

**HANA ADVISORY COMMITTEE TO THE
MAUI PLANNING COMMISSION
REGULAR MINUTES - OCTOBER 26, 2017**

** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 2200 Main St., Suite 315, Wailuku, Maui, Hawai'i. ***

A. CALL TO ORDER

The meeting of the Hana Advisory Committee (Committee) was called to order by Vice-Chairperson David Kawika Kaina, at approximately 4:07 p.m., Thursday, October 26, 2017, at Helene Hall, 150 Keawa Place, Hana Bay, Maui, Hawaii.

A quorum of the Committee was present (see Record of Attendance).

Vice-Chair Kawika Kaina: Call this meeting to order. I'm sorry for the delay. Alrighty. Everybody seated? Okay, I apologize for the delay, we were expecting Gale but he got caught in an emergency, so bear with us.

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 unless new or additional information will be offered.

Vice-Chair Kaina: Alrighty. So the first line item on the agenda, we're looking at public testimony, however, since we only have the Nahiku Community Center on the agenda, we would like to ask if everyone could wait and have you testify on both the issues, and if this means you -- you what to have the six minutes instead of the three minutes, that's fine. Any comment on that? Also, we're going to ask everyone to testify during the public hearing portion. Alright, so we're at public hearing.

Vice-Chair Kaina read the following agenda items into the record:

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

1. **WILLIAM SPENCE, Planning Director, transmitting the following requests for the proposed Nahiku Community Center to be located on approximately 1.9 acres of land at 0 Nahiku Road, TMK: (2) 1-2-002:023, Nahiku, Hana, Island of Maui (P. Fasi):**
 - a. **Community Plan Amendment from Agriculture to Public/ Quasi-Public, (CPA 2017/0002);**
 - b. **State Land Use District Boundary Amendment from State Agriculture District to State Rural District, (DBA 2017/0002);**
 - c. **Change of Zoning from Agriculture to P-1 Public\Quasi-Public, (CIZ 2017/0002);**

2. **KAALA BUENCONSEJO, Director, DEPARTMENT OF PARKS AND RECREATION requesting a Special Management Area Use Permit for the Nahiku Community Center Project and related improvements located at 0 Nahiku Road, TMK: (2) 1-2-002: 023, Nahiku, Hana, Island of Maui. (SM1 2017/0002) (P. Fasi)**

The proposed action includes the replacement of the former grammar school building site with a community center building of approximately 2,472 square feet in size and related improvements, including a paved parking lot and driveway and installation of an individual wastewater system. The proposed community center includes a social hall, kitchen, storage areas, restrooms, and a covered entry lanai.

TERRY KRISTIANSEN, IRENE PAVAO, and JOHN BLUMER BUELL submitted a Petition to Intervene on the applications for the Nahiku Community Center in Public Hearing No. 1 (agenda item C.1) and Public Hearing No. 2 (agenda item C.2) on October 10, 2017. They represent themselves and MOKE BERGAU, ELLEN KAHOOKELE, JEAN MARY KAHOOKELE, JEFFREY C. PAISNER, MAX MATTSON, JAMES KAHOOKELE III, TERESA ALLRED, and SHARON KAHOOKELE. The Maui Planning Commission will act on this Petition to Intervene at the meeting when it reviews the Hana Advisory Committee's recommendations on the items in Public Hearing No. 1 and Public Hearing No. 2.

Unidentified Speaker: Excuse me, we got a quick correction. It's 1.09 acres, not 1.9 acres.

Vice-Chair Kaina: 1.09 acres, so not 1.9, 1.09 for the record. So before we start the public hearing, we are in receipt, as of yesterday, a letter from Mr. Blumer-Buell, John Blumer-Buell, alleging conflicts of interest regarding Dawn Lono, Lehua Cosma, Scott Crawford, and a recusal from Linda Clark. Counsel, can read the rule for us, please?

Ms. Jennifer Oana: Thank you, Chair. Section 12-201-25, of the Maui Planning Commission Rules, Disclosure of conflict, reads:

Whenever a conflict of interest or other ethical question is raised by anyone regarding any member of the commission, the affected member shall promptly make a full disclosure of the circumstances of the commission. If a commissioner member has a financial interest in any matter that may be affected by an action of the commission, that member shall be disqualified from voting in all actions relating to such matters.

Vice-Chair Kaina: Miss -- well seeing as Ms. Cosma and Mr. Crawford are not here, Ms. Lono, would you like to address the allegations?

Ms. Dawn Lono: I have no conflict of interest financially or otherwise.

Vice-Chair Kaina: Any Member on this Committee have any concerns regarding Ms. Lono? Okay. Moving along, Ms. Clark, would you like to address the allegations?

Ms. Linda Clark: Thank you, Chair. I have no conflict of interest and no financial interest.

Ms. Oana: With regard to the allegations in the letter, can you address that?

Ms. Clark: Yes. My application was submitted and my residency of Kaupo has been met because it was 90 days prior of the application.

Vice-Chair Kaina: Any Members on this council -- okay, we're going to go ahead and move on. Let's see here, before we open it up, so for the record, we are in receipt of the Petition to Intervene filed by Terry Kristiansen, Irene Pavao, and John Blumer-Buell. This Petition to Intervene, let's see, was submitted in regards to the Nahiku Community Center and Public Hearing No. 1, agenda item C.1., and the Public Hearing No. 2, agenda item C.2, on October 10, 2017. They represent themselves and Moke Bergau, Ellen Kahookele, Jean Mary Kahookele, Jeffrey Paisner, Max Mattson, James Kahookele, III, Teresa Allred, and Sharon Kahookele. The Hana Advisory Commission will not be determining this intervention. This request is going to be decided by the Maui Planning Commission, however, we do recognize receipt of this Petition. So moving on, I think we have the applicant has a quick presentation for us.

Mr. Paul Fasi: Good afternoon, Committee, and members of the Hana community. My name is Paul Fasi, I'm a staff -- Senior Staff Planner with the County of Maui. So with me today is Jennifer Oana, from Corporation Counsel; Mr. Clayton Yoshida, who is the Administrator for the Current Planning Division; and Suzette Esmeralda, who is the Secretary to the -- several boards and commissions. We also have the consultant here today, Munekiyo Hiraga, and their representatives Marisa Fujimoto and Karlynn Kawahara. We also have several engineers here, Doug Gomes and Stacy Otomo.

So this is about the Nahiku Community Center. William Spence, the Director of Planning, is initiating the necessary land use entitlements, and they are the community plan amendment, district boundary amendment, change in zoning, in order for the County of Maui, Department of Parks and Recreation to develop the Nahiku Community Center on approximately 1 acre of land. So the Director is initiating the land use entitlement applications.

The Department of Parks and Recreation is submitting the SMA, the special management area application. They are the applicant for the SMA.

This is a necessary step as a community center is not a -- it's not an allowed use in the ag district, so these land use entitlements need to be shifted into the proper category in order for that to happen, so that's what we're here doing right now. This is the public hearing on these items, it will go before the Planning Commission, but this is the public hearing for these items.

So there was mention of an environmental assessment and the trigger, there is a trigger, a trigger is an event or something that makes the Chapter 343, Hawaii Revised Statutes, where this project will fall into that category, and that trigger was the County use of funds and County use of land. Now there's a class of exemptions for Chapter 343, and so the exemption on this particular project was, I believe, Class 2, which is a replacement or a reconstruction of existing structures and facilities. Okay, so it falls into that exemption category pretty clear and concise.

So after careful review and analysis by the Department of Planning staff, we can definitively conclude that there are no -- we have concluded that there are no negative impacts anticipated with this project including traffic, water, archaeological, socio-economic, or environmental - I see John smirking back there - that would preclude the development of this project. It's a community center. It's not the Grand Wailea.

So this -- this particular project has been in the work for some time. It had permits, development permits that expired because, apparently, there were some litigation over the contract that was in place at the time, so that contract has since been pulled back, and the costs have escalated beyond the SMA, what we call the "minor permit," which is a \$500,000 threshold; once it goes beyond that, it throws it into a special management area use permit category, which is why the Parks Department had to file a special management area use permit application, and that's why we're here now in addition to the land use entitlement applications.

So I'm not going to get into too much detail and specifics on the zoning, that's in the application's presentation, I don't want to be redundant, so I'm going to turn it over to Marisa Fujimoto, she's going to give a presentation and some background on this project, and I think it'll answer a lot of your questions. Marisa.

Ms. Marisa Fujimoto: Good afternoon, Members of the Hana Advisory Committee, and everyone who came out to join us for today's meeting. Thank you for your time today. My name is Marisa Fujimoto, and I'm a planner with Munekiyo Hiraga, and I'm here with other members of our project team. Here today representing the Department of Parks

and Recreation, who's the applicant for the SMA use permit, is Robert Agapay. Also here today is the architect, Anthony Riecke-Gonzales, from Riecke Sunnland Kono Architects; civil engineers Stacy Otomo and Ashley Otomo, from Otomo Engineering; our mechanical engineer, Douglas Gomes, from Engineering Dynamics Corporation; and Karlynn Fukuda, who is also a planner with Munekiyo Hiraga.

We are here today to present you with information on the proposed Nahiku Community Center project. Since the project is within the special management area, and the construction estimates for the project are above \$500,000, as Paul mentioned, an SMA use permit application was filed with the Planning Department in June of this year. In accordance with the Maui Planning Commission SMA rules related to SMA use permit procedures, we kindly request your consideration of and recommendations on the project for the Maui Planning Commission.

The general location of the project is north of the Hana Highway intersection with Nahiku Road, which provides access to the project site. I'm not sure if you guys can see the screen, but it's right here. The TMK map on this slide shows where the property is situated relative to the shoreline, roads, and adjacent properties, including the Nahiku Church property just west of the project area.

The Nahiku Community Center is proposed at the former Nahiku Grammar School site. From what we understand, the old grammar school building functioned as a community center from the time the school closed in 1958 until it was burned down by arson in 2005. It was used for public and community purposes including serving as a polling place for elections, an emergency shelter, and recreational facility. The proposed Nahiku Community Center building would essentially replace the grammar school building that was burned down.

Here's the general timeline which provides some background about the project. As mentioned, the Nahiku Grammar School closed in 1958 and was burned down in 2005. In 2008, the property was transferred by Executive Order from the State of Hawaii to the County of Maui. The Executive Order specified that it was being transferred for community center purposes. In 2012, a Chapter 343 EA exemption was issued by the Department of Parks and Recreation being that they were proposing replacement of the structure that had been burned down. An SMA minor permit was also issued in 2012 based on the estimated construction being below \$500,000 at that time. In 2013, the facility was named "The David Kanaloa Kaho`okele, Jr. Nahiku Community Center" under Ordinance No. 4055, Section 1. The building permit was issued and there was a ground-breaking ceremony and blessing for the project. Due to issues with the contractor, which I understand is currently involved in litigation with the County, the facility was never constructed. In June of this year, an SMA use permit was filed with the Department of Planning, and the Planning Director initiated a State land use district boundary

amendment, community plan amendment, and change of zoning to accommodate the proposed use. Last month, the project design was reviewed by the Maui Urban Design Review Board as part of the SMA permitting process.

Unfortunately, the site visit for earlier this afternoon was canceled, but we have some photographs of the project site. So here are some photographs looking toward the location of the proposed community center building. There's a reference map on the upper right of the screen showing the view of the property to give you an idea of where the photos were taken from. Okay, so the photo on the left is the northwest view, and the photo on the right is the southeast view. Again, this is where the community center building is being proposed. Here are photographs of the proposed parking area, so on the left is the northeast view and on the right is the southwest view. Here are photographs of Nahiku Road, which runs around -- which runs along the southwest property -- southwest boundary of the property. On the left is the northwest view of the property, which you would see from the road if you are coming down from Hana Highway, and the photo on the right is the view coming from the makai side of the property. These are photographs of Lower Nahiku Road, which runs along the makai or north side of the property, on the left is the east view, and on the right is the west view towards the church and the bus shelter.

Here's a little bit of information about the current and Planning Director initiated changes to the land use designations for the property. The project area is currently designated agricultural by the State Land Use Commission, it is not within a Maui Island Plan growth boundary, and is also designated for agricultural use by the Hana Community Plan and Maui County zoning. The Planning Director has initiated a State land use district boundary amendment to change the State land use district to rural, and a community plan amendment and change of zoning to public/quasi-public to accommodate the proposed use.

So as mentioned previously, the proposed project consist of improvements to the old Nahiku Grammar School site. The Nahiku Grammar School building will be replaced with a community center building just under 2700 square feet in size. It includes a social hall, kitchen, storage, restrooms, and a covered entry lanai, and related improvements include a driveway, a 13-stall parking lot with loading area, an individual wastewater system, utility connections, and site work.

At this time, I'd like to hand it over to Anthony to go over the site plan and some of the design details.

Mr. Anthony Riecke-Gonzales: My name is Anthony Riecke-Gonzales, with RSK Architects, we're the architects for the building portion of the project. This is the landscape plan. The landscape that's proposed is pretty much to leave it as is and relocate just a

single tree, so this tree, I think it's somewhere in this area right now, gets relocated to the front right-hand side of the community center; otherwise, all the banyan trees and other existing trees remain on the property.

This is the proposed building. It's similar in design to the old school that was there except for it is a slab on grade, the old school was a post and pier building, and so it basically - let's see here - has a front porch area that's the entrance to the building, and the colors are the standard Maui Parks colorations. This is the proposed building and, as someone mentioned earlier, it has a kitchen area, storage area, men's and women's bathrooms, and a multi-purpose hall.

I'll now turn it over to the civil engineer, Stacy Otomo, and he can discuss the drainage improvements for the project.

Mr. Stacy Otomo: Good afternoon, Chair, Members of the board, and members of the community. My name is Stacy Otomo, from Otomo Engineering. We're the civil engineers for the project. The whole concept behind the grading and drainage is to minimize the amount of work that we do. We anticipate a grading area of about half-an-acre, and the drainage concept would be to have all the runoff come into the parking lot, and in the parking lot itself, we have a couple of catch basins with a subsurface drainage system that would be designed to meet all the County drainage standards, so it's a pretty simplistic project for us. Thank you.

Ms. Fujimoto: So regarding utilities, there's an existing 5/8-inch water meter, which previously served the grammar school that can provide potable water to the proposed project, an individual wastewater system is proposed as there's no existing sewer or wastewater infrastructure in the project area, and electrical and telephone service will be extended from the existing service lines on Lower Nahiku Road.

Regarding historic and cultural resources, an archaeological inventory survey was completed for the project in January of this year. It identified three historic properties - two modified agricultural or landscaping outcrops, and a buried trash pit - all of which were associated with the old Nahiku Grammar School. The State Historic Preservation Division determined that the sites were properly documented and did not require any further archaeological investigation or mitigation.

In accordance with the Hawaii Revised Statutes, Section 205A-26, and the Maui Planning Commission SMA Rules, all development within the SMA shall be subject to reasonable terms and conditions to ensure that the criteria are met. The criteria are included in the Planning Department's staff report, but they are also summarized in the following tables for your reference. So related to criteria A, the project does not impede access to publicly owned beaches, recreation areas, or natural reserves. For criteria B, this is an adequate

location for the Nahiku Community Center as it's proposed to replace the former grammar school building, which functioned as a community center. For criteria C, an individual wastewater system is proposed for the community center since there's no existing wastewater system or infrastructure available. And for criteria D, minimal alterations to existing land forms and vegetation are proposed with the project. Grading and grubbing is proposed on .4 acres, which is less than 25% of the subject property, with some fill and very minimal excavation anticipated.

Additionally, no development shall be approved unless the authority has found that the following criteria have been met: Regarding criteria A, no substantial adverse environmental or ecological effects are anticipated as a result of the proposed project. The project is essentially proposing to replace the former building that was burned down to continue the public and community use that occurred since the grammar school closed in 1958 until the building was burned down in 2005; regarding criteria B, the proposed project is consistent with the objectives, policies, and special management area guidelines; and related to criteria C, it's noted that the Planning Director initiated a community plan amendment and change of zoning to maintain consistency with the County General Plan and zoning and that these entitlements are being processed concurrent with the SMA use permit. The Maui Planning Commission will defer final action on the SMA use permit until the community plan amendment and change of zoning are approved by the Maui County Council.

And continuing with the SMA criteria review, the authority shall seek to minimize, where reasonable, the following: Related to criteria A, no dredging, filling, or altering of any bay, estuary, salt marsh, river mouth, slough or lagoon is proposed; related to criteria B, the proposed project would not reduce the size of any beach or other public recreation area; criteria C, the proposed project would not reduce or impose restrictions upon public access to any of the types of areas listed; and related to criteria D, the proposed project would not substantially interfere with or detract from the view from Hana Highway; and related to criteria E, the proposed community center is not anticipated to adversely affect water quality or any of the other types of areas listed.

So in terms of next steps, the comments you provide on the project today will be provided to the Maui Planning Commission for consideration, however, final action on the SMA use permit will be held in abeyance until the Council takes action on the State land use district boundary amendment, community plan amendment, and change of zoning.

So to summarize what we've discussed, the proposed community center would replace the former Nahiku Grammar School building. The project involves construction of a community center building less than 2700 square feet including a social hall, kitchen, restrooms, storage, and a covered entry lanai, and related improvements including a parking lot and driveway, individual wastewater system, utility connections, and site work.

It will provide a County facility for East Maui residents, which, as it has in the past, can be utilized as an emergency shelter, election polling place, and general gathering space. The project meets the SMA review criteria.

As part of the SMA use permit application review process, we respectfully request recommendations from the Hana Advisory Committee for consideration by the Maui Planning Commission. Thank you very much for your time and consideration.

Vice-Chair Kaina: Okay, thank you. We'd like to begin and go ahead and open up the floor to public testimony. Sorry, public hearing. So the first person I have is going to be John Blumer-Buell.

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Vice-Chair Kaina: We're in the public hearing portion so I believe there'll be a spot where you can ask that question or during the hearing.

Mr. John Blumer-Buell: Hello. Yeah, aloha, Hana Advisory Committee, and thank you for your service. There are some -- couple quick corrections. I didn't ask Scott Crawford or Linda to recuse themselves. I asked for public disclosure and that's all. I did ask for Lehua and Dawn to recuse themselves, they won't do that, so that's in the record. That will be considered later. The last thing is that there are 11 interveners, it's not me and Terry Kristiansen and Irene Pavao, there are 11 petitioners, almost all of them are from kama`aina families in Nahiku and all of them lineal descendants. It's very important. Now, I'm here to support this petition, and there's hundreds of people that have signed this. I demand all proposed approvals for the project be denied until the County of Maui agrees to and completes a legal comprehensive and honest environmental assessment process as required by Hawaii State Law, Hawaii Revised Statutes, Chapter 343, and that's all that we are asking for right now. We are asking for legal due process for this community, we're not saying don't build it at this point, we're saying let's get the community talking in our petition. This is one of the most important statements in the Hana Community Plan. It says, "Encourage community-based dialogue regarding proposed land use changes in order to avoid unwarranted conflict." That is what we're trying to do. And when we -- the County as a -- so I'm asking you to support this, denying everything until the County performs an environmental assessment, which they're required to do for both the community plan amendment and, two, for the SMA permit. They're required. They ...(Inaudible)... they're requirements. Now, it turns out that they -- this is new information. In the report, they review that in 2012, they issued a moratorium, this is on page 4 of the report, on May 11, 2012, they, Planning Department, issued a moratorium to get out of doing an environmental assessment for the community plan amendment, and then later, a few weeks later, Mr. Glenn Correa, who was then Parks Director, issued a Declaration of Exemption as well. Now, as a little background, Chapter 343, the environmental impact

statement, is one of the most basic rules in this State, and the -- I served the entire term on the General Plan Advisory Committee, I've served three terms on this Committee, I served 25 years on the Hana Community Association Board, elected, and we always supported full disclosure whether you're for or against it, and let me give you a good example, everybody here knows this, around 2000-2001, Mr. Kato, from Japan, wanted to put in a golf course and country club in Hana.

Vice-Chair Kaina: John, that was three minutes, but continue, please.

Mr. Blumer-Buell: Okay, I'm speaking to both. And to his credit, Mr. Kato performed a required environmental assessment, and that document was about four-inches thick. Now, from that -- from that document, the County Council was able to identify what he said, and then as a result of the environmental assessment, they put 21 conditions on the PK-4 zoning, 21 conditions, and he could not meet the conditions. And so I'm stressing the importance of an environmental assessment to this whole process. You don't -- you don't waive that. The County shouldn't be waiving this. The most important thing that came up in the General Plan Advisory Committee is that the communities should be listened to. We should have community input. That's the bases of democracy is the laws. And for the County to be giving themselves a pass on the most important document to this whole process is just -- I just have to say it's a lie, and I can speak to both of the permits, the memorandum, and the one that they issued with Mr. Correa, which I rebutted in six or eight pages in 2012. So I'm just asking you to please do what the community wants you to do, which is to say no. Please do the environmental assessment first. You don't know it last. They want to avoid doing it. They don't even want to do an SMA for the -- I mean an environmental assessment for the SMA, and I want to say that there's a 414-page report on the SMA that's not on the agenda. They're not handing it out. It's -- they presented it in June of this year, 414 pages. They're still trying to use the exemption from 2012 to get out it.

Okay, final thoughts is just -- this is -- we really want the community to be heard, and right after that, I'll just say I'm happy to answer any questions. There are already two questions that could kill this project right away and --

Vice-Chair Kaina: Six minutes, John. I'll let you finish up real quick.

Mr. Blumer-Buell: Okay, I'll finish. There's two pages of questions in the intervention. One, the members of the Kahookele family, a few, are claiming they still have title to the property. Well, if that's true, then why are we even here? God bless them if they still own the property, and they might, I don't doubt that they do own it, but if they do, there's no business for us to even be processing this. Second, the County has not shown they have legal access from the Hana Highway to the ocean or even to the bridge site.

Vice-Chair Kaina: Alright, John, we're going beyond seven minutes.

Mr. Blumer-Buell: Okay, fine. Last thing. If they can't prove those two things in an environmental assessment, then this project should be -- we shouldn't even be here until they can prove that. And, finally, last sentence, Kawika, thank you everyone for your patience, you know, this is really unfortunate. We have 11 intervenors, good people, lineal descendants, we're going to have to end up in court, I mean how terrible, because all we're asking for is an environmental assessment, it's in our intervention, that's all we're asking for --

Vice-Chair Kaina: Okay.

Mr. Blumer-Buell: Is an environmental assessment.

Vice-Chair Kaina: Okay, thank you.

Mr. Blumer-Buell: Okay, mahalo. Mahalo.

Vice-Chair Kaina: Thank you, John.

Mr. Blumer-Buell: And thank you for chairing.

Vice-Chair Kaina: Okay. Sorry, she's moving the mike, but I have Joyclynn? Jayclynn?

Ms. Joyclynn Costa: I first wanna make myself right as I come to this meeting. My last trip here was in August for my son-in-law's memorial, Ziggy Mizner.

Vice-Chair Kaina: Sorry, can you state your name for the record, please?

Ms. Costa: My name is Joyclynn Costa, lineal descendant of Nahiku. I just wanna keep space for just a little while because we didn't open this meeting in pule, and in respect as, you know, for everyone in this room instead, you know, you can do your own individual, but I'd like to just hold space just for a moment. And we inhale the good air from Hana, and we exhale all the eha. We inhale truth and goodness, and we exhale anything that can harm us. Mahalo.

I wanted to start off, I guess I'm -- I didn't know we was only going to do three minutes, I was typing up some things and if I go over, I apologize, and I wanna clear myself if I insult or if I offend anyone that it is not my intention but I'm here to speak truth. One of the corrections I would like to make is that the school lot my father had leased from the State of Hawaii is actually deemed Kalakaua Land Grant of No. 21, one of the beginnings of his giving for the educational purpose of the Hawaiian people, and it went around the east

end, they've lost a lot of the schools, but that particular building was one of the school lots, and I don't remember it ever being deemed a community center. It was a building that was for educational purposes, and there are reverter clause within the Kingdom law that states when it is not for its purpose, which was normally given for churches or for educational purposes, then it reverts back to the original, which would have been Kalakaua. James Sagawinit lived in the school and took great care. There was a dedication of which an original teacher was invited to the partaking and rededication, Mrs. Wilhelm. There were several people of the community that were students of the school and had come to remiss -- reminisce the experience growing up in wartime. James and Alice Sagawinit transported lumber, roofing material, and other things to bring the building back to its original state. The grounds are being also cleared. The reason Mr. Sagawinit is no longer on that property was because of a complaint filed by -- to Mr. Peter Young, who was in charge of DLNR back in the day. He was accused -- he was accused of abusing the property and using it for capital gains.

After Mr. Sagawinit fixed up the school, he continued down to the landing, which started along the -- which was started along with the late Gerry Matson and the late James Kahookele, to cut back overgrown hao and vegetation; then they planted a line of coconut trees, which Mr. Matson had propagated for his retirement project. It became a desirable area for fishing, camping, and picnicking. Although Mr. Sagawinit had no young children in his home, he, along with the community, the late Marianne Nakama, and Mr. and Mrs. Pavao, came together to provide a bus stop for the children. Across the street of the school, the Hawaiian Protestant Church, the late Kahu Cynthia Alan Castro wanted to repair the bell tower and roof of the church. Mr. Sagawinit called his construction friends and told them it was not going to be a paid job but they came willingly and happily just to sit in his place and have something to eat. Any work done in lower Nahiku by either the State or County would be met with a hot lunch at his place. Dry land taro in the back yard also provided Hana residents with enough taro leaf for events and fundraising.

Vice-Chair Kaina: Sorry, we're at five minutes so just -- you have one more minute. I just wanted to advise you.

Ms. Costa: Okay, I'm going to speak on the two. Is that okay? Mister -- I traveled all the way out from town and brought my father here. We were the last residents within that -- that community center. This is the first time we're speaking on this and we took the time out so if we could please have that time.

Vice-Chair Kaina: Kala mai. I understand. The rule is I guess three minutes per issue.

Ms. Costa: Okay. So I wanna bring you to page 11, it says Chapter 226 and 225, I guess, support activities and condition that promotes cultural value -- values, customs, arts, enriches lifestyle and are sensitive and responsive to family and community, but what had

happened was Mr. Sagawinit was accused of things from actually the chair of the Nahiku Community Association, Ms. Sili, that he was utilizing that place and abuse and for capital gains, which he wasn't. There was a meeting done by the association and, at first, the first complaint to Mr. Peter Young was made and so the DLNR land agent picked him up from his home, took him into Nahiku to do the investigation and found it to be false. The place was taken care of. Years later, there as another complaint made that there should be a community center instead, and Ms. Sili had asked Mele Carroll to intervene, so she had another community meeting down in Nahiku. At that point, the meeting was stopped because Representative Carroll did not know that Mr. Sagawinit still had the lease to the school house, so because she was taken aback, she said let's have the kupuna of the place talk first. So the three kupuna, which was the late Gerry Matson, the late Jimmy Kahookele, and my father, went across the road, Ms. Sili wanted to go and also partake of that conversation but her son, Mapu, told her, mom, you sit here and you wait and let them talk, and when they come back, that's the decision we'll make. The three kupuna came back and said we don't want the community center, let Jimmy stay in the lease, and that was the end of it. Next thing we know, he's getting an eviction notice that he needs to vacate the property, he had already paid a one-year lease, he had paid a one million dollar insurance policy to make sure that the place was covered, and he had no recourse. Now, before that, the building was burnt down. Young kids they play around, okay, so that happened. The prosecutor forgot that a wrong was done. Now, this place had to be investigated, not just by the State, not just by the County, but also the Feds because it was a registered school. This is an actual landmark. This is not just a piece of property. East to the property is a known registered heiau, historical heiau, with burials. People were doing grave robbing in these -- in these places. So I don't understand how the archaeological inventory can be just swept under the rug. In walking distance from this property is a registered heiau. This is Kalawaiianui property, whether it goes under a TMK, it's a Kalawaiianui property. Now with that --

Vice-Chair Kaina: Sorry. Sorry. Sorry.

Ms. Costa: Also there's an impact 'cause we lived in this place. In you report you say there's -- there's no flooding.

Vice-Chair Kaina: I'll give you 15 seconds to finish up.

Ms. Costa: Thank you. That place floods. I witnessed it. The kids could use their boogie boards in the front yard. So when you talk about all of these -- these impacts that there is none, you need to speak to the people who actually lived on that property and experienced it. The rain is so heavy you can hear it coming in the distance before it actually hits.

Vice-Chair Kaina: Okay, I'm sorry. We're going to have to move on. I gave you an extra three minutes 'cause I didn't explain the rule through the first one so --

Ms. Costa: I appreciate that. I appreciate that, but if you have any more questions, Mr. Sagawinit's here and he's going to be here to testify as well, be gentle with him because of his heart condition, but he's passionate. We are lineal descendants of the place recognized by the State of Hawaii. We're registered with the State. Thank you.

Vice-Chair Kaina: Thank you.

Ms. Costa: Oh, I also have you know that transfer of the land, I have a copy for you, and it says that this land is supposed to be given for a community center and if non-use within a year, it's to transfer back to the State, so it's been from 2008 and now it's 2017, the plans were being done in 2012, but there was a non-use for that many years already so I'm sorry.

Ms. Lono: So you mentioned the heiau. Is that heiau on the community center property or is it a separate lot?

Ms. Costa: Thank you for the question. It's bordering. It's right on the -- it's not on the school lot, but then again --

Ms. Lono: Thank you.

Ms. Costa: We're inundated by western boundaries.

(Chair Gale Notestone entered the meeting at approximately 4:52 p.m.)

Vice-Chair Kaina: Moving on, I have Mr. Paul -- I can't really read the last name. Borner? Bodnar. Bodnar.

Mr. Paul Bodnar: Aloha, everybody. Can you hear me? Thank you. It's good to hear my voice for a change, but aloha to all of you. I came to -- I am for the community center. It's a place of --

Vice-Chair Kaina: Sorry, Uncle, can you state your name for the record?

Mr. Bodnar: Oh, excuse me. Kala mai. Paul Robert Bodnar, Nahiku resident. Been there long time. But I want to see the center in the hopes that someday -- e kala mai ... (inaudible) ... but a chance to gather with the neighbors and get together and love one another as we should do as well as we are meant. We are all pretty much family there.

Chair Gale Notestone: Excuse me, Paul, could you speak more into the microphone?
Thank you.

Mr. Bodnar: Okay.

Chair Notestone: Thank you.

Mr. Bodnar: The Nahiku people, we are pretty much the originals, like myself. We are family related so it goes. So when one hurts, it hurts the other. Sometimes we forget to think about this until we become painful, and then we realize it's not right. There's always ways we can get it together and at least speak our heart to each other. The center, that's the same for all of us. It gives us opportunity to gather, ho`olaulea, and chance to exercise, a chance to have dinner and lunch together, chance to laugh and pray together, a chance to talk old time stories to keep ourselves strong and die together in a community such as ours, an opportunity to better ourselves by having supplies for us in case of time of need whether it be something from supplies such as bed linen, generator, blankets, food, water. The center can supply these things when we get together and talk story. But you take one step at a time. Mahalo for your time. Aloha.

Vice-Chair Kaina: Mahalo. No questions. Moving on, Aunty JoAnn Carreira. And for those testifying, if you can remember to state your name for the record, please.

Ms. JoAnn Carreira: Okay, aloha. JoAnn Carreira, I live in Kaeleku, and I wanna deny, go on record to say that I deny the proposal until all is required is met, but I also wanted to share that about five administrations ago, we had a Hana -- Mayor's Hana Advisory Committee and we had members from Keanae to Kaupo, and in that meeting, there was the late Mary Ann Nakama, and she was the one that we questioned, Nahiku Community Center, and, you know, I don't remember the year, but it was long time ago, it was when Linda Lingle was Mayor, and at that time, when that the Advisory had put in the request, there was lots of requests, there was also a request for a second pavilion here in the Hana Bay, there was something else in Keanae, a baseball field, but almost everything that the Hana -- the Mayor's Hana Advisory Committee requested was researched and submitted to the County Council, and it was actually approved. So now I'm hearing dates but if it was approved long, long ago, far, far away, and there was no -- no requirements what they doing now, so can it be that it be grandfathered in so that you don't need to change the zoning because changing the zoning brings up lots of red flags, like I live Kaeleku, just off of Ulaino, and Lower Ulaino, when my mom was alive, was part of Nahiku, so does the changes go across and pretty soon just keep going and going and going and erasing our agriculture to public use, like so now we wanna change to public use for a community center, but what's next? What's next, and next, and next? But agriculture is the lifestyle for Hana and that's what they thrive on, and when you have flower farms or cattle or whatever, it doesn't change the environment as much as if you

have different developments that come across and then don't make it and then we get all this sore eyes that we gotta look at. But try to think back five administrations ago, and I'm sure it was five directors ago, you know, for the County Council, but there was -- there was a request for a Hana -- I mean for a Nahiku Community Center, and there was no requirements for anything, and especially the question I asked is why did it take so long that 450 to 2 million dollars, that's nonsense. I don't know because back five administrations ago, I don't even think it was \$450,000. So just food for thought. I don't want to see somebody come up at Ulaino and -- 'cause there's lots of properties for sale now from Nahiku all the way over to where I live, and who's going to buy it and what are their intentions, and if they got the finance, they can go and put in requests and permits and do everything that we cannot do. I just ask to consider that and if it has to be, then deny it and have this environmental assessment. Thank you. Okay.

Ms. Lono: JoAnn? JoAnn, I just have a quick question. Could that -- could you be remembering a time back before the school actually burnt down?

Ms. Carreira: Yeah.

Ms. Lono: 'Cause that's what changed everything was when the school burnt down and there's no longer a facility there.

Ms. Carreira: But that's 2005.

Ms. Lono: Right, so when you're talking about when it was requested before, was it possibly before the school burnt down?

Ms. Carreira: Probably because ...(inaudible)... me, I forgot the date, but --

Ms. Lono: 'Cause that's where -- that's when things changed a lot when you're not like repairing a building but replacing one, so I just wanted to clarify that. Mahalo.

Ms. Carreira: Yeah, but, you know, even though the unfortunate of burning it down, it might have been the community center, you know, at that time, but it's still yet important to feel what we're going through and to -- it's a hard seat to be sitting in your chair because whatever you recommend to the Planning Committee, that's our destiny, so, anyway, thank you.

Vice-Chair Kaina: Thank you, Aunty. Moving on. I have Aunty Joyce Phillips? Okay, moving on, I have Charlotte Hain. Is there a Charlotte Hain? Okay, moving on, Kaz Oliveira. Okay, moving on, Uncle Moke Bergau.

Mr. Moke Bergau: Moke Bergau, from Lower Nahiku, long-time resident. Mahalo, legal counsel -- oh, legal counsel. Excuse me for insulting you folks. Excuse me, Hana Advisory Committee. My name is Moke Bergau, and I am from Nahiku. Now my main concern is the State boundary land use. Mirror image, Honokalani. Mirror image. They have a public domain in the middle of their community with no public access to it. They are going through -- excuse me, they have a history, and --

Vice-Chair Kaina: Sorry.

Mr. Bergau: Not a very comfortable history.

Vice-Chair Kaina: Uncle, I sorry. You can speak into the mike so that she have it on record.

Mr. Bergau: Oh, that's why it's here. Okay, sorry about that. Honokalani has a history, has a history of abuse from -- by the public domain, okay. They the ones hold the burdens. They carry the burden. Mirror image in Nahiku. This proposal is attempting to establish a public domain in the middle of Lower Nahiku with no public access. How is that possible with today's building codes? But somehow it's being pushed. Somewhere it's coming from -- I have no clue about this. It's so confusing. This whole project is filled with contradictions as built -- it's built on contradictions and it's covered with controversy. There is no life in it. There is no meaning. There is no meaningful in this project. Hana Advisory Committee, as Mrs. Carreira just mentioned, our destiny is in your hands today. The decision that is made here affects ours for a lifetime, generations, as how Honokalani is experiencing it, and it's not a good position to be living in or passing it on to your generations. It's my responsibility to stop this and what this -- excuse me, Mr. Fasi has mentioned, there is no impact on traffic. Well, I tell you clear, he has no idea what he's talking about. The existing traffic today. The road does not exist for the tour buses. They're already is not allowed in Nahiku. We are taking care of that. No tour buses allowed down there. But now the County is pushing. The County is pushing something that is devastating. It's devastating an existing community, and I am not willing to stand by and watch it. I beg you, close it right now, Hana Advisory Committee. This is worthless. Whatever presentation was held, it's all taken from a rule book, a plan book. That drainage system, it fits in Lahaina. It fits in Kihei. It does not belong in Nahiku. It has no -- that design is useless by the amount of rain we have. We have the experience. These guys have the knowledge and the plans, and they're injecting it into our community. They're infecting us. Now I beg you again, Hana Advisory Committee, please reject it and all other subjects that County concerning Nahiku until they come see us, not on a public auction block. Do you all agree? Thank you.

Vice-Chair Kaina: Thank you. Moving on, Uncle Gerald Lono? I have Miss, sorry, Teresa Allred? Oh gosh, Zeoc Mosheyev.

Mr. Zeoc Mosheyev: Aloha. I'm Zeoc Mosheyev, resident of Lower Nahiku. I agree very much with what's being said about Nahiku being agricultural. I've seen the changes happen in the time that I've been here the last 16 years. I don't think that the community can accept more traffic than is coming right now. Again, with the land use and all of the environmental assessment needs, you guys haven't seen it rain down there. When I first came, we were getting 250 inches of rain a year every year, it's gone down in recent years, but, you know, when a neighbor bulldozes a little bit around you, above you, you see the trails, the rivers that come the next time it rains hard, so I think that area is definitely a flood zone. I think there's a lot of problems with the idea. When we first came, the first meetings, 12-something years ago, basically, the Nahiku people that I spoke to, they said, hey, you know, agricultural gathering place would be nice, maybe one little hale, maybe someplace for the kids to gather, playground or something, everyone was talking small kine agricultural, and then when the big building started to come up, people started to get scared, like Moke was just saying, what's going to happen? How are we going to -- how are all the people going to come here on weekends and come fish there and come take our opihi and take what we love and we stay year round to experience in Nahiku? We're going to have weekend warriors coming in and it's going to be -- it's going to be an impact, and I think we fear, the generations to come, we're going to be really sorry we did this to Nahiku and, you know, and look at Hana and say -- and we also, some of us, I remember getting beaten down pretty good in the conversation by saying, hey, this is a lot of money that could help Nahiku if it were put in Hana because everyone from Keanae to Kaupo can appreciate what will be done there. So I think Nahiku is a very special place but it cannot absorb this type of community center. It's a big -- it's a big deal, and anyone who's done any type of renovations or any type of building knows that it's always a bigger deal than you make it out to be, so caution I think is very important. Mahalo.

Vice-Chair Kaina: Thank you for your testimony. Moving on, I have Kenyon Becklund? I have a James Sagawinit?

Mr. James Sagawinit: I am James Sagawinit . . . I'm from Nahiku. I lived in the school house for 27 years. Before anything happened to the school house, I cleaned the yard. I brought a huli huli machine, I huli huli one pig, I called Keanae, I called Hana, and the Nahiku residents to sit down with me because I wanted them to explain -- I want them to hear me explain what Nahiku was all about. When they sat down, I told them that when I do the school, if the community would help me, the community center would be there because Nahiku School is a one school room and that not big enough to house whatever. All of them had a chance to get their own community center, but when the time for the work came, nobody was there. This Nahiku School, I have -- I'm no stranger to this place. I've been in Nahiku in the '40s. I don't know how many guys was in Nahiku in the '40s, but we had no electric light. I could have stayed out where there was light, where there

was restaurants, where there was movies, right in my community in Haiku, but yet, as a small little kid, I used to come back to this place with only kukui hele po. Now, living inside Nahiku, I went down to the landing and I thought what a beautiful place you could be. So I took over grass knives and started to clean the Nahiku Landing. Maybe it was foolish of me because there was no -- no money involved, just labor of love. I cleaned the Nahiku Landing and planted coconut trees, I picked up rocks, and, finally, I had my lawn mower to lawn mower the landing. I knew that Nahiku had plenty rain. I don't have any kids in Nahiku, but somehow the County got a hold of me and we talked about it, and they gave me material to build a bus stop for the kids. In November, December, January, February, that place is dark. That place -- and kids stand around in the rain. With that, I build it up. Somewhere along the line, even at all of that and when people needed help with their houses, because I'm a carpenter, I did it. When I started with the Nahiku School House, you couldn't go in the building because there was no steps, and the roof was leaking, the floors was all puka, the windows nothing, nothing, nothing. I brought a tent in the school building so that I could sleep and work the school building. With all of that, if by any chance you guys could get a hold of the County in Hana, the workers in Hana, they would tell you that if the County workers would come down and just stay for a week to maintain Nahiku, I would offer to give them one day lunch. Everybody, all you guys, lunch can stay home. I would do that with no -- nobody have to put up a penny. I wasn't there so I could gouge anybody. My first wife died. I got married, but my second wife was sickly and I couldn't take her to the hospital, so I built a house in Haiku so that I could go to the hospital easier. By doing that, the building would be empty, so some people think that I renting out the building and making a lot of money. Well, the people staying in there, on one section, I stayed in the other section, I told them I would pay the light, the water, television, everything. All what you gotta do is give me \$400.00. All what you do is clean the yard. Four hundred dollars.

Chair Notestone: Excuse me, Mr. Sagawinit? Could you wrap things up? You've gone past your three minutes by a long shot.

Ms. Lono: He gets six.

Chair Notestone: Oh, you get six? Oh, excuse me. Sorry. Sorry. I missed the introduction. Sorry. Continue.

Mr. Sagawinit: This thing here I never relinquish my lease. I never relinquish my lease. This Nahiku here, I had half-a-million dollars-worth of insurance if anybody come and get hurt. I paid for that. But yet when the kids burned down the school building, the school building was two houses -- two houses, two kitchen, two bathrooms, two of everything. I had people come in from Kauai, I don't know them, but they're from a friend to a friend to a friend coming to Nahiku. It was -- this was a place that almost every island in Hawaii people came and I would charge them nothing. Nothing. But yet I got a letter from DLNR

saying that I gotta evacuate the place because they want it, but the same person who did all of that forgot when I told them that this would be the community center if only if you guys help me. The kids that burned down my place I knew that they didn't have money to pay my lawyer so I didn't bring a lawyer because who's going to pay for my lawyer, but yet this so called justice and justice for all, they didn't give me one penny. The things that I loss in there cannot be replaced, but yet justice for all. I don't know. I never go -- I never sass anybody. I knew that if you do the crime, you do the time. I wanna go back to the Nahiku School. If by any chance the community center does come up, I think it would be foolish if by any chance without fixing the bridge to the landing. The bridge to the landing is the only place where the whole Nahiku can come, you don't have to pay a penny, and you can be relaxed down there -- but if a community center, how much you gotta pay?

Vice-Chair Kaina: Sorry, Uncle, you can finish up for me?

Mr. Sagawinit: I thank you guys. I thank you.

Vice-Chair Kaina: Thank you very much for your testimony. I have Shy?

Ms. Shy Rodriguez: Hello. My name is Shy Rodriguez. I am testifying and I'm saying that I oppose the community center because, like everyone else, we don't want it a public road. We want our icebox, you know, be our food for gathering, not welcoming to public where everybody else can access our food that we need. We need it for us and our future families. And, like Uncle Moke said, it's in your guys' hands, our future, our kids' future is your guys' hands. Just think about it. Like what you guys do if we was your kids? You know what I mean? In your guys' situation. Would you guys want them like building stuff that no need really? If you guys going build something, fix the bridge. That's all we need. We just need a fixed bridge where we can go down to the landing, pa`ina, like we used to, and I have a question about the water waste tank thing. Where would it go? And I'm asking because I live right across the street, and I no need my family smelling shit, pretty much, when we wake up. You know what I mean? So just think about that. Thank you.

Vice-Chair Kaina: Thank you. I have Dolores Bergau. Loli?

Ms. Dolores Soler-Bergau: Hello. Loli Soler-Bergau. Dolores, legal name.

Unidentified Speaker: We can't hear you.

Ms. Soler-Bergau: You can't hear me? Oh, speak into the microphone. Thank you. So I demand that all proposed approvals for the project please be denied until the County of Maui agrees to and completes a legal comprehensive and honest environmental assessment process, as required by the Hawaii laws, Chapter 343. On August 8, 2017, the County of Maui proposed a development of -- for the second time, originally it was

2012, the 2012 special management area, SMA permit values was at \$450, and now that permit, as we know, has expired, and we're talking about 2 million dollars. I thought our County was broke. But anyways, an EA for the new special management area permit proposal is required by law, so please let's get this going. And the County did not previously propose a Hana Community Plan amendment, a change of zoning, and a State land use district boundary amendment, as required by law. Now the County is attempting to do this without an environmental assessment. I don't want any zone changing. I live in Hana. I've been a resident there for 20 years. I own property. That's nothing. I'm a caretaker of the land and I want to see it protected. Please deny this. Do not approve it. Thank you.

Vice-Chair Kaina: Thank you. Up next, I have Max Mattson?

Mr. Max Mattson: Hey board. Thank you. My name is Max Mattson. I'm a resident of Nahiku. My family, on my dad's side, have lived in the Nahiku area for about 150 years or so. We live about -- my mom's house is about 100 feet from the proposed site. In all due respects to Auntie Lena, Lower Nahiku is not the place to build a community center. It's -- I wanna know from these consultants, is the proposed site within the tsunami evacuation? And is that the most recent assessment?

Chair Notestone: Excuse me, Max. Max? Excuse me, Max. You can't ask the representative questions.

Mr. Mattson: Oh. Okay.

Chair Notestone: You can ask us questions.

Mr. Mattson: I think we should build for now -- a good place to build the community center is on the main highway, Upper Nahiku, you know. And they cannot build for historical reasons, you know. What we have learned over the past ten years is we do not build evacuation buildings out of wood. The purpose is to save the people. Right? You do not build down there. I think, we got a road, we share a road, and it's a straight shot, about 300 yards from the ocean all the way up to the community center, and I think that's pretty close, you know. You can never say never. Right? And I think it will be a lack of due diligence if they continue and push this on. Right? We do not build a wooden building down there because we cannot get fire insurance. Would the County build a building down there knowing that they cannot get fire insurance? I'm pretty -- is that right, Gale or? That's a maybe?

Chair Notestone: What fire insurance ...(inaudible)...

Mr. Mattson: Fire insurance.

Chair Notestone: Difficult the further you are away from the fire station.

Mr. Mattson: And I wanna know, the 2 million dollars, is it just for the school building, or does that support all the infrastructures, like the road, the drainage? We got property just makai of that, okay, and they said they're going to build a dry slump or something? That's cap rock underneath there. They would have known if they came on the site inspection today, yeah. And I look at the pictures they took, it was advantageous. There is a big banyan tree that's probably spanning more than a quarter-acre of that property, yeah. So they're going to build a parking lot under the banyan tree, yeah? I'm not a botanist or something, but I think if you cover the road, I think the roots are going to die. I not sure. I don't know. And I heard that they're gonna widen the road. They cannot. Not for 2 million dollars for the whole project. The school building will be the cheapest part if they do, you know. And I think if the County pushes the project through, they're not doing their due diligence and we will sue some people for it. Thank you, everybody.

Vice-Chair Kaina: Thank you for your testimony. Moving on, I have I think this is Kawehi Kahookele? Oh, sorry, Kumu Kamalu Kahookele.

Kumu Kamalu Kahookele: I'm going to push it to the end.

Vice-Chair Kaina: Okay. Mr. Ward Mardfin.

Mr. Ward Mardfin: Good evening. Thank you, Hana Advisory Committee to the Maui Planning Commission. First of all, I'm not here to speak either for or against the project. My name is Ward Mardfin. I'm not here to speak for or against the project because I don't like in Nahiku. I live in Hana. I think projects like this should be up to the community that it is within, so I think it's up to the Nahiku community to decide. Secondly, I do have a small connection to this building. Last night I showed an old movie I'd made in 1964 and '65, and it reminded me that, in fall 1964, when I was 20 years old, I took the Boy Scouts from Hana on a hike down Nahiku and we wound up being on the porch of the old Hana School that had been shut about six years earlier, and the kids were roller skating on it. I think we -- my recollection is we slept on the porch, it's possible we slept inside, but it had been shut for about six years. My -- I do want to make a very manini point. During the slide presentation, it said they could use this building for an election place, polling place. That is just not very reasonable. We used to have polling places there, and in Keanae, and in Kipahulu, and in Kaupo. All those have been shut down over the years. The last one to be shutdown was Keanae. Keanae people now either have to go to Hana or go to Haiku. So to say that this could be used for polling places is just boloney. Disingenuous. And I was going to stop there but Matt made a very good point, they also said, I think it was the same slide, if I recall, that it would be used for emergency and shelter, and that sort of thing. If he's, I don't know, but if he's right that it's within a tsunami zone, then the

very time you need protection and shelter from a tsunami, you can't use it. It'll be wiped away. So I think there are a lot of things for you to think about and I would urge you very much to listen to the people of Nahiku. Aloha.

Vice-Chair Kaina: Thank you, Mr. Mardfin. The last person I have on the list is Kumu Kahookele.

Kumu Kahookele: Aloha ohana. Aloha ahiahi ia okou pakahi apau. I don't like to place my back to anyone so please kala mai ia`u. As I sat and I listened to some of testimonies that was said, the mana`o --

Vice-Chair Kaina: Sorry, Aunty, can you state your name for the record, please?

Kumu Kahookele: Oh, okay. Ladies and gentlemen, I have here -- I'm sorry. I'm Kumu Kamalu Kahookele. Better known to all those of Nahiku, the old-timers, as Lena. We're talking about this building called the "Old Nahiku Grammar School." I was the last graduate of the Lower Nahiku Grammar School. These are the last students of the Nahiku Grammar School. Okay? I brought with me things that I think would be very interesting for all of you to know. For example, whatever pertains to the Lower Nahiku Grammar School lot of 1.9 acres is all recorded in this original Royal Patent Deeds. Also, there is an Executive Order signed, sealed, and delivered by the State of Hawaii. You're welcome to look at it if you want to. Secondly, this here is from the Occupational Lands down to my grandfather whose name is David Kanaloa Kahookele; from Occupational to Republic; from Republic to Territory of Hawaii. It's all here folks, and I'm willing to share it with you if you wish.

Here, I brought the original petition that was signed in 2006 -- 2006, and majority of you sitting there signed it, not counting other petitions that were signed also, which I do have in this book here, and we went through a lot of heartache going through this because we have, of course, the school lot here; 52-A was a homestead belonging to David Kanaloa Kahookele, Senior and Junior; 52-B is on the side where the school lot is above, all the way to Kramer, okay. As a kupuna of Lower Nahiku that have been there enough years to know the history of it, this have of course a church lot, and these are petitions, signed, sealed, and delivered, okay. There's even more. Attendance of the meetings at the Nahiku Church, Protestant Church, I might add, hale, signed by those that attended.

Here, these are some photos of what has been done to the school lot, which is trespassing, number one. Number two, all of this on the school lot. Number three - kala mai ia`u, kala mai ia`u - when we had the groundbreaking, which was done, and I'm sure you recognize a lot of faces in here, one of whom, sad to say, we just lost, Uncle Stephen Cabral. Also, what was being happening on the school lot fishing, scaling fish without permission; hunting pig from the mountain --

Unidentified Speaker: Are you serious? You're going to go there? Nobody even use it ...*(inaudible - not speaking into the microphone)*...

Vice-Chair Kaina: Sorry, I gotta call this order.

Kumu Kahookele: I have the floor right now, honey.

Vice-Chair Kaina: This is -- this is a public hearing.

Unidentified Speaker: I don't give a shit if you get the floor.

Kumu Kahookele: Okay?

Vice-Chair Kaina: This is --

Unidentified Speaker: That's my fucken pictures ...*(inaudible - not speaking into the microphone)*...

Vice-Chair Kaina: This is a public hearing, please.

Kumu Kahookele: Honey, that came from camera.

Unidentified Speaker: ...*(inaudible - not speaking into the microphone)*...

Vice-Chair Kaina: Please stop and control yourselves.

Unidentified Speaker: ...*(inaudible - not speaking into the microphone)*... my pictures.

Kumu Kahookele: Just cool it, Shyana, okay.

Unidentified Speaker: ...*(inaudible - not speaking into the microphone)*... sue you.

Kumu Kahookele: ...*(inaudible)*...

Vice-Chair Kaina: ...*(inaudible)*... taking a recess right now. We're taking a ten-minute recess, please.

(A recess was called at 5:43 p.m., and the meeting was reconvened at 5:56 p.m.)

Vice-Chair Kaina: I'd like to call this meeting back to order, please. If everyone can be seated. Hang on. Hang on, Aunty. Hang on, Aunty, please. So, as everybody's getting

seated, I'd just like to reiterate real quickly that this is a public hearing and everybody's been given an equal chance to speak so we won't tolerate any more outburst when somebody's having a hearing. Please keep your comments to yourself and try to stay controlled. With that, we'll continue Aunty's testimony.

Kumu Kahookele: Mahalo. Mahalo kakou. Before I close, I would like to say mahalo for letting me share. Forgive me if there was anything that I shared that did touch a nerve. I would like to thank the Hana Advisory Committee and everyone else that is here. I would like to share also to say that the community center for Lower Nahiku is a very important necessity. If we are going to talk about traffic, right now as I speak, we have more traffic coming down Lower Nahiku Road than ever. You know how I know? I count them coming down, okay? And all -- we have all these buses, County trucks, big stuff that come down that road. If anything that is a disaster down there is the road infrastructure, number one, and, of course, the turn.

Vice-Chair Kaina: Aunty? Aunty, I can make a request?

Kumu Kahookele: Yeah.

Vice-Chair Kaina: If you can face the council?

Kumu Kaookele: So I would like to say mahalo again. Mahalo. Mahalo nui loa. Mahalo. God bless all of you.

Vice-Chair Kaina: Sorry, I have a question here.

Ms. Maya Ross: Aunty, I have a question for you. You were sharing all the paperwork in your binders and some of them was for petitions and for meeting attendance, what were the petitions for exactly?

Kumu Kahookele: For support.

Ms. Ross: For support.

Kumu Kahookele: In support of the community center.

Ms. Ross: Okay, thank you.

Kumu Kahookele: Any other questions? And I don't want to sell out my age, but right now, as I speak, I'm the oldest kupuna of Lower Nahiku.

Vice-Chair Kaina: So we'll just, as a council, we'll acknowledge receipt of this. Moving forward, is there anyone else who would like to offer public testimony?

Ms. Cheryl Kekahuna: Aloha. You need me to sign the paper? Okay. My name is Cheryl Kaohe Kekahuna, resident of Lower Nahiku. E kala mai for the disrespect that was displayed for our kupunas, the generations have truly changed, and to have to witness that. In 1860, under the reign of King David Kalakaua, the konohikis of 11 ahupuaas on the eastside of Maui was ordered to designate land parcels for the use of education and religion and/or both. The last konohiki for Lower Nahiku, at that time, was David Kanaloa Kahookele, Sr. Our district was known, at the time, as Koolau 18. In 1909, David Kanaloa Kahookele, Jr. signed the Disposition from Royal Patent to Land Patent. Let me take a moment to share about who David Kanaloa Kahookele, Jr. is, for whom the community center would be named after.

He was a kahuna haipule, moololo kahiku, cultural practitioner, ike of laau lapaau, haku waa builder, and the haku hookele just to name a few. Fast forward to 2006, we have issued to you copies of signatures from members of the community in support of the community center, and also in 2010. Today, in 2017, there is a petition to intervene regarding an environmental assessment. If I may speak on some of the questions asked, and not focus on false accusations, number one, will current property taxes be affected from the construction of the community center? No. FYICIP. Number two, will a two-lane road be constructed because the community center? No. Noise impacts. There has been current complaints this year about loud music in the community. Again, issues prior to the community center. Increased public use of the road, as mentioned. Currently, there are 60 to 70 vehicles that travel down to Lower Nahiku in a given day. Again, something that already exist, existed for decades and fear will be worse with the construction of the Kahului Airport. Number five, numerous health and safety issues. Earlier this year, we had a drug bust. Just this past Saturday, a man was spotted in Lower Nahiku that had warrants out for his arrest, which isn't the first time. It said that just one person is an advocate for a police substation. Well, I join that person. If police presence will keep illegal drugs away and criminals from our community for not only myself but future generations, I'm all in. We could have had a meeting place for the current rat lungworm disease epidemic. Cultural impacts. This one is personal for me being of Hawaiian ancestry, who currently, in Nahiku, is cultural practitioners for the preservation and perpetuation of the Hawaiian culture for this generation and future generations. Number seven, history of flooding. The school stood for more than 100 years on the proposed site and, mind you, survived the tsunami of 1946. Number eight, environmental impacts. It was mentioned about trees. One of our kupunas, as mentioned, Kupuna Stephen Cabral, who recently passed, he attended the 2013 Nahiku Community Center groundbreaking ceremony, pointed out to the two banyan trees and said, "Those trees no good. Just pull 'em. Get rid of 'em." People already come down for our resources. That's

been going down for a long time. And they sell 'em. They take 'em, and they take it outside, and they sell 'em. So that is already being done.

I have a paper, I think all of you have it, Glen Correa signed the Declaration of Exemption. I agree a thousand percent. The initiative is to replace a building for a building. It is questioned who does the NCA represent, which is irrelevant at today's proceedings, however, for the record, the NCA started back in 2006 and has represented all members of the community and will continue to preserve, perpetuate, and holomua in honor of our living and past kupunas and future generations. The protocol for the community center was done by seeking the manao of not only the community, but our kupunas, which is a process that was done back in the day, nothing was brought to councils or advisories. No disrespect. We will honor those kupunas who are still with us and have gone.

I would like to issue a mahalo to Uncle Raymond Kahookele, Sr., who was one of the David Kanaloa Kahookele Jr.'s last adopted -- one of his last adopted living sons, who passed in September, for his yard maintenance to the school lot, the Nahiku Hawaiian Protestant Church, and the Nahiku Landing. We honor our kupunas who are still with us and continue to be the driving force. In closing, I leave you with this: The community center won't divide the community; contrary, I believe just the opposite. It's the people that will divide a community. Mahalo for listening, and I hope I provided information for the board to be able to make an informed decision. Mahalo.

Vice-Chair Kaina: Mahalo. Go ahead.

Isaiah Kahuhu: My name is Isaiah Kahuhu. Just so you know, that is the oldest living kupuna down in Nahiku, not her. Secondly, I live across the -- that school lot, okay. I, personally, have pictures of pulling vehicles off of the road because they went fall off, okay? Now, every time rain, get two to three lots below the -- the school yard that all the runoff goes to, that man's yard, the lady back there, her yard, okay, and their neighbor's yard, who she only owns the property in there, she doesn't live in there, okay. I own one of the biggest trucks that drive that road every day, up and down. I work for one company that owns property down there that has the biggest truck that goes down that road, bigger than the fire truck, okay. When I take that truck down that road, everybody gotta move into somebody's driveway or they gotta go and reverse until they find somebody's driveway because I coming down. I cannot move, okay. She said that nothing going change. They not going make one two-lane road for that. So if you not going make one two-lane road, how that road going sustain that much more cars coming down? Okay.

There's a lot of things that they said not going happen, and a lot of things they said going happen, okay. I own dogs. I own one pig farm. Okay, so if you guys change the zone, what going happen to me? What I going do with my pigs? Okay. And the only other thing I get is if this community center comes up, yeah, I already, like I said, I've been

pulling cars out from inside off the road, okay, not only me, he has too, he get one backhoe he can pull 'em out, I gotta pull 'em out with my pickup truck because they blocking the road, so now if this community center come in, have people coming inside Nahiku for drink, what going happen when they leave? It's bad enough if you don't know the road, you don't know what going happen. Now if you drunk, that's even worse. Thank you for your guys' time.

Vice-Chair Kaina: Sorry, bruddah, you can come sign the paper for me up here? You can come sign for us, please? Aunty? Aunty?

Ms. Sharon Kahookele: My name is Sharon Kahookele. I live across the street from the proposed community center, and I have some questions and statements. The land is ag. Most of the residents have vegetable gardens, flowers, ti leaves, and other plants as well as animals - chickens, ducks, birds, cows, pigs - what's going to happen to that if they change the zoning? To change the land designation would hurt many of the residents and to make them change their way of life that many have lived for several generations and would like to pass down to their children and their children.

The proposed land is also one-quarter mile from the ocean, so when we get winds and water, it would be accounted for. The road is a one-lane narrow road, no shoulders, no turnarounds, steep drop-offs, three to five feet on one or both sides of the road, rocks, trees, and running water on the road during and after rain. No passing in parking spots. The bridge is out. And when somebody gets hurt at the landing, the ambulance parks at the bridge, and then the boys have to run, and that's not good for the person injured. Vehicles do not have room to reach all of the homes, and tourists on the road, the number has increased, makes it hard for people going up and down because of no passing spots.

The school yard was set aside for Nahiku School children who could walk or ride bikes to school, not for outsiders to come in and stay. Children need a playground where they could play, not a community center where they would be told no, you're not welcome here. You go home. The yard floods with water up to a foot deep during rain storms, and I have pictures here, as well as Isaiah was saying about cars, here he's pictured pulling cars out of the road where they fell off of the road. There's no sewer system, no water system, no electricity, no parking area, and clearing the land area could destroy a hundred year old tree that would be blocking your parking area. Water comes from a small pipe through a small -- from a small tank at the top of Nahiku Road, pipes that often break or leak. Amounts of water in the tank is sometimes not enough for residents and to add water for a community center to use would reduce water for the residents and fire hydrants. The very narrow road -- very narrow roads is hard for the fire trucks and rescue vehicles. The water hydrant must be checked often to be sure that there's water. The emergency vehicles cannot cross the bridge to reach homes or the landing.

My worries are too much traffic. Children and adults walk to the bus stop to visit neighbors, to go swimming, to check mail, and with the speeding cars and cars going everywhere; cars parking on private property or at the bus station. Too many strangers. Uncontrolled parties. With alcohol, empty cans, bottles, trash, drugs, noise, loud music, talking, fights at all hours. I have family members and children that have to be ready for work and school at 6 a.m. as well as an infant and me that noise from the proposed community center would disturb. People wandering on private property, disturbing people and animals, taking flowers, ti leaves, and other plants. Those were my worries.

The suggested location for a community center would be along the Hana Highway at upper Nahiku. The reasons: It's easily located on the main road, easy to get to, accessible to all, especially those trapped by closed roads, emergency, storms. It's also flat, it's away from the tsunami area, and not a flood area. There is food booths around there where people could buy food if the emergency lasted, and this would be -- the people would not have to worry about rocks and trees blocking the road as is probable and possible on Lower Nahiku Road.

And I have a question. On 4-26-17, on page 12 of the booklet, Declaration of Exemption signed by Glen T. Correa, he considers the potential effect of the above-listed property, meaning Nahiku Community Center: I declare that this property will probably have minimal or no significant effect on the environment and is, therefore, exempt from the preparation of an environmental assessment. If he has not been to Lower Nahiku and talked to residents affected, how does he know that it will have minimal or no significant effect on the environment? Thank you. I have pictures here if you would like to see them, the pictures. Thank you.

Vice-Chair Kaina: Thank you. Do we have anymore testimony? Anyone else would like to step forward and give testimony?

Mr. Bruce Stoner: Yeah, I'd like to say something. Never spoke into a mike before. I guess I have to address you folks.

Vice-Chair Kaina: Bruce, can you state your name for us, please?

Mr. Stoner: Yeah, well, anyway I feel a little uncomfortable being here and having being in this position, but I just have to speak.

Chair Notestone: Bruce, you have to give your name.

Mr. Stoner: My what?

Chair Notestone: You have to give your name into the microphone.

Mr. Stoner: If I can remember my name. I can't hear very well, but I can make noise. My name is Bruce Stoner. I live in Nahiku. I moved there in 1971. And when I moved there in 1971, there was very few people there. The road wasn't paved. There's a little small water pipe going down the whole road serving everybody, and I loved it. I love that kind of a community. It was wonderful. It's just how I felt. It was wonderful. Okay, when I got up this morning, I wasn't going to come to this meeting because I feel very strongly about this issue here of building this community center, it's not needed, nobody wants it, just a few people want it, all the talking, all the -- everything about it, to me, it's just a bunch of BS because I don't know why anybody came up with this idea in the first place. We don't need a community center down there. There aren't enough people there to require a community center for the "keiki," as they say, or anything. You don't really need it. This community of ours exist fine just by itself. Everybody has kind of a secular lifestyle. They live their own life. They work. They support themselves. They get by. They don't have time to really hangout with their neighbors. They just wave on their way to work or whatever they're doing for their business. It's just fine, and we don't need this.

This thing cost a couple million dollars? We've been trying to get our bridge fixed for five years or something. Everybody's tossing it back and forth; don't want to spend the money. I've watched them fix that bridge two times since I've been there. They paved the road twice. I didn't even want it paved, personally, although I appreciate the smooth pavement. But now, the bridge, nobody can use the bridge, people have property on the other side of the bridge, they can't even access it, my son lives over there, he has to carry everything into his place, and everybody just passes the buck, and yet they wanna make a two million dollar community center that nobody wants. To me, it doesn't make any sense.

I wrote down my feelings this morning. I guess I'll just speak on them. I don't know why the people who want this thing want it so badly. I don't want it at all. For one thing, I live on the road. Lena lives on the road. She might be counting the cars, I'm not counting the cars. I wave at it. I'm friendly to whoever comes by. God bless them all. But the road isn't meant to handle extra traffic. As I understand it, this thing's supposed to handle, like, you know, couple hundred people at a time or something. We don't need that kind of traffic on a one-lane road. As it is, some people drive too darn fast on it. I gotta be on my toes so I don't get run into, you know. Kids play in the road. People drive too fast. To change that road will cost millions of dollars. It goes through about six or seven people's property. It goes through my property. I live about -- lose about 8,000 square feet of property where the road goes through. I don't care the road goes through. It's alright. But the thing is we don't need more traffic. Why in the world does anybody think we need a two million dollar facility down there? I can't imagine why. I just -- I just cannot imagine why. I'm so against it. Does the County have money to just throw away on a thing like this? There's about I don't know how many issues. There's about six or eight

real issues that make this thing illegal. For one thing, I'm not sure who really owns it. I'm not sure anybody is. Probably one of Lena's relatives. I don't care who owns it. We don't need it. And if that's not clear, how can you spend all this taxpayer money on something that's not clear who even owns the darn thing? The main thing is it don't belong there. If you put that thing there in the middle of our community, this is one of the last little vestiges of this kinda communities left on Maui, maybe there's Kaupo where nobody, you know, whatever, but it's not even like the same kinda thing. It's a tiny little community down there of people that 99% get along. Nobody has any problems with anybody else. Everybody gets along fine. It's a small, friend, nice, little community. You put a -- you put a focal point, like a community center down there, you get people from wherever, God bless them all, they're going to be coming down there for whatever, there's plenty of places to have a community center. I've heard people say, oh, in case we have a flood, or a storm, or somebody gets lost on the highway, they can come down there. Yeah, if they can find it. And not only that, it's in the tsunami zone. That's no place to make a shelter for any kind of an emergency. All it -- to me, and that's just my opinion and about a hundred people agree with me, there's about six or eight people that think they want it there, but everybody else knows darn well we don't need, nobody wants it. Everybody feels strongly about it. I feel really strongly about it. I love that place. I came almost 50 years. I'm about, besides Arnold, I'm probably the oldest guy down there, and besides - - I don't even know if Arnold lived down there when I moved down there. I wasn't born in Hawaii, but I, not this life, but I love Lower Nahiku, I really, really do, and I don't want to see it messed up. If you put this thing, this community center down there, environmental impact, it's going to destroy what's there right now as a small little community. It's going to become something else. I really, really, really do not want that to happen. I don't want humbug with anybody, everybody hating me 'cause I love that place, but I'll stand up and say it. I'm really against it. I have no power except my voice to say that. I was going to ready my letter but I'd feel pretty silly doing that. I just wrote this to myself to just clarify how I feel about it. I feel awful about it. I missed some of the early meeting here. I guess there's some kind of huhu going on.

And about this Lower Nahiku Community Center, just as an aside, I mean not Center, Association, this started out everybody's going nobody wants that. I was there. Nobody wanted it, but, well, God, what's going to happen. I guess we better be there to see what's going on. What went on is I've never seen people be so rude before. The person running that meeting was so rude, even said, well, you can just go home, and stuff like that. All this crap of how people should never behave. I've never seen anybody behave like that. I've been, well, other than all over the world, but I've been around a lot of it, everybody's nice. What I witnessed there was so rude, everybody went the hell with that, and left. Left one family ...(inaudible)... the Nahiku Community Association --

Vice-Chair Kaina: Bruce, can you finish up, please?

Mr. Stone: Everybody member on that has the same last name.

Vice-Chair Kaina: Bruce, can you finish up for me?

Mr. Stone: So what's going on with this? Anyway, I'll say it one more time. Please, whoever has the power, don't let this happen unless you just wanna to destroy what we have down there right now, you know, or unless you wanna double the road to make it safe, you know. I had to grab my grandchildren off the road 'cause people drive too fast anyway. Sure, trucks can go up and down the road, that's okay, they can, everybody's careful, but not if you're going to double and triple the traffic, and the crux of the matter is why? What in the world does anybody wanna do that? I just -- it defies logical thinking, in my mind, so excuse me but --

Vice-Chair Kaina: Thank you, Bruce. Thank you very much.

Mr. Stone: God bless Nahiku. Thank you.

Vice-Chair Kaina: Anyone else would like to offer up testimony?

Ms. Ellen Kahookele: Hi. My name is Ellen Kahookele. I am now very nervous. I hear a lot of what people say, and I think about it, and something that occurs to me is that we are asking for you to be our voice, to hear the full community - good, bad, pigs in the sky. Sorry. But we are asking you to hear us. I have here over a 130 petitions asking for one simple thing, an environmental assessment. That's all we are asking for. That's all this is about, and I have them right here, and I'm going to present them to you.

Chair Notestone: We'll take note of this for the record.

Ms. Kahookele: And I know that there are some people who wanted to present them themselves, so I will invite them to present their petition at this time as well while I try not to ...(inaudible)... I know that there's a lot of things going on, but one thing I do know is that I was raised there, I grew up playing the streets, like all of the other kids, running up and down yelling hi aunty, hi uncle, I going cousins house, and I want to see that continue, so that's why we're asking for this environmental assessment. We're asking you, who were chosen to be our voice, like I said, good, bad, pigs in the sky, please, hear all of us and grant this environmental assessment. It will answer everything. That full disclosure, I think, will help to straighten everything out to get it going. I know I have my own opinions, I have my own preferences, but this is about the environmental assessment. That's I guess what I have to say. Thank you.

Ms. Lono: Excuse me, Ellen, I have a question. I'm sorry. If the issue is to have an environmental assessment, what I'm hearing everybody say is they just don't want the

community center, so why would we spend money to do an environmental assessment when the goal would be to not build the center because the community doesn't seem to want it?

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Ms. Lono: Excuse me. I'm speaking to someone. This is a formal meeting. Thank you.

Ms. Kahookele: The environmental assessment is, from what I have seen, the linchpin. This will answer all the questions. I mean if it's going to be there, then prove it with the environmental assessment. Make -- the answers should be right in front of you. You can open it; you can look at this paper; you can look at this document and see every answer to all the questions. We want to see that document. If it turns out that another location serves a better purpose for a wider community, then that's wonderful if it serves -- but this document has not been done. It should have been done in the first place. We want to see this document.

Ms. Lono: Okay. Thank you.

Ms. Kahookele: And one thing I would like to add is -- never mind. I will -- never mind.

Vice-Chair Kaina: Thank you. Hi, Ryan.

Mr. Ryan Uchiyama: Hi. My name is Ryan Uchiyama. I'm here to represent my ohana from Lower Nahiku who have lived in the area for a while. I listened to everything tonight. My thing is it's not the community center, it's the zoning change. If you change the zoning to residential, can I be residential too 'cause I wanna build, you know, vacation rentals, bigger houses, maybe then sell my place, the next guy come in can build all that stuff, okay, and that's it, you know, on the zoning. As far as, you know, they talking about our fishing, they come in any way to take it, no they're not. Our bridge is out. Three years. You should see all the fish that come back, see all the opihi we got because nobody can get to the landing; they have to walk; they don't want to carry their stuff, okay. So, you know, and last, I live at the end of the road so you know where all the tourist comes. I can't get home some days. They park on the road. So I just leave my car there, you know. They want to get out, yeah, when I'm ready, but, you know, at the end of the road, every day, every day. The sign at the top of the road don't mean nothing. The sign by the church don't mean nothing to tourist, okay. Gale knows, last three weeks, we had a rescue there; today, it's a bad one. Somebody passed away. So, you know, the fish is coming back, and the bridge, that's another matter. My thing is just the zoning, okay. No, keep everything ag. We don't need that down there. Keep it ag. Thank you.

Vice-Chair Kaina: Thank you. Any further -- more testimony? At this time, we'd like to go ahead and close the floor to public hearing. Dawn moved.

Ms. Clark: Sorry, thank you. I'll second.

Vice-Chair Kaina: Linda second. We'll go ahead and close public hearing.

It was moved by Committee Member Lono, seconded by Committee Member Clark, then

VOTED: to close the public hearing.

**(Assenting - L. Clark; D. Lono; M. Ross; K. Kaina; G. Notestone)
(Excused - L. Cosma; S. Crawford)**

Vice-Chair Kaina: Alright, it's carried. I would like acknowledge that during public hearing our Chair has returned, Gale, and I'd like to do ahead and hand over this meeting to him.

Chair Notestone: Thank you, Vice-Chair. Mr. Fasi, would you like to address some of the issues you heard tonight?

Mr. Fasi: I'd like to put everyone at ease a little bit. Let me clarify a few points. There's some dollar figures being thrown around at 2 million, it's not 2 million. It's actually estimated at 1.5. I don't know where the 2 million dollar figure came from. The other point I want to -- point of clarification is you do realize this structure can fit in this room. It's 72 feet by 34 feet, I believe. Third, this proposal has a long way to go. There's no decision being made tonight, okay. There's definitive decision being made tonight. This is purely a recommendation to the Maui Planning Commission. After the Maui Planning Commission meeting, that's another public hearing where you will have -- well, not a formal public hearing, but you will have an opportunity to testify in front of the Maui Planning Commission, if you choose to do so. So this recommendation goes to the Maui Planning Commission; the Maui Planning Commission then makes the recommendation to the County Council; it goes and sits at the County Council; they have a first reading; if it passes, they have a second and final reading, and that's just for the land entitlement permits - the change in zoning, the district boundary amendment, and the community plan amendment, okay. So after that gets approved, if it gets approved, they have to go through the special management area hoop, okay, and that's a whole other ballgame. Then it starts all over again. So this particular proposal has a long way to go. There's nothing that's going to be definitively decided tonight, okay, so that's where we're at.

Chair Notestone: Questions from the council? Ms. Lono.

Ms. Lono: Mr. Fasi, I heard several people talk about change in zoning and if this property's zoning is changed, will it affect the zoning on anybody else's property or agricultural use or pig farming, or flower growing --

Mr. Fasi: No. It will not.

Ms. Lono: Or anything on anybody else's property?

Mr. Fasi: No. It will not.

Ms. Lono: Okay, that seems to be very important. So the zoning change is specifically to the school lot, and then my understanding is that the part that's going to be public/quasi-public is only the part that the school is -- or that the community center is going to be on, and the balance of the property will remain in agriculture. Is that correct?

Mr. Fasi: The zoning change only applies to the TMK, no other TMK, tax map key.

Ms. Lono: No, but the question was, the public/quasi/public, is that just where the school is and the rest of the lot stays ag?

Mr. Fasi: No. The entire TMK changes.

Ms. Lono: The entire TMK. Okay.

Mr. Fasi: Yes.

Ms. Lono: I'm just trying to clarify misinformation that I've heard, so I just want to understand that. And then once this property is rezoned according to this proposal, will it affect the property taxes of the surrounding properties in any way?

Mr. Fasi: I can't definitely say. It will probably not affect them. I don't think -- it's --

Ms. Lono: Who would be the person to talk to?

Mr. Fasi: It's public/quasi-public.

Ms. Lono: Right.

Mr. Fasi: So it's -- you know, you're not going to be opening up an agricultural business there, so it actually devalues the property.

Ms. Lono: Okay, 'cause that -- that I know is a concern of the community so that's something we need to get a really clear answer to and if there's somebody here that could answer that question or if we should direct it to someone else, that's something that we need to get answered for on the community's behalf.

Mr. Fasi: You're talking about -- you're talking about the real property tax --

Ms. Lono: Yes.

Mr. Fasi: Situation? I'm 99% sure it's not going to affect it but that's a real property --

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Ms. Lono: That's alright. That's alright.

Mr. Fasi: That's a real property tax question.

Ms. Lono: Okay.

Mr. Fasi: It's a real property tax question that should be answered by that department.

Ms. Lono: Okay. Well, we can -- we can get that from the Real Property Tax Department. Mahalo.

Chair Notestone: Any other questions from our board?

Ms. Ross: Oh, I'm sorry, I have a question on the State land use district boundary amendment. Two times in this document it is mentioned that we are changing from agricultural to urban, and my understanding, based on the presentation, the slides that were provided, and other places in the document, it's agricultural to rural, so can we please clarify --

Mr. Fasi: It's agricultural to rural.

Ms. Ross: Okay. So can those two -- can I make note of where those two places where we say we're going to change it from agricultural to urban, can that be revised because those are huge differences is my understanding as --

Mr. Fasi: That will be revised.

Chair Notestone: I have a couple questions, Mr. Fasi. I missed your presentation, I'm sorry I missed it, but I do recall that you said that this was going to be a shelter for the community. Am I correct?

Mr. Fasi: That's not -- it could be used as a shelter. It could be used for very many -- for many purposes.

Chair Notestone: Well, it was brought up that the shelter was going -- I mean the shelter -- the structure was going to be made out of wood and certainly a shelter, I know the fire station is a shelter and that's a brick house, and certainly I would expect that in a "shelter" for a community. I did hear questions about ownership of the land. Is that an issue?

Mr. Fasi: The County does not get concerned with the ownership of land. We don't get involved.

Chair Notestone: So I mean it's an issue when we, as individuals, build.

Mr. Fasi: I can't comment on that.

Chair Notestone: Okay.

Mr. Fasi: You know, I'm not -- I'm not trained in that area.

Chair Notestone: And another question is you mentioned these hoops that -- that have to happen before any final decision is made, is that correct? You said there's quite a process from this point forward.

Mr. Fasi: Well, this is scratching the surface.

Chair Notestone: Copy that. So these hoops will -- I mean the amount of time it takes to get to the final, the money allotted for this project would that expire like it had in the past?

Mr. Fasi: It'll be like the Honolulu Rail, it probably won't be enough. We're, folks, we're probably a year, maybe two years out on this.

Ms. Lono: It's not appropriated yet.

Chair Notestone: Dawn Lono, could you take the mike on that?

Ms. Lono: I don't believe the money has actually been appropriated yet for the center. It's not at that place, I don't think. And then the property is actually owned, according to what, you know, we've been told, discounting whatever history and everything that's out

there, it's actually owned by the State, and by Executive Order, is being utilized by the County for a specific purpose, for the community center, so that's -- that's my understanding of it over the years and the meetings and, you know, everything we've been through, so I don't know anything beyond the State ownership, but that -- that's my understanding and I think that's what we have reflected here as well. Gale, did you get that?

Chair Notestone: No, I'm sorry. I was being ...(inaudible)...

Ms. Lono: The land is owned by the State and, by Executive Order, being used by the County to build a community center.

Chair Notestone: Alright. Copy that. Are there any other questions from the -- from the council? No more questions? Any discussions? We have somebody in the audience who wants to speak. We have already closed public testimony. Do we have any questions for the consultant and that's --

Ms. Lono: Mr. Chair, I do have a question.

Chair Notestone: Oh, go ahead, Dawn Lono.

Ms. Lono: Relevant to the parking lot area, and the drainage and so on and so forth, I'm assuming that they're considering doing asphalt paving for the parking lot, is that correct?

Mr. Riecke: Yes, my understanding is there's also a ...(inaudible)...

Chair Notestone: Could you go to the microphone, please?

Mr. Riecke: This is Anthony, with Riecke Sunnland and Kono. Yes, it's an asphalt parking, and there's also a drainage system that takes some of the water to a retention holding underneath the parking lot.

Ms. Lono: Was any consideration given to the possibility of doing a grass-block parking lot that wouldn't -- that would allow some of the natural drainage to take place and not gather a lot of water that would need to be dealt with?

Mr. Riecke: I wouldn't say "grass." I mean we could consider doing a permeable paving lot. The difficulty with that in Nahiku is you need to vacuum it occasionally, you don't have the equipment out here to do that, so the better solution is actually the catch basins and then holding the water underground until it percolates into the -- into the ground, and with that -- yeah.

Ms. Lono: But with the overall picture in mind, maybe some consideration should be given to an alternative to asphalt and drainage basins. That's just my suggestion. Mahalo.

Mr. Riecke: Alright.

Chair Notestone: I have another question for you, Sir. So with the design of this community center --

Mr. Riecke: Yes.

Chair Notestone: I noticed that the restrooms are inside the building.

Mr. Riecke: That's correct.

Chair Notestone: I lived down in Nahiku part-time and while I really think that's needed for, not only the landing, but -- I mean it's a heavily visited area and there's no restrooms available for the public that go down, and I have, personally, witnessed lots of tissue in the bushes. It's disgusting. My question is: If this was built, I mean those restrooms, you have to inside the building to get to them, so I anticipate the community center will mainly be locked. Who's going to maintain this structure? Who's going to have the keys to this structure? Can you answer those questions?

Mr. Riecke: No, I can't. That would have to be someone from Parks, and it is an operational thing, right, 'cause it's always a security issue with restrooms.

Ms. Lono: I'd just like to say my understanding from previous meetings was that this facility will be a County Parks facility --

Mr. Riecke: Correct.

Ms. Lono: It will be run by the Parks Department, and all of the protocol that is in place now for every other park facility in the County would be -- would apply to this community center.

Mr. Riecke: That is correct.

Ms. Lono: So you would have to go get a permit if you wanted to use it, you know. It would be the same process as it is for any other -- if you want to use Helene Hall, if you want to use the pavilion, if you want to use anything else, so it's run by the Parks Department. Parks Department would have the keys.

Chair Notestone: Last question.

Mr. Riecke: Sure.

Chair Notestone: I think it's going to be my last question. It's about the water supply. It was brought up in the public testimony, I know it's an issue there, and do you have plans to improve the water supply to the community center?

Mr. Riecke: Only from the property line in, so not on the main line in the main road, and we've -- well, we actually had a permit that was issued before with that, and going through it the second time, it's looking like, you know, we'd probably have to get some very low-flow fixtures that we can meet the 5/8-inch water meter fixture flow, which is very low in Maui County.

Chair Notestone: And my last concern is -- sorry, it's not my last.

Mr. Riecke: That's alright.

Chair Notestone: There's been -- it's been very vocal about the request for an EIS for this property and to my understanding that because it's under 343, well, I think it's the code, but why is there not an EIS being done for this?

Mr. Riecke: I think you mean probably an environmental assessment, which is an EA, and I would have to defer to Parks 'cause they're the one who gave the exemption for it. I can tell you from experience that environmental assessments are very expensive and they take a very long time to do.

Chair Notestone: Well, we're talking a two million -- well, okay, 1.5 million dollars, and being that what I'm witnessing tonight is a split community, I would feel that whatever the cost of an EIS would be money well spent for the future of this community, this jewel that is called "Nahiku." So who do I bring that up to if it's not you?

Mr. Riecke: Well, I think that's something for you commissioners to discuss among yourselves. It can be, you know, a recommendation.

Chair Notestone: I just wanted to see if you had an answer for that. That's all I have. Thank you. Anybody else?

Ms. Ross: I just have one question. The last exhibit that we have in our document states that the Maui Urban Design Review Board reviewed all of this and their only recommendation was to consider installing the utilities underground.

Mr. Riecke: Yes.

Ms. Ross: Wouldn't this greatly change the overall proposal in moving the utilities underground and what do we -- what is the response to that kind of recommendation?

Mr. Riecke: So we did look into that and it's not a -- they weren't talking about from Hana Highway all the way down, they were talking about from the public way to the building, and so right now there's a pole that's about 40 feet away from the building, and we pull a wire from that over to the building. We estimated it would cost an additional \$20,000 to put it underground and Parks has decided that they'd rather not do that. To me, as an architect, actually keeping it overhead is more in character with, you know, what's there in the area. Most of the people probably already get their power from overhead; that's why the overhead, you know, lines come down on the pole, you know, it's not a new subdivision out there with everything underground. There are advantages to having things underground as people in Puerto Rico probably would tell you right now, but it is very expensive to do usually and it's not common out there. And from what I've heard from the community, they wanna keep that character, they wanna keep it rural and country, and that does mean occasionally there's inconveniences when you get a rain storm with lightning.

Ms. Ross: I do have one more question. I was just kidding. The -- and I don't know if you're the right person to ask, but in regards to the kitchen facilities --

Mr. Riecke: Yes.

Ms. Ross: There was comments and a recommendation of a fiberglass type grease interceptor over the concrete one because of the lifespan of it. Why then was it -- the only statement was after researching the cost and useful life that the concrete was still the way to go.

Mr. Riecke: Yes. I'd have to defer to the mechanical engineer on that. That is not my expertise. Though concrete's more environmentally friendly.

Chair Notestone: Thank you.

Mr. Douglas Gomes: My name is Douglas Gomes. I'm with Engineering Dynamics. I'm the mechanical engineer on the project. Yeah, you do have different types of material for the grease interceptor. The concrete tank is a very substantial system to contain the grease and, naturally, even the septic system for the sewage could be -- could utilize concrete or plastic. There's some issues with the plastic from the standpoint that structurally, when you pump the system out, you know, it's an empty vessel, external pressure sometimes result in the collapse of those tanks. So in terms of the corrosion,

you know, the plastic always seems better, but the concrete tanks can be protected with waterproof coatings that prevent the internal and external -- internal contents and external rain from attacking the reinforcing within the tank and, you know, it preserves the life of the tank, so the concrete would be the preferred in this case.

Chair Notestone: I'm sorry, sir, the public testimony has been closed. Sorry.

Mr. Sagawinit: ...(inaudible - not speaking into the microphone)... if you're going to make that drain ...(inaudible)...

Chair Notestone: Please, we have to -- we have to stick to the formalities of this meeting. Sorry, sir. Any further discussion from our panel?

Mr. Kaina: So this is more opinion, but I sit here today for -- I think we've been here for the last two hours and I think one of our fellow commissioners or someone said we hear a division in the community, and that could actually be said for government and politics too if we look at that these days. A lot of voices out there speaking, a lot of voices out there speaking for communities, yet no ears listening to communities, and this can be seen all over, up and down, from the highest authority down to the bottom. I hear a lot of good points, and a lot of points that don't pertain to what we're here for. I hear a lot of good reasons to, and a lot of good reasons not to approve this project. But there are several things that bother me. The first thing that bothers me is that I hear a community's outcry for something as simple as an environmental assessment, and I kinda hear it being ignored, which hurts. And I will say that I can see a lot of good in this community center for your community, but that's not a determination for me to make, but I can also see it dividing you right now, and that, in itself, is not right also.

Now in 2012, I see an exemption that was given, I believe this was by Correa, and I believe this was for 343, if I'm not mistaken, and I did a little looking into 343 and at 343-1, the findings and purpose, and sorry if I'm rambling, but the legislature finds that the quality of humanity's environment is critical to humanity's well-being; that humanity's activities have broad and profound effects upon the interrelations of all components of the environment and that an environmental review process will integrate the review of environmental concerns with existing planning process, and that's just the nutshell, that's not everything. In some case notes I saw, and this is all cases that were tried here, the proper inquiry for determining the necessity of an environmental impact statement, based on that language in 343-5(c) is whether the proposed action will likely have a significant effect on the environmental, and it defines "significant effect" includes irrevocable commitment of natural resources, and that also rang a bell. After I go deeper and look into 343-5, applicability and requirements, and this says "shall be required," an environmental assessment shall be required, the purpose, the use of State or County lands or the use of State or County funds. Again, I find myself questioning my judgment.

Now I'm looking at no. 6 in this, and it says, "Propose any amendments to existing County General Plan where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new County General Plan or amendment to any existing County General Plan initiated by the County." I don't know if you can all kinda grasp that language.

So I'm looking in this proposal and I see, in 2012, the EA was exempted, but what I see in 2017 is that an SMA use permit was applied for in June of 2017, and what I also see is we're looking at it going from agriculture to rural in the State land use district, we're looking at going agriculture to public/quasi-public in the community plan, and we're asking to go agriculture to public/quasi in the County zoning of which all of this could be considered a trigger factor for an EA, however, when I go back and look, I see that this EA was exempted before any of these applications were brought to the table. Now, that being said, I couldn't in the right conscience mind say an EA is not needed being a member of the community.

Now I also understand the County side of this in that there are lots of time and money that went into planning this, there were lots of hands that went into planning this, and as much as people wanna say there's a lot of negative that went into it, there's a lot of positive that went into this too. There are two sides to this coin. I will attribute this to, and I think I spoke to someone earlier, the one model I used was the Superferry where there was a good uses for it, there were a lot of bad uses for it too, there were a lot of people who were for it, but the reason it folded in the end was because of process, was because an exemption was made for this very thing that we are looking at, and it caused it to fail, and that is something I don't want to see in our rural communities. Our communities are fragile, which means a failure like that could be catastrophic to Nahiku. It could be catastrophic to Hana. It could be catastrophic to the entire district. So again, when we're looking at all of this, we're seeing the project is not moving forward. We're stuck at the land use designations right now. This will go from an advisory from us up to the Maui Planning Commission, who will make the actual determination.

As a Member of this board, I would like to go ahead to make a motion on item no. 1, William Spence, Planning Director, transmitting the following request for the proposed Nahiku Community Center to be located on approximately 1.9 acres of land at 0 Nahiku Road, Tax Map Key 1-2-002:023, Nahiku, Hana, that the community plan amendment for agriculture to public/quasi, the State land use boundary amendment to, sorry, to State rural -- from State ag to State rural, the change of zoning from ag to public/quasi be deferred -- I ask that this be deferred until an EA can be provided or circumstances provided for an EA. I also ask that item 2, the Director of Department of Parks and Recreation requesting a special management area use permit for the Nahiku Community Center project and related improvements located at 0 Nahiku Road, TMK 1-2-002:023,

Nahiku, Hana, Island of Maui, I ask also that this be deferred on the basis of 343 -- I'm sorry, I'll just say HRS 343-1.

Ms. Oana: Excuse me. Would you wanna change that to a motion to recommend deferral to the Maui Planning Commission?

Mr. Kaina: Sorry. What she said. So a motion to recommend deferral pending an EA.

Chair Notestone: Do we have a second?

Ms. Ross: I second.

Chair Notestone: Any discussion? We'll vote.

It was moved by Committee Member Kaina, seconded by Committee Member Ross, then

VOTED: to recommend to the Maui Planning Commission the deferral of agenda items C.1.a., b., and c. until an EA can be provided or circumstances are provided for an EA, and the deferral of item C.2. on the basis of HRS 343-1.

**(Assenting - L. Clark; D. Lono; M. Ross; K. Kaina; G. Notestone)
(Excused - L. Cosma; S. Crawford)**

Chair Notestone: Unanimous. We're going to move on to the next item of the agenda, which is the Director's Report. Thank you, ladies and gentlemen, for attending.

Mr. Yoshida: Okay, thank you, Mr. Chair. I guess we have -- so the commission -- I mean the Committee dealt with items -- public hearing items 1 and 2, is that correct, in the motion? Oh, did the Committee deal with public hearing no. 2 in the motion? Did you deal with public hearing item no. 2 in the motion?

Chair Notestone: Can we have order in the house? Order in the house. We'll take a five-minute recess, let the house settle down.

(A recess was called 7:01 p.m., and the meeting reconvened at 7:14 p.m.)

Chair Notestone: We're back. Back ready to go. Clayton, you have the floor.

D. DIRECTOR'S REPORT

1. Native Hawaiian Law Training - December 9, 2017

Mr. Yoshida: Okay, so I guess I got my answer to the question, so moving to Director's Report, as we know from our August meeting, the Council had earlier or late last year said that the Planning Commissions and the Hana Advisory shall attend the -- a Native Hawaiian Law Training conducted by the Ka Huli Ao Group, from the University Richardson Law School. Again, the only -- they're -- well, they teach during the week so the only day they could do it was on a Saturday, so the date was -- is December 9, and I guess they'll be conducting the training at the Council Chambers but Akaku will be broadcasting using the Council funds, who mandated this in the first place, it'll be broadcast throughout the County on Akaku, so you can watch it at home on Akaku if you get -- or stream it or whatever on Akaku. Yes?

Ms. Lono: Do I need to speak into the microphone? I don't have Akaku at home, so I'm still going to open up the Hana Council Office and watch it there, so if anybody wants to come and watch it together, we'll bring da kine pupus and stuff ladat, but I am going to open the Council Office so if anybody wants to watch it together, we can watch it together. Okay, mahalo.

2. Scheduling of other Hana Region Applications

3. Discussion of Future Hana Advisory Committee Agendas

Mr. Yoshida: So moving to the second item, Scheduling of Other Hana Region Applications, I guess, as you know, Gina Flammer left us at the end of June, and she was the Hana B&B and short-term rental home permit processor, so we have a bunch of these I believe ready to go to the Hana Advisory Committee for their review and comment. I think the earliest we could do it, at this point in time, probably would be mid-December or more likely early January, the first half of January, but we'll contact you about that, and I guess Council Member Carroll wanted to get comments from the advisory -- Hana Advisory Committee on a ag cluster housing proposal, which its intent is to promote affordable housing, so that probably would be on the same agenda as the -- some of these special permits or short-term rental home applications. The other application that we are processing is the Gary Stice SMA to build two houses, and we still have the Kawaipapa change in zoning that Bill Sides is coordinating but that's still waiting to be scheduled. So that's a short view of, you know, applications that the Department is current processing in the Hana region.

Again, we'd like to thank Jen Oana for serving the Hana Advisory Committee. As you know, James Giroux, who used to serve this body at one time, he retired from the County earlier this month, so that's causing the need for reassignments of committees within the Department of the Corporation Counsel, so another attorney will be serving the Hana Advisory Committee after today, which is David Galazin, but we'd like to thank Jennifer

for her work over the Hana Advisory Committee and then -- so I don't anticipate having a meeting before Thanksgiving, so I'd like to wish all of you a Happy Thanksgiving although we're still in the month of October but next week we're in the month November, so Happy Thanksgiving, and Merry Christmas if we don't have a meeting in December. And that's what we have to report.

Ms. Lono: Mr. Chair?

Chair Notestone: Yeah, Dawn Lono has a question.

Ms. Lono: I don't know if it's appropriate to ask this but I know it's getting toward the end of the year and some terms are going to expire next year, do we have like two terms expiring do you know 'cause we should start being looking for people to apply by the end of the year, correct?

Mr. Yoshida: Yes. I guess the -- some of the members or the boards and commission members have until March 31, 2018, so I believe the Mayor's office welcomes any applications for boards and commissions, which he probably would submit to the Council in late January as they have 60 days after he submits a nomination to act on it or it's automatically approved if Council doesn't act within 60 days, so if you know of folks that, you know, look through the roster see when the terms expire, who'd be interested in serving the various boards and commissions, if you could encourage them to apply to the Mayor's office, say before Christmas, so that they will be given full consideration when he submits his list to the Council in late January.

Ms. Lono: Thank you.

Chair Notestone: Thank you, Clayton, very much. Do we have any other questions?

E. ADJOURNMENT

Ms. Lono: Move we adjourn.

Chair Notestone: We have a motion to adjourn.

Mr. Kaina: Second.

Chair Notestone: And we have a second.

It was moved by Committee Member Lono, seconded by Committee Member Kaina, then

VOTED: to adjourn the meeting at approximately 7:22 p.m.

**(Assenting - L. Clark; D. Lono; M. Ross; K. Kaina; G. Notestone)
(Excused - L. Cosma; S. Crawford)**

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Gale Notestone, Chairperson (Arrived at 4:52 p.m.)
David "Kawika" Kaina, Vice-Chairperson
Linda Clark
Dawn Lono
Maya Ross

Excused:

Lehua Cosma
Scott Crawford

Others:

Clayton Yoshida, Planning Program Administrator, Current Division
Paul Fasi, Staff Planner
Suzette Esmeralda, Secretary to Boards & Commissions
Jennifer Oana, Deputy Corporation Counsel