

**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
JANUARY 10, 2017**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Max Tsai at approximately 9:07 a.m., Tuesday, January 10, 2017, 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.)

Chair Tsai: Good morning everyone. The Maui Planning Commission is called to order. Today's January 10, 2017. Want to first take a moment to acknowledge the...sorry, I'm recovering from the flu. If you hear me coughing that's...but I'm not contagious so...Take a moment to recognize the Commissioners on hand. We have Vice-Chair not here, Commissioner Duvauchelle. Commissioner Hedani, Commissioner Castro, Commissioner Higashi, Commissioner Carnicelli.

Mr. Carnicelli: Happy New Year Chair.

Chair Tsai: Happy New Year to you as well. Commissioner Hudson.

Mr. Hudson: Morning Chair.

Chair Tsai: Commissioner Robinson and Commissioner Canto.

Ms. Canto: Good morning.

Chair Tsai: And my name is Max Tsai, I'm your Chair. At this point we're gonna open the floor for public testimony. Anyone wish to testify at this point may come forward. Please note that we are allowing this to happen for anyone who cannot stay until the agenda item comes up. Since we only have one agenda item I guess it doesn't really matter. So you can either testify now or you can wait until the agenda item comes up. You can't do both. You can do one or the other. I have a sign up list. I'm gonna call your name please let me know if you want to wait or you want to testify now.

**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.

Chair Tsai: Jeff Dack? Please come forward, identify yourself. You have three minutes.

Mr. Jeff Dack: Yes, good morning Commissioners. My name is as indicated is Jeff Dack. I live at 527 Kualau Street in Wailuku. I'm speaking today as a private citizen. I've been a

professional planner for 38 years, half of that as a planning director for a coastal town on the mainland and the last 11 years here. My main focus of work is shoreline and coastal planning and projects and the associated environmental regulations including Chapter 343 HRS. Today you're principally being asked to determine under Chapter 343 and its administrative rules that the Makena Resort Project proposal would not in sum have a significant effect on the environment.

In my short three minutes of testimony I am focusing on views and character from Wailea Alanui Road. This impact will impact by far a greater number of people than any other possible considerations, environmental considerations regarding the proposal. On Page 205, the Draft Final EA asserts that "the proposed project is not anticipated to substantially effect scenic vistas or view planes identified in county or state plans or studies." Which is one of the significance criteria in the regulations. The location was identified as a high scenic value corridor in the County's studies leading to the Maui Island Plan and so it qualified for this protection.

When looking at these impacts, Figure 25 in Volume 1 and the first figure of Appendix 8, View Analysis tells most of the story. The project proposes a row of 17 buildings pretty evenly spaced along the site's entire frontage of Wailea Alanui Road. All would be over 18 feet above road height and 12 would extend 40 or more feet above road height. Fourteen would be within 100 feet of the road, 4 would be within 42 feet of the road and one of the largest buildings would be only 23 feet away with one other at the minimum of 20 feet.

You'll likely hear arguments that ocean views would be equivalent in size or greater than those now seen through the current natural landscape on the site, but by far the predominant view and feel when traveling Wailea Alanui Road would be these buildings some towering above you creating vast difference from the current natural landscape character of the site and the low lying houses in the area, in this area of Makena. Ocean views would be relegated to 10 small and one larger view between the row of buildings.

When I first saw this project last year I had a rare physical reaction beyond the analysis I've presented. I felt nausea in my gut and wetness started to well up in my eyes. Developer's proposed preferred alternative is now what they call a refined site plan, but when I look at Figure 25 I see really very little difference from the proposal the commission commented upon last year. My heart and my head tell me the same thing as with the Draft EA but now it's worse because I see little improvement and you are being asked to make a final decision.

Under Hawaii environmental law, when you accept the Final EA it forever becomes the Commission's document, everything in it. And a project that comes to you for permit soon as you accept the Final EA is rarely much different than in the actual Final EA. Given what I've outlined--

Chair Tsai: Please conclude.

Mr. Dack: Thank you. I'm concluding. Given what I've outlined I hope you conclude that the Final EA being proposed to you is not ready for you to adopt and an alternative having much less impact on scenic vistas and viewsheds and/or other areas of concern you've identified is required instead. Thank you.

Chair Tsai: Thank you.

Mr. Hedani: Chair?

Chair Tsai: Commissioner Higashi, I'm sorry Hedani?

Mr. Hedani: Jeff?

Mr. Dack: Yes?

Mr. Hedani: I wanted to thank you for coming forward. I know it's difficult as an employee of the County and as a member of the Planning Department to take a position as an individual that may be contrary to what others perceive, but I appreciated your comments and I concur with you.

Mr. Dack: Thank you for your consideration. You're welcome. Appreciate that.

Chair Tsai: Thank you. Don Freeman?

Mr. Don Freeman: Chairperson Tsai and Commission and Counsel.

Chair Tsai: Can you please speak to the mic? Thank you.

Mr. Freeman: Good morning Chairperson Tsai and Commission Members. I'm here to speak on behalf of the Makena project. My name's Don Freeman. I'm a current resident of Maui. I've been here for over 30 years. I've raised all five of my children, two of them have gone off to college basically and graduated from University of Hawaii. I'm here to show my support for the approval of the EA on this Makena project. The developer of this project has gone above and beyond current requirements to ensure that this project is low impact...(inaudible)...development. The use of permeable and porous paving and green streets approach a groundbreaking way to ensure that water comes from the heaven does not simply wash concrete streets surrounding into the ocean. The low density design of 3.4 is well below what could be at 12.2 units per acre allowed in the current zoning. This low density design proves this developer is dedicated to the well-being of our island. This environmentally conscious project will produce income for our community, improve other areas of communal priorities as well as create new jobs for the people of Maui. I applaud this developer for their

investigation and diligence in this low impact design. If we do not approve this design others could follow that would not be as dedicated to our environment. Please approve this Makena project to ensure the responsible development of this area. Thank you.

Chair Tsai: Thank you. Steve Burgess, and followed by Stephen Leis.

Mr. Steve Burgess: Ladies and Gentlemen of the Planning Commission. It's my understanding the property is zoned for this type of development so I believe it's not a question of when it will be—

Chair Tsai: Please speak to the mic.

Mr. Burgess: I'm sorry. The property is zoned for such a development so in my mind it's not a question of whether it will be developed it's a matter of who's going to do that development whether it's now or in the future it's going to occur unless you change the zoning or somebody else buys the property that wants to do something else with it.

The current zoning allows for a much higher density than the current plan. If they don't develop now maybe ten years from now somebody wants to put in a lot of very high density buildings where they can maximize their profits rather than what these folks have done. I feel that they've gone to great lengths to address the concerns of the local community. They've changed their architectural plans to make the project blend in more than the original plan did using materials that reflect more of the Hawaii culture. They've addressed the storm runoff I believe to the point now that we would actually have cleaner water flowing into the ocean than if it was left raw land. They've tried to enhance the cultural sensitivity with a relatively small Hawaii cultural center. They've made the existing walls and structures off limits. They've been...we heard the testimony about the sightlines but when you look at what they've done with computer generation after the area is cleaned up the sightlines between these buildings appear to be better than what you currently got looking through the natural vegetation and I think it's significant in the...I can't even imagine how much money they have spent trying to get to this point where they're addressing those concerns and would another developer even care?

I've never seen a similar development anywhere where they have gone to these kind of lengths to try to make sure that they've done everything that can reasonably be done or commercially be done with low density, spacing the structures out, being concerned about the storm runoff. So if not these folks doing the development then who and when? I'd rather have them do it in the manner that they've proposed than wait some years and end up with something that we all would rather not see. Thank you very much.

Chair Tsai: Thank you. Stephen Leis followed by Sam Budnick.

Mr. Stephen Leis: Good morning. My name's Stephen Leis. I'm a long-time resident of Maui and the President of Dorvin Leis Company, a Maui based, 50-year-old Maui based firm with a local workforce. The company and our family are very community minded and actively support the community whenever possible therefore we take matters of community concern very seriously. Therefore, as we know the development of Makena area has been a sensitive subject and has been an ongoing process for over 20 years. When considering the current and proposed plan before the committee today I recommend the committee approve the project and move it forward based on a number of favorable points. I believe there has been a successful and productive engagement by the developer with the community and special interest groups resulting in solutions, enhancements and appropriate accommodations to important concerns and matters such as preservation of culture, reducing the density, best practices in drainage exceeding standards, preservation of open space again exceeding standards and access. The developer in my opinion understands very well the delicate balance needed to develop in the Makena area even with zoning approvals already in place they have made good decisions making changes to the benefit of the community at their expense. The harsh reality of dealing with a less proactive developer would not be a good thing for Maui and it's for these reasons that I say yes, approve this plan if they have met all of the requirements. Thank you very much.

Chair Tsai: Thank you. Sam Butnick followed by Jeff Faulkner.

Mr. Sam Butnick: Good morning Chair. Good morning Commissioners. I come before today as a resident of Maui.

Chair Tsai: Please identify yourself again for the records.

Mr. Butnick: Sam Butnick. I am a resident of Maui for two years and a employee of Dorvin D. Leis but I come before you as a resident. I believe that you are going to see from the presentation and other speakers today about the details of the plan and that but what I can bring to the table on behalf of this project is the, the vouch of the people involved. I feel like at the center of an environmental impact is the people that are implementing this development. It can be from Discovery Land itself to the resort owners to their representatives that are before you today, but I have had a chance to deal with them on a regular basis at the resort and the contractors you see in the room that I can personally vouch for the fact that these people have Maui in their hearts when they are putting this plan together. I think that there is a certain amount inevitability to this project be it now or later, but I can't think of any team better in this case to go forward with this and I pledge my support of the project. Thank you.

Chair Tsai: Thank you. Jeff Faulkner followed by Don Ginoza.

Mr. Jeff Faulkner: Good morning Chair and Commissioners. My name is Jeff Faulkner I am here to testify in support of the Final Environmental Assessment for the proposed Makena Resort M-5, M-6, S-7, B-2. I am currently the construction manager for Makena Golf and Beach

Club. I have been in the construction and development industry in Hawaii for over 53 years. Following my retirement over five years ago I was provided the opportunity to be part of the Makena development team. With my association with the development team at Makena over the past two years I had developed a true sense of appreciation for the efforts that are being expended to make the Makena project responsible and best suited for its location. The Makena team has employed countless hours with a commitment to sensitivity to community concerns, environmental and cultural preservation to make this the best community for Makena.

Makena will be developed. It is my belief that this proposed low impact development that has been well thought out and well planned with the support of professional consultants and community engagement is the best project for Makena. The Discovery Land Company will be the best steward of this land. Thank you for your time. I am confident you will support this project.

Chair Tsai: Thank you. Just a note, as a courtesy I ask everyone to please silence your cellphones. Thank you. Don Ginoza followed by Donald Koa.

Mr. Don Ginoza: My name is Don Ginoza. Good morning, Chairperson. I live on Maui for 56 years. I like to fish and dive. I support this project because of the way they designed it. I like the way they designed everything that was explained to us how the runoff, land use and erosion and you know...so I think these people are good with communications because they deal with the people, they dealing with the land and I kinda believe that people who respect people and respect the land should get their ways. Okay, thank you.

Chair Tsai: Thank you. Donald Koa, Frank Brandt?

Mr. Donald Koa: Good morning, my name is Donald Koa. I'm a resident of Maui for my life. I'm in support of this project for a few reasons in my beliefs like the people before me had stated that this Environmental Impact Assessment the developers are going about it in my opinion the correct way whether it's from the impermeable surfaces that is actually permeable in some sort of way to the type of greenery that they'll be planting so it absorbs the negative effect of runoff into the bay and elsewhere along the region. Like most locals I grew up at the beach so obviously there's a beach right there as well as Keawalai Church which holds a lot of sentimental values to a lot of people who were born and raised here. And like I said, it's just in my opinion that they are doing everything within their power and more to preserve all of these things. So I am in for this project. Thank you.

Chair Tsai: Thank you. Frank Brandt? Michael Asuncion? Frank Brandt going once, going twice, pass, okay. Michael Asuncion?

Mr. Michael Asuncion: Good morning. My name is Michael Asuncion. I grew up on Molokai. I've been a resident on Maui for 11 years. I'm in support of the EA statement and Makena

Development project. What I like about this EIS statement they meet with the community and the kupuna. They not gonna desecrate the land. They're here to conserve and preserve the land. So that's what I like about this. Who goes to the community and meet with the community and all the people to make sure everybody, they not stepping on nobody's toes. So again, I'm in support of this EIS statement.

Chair Tsai: Thank you. Hold on a second. Commissioner Canto?

Ms. Canto: Michael, I just wanna to thank you for making the trip over here and appreciate your testimony. Thank you. You're from Molokai?

Mr. Koa: Yeah, I grew up in Molokai, but I live here for 11 years now.

Ms. Canto: Oh you live here. And what do you do, sir?

Mr. Koa: I'm a construction worker.

Ms. Canto: Thank you.

Mr. Koa: You're welcome.

Chair Tsai: Thank you. Pete Miller followed by Patrick Palmer.

Mr. Pete Miller: Good morning. Aloha, my name is Pete Miller. I've lived on Maui for about 11 years now. I'm married to a local girl, have a son going to Pomaikai Elementary. Having lived here only a short time I've come to realize how much the culture needs to be taken into account when these projects are being considered. The views from mauka and makai should be maintained as well as they can be. The surrounding community needs to be respected and heard. From the information I have read and been presented I believe this is happening. It is my understanding the infrastructure was put in previously before this project was even considered but I don't think there will be too much of an influx of traffic or excessive water use or drainage problems. And I believe the jobs provided will help the community as well once the project is developed. Like I said previously, I've only lived here a short time in the big picture of this island and its people but I do believe this would be positive for all involved. Thank you.

Chair Tsai: Thank you. Patrick Palmer followed by Michelle Baile, Bale? I'm sorry.

Mr. Patrick Palmer: Good morning, my name is Patrick Palmer. I live in Upcountry Maui, brought a young family over in the late '80s and had an immediate connection with Makena shoreline since we've been here. We spent many a nights and days along the coast. I can remember had White Rock and Palauea Bay when you couldn't see the ocean from the keawe trees, camping overnight, lay net out, pull it in in the morning, the kids running around with

flashlights catching crabs, seeing who can get the biggest and the smallest. We would stay extra nights, Angus had his old house down a little ways, you could use the water hose, it was always kinda nice. Day trips to Makena Landing or Maluaka Beach. As the kids got older...(inaudible)...4<sup>th</sup> entrance down at the Big Beach going out to La Perouse, hiking the coast either King's Trail or going the fisherman's trails or billy goat paths going out to the light house, to the camps and just spending great and many days and as I sit back and reflect for me and my ohana the connection is with the shoreline. It's with the ocean and the pristineness of that ocean that's out there. What we view as important is the maintain that, just that God given beauty that's there and in looking at this development and the extra efforts that they have put in to...with the drainage and the protection of that ocean is quite important to us. We don't view...our family doesn't view the experience as driving on the road whether it's a paved road or gravel road, looking at keawe trees which for me is a problem the keawe trees 'cause they don't help anything, they only accentuate the runoff and the erosion, but the it's the experience of being at the beach. It's the experience of being on the cliffs. It's the experience of going out and looking at the stars at night and it all comes around to that water and I believe that this development has gone above and beyond any developers or any development whether it's single-family, anything and for that reason my ohana are in strong support of this project. Thank you for your time.

Chair Tsai: Thank you. Michelle Baile followed by Jovelyn Bonilla?

Ms. Michelle Bailie: Good morning Commission and Chair. My name is Michelle Bailie. I'm from Waihee, Maui. I've lived there my whole life. I've worked for Makena Golf and Beach Club for two years now. In my two years there I can honestly say I've never worked with a better group of people who care about Maui. They care about our home. They care about what's gonna be done to our home and really Maui as a whole. And that's really why I'm here is to talk about the character of these people 'cause I think if you look at a developer you really have to look at you know, who's gonna be taking care of that land? Who's gonna be malama aina for that land? Who's gonna be the one developing it? And that's why I'm in support of this project because I've worked with these people for two years and I have nothing but great things to say about each and every one of them. They do what they can and they go above and beyond that so I ask you to support this project. I'm sorry, I'm a little nervous, not a great public speaker, but please support this project. Thank you.

Chair Tsai: Thank you. Jovelyn Bonilla followed by Leo Mallari. Jovelyn, no? Leo Mallari followed by Mark Mattos. Oh, hold on.

Ms. Jovelyn Bonilla: Sorry it's like a concert out there, hard to get in. Aloha Chair and Members of the Commission. My name is Jovelyn Bonilla and I'm here to testify in support of the Final Environment Assessment for the Makena Resort, M-5, M-6, B-7, and S-2, S-7, B-2 project. I was born and raised here on Maui, but more relevantly I have worked for Makena for more than six years. First at the Makena Golf and Beach Club, the Makena Golf and Beach Resort, and

now with the Makena Golf and Beach Club. But I've also had family members who worked for the Maui Prince for many years previous to that. So it's safe to say that I have experienced firsthand and secondhand the many ups and downs that the Makena Resort had experienced over the years as well as lay witness to many of the plans that had been proposed for the area as well.

It is inevitable in Makena just like the entire face of Maui will experience changes in the many years to come but I'm optimistic in the plans for this particular area that will be presented today not only because it is low density or provides new methods for buyer retention but more so because of the collaborative and respectful process of which the plan was derived. This team has demonstrated a collaborative planning process that includes respected members of the Maui community as well as Makena kupuna who have unbroken family ancestral connections to the area. They have throughout the planning process provided environmental and architectural experts to go beyond the County standards for drainage, water and infrastructure planning. In addition, they have also reached out with interest groups who oppose the project and listen respectfully. From these meetings they have adjusted their plans to alleviate the concerns of these various stakeholders. The final product is an environmentally sound, low density, low impact, and more importantly respectful development. A project that will help bring back jobs to the Makena area as well as bring the gathering place back to Makena. Thank you.

Chair Tsai: Leo Mallari followed by Mark Mattos?

Mr. Leo Mallari: Aloha and good morning Commission. My name is Leo Mallari. I'm the Director of Food and Beverage at the project, Makena. In my career I've been involved in two major redevelopments on the island of Maui, Sheraton Maui in the early '90s and then in the mid-2000s, the Ritz-Carlton Kapalua. And Discovery Land Company it's the company that I work for at the moment and they have done what is pono. They do everything the right way. Everything from the design where they're using materials that are incorporated to the sense of place, and everything to taking care of their employees and making sure that the employees are treated right and hopefully this will be trend of the future. This development that I've been most impressed with was from the community meetings that they had from day one. They've invited the local kupunas, the local business people to kinda talk about some of the concerns. As you all know, that Makena has always been an area where there's a lot of controversy, so they brought these people to kinda talk about it and from what I've seen so far they took these comments and concerns and they have addressed them, and not only addressed them but taken it to the next level to enhance the expectation. So I truly approve this project and then from myself and my family and the employees at the hotel please approve this because in the long run and when this project is all said and done it will provide employment for the people of Maui. Thank you.

Chair Tsai: Thank you. Mark Mattos and followed by Keoni Marciel.

Mr. Mark Mattos: Good morning, Chair. My name is Mark Mattos. I live in Kahakuloa. My family has been stewards of the land for many years. We have farms and ranches out there and as stewards we go above and beyond to make sure the land is preserved and taken care for. We work with the community and that is why I support this project because I feel the Discovery developers have done the same. They've gone above and beyond at their own expense to support the community and to hear the input from the community about what is going on. That's why I support this project. Aloha.

Chair Tsai: Thank you. Keoni Marciel followed by Tom Cook.

Mr. Keoni Marciel: Aloha and good morning ladies and gentlemen of the Planning Commission like Mark I am a life time resident here on Maui. My family goes back generations before pre contact even. I am a steward of the land and the sea and I am in support of this project. They too, are stewards of the land and the sea. Discovery Land Company is not just meeting the State and County standards they're actually exceeding the State and County standards through biofiltration to retain stormwater runoff and to prevent the runoff into the ocean. Discovery Land also is going to be the pioneers of green streets here on Maui developing the first green streets on Maui that will prevent that stormwater from running off into the ocean into Makena Bay protecting and preserving the reef out there. The green streets will also prevent...well, other than soils or silt from entering the ocean. These green streets can also improve pedestrian bicycle safety. It will also improve the air quality and reduce air temperatures and enhance the aesthetics of the land surrounding Makena. So I am in total support of this project. Thank you.

Chair Tsai: Thank you. Tom Cook followed by Jim Michaels.

Mr. Tom Cook: Aloha Commissioners. My name is Tom Cook and I'm here as an individual to speak in support of your passing this Environmental Impact Statement. A little bit about me, I'm a licensed general contractor. I'm licensed also for site work and for structural concrete and I wanted to address the concerns about potential runoff during construction as one aspect of it. And we have stringent BMPS, Best Management Practices with Maui County that are enforced. The challenges with other projects with the BMPs failing normally is because they're not maintained and they're not...the things aren't addressed. I know the management team from Discovery Land and respect them, I trust them. I believe that they're here for the long haul. We're really fortunate to have this development in Makena after we've had, you know over the years. I remember going to Makena when you went across the cattle guard at Keawekapu was when you went to Makena. And I've seen it evolve over the years. All the infrastructure that is in place is one of the things that we as a community have requested in the past. Put in the infrastructure first. All of the infrastructure is in place, sewage treatment plant. I counted 20 fire hydrants along the property frontage, beautiful roads, the County isn't maintaining that, they are. So I believe that they're going to follow through that's often a challenge I believe that they're going to be a benefit to the community financially with the tax base, with employment and these people are from my experience are more respectful and more in love with the ocean than

anybody you're gonna find and I mean that's the people who are moving and buying there. That's why they're going. They're going to take care of the area. This is not a speculative flip, you know, just make some money and leave. These are people who are really making a commitment and I believe their commitment is sincere. The mitigation measures during construction are very feasible, the golf course mauka, the roadway, the area isn't that large. It's not adjacent right to the ocean. So and the long-term mitigation measures they have will enhance the existing condition that we have for potential erosion. It will make it better than it currently is. So hope that you support this project. This is a project that has it's been a long time coming and our community needs some positive forward moving, listening to people who are in opposition, collaborating together, but thank you for time and really hope that you get behind this project. Thank you.

Chair Tsai: Thank you. Jim Michaels followed by Scott Trudell.

Mr. Jim Michaels: Good morning. My name is Jim Michaels. Thirty-three years ago and about as many pounds ago, I showed up in Lahaina to work for the Pioneer Mill Company. I'm a mechanical engineer and in those days if you can remember there were 8,000 acres of sugar cane that carpeted the West Maui Mountains. Now when you go out there all you see is that smoke stack standing. Even the mill, the power plant, and the factory had been bulldozed down. My point is is that this island is gonna change we all know that and we just saw this negative change with HC&S closing. With this project out in Makena I think we have a good chance to make a positive change for the island. As so many people have said it is inevitable. You've heard about how these guys are doing the right thing out there and I agree with that. So I hope you vote in favor of approving this EIA. Thank you.

Chair Tsai: Thank you. Scott followed by Darren Collier?

Mr. Scott Trudell: Good morning, my name's Scott Trudell and I've been a resident of Maui for over 10 years and I think a common theme we've heard today is respect for the land, the ocean and the culture and history of that we all...you know it's a shared value that we all have living here in Maui and the reason I'm here to testify is 'cause I really believe the process that these developers have gone through in reaching out to the community, listening to the concerns and then really following through on those concerns and you know they've reached out to experts in each field where there was a concern whether it was the kupunas and listening to the history and getting to know, you know what's important to that particular area or you know reaching to experts in environmental engineering and incorporating all these green designs that you're hearing about today. I mean, it's just amazing that once this development's done it's gonna have less of an impact on the ocean. I mean it's like the sooner we can get this done, the better because every day that goes by it's just more and more sediments going into the ocean and through this development they're gonna, you know retain those sediments and not allow, you know, not allow that to continue. So I'm, you know, just a huge supporter of the project and just

of the team and what they've done and I think they'll continue to listen to concerns and address those. I appreciate your time and I'm in support of the project.

Chair Tsai: Thank you. Darren Collier? Danny, oh. Danny Collier, sorry. Followed by Michael Buen.

Mr. Danny Collier: Aloha Committee. And I wanna thank all the pros and the con guys that are here, whether you're for or against it. So long we show a little pono and a little respect for each other 'cause everybody's word means a lot here today. I wanna start out with the development of this property here. This property has a lot of mana on it. But it's been well taken care of it. They've been looking through everything and they have the people that's been there, that stayed on that property that it knows that property and there's a lot of studies in it. I'm for this. These guys had designed a lot of, a lot of runoff issues and they're gonna contain it on the property itself. Improvements to the lower road, actually the Makena Landing area, I don't know if you guys been down there lately or in the past where that place is overrunned by people parking all over the place. They, too, have rights in there too, but it can be well organized. This development and I'm against development right up to the shoreline of all the places that I've been around a long time where I saw on the west side where they built, it was built right on the sand, right on the beach, now they got problems. Everybody has problems. This has a buffer that's right there that's gonna be left as a wide open area. I'm Danny Collier, did I mention that? And I'm for this project 'cause it's for employment on the construction side, employment on the...when they get down with it and it's a 15-year project here. And as we go along it's a well-thought out process. The kupunas that's on this here, that's...I'm not gonna mention any names but I think we grew up together as I lived my life on Maui for the last 45 years. I appreciate if you guys have think about and have this project go forward. Thank you.

Chair Tsai: Thank you. Michael Buen followed by Anthony Carvalho?

Mr. Michael Buen: Good morning, my name is Michael Buen. Born and raised here on Maui. Avid fisherman, diver and I seen the waters around Maui change. I've seen the reefs change. Discovery what they're proposing is for protect and when they build, when they build the project, when building set up all kind BMPs protecting the runoffs so it doesn't impact the reef, the bay and all that. The other thing is when they develop this place I can go over there, you can go over there. Not going be just for tourism. It's for all of us for enjoy. Not going be right up to the shoreline. I can still drive my car, my truck up there to the shoreline, have one picnic, one barbeque with my family. As what I'm about. I hope this project go. Going get jobs not only for the construction side, but also after. So we all can go over there and enjoy. Work over there and afford affordable housing. It all works all together. Thank you.

Chair Tsai: Thank you.

Mr. Anthony Carvalho: Good morning ladies and gentlemen, members of the board. My name is Anthony Carvalho. I'm a resident of Maui, born and raised here and my family's been here for God knows how long, generations. But anyway, as you can see I'm a construction worker and first off, I going just say I'm for the project because Discovery Land has gone over and beyond being from my perspective being one construction worker I've been around this a while and just how they go about dealing with the community...but like it was said earlier is one...get mana that place, get historical significance to the area and they going out of their way if you ask me for accommodate everybody involved, the people for it, against it, regardless. And I'm just here to ask you guys to consider because if you guys was building something wouldn't you guys want the best to build your house. Discovery Land to me is one of the...if not the best, one of the that I've seen. I haven't been around that long, but they've proven to me that they get their ducks in line and to me that I would want them to build my house and I think they looking out for everybody's interest here. I mean, the community, the environmental side of it. Even with the changes to the drainage like I haven't seen anybody did something like that trying to prevent straight runoff from...I mean, straight erosion runoff and trying to filter it before it reach the ocean, trying to contain it. I mean, to me Discovery Land, I don't know as my opinion and I hope you guys consider them. Like said, just simple, if you wanted to build something, you guys would want the best for build 'em for you guys. So that's all I have to say, thank you guys.

Chair Tsai: Susan Caballero.

Ms. Susan LaLa Caballero: Aloha everyone. My name is Susan LaLa Caballero. Our State Law HAR 11-200-12 specify when potential environmental effects are significant, and an EIS is needed the law is clear. I mean this is a basic thing. Either we gonna go ahead with this project or not going to. We the people you speak for us. You are our voice. There will be jobs. There'll be jobs for 10, 20 years, but what about in 40 or 50 years when our children and our great grandchildren don't have a job because this is another Honolulu? What happens when there is a tsunami and there's no place for these people to go? Are these people that are for this project gonna say I'm sorry 'cause those lives are gonna be lost? With all those million-dollar homes that are going to be built why isn't there any affordable housing? Why are the affordable housing where nobody else wants to live but that's where they'll put people? Why isn't that an issue on the table? You folks speak for us. We trust you. We trust you to do the right thing. So many people live here struggling everyday but we live here because God has blessed this lands that we could fish from it. That people have aloha. That we love and take care of each other and we support each other. I understand that people for are for it they need to work and have jobs but we need to think about the future of the lands period and what the impacts will be. In an emergency situation, and we've been blessed that we haven't had any tsunamis or any horrible things happen but Mother Nature could do whatever she likes and she will. We see all of our honus that are infested with tumors and people come here to see the honus, they see the whales. There's so much money that is in Wailea, why can't they just outbid for homes over there? Why do they have to build new homes? They bid us out of our own apartments because we're not worthy of the money that they need to make money. So

why don't they just bid out these homes in Wailea that people use for vacation rentals and just keep on outbidding if there's that money...that much that these people have why don't they just buy the homes in Wailea and Makena that are already there instead of doing any more damage that we have caused as humans. I thank you for your time. I thank you for letting me soon. I have to go to work. God bless you and what I suggest is I know that you folks have to do this, but there's so many people here that wanna speak, but we have to go to work and we don't get paid to be here to do this. I've gotta go scrub toilets that's what I have to do to pay my rent and I would love to live on Makena, but unfortunately it would probably be in a tent. Thank you for listening to me. Have a wonderful day. And I'm definitely not for the project.

Chair Tsai: Mark Deakos.

Mr. Mark Deakos: Thank you Commissioners. My name is Mark Deakos. I'm a marine biologist. I did my PhD work over in the Olowalu reef so I wanna talk to you a little bit about reefs. If you're not familiar reefs are pretty much the lifeblood of our economy. They create the beaches. They protect our shorelines. They put people in our hotels, in our restaurants and whatnot so if you don't believe that just Google Hawaii pics, you'll see all the pictures come up, watch Channel 7. ...(inaudible)...lifeblood of our economy.

So the number one threat to our coral reefs is sediment, land-based sediment which suffocates, stress out the reef and also new next generation corals cannot colonize a soft bottom. So if you snorkel out here or dive you'll see it's covered in land-based sediment. So there's no new generations of coral. Fifty percent of our corals in the last 20 years have disappeared. On our current trend will be without corals by 2050. So why is it so bad if construction projects are implementing BMPs and sediment erosion plans and you know, 200-page volumes of how they're gonna control their discharge. That's because best management practices are not effective. Management practices doesn't matter how many silt fences you put up if you're not measuring what's coming off your property you don't know, you're not controlling your impact. So...and that's unfortunately the way it is. Construction projects all you have to do is show you're trying to implement BMPs but you don't have to actually measure the discharge.

But what if I told you there are automated sensors you can stick in a stream, you can stick at the end of a pipe and basically it gives you water quality data 24/7, any time on your smart phone to the regulators, to the landowners, to the developers. There's no mystery in what's going on. That's effective management practices. So I encourage you not for just this project but any project should encourage developers to implement this instrumentation and it's cheap, \$1,000 a month and that you know exactly what's going on on the property.

I'm sure you've all read the 1,500 page EA but let me point to a couple of things. The clean water data showing 142 times the legal limit of nitrogen currently this is what's happening in our coastline down there. High levels of nitrogen. You gotta go 150 meters offshore to get levels that meet Department of Health standards. Okay, what does that tell you? The previous

construction, all the other landscape changes, the BMPs didn't work, okay, the stuff, the golf course nitrogen, all that type of stuff is reaching the water, okay. Just touch on the reef portion of it. They actually did a reef survey in 2005 and then another group—

Ms. Takayama-Corden: Three minutes.

Mr. Deakos: -- replicate...and I'm wrapping up...in 2016 at three stations the coral has dropped from 44 percent to 30 percent, 87 percent to 29 percent. This is the coral cover, 50 percent to 9 percent. What does that tell us? The reefs there are getting destroyed, okay. Number one problem is sediment. So all these BMPs—

Chair Tsai: Please conclude.

Mr. Deakos: --that were used on projects there in the last 10 years have not worked. Okay, what they're proposing here is not much different. So I ask you to please require the EIA, a complete and full EIA and at least, at the very least if you pass this project require the sensors, the automated sensors so we know what's happening. Thank you, council.

Chair Tsai: Hold on a second. Commissioner Robinson?

Mr. Robinson: Good morning is your name Mark?

Mr. Deakos: Yes.

Mr. Robinson: Mark what is your credentials again?

Mr. Deakos: Marine biologist.

Mr. Robinson: You practice here in Maui?

Mr. Deakos: Yeah.

Mr. Robinson: How many marine biologists are in Maui?

Mr. Deakos: I have no idea.

Mr. Robinson: Can you give me a guess? Is it a big field? Are there a few of you guys?

Mr. Deakos: Professionals?

Mr. Robinson: Yes.

Mr. Deakos: Thirty.

Mr. Robinson: Thirty. Okay, well they contacted everybody so I don't know if they contacted you but supposedly they contacted all the experts I wanted to find that out. I wanna talk about the reefs. My question for you is we have problems with prior developments and affecting our reefs and the cover. Is there any way that we can, we can vacuum or blow off the silt off these corals to help bring them back to life or is it a...like they did in Honolulu in Kaneohe Bay or is it something that it's just gone?

Mr. Deakos: So the problem with the super sucker which is good for algae...there's a lot of small microorganisms on the reef that are...that you need to have there. So you can't just go and vacuum it up. But a reef with the storm surge and the wave events will clean itself out over time if you stop in silt. So if you don't keep injecting more sediment those reefs can recover with natural movement of the sediment with wave action. So you can do that. And just to touch, I did notice in the...there was no Department of Aquatic Resource letter in their EA nor did National Marine Fishery Service in there so I'm curious that they contacted all the experts on marine, these are the guys that are on the reef everyday surveying. So I would...you know, that would be a group you would want them to contact.

Mr. Robinson: Thank you Mark. Thank you Chair.

Chair Tsai: Thank you. Frank Caprioni? Followed by Todd MacFarlane?

Mr. Frank Caprioni: Aloha Commission. My name is Frank Caprioni born and raised here in Maui. I'm a resident of Olowalu. Please do not approve this Final Environmental Assessment for the proposed 158-unit which is just a part of the overall 1,800-acre Makena Resort. This project will have significant impacts on the environment that are not resolved and requires a supplemental Environmental Impact Statement. Our law states very clearly and specifies when potential environmental effects are significant an EIS is needed. Again, guys the law is very clear there, no if, ands or buts. The law says an agency needs to look at the bigger picture and consider the overall and cumulative effects of an action. And it says an action shall be determined to have a significant effect on the environment if it involves irrevocable, ...(inaudible)...to loss or destruction of any natural or cultural resources. This Final Environmental Assessment does not look at the connection this project has to other developments in Makena Resort and the overall effect that it will have on traffic, water, beach access, and most importantly our way of life. It does not admit that the project will cause destruction of natural and cultural resources. Instead it relies on assumption that nothing the project does will cause any harm. This is not true.

Without an accurate view of the overall and cumulative impacts that will effect local residents and our land, waters, views of the mountains and seas, and cultural sites the FEA should not be accepted while saying the project will have no significant impacts. The Planning Commission

should follow the law and require the supplemental EIS be completed. Also, not...(inaudible)...too, Commission I feel for all our construction workers out here. I understand a lot of them got kids they gotta pay, they gotta pay their bills. There's so much in our infrastructure that needs to be taken care. The lady before hinted on the whole affordable housing. Where is it at? These construction workers can have jobs forever, forever with the affordable housing. Where...our infrastructure, our wastewater wells, I mean there's so many things that will keep these guys going. So again, I'm all for the construction workers having jobs but not for this one. And again, the law clearly states guys, clearly states here and I'm sure you guys hopefully are all very aware of the law. So again, Commission thank you guys very much for your time and please do your due diligence here. Mahalo.

Chair Tsai: Thank you. Todd MacFarlane followed by Ed Felien?

Mr. Todd MacFarlane: Good morning Chairperson, Council members, thank you for allowing me to come speak today. I'm speaking here as a private citizen of Maui. I've been here for about 11 years.

Chair Tsai: Please identify yourself.

Mr. MacFarlane: Todd Mac Farlane. I am an employee of Goodfellow Brothers for the whole 11 years I've been here. For the last five years I've been the regional engineer. That's important in this case because I'm often involved in preconstruction side so we're working with budgeting and preplanning jobs with developers such as Discovery and I have worked with this on this particular project in some budgetary work and preplanning. And I'm here to testify in support because they have shown me something I haven't seen in my 11 years here and working with other developers that they genuinely do care about the environment. Ed has actually told me more than...on more than one occasion we're not interested in doing what's required by the County. We wanna do what works and specifically as Mark said in regards to BMPs. I agree, silt fence does not work. In certain situations if the land is flat it can work but if there's any grade to the land, they've got water that picks up some stream it's just gonna blow over a silt fence in a heavy rain event. So they asked us, okay Todd what does work? So we said, well you need a swale or a trench in a low point before the water is gonna, you know, breach whatever containment you have and then put all your defenses around that breach point. We've done that on the Makena HM property. We set up a swale it's about four feet deep along King's Trail and then it runs to the natural low point where there's two existing detention basins. We line those detention basins with gabion baskets, they're like three-foot by three-foot wire baskets filled with rock wrapped around with silt fence and I'm confident that that will not go anywhere. Now...I mean if we get a 200-year storm there's nothing you can do to stop something like that. But what they have done is gone way beyond you know what is required and what every other developer has done and put in something that will functionally work to protect the environment the best they can.

A couple other things I wanted to bring up when I think about environmental impacts to me other than storm water it's beach access. This project is not inhibiting beach access for anybody. I live in Kihei. I was there almost the whole time since I've been here. I love going down to Makena and Makena Landing, the beaches. That will still be available to me, my family, my friends. So I'm a huge supporter of that that it's not becoming, you know you can park two miles away in the three spots that are available and they're actually enhancing that area.

And then wastewater, they have their own private, I think it's 1.4 million gallon a day wastewater treatment plant it does not have injection wells. So I think the County could actually learn from what they're doing. They take all their R1 water and mix it with some brackish well water and irrigate the property with it. So I think they're ahead of the rest of Maui in terms of how they're handling their wastewater. So I support the project. I encourage you to, you know, look thoroughly through their documents and hopefully you come to the same conclusion. Thank you.

Chair Tsai: Thank you. I got Ed Felien followed by Bob Lloyd? Just a note, we've gone through 25 testifiers and we have almost 60 so just to keep the process going here if I call you name as a follow up if you can please just come up on the side to be ready so we can get this going faster. Thank you.

Mr. Ed Felien: Thank you. My name is Ed Felien may I give you this? I live at 558 Kaleo Place in Maui Meadows. I'm a board member of the Maui Meadows Neighborhood Association and I'm testifying on their behalf. We ask that you reject the Final Environmental Assessment for the proposed 47 acre Makena development and instead require a full Environmental Impact Statement for the entire 1,800 acre master plan resort and not just a small proposed portion of it. The assessment does not adequately address many of the concerns that we have with the project. Some of these concerns are that the applicant has narrowed the scope of the environmental review by looking at only component of the phase of a much larger undertaking, an 1,800 acre master plan resort. And segmentation can hide primary, secondary, and cumulative effects of reasonably foreseeable actions than an Environmental Impact Statement would more fully disclose, assess and mitigate.

The second, the archaeological and historically significant sites would be destroyed by the project like the historic Makena ... (inaudible) ... that was once a busy thoroughfare. The Kihei-Makena Community Plan reads, preserve and restore historical roads and paths as cultural resources and require such resources to be available to the public.

Third, the drainage and pollutant runoff from the project may significantly impact ocean water quality and nearshore reef ecosystems. The waters off Makena are already impaired. Further degradation could threaten reef life, endangered Hawksbill Turtles and traditional gathering places of Native Hawaiian.

Fourth, the project will substantially impact scenic views and view plains as identified in County plans. Further the project may impact our drinking water source. The applicant proposes to withdraw water from the central water system. The FEA has proposed to disclose a significant...has failed to disclose the significant impacts of its portable water system on the nearly overpumped lao aquifer which our association was instrumental in getting designated as a groundwater management area under the State.

The project is not supported by the Kihei-Makena Community Plan. Maui Meadows is being impacted by increased traffic by unbaited growth in Makena and Wailea. Traffic studies have shown that key intersections at Piilani Highway and South Kihei Road are failing. Our 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 prior to or concurrent with the impacts of new development.

The county government failed to—

Chair Tsai: Please conclude.

Mr. Felien: --follow our community plans and implementing actions for development of South Maui. New residential construction in Makena is not supported by our community plan because key infrastructure is not in place.

Chair Tsai: Thank you. Commissioner Higashi?

Mr. Higashi: Are you familiar with Debra Green?

Mr. Felien: Yes.

Mr. Higashi: What is her position?

Mr. Felien: Debra Green very strongly supports this proposal I believe. She's encouraged people to speak out and encourage people to speak out in favor of more caution. We're not opposed to development the Maui Meadows Neighborhood Association and we're in favor of development but it's a goose that's laying golden eggs, but you're in charge of keeping the goose alive. I mean, this Commission is responsible for keeping that goose alive and I'm...we're afraid that too hasty a development will kill the goose.

Mr. Higashi: The question was about Green.

Mr. Felien: I'm sorry.

Mr. Higashi: The other question I have is how long have you been president of Maui Meadows?

Mr. Felien: Oh, I'm not the president of Maui Meadows.

Mr. Higashi: You're not?

Mr. Felien: I'm a member of the board. Daniel Kanahale is the president. I'm reading his statement essentially.

Mr. Higashi: So are you representing Maui Meadows?

Mr. Felien: I am representing Maui Meadows Neighborhood Association as a member of the board and in speaking to Daniel Kanahale, our statement, this is his statement that we support.

Mr. Higashi: The question I asked because the developer has been communicating with the various associations.

Mr. Felien: Yes.

Mr. Higashi: And according to the record, their record on February the 7<sup>th</sup>, that February of '16, 2016.

Mr. Felien: Yes.

Mr. Higashi: They gave communication to Debra Green.

Mr. Felien: Debra Green was at that time president of Maui Meadows.

Mr. Higashi: Okay, was that information ever transferred to you about all the communication that's taking place between the developer and the association?

Mr. Felien: Yes, yes, and the association has gone through it and looked at it yes, and as I say we're not opposed to development. We're just opposed to rushing headlong without taking into consideration all the problems that we feel the assessment has not answered and that a full Environmental Impact Statement of the entire 1,800 acre development—

Mr. Higashi: I have one more—

Mr. Felien: --that's what we're concerned about.

Mr. Higashi: I have the last question. How many meeting have you attended with this group?

Mr. Felien: Well I was just on the board last year. So it's only been—

Mr. Higashi: How many meetings have you attended with this board?

Mr. Felien: With Maui Meadows Neighborhood Association, eight.

Mr. Higashi: You attended eight meetings?

Mr. Felien: Yes. We meet every month. We're having an annual meeting this Monday.

Mr. Higashi: You're talking about the applicant?

Mr. Felien: Oh no, I'm sorry. I'm talking about Maui Meadows Neighborhood Association.

Mr. Higashi: I'm talking about the applicant. How many meetings have—

Mr. Felien: Have I attended with the applicant? No, I have not. I have not attended any.

Mr. Higashi: You have not?

Mr. Felien: No.

Mr. Higashi: Thank you.

Mr. Felien: Thank you.

Chair Tsai: Thank you. Bob Floyd, Lloyd, I'm sorry.

Mr. Bob Lloyd: That's okay that mistakes made many times. Good morning. My wife and I have been fortunate enough to live on Maui for 21 years and obviously during that time we've seen what we consider good development and perhaps what we see as not so good development. I respect the first gentleman's idea that view corridors will be harmed by this development. However, if you drive from Kaanapali up to Kahana and you see those four, six-story concrete high-rises I believe that truly effects view corridors. Looking at the plans for this development at Makena the view corridors in many ways will be improved.

Also, when we came to Maui 21 years ago we looked at Makena Resort. It was owned by Seibu who had plans for over 1,200 units in their master plan. The next developer took that down I believe to roughly 900 units. If you look at Phase 1 and 2 of Makena and it plays out that way overseen by this Commission I'm sure the number of units that will be built there will be even less than 900 units.

The other concern that has been voiced to me by friends is traffic. There is also a concern about emergency evacuation. I think the one thing to remember there has been a 300-unit hotel in Makena for many, many years. So if you take that especially during the holiday seasons at 100 percent, 90 percent occupancy I doubt that in the next 30, 40, 50, 60, 70 years there'll be issues in that regard. And if you look at Wailea, Wailea was begun 45 years ago as a community and it's only 70 percent built out after 45 years. So listening to the other testimony and having tried to study this I'm in full support of the Makena development. Thank you.

Chair Tsai: Thank you. At this point, we're gonna take a 10-minute recess be back.

A recess was called at 10:18 a.m. and the meeting was reconvened at 10:37 a.m.

Chair Tsai: Maui Planning Commission is called to order. We're back to public testimony. Looks like I still have over 30 people who've been waiting for a long time for this. So I would like to ask everyone to please in consideration of everybody's time to keep your testimony to three minutes or less please. And then also, I'm gonna call the first person up and then the next person please be ready at the podium so we can get out of here at a timely manner. Dugal Milne followed by Mike Moran.

Mr. Dugal Milne: Good morning Members of the Commission. My name is Dugal Milne. I'm born and raised here on Maui and have had the great fortune of living in Makena for the last 52 years and probably camping there at least eight years before that. I have been on a community outreach group for Discovery. We've worked together for the last three years. They have a cultural group. They have a community group. And then a combined towards the end of both groups.

They have addressed every one of our concerns as far as lighting, view plains, clean ocean water, runoff, noise, cultural aspects. They've really done a great job of listening and then incorporating whatever our concerns were into their development. It's my belief they are really willing to make this a pono project. Heaven, earth, heart, soul. They're going as one...many testifiers have said beyond what is called for to the extent, further extent that's possibly known beyond just what's required in terms of runoff and everything else they've had. University of Hawaii professors talked to them, bringing up certain ideas. So I really do believe they are covering the bases in terms of all concerns, community concerns, cultural concerns and I'm in favor of this project 100 percent. It's the least dense project that I've seen come before us in the Makena community ever. And I think their build out for M-5, 6, and 7, and S-7 is something like a 185 units. It's so much fewer units than what they could do. And right there alone I believe they're going to minimize their impact with a maximum of quality. Thank you very much for listening.

Chair Tsai: Thank you. Mike Moran followed by Lance Collins.

Mr. Mike Moran: Aloha Chair and volunteer Commissioners. Happy New Year to all. Mike Moran testifying for the Kihei Community Association or KCA. We had submitted comments last January on this matter rejecting a FONSI and calling for a full EIS. In the ensuing year we participated in your site visit on May 18 and we had several small meetings with varied interest like ATC and Discovery at their invitation to gather information and have our questions answered. We found them very welcoming, receptive, and informative. As time allotted is brief I'll just offer two examples. We had advised that the County's BMPs have proved ineffective during construction more than once and ask they looked at KCA suggested additional BMPs. They responded by advising they are incorporating several of the KCA BMPs in their plan. They also informed us that they had hired Oahu consultant, Dr. Amanda Cording who has offered progressive environmental actions such as green street principles and ecological engineering. We were so impressed KCA has invited Dr. Cording to present at our March 21<sup>st</sup> membership meeting which is open to nonmembers and media in hopes that other developers and county department officials can be exposed to this community benefits of this manner of construction.

However, for a number of reasons including the huge volume of the overall project the lack of the county...the County's South Maui Traffic Study to have base to calculate the traffic impact and the violation in many ways of the Kihei-Makena Community Plan which clearly states no development before new infrastructure we continue to believe that an EIS is required. Mahalo.

Chair Tsai: Lance Collins followed by Dave Williams.

Mr. Lance Collins: Aloha, good morning Chair Tsai and Commissioners. My name is Lance Collins. I was retained by Maui Tomorrow to address some technical issues about EAs and EISs. My testimony is not about the merits of the project itself and that leads me to what I'm going to talk about. I also submitted a letter which apparently Planning did not receive yesterday but I will give a copy of it to Ms. Cua who said that I guess she'll get it to you folks later. So I'm not going to cover everything that's in the letter. I'm just going to focus on a very narrow part of it.

Before you is a written Environmental Assessment and that is a written evaluation to determine if the proposed action may have a significant effect. That's what an EA is supposed to determine. And so your choices are to issue a Finding of No Significant Impact, to determine that the Environmental Assessment is inadequate or to determine that an Environmental Impact Statement needs to be done.

Now an Environmental Impact Statement is an informational document prepared in compliance with the rules adopted by OEQC which discloses the environmental effects of a proposed action, effects of a proposed action on economic welfare, social welfare, cultural practices of the community and state, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects and alternatives to the action and their environmental effects. And you of course have a very knowledgeable attorney who can

probably give you a lot of information if you don't already know about what those...what all of that means. I think what's most important is first of all this proposed action is actually a segmentation of a larger project. And when an EA and EIS is done it is supposed to be done for the entire project not for segments and there's many landowners that, you know, they wanna do things in phases but they prepare an Environmental Impact Statement for the entire project. That is what is required by the law. So the first problem with the FEA is that it segments 47 acres out of an 1,800 master plan project. That's the first concern that this is segmentation of a larger project. So on that bases alone, the assessment has not addressed whether or not the actual project...it has not addressed whether the actual project in its totality has significant effects as I had just read the definition of what's required for an Environmental Assessment.

But even if you don't address the issue of this 47 acres being segmented from the 1,800 acre project, the 47-acre segment, the Environmental Assessment inadequately addresses a whole range of issues. The propose of the Environmental Assessment is not to tell you at this point how great the project is, it's supposed to identify whether there are any significant effects on the environment. And this EA does not do that. My letter goes into a lot of detail about that. It's very important that this commission not accept a Finding of No Significant or not make a determination of no significant impact because there are effects that have not been addressed and this is a segmentation of a much larger project.

Chair Tsai: Thank you.

Mr. Collins: Thank you.

Chair Tsai: Dave Williams followed by Erin Avalone.

Mr. Dave Williams: Good morning, my name's Dave Williams. I'll keep this pretty short and to the point. My wife and I have lived on Maui for approximately the last 18 years in the South Maui area. It's clearly my understanding that this Makena area obviously has been zoned for development. That's been clearly identified earlier. So it's not really a matter of if it will be developed but rather who will develop it and when. I've been very impressed by the amount of planning and communication that's been into place for this project from Discovery. In particular the plans for the water, drainage, filtration and protection of the local ocean reefs I think seems to be world class.

In addition, the residential densities are well below the allowable as well as typical densities that already exist in Wailea. And finally I think they've done a great job in providing public access to the shoreline which will be improved with new trails and the amount of park space will actually be expanded. I strongly support the project and appreciate your time. Thank you.

Chair Tsai: Thank you. Erin Avalone followed by Mary Wind.

Ms. Erin Avalone: Aloha. Thank you for volunteering and doing what you do. We appreciate your time. So my name is Erin Avalone. I'm a resident of Kihei. Lucky enough to live on this beautiful island of Maui. This is my first public testimony. I'm a little nervous so bear with me. But I'm here to speak out not against the project per se, but against the fact that you are going to be accepting an Environmental Assessment when a full Environmental Impact Study is needed. As Lance Collins had pointed out that this is a portion of a much larger development and the Environmental Assessment is not adequate to address all of the needs that we need to address.

I live in Kihei. I've seen the traffic, the, you know, the infrastructure problems, the traffic problems. I will tell you that on a personal level some of my best memories of being in Maui are out of that Makena cove. We have experienced kayak trips and dolphins and whales and turtles. We are very short-sighted in America. We're looking at this project, I understand it's gonna do jobs for people. I understand that, but also our tourism industry is our survival and we're gonna be ruining the actual resources that people come here to see. I actually don't even snorkel anymore because I'm so depressed when I get in that water and see that the coral is all dead. So what are we doing here people? Like we need to look at our future. We need to look for what we are leaving for our children? What are we leaving for our grandchildren? So I'm gonna leave at that and just say that I'm hoping that you guys make the right decision that you look at the legal aspects of this. It doesn't matter who's for, who's against. It sounds like the developer is trying to be as pono as possible but that does not matter when the law is requiring an Environmental Impact Statement. Thank you for your time.

Chair Tsai: Thank you. Mary Wind, Kevin Bush. Okay, Donna Johnson followed by Brian Murphy.

Mr. Kevin Bush: Aloha, my name is Kevin Bush. I've been working down Makena for 34 years. I support this project. I think it's gonna bring a lot of jobs in the future. I've been diving and fishing down there for 34 years. And I still fish down there and gather and still get fish and lobsters and squid. Thank you for your support. Mahalo. Aloha.

Chair Tsai: Donna Johnson followed by Brian Murphy.

Ms. Donna Johnson: Hi, I'm Donna Johnson. I've been working on that property at Makena for 28 years. I was there when it was the Prince, Makena Beach and Golf Resort, and now with the Discovery Land Company managing it. And I've gotta tell you that these are people that I've ever worked with. They have more respect for that property than anyone that I've ever seen manage that land. I worked out of landscaping for two years in the interim when we were getting renovated up at the golf course and I saw the respect that they had for the property, the natural environment. You know not planting with plants that weren't sustainable in that area, using natural lava rock, all the care that was taken in landscaping the golf course and I know

that when they do the property in its whole full capacity it's just gonna respect that property and keep the beauty and the peace and all that is Makena. Thank you.

Chair Tsai: Brian Murphy followed by Bernard Rozet. No Brian? Okay, then Bernard Rozet followed by Donnie Becker.

Mr. Bernard Rozet: Aloha Board. My name is Bernard Rozet. I lived and worked in Maui for 35 years. I understand it's also my kuleana to care for these lands. I'd like to acknowledge, I support the Makena project. I would love acknowledge the Makena team for reaching out to our communities and sharing what they learn on being a good steward of our environment. I also support the proven technologies that will raise the standards of our bar that their team will be utilizing and controlling to treat runoff waters to our ocean and also to better manage our islands. I support their concerns that will always be the health of our environment as well as our long-term growth sustainability of these island. My overall view of the Makena team is to encourage them to continue this footprint for other developers to follow. Thank you. Thank you for listening.

Chair Tsai: Nick Drance followed by Janet Six.

Mr. Nick Drance: Hello, good morning. I'm Nick Drance. Thank you for listening to this testimony. I wanted to make three points just to make sure I don't ramble. Oh, I wanted to make three points just to make sure I don't ramble. I think a full Environmental Impact Study is absolutely required for a number of reasons and as the gentleman pointed out it's bad enough 47 acres, how many did he say, 1,800? Well, regardless whatever the planned and future development is I think it requires a full Environmental Study. The first gentleman that testified he outlined a scenario makes what I consider a nightmare even like worse exponentially because of his description of what we would be seeing. So I think that's unbelievable.

And the other point I guess I'm maybe a little bit naïve but what's the purpose of development in the first place? You know I mean, this is a special island to some extent, it belongs to the world as it is now because of how precious and sacred it is and how unique it is and I don't...I feel like we're beholden to the developers like we've done something wrong and we owe them so now we have to allow them to encroach on the aina here. And I don't really understand the purpose of development especially with regard to the fact that it doesn't really do anything for the residents of the island. So what are we doing it for? We're doing it for either money or for other people outside of Maui and I don't understand that. As some people point out there's lots of affordable housing, lots of other things that we could be doing.

As far as the impact I've seen developed commercial residential development and created terrible traffic. This thing is unbelievable to me how the...I mean they'd have to build like whole new roads and things like that. Let me wrap up by saying with in the most respectful way if you took a walk down that area planned, you know, a morning walking around there, gathered your

thoughts and then imagined yourself so many years from now walking your grandchildren, whomever, the next generation children and saying this is what we did when I was in charge of this area in the county, I did this. And if...and this is the way it was and this is the way it is now and I would like you to take that point of view. All right, thank you.

Chair Tsai: Thank you. Janet Six followed by Tim Farrington.

Dr. Janet Six: Aloha Commissioners. My name is Dr. Janet Six. I have a PhD in Anthropology specializing in archaeology and I am currently serving as the Chair of the Cultural Resource Commission for Maui County. I wanna thank you for letting me speak here today. I have a couple points I'd like to make. I am in favor of an EIS, a complete EIS. I also worked extensively in this area when I was at the college in Palauea and with Wailea 670 and a number of other groups and it's really hard when you compartmentalize and you take a small section without looking at the entire complex. So I would rather...I would really...I think the work is being done in a mindful way and I appreciate that. I like that they're reaching out to cultural lineal descendants and people in the area. And I'd also really like to encourage that the AIS, the Archaeological Inventory Survey which would be included in the EIS would come before the Cultural Resource Commission so that we could have a chance to take a look at that. My work at Wailea 670 and different areas has proven that having multiple eyes, having a couple of eyes on the thing can really change the way you look at it. So I want to really compliment the work that's been done so far. I'd like to hold people to that standard. So I would like to see if we could have the cultural advisors perhaps come to talk to the CRC. Just again, I can't emphasize enough taking it as a small piece, and no matter how careful you are about these great ways to keep the sedimentation and runoff, working at One Palauea seeing the Palauea Cultural Preserve still languishing, seeing the sediment runoff. We also have to think about the people in the water, sunscreen, all the other things we talked about, the degradation of the reefs. So we really want to have an entire Environmental Impact Statement in place. So I would ask that you really take a look at that and an EA for a 47-acre parcel doesn't really address as Lance Collins...the cultural aspects and all the other things that go with this. And so it's not that I'm anti-development, I just would really like to see it done in a smart way. And so I'm really want to thank you again for this opportunity to speak and I would like that it on the record that if the Archaeological Inventory Survey be completed that the Cultural Resource Commission have a chance to take a look at that document. Mahalo.

Chair Tsai: Thank you. Oh, hold on a second Janet, we have a question. Commissioner Robinson?

Mr. Robinson: Aloha Janet.

Dr. Six: Aloha.

Mr. Robinson: I thought I read somewhere where the AIS that you guys did see it?

Dr. Six: No.

Mr. Robinson: No?

Dr. Six: No. Maybe it was a draft AIS, but I've never seen one. Yeah, I was traveling in September in 2014 so it might have come before the commission when I was not there. But as far as I know I've never seen it.

Ms. Cua: It was reviewed by State Historic Preservation Division. Maybe that's what you...

Mr. Robinson: Well, I also saw there was a Maui Branch as well. I saw the Maui Chapter.

Dr. Six: That's SHPD.

Ms. Cua: That's not the Cultural Resource Commission.

Mr. Robinson: That's not? Oh, it's a different.

Ms. Cua: Correct.

Mr. Robinson: Okay, thank you Ann.

Dr. Six: And just because for me, the environment is cultural. It's not natural. The Hawaiian people don't see it as separate. So for me to have a Cultural Resource Commission and Environmental Impact they have to be combined. So I'm really asking that we look at the culture and the impact on the environment so I really can...(inaudible)... strongly recommend an EIS for the entire 1,800 acres because doing piecemeal doesn't seem to work and having second opinions and other eyes on it definitely adds to find other things. And so it's not that anyone's doing shoddy work but I think we could better. Mahalo.

Chair Tsai: Director?

Mr. Spence: Just a comment Commissioners. If...I don't know what's gonna happen today, what the Commission feels about doing an EIS or if the EA is acceptable, but one way or another before a project can be constructed, this project still needs a Special Management Area Permit and that would come back before this Commission. At that time when that application is filed we can forward that AIS to the CRC for review and comment.

Dr. Six: Thank you so much. I really appreciate that. Mahalo.

Mr. Robinson: A lot of letters, I got my...

Mr. Spence: Yes, we speak in acronyms.

Chair Tsai: Tim Farrington followed by Leslie Kuloloio.

Mr. Tim Farrington: My name is Tim Farrington. Thank you for letting me speak today. I've been an architect on Maui for 40 years and have lived in Makena for 20. I've made my life there and raised my family there. As the president of the Makena Homeowners Association I've worked hard to improve, preserve Makena as a historic place and nature preserve and neighborhood. I've been a member of the advisory committee with...that Discovery Land put together in the beginning to hear and address the concerns of the residents. They've asked for our input and they've listened.

As an architect and resident I've been very impressed by what they have proposed for this project. It's low density, low impact and they have designated culturally sensitive architecture. Also an important issue is they have gone beyond any others in their plans to protect the land and the ocean during construction and into the future. As I call this home, I and my family are in full support of what is being offered here as a development. I can't imagine anyone doing a better job turning this property into a residential community. We welcome them. Thank you again for your time.

Chair Tsai: Thank you. Leslie and followed by Albert Perez.

Mr. Leslie Kuloloio: Aloha mai, (spoke in Hawaiian). Thank you Chair and Committee of Planning. My name is Leslie Kuloloio and I've been I think I'm the only one in this room that can speak loud and clear that been involved from the very get go of the making of the Makena Road, saving of the Piilani Trail which my Mom and Dad and my two children walked it and protested to protect that area. I'm so glad that I had learned to...learned the word speculation when development came to Hawaii under the governorship of Ariyoshi and all the governors since then till today. I'm so glad that I have worked under the icons of our Maui County Mayors, Elmer Cravalho and Hannibal Tavares that together we have cooperated ourself in bringing culture to what it is today, going through the process like a committee like all of you. It's not easy to come here saying that I think I know it all, but I can tell you damn sure that I've been involved with the Makena area. I am part of the last of the kupuna of that island, Kahoolawe. My grandfather was called the Kahoolawe man under ...(inaudible)... Report and Judd. I also in part of the place names on Kahoolawe and Molokini and the meaning of Honua`ula which is the moku we're talking about. I am familiar with genealogical ancestral generations that include going back to at least 25 genealogies on both parents. I'm familiar with the genealogies and migrations that have come from the Big Island and I represent today the Kulololia lineage, (spoke in Hawaiian)...I am not familiar with Honolulu Harbor. Yeah, Honolulu Harbor's original name was called Kaihikapu o Kuloloia which is my ancestral name.

Ms. Takayama-Corden: Three minutes.

Mr. Kuloloio: I support this project full heartedly and that's why I wanted to identify myself. I've been onto many organizations and I come forward for you to support this project full heartedly. It took me years, 54 years to support a project like this, the applicant. So I'm total support for this and my family and the kupuna of Makena. Please support us. It's been struggling but I thank you all for giving me an opportunity to come forward and give testimony by all of us ...(inaudible)...kuleana. Thank you.

Chair Tsai: Thank you. Mahalo. Albert Perez followed by Adriane Raff Corwin.

Mr. Albert Perez: Good morning Commissioners. Albert Perez, Maui Tomorrow Foundation. I passed out papers, they don't have Maui Tomorrow's name on there but what we have on the front is what is seen on our Facebook page quite a bit is the before and after what this 47 acres would do, what it consists of, what it would look like. The before picture is actually a little bit smaller than the 47 acres just so you know. So we have more of an impact there.

We were involved in earlier consultation on this project and we also provided comments on the Draft Environmental Assessment. We offered comments on potential drainage impacts, impacts to cultural sites including the famous Makena Ulupalakua Road, and also the pre Mahele Aupuni Road, provided comments on provisions for cultural use of the site, proposed water source, wastewater plans, affordable housing and the fact that it's not located in this area what that does to communities, mitigation for marine resource impacts.

The Final EA does not address many of the comments that we made on the Draft EA and I don't have time to go into all of them 'cause we made a lot of comments, there were a lot of deficiencies. But the major deficiency of this Final Environmental Assessment is that it does not acknowledge that the project does have significant impacts and the developer is therefore required to prepare a full Environmental Impact Statement.

If we raise a comment and it's not addressed in the Final EIS, sorry, the Final Environmental Assessment then the Environmental Assessment is deficient it didn't address our comment. This should not be granted a Finding of No Significant Impact and a full EIS of a much larger 1,800-acre development area should be required. We're concerned that this project segments the 47-acre development from the overall development plans and the discussion of cumulative and secondary impacts on the adjoining Makena Resort master plan lands and vice versa should be the subject of an EIS and you will hear more about that later today.

I just wanted to show you that this road does exist, the Makena Ulupalakua Road and the first, sorry, the second page talks about the community plan goals. This is Page 23 from the community plan, right in the middle there under, Objectives and Policies, it says identify, preserve, protect, and restore significant historical and cultural sites of which this is one. And

on the bottom it says, preserve and restore historical roads and paths as cultural resources that is ambiguous, on the bottom of Page 23 in the Kihei-Makena Community Plan.

The next page is a photo that is from the sorry...okay, that is from the County Real Property website and if you look on the left side of this photo there is a road there that is Uwelo Place and if you look in, in the bushes there you can see the continuation that is the old Makena Ulupalakua Road. And this parcel that is shown on this on this Real Property database is the parcel that was originally granted to if you look at the next page, it was granted to Linton L. Torbert. It's was known as Torbert's Road and that became known as the Makena Ulupalakua Road.

Chair Tsai: Please conclude.

Mr. Perez: Yes I will. And if you just look right down the middle of the parcel you can see that that's where that road is. And so I'll just...I'll say it is a real road, it's called...preservation is called for in the community plan. Please require a full Environmental Impact Statement to evaluate that and a lot of the other comments that we raised. Thank you.

Chair Tsai: Thank you. We got a question from the commission. Commissioner Robinson?

Mr. Robinson: Albert, what is Page 4?

Mr. Perez: Page 4 is this is a portion of...it's actually the Final Environmental Assessment. I believe it's Appendix A and this is a consolidation of Parcel M-5, what they're referring to as Parcel M-5, so what they're trying to do here is consolidate that existing TMK that just has the Makena Ulupalakua Road make it disappear.

Mr. Robinson: Thank you, Chair.

Mr. Perez: So it's zoomed in from Appendix A.

Mr. Robinson: Thank you.

Mr. Perez: Thank you.

Chair Tsai: Adriane Corwin followed by Colleen Curran.

Ms. Adriane Corwin: Aloha Planning Commission. Thank you for having me. My name is Adriane Raff Corwin and I am the coordinator for the Sierra Club Maui Group. I just wanna start with a question. Did you receive our testimony that I emailed yesterday? Okay, I won't be going over that, but please I hope you do read it and we'll have some other testifies that will mention some of what's in there.

What I really wanna start with today is just to start off, Sierra Club Maui Group we are a conservation organization but we're not against development. We're against hasty development that doesn't take into account the environment and the cultural sites therein. The problem with this Final Environmental Assessment is that it's claiming that there's no significant impact even though we know there's cultural sites there and there hasn't really been enough of an investigation to find out if there's even more. And of course, we've already heard about some of the other environmental impacts that may have. So we are asking you today to please move forward with an Environmental Impact Statement and do not give a FONSI issue to this FEA.

In terms of development we wanna make sure that we get this right. This is of course, the project is only a 47-acre project in front of you, but if you look at Discovery Land's website it's very clear they talk about their 1,800 acres on their website. Well, it's not theirs but of course, it's what they plan to develop through the property owner. This is segmentation. If we only look at these 47 acres maybe we'll find that there's not a huge impact. I don't know. I'm not an expert on those types of things. But if we have let's say you know two years from now the next thing comes down the pipeline and the next thing and the next thing for these 1,800 acres if we look at them all little piece by piece maybe you'll find every little piece added every time you'll get a Final Environmental Impact...Environmental Assessment, I sorry that says no problem. But 20 years from now when we have all those little projects put in there what kind of impact are we going to be seeing once we have those full 1,800 acres developed?

In 1975 there was that Environmental Impact Assessment done and it found that there was 13 different possible problems with the primary, secondary, tertiary, et cetera impacts on that land and many of those were environmental, cultural impacts as well as sound issues, air quality issues, parking issues. So I think in terms of some of the things that have been said some people talked about how this is inevitable. It's not that this project is inevitable. It's that we have to decide whether we want it. Right, and if we're gonna have it what kind of project is it gonna be? How is it gonna impact our community? That Environmental Impact Statement that's what it's gonna help do. It's gonna tell us if we develop this what kind of issues we're gonna have and really help us make sure that the project that we do end up getting eventually is gonna make sure that there's not a huge impact on the community and the environment and the cultural sites. So again I please ask you to not issue that FONSI and instead do the Environmental Impact Statement for this site.

And lastly I would like to mention Sierra Club Maui Group along with Maui Tomorrow Foundation a petition asking you to please issue this Environmental Impact Statement instead of Final EA, the Final EA and we have more than 700 signatures at the moment on that. So that's 700 people that couldn't be here today 'cause they have other things they have to do but they are really in support of you making sure this is done right and we get that EIS done. I did email you that petition but at the time it was only 600 signatures. I will re email you it with the full list of signatories later today. Thank you very much.

Chair Tsai: Thank you.

Mr. Higashi: I have a question.

Chair Tsai: Yeah, hold on a second. We have a question. Commissioner Hedani...I've never done that...Higashi. Sorry, my apologies.

Mr. Higashi: Are you familiar with Claire Apana?

Ms. Corwin: Yes, she is a board member of Sierra Club Maui Group.

Mr. Higashi: Did she communicate with you about the meeting she attended with the applicant?

Ms. Corwin: No, I'm sorry I don't know anything about that.

Mr. Higashi: Or did you folks ever communicate about doing this EIS with the applicant during February of 2016?

Ms. Corwin: I'm not familiar with the full timeline. We do have one of our board members here, Lucienne de Naie who could probably answer that question if you would like her to come up or she will testify later.

Chair Tsai: She's gonna come up later.

Ms. Corwin: Okay, so I would direct that question to her when she comes up.

Mr. Higashi: Okay, thank you.

Ms. Corwin: Any other questions?

Chair Tsai: Thank you.

Ms. Corwin: Thank you.

Chair Tsai: Ashford DeLima and followed by Patricia Nishiyama, I'm sorry I cannot read this.

Ms. Colleen Curran: Aloha mai kakou ...(Hawaiian language)...Colleen Curran. I live in Kihei, here in Maui in Kihei. Thank you for this opportunity to voice my opposition to ATC Makena Holdings proposed Makena Resort Development. Please reject their Final Environmental Assessment and instead require a full Supplemental Environmental Impact Statement for this site. The 47 acres surrounding Makena Landing are home to many unrecorded cultural and

historic sites which will be destroyed by this proposed development. It is unacceptable to marginalize the value and importance of these cultural sites and the loss Hawaiian history that is present in Makena. The fragile marine environment is already stressed out, coral are dying, fish are fewer as a result of current impacts to our near shore coastline. I feel that it would be disrespectful to our Hawaiian community and to the lineal descendants of this ahupua`a to further exploit and destroy what many of us consider to be ...(Hawaiian language)...or sacred site. Mahalo.

Chair Tsai: Mahalo. Patricia and then we have Nakupuna, sorry I can't read the name. Please.

Mr. Ashford DeLima: Aloha Chair. Aloha kakou. Aloha.

Chair Tsai: Please identify yourself.

Mr. DeLima: My name is Ashford Keleiolani DeLima. I was born in Kula Hospital, raised in Makena and seen all this different changes come about. I was educated at Lahainaluna as a four-year boarder and went to college in, Church College of Hawaii. I've been away for about 30 years and noticing all the development there. I worked as a—

Chair Tsai: Ashford, I'm sorry, can you speak up a little more? Thank you.

Mr. DeLima: I worked as a elevator mechanic and retired then and I'd been working in Waikiki for a number of years and seen what happened there I feel wholeheartedly that I'm against the developers not to trouble the environment by overbuilding and impacting with our ocean.

...(inaudible)...for me was to see all the development along the shoreline from Maalaea, South Kihei and Wailea and now Makena a`ole ...(spoke in Hawaiian language)...All of the water, some of the water wells are being pumped out and this is springs that goes to the ocean that nourishes the environmental, I mean the corals and all the fishes there. And knowing and being a fisherman with my father and my grandfather a lot of these papa, I mean the reefs are dead by all pollution. Now being that said, this development is not gonna take it away but I require that a full EIS, Environmental Impact Statement report for Makena Resort Development. Thank you for listening to me and have a great day.

Chair Tsai: Thank you. Okay, Patricia? Nakapuna? Frank Brandt followed by Colin McCormick.

Mr. Frank Brandt: Good morning Chairman and Members of the Planning Commission. My name is Frank Brandt. I'm a retired land planner of PBR Hawaii and started here on Maui in 1969. I have been...I was born and raised on Maui. Lived here off and on most of my life. My family has had a residence in Makena for almost 60 years. Our property is just makai adjacent to this piece of property. We've been on it for many, many years and I...so I know it fairly well.

I have been privy to be a part of both ATC Makena and Discovery's planning for this piece of property. I have seen what they've done. I followed it along. My concern has always been I'm almost...well, I'm 78 years old I wanna see it done right. I wanna see it done in my lifetime so I know it's right. And so I support it strongly. I have been included on both the Cultural Advising Committee and also the Community Advisory Committee and so I have had a close relationship over a number of years with them on what's going on. I think it's being done right. I've worked on Makena from way back when Seibu first came in. And I've you know seen things go on over there, but I think we have developer here that is really sincere and wants to do it right.

And I think all of my concerns about the ocean, the runoff they've done some fabulous research on how they handle these things that nobody else has done. I'm also a landscape architect in addition to a planner. I really support this and I recommend you approve the Final EA and have any questions? Thank you very much.

Chair Tsai: Thank you. Okay, Colin McCormick followed by Bill Greenleaf.

Mr. Colin McCormick: Aloha Members of the Maui Planning Commission. My name is Colin McCormick. I'm a local boy who grew up on South Maui from Kihei Elementary all the way up, went to UH, graduated at UH with a botany degree. Worked for Resource Management, Forestry for many years and have gotten to know the lands of Honuauia 'cause I've hiked a lot there looking primarily for rare plants and animals. And on my hikes I was with some amazing people who shared their knowledge with me. Many of them, you know archaeologists, many of them historians, and biologists would teach me things. And along our hikes we would encounter many, lots of archaeology both you know, ranching era and Hawaiian archaeology. And you know, reading this report I'm very disturbed that only seven of the 36 sites that they have identified will be preserved. There's a rich history down there that needs to be told because there is a true connection with Makena to places like Kahoolawe which we all fight for and we all know about. And I think it's fair to the next generation that we keep as much of this history alive. At Wailea 670 the original archaeological survey only documented 29 sites, okay, I think that was from the '70s survey and then after many concerned citizens cleared invasive vegetation the final survey documented hundreds of sites. So I know that once alien vegetation is removed around these lands much more things will appear and the history will start to show itself. As a biologist I've known, I've known the animals down there. The wetlands in the Makena State Park are home, they were home to the Hawaiian Coot, home to Hawaiian Silt. They still are. And Silts you know half of their population is on Maui. The Hawaiian Hoary Bat, ope`ape`a is the one I'm really concerned about because I know that the light pollution from big developments will push it away from foraging around that area. It is a nocturnal animal. Wailea 670 has agreed, they did a good thing with their lighting standards. They're doing this thing called the Dark, the Dark Sky Standards that was developed by electrical engineers to lessen impact on night sky and I don't see why something like that couldn't be initiated just to limit

impacts on an endangered animal the ope`ape`a which we estimate its numbers of 3,000 and less.

My last main point...well, let me finish my other one. The reefs, I have to say something about the reefs because you know, that's a special place for people to go snorkeling and we love, you know we love the area for the marine life as well. It's caves are habitants of the white tip sharks, the territorial sharks that stay there, the Hawksbill Turtles nest around Big Beach. We need an EIS. That's the only fairest thing for the area.

My last point and I'll make this quick is the kamaaina of South Maui we go to Makena to heal. That's our get our away place. Every community needs a place like Makena to have a, you know, sanctuary to get...to release stress and to come back better people to our families, to our community. So please we stand here today to humbly ask you guys you have the power to make this a better project. Just don't rubber stamp it. Let's look at this carefully. Let's take the time to do the right thing. The future generations, the ones that are gonna be the longest, listen to what they have to say, not the people being paid to...not the people that are getting paid, the ones that aren't getting paid right now. I took the day off. I'm a teacher. You know I spent five hours yesterday making my lesson plans for my sub.

Chair Tsai: Please conclude.

Mr. McCormick: So please I humbly ask you just do the right thing for this beautiful precious place that's like no other. Thank you.

Chair Tsai: Thank you. Bill Greenleaf followed by Michael Pasco. Michael Pasco followed by James Buika.

Mr. Bill Greenleaf: Do you have the option to defer testimony until...(inaudible-speaking from the audience)...

Chair Tsai: Yes you may. You may wait after. Thank you. James Buika followed by Lucienne de Naie.

Mr. James Buika: Good morning Commissioners my name is James Buika. I'm a resident of Wailuku. I'm also a planner in the Planning Department. I am not representing the Planning Department today. I'm taking a vacation day. My comments are meant to improve the project. I know this project will get built just how it gets built is my...what concerns me. The project will change Makena forever so we must get it right.

My message to you this morning is that there remains significant impacts to the view plain that can be mitigated through further alternatives analysis. The view plain is protected by law. We are losing 80 percent of the view plain along Makena Alanui Road. We're being offered some

peek-a-boo views in return. My specific request to the Commission is that you vote today...if you don't vote for an EIS and you don't vote for a FONSI you can also, if you get five votes you can defer the FEA for more information to make the project right. Even if you love the project now or you like the project please join in a vote to at least defer the FEA for more information on alternatives. A short deferral of a few months for more information is critical to get this project right. Once this project is granted a FONSI that is a project that the developer is going to stick with so this third option is available to you and I encourage discussing that.

First point, there remains significant impacts to the view shed of Makena which must be further mitigated. They are building a virtual wall of buildings along Makena Alanui Road. Six buildings will up to 48 feet tall, another seven will be up to 39 feet tall. I know that there has been a community outreach group and a cultural resource group but these groups might not be aware that these coastal views are protected by law and apparently they did not address these impacts that well.

The second point, there is a conspicuous lack of adequate alternatives analysis in both the Draft EA and the Final EA which again is required by law, Hawaii Administrative Rules 200. Alternatives analysis is very essence and purpose of the EA process that is before you today. The only alternatives in this Final EA are no action, full density build out, the developer's preferred alternative and very minor alternatives to the developer's preferred alternative, no other alternatives. These guys have 47 acres of undeveloped land with elevation changes of 50 to 75 feet and they have come up with no other alternatives. There are millions of alternatives. I expected at least 10 alternatives in the Draft EA. There are no other alternatives.

The applicant states that the development is compatible with other development in Makena. From my knowledge nowhere is such impactful development in Makena. I will conclude with some alternate examples. For example, how about relocating Buildings G and H, big massive, the biggest, massive, tallest buildings up on the highway away from the road, down in front of A, B, C, and D where the footprint of the single-family homes are? Move those single-family homes up along the highway so that you have an entire huge swath of single-family homes in the middle that would open up an expansive view of Makena.

For example, how about aligning Buildings I, J, and K which are now along the road, but them in front of each other so they, they may lose their 180 degree panoramic, uninterrupted views, down to a 120 degree views, one in front of each other and then put the haies next to it there and you would again open up another swath of views.

Similarly for Building L, M, and N, take them from along the road, put them one in front of each other down the slope again opening up more view space.

Chair Tsai: Thank you, Jim.

Mr. Buika: We have over 50 percent. Is that three minutes?

Chair Tsai: Thank you, Jim.

Mr. Buika: Anyway I encourage, I encourage you to defer the Final EA for more alternatives analysis. Thank you.

Chair Tsai: Thank you, Jim. Got a question from Commissioner Hedani.

Mr. Buika: Yes sir?

Mr. Hedani: Jim, did you have any other alternatives that you wanted to share with us today?

Mr. Buika: No, but I think by deferring it what we could do is the public and the Planning Department and others can work with alternatives. There are many, many alternatives. I mean, we don't need 48-foot buildings along the highway. I mean, when they start building this thing I know my kids they're gonna freak when they're going down to Bigs and these big, tall buildings are gonna build this large corridor down there. We can possibly...they actually went from 45 feet high to 60 feet high now in the Final EA so they are increasing some of the heights. Why not lower it? Why not densify maybe something but lower the view. There are myriad options that we could work with. Those are just some examples. Obviously in three minutes. But if you defer the Final EA for more alternatives we can come up with more alternatives I'm sure that would be less impactful.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: Aloha, Jim.

Mr. Buika: Aloha.

Mr. Robinson: My question to you is doesn't the Planning Department already work with developers? This has been two years are you saying that the Planning Department hasn't worked with them with alternatives as far as being part of this process?

Mr. Buika: I have not been part of this.

Mr. Robinson: Not you but the Department to only have four.

Mr. Buika: Yes.

Mr. Robinson: So doesn't the Department normally work with them to get more alternatives?

Mr. Buika: Yes.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: First off, I just wanna say thank you for taking a holiday that this is this important to you, you know, to actually come and take a holiday day, so I just wanna say thank you for that. A number of people have addressed the segmentation of the 47 acres away from the 1,800. Where is that you, you stand on that? I mean, as a planner someone that you know, this is what you do and your specialty is the shoreline?

Mr. Buika: Sure.

Mr. Carnicelli: As far as alternatives that way or you know, how do you picture that?

Mr. Buika: All I'm asking here is I'm looking at the 47 acres and I think the third alternative you have is to defer this Final EA to make it better. I agree that 1,800 acres should be looked at as a EIS because it is segmentation and the law requires that if a project is part of a, is a part of a substantially larger project then it should be included in the...looking at the full build out. So I agree that an EIS should be done. Thank you.

Chair Tsai: Thank you, Jim. Lucienne de Naie followed by Linda Green.

Ms. de Naie: Could it be possible that I go...(inaudible)...

Chair Tsai: Yes, you may. Linda Green?

Ms. Linda Green: Hello, I'm Linda Green. I'm a semi-retired mechanical engineer from Boulder, Colorado and I've been here living here for about 10 years and I'm here really to, I'm kinda nervous so, I'm here representing the sea life because I drive down to La Parouse every day to snorkel and I've noticed a lot of decrease in number one, the dolphins, but right now there's currently a dead whale that has washed up right next to the area they call the dumps or Ahihi Bay for about a week. And they synchronistically putting in a new parking lot and I just thought about it this morning that there could be a correlation, I have no proof because I'm an engineer and I'd like to have proof of things but I have not known about a whale dying in that area probably for the last years. I used to come back and forth for about 10 years before I moved here in 2009. So I'm just trying to make a point. I also have been snorkeling a lot right at the Makena Resort that's our backup you know when we don't snorkel right in the Ahihi Bay area and around the time they were doing the construction of the complex that's right on the golf course there were a lot of tumors on turtles. I've noticed it cleaned up a little bit, but I'm trying to just give you some real like, you know, empirical experiences of myself going down there as a swimmer and I have lots of friends that could come in and testify too. I'm surprised they're not here but I almost didn't even hear about the meeting myself. So there's definitely from that

construction it affected the turtles and coral reef is not like it used to be down there. I go like I said every day. And then I haven't seen dolphins like for months. The dolphins have really decreased and the ranger told me they've gone down like 4 percent a year for the last five years and we don't know why. There's not construction but there could be over fishing for them but all of this I'm just trying to convey is that we're already negatively impacting just from putting in that parking lot the sea life and the turtles and just by having, you know, just what's been going on so far. So I'm in support of doing an environmental impact study and statement for sure. I'm also a real estate broker in Colorado and mortgage broker for 10 years. I've been a real estate broker for 16 so I am for development but I do believe that we need to you know, we make human errors, human beings have impact and that it would just be to the best interest of sea life, the marine life as well as human beings to have studies done and to do it right, to do this project right. You know I can see both sides of the thing, of the project and the position. So anyway, I just...I'm very grateful for living on Maui being able to experience this every day. I drive every day. If don't get in the water it's my how I start my day off. I take an hour of my day going each way. And I just wanna preserve the beauty both visually in the water and take care of the marine life that don't have a say here so I guess I'm representing them. So anyway, thank you for letting me speak and I just... I know we'll do the right thing, it's just looking in our hearts and moving forward. So, thank you.

Chair Tsai: Thank you. Cody "Koko" Nemet followed by Junya Nakoa.

Mr. Cody Nemet: E kala mai. Sorry about that. Aloha you guys. My name is Cody, Cody Nemet. A lot of people know me as Koko. I am here in opposition of EA Assessment. I am instead urging an EIS statement. I wanna make sure that we still have a thriving ecosystem and a community instead of a struggling one. Makena has many memories for me. I learned a lot of life lessons growing up here. Almost like a home away home especially when I didn't have a home. Me and my friends and family would camp out in Makena, we caught fish, and we learned how to connect with the aina.

Makena is this place for all of Maui. It's a place to get away. Get lost in the stars. And gather food for family, for parties, for paina. Even now when I go by Makena Landing I feel like a stranger in my own home. It feels like somebody opening your door, walking into your house, opening your frig and taking food right out of your frig, drinking all the water and leaving us with the bare minimum.

This project will take most of the pure affordable aquifer water from Iao Valley which in my opinion should be reserved for our local affordable community. It is a fact that our aquifer will be stressed to its limit if this development goes through. I don't wanna see the last of our pure aquifer water go to the rich. There's also a lot of water being used for the purpose of landscaping from the wells well above the development. Now if these wells gets stressed what do you think happens to all the fresh springs and the runoff that is all throughout Makena? I don't know if you guys know that but Makena is full of fresh water springs. And it affects the

ocean, it affects the coral, it affects the limu, it affects the fish, and all of that it affects us. Bottom line is there are too many problems and questions with this project like traffic impacts, sewage impacts, cultural impacts, wastewater impacts. Like where is the wastewater going to be released and if so, will it be 1,000 feet away from the ocean? These are things we gotta think about, important questions. We need to reject the EA Assessment and follow through with a proper EIS statement guys. Okay, mahalo.

Chair Tsai: Thank you. Junya Nakoa followed by Magdalena Puu Wood.

Mr. Junya Nakoa: Howzit, Junya Nakoa from Lahaina. This is one pretty much important subject. We dealt with this in Kaanapali same thing, one developer came up saying they like build the whole place, you know the da kine, just like this developer like. I was involved like all the kanakas in the community was involved with this project with the Kaanapali 2020. Plenty of these guys...the Kaanapali 2020 said they going do the roads, they going make sewage, they going help the schools 'cause Lahaina need plenty help. The affordable housing all that kind stuff was told to us that they going do and the thing neva happen. Okay, we jam up. Come Lahaina the buggah is screwed up. Whoever the state guy that made that bypass, poho the bypass. It's only one speed trap straight up. So all these developers da kine say they going do so much stuffs and what not, but you guys, thank you guys, you guys volunteers mahalos, okay. I don't know why you guys would do 'em but I give you guys credit but you guys is the first stepping stone for us guys hold these guys accountable 'cause us guys we need, you know we lucky get you guys, but we gotta hold these guys. They gotta do the EIS or all 1,800 acres or whatever not just 47. 'Cause in Kaanapali when they only when go do little bit for the KOR, Phase 1, Phase 2, Phase 3 brah, the doodoo when screw up our beach, okay? The Mayor, the County is getting sued by whoever the guys like sue these buggas as our money too anyway we lose out both ways. We get doodoo water and we gotta pay for the thing. So we lose out. We no like this happen again in Makena. You know what I mean? Let's make sure this buggah I don't know where they doodoo going from this project. I don't know where the sewage stay. Us guys getting screwed up. That's our backyard used to be our fishing ground the airport beach we call 'em. I don't know you guys...you guys get one other word for 'em. We used to go over there camp every time just like Makena. The affordable housing that I think this project get 'em someplace else how is that gonna help out the people that going work or this place you know what I mean? The ILWU. I was affiliated with them for many of years. We had to go fight lot of this companies that everybody said that they work for all these years in Kaanapali, you know all these different companies that came and gone. They come over here make their monies, they dig out, they bankrupt or they like sell out. Who gets, sorry I going swear, who we can fuck up, us guys get 'em, the people of Maui. We get screwed gotta go again through another whole contract, yeah, ILWU should know 'cause I was involved with two of 'em. I when stand and fight for the people you know what I mean, that da kine. But there's plenty things that we...you guys gotta make sure. All I like the da kine, make sure they do the right with the roads, affordable housing, the doodoo, where the water coming from, and no call us out. Us guys just had spread ashes for my uncle at Napili Bay. We had the hardest damn time as a local beach for go down

there because get plenty tourist that taking over our local beaches and same with Kaanapali. Canoe Beach, Canoe Beach is our cultural area where we do our paddling for our kids. I coach 72 kids every year. Okay, we get cultural da kine. We get plenty tourist coming over there telling us what we can and cannot do on our own beaches. No let Kapena, ah Kapena, Makena end up the same way. You guys the first step. I talk passionately from my heart please do the right thing and help us make it right.

Chair Tsai: Thank you.

Mr. Nakoa: And again, I going close again, make the EIS for all 1,800 place 'cause no let 'em do 47 'cause going screw up the rest of the...if you do the math 1,753.

Chair Tsai: Thank you. Magdalena Wood followed by Bruce U'u. Bruce not here? And then Autumn Ness.

Ms. Magdalena Wood: Aloha mai no. I'd like to culturally introduce myself. ...(spoke in Hawaiian)... I come here today before you to ask that you guys really take the time to consider this. It should be a full EIS with consideration of the impacts. See we've spent a lot of time in our days just thinking about for the now when really we need to be thinking about the future. We should look 150 years beyond us because when we go this is what our keiki will be left with. As a single mother of two this is what I think of often what will be left behind to pass down to my keiki. What iki is going to be able to to be touched, seen, and visited. We have a lotta impacts that already happened to Makena in just Honuaua. Our kupuna there, we have very, we have very little left with only a few families that hold onto their properties. Some are paying more than \$2,500 within property taxes because of this over luxurious development. With over luxurious development there is more, more water being used, more of the environment that is to be lost. If we keep on building without doing the proper structure, about thinking for the future generations, the environment and culture what will we have left in the future to come? I have respect for the developer and everything but with so much development this is all that we have left. We should hold onto and malama and preserve what we have left. If any development should, should be happening it should be a school, a center for learning because back in the day you know, you hear very little bit of the mo`olelos that there used to be fishing villages, navigation, migration, where is that now? If we compromise our culture and our future generations for what is happening now with this development are we honoring our children for the future? Are we honoring the people? Are we honoring the land that takes care of us? In this day as a kupuna this is what we think about. We think and we look beyond not just for the now. I would appreciate and be very thankful if you guys would reconsider rejecting this EA and go for the full EIS for the 1,800 acres because everything has a balance, everything has a connection, everything has an impact. Thank you and God bless you.

Chair Tsai: Thank you. Autumn Ness?

Ms. Ness: ...(inaudible-speaking from the audience)...

Chair Tsai: Yeah, okay. Okay, anyone else wish to testify who haven't testified already? Please come forward, identify yourself, you got three minutes.

Mr. Jeffrey Nakai Makekai: Hi, howzit. My name is Jeffrey Nakai Makekai and I was just told, I was just informed by my daughter we hold a deed, a crown deed and we're the only family that holds a Land Commission Award Deed which means we own all crown lands, not own, caretakers to distribute to all the aliis. My great, great grandfather was ...(inaudible)...Pake he was a land commissioner and what you guys doing is, whoever's doing it, you guys eh? ...(inaudible-turned away from the microphone and spoke to applicant in audience)...

Chair Tsai: Could you please address the Commission?

Mr. Makekai: I sorry, my braddah. But I stay kinda, I stay kinda piss brah. They did Hawaiians wrong for so many years and they going still keep on doing 'um. That's not right, man. Plus they on somebody's land that's an adverse possession. That's all I got to say. No disrespect to you guys. You going be seeing the lawyer and you going to see the rest of the Hawaiian they going stand tall for the Hawaiians 'cause it's not right what they doing. Anyway, aloha.

Mr. Tristan Rodrigues: Good afternoon everybody, my name is Tristan Rodrigues. I've been born and raised here on Maui. This is something important to me. Something I'd like to address. First thing is I would humbly ask that you guys give us one EIS, one of those EIS things to conduct over the 1,800 acres proposed for development. I like it to be taken the right way if development is going to be done, I'd like it to be done the right way.

I also like to know what the impact going be on me if this development is taken forward and moved forward how is it going to affect me when I wanna go practice my heritage and my rights at the ocean when it could be closed off to me at a gated community as since 40 years ago got to walk into that land, jump into that ocean freely and then with this coming about with this gated community that's what I'm against and all the different things that could impact that as well. Like we said before our keikis in the future, where the water going come from all this different issues need to be addressed before you guys can consider allowing these guys for build that because of course, I never like be selfish for myself right now and us here now, it is our people in the future, our keiki, our generations to come that you guys all should be thinking about too. You guys all live here. You guys all...I not saying you guys all from here but you live here now so your keiki and family could be here. You guys not thinking about them? That's what you guys should really be thinking about is about your guys future family how it going impact them. But you guys all up there already, us guys comes from common people brah. You guys from a different level, I telling you straight, I just 'um go, I like seem 'um go the right way. I no like be taken from what is ours in the wrong way just like everything else throughout time. It stops here. It should. You guys should help us out. I mean, really this is enough of...I don't know

brah, all I know is that I really hope that you guys can conduct the EIS, that's all I really humbly ask right now 'cause everything else is up in the air and whatnot but that's the first thing you guys should be considering in my opinion and that's all I like speak right now. Thank you very much.

Chair Tsai: Okay, anyone else wish to testify at this point? Seeing none, public testimony...wait.

Ms. Lexi Shwekey: My name is Lexi Shwekey and this ...(inaudible)...

Chair Tsai: Please speak to the mic.

Ms. Shwekey: This is Baron...(inaudible)... and he would like to ask for his home doesn't get taken away. We both love the beach and the concept of this being taken away and this beautiful island being developed is just heartbreaking. The people that it affects is more than I can take. It's their home. It's my home now. I respect it. We clean up the beach there and it's our environment, it's for earth and at what point are we gonna stop developing and making things that are for a few instead of for the island and for the earth and I would like to request that you do a full EIS report and do what's right for the earth. Thank you.

Chair Tsai: Thank you. Okay, anyone else?

Brother Layne Naeole: Hello Committee my name is Brother Layne Naeole. I come from a genealogy of Hawaiian people. I'm a Hawaii kupai aina. I represent this whole island. My job is to fish. I've been a fisherman born and raised. My grandfather come from the 1900 centuries from the Lahaina Harbor. I learn from the best and I learn from every one of the old mans that when pass down to me the generations and the knowledge that they gave to me and I was honored to learn from them. I learn from the best in Maalaea Harbor and Lahaina Harbor. I learn from the old timers in Kihei and now picking up the knowledge from the Hana people and all over wherever I can gain my knowledge. In the old days to gain yourself a man you was to go up to the mountains and catch the biggest wild boar you can find and bring it down to the people and feed your people. But today, I cannot feed my whole village so what I do is I go to Makena and I catch my fish, my tako, my lobsters and whatever it takes that the people ask me for and if they have a birthday party or a wedding or funeral, I go and I ask the Lord for the strength and he gives me and I catch the fish that they ask me for and that Akua gives to me. I might be, people might think I might overfish but everyone one of the people that I feed I flourish their lives, their families, I keep their home safe and affordable because I sell them a lot of fish. I give them fish practically almost for free because of the land and the fish that Akua has given us and the mountains, the ocean, that we take from, that we ask the mountains for, that we can humbly...that they can give to us that we may eat and flourish our bodies and the rest of the people. That is the most important thing in my life is to keep the culture. I like to teach the kids how for you know, surround fish, lay net, throw net, I teaching the kids how to patch net,

anybody wanna learn I teach 'um. I'm not ashamed to show anybody because everybody has shown me. Whatever I had gain, I had learn on my own or the old timers had shared with me. So what I share with you know the council, you look at Olowalu for instance, we already know what's gonna happen. It's a common sense thing of the Environmental Impact Statement you know. Nobody else needs to really actually beg for us to have this thing because it's look at Olowalu, look at Kihei, look at Kaanapali, we already know what's gonna happen.

Ms. Takayama-Corden: Three minutes.

Mr. Naeole: Yet we like oh, let's see if it's gonna work, look at the reefs. The reason why we don't have any fish in the ocean because of the reefs they shut off the water, the water table needs to go underneath the reefs and fertilize all of the coral beds and filtrate up so the limu can grow. No more limu no more fish no more life.

Chair Tsai: Please wrap it up.

Mr. Naeole: Thank you very much.

Chair Tsai: Thank you. Okay, seeing none, public testimony is now closed. We will now recess for lunch. We'll be back at 1 o'clock.

A recess was called at 12:02 p.m., and the meeting was reconvened at 1:04 p.m.

Chair Tsai: We're going to the agenda item, Director?

Mr. Spence: Okay, Commissioners we're on Item C-1 of your agenda today. This is ATC Makena Holdings LLC requesting an Environmental Assessment Determination on the Final EA prepared for the Makena Resort M-5/M-6/S-7/B-2 project on 47.15 acres. Our Staff Planner this afternoon is Ann Cua. She'll give a brief introduction. And just for the members of the public that are here. The procedure is gonna go like this. Staff Planner is gonna give an overview. The applicant is gonna be given an opportunity to make a presentation and then we will take public testimony for the people who have not testified yet. And then we will close public testimony and then the Commission will have questions and answers and we'll proceed from there. So for the people who have not testified yet there will be an opportunity. Thank you. Ann?

## **C. NEW BUSINESS**

- 1. ATC MAKENA HOLDINGS, LLC requesting an Environmental Assessment Determination of the Final Environmental Assessment prepared 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 Commission commented on the Draft Environmental Assessment at its January 26, 2016 meeting.)**

**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 that application will be scheduled after the Chapter 343, HRS process has been completed.**

**The Commission may accept the Final Environmental Assessment as a Findings of No Significant Impact (FONSI) or take some other action.**

Ms. Ann Cua: Thank you Director Spence. Good afternoon Commission Chair and Members of the Commission. As the Director mentioned, the Staff is just going to do a brief presentation kind of explaining what got us to this point, turn it over to the applicant to take you through the presentation. We have a mix of commissioners here, some that were not here from the very beginning, some who went on the site visit, some who didn't go on the site visit and then members from the public who were here from the beginning, some are new to the process for this project. So we worked with the applicant on the presentation in terms of advising them you know how best to take care of the many, many comments that were received on this project both from the Commission and everyone else and we'll talk a little bit about that in a bit.

So first of all, the Final EA document that is before you was submitted to the Department on November 21, 2016, and we distributed it to you at your commission meeting on November 22<sup>nd</sup> to give you at least a full month to take a look at it, and obviously we're here today to discuss the Final Environmental Assessment.

One thing I noted to you when I distributed the EA, the Final EA was that we tabbed in a purple tab the Maui Planning Commission's comments so that you could find them easily and there was quite a lengthy response from the applicant to your comments and those were marked with a green tab.

The project very briefly is a mixed use project involving, single-family, multi-family, resort commercial, transient vacation rental components and related improvements on approximately 47 acres in Makena. A total of 158 units and lots and approximately 27,300 square feet of commercial use is proposed. The trigger for the Chapter 343 compliance is the use of County lands and work within the shoreline setback area.

The project went through a early consultation process and you hear some of that spoken about today. That was back in February of 2015. The OEQC publication date for the Draft Environmental Assessment was on January 8, 2016. The Commission reviewed the Draft Environmental Assessment on January 26, 2016 and the 30-day public comment deadline was

February 8, 2016. The Department does want to note that although the deadline for comments was on February 8, 2016, the EA documents, the five-volume document that you have before you addresses comments well beyond the 30-day comment period. I believe your direction to the applicant in one of your comments was to reach out to the community more than they already had for some of the people that had testified had not...they not had been able to connect and so you had asked the applicant to try and make that connection which they did to as many people as would connect with them. So there were letters submitted again well beyond the 30-day review period which was responded to and it's contained in your Final Environmental Assessment document.

So just to summarize the letters. When we submitted the...when Carolyn emailed or mailed out your agenda packet, we mailed whatever letters we had at that time which were not very much. And then she gave me a cutoff of this past Friday and whatever she had of this at this past Friday at 2 o'clock another batch was emailed to you, and then yesterday at around 2 o'clock, 2:30 whatever we had in the Department was mailed out to you. This morning I went into the office before coming here at about 8:30 we made copies of whatever we had received which is just three more letters, we gave that to you this morning. Had our meeting our meeting this morning, I went back for lunch and when I got back I found a stack on my desk and so, and some of them were letters that testifiers who had come this morning said they had submitted it last night to the Planning, the general Planning email, it didn't trickle down to our office till 11:30 today. So with that said, the approximate number of what we have in terms of letters are 54 letters in support, 44 letters either objecting or concerned, expressing concern about the project and then we did receive today at 11:30 that petition that was spoken about this morning with 566 signatures and I think that person mentioned to you that there is an update to that with 600 signatures or so, the Department has not received that yet. So everything that we have so far has been submitted to you in segments.

So with that I would like to turn it over to the applicant to take you through the project and then the Department will come back later on and we'll continue this discussion. Thank you.

Mr. Ed Divita: Aloha. I'm Ed Divita and I'm a partner with Discovery Land Company and I represent the applicant ATC Makena. Thank you for considering our Final EA today. We've worked hard, listened closely, and learned a lot since the last time we were here before you about this time last year.

Makena is a beautiful place with a rich history. We've thoroughly enjoyed forming lasting relationships with the community, with local neighbors, and getting honest and critical feedback from them to guide our planning project. We've learned that a project at Makena must respect and represent the history of Makena, have a sense of community and fit well within the environment without significant impact.

Inspired by the families who have fished the waters of Makena for generations since the initial presentation of the Draft EA in 2016 we collected more input about the project plans and listened carefully to the comments that we received from you, the Planning Commission and also from the reviewing agencies and community members. Then we set internal goals about

refining and redesigning a project in a way that's optimally sustainable and where helpful incorporating better than County standards. We agreed among our team who's with us today and will be presented shortly that we would work harder to design a project that had no significant impact on the environment yet creates a community where residents will enjoy Makena with respect for the past and excitement about the future and we finalized a plan that we hope can become an example of sustainable, responsible, low impact development in Hawaii.

As specific example of how our design exceeds County standards in order to protect and improve the environment is in our commitment to low impact development, stormwater drainage improvements that captured nearly double what the County requires and includes treatment measures to remove sediments and remove nutrients and prevent those materials from impacting the nearshore environment.

Another few examples, include that the property is zoned at the County and State levels for dense urban development. However, our proposed density is just 3.35 units per acre whereas the existing zoning would allow more than 12 units per acre, that's a 158 units proposed versus 573 units allowed per the zoning.

Also, as was illustrated during the site visit that you attended our proposed building setbacks in most cases substantially exceed the County Code minimum setbacks to allow more open space and zoning buffers. In some cases three to four times larger than the County standards on the setbacks, and then some that was even pointed to earlier as many as six or seven times the standards.

And while we satisfy the County's workforce affordable housing requirements with approved credits attained form contributions towards the development of affordable housing units here in Maui, ATC Makena Makena would like to see workforce housing units developed within the Makena Resort area. Needless to say we have our hands full with this current project. However, if ATC Makena pursues future development within the Makena Resort area we'll most certainly assess feasibility of creating new workforce housing units at the development.

Keeping in mind the reason that we're here today our team will do their best to summarize facts and information that are detailed within the EA to support making a decision. I find it helpful when discussing the EA to clarify and briefly explain why we were directed to prepare an EA and not an EIS for this project. Today in Maui and statewide environmental review is governed by Hawaii Revised Statutes, Chapter 343. It's been referenced earlier. That law requires that the first step an applicant must take is to prepare an EA not an EIS. Sometimes the first step can be the preparation of an EIS prep notice but that's only where the agency makes a determination at the outset the proposed project is likely to have significant effect on the environment. The Planning Department did not make that determination in this case. Here the Department issued an Anticipated Finding of No Significant Impact and we completed preparation of the Final EA.

Our proposed project is a standalone project with independent utility and we've embraced environmental review and prepared this EA carefully following the content and public review processes set forth under the Administrative Rules.

I want to emphasize what's stated in the EA which is that the project is not part of a master planned development. It's not a segment within the larger 1,050 unit project. The proposed project stands alone and we don't have any plans at this time for other projects at the Makena area. In preparing our plan we focused especially on four key classes of substantive comments that were received about the Draft EA. This, so that the Planning Commission can be satisfied that they and we took the required hard look at potential impacts and mitigation measures.

First we will describe our process of community engagement and the cultural and historic approach to the project. Next we will present a place-based architectural design rooted in Makena's history, focus on preservation, and expansion of view corridors, utilize a palate of native plants and improvement pedestrian access, cycling circulation and public parking for access to shoreline resources and nearby beach parks. Then we will describe the adequacy of the capacity of the potable and irrigation reuse water, wastewater, and the traffic improvements. Last, we'll present a low impact development site plan with water quality monitoring above and beyond the requirements.

Our team will now present in detail how we've refined the plan over the past year in response to the Commission, agency, and community comments. We've worked collaboratively to respectfully capture and integrate what we learned in our plans. And most important recognizing that we are within the Special Management Area this project has been conceptualized and designed to have no significant impacts on the environment including upon cultural practices. We're fully committed to that approach. We've searched high and far and consulted with the community extensively to find concerns and we refined the plan so it won't have impacts that includes removing and relocating buildings, increasing drainage retention above the County standards, reducing onsite and offsite drainage flow rates, refining the architecture to be more place appropriate including a historic interpretive center for education among others.

We're committed to delivering our project with no impacts in the possible way for the long-term benefit of Makena. First through presenting a thorough and comprehensive EA, and later through our request for an SMA Use Permit and the Commission's deliberate process of imposing conditions on that SMA Permit to mandate appropriate development. We look forward to an evolving Makena as a gathering place where we may all enjoy and celebrate its history, landmarks and resources. Now I'd like to introduce Mark Roy from Munekiyo and Hiraga to guide our team through presenting the project details. Thank you.

Mr. Mark Roy: Thank you Ed. Good afternoon Chair, Members of the Maui Planning Commission. My name is Mark Roy with Munekiyo Hiraga. I really thank you all for the opportunity to be here today.

I'd like to first take a few moments just to introduce you to the team working on this project. The applicant as you have heard is ATC Makena Holdings LLC. Discovery Land Company is ATC's development partner. The design team is represented today by Don Vita of VITA Planning, Craig Roberts of Hart Howerton, Ray Higa of PBR Hawaii, Adrienne Wong of Austin Tsutsumi Associates and also Dr. Amanda Cording of EcoSolutions. We also have a full range of supporting technical consultants who have been involved in the EA preparation process here with us in the audience to answer any questions you may during your review today.

As Ann mentioned, this project involves the creation of a new mixed use community in Makena Resort which includes multi-family, single-family as well as a village containing both commercial and residential uses. This project is situated on lands located within the Urban Growth Boundary of the Maui Island Plan. We're here today to respectfully request the Commission's review of the Final EA that has been prepared for this project. As noted on the agenda we are not asking for the Commission's approval of the SMA Permit at this today's meeting. The SMA application as Director Spence noted earlier will be reviewed at a later meeting following completion of the environmental review process.

So the project site in Makena is nestled in the heart of Makena Resort just makai of Makena Alanui Road and also mauka of the Old Makena Road along the shoreline. So this project site I actually mauka Old Makena Road some distance away from other parcels that lie adjacent to the shoreline area. Honoiki Street provides access down from Makena Alanui Road to places like Keawalai Church and also the Makena Bay area including Makena Landing Beach Park.

This project uses three development parcels. They're referred to in the name for this project which is M-5, M-6, M-7, and B-2 and together they total about 47 acres in area. These parcels are designated for urban level development by the State Land Use Commission, the Kihei-Makena Community Plan and also Maui County zoning. The proposed project is consistent with these land use designations.

Here you can see the location of the project site on an aerial photo. As I mentioned it's inland of Old Makena Road and does not directly front the shoreline. If we look left...from left to right, you can see the colors are a bit off, but M-5, Parcel M-5 is kind of an orange color and then if you go across Honoiki Street which comes down towards the bay, you'll find M-6, S-7 in green and then Parcel B-2 in blue.

To the north on the Wailea side of the project site there are various multi-family and single-family developments including the immediate neighbor which is Na Hale O Makena, a condominium development. To the east, on the mauka side of the project site across Makena Alanui Road there's the recently renovated and reopened Makena North Golf Course. To the south as you can see on aerial photo there's the former Makena Beach and Golf Resort property which closed its doors in July of last year and it's currently in the process of being redeveloped. Further to the south is Maluaka Beach Park as well as various multi-family as well as single-family residences that lie beyond. To the west makai side of the project site just across Old Makena Road as I mentioned earlier there's the historic Keawalai Church and also

various scattered single-family residences and some vacant lands as well as Makena Landing Beach Park.

Much time has been spent over the past couple of years on creating a plan that is both sensitive and respectful of this special place we call Makena. This process has been driven by three main guideposts. Overarching sustainability framework to inform the design process. Secondly, findings of various site studies and surveys, and thirdly, and most importantly input received from the Makena Advisory and Cultural Groups as well as the community at large.

I'd like to now hand over the presentation to Don Vita and Craig Roberts of the design team for this project. Don and Craig will be highlighting the main planning and sustainability principles that have guided the creation of this new community as well as presenting an overview of the site plan for the Commission's information. Don?

Mr. Don Vita: Thank you Mark. Good morning, afternoon. I'm Don Vita from VITA Planning and Landscape Architecture and we were the planners for the project before you today. In this section we will give an overview of the planning and architectural components of the project and we will also describe our sustainability framework.

I'll start by describing the process we use to create the site plan. First, we established the Makena Resort sustainability framework which consists of seven key guiding principles. First was design for resilience and climate adaptation. Second, manage resources with responsibility. Third, embrace and honor the local culture. Fourth, design for beauty, harmony, and understanding. Fifth, provide mobility choice. Sixth, foster local project economic success. And lastly, operated sustainably day to day.

In addition to these principles, we also utilized the findings and assessments of site studies including topographic, biological, cultural and archaeological surveys. And lastly, seeking a truly inclusive process we listened carefully and drew upon input received during project group meetings with the Makena Advisory Community Advisory Group and the Makena Cultural Focus Group to further connect our plan to the community and the established neighborhood framework.

While the sustainability principles I outlined are important they are just a starting point and alone would not provide our neighborhood with a soul. We knew that for this place to endure future generations would need to embrace the elements that had given Makena its unique sense of place. The lava and coral found here, the ocean related activities and a reverence for the sea or the traditional tapa tattoo and quilting patterns adapted to a 21<sup>st</sup> century sensibility. Makena is a place of overlapping cultural landscapes including agriculture, ranching and plantations and we wanted our new neighborhood to reflect and all be respectful to all of these traditions.

So with this understanding in mind we crafted a neighborhood plan that was guided by the following principles. First, the creation of a walkable mixed use village respectful of Makena's heritage and where the public is welcome to serve as a place for all to gather. We placed open space and single-family homes along the makai edge of the property respecting the existing

homes and scale of that neighborhood and preserving a low density impression when viewed from the ocean. Consistent with the Makena...Kihei-Makena Community Plan we located multi-family and higher density single-family homes along the mauka edge of the property closer to Makena Alanui Road or in the center of the property. And lastly, after input from the community and this commission we carefully arranged the buildings along Makena Alanui to preserve, enhance and in some cases create view corridors to the ocean.

A special Planning Commission site inspection was held in May that was well attended by the community and a number of the commission members. During the site walk these view corridors were staked with story poles representing the building corners and the building maximum heights and everyone was able to review them in person.

The project consists of the following uses, 88 multi-family units in six, seven and eight-plex buildings arrayed along the mauka edge of the property, 20 single-family cottages in the center of the site, 26 single-family lots located mostly along the makai edge of the property, 10 TVR units located just below the village, and the village itself which contains about 27,000 square feet of commercial space for neighborhood uses like the general store that used to be here in Makena with 14 condo units located on the upper floors of those buildings. And also a cultural heritage center.

Adjacent to the new bridge the Cultural Heritage Center will house stories and artifacts that we have collected on this special place including those of native families who chose to be recognized and workers who have made and will continue to make Makena their livelihood. In total, the projects 158 units at 3.35 units per acre are substantially lower than the 573 units at 12.17 units per acre allowed by the Maui County Zoning Code.

Parking for the project is located throughout the site adjacent to each use. The total parking stalls provided exceeds the required parking per the Code. Parking for the single-family lots is located on each lot and parking for the multi-family units is in underground garages below each building which allows more open space throughout the site. Parking for the single-family cottages is grouped in parking lots and attached garages and parking for the village is in underground garages with surface parking mauka of the village building.

I'd like to take a moment just to address one of the comments and the concerns expressed by one of the testifiers this morning relative to alternatives and how many alternatives or what alternatives were looked at as we went through this process. There were a number of design alternatives that we studied and we chose to reflect this alternative as our preferred for a number of reasons. The first, some of the things that the testifier suggested were not in conformance with the Kihei-Makena Community Plan. So we didn't want to submit anything that was not in conformance to that plan or alternatively some of the building placements would actually have caused worst views and larger view impacts than what we have, may have today. Or they did not support our sustainability goals but probably most important it did not reflect the direction that we heard from the community advisory groups and many of the long-term Makena residents that we spoke with. Craig will now describe each one of these building types in more detail.

Mr. Craig Roberts: Mr. Chairman, Commission Members, and members of the community, my name is Craig Roberts with Hart Howerton, the architects for the project. The architectural presentation we are about to share with you has been reviewed by the DRB who recommended their unanimous approval to the Planning Commission.

The first group of buildings we will show you on the B-2, the village center, for easy understanding we have arranged a matrix showing both the historic and design context with the proposed materials to be used. In the small site plan in the center of the village highlighted in orange although on this one you can't see it, but it's the lower right-hand corner is the village. This is the heart of the community linked by a stone bridge. It's celebrates Makena residents in a general store harkening back to the Tong, Lee and Kukahiko Stores. This combined with a community cultural center and second level residential component has been designed to foster local and project economic success. The materials you see depicted on these elevations celebrate the historic traditions, corrugated metal roofs, painted or stained wood siding, lava rock walls, and to a lesser extent painted stucco. All clad in traditional building forms creating a sense of beauty, harmony and connectivity.

These are images of the single-family hale located on the site plan you see here at the bottom of the page below the village. These buildings were designed for resilience and climate adaption with the large overhangs and deep lanais putting the glass well into shade as well as the use of photo voltaic panels on the roof. By making use of natural materials such as wood, coral, and lava stone and using the textures and canoe ladders and fish traps to create interesting shadow patterns which not only help break up the building mass but create beauty harmony and understanding while honoring the local culture. All of these design elements and input was received in working closely with the Makena Community Advisory Group and the Makena Cultural Focus Group as well as comments from the UDRB.

As we move into the multi-family you can see our use of traditional materials inspiration. This is the six-plex seen on the site plan below. It is a light weight wood construction sitting on top of a lava stone base. On the stair towers you can see the textures of the canoe lattice and the lanais and balconies in deep shadows. This is typical for all the following mixed use...the following buildings. Here you see six-plex Type B where we used a coral stone base. The seven-plex again with the lava stone base, and eight-plex again with the rock base, wood shingle roof and lastly, a Type B eight-plex this is making use of the same principles of the deep shade and texture, pattern and recessive color with a coral stone base which harkens back and honors the coral found in the area's oldest church, the historic church of Keawalai.

Now we move to the custom home sites described by Don below the multi-family units. These sites will be purchased by single owners who will construct their own homes. In order to maintain the beauty, harmony and connectivity to the community we have written a comprehensive set of design guidelines. These will provide a yardstick to maintain the look and integrity of the community.

This slide shows an example of the desired home site section defining the building envelope and heights sited to maximize mauka-makai views, minimize sight impacts and maintain privacy from adjacent lots. It defines a natural area, a transition area, and a private area. Here is an example illustration of the recommended materials to be used on the homes for foundation walls, walls, and roofs maintaining the idea of beauty, harmony, and understanding.

In blue you see the concept layout plan for the photo voltaic panels we are proposing. These will be hidden from view in roof wells. That concludes this section and I'll hand you back now to Mark.

Mr. Roy: Thank you Craig. As I mentioned at the beginning of the presentation today we're here to request the Commission's review of the Final Environmental Assessment for the project. While the project itself, the project itself does not trigger the need to prepare an EA, as Ann mentioned it's the use of small portions of County owned right-of-way lands along the neighboring Makena Alanui Road, Honoiki Street, and also the Old Makena Road for utility and access improvements related to the project. That's the trigger for the EA needing to be prepared.

As you can see on this slide, the EA process for this project started just over two years ago. It says February on the top of the slide, there was obviously work ahead of officially submitting or distributing the early consultation letter for that process to get initiated. So we've been working on this for over two years now. The earlier consultation process was intended to solicit early input on the project as Maui Tomorrow mentioned during testimony. Most of 2015 was spent preparing the Draft Environmental Assessment. We came before this Commission in January last year to receive comments on the Draft EA and all of 2016 was spent preparing the Final EA that's before the Commission today.

The Final EA incorporates and responds to all of the comments that were received from agencies, the community, and also the Maui Planning Commission during both the review periods attached to the EA process early consultation and then the public review of the Draft EA document. Couple of important meetings that occurred in 2016 last year included as Craig had mentioned we went before the Urban Design Review Board for review of this project and the UDRB voted unanimously to recommend approval of the project plans to the Maui Planning Commission. That occurred in March and we also had the site inspection with Maui Planning Commission in May last year as some commissioners may recall.

So after reviewing the comments we received on the Draft EA in the early last year as Ed mentioned at the outset the applicant has worked to really better understand key community concerns to see what could be done to further, further improve the project. This process included and involved meeting with community members and groups at every available opportunity, working closely with Planning Department Staff on defining next steps which included looking at possible alternatives and reviewing the proposed refinements to the site plan that is a part of the Final EA today, and also the scheduling of the site inspection in May with the Maui Planning Commission which focused specifically on building heights and views.

Technical studies were also updated where needed and new marine water quality and biological studies were also completed to address key concerns about Makena Bay. As a result of the continued dialogue refinements were able to be made to the site plan to preserve and enhance important views. Building facades as Craig mentioned were also softened to promote an increased sense of place. A number of additional mitigation measures that you'll hear about later in the presentation were also developed based on the comments we received on the Draft Environmental Assessment. This is all input that the team genuinely feels has ultimately made this into a better project.

As you can see by the five volume Final EA document that the Commission received for today's meeting a large number of comments were received during the Draft EA review period which we believe speaks to the authenticity of the EA preparation process. All comments received on the Draft EA have been responded to in writing by the applicant. Copies of all of the comment letters and the response letters are presented in Volume 2 and Volume 3 of the package that you have before you today.

In this next section of the presentation we'd like to know dive a little deeper into exactly what has been done during the Final EA preparation process to address four main themes of what we feel were the substantive comments received on the Draft EA. These are firstly archaeological and cultural stewardship, views and shoreline access, infrastructure and traffic and also drainage, and nearshore marine environment. I'd like to now hand over to Leiahi Hall of Discovery Land Company who will be presenting on the first theme which is archaeology and cultural stewardship. Leiahi?

Ms. Leiahi Hall: Aloha Commissioners. Many thanks to you all for being here today and to everyone who has taken the time to be here. ...*(spoke in Hawaiian)*... Mahalo nui. In Hawaiian Culture you begin by sharing your name but also by telling where you come from and where...and who your family...*(inaudible)*...genealogy. And by doing that you're recognizing the connection a particular person has with a place and recognizing the genealogy they come from. We began much in the same way with Makena. We look to the people who know this place intimately, who have been there for generation upon generation and then we work to connect with all of the rest of Maui beyond that. And so it was with very much, with great respect that I share with you guys here today.

A little bit about the process that we've gone through to address historic preservation concerns and to really embrace the opportunity for community engagement. Three years ago we were granted the opportunity to come up with a plan not for a general Hawaiian island or for just the south of Maui, but a plan that recognizes this specific place, Makena. To come up with a place based plan we learned about Makena's environment, its people and its culture across time. We kept as our focus the Hawaiian proverb, nana imua nana i hope, look to the past to guide your way forward. We started with the genealogy of this place. We learned of the origin stories of Hawaii including some of Makena's oldest stories or mo`olelo. We learned of the mo`o or lizard who engaged in a battle with Pele, her body becoming Molokini and her tail Pu`u Olai. We also learned about some of Makena's oldest families those mo`oku`auhau or genealogy connect back to this very place. Today, we are honored to kupuna and elder representatives of those

families with unbroken ancestral connection to this place through land they continue to live on or care for as part of our cultural focus group. Members of this group have generational knowledge of this specific area, of the effect storms, winds, and different weather patterns have had, of currents and the different shorelines. Some have been fishing these shorelines and waters for well over half a century. They have seen the change of lifestyle from subsistence to commerce, ranching and tourism. It is their intimate knowledge of and love for Makena that has supported their continued endurance in this dry, leeward local. These are those who know of Makena's culture. They have held the stories and maintained the cultural practices of this area. They are the stewards of Makena's culture.

Along with neighbors who are directly makai and to the south of the project area all of whom having lived in the area for decades we have relied upon this collected deep knowledge to create a plan that's stewards natural, coastal, and cultural resources. These mo`o, this genealogy of place of people form the inspiration for this Makena based development plan.

Discovery Land Company's role in the story of this place began three years ago. From the onset Discovery recognized the importance of engaging the community and has had 15 meetings over the last three years with the Cultural Focus Group and a Community Advisory Group made up of a greater group of surrounding neighbors, environmentally conscious community groups and individuals with long standing work in the field of Hawaiian culture.

Since our Draft EA presentation a year ago, we embraced the opportunity to cast a broader net. To continue community engagement through an inclusive process, respect, listening, and working together. For the last year we had over 50 meetings with hundreds of individuals and small groups including those noted below and regular outreach groups, neighbors and elected officials. Particular groups we have reached out to are all those who testified in opposition at the Draft EA for home we had contact information, additional representatives from environmental groups, representatives from additional South Maui homeowners groups, various groups concerned with archaeological matters, and additional County officials.

We also looked for opportunities to bridge County and State requirements with community input and concerns and facilitated meetings between both groups. Examples of those we met with include representatives from the following groups you see here. The Commission requested at the Draft EA hearing to reach out to more community members beyond our community advisory group and cultural focus group. We hope you see our sincere efforts in the list provided here. We have shared with each of these groups our sincere wish to continue community, our community connection and we gain insight from each of these meetings an appreciate the time and knowledge the groups have shared with us.

We also recognize that a number of community members were concerned with archaeological matters including concern over the number of sites identified, the number of sites slated for preservation, that preservation sites would be replaced by retention basins, effects on cultural sites and what is allowed within the multi-step archaeological process. It is important to understand the steps we have taken to reach compliance including legal processes that are

being followed and the history of this particular project area including previous archaeological work and the project area over time.

Prior to historic preservation standards being enacted through administrative rules in 2002 the 47 acres included in this process and especially the M-6, S-7 area had previously been used by Seibu as a worksite. So unlike other areas in Honuaula this site had previously...there's previous work done on the site and it's evidenced today by bulldozer tracks across the parcels and it also house push piles from roadwork when Makena Alanui was constructed.

Even before Seibu hundreds of pigs were raised in the area and some of the archaeological sites present are remnants from ranching days, corrals and walls associated with animal husbandry. More recently deer have moved in and out of the area and through sites.

The heavy equipment work, animal presence, weather and changes of the vegetation have all affected the area and results in the number of sites that now remain. Thirty-six from AIS and one additional from addendum work totaling 37. The affects also result in the integrity of those 37 sites, 10 of which are slated for data recovery and potential preservation based on the data collection and an additional seven sites already slated for preservation. These affects are also what is contributed to unpatterned distribution of coral, water...(inaudible)...the project area.

There has also been some comment about the Makena Ulupalakua Road. In terms of site significance as a historic preservation review site SHPD has concurred that the segment remnant road is not worthy of preservation. It is also helpful to know that in 1979 a Bishop Museum archaeologist Elaine Rogers Jourdane conducted work in the area. Our AISs have identified all of the Jourdane sites that still remain and our work has either concurred or improved upon all of the mitigation proposed by Jourdane including site significance.

We will go into further detail regarding the ...(inaudible)...archaeological process, but as you can see here we are confident that the 47 acres in this project area have been thoroughly surveyed. Our archaeologist has walked through the project area an additional two times since field work in 2016 and found no further features. To be very clear, our goal is to provide the sites protection as mandated by Hawaii Administrative Rules through the SHPD process and through guidance from the Cultural Focus Group. The multi-step process is the historic preservation review which encompasses more than just archaeological consideration including an important cultural component as part of site significance evaluation.

Several of the Makena Cultural Focus Group members have been involved in the archaeological and cultural matters in not only our project but for the last 30 plus years in Makena, on Maui, and throughout the State. They protected Piilani and Kiha, Piilani's Alaloe or King's Trail in front of the resort and we continue to support the work they have done to preserve shoreline access from Makena Landing to Oneuli Beach.

Furthermore, beyond the expert cultural knowledge that our cultural focus group has of Makena we had a cultural historical report conducted to be sure that we are thoughtful of collecting factual historical knowledge and mo`olelo.

Archaeological inventory surveys were reviewed...oh, I'm sorry, here we go...archaeological inventory surveys were reviewed and approved by SHPD. No heiau were found on site and we can assure you that any site identified by the SHPD for preservation will be preserved. Thus no preservation sites will be located in retention basins. As a reminder there are an additional 10 sites slated for data recovery that have the potential to be preserved based on further data collection.

Okay, this is a slide showing us the step by step HAR process which outlines the progression of mitigation work from the baseline information in their archaeological inventory survey. For better viewing here is the top half of the process noting the AIS, let me see if I can get it here, as an initial baseline information gathering point. And the second half here. As a reminder of compliance with the SHPD process we have three SHPD accepted AISs and submitted a data recovery plan for 10 sites which is this stage here. Following data recovery and the potential additional of any of those 10 sites as preservation sites we will complete preservation plans which is here.

Sorry, my hand is shaking. I'm a little nervous. We have continually expressed our commitment to including the voices of those concerned in the community into the concentration portion of these preservation plans. This is also where access to the sites will be determined. We know access to the sites is important and we could not agree more. We are committed to the historic preservation review process and openly including these concerned community members.

In creating a multi-step iterative process, the HAR and the SHPD provide the framework for ongoing work including additional findings beyond the AISs baseline information. While typical next steps in the iterative historic preservation review process would be to engage in data recovery and eventual archaeological monitoring to be prudent in our stewardship of archaeological matters, we asked our archaeologists to do a follow up field inspection of the project area. The action is in full accordance with SHPD guidelines for ongoing mitigation and inadvertent finds. The 2016 fieldwork produced a few additional features to previously identified sites and one additional site. None of the features or site identified in the 2016 field work was found to be significant. In compliance with the SHPD for ongoing mitigation we have submitted addendums for the 2016 fieldwork.

It is helpful to know a little more about inadvertent finds. Those familiar with the iterative nature of archaeology know inadvertent discoveries can occur throughout the archaeological process. This is why the HARs provide a framework that allows for archaeological and cultural finds following AIS acceptance. An example of an inadvertent find that can occur as ongoing mitigation was a burial identified on a property border by a staff member. We greatly respect and recognize the sensitivity in burial matters. The burial will be preserved in place and we are complying with all Burial Council and SHPD guidelines.

In the last year we have worked to include the voices of those who expressed concern over archaeological and cultural sites at the Draft EA. We have continually requested that any

significant information be shared. Whenever information has been shared we have addressed through our historic preservation review process which as a gentle reminder includes the archaeologist, the Cultural Focus Group and the SHPD. As evidence of our willingness to include the concerned community in our historic preservation review process we have also facilitated multiple educational opportunities through meetings with the Cultural Focus Group, two meetings with the SHPD Culture and History Branch and a recent site visit with our archaeologist. We have also worked to empower the community to learn what they can do through the law.

Prior to the site visit those concerned in the community provided a presentation to us detailing their concerns. We immediately asked our archaeologists to follow up and recheck those areas. We are confident that the 2016 fieldwork submitted as an addendum combined with the AIS provide a thorough survey of historical properties in the project area. As previously noted, the archaeologist has walked through the area twice following the 2016 fieldwork and found no further features. We are however, open to and continue to reiterate our willingness to engage the concerned community members in the historic preservation review process. As further evidence of this we have continually committed to including their voices in the consultation portion of eventual preservation plans. Additionally, we have delayed the burial treatment plan creation to allow time for the concerned individuals to learn about and apply for descendancy recognition. Whether or not lineal or cultural descendancy is recognized by the Burial Council we will include these individuals in the consultation portion of the burial treatment plan.

These are a few examples of our commitment to casting a broader net. To continue community engagement through an inclusive process, respect, listening, and working together. Archaeological and cultural resources protection are among our most important priorities and we have worked to provide a plan that recognizes County and State regulations and improves upon them through listening intently to our Cultural Focus Group and providing open opportunity for the community to engage. Nana imua nana I hope. We continue to look to the past to guide our way forward. I will now pass this back to Don Vida who will provide the views and access to shoreline resources.

Mr. Don Vita: Thank you Leiahi. This part of the presentation will be to how the team refined the site plan and technical design to respond to the substantive comments received on the Draft EA. The Commission challenged us to make a better plan that eliminated any significant impacts and I will address how the site plan, architecture, views from Makena Alanui Road and access to shoreline resources have been improved to meet that challenge.

One of the site plan principle I described earlier was that we located larger multi-family buildings further away from the shoreline along Makena Alanui Road which is consistent with the Kihei Makena Community Plan. To further mitigate any potential visual impacts of these buildings on views we paid very close attention to how we sited those buildings, tweaking them in the field to make sure they provided the maximum view corridors and also on building style, massing, materials, and colors. At the Draft EA presentation the commission challenged us to relook our designs or the multi-family dwellings to “soften the contemporary design of the proposed buildings to incorporate more of a Hawaiian sense of place”. Craig described these buildings in

detail earlier. The Draft EA designs are the two buildings on the top half of the slide. And the revised Final EA designs are on the bottom half of the slide. You can see in this comparison slide the dramatic difference between the EA, Draft EA and Final EA designs. The buildings have a much softer look with simpler massing, darker more recessive colors and more natural materials inspired by traditional Hawaiian architecture. With this revised designs the project was unanimously recommended for approval by the UDRB in May.

In response to specific view corridor comments by this Commission and the community on the draft plan we refined the plan to respond to existing ocean views from Makena Alanui Road in two locations. Here and here by the village in Parcel B-2. Here we removed two multi-family, four-story buildings and replaced them with two, one-story single-family homes. This refinement furthered the goal of no significant view impacts and created a plan more responsive to site conditions preserving this valuable view corridor to Kahoolawe. Here in the village to increase ocean views we removed the commercial building that was in the Draft EA plan. We also adjusted roads, lots and building placement here, right here, and here to keep in place two additional archaeological sites. These two sites were not originally recommended for preservation in the AIS but will now be woven into the neighborhood open space fabric.

As I mentioned earlier there was a special Planning Commission site inspection in May. The two next slides were reviewed during the site walk and show building heights and setbacks through the multi-family buildings relative to Makena Alanui Road. They also show how buildings were carefully placed to enhance or create view corridors.

These sections show that the buildings have greater setbacks from the road than required. In most cases three to six times that of the minimum of a 20-foot setbacks required by zoning standards and all building heights are at or below the limits regulated by Maui County.

I will now walk you through the resulting new view analysis consisting of photo realistic renderings prepared at these 12 locations around the project, but first I'd like to quickly explain our methodology. I'm not sure the 12 locations are showing up well. But can you guys see them there. They're the blue arrows here.

The renderings in the Draft EA were hand drawn sketch style as you can see here. That was the hand drawn sketch style, the Draft EA renderings. One comment on the Draft EA requested that we make more photo realistic versions because the previous style was too loose. To respond to this comment we changed our process to a more photo realistic one. First photographs were taken at representative points along Makena Alanui Road, Old Makena Road or looking at the property from the ocean. Then a 3-D computer terrain model of the proposed view was taken from the same location as the photo and lastly 3-D models of the buildings were inserted into the terrain model and the building finishes and colors along with landscaping were rendered. This methodology creates a very accurate rendition of how the finished environment will look.

This view along Makena Alanui Road at the north end shows ocean views, partially blocked by landform or obscured by dense existing vegetation. As you can see the proposed buildings and landscape will have no significant impact on views at this location.

The second view shows an existing view of Kahoolawe and the view impacts the Draft EA site plan had on this view. Based on Commission and community input we removed two, multi-family, four-story buildings and replaced them with two, one-story single-family homes. The result is a near complete preservation of the existing view from Makena Alanui Road to the ocean.

Location 2.5 is similar to the location to the previous renderings but is pulled back onto the road more. As you can see the existing oceanview corridor is preserved.

This next rendering depicts the creation of a new view corridor of Kahoolawe that was previously blocked by dense vegetation. Careful building siting and landscape combine to create this view opportunity.

This rendering from Location 4 is a view looking makai along Honoiki Street. One can clearly see that proposed building and landscape will have minimal if any visual impact as the existing ocean view is nearly entirely preserved.

This is another area where current makai views are blocked by dense vegetation. By carefully considering the building locations, roof heights of the Canoe Club Hale and the new landscape placement we were able to create another ocean view corridor where none exists today.

In this location makai views were partially blocked by existing vegetation. Although the village mixed use buildings partially impact the ocean view, we have opened a view corridor towards the church and the ocean. To increase the ocean views from the Draft EA Plan we removed the commercial building shown here in the rendering based on the Draft EA comments. As you can see in this new rendering on the right, the ocean view is greatly improved from the Draft EA.

Location 7 currently has ocean views. Some of the West Maui views will be obstructed by Village buildings. We have mitigated this impact by providing a shaded public viewing spot located on the bridge you can see in the middle of this rendering that spans the preserved drainage corridor and overlooks the archaeological site.

This next view location 7.5 is looking makai standing on the bridge I just mentioned that is adjacent to the Cultural Heritage Center. The entire Village Plan was refined to preserve the existing drainage and historic walls and create a meaningful opportunity, enjoy views of West Maui and the ocean while overlooking and learning about this important cultural resource. We look to recognize the feats of Maui's chiefs in this instance, Hoopili who was the first to build causeways and bridges. This new bridge is inspired by a bridge in the mauka portion of the ahupua`a.

View 8 is looking mauka adjacent to the Makena Landing Park. This view demonstrates one of our guiding site principles that of locating single-family homes and open space along the makai edge of the property respecting the park and existing neighborhood character. Consciously picking darker building colors and materials allow these buildings to recede into the landscape.

View 9 is a mauka view of Honoiki Street. Once again, one can see there are no significant view impacts.

View 10 is looking south along Old Makena Road and shows the single-family homes buffered from the road with landscaping. You can also see a new sidewalk which will connect Honoiki Street to the church parking lot and create a safe public connection from Makena Landing to Maluaka Beach.

This last view is looking from Makena Bay mauka at the project. The combination of larger buildings set back from the shoreline, darker colors on buildings and extensive landscaping allow the new improvements to graciously recede into the larger landscape of the mauka slopes.

As you just saw in the view renderings landscape is a very large component of the plan and therefore a very important piece of our design. Our landscape concept first and foremost is to preserve and enhance ocean views with use of landscape but also be responsible relative resource management and climate realities. A consistent, informal, mostly native landscape knits the buildings and outdoor spaces together recreating an environment that naturally flows through this neighborhood. This new landscape will also serve to soften the buildings and frame view corridors.

The plant palette will consist mostly of drought...of mostly of native and other drought tolerant plants appropriate to this coastal setting and irrigated with nonpotable water. Some of these species were used in traditional craft and canoe making and by including them here, we hope to provide the opportunity for Maui community to engage in the crafts through the local, through the cultural heritage center.

The landscape improvements along Honoiki Street will include 10 beach parking spaces along the north side of the street and multi-use trails on both sides of the street that connect to the Makena Alanui Road sidewalk. In addition, planting areas adjacent to the curb and landscaping on these slopes will tie this area into the proposed project landscaping. These planting areas or bioswales will also be part of the project wide drainage system which will be described in detail by Amanda later on.

On Old Makena Road there will be a new sidewalk and new drainage. This new sidewalk will provide a safe connection and drainage improvements from Honoiki Street to Makena Landing and support the continued shoreline access all the way to Maluaka Beach. These new drainage improvements will help improve the water quality of the bay. Adrienne will now describe the way in which the team responded to the comments on the various infrastructure components.

Ms. Adrienne Wong: Thank you Don. Good afternoon Chairman Tsai and Members of the Planning Commission. My name is Adrienne Wong and I'm with Austin Tsutsumi and Associates, the civil engineering consultant for the project.

The proposed onsite water improvements consist of a potable and nonpotable water system. The potable system is comprised of domestic, fire and irrigation lines which is connected to Maui County's potable water line on Makena Alanui Road and Honoiki Street. The potable water source of this project comes from a well located within the Central Maui water system which serves both Central and South Maui. This well system is currently in its final stages of development and is scheduled to be completed and dedicated to the County of Maui, Department of Water Supply in early 2017. From this well project, the well developer will receive water source credit allocation of 476,000 GPDs from the Department of Water Supply. ATC Makena contributed towards 107,380 GPDs of water in an agreement with the well developer. In an effort...in an effort to utilize potable water responsibly, ATC Makena will use an existing nonpotable water source for the project's landscape irrigation needs. This nonpotable water source is from existing active brackish water wells located in the north golf course area which has an available capacity of 244,700 gallons per day, average daily demand. The total average daily demand for the project is 106,693 GPDs of potable water which is less than the 107,380 GPD purchased to allocation. A total average daily demand of 108,763 gallons per day will be used for irrigation purposes from the nonpotable water system which is less than the 244,700 GPD available from the golf course site.

The proposed onsite sewer improvements consist of a wastewater collection system to service all proposed buildings. The wastewater collection system includes an underground gravity line with sewer laterals and manholes, pump stations, and a force main that will connect to an existing sewer system on Honoiki Street. The existing sewer system flows into the pump station ML which gets pumped up to the Makena wastewater reclamation facility by way of an existing force main. The preliminary wastewater demand for the project has an average daily demand of 49,915 GPDs. This proposed flow along with a handful of approved projects and existing flows total average daily demand of 163,095 GPDs. The Makena wastewater reclamation facility has an average flow capacity of 720,000 gallons per day. Therefore, this treatment plant is capable of handling flows from the proposed project.

This table shows a summary of the potable...of the water potable and nonpotable and wastewater flows required for the project. It also shows what is available. The proposed potable water allocation of 107,380 GPDs is adequate to supply the domestic needs of the project. The existing nonpotable brackish water wells have an excess capacity to supply the irrigation needs of the project. The existing Makena wastewater reclamation facility has more than enough capacity to handle the project and current needs for the Makena Resort area. I will now turn this over to Tyler Fujiwara, the traffic engineer for the project.

Mr. Tyler Fujiwara: Thank you Adrienne. Good afternoon Commissioners. My name is Tyler Fujiwara and the traffic engineer with Austin Tsutsumi and Associates. A traffic study for the Makena M5, M6, S7, B2 project was initially submitted for review in 2015. After receiving comments from various State and County agencies, community members and members of the

Maui Planning Commission our traffic study was updated in August 2016. This updated traffic study addresses the Maui Planning Commission's comment which recommended revisiting the trip projections presented in the original TIAR for the project and conduct additional traffic counts. As part of this updated TIAR we expanded the traffic study scope to include five additional regional intersections along Wailea Alanui Drive and Piilani Highway from its original scope that included the project frontage intersections on Makena Alanui Road and Honoiki Street.

We also conducted a 24-hour traffic count on Makena Alanui Road to verify that the traffic volumes analyzed in the report were in fact the peak hours of traffic. Lastly we made sure that our analysis and methodologies are consistent with County, State and nationally accepted standards.

This is a map that shows the five additional intersections that were studied as part of this updated TIAR. As you can see these three here were additional intersections on Wailea Alanui Road and these two on Piilani Highway. In the updated traffic study the vehicle trips generated by the project were updated. The majority of vehicle trips generated by the project's residential component were calculated based on local Wailea area vehicle trip rates which are approved by the State of Hawaii Department of Transportation. Trips generated by the project's retail component and a small portion of residential units were calculated based on nationally accepted vehicle trip rates. Overall we determined that the project would generate 126 new vehicles during the a.m. peak hour and 132 vehicles during the p.m. peak hour. To put into perspective the project is forecasting increased traffic minimally by only adding on average about a vehicle very one to two minutes per direction and this is on all studies roadways.

So based on a comparison of all studied intersections with or without the project the overall intersection levels of service operated similar to one and other. As a result, no additional offsite improvements were needed for the project. Outside of the pedestrian oriented roadway frontage improvements along Honoiki Street and Old Makena Road.

The Maui County Department of Public Works has accepted the TIAR by acknowledging that the revised TIAR has addressed and satisfied all department comments. I'll now pass this onto Dr. Amanda Cording who will now talk about the drainage and nearshore marine environments.

Dr. Amanda Cording: Aloha mai ka kou. My name is Amanda Cording. I'm very happy to be here today to talk about my favorite thing which is low impact development. I'm the Pacific Director of a company called Eco Solutions. We are an ecological engineering firm that specializes in low impact development. I am based out of the Nuuanu area of Oahu. I'm also an affiliate faculty of the University of Hawaii, Manoa where I studied low impact development and how to maximize pollutant removal from these beaches.

Today I'm going to be discussing our LID drainage plan and going through the specific water quality features and protections that this ...(inaudible)... will provide. Low impact development has changed the way development projects are done all over the country and the world. It is a requirement in the City and County of Honolulu and as I've heard it's likely to be coming down

the pipe for Maui as well. So this is nothing new but it's extremely exciting because we have the opportunity do something differently better and improve on the way that things were done in the past.

LID was developed by scientists at Harvard, Stanford, University of Connecticut, University of Vermont and is now being implemented at Windward Community College, University of Hawaii West Oahu and many other places.

For those of you who are not familiar with what low impact development is it's an approach to development that mimics predevelopment hydrology and uses ecological engineering to remove the pollutants in stormwater so that that water can then be reused onsite or replenish ground water supplies. The two main engineering features that will be used on this project include bioretention some of you may have heard rain gardens, they're similar and porous materials.

These features dramatically reduce peak flow rate by allowing water to filter through a specifically engineered soil media at a predesigned rate. That rate removes harmful sediments that we have heard about earlier that smother the reef. While the plants and soil microorganisms within these systems break down nutrients like nitrogen and phosphorous that otherwise can contribute to harmful algal growth.

Nonstructural LID techniques such as vegetated bank stabilization and preservation of natural areas will also be used to reduce sediment loads in areas that currently have steep slopes such as the gully in north of Honoiki Street. The low impact development features will include plant palettes with natures which are naturally drought tolerant as well as crafting canoe crops which we heard about before from Don which play an important role in our local culture.

Using LID features this project will not only meet the minimum requirement to retain the 50-year storm event but it will also remove pollutants from that storm water and that's a very important distinction that we have to make between traditional engineering and LID. We actually get to remove the pollutants using these techniques.

Okay, so here you can see on the left the predevelopment flow rate for the 50-year event is at 67.8 cfs. We are required to bring the flow rate back to this level after development using low impact development we are mimic predevelopment hydrology and actually reduce flow rates below predevelopment to 47.1. We do this by flowing and filtering the water that currently runs down steep slopes untreated.

At the request of the Planning Commission and the community we moved beyond the minimum requirements and asked ourselves how can we create a stormwater treatment system that not only retains the 50-year event but is also adaptable to larger storm events that are likely to occur as a result of climate change? Can we remove pollutants that currently entire honu habitat? Can we create a zero water quality impact project?

To help answer these questions we met with members of the community many of which are here today and I just wanted to extend a brief mahalo to those folks for meeting with Adrienne

and I and the folks at ...(inaudible)...to walk the site and meet and sit down and discuss all of the LID features and the engineering that goes into those calculations.

As a result of those collaborative efforts the proposed LID site plan will retain and treat the increase in runoff from the 100-year one-hour storm event. This is showing flows from the 100-year storm event same model. On the left the existing conditions from the 100-year event is 80 cfs. Without LID the flows go up to 126. But we're happy to say that when you implement the low impact features we can improve on current conditions during the 100-year storm event and get those numbers down to 54.5. Again, we do this by spreading the LID features out throughout the site so that we're not concentrating the stormwater but we're dealing with it in a decentralized way, capturing, filtering at each point where it's generated.

This proposed project will utilize porous materials shown here in blue on roads, parking areas, driveways and sidewalks while bioretention shown in green will accept runoff from rooftops and any excess that does not filter through the porous materials, that's called a complete street for those of you who haven't heard of that. Altogether the retention and treatment of onsite runoff using LID is nearly double the County requirement that's why it's so great.

The team also identified opportunities to treat runoff from mauka lands. So current Maui County regs allow the mauka runoff to pass through the site untreated but I want to improve water quality so we looked at how do you reduce that mauka runoff coming through the property because in large storm events that can come down and bring sediment into Makena Bay. By selecting various features throughout the project site and using those natural slope stabilization techniques that we discussed earlier across the site we were able to reduce mauka runoff by 79 percent during a yearly storm event. On Honoiki Street we're gonna use green streets. They can actually get the 100-year storm event filtered down through porous materials which will be used on the 10 new parking stalls and linear bioretention areas which will be installed along the roadside here. So that's an example of a green street visually.

The current conditions on Honoiki Street were designated by the older way of doing things. On the top right-hand corner you have an asphalt swale, when it rains runoff picks up pollutant runs down the asphalt swale, discharges into a storm drain which is 100 feet from the ocean. It discharges directly into the ocean. This project is proposing to improve on current conditions. As you might expect all of the LID features would be inspected and maintained on a regular basis in above and beyond what's required by the County. It's very important that we do that. They will also be monitored using some of the probes that the gentleman who testified earlier was discussing in addition to some other information. So the LID features will actually be monitored before and after construction. By slowing and filtering runoff onsite using low impact development we will remove the pollutants, reduce peak flow rates and improve on current conditions. By working with the community and the commission this project will showcase a zero water quality impact development. That project could be used as a model for future projects in Maui. Now I'll turn it over to Mark Roy.

Mr. Tsai: Mark, hold on a second. How much longer you guys have in your presentation?

Mr. Roy: Yeah, we really appreciate your patience. We had a lot of information. I'll be wrapping up in this section so probably another five to ten minutes and then we'll be done.

Chair Tsai: I think some of the Commissioners want to take a break.

Mr. Roy: That's totally fine.

Unidentified Speaker: ...(inaudible)...in ten let's finish.

Chair Tsai: Yeah, finish it. Okay, continue.

Mr. Roy: Okay, thank you. We really appreciate your time. As we hope you can see there's been a lot of work put in over the last couple of years on preparing an EA that provides comprehensive assessment of this project. Why is an EA prepared in the first place? Well, the main purpose as you've heard in testimony today is to identify potential impacts that could result from the project. Once potential impacts have been identified through technical studies and agency and community input the next step is to apply mitigation measures to address each potential impact. The objective of this process is to assess whether or not any of these impacts with mitigation will still present a significant impact on the environment. As with any environmental process the Final EA for this project contained a detailed program of customized mitigation measures that are intended to address specific impacts, potential impacts that were identified during the EA preparation process.

I'd like to now just conclude by offering a brief summary of the proposed mitigation measures for the project in accordance with the four substantive comment themes that you've heard today from the Draft EA.

Firstly, archaeological and cultural resources as you've heard this is something that has and continues to be a primary driving consideration for this project due to the sensitive location in Makena. State administered requirements are in place to ensure the potential impacts from the project are managed to the highest possible extent. Archaeological inventory survey reports have been completed for the entire project area. They've also been accepted by SHPD. A cultural impact assessment has also been prepared. All of these reports are included in the Final EA that's before the Commission today. SHPD has determined that the appropriate mitigation for the project encompasses a data recovery plan, archaeological preservation plans for those sites that will be preserved, a burial treatment plan for the single burial that has been located and will be preserved in place, and an archaeological monitoring plan to ensure that all ground disturbing activities are fully monitored during construction and that any inadvertent finds are appropriately handled in accordance with the State's SHPD requirements. Measures to ensure that Makena's history is respected and perpetuated into the future by residents, employees, and visitors to this new community include a cultural training program for all workers and historic interpretative center that will be developed in the resort's commercial village.

In relation to views and open space the project is located in an area designated for this kind of urban scale development by State and County guiding land use documents and zoning

including the Maui Island Plan. The applicant feels that the low density design proposed is both sensitive and appropriate for the Makena Resort community. As you've heard today the site plan has been adjusted in response to concerns received during the Draft EA review period to preserve and enhance an existing makai view across the site from Makena Alanui Road. The design will further be complimented by professional landscaping plan that softens building elements particularly along neighboring roadways. As shown in the presentation today, the project is actually expected to preserve and enhance many existing views. There were also some concerns expressed during the EA process about possible impacts from the project from public shoreline access. Some of these we think would do to some in the community possibly thinking that the project was being developed directly on the shoreline. However, we recognize that there were concerns about higher level of use of shoreline resources as well due to the additional residence that would be generated by this project. While the use of nearby beach parks may indeed rise as would be the case with any development on Maui we do not feel that this would translate into a significant increase in users due to the relatively low number of residents that would be on property on any given day. Nonetheless, the applicant, as owner of the Makena Resort is continuing to work to upgrade and improve the privately maintained beach parks in the area to enhance the level of the enjoyment and opportunity for all users seeking to enjoy the ocean environment in Makena. As part of improving neighboring roadways to be more pedestrian friendly for the community, the applicant has also volunteered to develop 10 parking stalls along Honoiki Street that would be available for beach access. In addition to these beach access related upgrades, this project will also be paying an impact fee. It will be \$2.8 million to the Department of Parks and Recreation, an impact fee specifically for the use and improving parks and playgrounds throughout Maui County.

As you've heard from the engineering team just now all infrastructure necessary to sustain this proposed new community will be developed and paid for by the applicant and will be available concurrent with the development coming on line. The infrastructure program has been designed in accordance with these guiding sustainability principles that were adopted early in the planning process to ensure responsible resource use across all levels of this new community. One example of this is the use of nonpotable water for mostly all of the project's irrigation needs and use of water conservation design measures so that impacts on potable water resources are minimized as much as possible.

Pedestrian oriented improvements to neighboring roadways have also been formulated in a partnership with the County to ensure that the project can truly connect to other residential uses as well as beach parks in the neighboring community.

The nearshore marine environment, particularly Makena Bay has required very careful attention during the design of the project. As you've heard from Dr. Cording this afternoon the comprehensive drainage system has been further improved since the Draft EA by applying a specifically crafted program of low impact development measures that will have the ability of retaining and treating onsite the increase of runoff generated by the project for the 100-year storm. The applicant will also be using and implementing a responsible landscape maintenance program to minimize nutrient inputs into the drainage system during storms. Continued resort wide water quality monitoring programs as well as a 10-year marine biological monitoring

program will be conducted to ensure that long-term integrity and effectiveness of the system. There will also be educational signage that will be used within the new community to inform all the residents of the special protections that apply to listed species such as turtles that can be found along the Makena coastline.

Related to this, the applicant is committed to ensuring that this community is constructed in the most responsible way possible. Mitigation measures to this effect include a comprehensive program of BMPs, Best Management Practices and soil erosion control measures which have been enhanced by input received from the community during the EA process.

In addition to compliance with State and County construction permitting requirements, a construction waste management plan will also be utilized to separate waste streams and ultimately reduce the amount of waste going to landfill. Another important element of the sustainability plan for the project there will also be a water quality monitoring program implemented during the construction phase of the project to ensure protection of Makena Bay and the surrounding marine environment.

So in closing as I mentioned earlier the ultimate objective of the EA process is to identify if a project is likely to result in significant impacts. Significance is determined by applying a set of criteria that is set forth in the State's rules that govern the preparation of environmental assessment documents. A summary of these 13 criteria as shown on this slide are focused around ensuring consistency with State and County plans and policies and avoiding substantial primary and secondary effects on resources in general. A full assessment of this criteria assessment is provided in Volume 1 of the Final EA.

Based on review of all agency and community input received during the process in addition to the findings of the updated technical reports supporting the EA we did not find any impact that cannot be mitigated or one that would fall into the category of a significant impact on the environment. After two years of working on this document and we feel a very important document we are greatly appreciative of the opportunity to be here and present these findings to the commission today. Based on the findings of the significance criteria assessment we respectfully requesting that the Commission today consider accepting the Final EA as recommended by the Planning Department and issue a Finding of No Significant Impact or FONSI determination so that this project may proceed to the scheduling of a public hearing on the SMA Use Permit application. That concludes our presentation. We really appreciate your patience and time this afternoon. Thank you very much. We have our full consultant team here in the audience to address any questions you may have. Thank you.

Chair Tsai: Thank you, Mark. Okay, at this time we're gonna take a 10-minute recess and return after. Thank you.

A recess was called at 2:40 p.m., and the meeting was reconvened at 2:59 p.m.

Chair Tsai: Maui Planning Commission is called back to order. At this time I'm gonna open the floor for public testimony. Anyone who hasn't testified earlier this morning may come forward. Please come to the podium, identify yourself, you have three minutes.

Mr. Michael Pasco: Aloha mai Commissioners. My name is Michael Pasco, Maui resident for the past 17 years. Like a lot of us I have family ties to plantation days and other family ties to precontact days. A little bit about myself just right off the bat I like to make sure that everybody knows that I'm not somebody who is opposed to general development. I have no misconceptions about you know the idea is that the number of structures that we have built on Maui today are gonna be the same number structures that's built 10 years, 20 years from now. I work in the visitor industry myself. I'm a tour guide and I teach people about ecotourism, also about some of the cultural and history of Hawaii and with that in mind I do wanna say just a special appreciation for the folks who stepped forward today who have ancestral ties to the lands that were being discussed today.

I also wanna say that I've been impressed with some of the remarks made about this Discovery Land Development Company, about some of the efforts that they have made to try to be you know, as pono as possible. I'm still learning about this, about this company but they have talked a lot about how they want to go above and beyond what is required and I think that in this case because of the history of some of our natural resources and how limited some of them area, with that in mind wanting to go above and beyond I think that perhaps the Supplemental EIS would be appropriate at this time. Keeping that in mind. I think the last complete EIS for the area was done in the 70's and as we know a lot has changed in South Maui in the intervening years so again perhaps a Supplemental EIS is appropriate.

I had opportunity to meet with some of the folks who work for Discovery and the proponents of the project even some of the kupuna of the area and I feel like some good relationships were built there and it seems like this is going to be an ongoing thing so I'm looking forward to continuing building those relationships. But there's this expression in politics I think Regan said it at first trust but verify and I think with that mentality in mind again maybe a Supplemental EIS would be appropriate. You know many of the jobs and things like that that people spoke about earlier with the construction jobs and the food and beverage industry jobs, I understand completely the concerns that those people have providing for their families and so on and so forth, but I don't see how pushing for the Supplemental EIS puts those jobs in jeopardy. It may delay the start of some of those jobs, I don't see how it puts any of those jobs in real jeopardy. So perhaps a Supplemental EIS again would be appropriate there as well.

Chair Tsai: Please conclude.

Mr. Pasco: The last thing I wanna say is that when we talk about the cultural aspects, you know sometimes we talk about the culture as being just the rocks, past sites, and when you look at like some of the first accounts of westerners coming to Hawaii they talk about entire communities coming to enjoy the beach together. Surfing, playing in the sun and sand, and we talked a lot about shoreline access and I just wanna make sure that we're having shoreline

access for entire communities not just a shoreline access for couple families. There's a lot of pressure on the parking at that area and what I see from their presentation—

Ms. Takayama-Corden: Four minutes.

Mr. Pasco: --is a net lost in the parking because the areas that they have along the side of the road—

Chair Tsai: I need you to conclude please.

Mr. Pasco: -- right now they're shoreline parking in the dirt and the landscaping is gonna eliminate those so we're gonna lose shoreline access through a lack of parking.

Chair Tsai: Thank you. Anyone else?

Ms. Autumn Ness: Aloha Commissioners. My name is Autumn Ness I'm testifying on my own behalf. I ask you to require the full EIS as required by law in Hawaii Administrative Rules 11-200-12 that says, when potential environmental effects are significant and EIS is needed. That's the law. The law saying that an agency needs to look at overall and cumulative effects of an action and that an action shall be determined to have a significant effect on the environment if it involves irrevocable commitment or loss, to loss or destruction of any natural or cultural resource. It's pretty clear that this is irrevocable loss of a natural cultural resource. You cannot fix things when people already done them. The law is also pretty clear that the EIS also needs to address the cumulative effects of all 1,800 acres not just 47 and should include unresolved questions about water, traffic, reef health, nearshore water quality, et cetera. The February 8, 2016 screenshot of the DLC website uses the 1,800 acres in totality as a selling point. So to sell these properties they use 1,800 acres in totality but for permitting purposes they segment them into 47-acre pieces. So you can't have it both ways.

The FEA claims no environmental or cultural impact. Impossible. We know that cultural sites will be destroyed and the past culture of Makena will be insulted by inviting only the elite who can afford luxury homes to live on this land. Also the future of this area's culture will be forever impacted. My friends and I fish, hunt and gather and spend time in the area we won't be welcome here period. There will be beach access and parking will be limited on Honoiki to 10 spots. So technically yes, but those conditions exist in Wailea too. Do you see us fishing and gathering there? No because we're not welcome there. The culture of Wailea does not welcome us. Numerous times I have been fishing at white rock and private security hired by local luxury homeowners have told us that we cannot be in the beach at night. We know our rights so we stayed, but we are well aware that we are not welcome there. I have friends who cannot afford to live on Maui with the high cost of living if they cannot hunt, fish or gather for their families in that area. To me, that is the most important part of the culture of Hawaii that must be protected the people's fundamental right to live off the land and the sea.

I have a statement written by my friend who used to be former employee of the Discovery Land Company in Idaho. He says, in my hometown the DLC acquired a large portion of waterfront

land to develop as a private golf and lake club. This land that was acquired had public boat docks, boat launches and a restaurant. Our beautiful lake community has very few public access areas and restaurants and when the DLC took over this property they took away all public access. It's easy to see that the goal of the DLC is to provide a private exclusive living experience in beautiful areas all over the world and it comes at major costs to the local population. I have seen this firsthand in my hometown and would hate to see it happen again here. That being said there is simply no positive growth for our local community in this project. The wealthy will come and take and not give back. That's what happened in my hometown. Local families will not feel welcome or respected. They gave all their low level jobs to locals and all their high level jobs were taken by people who were flown in to work there. Is that my three minutes. Was that two or three?

Ms. Takayama-Corden: Three minutes.

Ms. Ness: I just wanna conclude. I don't know anyone that this project is going to benefit. I know only the things that we're gonna give up by living around this development and I ask you to ask for the full EIS. Thank you very much for your time.

Ms. Barbara Berry: Aloha, my name is Barbara Berry. I'm a resident of Haiku and I love to go to the Makena area to enjoy the beautiful scenery. I have a couple of concerns with his project. First of all, it kinda reminds me of the whole Olowalu development and I sat through those hearing with all of you while numerous people testified about all of the things that were revealed through their, you know minimal impact statement and why you decided at that point to ask for a full Environmental Impact Statement because of the holes that were answered, the questions that were not answered.

One of the things that struck me with the traffic report here is it seemed very idealistic that there would be just such a few number of cars coming and going in an hourly period of time. I was super curious about what time of the year that 24-hour count was taken in? Was it in you know the heat of the summer or was it in high season tourism and how far this impact on Piilani Highway went because as you know everybody uses that highway to come and go from Kihei and Wailea, the locals, the tourist, everyone. So I think the impact should be really looked at throughout the whole highway as well as South Kihei Road because that's pretty much a parking lot in high season. So that was something that kind of struck me as needs more, really needs a full EIS to determine these issues that the locals are gonna have to deal with as well as you know, anyone coming and going from this gated community.

I'm a little concerned how cultural practitioners are gonna be able to access their cultural sites if it is a gated community. Is that gonna be provided you know, will they have the code to the gate? You know how are they gonna get into you know practice their cultural practices for a better word. So I just urge you all to take a step back and demand a full EIS for the 1,800 acres. I've heard that they are offering lots for sale on the mauka side of the golf course. So it feels like it's a segmented property...project even though they're saying it's not. So I just urge you to look at that and ask for a full EIS. Thank you.

Chair Tsai: Thank you.

Ms. Alana De Andrea: Aloha, my name's Alana De Andrea. I was born and raised in Haiku, Maui. I'm here today to voice my concerns with this possible development and I'm here to request that a full EIS be done. I think there's nothing to lose by having a full EIS done and I know that many of the community members who could not be here today testify because of work would also like this as well and I think it would give them some sort of peace of mind by having this done. I think it's clear to see that the applicant has enough money that they can build this giant luxury development, gated community development so they should have no problem to afford this EIS. I, as well, as many of the other Maui County members don't want this development to continue by what the other testifiers said. There's a lot of cultural meaning in this area. I heard someone say that there's no significant impact. I don't see how destroying 27 cultural sites means that there's no significant impact. That just seems extremely wrong. Also the fact that there's no affordable housing in this area just gonna be strictly for the wealthy, probably people who don't live here, just are gonna fly here not really care about that area or anything going on there. I think this is wrong. We have a...obviously we have a housing problem here, a homeless problem here, I think this project is not going to benefit any of the Hawaiian people or the native people or the full-time working people of Maui. If someone can tell me how it is going to benefit maybe that could change some of our minds. But I think until the full Environmental Impact Statement is required and completed and then we talk about how it's gonna prove to serve the community as a whole then I think we could move forward but please require that the full EIS is done and have respect for the land and people here. Thank you.

Chair Tsai: Thank you.

Mr. Kapono Makahanaloa Antunez: I'm a native Hawaiian to this land and I'm here today to testify against the Makena development and make sure that there's a E...ESI [sic] done. Not only does this development not benefit the native people but there are 36 documented cultural sites as you know everyone has been saying. And in this location my ancestors lived and prayed in this area and practiced mediation. And it is a lot of significance and a lot of meaning to me and a lot of Hawaiians and a lot of people who care about the Hawaiian culture and a lot of people who live here on Maui as well. We don't need...we need to, we need to build some affordable housing you know. And you know my ancestors cultivated this land for thousands of years and you know I don't have, I don't have a home, I don't have a home to call my own here and that's sad. It shows a lot about, you know what, what the impact has done you know to a native, to a native person. Yeah, I just...I recommend that we get the full ESI [sic] done to continue that project. Thank you guys.

Chair Tsai: Thank you. Seeing no more testimonies, public testimony is now closed. Oh, got one more, please line up on the side so we can get this done.

Mr. Donny Becker: I guess I'm in astonishment of what we're actually hearing today here.

Chair Tsai: Your name please?

Mr. Becker: My name is Donny Becker from Kihei. The reality of where we're at right now is that there's a lot of people testifying about a development that should actually be called a resort and that's where the...I think the distinction should be, the separation of a development versus a resort. These are gonna be high end houses, condos, and it's gonna be gated. The people that live here, the local people are not gonna have access to that property at all. It's gonna be gated and heard recently that one of the people that work for the project was saying that over a million dollars are gonna go to mitigate the park assessment fees that should absolutely not be moved anywhere else. It should be left in this location. This location is a prime, pristine location that we cannot duplicate and once it's gone, it's gone. The purpose of an EA, the Environmental Assessment is you're assessing by disclosure all the conditions to make a determination that there will be significant effects to the environment resulting from and in this case this development. An EA typically offers way fewer opportunities for the public to comment or be involved than a more substantial EIS. The purpose of an EIS is to do a more detailed investigation and thoroughly analyze and disclose the significant effects resulting from this improvement/development and the impacts. They kept saying that there's no...there's not going to be any significant impacts, I mean that's laughable. I mean, it's laughable. We have...we're miles away from the wettest spot on Earth which is Kauai and Iao Valley has probably the second wettest spot on Earth. We're going to have torrential rains in that area and there's no way they're gonna mitigate what's gonna end up in that water, in that ocean. The ocean and that environment today is already in dire shape. I think most people have snorkeled there. I mean, it's not, it's not pristine. I've been coming to Maui since 1975 and I remember going there and it was like an oasis. You were in an aquarium. Now it's like, you know, all the fish are gone, all the coral's gone. And I don't feel, I mean, you guys have the responsibility here, we're all trying to plead with you and beg you to understand that this is, this is once in a lifetime opportunity that we're giving you guys. You know we're pleading with you that this is the last chance that we're gonna have to make any chance if this EA goes through and not a full EIS. 'Cause when they do a full EIS there's gonna be so much more research and knowledge that we can all gain by knowing that we're doing this right. We had so many problems with the Wailea 670 with finding cultural sites that they didn't even know existed and we forced them to do more exposure, more investigating so they found more sites and this is exactly the same situation, the same thing with Olowalu. And I beg you guys to know that you know, you guys are sitting here, we wanna remember you guys and this planning commission for doing the right thing at the right time. Please, please, please, thank you.

Chair Tsai: Thank you. Next please?

Mr. Daren Ash: Hi, my name is Daren Ash and I'm against this development overall. At this stage of the game I guess that's completing a full EIS. I'm a canoe paddler and I'm in that area a lot and I also worked as a water quality scientist for eight years so I've seen this kind of thing before. To say that developing that many acres with no environmental impact is just impossible or in the words of our Mayor, it's B.S. Yeah, I also swim there, I've snorkeled there. The ocean there right now is kind of at a tipping point. You can see the algae growing on the coral already choking it out. There's no way that developing this is not going to put more nutrients into that water to cause algal growth. Not only the developing it, but the landscaping. Fertilizing the

landscaping makes agriculture look like nothing. I mean so much more phosphorous goes into that there's just no way this development can go up without causing a major negative impact that's going to make the ocean look like a desert. I mean residents use it, they fish there, tourists use it, they dive there, they snorkel. The tour boats goes there, and so it's gonna impact a lotta people.

And yeah, too, outside of the EIS a little bit, that space is already overcrowded. If you go there on a busy weekend day I mean regardless of any traffic studies that have been done, it's already overcrowded. If there's a development there not only taking up space but introducing more people there it's gonna be that much more difficult for residents and tourists to be able to use. Thanks.

Ms. Lucienne de Naie: Aloha, Chair Tsai and Commissioners and nice to see you James. My name is Lucienne de Naie and I'm testifying about water today. I think you know a little background Makena ATC Holding Company are the applicants for this and they're also the owners of all 1,800 acres of the Makena Golf and Beach Club. We have heard that reservations are already being taken by ATC or Discovery Land for large lots being sold above the Makena Golf Course. These are in-house sales and not publicly available, but basically this is a golf and beach club, not just the 47 acres but the whole 1,800 acres. If you look at the website for Discovery Land it describes a village and the view homes up above and the estates and a wide variety of things and it mentioned 1,800 acres. The whole beach and golf club is this whole thing. So we really should get real and say it is about the whole thing.

The former owner, Mr. Dowling, you know made many of the same promises about going beyond the County standards to protect resources and he was also hailed as the very best developer this land could find and he's a very nice person and the folks from Discovery Land are very nice people, but this isn't about how nice somebody is, this is about like are we following the law or not? When ownership changed to ATC a lot of Mr. Dowling's promises which were state of the art about mitigating runoff and things like that were just kinda pushed to the side. We don't know what is going to happen so it's best to kind of minimize things as best we can no matter what anybody's gonna do based on the approval process.

So did the FEA provide enough information to include there's no impacts to our water resources, to our ground water, to our streams or to the cultural practices that connect to them. Well, my conclusion is there's really not enough information provided. There's discussion of two aquifers that are involved providing water for the project and I know this Commission wanted to know where the water was coming from and unfortunately the Draft EIS didn't have any information about that. So the Final EIS does have some information. It says that it's coming from Central Maui. More specifically we know it's coming from Wailuku No. 2 Well in the Iao Aquifer and that the irrigation water is coming from the Kamaole aquifer from existing Makena Golf Course wells. Now would use of these wells have any impacts on the aquifers, streams or anything else and unfortunately as I said, we just don't have this information in the Final EA. We know that we'll be using a well in the Iao aquifer. This well had an EA and it had a FONSI. But in the EA we did not get any information on the water quality testing other than the chlorides were okay after pumping a few days. The Department of Health asked that the arsenic levels

be tested but they weren't because you know, they just haven't done that level yet. We don't know these things. We don't know if it's going to impact the ditches and reservoirs that are near that are leaking water into the aquifer. Is that gonna make that well viable and if things change and these irrigation systems are used...are not used anymore will that impact the viability of this well? We don't know.

Chair Tsai: Thank you.

Ms. de Naie: We should get this kind of information. Thank you.

Chair Tsai: Anyone else wish to testify at this point? Seeing none—

Ms. de Naie: May I pass out, this was from the old EIS and it explains the impact. These are the few pages that explain the impacts.

Chair Tsai: Can we have the next person? We got a lot of questioning coming up so, in the interest of time.

Mr. Dick Mayer: Thank you, Commissioners, Mr. Tsai. My name is Dick Mayer. I've been with this project one way or another for a long, long time. I was on the planning commission in the early...

Mr. Spence: Please use the mic.

Chair Tsai: Yeah.

Mr. Mayer: I was on the planning commission in the early '70s when Wailea went through. I testified at the State Land Use Commission hearings. I reviewed the EIS initially way back in 1974-75 and have been following this for a long time. I was also on the advisory committee that they put together. In that letter they sent out inviting us to join, they said, thank you for agreeing to participate as a representative member of the stakeholder group for the Makena Resort Master Plan Community Advisory Group. This was not an advisory group for the Discovery Land or for this particular project, this was for the whole Makena Resort.

I think that's important that the applicant for this project is not Discovery Land as several people have said. It's actually ATC Holdings, Makena Resort Holdings. They are the applicant for this as you can see right from your minutes. Their project is a much larger one than this simple development that you have before you today.

During our discussions on the advisory committee they gave us a book about Makena and had this map in it and in the...I gave a handout to all of you, you'll see it, this is their project. It's not surprising that this is called M5, M6, and S7 because those numbers, there's an M1, M2, M3, M4, there's an S1, 2, 3, 4, 5, 6, 7, 8, 9, 10 et cetera, there are all these different units. This is just one part of a much larger project and I think you need to recognize that they have segmented this and that's an illegal operation. They're supposed to discuss the whole thing.

Secondly, the EIS that was done in '74-'75 is woefully out of date as several people have pointed out and even in that statement back then over 40 years ago they wrote that this is only an initial evaluation. Also in that document they put down there and the last page of my testimony you'll see the actual quotes there, they said, alternative mitigative measures were considered for each section but are not discussed in this report. They go onto say, such discussions have not been summarized in this report or have been...or unresolved issues been discussed and they go on and on discussing it. Their own EIS done. And that's the basis for the whole Makena Resort including this particular parcel. So we do not have an EIS properly done and certainly not relevant to today at present.

With regard to impacts and people have mentioned them and I don't have time to go through all of them but a significant one and one that I would urge you to look at is the Kihei Community Plan which has numerous statements in there one of which talks about affordable housing having to be built onsite on every project in South Maui. That is not being done. In fact, not a single new affordable house will be built. They have bought credits from Hawaiian Homelands. Those houses were built and they're almost like double dipping. We want Hawaiian Homelands to have their homes et cetera. They're using those Hawaiian homes to get credit to build these luxury homes for their wealthy residents and almost make it impossible for other Hawaiian to buy and afford and compete against this expensive homes.

The original EIS said that a school would be built on this Makena property. They make no reference. They talk about their children having to go all the way across Makena, ultimately all the way across Kihei to schools that are on the other side of Wailea and Wailea 670.

There are so many elements in this that need to be looked at. They talk about view corridors. Their view corridors are a sham. The nice pictures they showed you here with all the open space between the buildings. If you look at their own website for the Makena Golf Club, Golf and Beach Club, Beach and Golf Club, you'll see on there that between every one of those buildings are tall trees that they're planting as part of their landscaping plan because that website is the true one. That's the one they're gonna use to market these properties. So what you're getting is a two-sided thing. On the one hand they show the—

Chair Tsai: Please wrap it up.

Mr. Mayer: --they showed the planning body that this is open views, there are no views intended. So I'm asking you to take the third option that you were given by Mr. Spence as your options and require them to do a Supplemental EIS for the whole project and that would include this area as well--

Chair Tsai: Thank you.

Mr. Mayer: --within their plans. Thank you.

Chair Tsai: Commissioner Hudson?

Mr. Hudson: Sorry I just have a quick question. Could you say the resource regarding the land credits and the relationship to Hawaiian Homes? Do you have a resource?

Mr. Mayer: I was on the commission that they...that's what they told us on their...in the committee, in the group that we met periodically and that originally appointment was in 2010 and so we've been meeting roughly every three months now since 2010 and during one of those meetings or maybe in several of those meetings they said, when I asked where the credits are coming from that Hawaiian Homelands were the credits they purchased. I think it may have done with Dowling who owned the property before but they're using that credits.

Mr. Hudson: Thank you very much.

Mr. Mayer: You're welcome. Any other questions?

Chair Tsai: No.

Mr. Mayer: Thank you

Chair Tsai: I want to reiterate the three-minute time limit. Can you please everyone, testifiers respect that? We have a lot of questions from the commissioners hasn't come up as well. And also, we heard a lot of testimonies here. If anyone has new information please testify, otherwise I respectfully ask you guys to hold off your remark. Thank you. Please continue.

Mr. Edward Chang: Good afternoon Commissioners, my name is Edward Chang. I'm a long-time resident of Makena. To give you a little background, I was born in 1932. I attended Ulupalakua School when it was still open. I couldn't go to high school from home because commuting wasn't very good so ended up in Lahainaluna as a boarder. From there on I went to Cal Poly, got my degree, got some graduate work at SC, went to work in the mainland, came home. I retired in 1988, my parents were not in very good health in early age, and you know I'm surprised that I'm looking at all of this stuff going on and I thought the planning process was pretty straight across and I realize there's now more different attitudes on how you should do things and what...(inaudible)...one of the concepts that keeps bothering me is we keep saying that we got too much nitrogen, too much fertilizer running into the ocean. Well, what happened to all the stuff in the agriculture that we had way back then, sugar, pineapple, we used quick dissolving fertilizers not slow release. They're mostly ammonia sulfate. These things leach in the ground, they dissolve abruptly and they leach in the ground, we gotta give it more fertilizer because what you feed today doesn't stay there. Today's technology says that you can use slow release fertilizer. Personally use a fertilizer that releases in one month and you know it's a predicable kind of thing. It's not like the other fertilizer you used. If you got heavy rains it leaches out, you gotta fertilize again. And then you have these peaks, you got a peak too much fertilizer, not enough, peak, too much, not...that's not the way technology is today. And most of us are aware of this that farm. That's one thing.

The other thing is the common sense about EIS. They have 1,800 acres, how long would they take to do the 1,800 acres plan when they don't even have one for the whole 1,800? So you're gonna see an absence of some...they're still gonna say I'm gonna develop a 100 acres or 50 acres, et cetera and the other things has to...this is the way I'm thinking, but I think they or any other if Lahaina is still looking for a plan. The sugar cane went down, the pineapple went down and it's been replaced by we'll find out. And that's the point I'd like to make. Thank you very much for your time.

Chair Tsai: Thank you.

Mr. Isaac Hall: Good afternoon Commissioners. My name is Isaac Hall. I'm the attorney for Hui Alanui O Makena. I'm testifying in favor of Makena Resort's Final EA and the issuance of a FONSI as recommended by the Planning Department.

In the 1980's the Hui was concerned about the protection of cultural resources in Makena and the threat to close the Makena Road. That was a coastal road, an old government road that was open and in use for vehicular purposes at the time. At the time the Hui was comprised by long-time native Hawaiians from Makena. Charles Keau, Edward Chang, Sr., Esther Campbell, Leslie Kuloloio, Ned Goodness, Helen Peters, Alice Kuloloio, Maipela Wong, Alice Kapahukimohewa, and two younger members, Dana Naone Hall and Hokulani Holt Padilla. These are the kamaaina of Makena. Many have passed and this testimony is submitted to you in their spirit.

The Hui had filed six environmental suits. Judge John McConnell with wisdom appointed Elmer Carvalho as our Mayor as mediator. It was one of the great experiences of my life to participate in mediation with him. In short order, he guided us to an amicable agreement by which we agreed to work cooperatively with Makena Resort people and we've done so.

I've heard this claim for a Supplemental EIS for 1,800 acres. There's no merit in that claim. There's no segmentation here. There would be no point in making these people study 18,000 acres, excuse me, 1,800 acres for which they have no plans. The point of an EIS or an EA is to study property for which you have a plan, a plan is ripe. If you have no plans for the 1,800 acres what are you gonna get out of that EIS? Nothing. The fact that Dick Mayer may have thinks that they've got plans for some it, if the plans aren't ripe they're not ready to go forward with any of those plans a Supplemental EIS for those 1,800 acres would be totally meaningless and there's no support in the law for that. In fact there are a couple of cases one on the Big Island where Hawaiian Homes did a master plan EIS for their property, Waimana came in to do a power plant on a small portion of that property, they did an EA for that and later on there was a challenge to that but starting off with an EA was appropriate and determined to be that.

Dick seemed to have forgotten about the airport case that we had. The airport had put as its third phase a parallel runway but in the airport said in their EIS we're not gonna build that runway for another two, three, thirty years. We don't know when we're gonna build it. So we're not gonna study the impacts of that. Our court said well, if you're not going to build it what's the point of studying the impacts of it and said, fine your EA or EIS on the first two phases are fine.

When and if you come forward and want to build that parallel runway do the EIS. That's where we are now. We've got someone who wants to go forward with 47 acres and that's it. So there's no point in what these people are asking for.

With respect to the government roads. There's been a lot of misinformation here. I saw in their material they're claiming that there's going to be an obliteration of the Aupuni Road. The only place that Aupuni Road exists is on an 1850 map and it's nowhere to be seen anywhere else. It does not exist on the ground. The claim that there's gonna be an obliteration of the Ulupalakua to Makena Road. You folks may or may not remember that you approved Papaanui project which is immediately below this one where that road according to them exists—

Chair Tsai: Isaac, please wrap it up.

Mr. Hall: ...okay, doesn't exist anymore and it doesn't exist above the project. So opening a road where in between two places where it's been already agreed it doesn't exist and it was closed 33 years ago makes no sense.

Finally on views I'll wrap it up. I've been an advocate for views, protection of views, but as I drive—

Ms. Takayama-Corden: Four minutes.

Mr. Hall: --from Kuau to Spreckelsville to Wailea to Palauea they're all walled off. With approval of either this commission or the Planning Department with the developer that's coming in and saying I am going to preserve view corridors let's let them do that.

Chair Tsai: Thank you, Isaac.

Mr. Hall: Finally, I will, I will conclude. There is recent authority for the entry of a FONSI. The Hawaii Supreme Court affirmed the entry of a FONSI in the Kilakila Case in a 2016, December 2016 opinion. Thank you very much.

Ms. Dana Naone Hall: Good afternoon Commission. My name is Dana Naone Hall. I am testifying in favor of Makena Resort's Final EA and the issuance of a FONSI as recommended by the Planning Department. I am not as publicly active as I once was. But certain issues and places still have the power to call me to participate. Makena is one of those places and the issue of whether archaeological and cultural sites are being properly identified and treated is of great importance to me.

I have personally been involved with the protection of historic and cultural sites including burials since at least 1984. In that time I have reviewed and commented on hundreds of archaeological inventory surveys, burial treatment plans, preservation plans and more. I was a member of the Maui-Lanai Islands Burial Council for 17 years and was one of those instrumental in bringing about the passage of Hawaii's Burial Law which is an expansion of our State's Historic Preservation Laws.

Mr. Hall continued with Ms. Hall's testimony.

Ms. Hall: What brings me...

Mr. Hall: What brings me here today is my deep concern about the misinformation and distortion of facts being spread by Maui Tomorrow under the rallying cry of save Makena.

Just last night I received a copy of an email blast from Maui Tomorrow urging people to show up for this meeting and providing talking points against the EA as well as a fill in the blank sample letter and form testimony. The email contained a section with the following charge, archaeological and historically significant sites would be destroyed. After claiming without evidence that many cultural sites and artifacts have failed to be recorded and assessed properly there are four additional problems described including as one example, Kalani Heiau, the largest heiau in the region was not properly assessed.

This is especially perplexing since just last Saturday, three days ago, three members of the Makena Kupuna Advisory Group accompanied several community members and the president of Maui Tomorrow who attended in her capacity as conservation chair of the Sierra Maui where she's also an executive committee board member along with several representatives of Makena Resort as well as the field archaeologist for the project on a walk through to visit sites that supposedly had been missed by professional archaeologists.

We began at a site that is literally just across from the fence from another privately owned parcel upon which the Kalani Heiau sits. We paused and talked about Kalani Heiau and the Maui Tomorrow's Sierra Club leader thanked me for my successful efforts to keep the heiau from being divided among separate parcels in a subdivision application. Unfortunately after four hours neither the young Hawaiian women whose focus to visit nor the Maui Tomorrow represented individual were able to find any sites that they identified while trespassing on the land earlier this year because the grass had grown.

I understand and value the passion and energy of the younger generation of our people—

Ms. Hall: But nana i ke kumu i nau o pio, look to the source. Who is leading you by saying it's okay to trespass without first asking permission? Because you are lineal descendants a distinction that appears in the Burial Law which has strict standards for recognition this same person a non-Hawaiian is encouraging you to walk the land and let it speak to you as a cultural practitioner a term that refers to those who are Native Hawaiian tenants, living on the land in the ahupua`a, that residing in specific ahupua`a with specific traditional and customary practices practiced over many generations.

Ms. Takayama-Corden: Four minutes.

Ms. Hall: On these specific lands. PASH protects only, "the reasonable exercise of customarily and traditionally exercised rights of Hawaiians to the extent feasible." It's not an open-ended

thing. The kupuna knew, I knew, would not hesitate to scold us if they saw us doing something wrong. But the ground of that teaching was always, aloha. So I speak up today for our aina aloha that it too may continue. Mau a mau, aloha.

Chair Tsai: Thank you. Okay, public testimony is now closed. Questions from the Commissioners? Come on you guys. Commissioner Carnicelli?

Mr. Carnicelli: My question's actually for Ed. Ed, when you started this whole thing four hours ago, four and a half hours ago you had...you talked about the affordable housing portion and how you had bought credits and then you said, oh but in the future you're going to have it within the resort. Correct?

Mr. Ed Divita: So what I said was that we're very interested in having affordable housing at Makena. We've been currently focusing on this project and all our energy has been going into this one. And we are planning to satisfy the affordable housing requirement for this project using the credits. However, the group when we get our energy and when we can move forward with an additional project at some time in the future we're committed to working...to having affordable housing at Makena.

Mr. Carnicelli: Okay, so I guess where I'm going with that then is that you do have plans on continuing to develop the 1,800 acres then?

Mr. Divita: We don't have any specific plans right now.

Mr. Carnicelli: But you're talking about that you have plans, but now you're saying you don't have.

Mr. Divita: There's the potential.

Mr. Carnicelli: ...(inaudible)...

Mr. Divita: There is the potential for ongoing development.

Mr. Carnicelli: So if we could pull up just the site map on the screen that would be fantastic. Actually with the...not just the parcels, but like the streets, roads, can you get to that part? Yeah, there we go. Yeah, okay that's good enough. So on the right-hand part of the screen there I see as the roads kinda continue on, and then it stops right at the parcel line. But I happen to notice that those aren't cul de sacs. Those are just streets that are going to continue at some point in time.

Mr. Divita: That's correct. That connects to the HM parcel that's a project that was previously brought in front of this commission and approved and construction's underway.

Mr. Carnicelli: Right, okay. So I guess...I'm just getting I guess conflicting I don't even know if want to call it...is conflicting stories about whether this is standalone or not. 'Cause it's like

okay it connects here. There's potential for other things, but to say that ATC Holdings has 1,800 acres of which maybe one day a developer who, you know a company that does you know might possibly develop. I'm just having a hard time saying that this is standalone.

Mr. Divita: The EA does take into account the prior project, the cumulative effects and impacts of the prior project, the HM project that was a previous application.

Mr. Carnicelli: I'm just trying to address you know you saying that this is standalone. I'm just trying to wrap my brain around that.

Mr. Divita: Okay. Well, it is indeed a standalone project.

Chair Tsai: Commissioner Canto?

Ms. Canto: I have a lot of questions, but this took me by surprise. I'm not quite sure as to who might be able to answer a question regarding sites? There was a testifier, Colleen McCormick I believe her name was. She mentioned seven out of 36 sites will be preserved. What happens to the rest of them? If someone could be more clear what happens.

Mr. Roy: So we have Leahy Hall who was involved in the presentation. She can address that question and we also have the project archaeologist with us today if there are additional questions.

Ms. Canto: Just feel free.

Ms. Leahy Hall: I'm sorry, Commissioner you're asking about what happens—

Chair Tsai: Please come forward, identify yourself first and speak to the mic.

Ms. Canto: I'm sorry Leahy. One of the testifiers mentioned seven out of 36 sites will be preserved.

Ms. Hall: Yes.

Ms. Canto: That's a considerable amount that will not. So can you tell me what happens to those sites?

Ms. Hall: Yeah, I'll be able to tell you a little bit about the specifics on sites, but Mike Dega is here, he's our archaeologist and he'll be able to give you a better understanding of the context of archaeology and what happens at the different stages.

Ms. Canto: So Mike is with Scientific Services.

Ms. Hall: Yes.

Mr. Mike Dega: Hi everyone. Good afternoon. I'm Mike Dega for SCS Archaeology. There are...post AIS we have seven sites undergoing data recovery, ten that will be preserved...I mean, excuse me reverse that. So that's 17 sites post AIS that will go through further mitigation. If you've been doing this a long time you know that's a huge amount. That's a very large percentage of sites that will be undergoing data recovery and preservation especially for a 47-acre parcel.

The other sites have not further work. They've been fully documented through photographs, either excavation, plan view drawing, and we submit that to the SHPD and they concurred with us that these sites are fine, they can do what they want with them.

Ms. Canto: So the artifacts from those sites are they retrieved and given to the State?

Mr. Dega: They're all collected. They're being curated by us right now and they'll end up in the cultural interpretative center on this site with descriptions of where they came from, how old they are, what their function was, and how they were manufactured.

Ms. Canto: Okay, thank you Mike.

Mr. Dega: They'll stay onsite, yeah.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: Hi Mike. So you're saying 10 is a lot?

Mr. Dega: Yes.

Mr. Robinson: And why do you think that's so?

Mr. Dega: Well, we've worked a lot of projects. I've worked here for 25 years. I have PhD from UH Manoa. Usually it's around seven to ten percent of the sites are saved. And they're saved based on their preservational quality. If they have a unique feature to it. Say such a heiau are always preserved, burial sites, sometimes agricultural sites and things. The landscape we're dealing with now in Makena this 47 acres is not an idea archaeological landscape. It's been bulldozed through time. It housed a piggery. So a lot of the sites on there are quite disturbed. I could take you to a hundred other places around the island where you have very pristine sites. So we pick and choose, okay this is a good example of agriculture from precontact times. This is a good historic site that showed penning of animals or corrals things like that, habitation areas, different activity areas and again this doesn't occur in a vacuum. We've preserved hundreds and hundreds of sites throughout the Makena region and these are the best of the best and they do take up land. For instance, we're preserving a corral that takes up 16,000 square feet on this 47 acres. It's a pretty big chunk of land. You could fit eight of these rooms inside of it probably.

Mr. Robinson: Would be fair to surmise that there's a lot of sites there because there was a lot of action there?

Mr. Dega: I wouldn't say there's actually a lot of sites there, 36 for 47 acres it's not bad. Again, site distribution isn't determined by the size of the parcel it's the location. If you go down the road in Honuaula we found 298 sites with 1,500 features. If we go to the other side of Honuaula the upper part of the 670 we found six. So it's determined by the landscape. I wouldn't say it was a dense distribution of sites in this area, but perhaps in the middle.

Mr. Robinson: And did you do interviews with the kupuna? Did they show you sites prior to you going there or did you have to go and discover them yourself?

Mr. Dega: We actually go out and do it independently by ourselves and use archaeological methods first. We do the surveys and Leiahi and everyone set up with the cultural groups. We've gone out with them. We've also gone out with the State Historic Preservation people three times. We've gone out with concerned community members multiple times. So it's a very inclusive process. And it's cumulative through time and the nature of archaeology. We learn more knowledge through time.

Mr. Robinson: Thank you.

Mr. Dega: Thank you.

Individuals in audience were speaking out.

Chair Tsai: Please don't ask questions out of order. Thank you. Come on you guys. Commissioner Canto?

Ms. Canto: I just have one question. It's not or Mike, it's not for Mike. I'm not too sure which one. A lot of discussion here tonight was to complete a full and complete EIS. I'm sorry, so a lot of discussion or dialogue has been to conduct a full EIS. And it's not on the agenda to vote on today, right.

Mr. Spence: It is.

Ms. Canto: Well, no but we're, we're approving the EA, right?

Chair Tsai: Director?

Mr. Spence: The agenda says the Commission may accept—

Ms. Canto: Okay.

Mr. Spence: --the Final Environmental Assessment as Findings of No Significant Impact or take some other action.

Ms. Canto: Okay, so with that clarification how much time is involved in conducting such a process? How much time does it take?

Mr. Roy: How much time does it take to do a full EIS?

Ms. Canto: Yes.

Mr. Roy: It depends on the action, of course that is being accessed. Usually considerably large master plan projects are accessed through an EIS process. As you've heard today there are no plans beyond this project for Makena Resort at this time, but they can take anywhere from three to five or more years to prepare.

Ms. Canto: That would be the acreage that we're talking about today, the 47 acres? Not the entire 1,800 you're talking about?

Mr. Roy: Oh to do an EIS for just the 47 acres here today?

Ms. Canto: Yes.

Mr. Roy: It involves quite amount, quite a good amount of additional process that's set forth by the Hawaii Revised Statutes, Chapter 343. It depends highly on the level of public involvement and the two additional public review processes which would be triggered by going through an Environmental Impact Statement process, an EIS process. So it's very difficult to put a time line on it but it's not something that could be done very easily. It would take easily years to complete.

Ms. Canto: Thank you. Thank you, Chair.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: Ed, please? Ed, first off I heard a lot of good things about you guys so congratulations there. We don't hear that a lot about developers. I got a question for you. When did, when did you folks take ownership of Makena? What was the date?

Mr. Divita: I don't know that date specifically but we can research it and get back to you soon. It's been about four to five years.

Mr. Robinson: You say four ...(inaudible)....

Mr. Divita: Yeah, in that order.

Mr. Robinson: Four years. In those four years have you guys put in any mitigation efforts to stop the flow into the bay?

Mr. Divita: I believe we have. I'd like to check with Kaimi, our site development manager Kaimi can perhaps help.

Mr. Kaimi Judd: Hi, Kaimi Judd, vice-president of development. No installation in that area. We did just receive an SMA Minor approval from the County for improvements separate from this project, but near it at Makena Landing for some additional capture of flood stormwater in that area on the roadways.

Mr. Robinson: So Kaimi do you guys need a SMA for silt fences or for changing water flows or anything like that?

Mr. Judd: That might be a question for the Department if that triggers a—

Ms. Cua: You know at this point you need an SMA Assessment for pretty much anything that you do, if you put up any fencing...at this point until the rules get changed, yeah pretty much requires.

Mr. Robinson: I mean if it's a minor under a certain amount of dollar amount you can put up fencing right? That's why we have the minor?

Ms. Cua: Well, no...so what we're saying is that you are subject to the SMA Law and you have to at minimum file an SMA Assessment. An SMA Assessment can turn into a minor permit. It can turn into an Exemption or you can be told that you don't qualify for a Minor and Exemption and it gets bumped up to a major permit. But pretty much any type of action is subject to the Special Management Area Rules.

Mr. Robinson: Okay.

Mr. Judd: Excuse me, just as a point of clarification, I thought you were talking about this project area, but on the HM project I think one of the testifiers spoke to some of the erosion control measures on the approved HM SMA project, and some of the, you know, more than usual BMP actions that were taken recently on that area.

Mr. Robinson: I guess what I'm getting to is a lot of people talked about how you guys go above and beyond and you guys laid off a lot of people at Makena, a lot of my friends lost their jobs, a few of them were able to retain it, but they were only the ones that had, you know, higher education, a little bit more higher skills, and we say, oh you know these people they really care, well there's a way to do things I feel. You could have, you could have shut down partial of the hotel. I mean we have hotels across Maui that did renovations for years and they kept, they kept open, they kept things going. And when I look at the pros and cons of this development it was, we're gonna have workers, we're gonna have construction workers, but the construction nobody's working now while the employees at the hotel could still be working. And then there's going to be as many hotel employees, I mean workers as you had in the hotel as we are when it's all built out. And so I wanna make sure that you guys are doing the right things. I notice at the other meeting we had the first buildings that came up that I believe this planning

commission was very opposed to and I believe it was another architect, did you guys switch firms is...I don't remember this gentleman speaking at the last meeting. I thought it was a Hawaiian gentleman that proposed it the first time.

Mr. Divita: Both groups were working and we have this group focused on it now.

Mr. Robinson: So the first presentation as a different company?

Mr. Divita: It was a collaboration.

Mr. Robinson: It was a collaboration.

Mr. Divita: But there was another company who's not here today that was involved in the first presentation.

Mr. Robinson: And in that first presentation I noticed a month later you guys got approval. So you guys came to us and then we said we didn't like it, and then a month later you guys had an alternative that you showed to the Urban Review Board?

Mr. Divita: Yes, it was...we utilized alternative materials and concept designs, but we didn't change the floor plans or the buildings. So they were integrated into the façade design. And actually I believe I need to correct a prior statement that I made which is that the...for those units that were refined it is the same architect, it was the same architect. We have a collaborative team that includes a number of practitioners and the presenter was from another group, but the actual architect who was doing the plans for those units that were refined was working in the background all the time.

Mr. Robinson: Could it be possible that you guys had two sets of plans and you guys gave us one and then when we rejected the one then you guys went to the Urban Design Board with another. 'Cause I mean 30 days to redo everything I think is an astounding quick amount of time.

Mr. Divita: Yeah, it was closer to two months but that's indeed not the case, we did—

Mr. Robinson: The dates on the boards show different.

Mr. Divita: It was January and March, but the—

Mr. Robinson: It was January 26<sup>th</sup> and March 1<sup>st</sup>.

Mr. Divita: Yeah, but we—

Mr. Robinson: Thirty days.

Mr. Divita: --we didn't have other plans. I promise you.

Mr. Robinson: You guys just got it all right.

Mr. Divita: We just hustled, listened to the comments and worked hard, you know, together as a team to pull it together.

Mr. Robinson: Okay. One last thing, I'll give somebody else a chance. Are you saying that nobody in your organization and that at no employee of Discovery Land has been telling clients or visitors that their next plan with your board that you have up in the golf area where you have all your homes and you have that other lot there that nobody is telling them that that's our next phase?

Mr. Divita: I can't speak for everybody, because I'm not everywhere at all times. I know that this project is a standalone project. It has independent utility and it is the only plan, only application that we have, and you know, that's an action at this time and that we're focused on.

Mr. Robinson: I'm sorry, that didn't answer my question. I mean, you know, what we're trying to get at and you know, we have to look at both sides. We have to look at the good things you guys are doing but we have to make sure, like the gentleman said, we have to verify, trust and verify.

Mr. Divita: Right.

Mr. Robinson: And unfortunately in Maui it hasn't happened. Okay, and unfortunately for our kupuna although I respect you our whole coastline is built up. So, the next generation is gonna take a shot at it, okay. So I was there in your office and your employees told me that's our next phase. They didn't know I was a commissioner. Simple.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: I guess this is for Ed since he's standing up by the mic. Jeffery Dack and Jim Buika had some pretty serious comments that they brought to the meeting today. I indicated I concurred with their comments. In January of 2016, I asked for the company to consider preserving view plains from Wailea Alanui Road to the ocean. I suggested at that time that the project was backwards. That the large tall buildings should be pushed further away from the roadway and down the slope and that the lower buildings should be moved to the upper portion of the project so that it would not impede views to the ocean, to the horizon, to the islands off in the distance. I think I said it was ass backwards back then. I still think it's ass backwards. And it's a Robb Iopa design. You put the highest buildings furthest back from the ocean and you preserve views for everybody that's on the site. Single-family homes have a magnificent view of the ocean, the multi-family homes which are very high have a magnificent view of the ocean and the public gets screwed on Wailea Alanui Road because we get peek-a-boo views as they said of the ocean.

You folks have done a good job by removing a couple of buildings to open up vistas. But by opening up the vistas and removing those buildings, according to your plan you're going from 45 feet height to 60 feet in height which means you're adding two stories to the buildings in order to make up for the ones that you had to take away.

What I was looking for in the five volumes was an analysis of the site that runs from Wailea Alanui Road down to the sea. The cross sections that were made of the buildings only ran from one edge of the building to the other edge of the building to the roadway and it didn't show the relationship of the topography of the land all the way to the sea. This is what I'm talking about. I did this, this morning in three minutes. This is the slope from Wailea Alanui Drive down to the ocean. And you have a shoreline, the horizon, the horizon line, and the view lines that come from the tall buildings here with your short buildings in front. The views are all preserved with the existing plan.

What I was looking and what was suggested a year ago was you flip the master plan over so that your tall buildings are makai and short buildings are mauka, you don't lose any units in the process but the person on Wailea Alanui and the public driving by gets an uninterrupted view of the entire coastline for the entire length of the project. The Makena Beach Resort did that same process, they pushed the building down, no building was supposed to be higher than the coconut tree, they pushed it toward the ocean so the mass of the building itself is almost insignificant from Wailea Alanui Drive. The mass of the buildings that we're being presented with here although the peek-a-boo view is beautiful if I walk 20 feet this way, I'm looking at a five-story building and it's not a pretty sight from the roadway itself.

So the question that I have is, there's mathematical way to figure out how to preserve everybody's view, to figure out how the person on the roadway can still see the horizon, still the ocean, and still see the islands off in the distance and determining what the heights of the single-family buildings should be, what the maximum height of the multi-story building should be in order to preserve that situation. But I didn't see this kind of an analysis anywhere in the plan. Is that something that you folks considered or is it too off the wall to consider it?

Mr. Divita: I understand what you propose there and it's not off the wall. It can and has been considered and as a part of the planning process and we can bring up Don Vida to discuss that as he leads our planning group, but they were taking their lead on the massing from the Kihei-Makena Community Plan and in there it describes that they want lower rise buildings near the makai, near the shoreline and to have the higher rise buildings to be more mauka. And in addition as we discussed it with the community members and the neighbors at Makena, the existing homes are all low rise down along the shoreline and people felt that if there were large setbacks and low rise buildings on the lower area along the shoreline that it would blend better with the existing homes and then to conform to the Kihei Community Plan to increase the height as you go mauka. Then we worked hard to maintain view corridors that we were able to observe by removing buildings and trying to keep those open long term. And another thing that we worked to do was by including the village we offer an opportunity actually pull off the highway and come down and hang out in the village and the village has a covered bridge across a drainage where there's tables and rest areas and the interpretative center and there'll

be shops where you can get lunch or dinner or coffee and you can stop for a while and really enjoy the view and we set up the view plains from that village area where the bridge is and where the community gathering area would be to be able to see Pu`u olai, Kahoolawe, Molokini and perhaps at times the steeple from the Keawalai Church and those were foundations that came from many, many discussions. And maybe I can turn it to Don Vida, there is a full, there is a full building section, so may I turn it over to our land planner to also discuss that.

Mr. Vida: Thanks Ed. To address your Commissioner's—

Chair Tsai: Identify yourself again please?

Mr. Vida: Sorry. Don Vida, Vida Planning and Landscape Architecture. To address the Commissioner's question, what Ed said as far as one, trying to make sure that the building type and mass and development type is sympathetic to the neighborhood, the existing single-story neighborhood along the makai edge of Old Makena Road that was one of the reasons for placing the buildings further back. Second reason was being consistent with the Makena...I mean, the Kihei-Makena Community Plan. A third reason that Ed did not mention is that the nature of the topography off of Makena Alanui Road drops quite steeply. You can see in this section that it does go across the site. And what we were trying to do there was to use that difference in slope for couple reasons. One, to slip parking underneath that and up against that slope so that we're using some of that slope to take out building mass. And then secondly, placing those buildings somewhat down that slope and that's why we ended up with larger setbacks that you saw on the site plan to use some of that additional slope to take down the building mass when you are on Makena Alanui Road. So that was the rational for how we located buildings.

Mr. Hedani: I guess my question basically is back in January of 2016 I asked for the alternative scenario to be at least studied. See if that pencils out, see if it makes sense, see if it maintains a view that's identified in all of the plans as significant for preservation.

Mr. Vida: Right.

Mr. Hedani: And it doesn't appear that that was done.

Mr. Vida: It wasn't done because it would be in contravening the Kihei-Makena Plan and didn't know how to balance that out quite frankly.

Mr. Hedani: I have a tough time with that. Kihei is a very poor example of any plan. I don't know that there's a plan for Kihei as far as architecture is concerned. And Makena, well, Wailea from my perspective had a philosophy of trying to minimize the mass of the buildings from the public spaces by pushing the buildings away. They've made mistakes like the Grand Wailea they walled off, they walled off the roadway basically with the Grand Wailea. The Shops at Wailea when you come down there's a perfect opportunity for a vista to the ocean they put the backside of the shops there. So you see the rear end of The Shops in that particular case. But for the most part, most of their buildings were tucked down in order to try to preserve the views

and I see the opposite happening in this case. I can see where you know you want to put parking underneath but you can put parking underneath on the lower side as well as the upper side, yeah.

Mr. Vida: You could.

Mr. Hedani: And the people on the makai side of the property are no gonna be sitting on their porch gazing at the building up on the mauka side of the building, they're gonna be looking at the ocean if anything. So you know, it just...I can't grasp why something like that wouldn't make sense to you.

Mr. Vida: If I may read from the Kihei-Makena Plan, Community Plan, it's under Urban Design Standards, Mark just brought this to my attention. The proposed project was evaluated with respect to the following Urban Design Standards listed within the Kihei-Makena Community Plan and under Standard it says, and this is from Page 148, under Standards it says, limit resort development throughout the region to 35 feet in building height for sites near the shoreline. Building height limits may gradually be increased up to 75 feet for inland resort development provided that important mauka-makai vistas are maintained and impacts to coastal resources are minimized. Resort community planning and design shall integrate recreational amenities and adequate shoreline setbacks and public shoreline access provisions. So we were using that as a guide as to why we did what we did.

Mr. Hedani: Provided.

Mr. Vida: Provided.

Mr. Hedani: That important public views to the ocean are preserved which is what we're talking about.

Mr. Vida: Yes. And we did an analysis of the percentage of open view that is makai view from Makena Alanui now and what the proposal is, and currently there's...I'm going to use round numbers right now, currently there is 33 percent view ocean of ocean view as you travel along Makena Alanui Road. Our proposal is about that or a percentage or two within that existing condition.

Mr. Hedani: The existing views along Wailea Alanui Road are blocked because of kiawe trees. There's no kiawe trees in the landscape plan for the project I don't think so all of the kiawe trees are gonna disappear when you do grading for the project. That means all of the views are gonna be opened up at the time the grading is completed. It will be a clean slate. So the idea I looking at how...the Commission's job is not just to preserve the views that exist today, it's to improve views to the ocean where they can be improved and to apply those principles to a development so you end up with an improvement to the view, a better product for the developer from the standpoint of maintaining views for both projects at the same time, maintaining the densities that you folks originally had and the values that you originally had. In fact, the values would probably go up because your multi-family units will probably have a higher value.

Mr. Vida: Mark's gonna address that question.

Mr. Roy: It's a very good comment about how one were to go about analyzing view impacts and you know one of the very important guiding principles of this project is obviously to conform with all applicable requirements and legislation that comes into play. That's the reason why we're in the midst of the environmental assessment process. The view analysis that was prepared that is part of the Final EA as you've heard today was, it was upgraded to these photo realistic renderings which took a bit of time to get to that level of detail but we feel that the view impact analysis certainly improved for the environmental assessment itself in terms of being able to assess the potential impacts on views of the project. In terms of commissioner's question or comments about the condition of existing conditions along the roadway, there...the Hawaii Administrative Rules that guide the EA preparation process essentially stipulate that when you're describing the environment around the proposed action so essentially when you're assessing potential impacts of a proposed action looking at an existing condition which is obviously the case here because it's an undeveloped site. I'll just read from the rules but it says, that a description of the environment in the vicinity of the action as it exists before commencement of the action. So we wanted to be sure that view impact analysis that we provided in the environmental assessment itself was based on the existing condition. So what Don had reviewed as part of his presentation where he went through the process of taking the existing condition photo and then rendering the buildings and then putting in the landscaping, you know we feel that that was appropriate in terms of how the guidance suggested those kind of analysis...(inaudible)...for EA process. So I just wanted to add that for the Commission's information.

Chair Tsai: Go ahead Commissioner.

Mr. Hedani: On the plus side, although I still feel that my comment from last year was blown off on the plus side I think that what you folks have done in terms of setting new standards for drainage, for runoff, for retention, you know for green streets, complete streets are fantastic.

Mr. Roy: Thank you.

Mr. Hedani: I support the development. I think the development should go forward. I think it should go forward and I don't think we need an entire EIS for 1,800 acres 'cause it doesn't make sense, by the time you finish an EIS for 1,800 we'll all be dead and gone over here. And it wouldn't make sense because you would have no timing attached to it. So it would be outdated on the day that you present it because you don't know when that stuff is gonna happen. I do feel though if a proper view analysis is not done, then we should either look at asking you to do that again or to go the EIS route for the 47 acres for this particular property.

Chair Tsai: Okay, thank you. Okay, hold on a second Commissioner...for the record I have to concur with Commissioner Hedani's comments. I think it is, I wouldn't necessarily use ass backwards but I would say it is pretty backwards. It seems like you can easily put the tall

building in the front ocean side because of sheer drop-offs and still have plenty of view with houses at higher grades I think that should have been examined and looked at.

Mr. Roy: Can I add one comment to that effect?

Mr. Hedani: Sure.

Mr. Roy: 'Cause I feel it's very important. These documents take obviously a lot of work to put together but you know one thing I do wanna stress is the amount of coordination and number of meetings that occurred with the Department of Planning as we went through this process. So the policy that Don had read from the community plan was stipulated at the very outset to be a very, very important guiding policy where building heights per the community plan when the community plan was adopted back in 1998 I think was originally intended to stagger building heights away from the shoreline and so that was really a driving mechanism for where we've ended up today was the applicant's intent to comply with what we believe the intent was of the community plan.

Chair Tsai: Right.

Mr. Roy: But I appreciate your comment.

Chair Tsai: I mean, you can still do it. I mean, you can look at one case like the Grand Wailea or you can look at also the case like the Marriott, Wailea Marriott which is a lot of their buildings right there on the ocean and houses, most of the houses behind them you still have views on the hill. So that is achievable. It's just all matter of balancing. Commissioner Carnicelli?

Mr. Carnicelli: So along this theme of views, so we've got 33 percent view right now but the other what 67 percent is kiawe trees that you guys haven't addressed and I'm not saying that you need to...you put them, and I'm not saying that you needed to cut them down and then say okay, we got 100 percent, and you need to preserve 100 percent, but just like one of the testifiers, few of the testifiers talked about, you know seven generations from now, 150 years from now, if this is all kiawe which it's not going to be 150 years from now, but is trying to preserve 33 percent because you've let kiawe grow and it's now...you know there's just no incentive for you guys to cut down kiawe and do that and then say oh well now it's 50 percent and now we have to maintain 50 percent. So it's to use the benchmark of preserving as it exists now I understand that. The spirit of it though is to maintain is kind of what Commissioner Hedani is talking about that you know when my daughter rides her bike along that 50 years from now, you know what is she going to see and not? And so I just think that there's, I don't know if I have a question in here for you or not but it's just like it just seems as though to go to there's 33 percent so now we're good guys because we're gonna maintain that or make it better. It just seems a little bit misguided or just it seems a little bit...I'm not saying you guys are disingenuous because ask the other people have said, what you guys are doing is setting a new standard and I like that, I mean, like just what you guys are doing and the way you're trying to go about it is fantastic, but I just think to give us a little slice here and a little slice there and another slice there and then think that we're supposed to feel grateful for that I'm just having a

hard time with that part of it and whether or not we have to flip everything or do whatever it is I don't know, but it just seems like...anyways I've said what I said.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: I wanna say that I'm not against the project but I'm not sure and there's a couple reasons why. First, I'm concerned about the exclusivity of this project. I'm concerned of a golf course that we all used to go to on the weekend and we're not allowed to anymore. It's not that we're not allowed to golf there, it's we're not allowed to even drive there and see the scenic there or enjoy a restaurant or you know like every other private place. Four Seasons, you know, you can drive through there, walk through their lobby, Grand Wailea. I'm fortunate enough to have a business on the Big Island and I was fortunate enough to be a vendor to Kokio which is also a Discovery Land Company. The irony is I'm not allowed on that property because just like this property it's exclusive. It's a wall of lava with a gate and the mighty gates open up and the fortunate and the hard of working they get to go and enjoy this great area but there's no beach access. The beach access is all the way around. It's not Discovery Land's fault that there's Makena Land, that there's Makena Surf, that there's Hale O Makena and all these people, gated, gated, gated, blocked off the scenery and the trees and all that, that's not your fault, but it's not our fault either. This Planning Commission has our duty to do what we're supposed to do and we're can't speak for other people's exemptions or what they allowed. And I think that's the concern that most people have seen is, is that we have seen what has happened, we've seen that even though they've kept their buildings at two stories, the trees are all four stories and there's no view. We've seen that open places have begun to gate their resorts and it's coming to a place where Makena where I've been with my son, I've camped which we're not allowed to camp over there anymore, but we've camped there on the beach, we've you know, fish for ulua. My sister was married at the church and it's just not the same. And it's not your fault that it's not the same, but you guys can help and how you guys can help is this land is so valuable that people are willing to spend millions, millions of dollars just for the lot, not for a built out, just for the lot. And then they're spending more money just to be part of an exclusive club, 'cause that's what you sell, you sell the exclusive golf club that only certain people can go to. So what you're doing is you're...is unfortunately, again it's not your fault, that's the way this thing is worked. So from Erdman, so down to Seibu, so down to Dowling, and now you guys have this, but they never turned their resorts into exclusiveness and that's a concern and you have to understand that. You have to...it's, it's we're giving away part of Maui 'cause we're afraid we're never gonna see it again. All we're gonna see is your nice gate. It's a beautiful gate by the way, but that's all we're gonna see. You've done it in Kokio, you've done it in Idaho, you've done it Wyoming, on your website it says that's what you offer. So we cannot, we cannot say how great you treat the employees because you don't wanna deal with the rest of the community and that is a concern. You're cutting off the rest of Maui. You want us to let you do certain things, you want us to let you do certain things, you want us to trust you, you're talking about mitigation for this 47 acres what about the golf course you own? There's nitrogen levels that we know are tested high and I've seen nothing about oh, well you know we already started here because we own this land and have the permit and we're already gonna try and fix this. I haven't seen anything in this assessment that deals with how you're gonna build this homes which is in this book mining. That's what you have in here, your construction is mining.

You're gonna mine. I didn't know you need a...you need a mining permit, but you're gonna mine the volcano ash, you're gonna pound it down, you're gonna level it and then now with this beautiful, this beautiful ...(inaudible)...where she has these water catchments well then we'll gonna have to either go down or we're gonna have to go up. So either we're gonna go down even lower, we don't know if there's any lava tubes there. If we go up where is the backfill gonna come from? Where is that dirt gonna come from, are we gonna have to test the dirt because if that runs off? I mean, wow, okay? So you guys have a tough task. It's not your fault, but this is the reality that we're at today. I cannot support this EA as it is. It's not that I will not support because I don't feel it fits the criteria. It's not because I don't want you to have a private club. That's personal that has nothing to do with the decision. It has to do with we have to make sure that we take care of the land. Our decision is going to last past us. So if the EA takes past me at least it's not gonna be another bypass highway that has stoplights on it. Thank you.

Mr. Roy: So we appreciate the Commissioner's comments and thank you for giving us your thoughts. I received several questions in those comments. What we're very hopeful that we can at least do today is address the questions that you have. You know Final EA is a five-volume document. It's obviously taken considerable work to put together and we've gone through a lot of public process where the community has provided a lot of input as well as the commission when we came before the commission on the Draft EA.

But back to the Commissioner's comments I noted down what I thought were the main questions. One is obviously a concern about possibly gating access for the project itself. The other is you know how is this gonna affect shoreline access which in this particular case where the project's located mauka of the Old Makena Road so—

Mr. Robinson: Yeah, I don't think I talked about shoreline.

Mr. Roy: Okay, I apologize. I had just inferred that through your comments. And the third one was about I think it was a grading question about how the development would be constructed by grading of the land?

Mr. Robinson: It was about mining. Mining, in your EA it says mining.

Mr. Roy: Mining?

Mr. Robinson: Mining.

Mr. Roy: Okay, if it's about how the site would be improved in order to construct the homes we have our civil engineer here with us today, she can certainly run you through the grading concept for the project if that would help. I'm happy to come back and answer any additional questions.

Chair Tsai: You want that?

Mr. Divita: Ed Divita. I think I may be able to address some of your questions Commissioner.

Mr. Robinson: I'm sorry, I had so many.

Mr. Divita: That's fine. We appreciate it and I think this type of dialogue and these types of questions can help us become better and help make the project better. With regards to public access this particular project does have public access. The village is designed to be completely open to the public. It's especially designed to be a community gathering place. That concept came from meetings with our community group and with the neighbors, many of them saying we wanna...you know as Makena evolves we want a place where we can go and meet each other and hang out and talk and gather and that is one of the components of this. It's a fairly substantial component.

Another is has to do with gates and walls, et cetera. So I know you pointed out some of the projects along Makena Alanui and in that area that do have high gates and wall that surround the perimeter. You'll notice in our renderings and in our design we do have, we have gates just at access points, but we have created a design that is more open. We're not putting walls around the perimeter of the project. We're trying to keep it open for views and keep it open for that open feeling that includes both the HM project where along the preserve Kings Trail we're not putting walls or putting perimeter walls around the project, we're keeping it open that people who traverse the Kings Trail and go to the Maluaka Beach can enjoy it.

With regards to Kokio I appreciate that that you were there. We did have...we do have a public beach at Kokio. We also developed a public beach at Manini'owali that has 50 parking stalls and we put the comfort stations in and provided a complete access road from Queen Kaahumanu Highway all the way down to Kua Bay which was substantial and that's entirely open to the public and we also built a cultural interpretative center at Kahupulehu that's in operation and it's shared with the public and school children go to the cultural interpretative center at Kahupulehu and the docent teaches them about the practices and history and the archaeology of the area and there's trails where knowledge can be shared and they have overnights and they learn about the stars. And so we need to do that type of thing. We need to do more of that and I appreciate the comment.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: I've got a question for Tyler. So one of the testifiers had a question that I did as well which is in your traffic study, your 24-hour traffic study, what time of year, what day was that study done?

Mr. Tyler Fujiwara: Tyler Fujiwara, traffic engineer. We conducted in our original study, we conducted counts along Makena Alanui Road and that was done in November and thereafter we did the 24-hour count which was done in February the next year.

Chair Tsai: What year?

Mr. Fujiwara: And we also conducted additional counts based on, you know, comments from the Commission, the County, and State. Those counts were done in April.

Chair Tsai: What year?

Mr. Fujiwara: The recent ones were done in 2016. The 24-hour count was done in February of 2016.

Chair Tsai: Thank you.

Mr. Carnicelli: So you basically did three, 24-hour studies?

Mr. Fujiwara: We did one 24-hour count along Makena Alanui Road for two weekday periods.

Mr. Carnicelli: Okay so then the other two...I'm not...I don't understand traffic studies so what were the other two things you did? You go out there with a clicker or you—

Mr. Fujiwara: Yeah, the one done in April was the intersection counts so we did manual intersection counts along Wailea Alanui Drive and Piilani Highway.

Mr. Carnicelli: Okay, thank you.

Chair Tsai: Commissioner Higashi?

Mr. Higashi: I have a question. We've heard five hours of testimony, half for and half against and I think looking at your preparation for this particular permit with your five documents shows that you did an extensive amount of work trying to get as much input as possible in doing the project.

Mr. Roy: Thank you.

Mr. Higashi: I have mixed emotions about this particular project from several points. One is I think Mr. Hedani, Commissioner brought up a good point. We're all volunteers, we're all community members and basically when we look at any project we look at it from the standpoint of what is best for the community and I think one of the things that we always look at is to be sure that the input that is made is addressed to the point that for example this morning we had a planner Jim stepped forward and mentioned about the alignment of the elevation of the buildings and I thought he made good sense about large buildings it doesn't have to be all on the top like Mr. Hedani said the elevation wise it could be vertical going down and then having single-family someplace else but at the same time preserve the vision or the view for future generation. I think our younger generation always talks about the EIS, environment. I'm for EIS too, especially when you talk about 1,800 acres. However, I can see there's a big problem, but what Mr. Hall mentioned about if you're not going to use 1,800 acres and you have to archaeology study it's very expensive and it's not worth it if you're not gonna use it. But however, I think if you own that property I think it behooves you to have a long-range plan to say

that exactly what you're doing now with your standalone 47 acres is to have community input like you've done this past year. I was totally surprised to see the amount of testimony that went along especially when you started this project 2016 and all the representatives that are on this particular board that's why I asked the question were you at the first meeting when the applicant had asked for input and if you're not there why are you here when it's the final meeting one-year later? Now I think that's unexcusable. I think real volunteers are gonna spend the time to make input and you're making corrections than they have responsibility as well to come along. That's why I am in favor of the elderly population. I'm 77 years old where Mr. Kuloloio is beyond my age but he's an elder and he's a kupuna well represented in the community and respected. And those are the kinda things we look for.

Chair Tsai: Your question?

Mr. Higashi: For guidance. We need proper guidance in able to follow through with what they say is what they believe in. And that's part of our responsibility. Our responsibility is to make sure that we follow through with those things but at the same time respect the same younger generation who are looking at preserving our environment, our ocean life, et cetera. Anything that's important.

And one more point I just wanted to make is that when you look at public access, 10 parking stall for a 47-acre is not acceptable. I think there should be more area for our public to be able to get access to the beach and especially like closed, gated community is unacceptable and that is because you take Wailea Gift Shop at one time that parking stall was open for the public. Today you have to pay in order to go into that area which makes it less accessible for the public to go down to Marriott to be able to walk the trail and we don't want that happening in Makena as well. And I think some of the suggestions you have about building parks, et cetera is a very good idea about communicating and having that kind of cooperation with the community.

Chair Tsai: Thank you Commissioner Higashi. Do you have a question?

Mr. Higashi: The question is, the question is will you be amicable to having more ample parking for public access down by the beach area where Makena Landing is 'cause I pass that area and I swear there must be at least 50 public cars parked along that area all jammed. And those are some of things maybe if you could consider that would be great.

Mr. Roy: Maybe if I could share a bit more background with the Commission and this goes a little beyond the action that's being reviewed today as has been talked about a few times today through testimony and I think the Commissioner's comments. ATC Makena Holdings owns a lot of land within the resort including the beach parks of Makena Landing and Maluaka Beach Park. And so they're privately owned parks that are privately maintained by the ownership of Makena Resort but they're publicly available. So the ownership of Makena Resort has an agreement through the County for them to be privately maintained. So ATC maintains the parks but they look and appear as any other County beach park.

So I wanted to focus a little bit on the beach parks in the immediate area because I think it is a relevant item of conversation. While it's not specific to this project, the other, the other lands have a requirement for ATC Makena as the owner of the other resort lands to in one case for Makena Landing for example, upgrade and I'm trying to use the correct words but upgrade and beautify Makena Landing Beach Park. And so there's actually been a lot of work on that item over the past couple of years with the Department of Parks and Recreation and the intent is to go in and renovate and beautify Makena Landing so it's in better upkeep than it is today and has more facilities available. So that's Makena Landing in itself.

Maluaka Beach Park which is the Prince Beach south of Maluaka Beach there's that other park that's called Maluaka Park that again is owned by ATC Makena and is privately maintained and available for public use. There's a requirement also for the ownership to expand that park by 1.5 acres and again, that's another item of work that's been happening separate to this project but it's a requirement that the ownership of Makena Resort feels that they wanna move forward with because it's improving public beach access and public beach parks in the area. So I wanted to just draw the Commission's attention to that specifically. I know it may not necessarily address the beach parking comment but there is also a requirement for Makena Resort to add additional beach parking in the vicinity of those beach parks. So it will be provided into the future. It's just with this particular project there's 10 beach access stalls that have been agreed upon with the Department of Public Works because that roadway, Honoiki Street is a County-owned and maintained facility.

So there's actually been quite a lot of meetings with the Department of Public Works to agree upon a plan for improving that street. And one of the items that have been agreed upon with the County, the Department of Public Works is that it's an appropriate location to put in 10 beach access stalls in that location.

Mr. Higashi: That sounds great.

Chair Tsai: Commissioner Duvauchelle?

Ms. Duvauchelle: Sorry, I'm gonna have to leave which is going to be before the end I'm assuming but I'm gonna do a 360. I'm actually one of the Commissioners that have been here with you from the beginning and I think that you have done a great job addressing all of our comments, our site visit. I think it's a work in progress. You know you'll be back in front of everybody for SMA for more public hearings. I do like the idea of improving the view corridor and I think will be an opportunity to do some of those refinements later on in other approvals. I would actually, I would support your Final EA and your FONSI. And thank you all of you for your time and today's testimony and I'm gonna have to leave. I'm sorry. Good job.

Mr. Roy: Thank you.

Chair Tsai: Hold on a second. I think we're gonna have a motion?

Mr. Carnicelli: I have another question. Can I just ask one more question?

Chair Tsai: Yeah, Commissioner Carnicelli?

Mr. Carnicelli: Just one more question. I wanna go back to the parking.

Chair Tsai: You wanna stay for a second?

Mr. Carnicelli: We're getting 10 stalls on I keep forgetting the name of the street, but really it's going to be a net loss because of all the parking that you know when you drive down there now everybody parks on the side of the road. You got all the kayak guys, you got the, you know, the commercial people, everything like that and so a lot of that is gonna be a net loss. And for you to say, you know just now that ultimately you're going to have to increase parking for us locals, I'm looking at that map and going I gotta hike somewhere. I'm gonna have to park like, you're...you know, where's the parking gonna go 'cause it's gonna have to go mauka. So suddenly if I'm gonna go there again with my daughter you're gonna have to put parking somewhere where I'm gonna have to hike down to Makena Landing. The parking is not going to go next to Makena Landing because we're developing it out. So where's that parking gonna go?

Mr. Roy: It's a good comment. There is limitations obviously in terms of the amount of land that's available in the area. The slide that Bryan has up on the screen here shows the locations of the beach parks in the area. So we talked a bit about Makena Landing. The one in the middle with the dashed box is North Maluaka. That's the parking area just across the street from Keawalai Church.

Mr. Carnicelli: ...(inaudible)...

Mr. Roy: And then the one furthest to the right which is on the south end of Maluaka Beach you probably know it well.

Mr. Carnicelli: I've been there.

Mr. Roy: There's a turnaround area and there's parking stalls there. So together there's actually also 10 additional beach parking stalls that will be installed as part of the hotel redevelopment project to the south of this project. So cumulatively there are beach parking stalls in the area. I do take the comment about there needing to be additional parking stalls. ATC Makena Holdings is certainly in the midst of evaluating feasible locations for the additional parking that needs to be provided as part of the requirement for the other lands. They don't have a location at this point—

Chair Tsai: Thank you, Mark.

Mr. Roy: --but it's certainly a search in progress.

Chair Tsai: Commissioner Canto? You have a motion?

Ms. Canto: Thank you. Yes. At this point, I'd like to make a recommendation that the Commission accept the Final EA and issue a FONSI determination. So I make that motion.

Ms. Duvauchelle: I'll second the motion.

Chair Tsai: So I have a motion to accept the Final EA and a second. Discussion regarding the motion?

Ms. Canto: Just a little bit. In reference to Commissioner Higashi's concern regarding parking. I just wanna add this in. I didn't have time to do it. I seriously wish that you would consider his concerns regarding the parking please.

Chair Tsai: Commissioner Duvauchelle?

Ms. Duvauchelle: And to second this motion it's a lot of trust that we're putting into your hands. So I would take the history that I've watched over the last two years of you answering and working with the community and anticipating what you're saying you're going to build I hope is what you end up doing, but at this point I think you've met all the criteria. I approve, I support the EA and the FONSI. Thank you.

Chair Tsai: Just for ref, for note, Commissioner Canto you guys are for approval without any conditions regarding parking?

Mr. Spence: You have no conditions.

Chair Tsai: Director?

Mr. Spence: Commissioners, today what you're doing is either accepting the EA, you're saying that, you know as the project has progressed you're saying that this document discloses all the information that's needed or it doesn't. By accepting it you're saying these five volumes that's sufficient and or you're saying it needs to go and it needs to do additional analysis through an EIS. There's no conditions on it. It's either one or the other. So and I would also remind the Commissioners that one way or another a project will come back to this commission for an SMA permit and that time there will be conditions put on it and there will be, you know additional analysis specific to the criteria for the Special Management Area and your rules.

Ms. Cua: If I could just add one thing based on our memo, in addition to the two scenarios that Will talked about, there is a third which is the deferral of the Final EA and that says if you find that additional information is required to make a determination on the Final EA then you can also defer. Once the additional information incorporated, the applicant resubmits the final to the Department and the Department retransmits the document to the Commission. So three choices, accept the Final EA as it is, defer the Final or prepare an Environmental Impact Statement. That's your three choices that are outlined in the memo that the Department prepared for you.

Chair Tsai: Thank you. Any other discussion? Commissioner Carnicelli?

Mr. Carnicelli: Just briefly. I don't feel as though there is enough information in this ... (inaudible)... for me to approve the EA and so then I will not be supporting the motion.

Chair Tsai: Commissioner Hudson?

Mr. Hudson: There's no doubt in my mind that the developer worked really hard with the community. It's commendable in fact. He addressed concerns like view corridors. Maybe more alternatives could be brought forward. He addressed reef impacts that maybe best management practices could be reevaluated and articulated. The archaeological sites it should be reviewed by another person I think. Once done this thing can't be undone. This project has a minimum life span of 50 years. I won't be here and this project will still be here, but my children will be here and their children's children will be here. So the decision we make today affects us for a long time to come. It seems most of the work for an EIS is already completed. I think three to five years is unreasonable. I don't see any reason, any reason at all this project should move any faster than is reasonable and prudent. It is my opinion then that an EIS be completed. I think the merits of an EIS far outweigh any benefit that pushing this thing through would accomplish. Thank you.

Chair Tsai: Thank you. Commissioner Robinson?

Mr. Robinson: I am not in support of this document. And I'm not saying that it needs an EIS right now. I think it's a work in progress. I think we had one meeting. We had one walk through and there's five volumes that we go through and we gave the 28 comments, most of them were addressed, some of them weren't such as view planes and you're making it hard on us to just make a decision, you're good to go. I don't think a SMA is gonna be able to fix some of the things of our concerns. I think SMA is good as last minute. I think a lot of things that we heard sound good but we need more information on it and I'm in favor of a deferment for more information. I don't wanna push this project back but I don't wanna push it forward thinking that it's good as it is. Thank you.

Chair Tsai: All right, let's call...oh, Commissioner Hedani?

Mr. Hedani: I have a hard time supporting the approval as is only because I think more analysis should be done on the view perspectives because I think the developer has demonstrated that by substituting single family for the multi-family buildings they have opened up view corridors you know for the project and it's demonstrated in the vistas that were displayed. I think that can be expanded and I think I don't necessarily support going all the way even with an EIS. Five volumes of stuff is almost enough. It's just one thing from my perspective that they haven't analyzed completely yet and that one thing upsets the whole apple cart, but it will be a better apple cart in the end.

Chair Tsai: Thank you.

Ms. Canto: I'm going to retract the motion.

Chair Tsai: Oh.

Ms. Canto: Redo another motion. I'd like to retract my motion...(inaudible)... and then

Chair Tsai: We have a first and a second.

Mr. Spence: You have a first and second. If she wants to retract, she has to retract her second.

Chair Tsai: Go ahead.

Mr. Hedani: Move to defer for six months.

Ms. Canto: This we have to—

Chair Tsai: Well, we have to vote—

Mr. Spence: We have to deal with—

Chair Tsai: Okay, so we have motion—

Ms. Duvauchelle: So I will retract the motion to support a motion to defer.

Ms. Canto: Right, and then I'll make that motion to defer.

Chair Tsai: Okay, so we have a motion to defer. That's sufficient.

Mr. Hedani: This motion to approve.

Chair Tsai: She just retracted. It's off the table. Okay so we have a second motion.

Mr. Giroux: State the new motion.

Chair Tsai: We have a new motion to defer.

Ms. Canto: I move to defer.

Chair Tsai: And we have a second by Commissioner Duvauchelle.

Ms. Duvauchelle: Commissioner Hedani.

Chair Tsai: And Commissioner Hedani. Any other discussion? Commissioner Robinson?

Mr. Robinson: I understand the time element Chair, but I had a couple more questions for the applicant that I think would help in the deferment so when we come back we don't ask for another one. Like I said I think it's still ongoing. I think a deferment might be a 15-20 minutes premature and that's just my feelings. If this deferment doesn't give us a chance to go ahead and address the applicant then I won't be...you know what I'm saying...I mean, it's like we're—

Mr. Spence: Maybe Corp. Counsel would wanna say something, but I think it seems the intent of the Commission is to defer to get additional information before they consider...(inaudible)...okay, if this motion passes to defer right now after the motion you can say, okay applicant go get this and this and this. I mean, you can clarify all the things you want after if this motion passes.

Mr. Robinson: Okay.

Mr. Roy: Question, clarification from the applicant's side if that's okay? Does the motion need to specifically identify what the Commission would be looking for or could it occur after the?

Mr. Robinson: It's up to us.

Mr. Spence: Okay, we can do a second motion for all the things that we want clarified or they want clarified.

Chair Tsai: So we have a motion on the floor to defer. Discussion? Commissioner Hedani?

Mr. Hedani: The motion to approve was withdrawn.

Ms. Canto: Yes.

Chair Tsai: Yeah. We got both. Yeah, so any discussion regarding defer?

Mr. Robinson: Did we get a second?

Chair Tsai: Yes. He second or Commissioner Duvauchelle. So Commissioner Hedani?

Mr. Hedani: Since I created all these problems I'm not gonna be on the Commission when it comes back.

Chair Tsai: Me either. That makes two of us.

Mr. Hedani: So good luck guys.

Chair Tsai: Exactly. All right, any other discussion? Director, can you repeat the motion?

Mr. Spence: Right now is to defer acceptance of the EA for additional information to be gathered.

Chair Tsai: Okay, call for a vote. All in favor?

Mr. Spence: That's seven ayes.

**It was moved by Ms. Canto, seconded by Mr. Hedani, then**

**VOTED: To Defer the Matter for Additional Information.  
(Assenting – P. Canto, W. Hedani, L. Hudson, L. Carnicelli,  
K. Robinson, S. Duvauchelle, S. Castro, R. Higashi)**

Chair Tsai: Motion passes. And is there a second motion asking for specific questions?

Mr. Carnicelli: Clarification?

Chair Tsai: Yes?

Mr. Carnicelli: So when they come back it can still get denied, correct?

Mr. Spence: You could.

Mr. Carnicelli: Okay. Or I mean we can do whatever, we still have those same three options when they come back?

Chair Tsai: Yeah.

Mr. Carnicelli: Right, okay.

Chair Tsai: So do we want to have a list together and a motion? Commissioner Robinson since you had some questions?

Mr. Robinson: I'd like to, it has to be a motion or can I continue asking questions?

Mr. Giroux: Let's compile a list because what you've just done is deferred because the indication is that the document might be insufficient. So what you wanna do is make it very clear and make a list as to why or what information would clarify those points.

Mr. Robinson: And are we also able to submit it in a written form as well after today?

Mr. Giroux: No. I mean, you better get it on the record right now because if this is a motion they need to have clear direction as to why you are not finding this document to be sufficient.

Mr. Spence: Yes, and then the Department will send them a letter.

Unidentified Speaker: You had questions.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: I move to request additional information the applicant on the EA relative to a further analysis on view planes to consider placing taller buildings further away from Wailea Alanui and shorter buildings closer to the roadway in order to preserve view planes.

Chair Tsai: Okay, Commissioner Hudson?

Mr. Hudson: So do we just add to Commissioner Hedani?

Chair Tsai: Yeah you can just keep adding to it.

Mr. Hudson: I would like them to, there was a doctor that spoke earlier regarding the archaeological sites. I would like her committee to review those archaeological sites that they have listed. She didn't have an opportunity to review it. Probably gonna have to go back through the minutes because I forgot her name.

Ms. Cua: Oh, Six.

Mr. Spence: Janet Six.

Ms. Cua: Janet Six.

Chair Tsai: Yeah. You got that? Waiting for the...Commissioner Hedani?

Mr. Hedani: I would like them also to consider expanding additional parking at Makena Landing.

Chair Tsai: Makena Landing only or by the green street and—

Mr. Hedani: I think the place that the public wants to go to is Makena Landing.

Chair Tsai: All right.

Mr. Robinson: And I'd like...go ahead did you—

Mr. Roy: Sorry, a point of clarification. So this project is specifically defined by a project area as we talked about M5, M6, S7, B2 and the improvements to the neighboring roadways it doesn't include Makena Landing Beach Park. As I mentioned there is a separate work effort underway by the resort as a whole to improve Makena Landing Beach Park. What I believe the applicant's willing to explore with the Department of Public Works is maybe if there's additional opportunities along the roadways in addition to the 10 stalls if that would be acceptable.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: Just to clarify. What I'm talking about is the loss of parking at Makena Landing that would be taken away by any improvements that the project does in that area. To see if that can somehow be accommodated.

Mr. Roy: Okay, so I think the comments to that effect were there's a perceived loss of parking along the Old Makena Road. So we can certainly look into that with. We'll need to work closely with Department of Public Works though because it's a county road there.

Mr. Hedani: Or if you move the taller buildings makai, a portion of that project could include a parking lot.

Chair Tsai: Hey, there you go. That's creative. And perhaps also with this add the 10 spots we're in discussion of, if you guys can increase the number count for that?

Mr. Hedani: Let him write it down first.

Chair Tsai: Commissioner Higashi?

Mr. Higashi: Could that be added that it be as close as possible to the access of the ocean rather than having it...ample parking but it's so far away that you gotta hike.

Chair Tsai: Right. Increase the count for the 10 stalls and make it closer proximity to the ocean.

Mr. Higashi: Access.

Mr. Robinson: I guess you haven't been to a lot of Big Island beaches.

Chair Tsai: There are no beaches on Big Island.

Mr. Robinson: ...(inaudible)...you have to hike them all. Are you caught up?

Mr. Roy: Could I read that comment back to the Commission just to make sure I've captured it?

Chair Tsai: Yes.

Mr. Roy: So I said, and we can change it as you feel fit. Look into feasibility of additional public access stalls beyond the 10 stalls on Honoiki Street as close as possible to the ocean. Is that fair? Okay.

Chair Tsai: Go ahead. Commissioner Carnicelli?

Mr. Carnicelli: I didn't get to it in questioning but one of the testifiers talked about disparity between the Kihei Community Plan and the project and so if, and I again I don't have specifics for you but if you could just look at the Kihei Community Plan. I mean obviously we're talking about view corridors so there's something in regard to that, but the other side of it as far as just you know affordable housing is supposed to be onsite in the Kihei-Makena Community Plan. There's some items that one of the testifiers spoke to that I think should be addressed as well.

Mr. Roy: So I've got that down as rereview 'cause we already have reviewed the project in terms of the community but rereview the proposed project in terms of the Kihei-Makena Community Plan.

Mr. Carnicelli: Yes sir.

Mr. Roy: Okay.

Ms. Cua: Is that with regard to affordable housing?

Mr. Carnicelli: One of the things, yes.

Chair Tsai: Commissioner Canto?

Ms. Canto: Actually I had a concern with affordable housing. I think Carnicelli took care of that.

Chair Tsai: Okay.

Ms. Canto: Just if they could come back to us with a little more substance on affordable housing.

Chair Tsai: Okay. Commissioner Hedani?

Mr. Hedani: On the question of water I'd like to find out whether or not the well that's punched in Wailuku will affect sustainable yield for the lao aquifer.

Chair Tsai: Robinson?

Mr. Robinson: You're ready?

Mr. Roy: Oh, just a second please.

Mr. Hedani: I guess my question you know to be clear is to find out, I was told at one time that the lao aquifer were 20 million gallons per day and once you hit that it starts going salty which is not a good thing. So the question is where are they at right now and will the well that's added for this particular project affect that situation?

Mr. Roy: Affect the sustainable yield. Okay, thank you..

Mr. Robinson: Can I go?

Chair Tsai: Either one you guys.

Ms. Canto: I just have a question. I don't know that it's okay to ask but the custom homes so they build a pool, right? The water is a concern for those pools. I'm sure they're gonna have pools in there. So I mean, I don't know, can anybody tell me how much water is used for those?

Mr. Robinson: Thirty thousand.

Ms. Wong: Adrienne Wong. Yes, in our analysis we did assess a swimming pool.

Ms. Canto: How much water does one of those?

Ms. Wong: Oh I don't have that information.

Ms. Canto: Thirty thousand gallons.

Mr. Robinson: In the pool...(inaudible)...but then then there's the natural...(inaudible)...

Ms. Wong: It's kind of incorporated into the PER.

Ms. Canto: So it's part of your assessment then?

Ms. Wong: Yeah.

Mr. Roy: It's already part of the Environmental Assessment.

Ms. Canto: Okay, all right. Thank you.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: I think you might wanna clarify which type of pool. Infinity pools use a lot more water than the regular sitting, standing pools. I'd like to see if we could get...it's...if we have a current location that is using that fantastic water savings, a device that we just heard of, of the low impact development. I'd love hear that. Also, I noticed, ...(inaudible)...where I notice on those green streets on the lots, I notice that you had a little shades of green for was that also LID on top of those individual lots as well and you could just nod and then do it later if those could be, if you could be more detailed in that the following time of what those water should catch per lot. I think when it goes with the construction and when you're able to come back to give a detail of how the construction is gonna be in maybe phase of three of the mining and laying of the lots, who is going to be the monitor during construction? How much money you're allocating for monitoring?

Mr. Roy: You're talking about archaeological monitoring?

Mr. Robinson: No, I'm talking about construction.

Mr. Roy: Okay.

Mr. Robinson: During construction you have archaeological, you have the BMPs, you have different people watching out for different things, and I'm hoping that that with the phases we can also hope that you do the catchment and water saving phase first and you kind of work that way so that will help up in understanding that. I also like to know truthfully what is the 10-year plan for Land Discovery in this area. Doesn't have to be 50 but in the next 10 years truthfully what is your plan because if there is no plans then hopefully we can put a moratorium on your meeting. If there is a plan it's better that we get in front of it now and so that way you guys won't slow down.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: The marine biologist talked about automated sensors and instrumentation in the best management practices, you know, as far as like silt fences and things of that nature so if we could somehow have that incorporated in that would...yeah just if you could just articulate what they are and how they might be used or not used?

Mr. Roy: So that's the additional information on the water quality sensors for the LID.

Mr. Carnicelli: Yeah, during construction, during the construction process, right not just after the project's done but during construction process.

Mr. Roy: Okay.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: I'd also like to hear more about, about what ATC is actually contributing to the community. When I heard about you guys having a acre park up there I was like wow, that's fantastic, I wish you guys would share that 'cause that's a good thing you guys are doing. Also, I notice on the list up there we had earlier on the bottom had school impact fee and you didn't get a chance to get to that during your presentation. I'd like to hear about the impact fee. I also read inside the EA where you guys, where you guys plan to let charity events use the golf course. I'd like to know the amount of charities you guys have done so far in the last four years.

Chair Tsai: Director?

Mr. Spence: It's already in that document.

Mr. Robinson: Well, no it said charities but it didn't say if they did any or not. It says they propose. So I'm asking if they did. I'm trying to find some goodwill that's all it is, Planning

Director. I think goodwill helps everybody socially economically if...and I think you know the more good you do the better it is, you know, you know. Thank you.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: Mr. Roy, I'm not sure if it's contained in these five volumes or not, but there was a reference to a 2006 scenic resources inventory protection map and overlay with scenic corridor protection map in the Maui Island Plan Draft if you could please display that for the Commission.

Mr. Roy: Okay, sure.

Mr. Hedani: Just so we understand.

Mr. Roy: They were not formally adopted as part of the Maui Island Plan process. So I'm not sure what the state is of those documents.

Mr. Hedani: Right. I believe it was in the draft that it was referred to. Somewhere in these documents it referred to that.

Mr. Spence: Well, you can call us and we'll see what we can find.

Mr. Roy: Okay.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: I'll wait for you to finish writing. You're hand's going to cramp up.

Mr. Roy: Okay, ready for you.

Mr. Carnicelli: I would also, you know you guys are using rock and coral materials on the buildings. I'd like to know where you're gonna be getting those from.

Mr. Roy: Okay.

Mr. Robinson: Jack if you could, if you could share with us the mitigating—

Chair Tsai: Mark.

Mr. Robinson: Mark, I'm sorry. There's a "a" and "k" in there. I deeply apologize.

Mr. Roy: That's okay.

Mr. Robinson: If you could share with us the mitigation you folks are using for the golf course and trying to contain the nitrogen that's been happening. Appreciate that. Thank you.

Mr. Roy: Sure.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: Yes, I'd like to get an explanation of the increase from 45 feet to 60 feet in height and if that applies to all buildings?

Mr. Roy: Okay.

Chair Tsai: Anything else Commissioners?

Mr. Roy: It does not apply to all buildings but we'll certainly take that comment and respond to it as part of coming back to you.

Chair Tsai: Okay, so I need a motion to approve the list which we can have Ann read back.

Ms. Canto: So move.

Mr. Hedani: Second.

Chair Tsai: Okay, Ann please?

Ms. Cua: So you want them to provide additional discussion on view planes and to consider placing taller buildings away from Wailea, excuse me it's Makena Alanui to preserve additional view planes. You want them to have Janet Six, Dr. Janet Six review archaeological documents, expand additional park at Makena Landing, no parking stalls, no wait what was that, I'm sorry.

Mr. Roy: So I had it evaluate feasibility of providing additional public access stalls beyond the 10 stalls as close as possible to the ocean.

Ms. Cua: Okay, I have that in a separate comment. Let me scratch this one out then. Okay, so I think this, I have these two points that I think is together I guess it was the loss of parking on Old Makena Road was discussed and as a result, you want them to look at increasing the 10 beach parking stalls on Honoiki Street as close as possible to the ocean. You want them to take a look again at the Kihei-Makena Community Plan. I got specifically with regard to affordable housing. And then regarding affordable housing, I think Commissioner Canto mentioned you want a more substantive discussion on affordable housing?

Ms. Canto: Yes.

Ms. Cua: I got that. And then about the...you had a question about the Wailuku well and whether that the tapping of that well would affect the sustainable yield of the aquifer. There was a question on the amount of water used for the pools and I think the response was that it was already incorporated into the overall water usage numbers but I think there was a question on

what type of pools. So I guess maybe further clarification on that. Correct me if I'm wrong if any of these don't need to be discussed. There was I guess a testifier that talked about the automatic sensors that could be used to measure water quality, to help with the measuring of water quality and so I think there was a question on possibly looking at that and I think it was mentioned that there are some type of measuring devices that's part of the low impact development process and I think that was talked to, she was...

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

Ms. Cua: Okay. You want to know the 10-year plan for Discovery Land. You want to know also what they are doing for the community as you are aware of some things, like the park, that they're paying the DOE fee that they're planning to allow charity events to use their facilities. So you want them to discuss that a little bit further. You would like more discussion on that 2006 scenic resource protection map even though it wasn't incorporated as the Maui Island Plan, I understand you want that discussed a little bit. Oh, the rock and coral that is, I can't even understand my writing, that is proposed on some of the buildings you want to know where that's going to be coming from. You want them to discuss further their mitigation for the golf course runoff even though it's not part of this project. Okay. And you want explanation, additional explanation 'cause I think they had indicated several times that because of the community plan policy which we had talked with them about that says buildings shall be, buildings along the shoreline shall not be higher than 35 feet and then gradually extend to 70 feet and that was part of what was driving the placement of the buildings on the site. As a result of the Commission's comment to try and expand views they did come and talk with the Department and in trying to eliminate buildings and I think it was talked about in trying to eliminate buildings they accommodated for the loss of units by adding height to some of the proposed buildings where views were already impacted. So you want just them to reiterate that again.

Chair Tsai: Justification.

Ms. Cua: So that's all I have. Am I missing anything?

Chair Tsai: And regarding the view plane specifically looking at reordering...the repositioning the buildings and see if a possibility of looking at putting taller buildings closer to the ocean so you don't, and reverse I guess.

Ms. Cua: I think that was my first comment.

Chair Tsai: Yeah, I just want to make sure you got that. Thank you.

Ms. Cua: And I'll work with Mark on language, you know, he got notes, I got notes. But I think we got the gist of what you want.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: Yeah, just on that first one is I understand what you said but I thought I heard different. I thought it was an explanation of why, you know, it's we didn't say why you're moving the building, it was more of well, you're trying to put a bigger building and it's covering the view plane. I mean, it's kind of a justification, well we wanna put less buildings so we're gonna go higher and then we can't go lower because we can't go pass 35 and I think the question or the comment was just we don't care how you do it, you just gotta have a view plane.

Ms. Cua: Well there were two comments.

Mr. Robinson: Right?

Ms. Cua: There were two comments.

Mr. Robinson: No, no, yeah but we weren't, we weren't trying to have them justify it. We wanna say, you know give an alternative to make the view plane, you know how it should be.

Ms. Cua: And that was in the first comment, but the last comment was an explanation of the increase in height for some of the buildings.

Chair Tsai: For some of the buildings because it went up to 75 feet, so okay.

Ms. Cua: It didn't go up to 75, but...

Chair Tsai: Commissioner Hedani?

Mr. Hedani: Just an explanation, Ann, if you say you're expanding the view plane by taking away a building and then you go from 45 to 60 feet for all the buildings it makes the whole project worse not better. So all I'm asking for is the explanation of why they're going from 45 to 60.

Ms. Cua: And they didn't go on all buildings just to clarify.

Chair Tsai: Okay, so—

Mr. Roy: Excuse me, I had a couple of comments I wanted to clarify if they were still valid or not beyond Ann's notes.

Chair Tsai: Yes.

Mr. Roy: So the first one was who is going to monitor construction I had down.

Chair Tsai: Right.

Mr. Roy: Is that still a comment?

Chair Tsai: Yeah.

Mr. Roy: That you want us to address.

Chair Tsai: Yeah, who's gonna monitor construction.

Mr. Robinson: And the budget and the budget for that monitor.

Ms. Cua: Wait. Monitoring in terms of what?

Mr. Robinson: Who is monitoring the BMPs and what is the budget for that?

Ms. Cua: Oh.

Mr. Roy: And then other one—

Chair Tsai: Commissioner Hedani?

Mr. Roy: Excuse me I had another one.

Mr. Carnicelli: Mark has another one.

Mr. Hedani: It's not a request for information from them, but I was wondering if we were gonna have an ability to make comments for the record relative to testimony that we got today?

Mr. Spence: Say that again?

Mr. Hedani: Let me just say it. From my perspective some of the testimony that we got today from organizations like the Sierra Club which monitored and engaged in a 600-person petition encouraging people to show up and take our time all day long is disingenuous if they were invited by the developer to participate in the discussions from the onset.

Chair Tsai: Right. Yes. Very good point.

Mr. Roy: So the other...I just had one last official comment here. I'm just trying to find it, sorry. Was what kind of charity events are held at the golf course was that?

Chair Tsai: That was covered.

Mr. Roy: Oh, that was covered?

Chair Tsai: Yeah, she's got that one.

Ms. Cua: Yeah.

Chair Tsai: Okay, so we have a first and second. Let's call for a vote to approve the list. All in favor?

Mr. Spence: Seven ayes.

Chair Tsai: Motion carries. All right, thank you.

Mr. Roy: Thank you. Thanks very much for your time today.

**It was moved by Ms. Canto, seconded by Mr. Hedani, then**

**VOTED: To Approve the List of Additional Information Requested.  
(Assenting – P. Canto, W. Hedani, L. Hudson, L. Carnicelli,  
K. Robinson, S. Castro, R. Higashi)  
(Excused – S. Duvauchelle)**

Chair Tsai: Director, let's wrap this up.

Mr. Spence: Commissioners, we got a couple other things.

**D. ACCEPTANCE OF THE ACTION MINUTES OF DECEMBER 13, 2016 MEETING AND  
REGULAR MINUTES OF THE JULY 12, 2016 MEETING AND PORTION OF THE  
OCTOBER 25, 2016 MEETING (ITEM C-1) and PORTION OF THE DECEMBER 13,  
2016 MEETING (ITEM C-1)**

Mr. Spence: Item D, Acceptance of Action Minutes of December 13, 2016.

Mr. Hedani: Move to approve.

Chair Tsai: Quiet please for a second.

Mr. Spence: Hang on, I wasn't finished reading. Regular minutes of July 12, 2016, and portion of October 25, 2016 meeting and portion of December 13, 2016 meeting.

Mr. Hedani: Move to approve.

Mr. Robinson: Second.

Commission Members: Aye.

**It was moved by Mr. Hedani, seconded by Mr. Robinson, then**

**VOTED: To Accept the Action Minutes of the December 13, 2016 Meeting and  
Regular Minutes of the July 12, 2016 Meeting and Portion of the  
October 25, 2016 Meeting (Item C-1) and Portion of the December 13,  
2106 Meeting (Item C-1).**

**(Assenting – W. Hedani, K. Robinson, P. Canto, S. Castro,  
L. Carnicelli, L. Hudson, R. Higashi)  
(Excused – S. Duvauchelle)**

Mr. Spence: Director's Report.

**E. DIRECTOR'S REPORT**

- 1. SMA Minor Permit Report**
- 2. SMA Exemptions Report**

Mr. Spence: E1, 2 and 3, well, 1 and 2 are the SMA Minor and SMA Exemption Report.

Mr. Hedani: Move to accept.

Mr. Robinson: Second.

Mr. Spence: All in favor?

Commissioner Members: Aye.

Mr. Spence: It's unanimous.

**It was moved by Mr. Hedani, seconded by Mr. Robinson, then**

**VOTED: To Accept the SMA Minor and SMA Exemption Reports  
(Assenting – W. Hedani, L. Carnicelli, L. Hudson, K. Robinson,  
P. Canto, S. Castro, R. Higashi)  
(Excused – S. Duvauchelle)**

Mr. Spence: And then Clayton, discussion of future Maui Planning Commission agenda items.

- 3. Discussion of Future Maui Planning Commission Agendas**
  - a. January 24, 2017 agenda items**

Mr. Yoshida: We have the International Christian Fellowship Draft EA and also—

Chair Tsai: Speak up Clayton?

Mr. Yoshida: We have a Draft EA for the International Christian Fellowship Church in Lahaina, request for Makila Ranches to delete two conditions of their SMA Permit for Makila Ranch Estate 2, we have two decision and orders for the Derrek Hoyte, Camp Maui Project County Special Use Permit and the denial of the petition to intervene from Hal Davis on the Lona Ridge Conditional Permit and Special Permit and we have two SMA time extensions to waive or not to

waive the review to complete construction of the Andaz Hotel and to complete construction of the Parks Department Paani Mai Park expansion project in Hana.

Mr. Carnicelli: Chair?

Chair Tsai: Yes.

Mr. Carnicelli: I will not be at the next two meetings. I apologize, but I just want to let you know.

Chair Tsai: Thank you. Commissioner Higashi?

Mr. Higashi: I had a motion to commend the Director and the Planning Staff for having the majority of the SMAs either done or approved.

Chair Tsai: Good job. All right, if there's nothing else meeting's adjourned. See you guys January 24<sup>th</sup>.

**F. NEXT REGULAR MEETING DATE: January 24, 2017**

**G. ADJOURNMENT**

The meeting was adjourned at 5:30 p.m.

Submitted by,

Carolyn Takayama-Corden  
Secretary to Boards & Commissions II

**RECORD OF ATTENDANCE**

**Present**

Pua Canto

Lawrence Carnicelli

Stephen Castro

Sandy Duvauchelle, Vice-Chairperson (in attendance at 10:06 a.m. and excused at 5:00 p.m.)

Wayne Hedani

Richard Higashi

Larry Hudson

Keaka Robinson

Max Tsai, Chairperson

**Others**

Will Spence, Director, Planning Department

James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel

Rowena Dagdag-Andaya, Deputy Director, Department of Public Works (on-call)