous time and you know, the best way to deal with these time is to have an open dialogue. And I believe that that is what Discovery Land has attempted to do. It's been, you know they've been tipped head over heels by doing that, you know, and people who have been invited in to be part of the discussion have used information from that discussion I believe to misinform others. But to me the only way to deal with these issues in a real and lasting way is to be truthful and honest and I don't believe an EIS is warranted in this case. I do believe that the EIA is sufficient and adequate. Thank you.

Vice-Chair Tsai: Thank you. Does anyone else wish to testify at this point? Seeing none,

public testimony is now closed. Gonna open the floor for questions from the Commissioners. Commissioner Hudson?

Mr. Hudson: I have a question for the Director. Question is is do we have to do an EA before we do an EIS?

Mr. Spence: Commissioners, anticipating this question.

Vice-Chair Tsai: Director?

Mr. Spence: At lunch I looked up 343 and I would...this is Hawaii Revised Statutes, Chapter 343 and I would like to, to read a portion of that. 343-5, Item E or portion of Item E. It says, whenever an applicant proposes an action, in this case, you know they're proposing to build this project, whenever an applicant proposes an action specified by Subsection A, and Subsection A is all the triggers for an EA or an EIS, that requires an approval of an agency, that's this commission is the agency, and that is not a specific type of action declared exempt under 343-6, the agency initially receiving and agreeing to process the request for approval which is still you, it's a request for an approval. It's not saying that you are automatically approved, okay, just very clear, to process a request for approval shall require the applicant to prepare an Environmental Assessment of the proposed action at the earliest practicable time to determine whether an Environmental Impact Statement shall be required.

So the preparation of an Environmental Assessment is to make a determination of whether you're going to require an Environmental Impact Statement or just the EA is sufficient. What you have before you is a draft. It's not a complete document until such time as all of the comments come in including the Commission whatever comments the Commission is going to have today. Those things are put on paper, sent to the applicant and they address those comments. At that time, this document, the document in its complete form will come back to this Commission and at that time you should make a determination whether an EIS is going to be required or not. So you could probably make that determination today. I would encourage you not to simply because you do not have all of the information in front of you at this time that will come forth out of all the comments that you've heard today and all the comment, whatever comments the Commission will have for this project. And also we have not, we have not heard from the different governmental agencies as yet. So this is out for public agency comments as well. So we're gonna get all that stuff back. Actually the applicant is gonna get all that stuff. They have to address all those comments and then they'll bring it back, we'll bring it back to you for your determination on whether an EIS is required or not. I don't know if Corp. Counsel wants to comment or not?

Vice-Chair Tsai: Corp. Counsel?

Mr. Murai: Thank you, Mr. Chair. Yes, Commissioner that's correct. That's my understanding as well. And again, I just wanna emphasize for the members that this is the opportunity for the Commission to receive comments from the public so that those comments can be passed on back to the applicant and the applicant has their opportunity to address the concerns of the

public and the Commission. So anyway that's the process.

Unidentified Speaker from Audience: I just have a question where do we submit ...(inaudible)...

Vice-Chair Tsai: I'm sorry ma'am you're out of order. We're not—

Mr. Murai: She can talk to the staff afterwards.

Vice-Chair Tsai: Yeah, you can talk to the staff afterwards. We can't allow people speaking from the audience unless you're on the podium. Just that's our policy, sorry. Commissioner Robinson?

Mr. Robinson: Director, I was...I'm a little confused so if you could clarify me? Are we not here for a FONSI today?

Mr. Spence: You could issue a FONSI here today. Actually that even that should wait until all of the comments...after all the comments are submitted, the comments are addressed and this comment comes back to you that's when you should—

Mr. Robinson: So the Planning Department and the applicant is not asking for a vote on anything today, they're just asking for comments is that what I'm hearing?

Mr. Spence: That's correct.

Mr. Robinson: So no votes today?

Mr. Spence: That's correct.

Mr. Hudson: Excuse me—

Vice-Chair Tsai: Commissioner Hudson?

Mr. Hudson: I have a question. According to my agenda item it says, the Commission is the accepting authority for the Final EA are we voting on that? Is that a decision we have to make today?

Mr. Spence: No. You are just...that section of law that I—

Vice-Chair Tsai: Director?

Mr. Spence: Thank you. That section of law that read out of—when it talks about the agency, in this particular—and it could be many different agencies. It could be the Land Use Commission, it could be whatever, whatever the appropriate agency is for a particular project. In this particular case because you are the final decision making body on what will ultimately be the Special Management Area Permit, you are the accepting agency for the EA or even to

require an EIS. So no, you're not taking any...at least my understanding, and maybe Ann wants to comment, my understanding is you're not taking any action today. This is here just for you to make comments on and we will put your comments in a letter, send those to the applicant as well as, you know, members of the public of course this is a public process, they can send in letters saying you know, I think it's...the document's good, the document's bad, and these are the reasons why, whatever you know your comments are to them and then applicant has to address those things before this document comes back to this body for a determination

Vice-Chair Tsai: Director, just to clarify I think there was a question regarding this, they can submit it to the Planning Department?

Ms. Cua: Yeah, any letters of testimony like those we've been receiving by email, some were brought here today, some were given previously can come through the Department, through the staff, can give them to me and we will make sure the Commission gets them. I would like to just add one thing if you could refer to the memo that we gave you which is very typical for any memo that we give you with a Draft EA. We're asking for two things. As the Director mentioned, the main reason why we're here is because we are in the comment period for the EA process so we are, first and foremost asking for your comments on this Draft EA document, but another thing that we're asking you which is Item A is requesting concurrence from this Commission on the filing of the Draft EA and anticipated Finding of No Significant Impact. So as I mentioned to you that on...in early January we filed with Office of Environmental Quality Control that EA document that you have before you, that Draft Environmental Assessment document that you have before you with an anticipated Finding of No Significant Impact. That's what was filed, that's what you're reviewing, that's what agencies are reviewing, that's what the public is reviewing. So we're first requesting your concurrence on that part of the process, but part of the process now is to get in all the comments as the Director mentioned and they're coming in slowly. We're getting agency comments almost every day. We're getting comments from the community minute by minute as you witnessed today, and so all the written comments that we have from both State, Federal, County agencies as well as the public are gonna have to be responded to by the applicant and put together in a Final Environmental Assessment that will come before you at a future date.

Vice-Chair Tsai: And just, so I just wanna make a note over here and I appreciate everybody here in audience wants to be heard, we have to keep order here. We can't have people yelling out statements in the audience and also because this is a recorded session everything has to be taken in minutes and documented. It's not gonna be possible if you're talking out there. It's has to be talked through the microphone. That's why if you come up please speak in the microphone so we can hear and minutes can be taken and documented. Thank you. Commissioner Hudson?

Mr. Hudson: Hello Ann.

Ms. Cua: Hi.

Mr. Hudson: I'm still having a little problem understanding this. What I'm reading is the

Commission may designate itself as the appointing agency for the Final Environmental Assessment for anticipated Finding of No Significant Impact and provide comments on the Draft Environmental Assessment. That's a little pretentious. So with my understanding of it then is that if we accept responsibility for this we're already leaning towards accepting the EA is that correct?

Ms. Cua: You're reviewing the EA.

Mr. Hudson: With an anticipated FONSI. So anticipated means we kinda expect it. Am I misreading that?

Ms. Cua: Again what we're asking you, the Planning Department filed with the Office of Environmental Quality Control this Draft Environmental Assessment and an Anticipated Finding of No Significant Impact. That's what we filed. We are asking today for your concurrence with that and your comments to move to the next step but that does not mean that at some point when you get all the information that you cannot decide to require an EIS. We're in the gathering of information stage right now.

Mr. Hudson: So it might have been better written if it was just said for exactly what you said and left out the word "anticipated"? It could have...I mean, the language could have changed a little bit. I don't wanna argue semantics.

Ms. Cua: We'll that that's, I guess when we look at...that's actually what it's called. I mean that's what we refer to it as. It's an anticipation of.

Vice-Chair Tsai: Director?

Mr. Spence: Yeah, that's pretty much...when you file with OEQC you anticipate something. That doesn't mean that this body will agree with it. That doesn't even mean this Department will agree that after reviewing the entire record and all the comments that come in that...I mean, we could very easily change our anticipation if you wanna call it that or our recommendation, our recommendations this far. It depends on what comes in. And so there is...I really want it clear on the record right now that there really is no decision on whether there should be an EIS or whether a FONSI can be issued. It depends on the information gathered. And we've heard a lot today. I know the information gathered and how those comments are dealt with.

Mr. Hudson: And thank you for your clarification.

Vice-Chair Tsai: Commissioner Higashi?

Mr. Higashi: Mr. Chair, it sounds like what we heard today from the hearing and what we've read from the document it sounds like that the document itself is pretty comprehensive. I mean, they did a great job on it. They had representation from the community, et cetera, except that apparently there's a segment of the community that has been void, that's the younger generation or et cetera, and I don't think whether they got all the comprehensive findings of

facts that where in the document itself and to me before making a decision whether it's an EA or EIA I think that group should get together with the application and discuss the matter further so there can be lotta clarification or some doubt as to whether the applicant did what they're supposed to do. And my feeling is that we should postpone this particular decision until such time that the applicant can meet with the group and come up with some kind of a solution or conclusion or recommendation that the commission can act on.

Vice-Chair Tsai: Yeah, absolutely Commissioner Higashi. I think this is one of the feedbacks we're going to give it to the applicant to go back and have the meetings necessary with the group, you know, people represented here. So definitely, I mean this is definitely a review process for this particular matter so all of our feedbacks can be taken and going back to the applicant. Commissioner Medeiros?

Mr. Medeiros: This is rough one. When I think of Makena I think of the Garcias, the Changs, Kukahikos, you know. There's a lot of unanswered questions. Before I could make up my mind those questions needs to be addressed. I have a hanai nephew that participated today and his whole life, well, his adult life I've been telling him you grumble, you grumble, you grumble, put down the beer, get out of the garage and show up at the meeting and here he is, who does he face, me. You know, thank you for showing up. You have a right to be heard and they have a right to be heard too and until we get all the information, I would recommend that the two heads get together, find out. Not every plan is perfect. This is not perfect. They might have missed something. If you missed a heiau as a picture showed that needs to be pointed out to the developers and they can address it. Yeah. But thank you for showing up.

Okay and now there was a comment that you know, somebody can cover and pay off the Commission or something like that. Trust me, all we get out of this is a free lunch and I have never ever worked so hard in my life for a free lunch.

Vice-Chair Tsai: Ann, am I understanding correctly there's a 30-statutory review period, comments that—

Ms. Cua: Yes.

Vice-Chair Tsai: So—

Ms. Cua: And so the comment period, and I'll reiterate, the comment period started on January 8th and it ends of February 8th.

Vice-Chair Tsai: Okay. Commissioner Higashi?

Mr. Higashi: Mr. Chair, is it possible to extend that period of time?

Vice-Chair Tsai: Corp. Counsel?

Mr. Murai: I'm not aware of any mechanism for doing that. However, you know,

Commissioner Higashi I know that you had commented earlier that you were considering or wondering whether you could continue this. It's my opinion that...well, if one your recommendations is going to be that the applicant contact some of the people here or as you said, you know, younger people who may have input as well, that is something that the applicant could do during the next phase which would be preparation of the final EA. In other words what you, what you're...if I'm understanding correctly what you have in mind as a recommendation or a comment to the applicant, that's something that I believe can be accomplished without having to continue this proceeding.

Ms. Cua: Mr. Chair? I went to confer with the applicant because I know on other projects I worked on you know, a lot of times the hard and fast date is what it is, but comments kinda trickle in after that and applicants normally, you know, will try and gather as many comments as they can even if it's gonna pass the date. So I went and spoke with the applicant about, you know, if comments do come in after the date will they respond to those and you know, put that in the final EA, and they agreed if you know...They agreed to basically comment, respond to comments beyond the February 8th date. So for example if they're gonna get together and meet with more people. But again, as I mentioned there definitely is two groups that they've been meeting with for over a year that...and you see the list of who's on that and some of them spoke today which was a good thing.

Vice-Chair Tsai: So I wanna add all the comments from the Commission and go back to the applicant and that would be one you'd like to add on there, Commissioner Higashi? Let's speak to the applicant, thank you. Commissioner Hudson?

Mr. Hudson: So now we just add comments as to what the project people to reply to us on is that right?

Vice-Chair Tsai: Yes.

Mr. Hudson: Okay. Can I...

Vice-Chair Tsai: Yes, please.

Unidentified Speaker: And questions.

Mr. Hudson: And questions. Okay, comments. First comment for the project. Maybe you should come up, maybe you can answer these for me instead of...where specifically is the water coming from?

Mr. Roy: Thank you for the question. So as noted in the presentation, since we started this process the applicant has been working with the County Department of Water Supply to identify a source allocation for this project.

Mr. Hudson: So you don't have a source allocation right now?

Mr. Roy: Well, we are able to provide an update at today's meeting. There has been an agreement executed by the developer and it's contingent on a well being developed which I understand is currently in process, under construction. So there is an agreement in place to allow for water credits to provide the necessary water allocation for this project.

Mr. Hudson: I want you to understand how important water is.

Mr. Roy: Yes, we understand that.

Mr. Hudson: And everybody is tapping into Mokuhau and that's not really good. We're gonna run out of water. So one of my recommendations is that you clearly explain where your water is coming from and everybody has to know where it's coming from. How is it going to impact us because water is super, super important.

The next thing that I would like you to explain is how are you going to protect these sites? There's seven and 31, seven and 41, to me every site is important. How are these sites gonna be protected, specifically how are these people gonna be able to go down and pay homage? Are they gonna be granted pathways? How are you going to do this? What happens if they want to gather at one site or another site? All of this...this is, this is very important.

Next thing is, is I think that you should explain to everybody exactly how you guys got away from affordable housing specifically because I see how it's done and I am not gonna explain it. So when you meet with them you explain to them how you got away with this. I'm good for now.

Mr. Roy: Thank you.

Vice-Chair Tsai: Okay, thank you Commissioner Hudson. Commissioner Robinson?

Mr. Robinson: No go ahead finish writing it's important. I can wait. You got it?

Mr. Roy: Yeah.

Mr. Robinson: I wanna expand on the water well. So is that water well gonna be potable or nonpotable?

Mr. Roy: It's a potable water well to my understanding.

Mr. Robinson: And so you guys gonna have, you guys gonna have osmosis plant, you guys are gonna make it drinkable water, you're gonna do all that testing, it's not just a well to go ahead and landscape. That's gonna be used for the guests at the hotel is that correct?

Mr. Roy: If it's okay, can I invite Ed Divita from Discovery Land who has a bit more information on--

Mr. Robinson: Please, please do.

Mr. Roy: --that question?

Mr. Ed Divita: Ed Divita with Discovery Land Company. Thank you. So the well that's being constructed is a potable well where the water would be contributed to the County's water system. And the amount that's being contributed to the water system is in excess of the amount that's the demand for this project. And the credits will be assigned to this project. Where it's we can provide in our final EA and even in advance of that a clarification with all the details of how it's set up.

Mr. Robinson: One second.

Vice-Chair Tsai: Continue.

Mr. Robinson: So you filed for a permit to drill a well and you have a permit, and once that well is then completed to use the water and then start using that water is that correct?

Mr. Divita: Yeah, there's a number of parties involved in the agreement and a Well Permit has been granted and work is underway on the well.

Mr. Robinson: Okay, how many gallons per day is that permit for?

Mr. Divita: I don't have that information with me right now, but we can certainly provide it.

Mr. Robinson: That would be important.

Mr. Divita: Absolutely.

Mr. Robinson: ...(inaudible)...contribution.

Mr. Divita: Yeah, absolutely.

Mr. Robinson: And then...but that water is not...we don't even know if that place where you're drilling is even able to be used the water or has there already been hydrolysis tests...(inaudible)...

Mr. Divita: It's been, it's been tested.

Mr. Robinson: It's been tested already?

Mr. Divita: Yeah.

Mr. Robinson: Okay, thank you.

Mr. Divita: We'll provide the details.

Mr. Robinson: Thank you.

Vice-Chair Tsai: Commissioner Duvauchelle?

Ms. Duvauchelle: For Mark, please? Hi Mark.

Mr. Roy: Hi.

Ms. Duvauchelle: What we...we talked about all the different parcels, what is the overall plan for phasing? Obviously you're not gonna build out everything one time. Is there a phasing plan in place?

Mr. Roy: Can I just—

Ms. Duvauchelle: Yeah, sure, whoever?

Mr. Roy: --get a document? This question was raised during that early consultation process that I mentioned during the presentation. Basically we sent out a letter and we got a lot of letters in from all the agencies and certain community groups. In fact, Maui Tomorrow did comment during the early consultation process and had a similar, a similar question and it goes back to Mr. Mayer's testimony about there being, you know, more land available that is currently zoned and that's a true statement. There is a lot of land available within Makena Resort that as of 2009 was rezoned by the County Council to synchronize with the community plan designations. In terms of the current owner which is ATC Makena Holdings, you know, they're committed to complying with the requirements of Chapter 343 and this project is currently the only project that they have planned for. And so the EA is assessing the M-5, M-6, S-7, B-2 project but it's certainly an accurate statement that there is more land out there. Back in the 1970's there was an EIS done to include some of those other lands but that was by another developer, another owner for a totally different project didn't move forward obviously because it has now changed hands a number of times, the resort.

Ms. Duvauchelle: So the parcels that we're looking at today.

Mr. Roy: Yes.

Ms. Duvauchelle: In what sequence or what phases are they looking at building out this particular portion?

Mr. Roy: Oh for the M-5, M-6, S-7, B-2 Project?

Ms. Duvauchelle: Yeah.

Mr. Roy: Ed, can you help with this? I think it would be from the northbound, right?

Mr. Divita: Yes. At this time it hasn't been determined what the sequence is. I could speculate the possibility would be that it would start with the infrastructure and the roadways and then over time in response to the market the single-family homes and the multi-family homes would be developed as well as the village area.

Ms. Duvauchelle: And since—I'm sorry.

Vice-Chair Tsai: Yeah, continue.

Ms. Duvauchelle: As they talked about earlier about the drainage from the parcels up above is that included now in Austin Tsutsumi's drainage report? Have they taken into account the drainage from above that won't be developed?

Mr. Divita: It's my understanding that it has.

Vice-Chair Tsai: Please identify yourself again for the record?

Mr. Divita: Sorry. Ed Divita with Discovery Land Company. Yeah, it's my understanding that it has, but I'd like to turn it over to our engineer from Austin Tsutsumi and she can speak specifically to that.

Ms. Adrienne Wong: Good afternoon Commissioners, I'm Adrienne Wong. I'm with Austin Tsutsumi & Associates.

Mr. Robinson: Good afternoon.

Ms. Wong: Good afternoon, hi.

Ms. Duvauchelle: Hi Adrienne, go ahead.

Ms. Wong: Your question, go ahead?

Ms. Duvauchelle: So my question was one of the testifiers had talked about the large drainage and drainage pipes and ...(inaudible)... that are above these parcels that are not gonna be developed right now. When you did your drainage report and you designed your infrastructure for these parcels did you take that runoff or that drainage also into effect?

Ms. Wong: Yes, we did. But for some of the offsite runoff we're allowing it to just flow through as allowed by the Maui County Drainage Standards. And what we're also doing is within the project we're adding in retention basins, drainage systems, bio swales, bio retention basin and still in basins to handle the project itself.

Ms. Duvauchelle: Can I do one more?

Vice-Chair Tsai: Yes, go right ahead.

Ms. Duvauchelle: So I know that best management practices and what we do in the field have come a long way.

Ms. Wong: Right.

Ms. Duvauchelle: So you've implemented as far as your sediment basins and all of the above all the new and then as they grade they'll have to close up behind them, right?

Ms. Wong: That's correct.

Ms. Duvauchelle: Okay. All right, that's what I have. Thank you.

Vice-Chair Tsai: Yeah, I have a question for you too. Thanks. You know it really concerns me we have a large amount of acres above this current property being not evaluated which potentially once that gets built you know it's a cumulative effect. So I'm not very comfortable with the current report because you're not considering the other developments which ultimately could happen.

Ms. Wong: If and when the upstream properties get developed they are required to retain the increase in runoff as well as take care of the water quality that they're generating with the development. So there should not be any increase in runoff of the existing offsite. You have to take care of what you're generating...the development that you generating the increase in runoff.

Vice-Chair Tsai: Well, I understand that but, you know, been on the Commission for three years we hear enough about situations where, you know, water runs downhill regardless, you can't control that. So if you have some development going on mauka of you, it's gonna come down at you no matter how you're gonna look at it. So I just wanna make sure you guys take that into consideration.

Ms. Wong: Yes, we will.

Vice-Chair Tsai: Commissioner Hudson?

Mr. Hudson: Mine was on a different topic.

Vice-Chair Tsai: Okay, thank you.

Ms. Duvauchelle: Thank you, Adrienne.

Mr. Hudson: Mark? I seen in your report that you guys are gonna be using some potable water from Makena Golf Course is that correct? Nonpotable water, R-1 water?

Mr. Roy: Correct, that's the plan.

Mr. Hudson: Did you guys know how much R-1 water you guys are gonna be using 'cause it is –the report was very vague. It said we're gonna be using some which really doesn't tell me a whole lot.

Mr. Roy: So this speaks to one of the sustainability strategies. The objective of this project is to use as much nonpotable water as can be made available from the golf course irrigation well. That's something that I think we can look into further as part of the Final EA. That's a good question.

Mr. Hudson: Perhaps a little bit more, a little bit more detail on that?

Mr. Roy: Yeah, the commitment is most certainly there though to offset as much as possible through nonpotable water use.

Mr. Hudson: And my last comment before...one more. Having some familiarity with traffic, I do not believe your traffic report is correct. I think you should review those numbers. I think they're grossly understated.

Mr. Roy: If you have a specific question we do have the traffic engineer with us today from Austin Tsutsumi & Associates. I can bring Tyler up here if there's a specific question.

Mr. Hudson: They're going to argue the numbers that they came with based upon their formula, but I'm telling you those numbers are not correct based upon actuality. Please revisit it. That's it.

Mr. Roy: Thank you.

Mr. Hudson: Thank you.

Vice-Chair Tsai: Are you ready Mr. Hedani?

Mr. Robinson: Hey Wayne, Wayne, you take a couple, take a breath, take a couple, take a breath...

Mr. Hedani: Right, okay. First of all, I wanted to comment that I believe the Commission's role today is just to provide comments. We're not gonna make a decision one way or another, we're not gonna declare war on the Hawaiian community, and I don't know that they have consensus to declare war on the United States at this point. So my comments are just based on what was provided to us and the role of the Commission is just to provide comments on this document.

On Page 10 of the document on Item No. 3, it says, "one of the sustainability concepts is to embrace and honor the local culture," Item No. 3. I'd like you to identify how you've done that in the plan.

Mr. Roy: Okay, it's a good question and that's one of the seven sustainability principles within the framework that was mentioning in the presentation so we have Jim Hyde here today who's the sustainability consultant. He'd be able to respond to that question.

Mr. Jim Hyde: Aloha, Jim Hyde from Urban Green.

Mr. Robinson: Aloha Jim.

Mr. Hyde: Thank you for that question. I was hoping for an easier one. I think there are two things included in this principle and this action and one are things that are being done which was the Cultural Impact Assessment and Archaeological Survey and so that's kind of documenting what's there and then setting up through the State's procedures and the input from the local advisory group the procedures for preserving and recording our data recovery. The other thing are what are things that we would be doing going forward? So it's how the architecture is designed and what techniques are used in there that respect Hawaiianna architecture and reflect local artisans. The way that interpretation might be done on site so that as guests and people come here they either directly begin to understand the culture better or they almost sublimely they see something and they understand it better. Things in terms of working with the staff that are working there, the kinds of just making sure they're using the right language, that they're embracing and sharing the culture with people that are on property. Even the use of products in the hotel rooms, the shampoos and that are locally made and really again begin to tell the story about the local culture. So there are things that have been done and are included in the planning and thinking that are recording the culture as it exists now and historically was there. And a lot of this is also about going forward, how do we continue to share that culture and expose the people that are coming here and participating in this community to really gain a greater appreciation for it and understanding for it.

Mr. Hedani: One of the questions that I had was on the subject of the 41 sites that was referred to today how do you distinguish between what...or maybe it's not even you that decides maybe it's SHPD that decides, how do you decide what's worthy of preservation and what's not?

Mr. Roy: I can certainly try my best to respond to the question. I know the process. I've worked with SHPD many times. We do have Mike Dega with us who is from Scientific Consulting Services who is the archaeologist for the project. He can answer any more detailed questions. Basically there was an Archaeological Inventory Survey completed for each of the development parcels within this project so there were three AIS reports. Each one of those reports was put together as a draft report. There was also consultation with Morgan Davis of SHPD during the preparation of the AIS report itself and that included field surveys and testing. Those three reports were then submitted to SHPD and there were some comments that came back on I think each one of the reports which had to be responded to by the archaeologist. The report then was submitted as a revised version back to the State Historic Preservation Division and the State at that point accepted each of the reports. So that's an explanation of the process.

In terms of specific criteria that is used the significance of certain sites I can ask Mike Dega to

come up and respond to that question.

Mr. Mike Dega: Thank you. Hi, Mike Dega SCS Archaeology. I'll answer just your question briefly. We decide to preserve sites based on site type. There's a lot of different site types out there, agricultural, habitation, ceremonial, fishing shrines, ranching walls, all sorts of different site types. Usually those that are preserved are more either represent a very high quality of a site like a habitation that's in good preservational state or a heiau, something that's very significant to the local community. Site preservation plays a big role in what you wanna preserve. We can see traces of say three or four rocks that represent an old terrace. Probably not the best example per se versus a larger set of terraces down the road that are complete and people can see them without any reconstruction. Also, there are distribution on the landscape. You want sites that articulate with each other so you get a better view of the past. You have agriculture with habitation you get a whole site complex instead of isolated features across a landscape. And finally in this case, there's a lot of consultation done with the State Historic Preservation Division. Morgan Davis came out on site three, four times and walked with us. And also as Ms. Naone Hall was mentioning, the cultural groups played a big role in deciding what was important to them and what should be preserved.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Just as a comment. You know on the archaeology of the area what I heard today was a lot of people saying that things should be considered that haven't been considered. So is there a mechanism where you can follow up with all of the comments that have been made today?

Mr. Dega: If the people have comments on the AIS they can go directly to the State Historic Preservation Division and submit comments there or you can get ahold of me, I can look 'em. All three AISs are preserved or actually accepted right now. So we're sort of into the phase of data recovery, preservation, monitoring as Mark had mentioned earlier. But Chair, I'm always open to hearing new ideas or interpretation that's fine.

Vice-Chair Tsai: Yeah.

Mr. Hedani: Go ahead, you can pass it onto somebody else. I heard mention today of a heiau within the project area. Is there a heiau within the project area?

Mr. Dega: No, that's on the other side. It's the Na Hale O Makena site. We do have a few ceremonial sites on these parcels and they're all being preserved but no named heiau. There's also a Kalani heiau to the south towards the makai area.

Mr. Hedani: So what you're saying it's not within the four corners of the—

Mr. Dega: No, what they were showing the picture...that was a habitation site. That's not a heiau. Our interpretation, the State's interpretation and the cultural group's interpretation.

Vice-Chair Tsai: And I just wanna add a comment too, I mean maybe for you and Mark is that seems like overwhelming response here today is that you guys need to perhaps do a better job in community outreach for something like this. Get more feedback from community and really gather those feedback...(inaudible)...that part of your evaluation, you know...thank you.

Mr. Dega: Sure. Yeah, and it's written in the rules, when we turn in an inventory survey the public has a minimum of 30 days to comment on any archaeological document produced on the County of Maui. So I encourage you to go down there and ask them, hey, where's the work been done recently, can I get a copy. That's your opportunity. Public can get those for free.

Vice-Chair Tsai: Thank you. Commissioner Robinson?

Mr. Robinson: If I understand you correctly it's you're following the State regulations of what certain sites are classified as is that correct, is that what I'm hearing?

Mr. Dega: Well, it's the National and State Historical Register which have different criteria, excuse me, on significance and how you assess it.

Mr. Robinson: And if somebody has a discrepancy or disagreement with that they should then go to that body instead of going to you? I mean, I mean, you're following criteria that is set forth before you and so if somebody disagrees with it...

Mr. Dega: Yeah the could come—

Mr. Robinson: --it shouldn't, they shouldn't go to you, that they could go through you maybe towards that that other board that is setting up what they consider certain sites.

Mr. Dega: Absolutely. They can come through me or they can go to the State Historic Preservation Division because if they do come to me, I have to write it in the consultation section that I talked to so and so, they interpret it this way and the State ultimately is the judge of this which significance it falls under.

Mr. Robinson: Okay, thank you.

Mr. Dega: Thank you.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: I have a question regarding your, your, your cultural focus group? Who's in charge of the cultural focus group?

Mr. Roy: It's Ed Divita.

Mr. Divita: Ed Divita with Discovery Land Company.

Mr. Robinson: Aloha Ed.

Mr. Divita: So we formed a group as a informal gathering of people with interest in culture and experience in culture and presented openly about what the project's about and you know, opened the dialogue about things. And in addition, what we tried to do was listen carefully to the history about the project, I mean about Makena and about the area and the lands and the beaches and we gathered the information and we had interviews and we worked to document the findings in a book, you know, what we call a community workbook which gathers historic information and timelines and what's happened. We used, we used feedback from our cultural historian Tanya Lee Brigg where she prepared a intensive report about the history of Makena and we gathered that information and we worked to compile it into interpretable forms and discuss it. And then we tried to distill it down to how we might be able to take the information and integrate it into the project. And in this project in particular we propose a cultural interpretative center it's in Figure 6 in the application. It's on the the B-2 parcel near the retail village. And we've also gathered up the information and formed a curriculum and we're trying to share the information among newcomers as well and newcomers include people that are new employees to the Makena property as well as people who are new residents to the area and then we work to share the information. So we set up sessions where newcomers can be integrated and they can meet with old timers and talk story and go to the sites of interest and talk about them, Makena Landing, Pu`u Olai, et cetera.

Mr. Robinson: Can I ask a question?

Mr. Divita: Sure.

Mr. Robinson: I never got a chance to ask you the question. My question about this focus group is I see here where you guys met...did you guys meet more than four times or just four times?

Mr. Divita: We've met more than four times, yeah.

Mr. Robinson: So I guess in the EA it only shows it was four meetings.

Mr. Divita: I think those four meetings were specific to this M-5, M-6, S-7, B-2 project where the project was presented and discussed.

Mr. Robinson: Okay, I notice on the meeting you guys spoke a lot about the different project sites but there was nothing about the TVRs, and a question I have for you is this a inclusive group or is this a forum that people can come and attend any of these meetings regardless if they're part of your advisory group or not?

Mr. Divita: Yeah, we open to adding additional members to the groups and we've added additional members along the way for example, along the way someone made a suggestion that we should include a member of the hotel workers union with—

Mr. Robinson: Did you think about having a open meeting where people don't actually don't actually have to be a member of your advisory committee. They can come and they could give you testimony, share the mana`o with you without it having it to be let's say this form.

Mr. Divita: We're open to that. We're definitely open to that.

Mr. Robinson: So you guys haven't. It's been inclusive or it's gonna be inclusive?

Mr. Divita: Yeah, we've had different types of meetings. I think the one thing about the cultural focus and community focus groups is that is there's a commitment to attending and continuing the dialogue. And so there's a certain amount of reliability that people have on each other for being able to be there and continue so it's organized. But we've had other ad hoc meetings where we've invited broader groups and we can, we can have those as well.

Mr. Robinson: I recommend that you have a open meeting so it's not a chosen advisory committee if the committee is gonna give recommendations and their findings and it's a chosen committee, you might wanna open it up to have people just come and have a...to give you some testimony, to hear about it and then that might expand your guys, your guy's knowledge.

Mr. Divita: We'll certainly take that into account.

Mr. Robinson: Thank you.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Page 10. Item 4, it says, "sustainability design for beauty, harmony, and understanding."

Mr. Roy: Let me have Jim Hyde come back up.

Mr. Hyde: Jim Hyde, Urban Green.

Mr. Hedani: Yeah, here's the question. I agree with one of the testifiers that testified today that the development of the site looks like it prioritizes views of the individuals that be occupying the units above view of the public to the ocean. Its sacrifices views to the ocean for the public in favor of creating value on the site itself for the units that are gonna be built there. I think it was Dick Mayer that pointed that out. Is it correct that the units closest to the highway are going to be 50 feet tall?

Mr. Hyde: That is...I'm gonna defer to someone else on that particular question, but I think the, I think the larger question of the views from the highway there was actually a very thorough analysis which I think was in the package which related to a lotta of these issues. It would probably might be worth looking at because I'm not sure that that what was presented shared a...showed a full, a fair share of what the actual views were going to be like. They were kind of vignettes and so...and there's also the use of the topography to actually bring the buildings

down. While the buildings may be tall, where they're sited is actually below the grade of perhaps where the road is so that the height from the road is not as it was tall.

Mr. Roy: It's a very good question and actually we've prepared a view analysis to assess vantage points along Makena Alanui Road. I can have Rob Iopa who's from WCIT, they walked the road, they put together the view analysis and that may be a good document to look at it as maybe we're responding to some of these questions on view impacts if that's okay?

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Mr. Roy?

Mr. Roy: Oh, sorry I thought you said Rob.

Mr. Hedani: Here's my perspective and I'm gonna pose a question as have you considered alternative designs which further take into account the public's view to the ocean? Here's what I'm proposing. You're tallest buildings are at the top of the site which basically blocks the view for the public. The topography of the site is such that it slopes steeply down to the ocean. If the highest, tallest buildings were placed further down the slope you would in other words flip the project so that your single-family is higher up and your multi-family condominiums are lower down you'd be able to preserve view planes to the ocean for the length of the roadway along the project site itself. So is that something that you folks have considered?

Mr. Roy: So I'm gonna ask Rob Iopa to come up respond to that question. He's the design architect that put together the site plan.

Mr. Rob Iopa: Aloha Commission. Rob Iopa, WCIT Architecture. I am one of the team, the design team along with VITA and Hart Howerton that had looked at the site planning elements of this and maybe I can just describe a little bit about our approach first and then maybe more directly Commissioner Hedani respond to the potential or challenges of siting. So maybe first if we could go back to just overall site plan.

So maybe I just make it as brief as possible and then maybe we can continue the dialogue. But just look at the overall thinking of the massing. So in our minds the most sensitive areas in many ways are kind of the views from makai looking back mauka particularly in and around the road and the beach and the makai side. So much so that we've actually taken multiple view studies that have looked both from the beach and out in the ocean looking back and trying to nestle the siting and heights of our buildings back up into the hillside. There is considerable topography through this site in places in and around 70 feet above mean sea level up along Makena Alanui. It does go up to 90 in certain areas, but down in this area through here, we're here we're down in the 70s, 74, 78 and then obviously at sea level, we're at sea level, so zero. So I mean we've got 70 feet of topography. These buildings primarily in and along Makena Alanui Road are 45 feet. And they are within the heights that are proposed or allowed for given the current zoning. We have along M-5 tried to cluster these buildings in certain areas and then to provide for some visual relief if you will and then to provide for pockets of width that would

provide for view corridors to here as we get to this side of M-5 we look to provide for pockets of width between both of those buildings. I would too, and as we go into the view analysis also say that we had spent a considerable amount of time in and along there looking at the existing vegetation both planted vegetation that provides for shade and then invasive species vegetation that we think we can selectively trim, selective removal for the betterment of planting native species and opening up view planes.

As we come back in and around here to M-6 and as we approach B-2 we have considerable view corridors that we tried to open up. So we've clustered buildings together where best we can to open up for larger view corridors and if can then I'll just run you through...actually we have a dozen of them in our proposal. And I think important, you know, when the earlier testimony was about our views in many cases what shown was just the after. What we've done in the document that you have in front you I've included exactly where our view studies are from, taking photos where those exist and then as best as possible, provided for an artistic representation of what it would be moving forward.

So view analysis 1 happens here. You can see and this is truly the case in and along Makena Alanui if anyone drives there on a regular basis or then wants to go and find specific areas that the majority of the area it has very limited view of the ocean as currently because of the overgrowth of mostly invasive species.

So again, now 2, this is direction as we're headed in this direction along Makena Alanui. Again, you've seen the monkey pod trees that were planted as part of Makena Alanui and then the natural growth that has happened in between. Current no views and then in the proposed we believe through selective removal of invasive species and the replacement with native that we can actually open up view corridors to the ocean.

I'll proceed quicker as I move forward because the same holds true for many of these views. So again, actual sited location of a proposed area within our site, the current view and then what we believe truly as the proposed view moving forward. And again, as much as possible with the inclusion of the existing monkey pods, two of which exists here and then the opening as we move forward.

We've also taken views directly through what our existing view corridors which are roadway systems so we believe that again, we can preserve and in many cases enhance the views towards the ocean. And notably our architecture and massing of the building is part of this, but in many ways as I said we're trying to cluster the buildings such that we can open views.

Same here existing condition in and along M-6. Essentially no views towards the ocean and then what we believe to be a considerable view improvement as we move forward. Here you can start to see some ocean and then this is at the entry to our village center which will be a highly traversed what we believe community access point not just for the residents here, but for the residents abroad and what we believe to be a significant view opening that would in effect look down the West Maui Mountains.

And then again, the massing of our retail village and then the open spacing along the drainage canal. There's just a few more that I'll move quickly through. We have then from Makena Landing looking back up, so the...trying to represent the visual inclusion of our structures. Again, looking up and mauka with what we believe to be accurate representations of the size, scale and massing of the proposed residential buildings. As we are going towards the church in its current condition and in its proposed, you know, as you all are aware the area in and through here with public use in this area is sometimes challenging. Our proposal to actually include safe walkways and bikeways for the users, for public and of the resort community. And then these start to represent some of the shots that we know are important as well mauka to makai is important but so too makai-mauka, and here again.

I guess my last statement would go towards that kind of flipping aspect and maybe this one is best is when thinking about that. What we tried to do is really kind of come more towards a single family, lower scale residential character as we move to the site and believe that by nestling what are tall structures...I mean they're 45 and 50 feet to our elevator towers but using topography and the existing landscape to our benefit to shield those and open up public views.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Thank you. One other comment that I had on some of the buildings that were proposed is that while some of the buildings reflect a Hawaiian sense of place my person feeling was that the ones that you referred to as contemporary or new contemporary designs really reflect more of Honolulu than Maui is my perspective especially when they're totally upfront and in your face, you know, on the public side you know, on Makena Alanui road. So if something can be done towards looking at that and softening it somehow.

Mr. Iopa: Thank you.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: I have a question regarding the overgrowth of invasive species. Isn't that not the property's, I mean, development properties land to where it's supposed to be maintained or are they just allowed to growth to 15 to 20 feet? Because I don't remember the growth being that high when I was just there, just last year. Can anybody answer that question?

Mr. Roy: Yeah, I'm not sure I can specifically respond to the question on the part of the ownership, but I think our understanding is that vegetation has been there for quite some time.

Mr. Robinson: Okay. I guess, I mean I was there last year and I jogged down that road and I could see the ocean from the jogging path while this one shows that there's no sight lines so I'm a little confused on what we're looking at here. Showing that the buildings will not affect the sight lines at all when my own eyes must of have been lying to me 'cause I saw the ocean there. I haven't been there in, in you know, the last six months but I was there and I did that.

Mr. Roy: Okay.

Mr. Robinson: I do like to make a comment and agree with Mr. Hedani the eight plex buildings with the white stucco, I don't know how this is considered Hawaiian. Maybe Sheraton Kehou, 1950 Hawaiian looking, but it's very square, it's...I'm not an architect major but when I see this building I don't, don't feel like it's a place that's in Hawaii. You know, in fact there's a lot of places in Wailea including that new place that was developed down there, it's very square, very, you know, box like and if these are the ones that's gonna be sitting there, I don't, I don't know what you can do to make it, I mean, to make it, you know, a little bit more local looking. Thank you.

Mr. Iopa: Thank you.

Vice-Chair Tsai: We're gonna take a five-minute recess please, reconvene at five after 3:00.

A recess was called at 2:58 p.m., and the meeting was reconvened at 3:09 p.m.

Vice-Chair Tsai: Call back to order. Questions from the Commission? Commissioner Hedani?

Mr. Hedani: Because I have a lotta tabs on this thing it doesn't really need a response today from the applicant. I think if they could just note it and then maybe address it in the Final, I'd appreciate that.

Vice-Chair Tsai: That would be great. Thank you.

Mr. Hedani: I have a comment on Page 12, Item F, Project Development Schedule and Cost. It cites that the project is \$354.8 million and it's just a comment. My comment is from my perspective a project of that magnitude deserves a full EIS.

Page 18, on the first paragraph relative to controlling runoff, sedimentation and erosion, comprehensive program of best management practices will be implemented. My question is the Commission in the past has looked to smaller projects to retain 100 percent of runoff on site. What percentage of the project's runoff will be retained on site is the question.

Mr. Roy: Okay, I think we can answer that. So the project's drainage system has been designed to retain 100 percent of the increase of the increase associated with the project. So basically what the project creates in terms of additional runoff, the project's drainage system will retain that. There will be offsite flows coming through the property as Adrienne Wong had mentioned during her response. However, this project has designed some additional capacity into the drainage system so I think there is some additional capacity beyond retaining 100 percent of the increase in flows and I can quantify that for you if you would like.

Mr. Hedani: Right. Let me clarify my question. I understand that you folks have addressed the Delta, the increase in runoff. Part of Kent Hiranaga when he was the chairman of the commission was were pushing projects to retain 100 percent of runoff generated from the site, on site. In other words, forget about the Delta look at trying to retain 100 percent of the site's

runoff on site. And what percentage of that, you know, does the project comply? So the perfect world would be 100 percent retention. You have pass through from stuff mauka, but the project would hold whatever falls onto that site. What percentage of that 100 percent is the project up to?

Mr. Roy: Thank you.

Vice-Chair Tsai: Commissioner Duvauchelle?

Ms. Duvauchelle: I have a question for the developer. Can you go back to affordable housing?

Mr. Ed Divita: Ed Divita with Discovery.

Ms. Duvauchelle: Hi Ed, thank you. I understand that the affordable requirement has already been met for this particular project is that correct?

Mr. Divita: No, we're not at the...to the best of my knowledge we're not at the stage where we've fully executed it yet. I believe the follow up would include an agreement with the Department of Housing.

Ms. Duvauchelle: So you don't have a signed workforce housing agreement as of yet?

Mr. Divita: No, not for this project.

Ms. Duvauchelle: Have...we have a desperate need for housing, shortage of entitled property. Do you have any plans at all for any affordable homes in the Makena area?

Mr. Divita: At this time the plans that we have for development in Makena are the ones that we've shown you--.

Ms. Duvauchelle: Right.

Mr. Divita: --today. That's it.

Ms. Duvauchelle: Okay. So nothing...well so one of my comments will be, I don't know whether it fits in at this particular time, but I really, I don't think that it's healthy for the island to keep the affordable homes segregated into one particular area. I think they're needed everywhere. And I, I understand fully of the affordable housing credits but I would encourage you with your entitled properties that you really look at an affordable single family housing project somewhere in Makena.

Mr. Divita: We'll take that under consideration.

Ms. Duvauchelle: Thank you.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: I'd like to comment on that as well is the housing credits are used for, you know, from a different affordable housing and then they get to sell it you know to hotels and I think that's a...it's a great need because hotels you know, don't have as much property develop from but this is not the case with this Makena. With this Makena property they have enough land to do affordable housing to where they shouldn't have to outsource credits. They could have enough property to where they can get enough housing credits on their own and I would recommend that they try to fit that in this here somehow instead of trying to use some credits which, which really doesn't add to any of our, to any of our housing needs.

Vice-Chair Tsai: I agree. Commissioner Medeiros?

Mr. Medeiros: As an advocate for working families I have to agree with Sandra Duvauchelle. You would lessen the impact on traffic if people were living close to work. So I agree with Sandra and Keaka and Max, it's something that needs to be looked at. I don't know if you guys can do it, but at least look at it. You know, see what you can do for us. The whole thing that's happening here I have not decided on whether this is enough, okay? And if we, we go with a whole EIA this will become this and I'm gonna have to look through it. So it's your job to convince me that this is good enough. Because if this is not good enough, I'm gonna have to read through this.

Vice-Chair Tsai: Commissioner Higashi?

Mr. Higashi: I have on the in relationship to parking. I notice that you have designated parking area but there's no numbers about approximately how many vehicles would be allowed to be parked in those areas.

Mr. Roy: We can certainly look at adding some additional information on parking in the Final EA.

Mr. Higashi: On your legend you have specific you know like surface parking in 7, 8, 11, 13. Well, 15 and 16 those are condos and apparently there are underground parking so I'm just assuming that you'll have enough parking space for those areas but the others is just, it's just designated parking but it doesn't number.

Mr. Roy: Okay, thank you for the comment. They have been working with the Zoning Administration and Enforcement Division on understanding the parking requirements and making sure that the site plan has sufficient parking to meet the County Code requirements. So we've done quite a bit of outreach work and we should be able to have that information during the next round in the Final EA itself.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: On Page 29, you're talking about flora and fauna on the site. In the middle of the

page it says, “the flora and fauna survey documented no known critical habitats for rare, endangered or threatened species of flora or fauna located within the project site itself.” I find it difficult to believe that the site would not contain habitat for say the Blackburns Sphinx Moth or sites that might affect the Hawaiian Hoary Bat.

Mr. Roy: We have Bob Hobdy here with us in the audience. I can bring him up to give you a summary of his findings if you would like?

Mr. Bob Hobdy: Aloha, Bob Hobdy. There were some of the Tree Tobacco Plants that are hosts for the Blackburns Sphinx Moth, but we looked several times and we never did find any in that area. Those trees were eventually removed following a Fishing and Wildlife Service Guidelines for doing so ‘cause it’s not the Tree Tobacco that’s endangered it’s the moth and the moth isn’t on the Tree Tobacco. It’s just a weed. And we did look for Hawaiian Bats a couple of times and never did record any in the vicinity. That doesn’t mean that these couldn’t occur from time to time ‘cause they’re wide ranging bats fly all over but none were recorded in the project area. So...

Mr. Hedani: It is what it is.

Mr. Hobdy: Yeah.

Mr. Hedani: Okay.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: I have a question. I have a question on Page 39 for socio economic environment and there’s a statement in there, I don’t know if you got that from our General Plan where it says, “the Town of Kihei serves as the commercial and residential center of the region with the master planned communities of Wailea and Makena serving as the focal point for the majority of visitor activities.” Is that from our, our Kihei-Makena Plan or is that...

Mr. Roy: We use a lot of documents when we prepare these analysis. I’m not sure to be honest.

Mr. Robinson: Can you...on the next meeting can you please? I will look back in my plan, but I wanna see where that statement came from and who decided that the focal point of Wailea, Makena will be visited.

Mr. Roy: ...(inaudible)...

Mr. Robinson: Yeah, a focal point, yeah that’s pretty important in the—

Mr. Roy: Ann Cua thinks it is. So we’ll have to look at that.

Mr. Robinson: I’ll put it on Ann then. And I wanna continue. It’s also...Commissioner Hudson

brought up the traffic study. You know, I had a just like a quick, quick thing that I saw where we had a 185 full-time employees for five years that will be working on this project. We only showed a 140 vehicles leaving in the afternoon and only a 160 arriving in the morning. So that 185, I ready turn that number so I think that's what we're...you know, we're saying maybe the numbers kind of don't match and if we could at the next round, you know, that's...you know, we're just looking at surface and just a statement like that already shows that 185 workers that's not including other service vehicles that support that job too. Thank you.

Vice-Chair Tsai: Commissioner Hudson?

Mr. Hudson: Regarding traffic analysis report and I really don't wanna get into it too much. Certain things I don't wanna comment on like the affordable housing because my opinion on it is so strong that it will come out very poorly. But the traffic accident investigation, a report you used times like 0730 to 0830. The time isn't really...a lot of people are already at their job by 8 o'clock. If you're going bad times that doesn't really work and the amount of cars that you have for the residences that you guys are developing, I realize there's a national formula, I understand that. It ain't right. It's not right. You have, you have, let's say we have 13 families who come up with seven cars that's impossible during the morning rush hour. That's...most of the families have more than one car. I just want those numbers revisited and I want more than one day on one corner. If this is a study it goes over a course of time because one day can be anomaly. A study takes into accounts fluctuations.

Mr. Roy: You're talking about additional traffic counts?

Mr. Hudson: Absolutely, yes.

Mr. Roy: Okay. Thank you for the comment.

Vice-Chair Tsai: Commissioner Higashi?

Mr. Higashi: Pertaining to your materials for your building as I look at each of the structures I don't see anything on photovoltaic is that something you eliminated or are you not using for the Makena area?

Mr. Roy: Photovoltaics are absolutely being considered and if they are not on those elevations we can certainly look at incorporating those for the Final EA.

Mr. Higashi: You know I thought that would be a perfect place 'cause...because of the sun that you get over there.

Mr. Roy: Sure.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: It's on Page 47 when we're talking about recreational facilities, potential impacts

and mitigation measures. Is there a way that the project can improve beach access in the area specifically beach access parking for the general public? I understand that the project does not have beach frontage, you know that it's separated from the beach by other properties that are owned by other people. But are there means why which public beach access in the area can be improved?

Mr. Roy: So I can add some information to respond with some, you know, some input on that question. As you note, this project is mauka of the Old Makena Road. We do however have Makena Landing right there which is a very frequently used beach park I think we'll all agree. Makena Resort includes quite a lot of lands that we've talked about today that includes zoned lands that were rezoned back in 2009 by the previous ownership.

There are conditions that were attached to the rezoning action, quite a few actually, 44 if I'm not mistaken. One of those conditions, actually several conditions requires Makena Resort as an owner to do improvements at the Makena Parks. So Makena Landing as an example this has been a recurring agenda item for the community groups, the Makena community group and then the cultural focus group. There's a plan that's been formulated to do upgrades at Makena Land Beach Park. It was referred to as beautification in the zoning condition. So we've been working with the Department of Parks and Recreation to come up with a site plan to beautify that facility.

Another condition relates to providing additional beach parking in the Makena Landing, Maluaka area. So there is a condition that speaks to the need to provide additional beach parking stalls that work is ongoing to comply with those conditions. Those lands, those rezoned lands are not part of this application, but there is certainly work being done to comply with the conditions that were attached to the rezoning cause they were fairly comprehensive.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: I have a question regarding...I heard somebody talk about the hotel converting to a different, say from a true hotel to a timeshare or a TVR whatever it's gonna be and I assume with that becomes reductions in employees. Is...I guess I'm trying to look at benefits for Maui with this project. You know, obviously the developer is gonna benefit and people who purchase these homes are gonna benefit. So if you can, and in a simple page try to show me the positive employees from where we are today compared to when this project is done. Because in my eyes we're gonna lose employees at the hotel and we're only replacing it with 65 employees at the next location. So besides the tax dollars you know, besides not being able to help on the land giving some beach access what's the greater benefit. Tax dollars is important don't get me wrong, but besides the tax dollars itself is there something else that we're not seeing that Makena is gonna contribution that we haven't factored it yet?

Mr. Roy: Thank you for the comment. We can certainly look at doing that for the Final EA. That would include HM and this project together.

Mr. Robinson: Just positives, yeah more positives on what's happening please.

Mr. Roy: Thank you.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: On Page 56, we're talking about wastewater systems. Let me give West Maui as an example. The EPA is involved with litigation with the County right now on disposal of effluent via injection wells. The solution could cost upwards of \$47 million in order to resolve that if they were to create reuse systems that would distribute R1 water to everyone that wanted it. In the case of this particular private facility the question is do they use injection wells or is the effluent reused for irrigation purposes and what percentage of the effluent coming out of the plant goes where?

Mr. Roy: Can I refer to Adrienne Wong on this question? I think she'll have more information, more helpful information than I do. Okay, we don't know the answer, but we can certainly look at getting the answers to that question.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: Staying on that questioning with the water well and the water being I assume is gonna be reverse osmosis of being cleaned and one-third of that is then gonna be either R1 water or is it gonna be put back into the aquifer itself. Could you also see how you guys plan on dealing with the excess water on the purification process?

Mr. Roy: From the wastewater treatment plant?

Mr. Robinson: From the water well itself.

Mr. Roy: Oh, from the water well.

Mr. Robinson: You know there's gonna be excess once you purify it and filter it and all that. Where is that water gonna be then transferred over to nonpotable help the golf course or is it gonna be put back into the aquifer to replenish that?

Mr. Roy: So the question is what's happening to the well water that's not being used for the potable water?

Mr. Robinson: Correct.

Mr. Roy: That's not going to the project.

Mr. Robinson: That's unable to go to the project after the filtration process you lose some of that water.

Mr. Roy: Okay.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: On Page 58, we're talking about filtration systems for drainage. We heard from the Sierra Club, we heard from the Surfrider Foundation today basically complaining that existing best management practices don't work. Can we touch bases with them to see if they have any bright ideas that do work? They're saying that the best management practices that the County mandates now are not effective and my question is if we can go back to them and ask them along with the criticism do they have any suggestions for how to do it better?

Mr. Roy: Sorry, I missed the first part. That was Sierra Club did you say or—

Mr. Robinson: Both.

Mr. Hedani: Yes, Sierra Club and the Surfrider Foundation.

Mr. Roy: Okay.

Vice-Chair Tsai: Hey Mark?

Mr. Roy: Yes.

Vice-Chair Tsai: On that note I have a question.

Mr. Roy: Sure.

Vice-Chair Tsai: You had a...you alluded to in your presentation that Makena I guess the principals have conducted the various water quality tests along the coastline in the last 20 years.

Mr. Roy: Correct.

Vice-Chair Tsai: Paraphrasing correctly, you said found no major changes, issues. How was that tested? Can you provide more information than and what locations. I mean we're looking at pretty expensive stretch of ocean.

Mr. Roy: So we weren't the consultant that does the water quality survey, but I can certainly help you with the information that I know about the water quality testing. What I was conveying to the Commission today were the key findings of those studies. To my understanding they go out twice a year to do the program of testing along the shoreline of Makena Resort. And I believe it's something like 60 samples that are taken at four separate locations down the Makena coastline and then they evaluate those samples according to Department of Health standards and they evaluate the impact of nitrates coming from a ground water influx into the ocean and how significant those readings are over time since the resort was implemented 20 years ago. So that's the intent of the reports. They are conducted biannually, twice a year, every year and there's a new report generated each time they go out with all of the tables that include all of the

samples, readings and the analysis. And we do actually have the 2014 report in the Draft EA itself. Obviously there's gonna be newer reports as we move forward. We can certainly replace the older report with the newer report because I think the findings will obviously adjust based on the results that they have at that particular point in time.

Vice-Chair Tsai: Thank you.

Mr. Roy: Sure.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Mark on Page 63 we're talking about in the middle of the page, "encourage the adequate development of sewage facilities that compliment planned growth." Can we identify the quality of effluent coming out of the existing plant? Is it R1, R2, R0, what is the quality of the product that comes out of the plant?

Mr. Roy: Sure. Thank you.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: Hi Mark, I'm referring to your folks letter to the Department of Education where you stated that you received their comment on your contribution but it was pretty ambiguous. It just said, I received your comment and there wasn't...it wasn't you agree or disagree on that. Can you guys in the next meeting come to a stance on where you are on that please?

Mr. Roy: Okay, just for the Commission's understanding of that question DOE provides a fairly standard comment letter during this point in the EA process where they say for these kind of projects you gotta comply with educational impact fees for schools, school impacts. So that was the intent of their letter. The one that went back was we'll work with the Department of Education to comply with the applicable requirements, school impact fee requirements. So I take your comment—

Mr. Robinson: I didn't read your reply that way. I read your reply that you read their letter and you, and you show that you received it. It was no you agree to work with them.

Mr. Roy: This is Department of Education?

Mr. Robinson: Correct. Okay, can you, I'm ...

Mr. Roy: Well, we have a statement here where it says, "we note the comment. The project is located within the Central Maui impact fee district and that the DOE will require the project to have an educational contribution agreement executed with DOE prior to any action and they say, change in zoning, subdivision, any other approval." So that's work that needs to occur with DOE.

Mr. Robinson: Because isn't in your EA, isn't...wasn't there someplace where you folks stated that you guys didn't see any contribution because you were only gonna have 10 percent residents in this units or 10 percent of the time they're gonna be in these units. Was...is that one of your statements?

Mr. Roy: I can't recall that statement but we'll check through the document and make sure it's consistent with that response.

Mr. Robinson: Thank you.

Ms. Cua: Mr. Chair, if I could just add a quick comment to that point of discussion, Mr. Chair?

Vice-Chair Tsai: Yes.

Ms. Cua: We have not received an updated response from DOE Commissioner Robinson. That's not an agency I have checked off yet. So we haven't received their direct comments to this report. That's their early comments. So they may...the letter that we're gonna get may be more specific than what they initially indicated.

Mr. Robinson: I think I was referring to the EA comment that they didn't have to have a contribution because they were, they were not required to because of the statement that the residents were only gonna be here 10 percent of the year.

Mr. Roy: Yeah, your comment is correct we do give information about the average occupancy of the units that are planned but we do make a statement that we'll coordinate with DOE to address the applicable requirements. So that work still needs to move forward. But what we, what we always try and do for DOE's perspective is they always ask us for this information on occupancy so we try and give it to them upfront so they have it. But we need to work with them moving forward on that, that...(inaudible)...

Mr. Robinson: Because the people are allowed to stay here as long as they want is that correct?

Mr. Roy: Yes.

Mr. Robinson: Okay.

Vice-Chair Tsai: Commissioner Higashi?

Mr. Higashi: I need some assistance. On Page 97, No. 5, involves substantial secondary impacts such as population changes increase effects on public facilities, street, drainage, sewage and water system and pedestrian walkways. It says the proposed project will provide 26 single-family...20 single-family cottage, 88 multi-family unit, 14 condominium and then it gives a figure that buyer's profile indicate approximately 90 percent of the units will be utilized as part-time residence. Assuming a whole household size of 3., the average daily population

proposed new community would be approximately 156. How did you come up with that 156?

Mr. Roy: We can give you an answer to that question now if you would like?

Mr. Higashi: Yeah.

Mr. Roy: Sure. We do you have a slide that talks about this so we can pull it up and give you the basis for that number. Tessa Munekiyo-Ng from our office that actually assisted with putting those numbers together. She'd be happy to run you through how we got to that number.

Ms. Tessa Munekiyo-Ng: Good afternoon, Tessa Munekiyo-Ng from Munekiyo Hiraga. So as has been mentioned in the past based on the developer's past experience on similar projects the profile would be approximately 90 percent part-time residents and 10 percent full-time residents. So in the first column here on the left you can see what the breakdown of units would be 133 part-time units, 25 full-time units and then assuming a household size of three which is actually higher than the County's average household size so that's a conservative assumption of three people per household. You can see the number of part-time residents would be 399 and 75 full-time residents. And then to get the average daily population for the full-time residents that would be the same 75 residents, but for the part-time residents what we did was assume that the part-time residents would be on property about 10 weeks a year, so 20 percent of the year. So taking 399 times 20 percent assuming that of the part-time residents about 20 percent would be on site at any given time that would be 80 people so that's how we got to the 155.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: With those calculations and with the amount of units we have how many...do you have a calculation of how many rooms you have or how many beds that you have? I'd like to get the amount of, the amount of traffic impact we're gonna have on December 31st when all the hotels are sold out and all the families are here and every bed is taken?

Mr. Roy: The question's how many—

Mr. Robinson: How many beds?

Mr. Roy: --beds. Beds.

Mr. Robinson: Because beds, beds...you know, usually resorts use beds as they count 'em as two people not as one especially during the holiday season. They count that as a double occupancy.

Mr. Roy: We can certainly calculate it. It's not information we have right now.

Mr. Robinson: Do you know how many bedrooms?

Mr. Roy: We don't have that calculation to hand right now but it's something that we can certainly...we can run the numbers.

Mr. Robinson: Okay, thank you.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Mark on Page 75 we're talking about heritage resources. The policy in the center of the page states, "ensure that cultural, historic and archaeological resources are protected for the benefit of present and future generations." The comment that I have on this is that if we have 41 sites that were identified in the preliminary survey is there a way that they can be retained and tied together so that a story can be told? You know, a historical guide that shows 41 different exhibits of where these sites are, what they were intended to do and why they're important?

Mr. Roy: It's a great idea and that's something that is being incorporated within B-2 that cultural heritage center. I believe the intent would be to do just that with the archaeological sites to basically tie them together and tell the story and the history behind the sites themselves.

Mr. Hedani: My point is that if you have 41 sites and you destroy them all you won't be able to do that. I understand you know if it's a cattle, if it's a wall that was created for cattle has less of a value than if it was a shrine that was erected for the purposes of honoring fishing or whatever, but still a story should be told that ties those things together because you're talking about things in many cases where the hands that touched it, you know, occurred in the year 1200 or whatever which is pretty significant.

Vice-Chair Tsai: Other comments from the Commission? Commissioner Hedani?

Mr. Hedani: I'd like to follow up on Commissioner Duvauchelle's comment relative to housing for employees. Not so much necessarily for only the 47-acre site you know where you're only dealing with 155 units but within the scope of the larger project where you're talking 1,200 acres essentially and order of magnitude several times larger for employees. One of the ideas would be to try to implement not necessarily just single-family but any type of housing that they could get into where they could live on site, bike to work, et cetera, and within 1,200 acres I think you can find some property within the scope of the larger development where is not as valuable as beachfront property, you know, it's not beachfront, it doesn't have great views, but people would still love to live there if they can afford to do it.

Mr. Roy: Thank you for the comment. We'll pass that along to the ownership for consideration.

Vice-Chair Tsai: Commissioner Medeiros?

Mr. Medeiros: I agree with Commissioner Hedani and Commissioner Duvauchelle. I would like you to also consider some place, you know,...(inaudible)...but still in Makena you know for affordable rentals, just something to consider. You know, I mean, everybody would like to buy

in Makena, but even the cheap places in Makena is expensive, you know, so I would be good if there was affordable rentals available for the employees of South Maui.

Mr. Roy: Thank you for the comment.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Getting up there, Page 101, summary of environmental effects which cannot be avoided and irreversible and irretrievable commitments of resources. I think we need to do better than a one-page response. I don't think one page will do it. There has to be other impacts that need to be considered and addressed. Ditto for Page 102. It's a one-page response on alternatives.

Vice-Chair Tsai: Commissioner Higashi, sorry?

Mr. Higashi: In closing, I would like to thank or commend the planner, Ann Cua, the applicant, and workforce that put this document together. It's a pretty comprehensive report and application. The only part I think that's lacking is maybe getting the people who are concerned about making input be incorporated in the final application plan for the EA for us to consider, but thank you very much that was a good job.

Mr. Roy: We'll do that. Thank you.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Going back to the view plane analysis for the view from Makena, Makena Road, although the analysis showed existing kiawe trees that are invasive species basically and have invaded the area, part of the commission's responsibility is to see not only where view planes can be maintained, but also where view planes can be created. So if there an opportunity for the length of the project to allow for significant or continuous view planes that's something that should be considered.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: I compliment the project for intestinal fortitude for hanging in there for 20 years and trying to make something happen. With sugar going out of business, I think we're gonna have water coming out of our ears from that perspective. But we've lost 1,800 jobs because there's an indirect effect. Any jobs that can be created both temporary through construction or permanent through permanent employees is something that we need to consider and appreciate.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: I would just like to end with letting the Makena people know that we all think that we all think that they're fair, hardworking, honest people. We just hope that you take into

account the recommendations that we said today especially the recommendation that you use some of your resources and your land to benefit more than the tourists that are gonna come here, but some local people with some housing or some other type of facilities. Thank you.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: I'd also like to complement the applicant on achieving a density which is significantly below that currently allowed by law.

Mr. Robinson: I move to adjourn.

Ms. Cua: Okay, I don't know if you wanna take a three-minute recess because okay, I have like two pages of comments that I have that I need confirmation from you guys that this is what you wanna put in your letter because I don't wanna make the judgment as to if I feel they've adequately answered a concern that you had or a question. I wanna get down what I have...I many have missed something because some stuff may have gone over my head. So I don't know if you wanna just plunge into that, take two minutes?

Vice-Chair Tsai: Commissioner Hudson has to leave at 4:00 or 1600.

Mr. Hudson: 1600 and before I leave just I'm concerned about the water. I'm concerned about the...I wanna make sure that they sit down and explain to everybody what happened with the affordable housing. I mean really explain to them how this played out. I want the R-1 water addressed. I want the traffic study redone or at least revisited not redone, but there's certain information that I think is erroneous. Thank you Chair. And with your permission?

Vice-Chair Tsai: Thank you.

(Mr. Hudson was excused at 3:56 p.m.)

Ms. Cua: You want me to just forge ahead?

Vice-Chair Tsai: Yeah.

Ms. Cua: Okay. The first comment that I have is clearly explain where water for this project is coming from. And what I'll do is I'm gonna get the general words out there. I'll have to go back with the applicant, compare notes, but as long as we get general concept? Second, discuss further how they're gonna protect historic sites and there's some of these we're gonna be able to combine 'cause you had comments, further comments later. Address affordable housing requirements and how the applicant intends to comply with it, the details of that. Expand on the details of the proposed potable water, potable well water, excuse me, the proposed well that they talked about today. How many gallons per day could it put out and what is the plan for excess well water? Discuss the phasing plan for the project. Provide additional information on the use of R-1 water for irrigation. Regarding traffic, revisit traffic numbers and perform additional traffic counts. It was commented that the traffic report seems, the traffic count seems

somewhat inadequate. Conduct an open meeting to hear thoughts from the representatives of the community not on the focus groups that were here today and I believe on this one the applicant did get some names and numbers from people that were here today. I don't know about this one. There was a comment about the project site plan and maximizing views to and from the ocean and then there was a response given you by the project's architect. Are you satisfied with that response or you want them to consider modifying the site plan to maximize views to and from the ocean? I need some kind of an agreement on that?

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: I think that was my comment. My question was have they considered alternative site plans that would consider opening up the view planes more? Taking the higher structures, moving them further down the slope, taking the lower structures and replacing them on the upper slopes or flipping the uses basically.

Ms. Cua: Okay so maybe a combination of that with the last comment I got which relative to the view plane analysis. If there is an opportunity for continuous view planes that should be considered or creating additional view planes at all whether it's through moving product type, however they could do it.

Mr. Hedani: Right.

Ms. Cua: Should I...I'll combine those two.

Vice-Chair Tsai: Ann, I will agree with Commissioner Hedani on this one too. I mean, we're tasked of trying to preserve the view plane and I would very much strongly like to see alternative solutions even as far as looking into...I mean it's a matter of economics. You know, you go higher rises you're gonna get more bang for your buck, but I would love to see to not so high of buildings, maybe not so many floors.

Mr. Robinson: And the actual height from the street level. We didn't have that particular drawing. Had the height the building but not for the building site as far as the topography goes from the street level, where is that building height gonna be at?

Ms. Cua: Okay. Also look at softening the contemporary architecture so that it better reflects a Hawaiian sense of place. Is that okay? I see nods. Relative drainage, I think the...the question initially was what percentage of runoff is retained on site? There was an answer to that, but I think the comment I got was look at the best scenario of containing 100 percent of all runoff and then from there what percentage is the project retaining. Is that about it? Okay. Affordable housing encourage providing an affordable single-family housing project somewhere in Makena or—

Ms. Duvauchelle: Somewhere within the entitled—

Ms. Cua: Within—

Ms. Duvauchelle: Within the entitled property.

Ms. Cua: Within this project site or you're talking about the greater Makena Resort?

Ms. Duvauchelle: Well,...(inaudible-Ms.Cua and Ms. Duvauchelle speaking at the same time)...project site.

Ms. Cua: I got the larger, I got the larger resort that's what I got. And I think there was another comment. So this was specifically about single-family housing, but then there was another comment about rentals, about affordable rentals as well. So I'll combine those two. Mark, you're taking notes so you can help me? Okay, indicate the number, the number of parking stalls that will be provided throughout the project. Okay, then there was a question about Page 39, a statement in...about the town of Kihei, your comment about where is this from? I think it's from the community plan, but it's verifying that.

Mr. Robinson: And what year was it.

Ms. Cua: What's was that?

Mr. Robinson: The current one, right? I think it's from the current.

Ms. Cua: I believe it is, but we can verify that. Oh, describe the use of photo voltaic within the project. Describe how the project can improve beach access parking in the area, in the overall area. I guess that's even beyond what they talked about that they're required to do by zoning. I'll have to work on the wording of this, but discuss the greater benefits of the project with regard to employees.

Mr. Robinson: ...(inaudible-not speaking into the mic)...

Ms. Duvauchelle: That was yours.

Mr. Robinson: Mine was the net...it's the...(inaudible-not speaking into mic)...

Ms. Cua: So the net benefit?

Mr. Robinson: The net benefit. ...(inaudible)...

Ms. Cua: Okay. Another question. Do they use injection wells or R-1 to get rid of the effluent? You'd like them to touch bases with Sierra Club and the Surfrider Foundation if they have any suggestions for BMPs that could be or are successful in the area. Identify the quality of water coming out of the sewer treatment plant.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Ann, I'm...can you back up a little bit? On the question of injection wells I think that that is not a preferred disposal method now because of the litigation. So all I need to know is how is it disposed of.

Ms. Cua: How is the effluent disposed of? Discuss the Department of Education impact fee. How many bedrooms and beds are within the project? That's pretty specific. You would like a story to be told of all the historic sites including those not slated for preservation to tie all the sites together. Did I get that right? Okay, and then I had your affordable rental one that I'm adding to the other comment. On Page 101 of the Draft Environmental Assessments, effects which cannot be avoided, you would like that section to be expanded to look at other effects of the project which cannot be avoided. Also on Page 102, alternatives, you would like that section expanded, discussed, alternatives. And that's it because the last comment was on the view plane analysis just providing more opportunity for continuous view planes and I've...I'll add that to another comment. So I don't know exactly what number that leaves us to but I think that's what I got, if I missed anything?

Vice-Chair Tsai: Ann, did you...I didn't hear you saying the water quality testing methods did you, that I brought up? How is it tested and the latest data? Yes, correct.

Ms. Cua: Can you phrase that? How would you like me to phrase that?

Vice-Chair Tsai: Yeah, the quality...marine water quality testing, how was it conducted and at what locations?

Ms. Cua: Okay. Anything else I may have missed?

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Just a couple of more thoughts that came to mind. Between entitled uses and proposed uses one of the proposed uses is the entitlement is for Resort/Commercial, BR, the proposed is for Resort/Commercial, BR plus mixed use TVRs. Why was the proposal...what is that proposal considered in place of just Resort/Commercial? In other words, the proposal, the project envisions Resort/Commercial plus mixed use plus TVRs. Why was that done?

And one last item on cultural resources, not today, I didn't hear it today, but testifiers in the past have talked about the Makena Resort area and how significant archaeological sites are tied together by line of sight so that you know, a significant site at one location retains visual sight lines to other sites and they were pointing out like triangulation of sites within the area. I'd like them to consider if there is any significant sites with the project area or thereabouts that would relate to that cultural aspect.

Ms. Cua: That relate to that light of sight concept. Boy, I sure hope I can capture this in the correct words. Okay, that's what I have but I can't tell you how many those are. There are a lot. They're like around 30 comments. He's got 28. I got around 30. Okay, so with that we'll put a letter together with those comments that they'll need to address.

Vice-Chair Tsai: Thank you, Ann.

Ms. Cua: Thank you very much.

Ms. Duvauchelle: Thank you, Ann.

Vice-Chair Tsai: Shall we just plow through this?

Mr. Roy: On behalf of the applicant, I just wanna say thank you very much for your time. I know we've taken most of your day today. Thank you.

Ms. Duvauchelle: Thank you, Mark.

Vice-Chair Tsai: So are we okay to, Commissioners to go through this, keep on? Okay. All right, next agenda item?

Mr. Spence: So acceptance of the Action Minutes of January 12, 2016.

E. ACCEPTANCE OF THE ACTION MINUTES OF THE JANUARY 12, 2016 MEETING.

Mr. Hedani: Move to approve.

Ms. Duvauchelle: Second.

Vice-Chair Tsai: Okay, moved by Commissioner Hedani, second by Commissioner Duvauchelle. All in favor? Opposed? Seeing none.

It was moved by Mr. Hedani, seconded by Ms. Duvauchelle, then

**VOTED: To Accept the Action Minutes of the January 12, 2016 Meeting.
(Assenting – W. Hedani, S. Duvauchelle, K. Robinson, R. Higashi,
J. Medeiros)
(Excused – K. Ball, I. Lay, L. Hudson)**

Mr. Spence: Okay, Item F, Planning Director notifying the Commission of a transfer of an SMA Permit. This is for your notification. We have Candace Thackerson here if you have questions about this. We're not changing the conditions or anything like that. It's just a change of ownership.

F. DIRECTOR'S REPORT

- 1. MR. WILLIAM SPENCE, Planning Director, notifying the Maui Planning Commission of the transfer of the Special Management Area (SMA) Use Permit pursuant to its SMA Rules of the following:**

January 7, 2016 letter to MS. ANNE TAKABUKI, LLC, President and General Manager of WAILEA GOLF, LLC approving the transfer of the Special Management Area Use Permit from WAILEA OLD BLUE, LLC to BURNHAM LAKE FOREST ASSOCIATES, L.P., FRESNO RENAISSANCE SPE LLC, and SCTC DEYOUNG LLC, for the proposed renovations and expansion to the existing pro golf shop and restaurant buildings, the addition of six (6) single-story commercial office and retail buildings, and parking lot expansion located at 100 Wailea Ike Drive, TMK: 2-1-008:118, Wailea, Island of Maui. (SM1 2012/0001) (C. Thackerson)

Mr. Robinson: Who's the new owners?

Mr. Spence: It was—

Ms. Candace Thackerson: You wanna know who the new owners were?

Mr. Robinson: Yes.

Ms. Thackerson: Yeah, it's Burnham Lake Forest Association, L.P., Fresno Renaissance Mr. Spence: , LLC, and SCTC Deyong LLC. You actually met them at the last former, couple of planning commissions ago, I think two meetings ago when they came in to amend their permit. That was the new ownership the ones who had spoke. Yeah, yeah, it used to Wailea Old Blue, LLC, and then they just transferred it over.

Mr. Spence: Okay, Commissioners you have an SMA Minor Permit and SMA Exemption Report. Also, I don't know if you have any questions on those. Those are for your information.

2. SMA Minor Permit Report

3. SMA Exemptions Report

Mr. Hedani: Move to accept.

Vice-Chair Tsai: Moved by Commissioner Hedani.

Mr. Medeiros: Second.

Vice-Chair Tsai: Seconded by Commissioner Medeiros. All in favor?

Commission Members: Aye.

Vice-Chair Tsai: Saying no?

It was moved by Mr. Hedani, seconded by Mr. Medeiros, then

VOTED: To Accept the SMA Minor and SMA Exempt Reports.
(Assenting – W. Hedani, J. Medeiros, S. Duvauchelle, K. Robinson,
R. Higashi)
(Excused – K. Ball, I. Lay, J. Hudson)

4. Discussion of Future Maui Planning Commission Agendas

a. February 9, 2016 meeting agenda items

Mr. Spence: The future planning commission agenda the next meeting is February 9th. You have two public hearing items, Pacific West Communities, Inc., requesting an SMA Permit for a 100 percent affordable project. We have Kaonoulu Street and Kenolio Road then the second one is David Nelson and Brigitte Nelson requesting an SMA Permit for a one-bedroom farm dwelling...one bedroom bed and breakfast and then we're gonna have Communication from the Hana Advisory Committee and Mr. Ward Mardfin, the Chair rezoning the golf course area out in Hana and changing the community plan back. If you're familiar with what a concern it's been for the community for close to 20 years. The new landowner came to me and requested that we initiate zoning, to change it from golf course back to agriculture. So you'll be hearing that the next time.

Mr. Robinson: Question? What about the Epsteins? Weren't they on a 30-day window from a automatic acceptance?

Mr. Spence: I think you're gonna see those...well, that's Unfinished Business...(inaudible)... I think you will, I think we will probably see Epstein.

Mr. Robinson: That's like the last day, right?

Mr. Spence: I think it's pretty darn close.

Vice-Chair Tsai: No further ...(inaudible)...thank you all.

Mr. Medeiros: Move to adjourn.

Mr. Robinson: Second.

Vice-Chair Tsai: Motion to adjourn.

G. NEXT REGULAR MEETING DATE: FEBRUARY 9, 2016

H. ADJOURNMENT

The meeting was adjourned at 4:13 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Sandy Duvauchelle
Richard Higashi
Wayne Hedani
Larry Hudson (excused at 3:56 p.m.)
Ivan Lay
Jason Medeiros
Keaka Robinson
Max Tsai, Vice-Chair

Excused

Keone Ball, Chair

Others

Will Spence, Director, Planning Department
Gary Murai, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Department of Public Works (on-call)