

HANA ADVISORY COMMITTEE  
TO THE MAUI PLANNING COMMISSION  
REGULAR MINUTES  
OCTOBER 29, 2018

*\* 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 Chairperson Gale Notestone at approximately 3:14 p.m., Monday, October 29, 2018, at the Hana High and Elementary School Cafeteria, 4111 Hana Highway, Hana, Maui, Hawaii.

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

Chair Notestone: The time now 3:14 in the afternoon, the 29<sup>th</sup> of October, 2018. For the ones who'd like to testify, there's a sign-in sheet up here to my right that -- if you would sign in. I'd like to -- my name is Gale Notestone, I'm the Chair today of the Hana Advisory Committee. I'm going to introduce our members to you. To my left is David Galazin, he's Corp. Counsel, Ms. Dawn Lono, Linda Clark, Lehua Cosma, our new member, Lipoa - let get this name - Kahaleuahi, and Suzie Esmeralda, thank you ...(inaudible)...

A couple of housekeeping things. I am the Chair and also I am on duty, and so there's a chance that if there's an emergency, myself, I'll have to exit from being the Chair; being that we have more than a quorum, the meeting should be able to continue.

We have two items on the agenda today but, first, for public testimony, and I'll read this off:

*Chair Notestone read item B into the record:*

**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.**

Chair Notestone: So what we are going to do today is introduce each individual public hearing item and then we'll call for public testimony on that item, and then moving to item C on the agenda, the public hearings, we have:

*Chair Notestone read the following agenda item into the record:*

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

- 1. RICHARD LEE LOPEZ and DEVIN LOPEZ requesting a Bed and Breakfast Home Permit in order to operate the Hana Aloha Hale, a two (2)-bedroom bed and breakfast home located in the Interim District at 6820 Hana Highway, TMK: (2) 1-4-010: 018, Hana, Island of Maui. (BBHA T2018/0001) (R. Quigless)**

**There is at least one permitted bed and breakfast home operation located within 500 feet of the subject property**

Chair Notestone: And, Mr. Quigless, you have the mike.

Mr. Quigless: Aloha. Good evening, Chair, Committee Members. My name is Ryan Quigless, Planner with the -- Planner, Landscape Architect with the Maui County Department of Planning. We meet here today to discuss an application to obtain a bed and breakfast home permit to operate a two-bedroom bed and breakfast home in the State rural and County interim district on approximately 2.44 acres located at 6820 Hana Highway, Hana, Maui, Maui Tax Map Key 2-1-4-010:018.

I'll provide you with a brief history of the project. The applicant is requesting a B&B permit for a primary dwelling, two bedrooms total will be available to guests, and one bedroom will be reserved for the owners, Richard Lee Lopez and his son, Devin Lopez. We meet here today because the applicant has one other bed and breakfast home operating within 500 feet of the applicant's home. The property is located in a quiet neighborhood, and the applicant intends to make sure that the rural character and quiet appeal ...(inaudible)... maintained. There's sufficient parking on the property to accommodate the minimum number of stalls required by the County. The applicant -- the applicant plans to accommodate traveling families primarily, and has posted house policies and respectively include quiet hours between the hours of 9 p.m. and 8 a.m.

The applicant has stated throughout the written description of the proposed bed and breakfast that the intention and the goal for visitors is to provide rest and relaxation for the guests while improving the visitor's experience of Maui and, more specifically, to add to the commerce and the experience of Hana.

Based on the evidence provided by the applicant and validated by an onsite visit to the property, the Department can comfortably confirm that the goal and intention of this proposed bed and breakfast will be achieved.

Chair, Committee Members, do you have any questions either for the owners or for myself at this time?

Chair Notestone: Open for discussion. Ms. Lono.

Ms. Lono: Chair, I noticed on the tax map key information in the County system that this home is a two-bedroom, two-bath home, so if it's a two-bedroom, two-bath home and they're renting out two bedrooms as a bed and breakfast, where do the owners reside?

Mr. Quigless: I believe it should be a three-bedroom home with two of them rented out for guests.

Ms. Lono: Okay, well that's not what it says on the tax records, so on your site visit did you see that it's a three-bedroom home? That there are three bedrooms?

Mr. Quigless: There is an existing hale that the property owners built as well, I'm not sure if that's included as one of the bedrooms.

Ms. Lono: Is it a permitted hale?

Mr. Quigless: It is permitted.

Ms. Lono: Okay, that's not on the tax map either. So the record's inaccurate.

Mr. Quigless: That -- that must need to be updated with Real Property Tax. I'll talk with the owners about that to update with them as well. It is permitted. He showed me the proof that the hale was permitted.

Ms. Lono: Okay. Do you know when it was built?

Mr. Richard Lopez: 2005

Ms. Lono: Wow, and it's still not in the record.

Mr. Lopez: Yeah, you know --

Chair Notestone: ...(inaudible)...

Ms. Lono: Well, I'm asking a question so may I ask him to come up and clarify, please?

Mr. Quigless: This is Richard Lopez, the owner of the property.

Chair Notestone: Mr. Lopez, will you come up and state your name and give your testimony.

Mr. Lopez: You know, I've been a hale builder for -- since 2000, the inception with Francis Sinenci, and at that time, you know, he can certify, and I actually I built that as a bedroom, Hawaiian hale, and so the idea is to show people that the Hawaiian skirt --

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

Mr. Lopez: Huh?

Ms. Lono: No, no, no, no, no.

Chair Notestone: Let me remind everybody you cannot question the testifier and --

Unidentified Speaker: Okay.

Mr. Lopez: So the reason why people travel to Hawaii is that they want to experience the Hawaiian culture.

Ms. Lono: Excuse me, Mr. Lopez, that wasn't my question.

Mr. Lopez: Okay, okay. It is. Yes.

Ms. Lono: So if that is the third bedroom --

Mr. Lopez: The bedroom, yes.

Ms. Lono: Okay, so you guys stay in the hale as the third bedroom but it --

Mr. Lopez: If necessary, yeah.

Ms. Lono: And then you have to use the main dwelling as restroom and kitchen and all of that stuff you would share with your guests?

Mr. Lopez: Yes. Yes and no. The -- as one of the requirements is that I put in an additional septic tank and septic system and leach field, which I did, cost me another \$40,000, and I connected it all together to qualify for -- to have that as an extra, not in the hale because the hale not supposed to have plumbing or electricity, but on the side and

in the house so for sanitation purposes. I don't want people to, you know, shi-shi or do any kine stuff on the -- poop on the ground like that so --

Ms. Lono: Well, your guests obviously have a bathroom --

Mr. Lopez: Oh, yeah, yeah, yeah.

Ms. Lono: Two bathrooms in the house.

Mr. Lopez: ...(inaudible)...

Ms. Lono: I'm just asking about the residents who are living there on a full-time basis, which is required, right, that, you know, if you're using the hale as your residence --

Mr. Lopez: Yeah, right, right ...(inaudible)...

Ms. Lono: Then where is the bathroom? Where is the kitchen? Or are you sharing with the guests?

Mr. Lopez: No. Part of the requirements is that, yeah, I offer them a bed and breakfast, right? I mean that's what they want. That's what people want. So the thing is, when people travel, they don't want to be ...(inaudible)...

Ms. Lono: No, I'm just asking you clarify for me --

Mr. Lopez: I have something that ...(inaudible)...

Ms. Lono: So you have a restroom separately outside --

Mr. Lopez: Yeah, outdoor, yeah.

Ms. Lono: Permitted --

Mr. Lopez: Yeah, permitted, yeah.

Ms. Lono: And connected to the septic system --

Mr. Lopez: Yeah, yes.

Ms. Lono: That you put in --

Mr. Lopez: Yes.

Ms. Lono: And all of that?

Mr. Lopez: Yes.

Ms. Lono: Okay, that's what I was asking.

Mr. Lopez: Yes, yes.

Ms. Lono: Thank you.

Chair Notestone: I have an additional question. So there will be somebody living there full time?

Mr. Lopez: Yes. Yes.

Chair Notestone: Then I also noticed that in your presentation papers here, the nice color one here, the photographs in the packet that we got, your notice, your four by four notice to the public, I haven't seen that on the -- the fence up front.

Mr. Lopez: You know, it's been up for years, and then -- and then finally I was just waiting to get this approved, and I thought it was approved and everything, and so it went down and in through rain and wind like that. It took so long to get through. In fact I was the first when vacation rentals came out, I was like the first person to raise my hand and to say, hey, yeah, this is perfect 'cause, you know, I -- I went to school at University of Hawaii, you know, and that time, they said, hey, the thing to get into is to -- is going to be tourism, so this is where you should, you know, spend your time, so I actually got a degree in travel industry management, and I worked in the travel industry for years; now, I'm 71 years old, I'm retired, a chance where I can give back. In fact, I'm with the Hana community. Everybody knows me here and --

Chair Notestone: Excuse me, I think you --

Mr. Lopez: Yeah, so that's why I --

Chair Notestone: So also in your application I noticed that your son is going to be involved as well.

Mr. Lopez: My son, Devin, is right here.

Chair Notestone: Okay, thank you. Will he be living on the property?

Mr. Lopez: Yeah.

Chair Notestone: Okay. Any other discussion? Ms. Cosma.

Ms. Cosma: Aloha, Mr. Lopez. I notice you already have a B&B on your property and you want to do another one?

Mr. Lopez: No, no, no.

Ms. Cosma: No?

Mr. Lopez: No, no, not another one. It's the same one. I applied for, when they first out, I applied for the permit. I waited for them to approve me. You know, the County was taking a long, long, long, long time, and I just waited; then, finally, I received a letter saying, hey, where's your -- you gotta -- because I followed up on everything that -- like 99% of the things that supposed to do, but I was kinda lolo, and instead of -- I reported to the Department of Health that I had completed the septic tank and system and all of that, and I was thinking that they were going to reply back to the Department but they didn't.

Ms. Cosma: Okay, one more question. Have you ever considered long term?

Mr. Lopez: Yes. Yes, yes, yes.

Ms. Cosma: Because a lot of these B&Bs is taking place all over our remote isolated community --

Mr. Lopez: Oh yeah, yeah, yeah.

Ms. Cosma: Causing our families not to have homes to rent --

Mr. Lopez: Right.

Ms. Cosma: Because we're too busy accommodating visitors --

Mr. Lopez: Right, right, right.

Ms. Cosma: To show them the aloha, Hawaii culture, but my concern was, you know, if you considered long term instead of B&B.

Mr. Lopez: Sure, but, you know what? I think I have something to offer because that's, you know, for the state -- the State of Hawaii but Hana as well is that, you know, people come here and they want to experience the culture. Part of the culture is not just -- when they say they want to eat raw fish and poi, they don't want raw fish and rice, which is sushi, and it's nothing personal or discrimination, but they want the real -- they want the real experience, and, you know, the County of Maui spend big, big money for building Hawaiian hale to show that in Iao Valley, which is good, but it takes a lot of --

Ms. Cosma: Thank you.

Chair Notestone: Yeah, if we can ...(inaudible)...

Mr. Lopez: Yeah, it needs -- you have to malama the hale.

Chair Notestone: Any other discussion? I have a question for the planner. Thank you, Mr. Lopez. Isn't it required that he should have that sign on the --

Mr. Quigless: It is required. During my site visit, it was up. As of now, I'm unaware of it.

Chair Notestone: And how long ago was your site visit?

Mr. Quigless: It's in the report. About two-and-a-half months ago.

Chair Notestone: I have no further questions. Thank you. Any other questions from our Committee for the Planner? So I'm going to open this up to public testimony in regards to the B&B application, and on my -- on my sign-in sheet, I don't see any for the B&B, but is there anybody that would like to testify on this case? Yes, ma'am? Yes, come up and state your name, and you have three minutes for your testimony.

Ms. Gena Sansone: Aloha. My name is Gena Sansone, and I am a resident Makaala, and I know the property, and ...(inaudible)... Mr. Lopez, I would oppose this because, as Lehua rightly pointed out, so many of our children can't find a place to live now days. There's no place to live. There's no place to live here for under a thousand dollars a month even if it's just like a -- not even a one-bedroom. There's no good housing here. So all of our keiki have to leave or they end up, you know, you get two, three generations in a household, and I think that this is the exact reason why this is happening, and I understand that, you know, you want to cater to the tourists and make them have a wonderful experience, but, honestly, I don't care if they have a wonderful experience. I care if our coastline is preserved, and I care if our children have a place to live, and I care that our economy is good, and I think that -- I mean I'm sure you could make more money by doing it on a daily basis, but I think that would be hurting the community in such a great

way that if you would do it as a daily rental -- or the, you know, long-term rental for residents, you would be serving our community in countless ways and, you know, the tourists will find some other place to go, and so that's really the main reason why I believe that we should not allow more bed and breakfast especially if you already are making money off of one of them, and I was a little unsure about what you meant like you don't have one but then I thought you did have one, so I wasn't sure how that works, so that's my opinion, and I thank you for your time. Mahalo.

Chair Notestone: You heard the concerns with the testifier?

Mr. Lopez: Yes ...(inaudible)...

Chair Notestone: We have another testifier. Please state your name. You have three minutes.

Mr. John Irish O'hara: Aloha. My name is John Irish O'hara. I live in Makaalae. I live couple houses from you. I think the applicant has been a good neighbor for us, so I have no problem with him. I do have a problem with the way short-term rentals and bed and breakfasts are allowed. My understanding is that they allow something like 40 in the Hana District. In Makaalae, I think we get maybe over 25% of them. On the highway, I think we have at least 15% of them. If you go mauka ...(inaudible)... so it's not too much of who's bed and breakfast but it's the overall way that bed and breakfasts are approved. I think they may need to be approved more by sections and areas but it's just Hana. I don't know what the district is, Keanae to Kipahulu is 40? And Makaalae get 25%? That no sound right. Something wrong with that. So based on that, I don't think we should have more bed and breakfasts ...(inaudible)... thank you.

Chair Notestone: Thank you. You need any clarification? Thank you. And are there any -- anybody else who'd like to testify? Okay, we'll be closing the public testimony. Mr. Lopez, do you have anything you'd like to add?

Mr. Lopez: I'd just like say that, you know ...(inaudible)...

Chair Notestone: Yeah, you gotta come up and speak in the mike.

Mr. Lopez: You know, I'm not taking away from anybody, like long-term rental. In fact, from the inception of the property, I had built the property, the house myself, and somebody came to me, you know, wanting to rent it and, at that time, they wanted to live in it, and they said, oh, you know, I have a really good feeling about the house and the property, and I think you should do it, so actually I had a transient vacation rental permit from the very beginning so I'm not taking away from anybody like she said. I'm just making

it legal like 'cause I received that letter saying -- I was in shock. You know, I thought I was already -- everything was all, you know, taken cared of, it wasn't, so now it's just making it in front of everybody to let you know that, in fact, most of my guests that stay in there is local people, and that -- I don't know if, you know, and never had any problems or any noise, anything like that throughout the whole time that I've ever had it so -- this is the only -- the only complaint that I've received was that with the paper, you know, with the paper, and so this is making it legal and the paper and everybody -- in front of everybody, you know, and like I said, I never had any problems with anybody.

Chair Notestone: Thank you. Any discussion from the Committee?

Ms. Lono: I noticed in the application, it must be a typo or something because it references three bedrooms, a three-bedroom?

Mr. Quigless: I think it's because there's --

Ms. Lono: Three guest rooms? It says three guest rooms within the main dwelling.

Mr. Quigless: That may be a typo.

Ms. Lono: Oh, limited to three bedrooms within the main dwelling.

Mr. Quigless: That -- that is a typo.

Ms. Lono: It's on page 5, number -- under item number 5. Yeah, of the recommendations. It also says in, yeah, on page 2 of the - what is this called? The Department's report, on page 2, it also says "three bedroom bed and breakfast home." So maybe that's referencing -- supposedly has it three bedrooms but it doesn't have three bedrooms.

Mr. Quigless: Well the property has three bedrooms, two of them are reserved for guests.

Ms. Lono: Okay, so like it says a three-bedroom home but that third bedroom is actually a separate --

Mr. Quigless: Correct.

Ms. Lono: Dwelling. That's okay if it references it that way? It's considered a three-bedroom?

Mr. Quigless: It could have been clearer ...(inaudible)...

Ms. Lono: Yeah, it could have been clearer -- okay.

Mr. Quigless: I think the docket description is really a -- the most accurate.

Ms. Lono: Yeah. So the important thing though is on the recommendations, it does say "limited to three guest rooms within the main dwelling" and --

Mr. Quigless: That should read "two."

Ms. Lono: That should read "two." Okay. I just wanted to clarify that.

Mr. Quigless: We'll make sure that that's clear in the -- the proceeding documents.

Ms. Lono: Okay. And then in the next one, item number 6, is it okay if I continue, Mr. Chair?

Chair Notestone: Yes, continue.

Ms. Lono: Okay, item number 6, it says they shall not operate during any times that all the owners-proprietors are away overnight unless the owners-proprietors have a designated on-island representative, how do you enforce that?

Mr. Quigless: Sorry, can you show me in the report or recommendation?

Ms. Lono: The recommendation number 6 of the same page, page number 5.

Mr. Quigless: In the application, the on-island representative is his son, Devin.

Ms. Lono: Okay, so I guess what I'm asking is how do you enforce that? I mean how do you actually know if they're there? You just gotta trust that they've signed this thing, and they've agreed to it, and if for some reason, it's not, something happen, and then they're in trouble?

Mr. Quigless: Any deviations from the truth as presented in the application is cause for permit refusal --

Ms. Lono: Right.

Mr. Quigless: Or revocation.

Ms. Lono: But there's just really kind of no way to enforce that or follow up or really know anything unless somebody reports something.

Mr. Quigless: Of the Planning Department, there's the Zoning and Enforcement Division, which their primary goal is to find out people that are violating the rules and conditions.

Ms. Lono: Okay. I just wanted to point that out. Thank you.

*(Committee Member Maya Ross arrived at approximately 3:30 p.m.)*

Chair Notestone: Thank you, Ms. Lono. I'd like to also introduce Ms. Maya Ross, a sidebar here, she's just joining us. She's one of our Committee Members. Maya, thank you.

Ms. Ross: Yes, I apologize. I had to get my son all the way to Kahaloa and back, I'm a teacher here, so it was kind of a mission, and I just thank you guys for forgiving me for being late.

Chair Notestone: Maya, have you read through all the materials?

Ms. Ross: Yes.

Chair Notestone: Any concerns you have?

Ms. Ross: I have nothing at this time ...(inaudible)...

Chair Notestone: Can you speak into the mike?

Ms. Ross: Sorry. Regarding the Lopez permit, I have nothing at this time.

Chair Notestone: Any discussion from the Committee? ...(inaudible)... through the recommendations.

Mr. Quigless: Yes. I also would like to clarify that when a short-term rental or a bed and breakfast application come to the Department, usually there's an inquiry via telephone call or email, and the first option that we explore is long-term on every case. So based on the information provided to the Department, the Department recommends approval for the proposed bed and breakfast subject to the Department's 16 standard conditions pertaining to bed and breakfast permit approvals. Chair, Committee Members, would you like me to go over these 16 conditions at this time?

Chair Notestone: If you could just address, yeah, item number 5, if you could address that for everybody.

Mr. Quigless: Okay, so we stated earlier that number 5 should read: That the B&B home permit is limited to a total of two guest rooms within the main dwelling. The total number of guests shall be limited to up to two adult guests and up to two minor guests per bedroom being rented.

Chair Notestone: And you will make that correction?

Mr. Quigless: That we will.

Chair Notestone: Anything else? We don't need to go over the rest of those items. Any discussion from the Committee Members? Do I have a motion? I'd like to make a motion to approve the permit with the corrections in the recommendations and the assurance that the Planning Department will do their enforcement as stated. Do I have a second? None seen, motion dies. Do we have no other motion from the Committee?

Ms. Lono: Okay, I would like to make a motion that we accept the application with the conditions as submitted by the Planning Department.

Chair Notestone: Do I hear a second? Discussion?

Mr. Galazin: Thank you. And can I clarify, is your motion just to recommend transmittal to the Maui Planning Commission without recommending approval one way or the other? Okay. Thank you.

Chair Notestone: Thank you, Corp. Counsel.

Ms. Lono: So, excuse me, just to clarify for everybody here that this will now go to the Maui Planning Commission for them to make their final decision on the permit. Correct?

Mr. Quigless: I think that's your decision.

Ms. Lono: Yes, that's what we just -- that's what we just voted on. Yeah, that's what my motion is so -- and that's what would happen anyway, right, 'cause they refer it to the Hana Advisory Committee and --

Mr. Quigless: Well, actually the Maui Planning Commission gave the authority to you and then we report back to the Maui Planning Commission.

Ms. Lono: Right, with our recommendation.

Mr. Quigless: Correct.

Ms. Lono: Doesn't necessarily mean that they have to take our recommendation.

Mr. Quigless: That's correct.

Ms. Lono: Yes. So they are really the final say.

Mr. Quigless: Correct.

Ms. Lono: Okay, just so that's clear.

Chair Notestone: So the motion is for transmittal without a recommendation. Do we have a second? Nobody seconds.

Mr. Galazin: Thank you, Chair. So, you know, Members, you have two choices. If you do you want to recommend denial, that's fine. If you do want to recommend approval, that's fine. But if you aren't sure what to do, the best thing to do is at least, you know, there's the motion to send it back to the Maui Planning Commission so ...(inaudible)... this body does have, you know, jurisdiction right now by virtue of the Maui Planning Commission's granted authority, that you have the responsibility to act on permits in a timely manner, all permit applications, so you're not allowed to just sit on them and not do anything one way or the other, so if the recommendation is simply to pass it without a recommendation, that's perfectly acceptable and could be seconded. Thank you, Chair.

Ms. Ross: May I ask a question?

Chair Notestone: Thank you. Ms. Ross.

Ms. Ross: Are we -- is the motion including addressing line item number 5?

Chair Notestone: Yes, it is.

Ms. Ross: Yes?

Chair Notestone: Yes. So the motion is still on the table. Do I have a second?

Ms. Lono: So if there's no second, then the motion dies, so does somebody want to make another -- a different motion?

Chair Notestone: So the motion dies. Somebody wanna make another motion? I'm going to call for a two-minute recess. Thank you very much for your patience.

*(A recess was called at approximately 3:43 p.m., and the meeting reconvened at approximately 3:50 p.m.)*

Chair Notestone: The time now is 3:50. Thank you. I'm going to turn the mike over -- ladies and gentlemen, may I have your attention? May I have your attention? Thank you. Okay, the meeting is back in session so I'm going to have the Corp. Counsel give testimony about the motion that's pending.

Mr. Galazin: Thank you, Chair and the -- so, Members, the basis on which you place your vote is the record, and the record is everything that's been introduced into evidence, that includes the application, that includes the Department's analysis, that includes any testimony that you've heard today. Given all that, that's the only information on which you can base your determination. If you were to recommend approval, it would be, you know, based on the information you have before you. If you are recommending denial, it would be based on that same information. I would point out, you know, the question of the number of short-term rentals or bed and breakfasts, I mean that's legislatively, the County Council has decided that there can be 38 B&Bs in the Hana District. That's what the decision that they've already made. The fact that they are coming for permits is not a reason to recommend denial of this one. You know, if there were multiple ones within a 500-foot radius, that would be something you'd consider, but I only heard from the Department that there's the one. So, and I've said it before, you do have the responsibility to take some action on this one way or the other, it will go to the Maui Planning Commission for a decision, they will base it, in part, on whatever recommendation you propose. If -- the proposal right now, the motion on the floor, is to recommend transmittal -- transmittal to the Maui Planning Commission without a recommendation, that is fine as a -- as a motion, and can be seconded, and can be voted on. If it receives no second, then that motion would die, but then since the motion to approve died and the motion to send it without a recommendation died, I would assume somebody should probably make a motion to recommend denial, but either way, this will go back to the Maui Planning Commission. So thank you for that brief explanation, Chair, and I will give it back to you.

Chair Notestone: Thank you, sir. So with the motion that's on -- on the floor, do we have any further discussion or do we have a second? Nothing seen, motion dies. So we need a recommendation to send to the Planning Commission, do I have another motion?

Ms. Kahaleuahi: Aloha. I second the motion to send --

Chair Notestone: No, the motion, the existing motion died.

Ms. Kahaleuahi: Okay.

Chair Notestone: So it would be a new motion. But you can make a statement. Go ahead. Go ahead.

Ms. Lono: Well, Chair, can I put that motion back on the floor if she's ready to second it?

Chair Notestone: We can do that. We can do that.

Ms. Lono: Okay, so I put the motion back on the floor.

Chair Notestone: Motion's back up off the floor.

Ms. Kahaleuahi: Aloha mai kakou. E kala mai for our decision making. This is my first Hana Advisory Committee meeting, not that that's an excuse, but to my understanding, learning in this process, given the changes that have been recommended, that we would submit that to the Maui Planning Commission, I second the motion, even though it is difficult at this time, but given the information on this permit or the information that we were given, I felt there was no grounds solid enough to recommend denial. Mahalo.

Chair Notestone: Thank you, Lipoa. So we have a second. All in favor? Or is there discussion before we vote? Any discussion? All in favor? We have two -- Ms. Linda Clark.

Ms. Clark: Aloha. And this is specifically for the purpose of transmittal?

Chair Notestone: That's correct.

Ms. Clark: We're not making any recommendation?

Chair Notestone: That's correct.

Ms. Clark: Thank you.

Chair Notestone: So the vote would stand. We have -- raise your hand if you -- we have three, four. We have four yesses. The motion passes. Thank you very much.

**It was moved by Committee Member Dawn Lono, seconded by Committee Member Lipoa Kahaleuahi, then**

**VOTED: to amend condition no. 5, as discussed, and to transmit without a recommendation to the Maui Planning Commission.**

(Assenting: L. Clark, L. Kahaleuahi, D. Lono, M. Ross)

(Absent: D. Kaina)

(Members vote not taken: L. Cosma)

*Chair did not call for votes in opposition.*

Chair Notestone: Well, thank you, ladies and gentlemen, for your patience with item no. 1. So we're moving on to item no. 2.

*Chair Notestone read the following agenda item into the record:*

2. **MR. GARY STICE and HANA BEACHFRONT ASSOCIATES requesting a Special Management Area (SMA) Use Permit in order to build two (2) single family residences and related improvements that are located outside of the shoreline setback area on 1.478 acres of land in the Interim District at 177 Haneoo Road, TMK: (2) 1-4-008: 001, Hana, Island of Maui. (SM1 2013/0010) (J. Buika)**

**One residence is planned to be a three (3) bedroom single family residence, totaling 2,500 square feet (1,850 square foot house and 650 square foot covered lanai), and the other residence is planned to be a two (2) bedroom, single family residence totaling 1,600 square foot (1,200 square foot house with a 400 square foot lanai)**

Chair Notestone: Mr. Buika, you have the -- the mike. Go ahead.

Mr. Buika: Aloha. Thank you, Chair. Good afternoon, good evening, everyone. My name is Jim Buika, I'm a Planner with the Planning Department. I've been with the Planning Department for 11 years. I've been on Maui for 16 years. I came from San Francisco. I worked for the Federal Emergency Management Agency where I went to Samoa and I met a beautiful Polynesian lady who I brought back with me, Sauimoana, and we've had 3 children in the Bay Area, and I was able to come to Hawaii, it was a good place for us to land, seeing as my wife is Samoan, so I had 3 beautiful children and half Polish, half Polynesian, maybe the only ones in the world so, like I tell them, they wouldn't be here if the wind didn't blow in Samoa so for Hurricane Ofa, so anyway that's a little bit about my background. I manage the major permits along the shoreline around all the islands of Maui, so I have some slides here today and because of the -- what I would like to do, with the Chair's permission, is to go through the - next slide - just to --

Chair Notestone: ...(inaudible)...

Mr. Buika: Yeah, and I do have -- I can barely even read it from here so far away, I have five other printed slide sets for anyone who would like a slide set here. I'll leave it over here. And also the full report for anyone who would like to look at it is on the table over here also. I do believe the Committee received reports and, before I begin, I'd just like to -- just, on behalf of our Director, Michele McLean, I'd like to thank the Hana Advisory Committee for all the work you do, volunteer, it's a lot of work, and appreciate it very much.

So the -- there is a report with 19 exhibits, and what I'd like to do, with the Chair's permission, is to provide some -- the Planning Department's opening comments, I will describe the property, project, and history, and also I would like to spend just a few minutes to summarize the Special Management Area Rules for the Maui Planning Commission, which reviewed this project review criteria, also I'll review the Hana Advisory Committee's responsibilities, and then review the project. First is the Special Management Area Rules, which we are here for tonight. Also, with -- with me, I have Mr. Gary Stice, and his wife, Apolonia Stice, here, and their representative Mr. Marvin Dye, who would like to say some words also, and they're here to answer questions about the project. And, at the end, I will provide the departmental recommendation. So is that okay to proceed, Chair?

Chair Notestone: Yes. Yes. Go ahead.

Mr. Buika: Okay, thank you. So -- the location, I hope maybe most of you know where the project property is, it's contiguous with Koki Beach, it's a peninsula, 1.478 acres, it's a shoreline lot, and on the other side is the loko nui fishpond. It does not touch the fishpond so it's -- it's over there by Koki Beach. The project valuation is approximately \$628,000.00, and Mr. Stice and his wife propose to build two fairly small single-family dwellings that are both allowed on the parcel by the interim zoning. One is a three-bedroom single-family residence with a footprint of 2500 square feet including 1850 square feet of floor space and a loft, and the other is a covered lanai totaling 650 square feet. So the structure is really 1850 feet, the larger house. Then the smaller of the two homes is a two-bedroom single-family residence with a footprint of 1,750 square feet and a -- oh, that's total, and then so the house is only 1200 square feet floor space with a loft and covered lanai totaling 550 square feet. So that's what's proposed. Both structures will be elevated one-foot above the base flood elevation, which is 15 feet above sea level, so they will be elevated. They will both be outside of the shoreline setback area, which has been determined by the Department to be 60 feet, so everything will be away from the ocean, and both dwellings are authorized to be constructed at a height of 35 feet above the grade, which was allowed by the Building Code at the time of the original SMA

application that came in, and that's in Exhibit 15-B, if any of you want to look at that authorization. There will be additional pertinent utilities, such as underground waterline and irrigation lines that will be included.

The homes will not be used for short-term rentals. The second single-family residence is a two-bedroom single-family residence designated for a local Hana resident. The other home will be for the Stices. Exhibit 1, for the Committee, includes the location map, the aerial maps of the subject area, construction drawings, and view plane artists of the renderings, and there are -- I guess there is still one more or two more reports, if anyone wants to look at the exhibits as we go along.

So that's a brief description; it's two small houses. And I would like to explain the County zoning, the County -- County zoning to the Committee. The County zoning is interim. The lot is over 64,000 square feet. So, legally, under County zoning interim, the applicant can build 1 house every 6,000 square feet, so the applicant, legally, by the County zoning, can build up to 10 houses on that property; only 2 are proposed so that's -- that's the ...(inaudible)... of interim zoning so --

Chair Notestone: We have a question.

Mr. Buika: Sure.

Ms. Lono: Sure, I get that the zoning would allow them to build 10 houses but in reality, the infrastructure and all, everything that comes along with that would not be a reality, so, realistically, building 10 houses is not realistic. Is that correct?

Mr. Buika: Yes.

Ms. Lono: Thank you.

Mr. Buika: So noted.

Ms. Lono: Thank you.

Mr. Buika: Appreciate that comments. That's a good -- good comment.

Chair Notestone: Thank you, Ms. Lono.

Mr. Buika: So I'll go into the project history, the next slide up there - I lost my slide guy - I'll keep going here. Evidently, in 2000, the applicant was granted a perpetual easement by the State of Hawaii for access and utility purpose for the relocated Haneoo Road, right,

it's that 175 Haneoo Road, which was introduced by the Chair, that as the road no longer abutted the subject property, so they have an easement to put their driveway onto State property from the road to the parcel. Moving forward to 2006, there was the State Certified Shoreline was approved for the parcel, again in July 2006, and again, in 2014, the Department of Health issued permits for individual wastewater system stating that the plans that were submitted to the Department of Health do conform with the latest -- it is with the latest wastewater system, it is an anaerobic septic system, which is state of the art. In May 2007, the Department issued a shoreline setback determination of 60 feet based on the average lot depth, so no building will happen within 60 feet everywhere along the -- the shoreline on the property, and there will be shoreline access within -- within that part of the property. In 2007, again, a flood development permit was approved. In 2008, the applicant submitted the original special management area application to the Department, and the application -- and this is a continuation of that application in 2008, and again, in December 2008, the Planning Department issued a letter determining that the SMA assessment for the same project at the same location required a major use permit, so that is why we're here as a public hearing major use permit. Normally, a single-family home is an exempted permit that we do. If we had to take every single single-family home throughout Maui to the Maui Planning Commission, we would have an amazing backlog, so single-family homes are done administratively behind the scenes, but this one, because of the parcel, the sensitivity, it is being brought forth as a -- as a public hearing to you today.

So in July 2013, the applicant submitted the SMA major use permit. In October 2013, the Department issued a letter to the applicant authorizing a building height of 35 feet above grade for the building permits associated with construction of the new dwelling and the second dwelling, and there's evidence of that in the report. In November 2014, there was a -- breakaway walls were issued and authorized for the existing pavilion structure on the property. In February of 2015, the applicant received a Combined Certificate of Well Construction and Pump Installation Completion from the Commission on Water Resources. And finally, on September 2016, the applicant, at the Department's request, did a second State Certified Shoreline just to check if the shoreline had moved, and it really hasn't. It's pretty much in the same place as it was ten years earlier. So just as a refresher --

Chair Notestone: Someone else had a question.

Ms. Lono: Yeah, I -- I hope it's okay if I ask while we move along instead of trying to wait till the end.

Mr. Buika: Fine.

Ms. Lono: Is that okay? So on the well, is that a potable water system? Is that potable water or is it --

Mr. Buika: Yes, it is. Confirmed by the -- the owner/applicant. Yes.

Ms. Lono: Okay. Because I thought I read somewhere in here that it says brackish.

Mr. Gary Stice: It's 2.3 ...(inaudible - not speaking into the microphone)...

Ms. Lono: Wait, wait, wait, wait.

Mr. Buika: I'll translate. Gary is blind so it's a little difficult for him to come up here but --

Ms. Lono: I understand.

Mr. Buika: 2.34 parts per -- parts per 1000 brackish resolute. It's very fresh. Very saline? Very slight brackish.

Chair Notestone: Eventually, yeah, we'll have Mr. Stice give testimony.

Mr. Buika: Okay.

Chair Notestone: You got the floor. So we can't have interaction between you and the testifier.

Mr. Buika: Okay, thank you. Did you get that, Ms. Lono ...(inaudible)...

Chair Notestone: So is it brackish water?

Mr. Buika: No, it's fresh water.

Ms. Lono: Okay, so this is -- there's that information in here? Thank you.

Chair Notestone: You can continue.

Mr. Buika: So the -- what we're doing tonight is reviewing this from an environmental point of view, okay. The special management area permit on the shoreline is managed by the Federal, State, County Coastal Zone Management Act, HRS 205A. It is the, basically, our environmental review, so everything we're doing today with the Committee is reviewing it for environmental criteria under the Special Management Area Rules. And, again, just a refresher for, the Committee knows this, but for the audience, the Hana

Advisory Committee, your authority is, I took it right from the website and Corporation Counsel can confirm this, but the Committee advises the Maui Planning Commission on matters related to East Maui, Kailua to Kaupo, and carries out duties delegated to it by the Maui Planning Commission, so it is your advisory role and, through the Coastal Zone Management Act, each of the three Planning Commissions - Molokai, Lanai, Maui - are the final authority for projects in the special management area, which is -- I'll show you pictures of the special management, and this is in the special management area and along the shoreline, and it also authorizes, besides the Special Management Area Rules that we're looking at today, it authorizes Shoreline Rules for, specifically, what can and cannot be developed in the shoreline within the first 150 feet.

So, well, this is the organization, I'll go through these pretty quickly, but, again, on the right-hand side, the Hana Advisory Committee, again, recommends to the Maui Planning Commission on both the Special Management Area Rules and the Shoreline Rules. So there, under the SMA rules, there are three sets of rules: there's the SMA guidelines, which I'll go through immediately, and then there are these SMA significance criteria to cover the environmental rules, which we will go through, and there are also the objectives and the policies, ten of them, under the Coastal Zone Management Act. So we're kind of looking at this project environmentally from specific criteria under the SMA guidelines, the SMA significance criteria, and the objectives and policies of the Coastal Zone Management Act. I'm just providing this to you because I don't believe you've had formal training in the SMA Rules. So, this is how we'll proceed here.

So these SMA guidelines, this is the first set of rules that we're looking at, and it meets all of these guidelines. The authority, the Maui Planning Commission, shall seek to minimize, where reasonable, okay, we're seeking to minimize and mitigate where reasonable. Whenever we develop, we put a shovel in the ground, we have an environmental impact. What we want to do is, for projects that are legally authorized to move forward in the SMA, we have these environmental criteria so that we mitigate, we mitigate and we make it the best project we possibly can, and that's what the applicant has done here. So we seek to minimize, where reasonable, dredging, filling, altering coastal areas. None of that will happen on this project. Reduction of beach size. That will not happen. Impediments to public beach access and coastal recreation. That will not happen. The applicant will leave the parcel fully open for access by the public. Loss of coastal view planes. Actually, the coastal view plane law is from the Hana Highway, not Haneoo Road. By putting two structures up there, elevated, there will be some loss of view plane, but it is minimal, it is not absolute 100%, so there will be some minimal loss of coastal view planes. Number 5, adverse effects for water quality, fisheries, wildlife and habitat. We've gone through all of those through -- with professional studies and none of those will happen. There will be little to no adverse effects to water quality, fisheries, wildlife and habitat. Number 6, loss of existing or potential agricultural uses. This is a

rural lot, it's not ag, so there will be no loss of ag. Next slide, it kinda summarizes what I said, so the SMA guidelines ensure adequate access to publicly owned beaches, recreational areas, wildlife and outdoor reserves, adequate and properly located public recreation areas, adequately control, manage, and minimize impacts from pollution and runoff, minimize adverse effects to water resources, scenic resources, and recreational amenities, and minimize risk to proposed structures from coastal hazards. So all of these are being mitigated through this project from the departmental analysis.

So those are the SMA guidelines as one of the three -- one of the three and then -- that's one of the three sets of criteria. The second set is the SMA, looking at the special management area, it's the subset of the coastal zone. You can see a little bit there way out on the Hana side. Koki Beach area, there is a small SMA area right there that applies to this project. So that's where we're at, the location. So under the SMA rules, the authorities are the Maui Planning Commission and the Director and you, as an advisory body, is that any project in the SMA has to come in for permits, and the Commission is the authority for major permits. And then the Director is the authority, which means the Planning Department, administratively, is the authority for minor permits, emergency permits, and exemptions, something you don't see, these exemptions, like normal single-family home in Hana. We'll skip over this. Skip that one there. And the next one. So, yeah, normally -- normally when a house comes to the Planning Commission, we -- we look at it. We don't just exempt it, it is an exempted action, but you can't build a house on top of a heiau, you can't build a house that will impact a stream, you can't build a house that will have other environmental impacts, so what we do behind the scenes, with the applicant, is always look at our rules and make sure the project is as pono, the aina, as possible, and before we authorize it, so even though it's an exempted action and permissible as a house, what we do is we work with the applicant to make it better and better and better, and that's what we've done for a number of years on this project, as you'll see.

Okay, yeah, so then we get to the crux here, the final two slides, and then we'll do the final analysis here. How does the Hana Advisory Committee and the Maui Planning Commission assess an SMA, special management area project? Okay, there are 12 criteria. These are the criteria that the Committee is looking at this project on, 1 through 12, here. A proposed action, so we're looking at a significant impact on the environment when the proposed action involves an irrevocable loss of a natural or cultural resource, right? We don't want to do that. Significantly curtails the range of beneficial uses of the environment. We don't want to do that. Conflicts with State or County long-term environmental policies and goals. Substantially affects the economic or social welfare of a community. Involves substantial secondary impacts and increased effects on the infrastructure. Is part of a cumulative affect or involves commitment of a larger action. Number 7, substantially affects a rare, threatened, or endangered species of animal or

plant, or its habitat. We don't want to do that. Is contrary to the State Plan, County General plan, appropriate community plan, the Hana Community Plan in this case, zoning, and subdivision ordinances. Detrimentially affects air and water quality or ambient noise, and affects environmentally sensitive areas such as a flood plain, shoreline, tsunami zone, erosion-prone area, coastal waters, and fresh waters. Substantially alters the natural land forms and existing public views to and along the shoreline. And is -- would be contrary to the objectives and policies of the Coastal Zone Management Act. So those are the criteria that we're judging this by tonight, and we had analyzed, I've asked the applicant to analyze the project with respect to these, those criteria.

And so this last one, contrary to the objectives and policies of the Coastal Zone Management Act, there are ten criteria, and they're up there on the next slide on page 10, in front of you. These objectives are -- there are ten. We want to consider recreational activities; historic and cultural significance; scenic and open space; coastal ecosystems; economic uses; coastal hazards; managing developments; public participation, which is a public meeting like tonight; beach protection and access; and marine resources. So this is the criteria that I've judged or the Planning Department has judged this project on. So that's just a primer on the environmental rules that we're looking at today for the benefit of the Committee.

So I gave you all that, I know it was a little boring, and -- but I want to get into the crux right now. There are -- so what I have done is I've summarized the Department's assessment in review of the mitigation that is in place for the project, and after I finish with this, with the Chair's permission, I'd like to allow Mr. Dye to come up to continue on the project. Okay?

Chair Notestone: Continue. Yes.

Mr. Buika: So the proposed action will not have a significant effect on the environment according to the SMA assessment criteria, 12-202-12(e), that's where you can find these criteria, those 12 that I went through. So this is a summary of the Department assessment. As far as the significant cultural and environmental impacts, there has been an archaeological inventory completed, there are burial crypts on the parcel that are protected with a buffer, and there is an archaeological monitoring plan in place, and the property is not connected to the Loko Nui Fishpond. So the cultural and ecological resources are protected. They're just building the two houses. Number 2, it does not -- the project does not significantly curtail the range of benefits through the uses of the environment. In actuality, the shoreline access has continued to be allowed by the owner of the property prior to development and will continue. There are no -- there will be no planting at the shoreline to obstruct any of the existing shoreline access. There will be signage for Koki Beach, if the Advisory Committee so desires, allowing the public, from

the Koki Beach side, to traverse the rim of the shoreline of the project, so the access will be preserved. Multiple fishermen and fisherwomen access paths are available and will be preserved; I think there are three there where they can get to the shoreline. And the structures are permitted by State and County zoning and are consistent with the State and Maui and Hana Community Plans. So there will be no significant curtailed -- curtailed range of beneficial uses of the environment, that's number 2. Number 3, there will be no substantial impact on the economy, community, or infrastructure. It's just -- it's a rural property, standalone there. Number 4, it's not a planned -- it's not part of a planned larger action. It's a single action. It will not, number 5, it will not detrimentally impact the air or water quality. Number 6, it mitigates, to the extent practicable, against flood, coastal erosion, and tsunami hazards. It will be elevated, it will be set back, and there really is no flood problem on the -- according the flood hazard assessment tool on the parcel even though it is low lying. And it does not substantially alter natural land forms nor the existing public views to and along the shoreline. And it is not contrary to the objectives and policies of the Coastal Zone Management Act. So that's the assessment from the Department as far as the environmental review criteria and, at this time, Chair, I would like to invite Mr. Marvin Dye, representative of the applicant, to go through his -- his additional statement.

Chair Notestone: Yeah, thank you. Mr. Dye, you may testify.

Mr. Marvin Dye: Thank you.

Chair Notestone: Thank you. Please state your name for us, please.

Mr. Dye: Aloha. My name is Marvin Dye, and I'm here to represent the Stice/Eason ohana, who are owners of a 1.47 acre parcel located at 175 Haneoo Road, directly between Koki Beach to the north and Loko Nui Fishpond to the south. The property is zoned State rural, County interim and has a community designation of rural. We are applying for a SMA use permit to allow building permits to construct two single-family dwellings on the 1.47 acres of property. One is approximately 2500 square feet including lanais; the other second dwelling is about 1750 square feet including lanais. The zoning for this property legally allows 1 dwelling for every 10,000 square feet of property area. Our 1.47 acres, or 64,381 square feet, would legally allow up to 6 single-family dwellings to be built on the property, but with the approval of this SMA permit, we have limited ourselves to only 2 dwellings. We have carefully planned this project to ensure that both the cultural and environmental sensitivity of the property be maintained throughout the construction period and for generations to come.

In order to completely understand the cultural sensitivity of this property, the owners hired the archaeological team of Cultural Surveys Hawaii to do an archaeological study and

assessment of the property. The 55-page archaeological study showed two culturally significant areas on the property. There is an existing gravesite and a small area just south of the gravesite, which is labeled as a preservation site. They are listed as both Gravesite and Preservation Site with the State Historical Preservation Division and designated them as official archaeological sites and gave them the nomenclatures 50-50-13-4233 and 50-50-13-4659. Both sites are now clearly identified on State recorded shoreline and topo maps as well as any County site maps having to do with our project. The survey also points out that up until the 1946 tsunami, there were two habitable two-bedroom homes on the property. There were two homes on that property up until the 1946 tsunami, and they were built sometime between 1920 and 1930. We are only proposing to replace the two former dwellings with two new family homes, one of which is located approximately in the same area as one of the previous structures.

In 2008, the owners hired Cultural Surveys Hawaii to develop a 25-page monitoring plan that set forth rules and regulations to insure that the archaeological sites remain protected and undisturbed both during construction of the dwellings and for future generations. The monitoring plan also provides that the lineal decedents of those buried at the 4233 gravesite shall have perpetual access to the gravesite. The monitoring place was officially accepted and filed with the State DLNR and SHPD in 2008.

In order to ensure that the biological resources of the property be fully understood, the owners funded a biological survey of the property's flora and fauna in September of 2014. Professor Ian Masterson conducted an extensive biological survey and presented a 19-page report. Along with his professional expertise and with interviews of local families familiar with the flora and fauna of the area, he found no evidence of any endangered species of plants or animals on or near the property.

Section 14, of the SMA use permit, deals with and includes a colored landscape map. Great care was taken in the design of the landscaping plan to ensure that there are no solid hedges along the borders of the property that would obstruct views or impede foot traffic along the shoreline and to ensure access from Koki Beach, on the north, to Loko Nui Fishpond on the south. It is written into the use permit that the coastline parameters of the property shall be kept in existing natural vegetation, and it is also a provision in the use permit that is the responsibility of the owners to ensure that transit corridors abutting their lands shall be kept passable with no human-enhanced vegetation or unmanageable vegetation that interferes or encroaches within the beach transit corridors. The owners are to keep natural growth maintained and visually open as well as accessible to shoreline pedestrian traffic. Another provision in the landscape plan and the use permit itself is that there will be no adverse landscape lighting so as not to distract the flights of seabirds or other wildlife. Most of the planting around the house will be of indigenous Native Hawaiian vegetation.

At this point, I would like to describe how our use permit meets County SMA criteria as well as State Policies and Objectives of the Coastal Management Act. These criteria and objectives are clearly laid out in Chapter 202, Special Management Area Rules for the Maui Planning Commission, and State HRS 205A-26, Special Management Area Guidelines.

We have made certain to understand and address the three objectives of the County SMA criteria. The first of the County SMA criteria is to ensure that adequate access to public beaches and recreational areas shall be kept open and accessible. We have already discussed this and that access is guaranteed in our use permit. Second, is to provide that provisions are made for solid and liquid waste treatment which will minimize adverse effects for both land and sea. The wastewater system for this project will be an aerobic system. This type of system forces air into the septic tanks aeration chamber thereby eliminating nearly all pathogens. An aerobic system is capable of producing cleaner effluent than other less expensive systems. Third is a County shoreline setback determination. The Planning Department issued a shoreline setback determination of 60 feet from the high water vegetation line for our property. Both dwellings are located behind that 60-foot line.

We have been extremely cognizant in the design of this project in order to take into account and to protect all of the policies and objectives of the State Coastal Zone Management Act, that's the State's. These policies and objectives are clearly laid out in HRS 205-2. They include the following ten main objectives, all of which are addressed and covered in our SMA use permit. The first is to make sure coastal recreational opportunities remain accessible to the public. We have addressed this and these areas remain easily accessible.

Second is to protect and preserve natural and manmade historically significant resources. The archaeological survey and the monitoring plan addresses this and ensures this.

Third is to protect and preserve the visual ability and quality of the coastal view planes. Included with the use permit is a view plane analysis. The view plane analysis consist of two photos and -- of the roadside of the property with dwellings 1 and 2 superimposed onto the photographs to show how you would see them from the roadside. Also is a 17x11 landscape plan and site plan that shows the camera angle of each of the photos. The State Coastal Management Act recommends that no more than 70% of the view plane should be obstructed by structures. The entire roadside of the property is 368 lineal feet. All of the structures on the property combined, that is the well house, the pavilion, dwelling 1 and dwelling 2, only total 100 feet in width. The combined 4 structures only interfere with 27% of the view plane from the road where we're not supposed to go over

70%. We have exceeded, by more than triple, what the State recommends to keep open for coastal views.

Fourth is to protect or minimize coastal ecosystems from adverse impacts. There is nothing about our project that would have any adverse effects on the coastal ecosystem. The objective of promoting indigenous plants will sustain the Hawaiian eco system; that is our planting around the house with indigenous wild plants, not on the coastline, but within the 60-foot boundary next to the house.

Fifth is to ensure public or private facilities are in suitable locations for the economic stability of the State. Our project and its use of the property is consistent with the State's economic stability that is provided for in the State, County, and community zoning.

Sixth is to reduce hazards of life and property from tsunami, storm waves, flooding, and erosion. Our buildings will meet all of the engineering requirements to protect them from tsunami, hurricane, and flooding. They are set behind the Planning Department's 60-foot shoreline setback that further protects them from storm wave.

Seventh is to improve a development resources process -- to improve the development review process, and communication, and public participation in the management of coastal resources. Well, we're doing that with this meeting tonight.

Eighth is to stimulate public awareness, education, and participation in coastal management. We want to stimulate public awareness and education. The owners have, in the past and plan to do so in the future, invited groups of students and other interested parties to the property for lectures and classes that include identifying local plants, Hawaiian cultural practices, and the study of agricultural and marine resources and management.

Ninth is to protect beaches for public use and recreation. We have covered this in the landscaping section and it is written into the use permit that the beach access corridors shall be kept open and pedestrian accessible.

Tenth is to promote the protection and use of marine coastal resources and assure their sustainability. Again, this is covered by our requirement to keep beach access -- accesses in front of our property open and easily accessible by pedestrians.

Considerable attention was taken in drafting of this SMA use permit to both study and adhere to the Hana Community Plan as well as the State rules and guidelines. All of the provisions in the 48-page Hana Community Plan were taken into account and followed. The owners are well aware of the tight-knit community in Hana and have been committed

to its wellbeing for these 25 years, from the time of their original purpose -- purchase of the property until present. I'm sure all of you Hana residents here this afternoon are aware that the owners have always opened their property to the local community and made their pavilion and their property accessible for numerous public events whether it's birthdays, graduation parties, public fundraisers or whatever. They have never asked for or accepted any monetary compensation for the use of their property for community events and they plan to continue this practice even after the houses are built.

Both Dr. Stice and his wife, Apolonia, have been educators all of their lives and feel very strongly about the education of our keiki. They have spoken with teachers at Hana School and kupuna concerning the possibility of field trips to their property and the use of the pavilion and the shoreline for classes in studying Hawaiian culture -- Hawaiian culture, self-sustainability, agricultural, maricultural, and aquaponics. Their property is a perfect place for these activities.

In closing, I'm sure all of you in the Hana advisory council and other Hana members here this afternoon feel that, in all good conscience, you should encourage the Maui Planning Commission to accept this SMA use permit and allow the owners building permits for two dwellings that are legally allowed on the property. In this way, the owners can continue providing support to the Hana community. Are there any questions?

Chair Notestone: Thank you for your testimony. We'd like acknowledge another member that's joined the Hana Advisory Committee this afternoon, Mr. David Kawika Kaina. Thank you for coming. We'd like to take a five-minute break and following that we'll be doing public testimony.

*(A recess was called at approximately 4:45 p.m., and the meeting reconvened at approximately 5:00 p.m.)*

Chair Notestone: We're going to bring this meeting back to order. Would the applicant have additional comments to make? If so, you can do that now. Can you please state your name?

Ms. Apolonia Stice: ...(inaudible)... I hope I'll be able to finish this so I can go and watch the second half of the Pats and Bills game. Right now the Pats are winning ...(inaudible)... 19-6. Oh. I thought you said you wanted to hear the score. It's not over yet, Dawn. I said let's finish this so I can go watch the second half. Okay, anyway, that's for all the Pats fans and sorry for the Bills fans.

Chair Notestone: Can you state your name?

Ms. Stice: Yes.

Chair Notestone: Thank you.

Ms. Stice: Hello to everyone. My name is Apolonia Stice, and I'm married to Gary Stice. Special greetings goes to the Hana advisory council, who will hear the extensive SMA report that we have been diligently working on for over 10 years. I realize that in this room are supporters of our project and with that, we are eternally grateful. For those non-supporters, we say aloha to you too. Only in this free country of ours can we have disagreements. Our United States Constitution and the Bill of Right protect the citizens of this free country so that we can express our views without fear from the government and other citizens. It is my deepest hope that we will have an open mind and consider the options that will be beneficial to all of Hana. In this regard, I would like mention a few personal aspects of this project. Prior to the purchase of this property, almost 20 years ago, the land in question was overgrown with California grass, naupaka, false kamani trees, hala trees, and other weeds. When we cleared the lot for the archaeological study -- the archaeological burial study, there were pampers, there were needles, there were soda cans, beer bottles, refrigerators, whatever trash you can think of. This lovely aina was trash. Who could see the burial site passing along Haneoo Road? Who could see Alau Island? My husband Gary and I love this lot. We love Hana. I was born in Camp 11, Spreckelsville, Maui, but I grew up on the island of Lanai where we had known former Hana residents, such as the Iharas family. The east end children are very close to our daughters, not to mention that Joyce Mitchell Mynar is a very good friend of my daughter's who all attended Castle High School. I mention these people to establish that we are locally connected, and are not outsiders looking to disturb the quiet and peacefulness of Hana for gain, for profit. After decades following the 1946 tsunami, the owners decided to sell the lot that previously contained two homes. The sellers accepted money for the sale of the land, which included the right to replace the two dwellings without rezoning. After passing through several hands, the lot was acquired by us, the present owners, more than 20 years ago. This is not ...(inaudible)... and as such, in our opinion, we should have been granted an exemption from acquiring a major SMA permit. Having gone through this tedious task for the past 10 years, we feel that this process has a minimal acceptable impact on the land. To deny approval of two modest homes on a lot so large would, in effect, be to condemn the land. The Fifth Amendment of the United States Constitution protects private citizens' land from being condemned by the government. We do not have the motivation to pursue that route, however, we may be forced to sell. In conclusion, we strongly feel the Maui Planning Commission should approve our application for a major special management area permit. Much aloha.

Chair Notestone: Thank you for your testimony. I'm going to go to the public testimony. The first testifier will be Mr. Ward Mardfin, and you have three minutes for your testimony, and if you'd state your name when you come to the microphone, thank you.

Mr. Ward Mardfin: Aloha everybody, especially to the Hana Advisory Committee to the Maui Planning Commission. My name is Dr. Ward Mardfin, and I live here in Wakiu, about 100 yards from here. I formally was a member of the Maui Planning Commission and then, after that, the Hana Advisory Committee, and I was on the Maui Planning Commission when this project first came to that body. I have a number of things to say so I'm going to go really fast on my three minutes. One, I hope somebody on the Committee will ask if the property is subdivided. There is a document included in there, I think it's Exhibit 1 of Checklist No. 17 that shows a Lot A and Lot B. It also shows that Lot A had a gross area of .969, and an eroded area of .117, so 12% of the land, at some point or another, got eroded. I don't know exactly when. Two, you will hear that they have to have -- and we just heard that they need a beneficial use of the property that I believe that was granted when the Maui Planning Commission allowed them to put up the pavilion so they can have sales of chicken out of there. That's a beneficial use. I don't think we need to give the two houses on top of that. Three, the -- you're advisory to the Maui Planning Commission. The Maui Planning Commission decides on an SMA major. I hope you folks will vote to deny the SMA, forward that recommendation to the Maui Planning Commission so they can deny the SMA ...(inaudible)... I think the main issue has to do with the view plane. You look in here to the recommendation, it says that this is just a small obstruction to the view plane. I don't view it that way, and I went to the four other properties that are makai of Haneoo Road, and did some calculations, and all the other four houses combined, makai, totaled 4470 square feet, the Stice one alone gets 4250, almost as much. They'll have 49% of the square footage makai of Haneoo with this 1 project. The lot acreage is only 17% of the makai acreage that contains houses. The density, square feet per acre, for the four properties not involved in this, is 603 square feet per acre; theirs is more than 4 times as much, 2875 square feet per acre. The view plane is --

Chair Notestone: Three minutes.

Mr. Mardfin: I just -- yes.

Ms. Lono: Mr. Chair?

Chair Notestone: Yes?

Ms. Lono: I would like to ask Mr. Mardfin to complete his testimony that he has.

Chair Notestone: So granted.

Mr. Mardfin: I'll try to keep it short. The main issue is the view plane. The County planner, Director of Planning and the planner have said that this is a minor thing. This is like 30% of the view plane. From Haneoo Road, it will majorly obstruct the view of Alau Island in front of their property. Second thing we have to worry about is sea level rise and they've taken that into account, and it's in their Exhibit 1, page 6, it shows with a 3.2% rise of sea level, their whole entire property is covered with water. And on top of sea level rise, you have to consider storm king tides, storm surge variations, tsunamis, and that sort of thing. I know they're building it up on stilts, but it strikes me that this is -- everybody that's built to worry about things on the East Coast and the West Coast are getting wiped out 'cause we're encountering weather events far greater than anybody had anticipated. I believe there will be more erosion. I'm concerned about the wastewater system that planner, the project planner said nearly all pathogens will be taken cared of. I don't care about nearly all. I care about all. And I'm not sure, with sea level rise, that the protection from the wastewater system would be adequate. There's a whole bunch of other stuff, which I won't go into, but there may be graves and undiscovered iwi. There could -- they may want to do shoreline hardening as sea level rises but the County of Maui tries to avoid that. Endangered species, they ...(inaudible)...

Chair Notestone: Could you wrap it up, please.

Mr. Mardfin: Alright. Blackburn's Sphinx Moth, but the day that the guy was there he didn't see it, and Hilary Harts had mentioned that there's a monk seal breeding right near there. I would urge you all to read Exhibit 7 very carefully, it's when Gary Stice is required to do an SMA major and most of the reasons that the former Director of Planning gave are, I believe, are still valid reasons not to grant the SMA major. Thank you and I apologize.

Chair Notestone: Thank you, Mr. Mardfin.

Ms. Lono: Mr. Mardfin, do you have that in written form that you could submit to the Committee?

Mr. Mardfin: Unfortunately, no.

Ms. Lono: Okay. Thank you.

Chair Notestone: Any other clarification? Next testimony will be from Ty Kurokawa. Please state your name. You have three minutes.

Mr. Ty Kurokawa: Aloha. You pronounced my name. I'm Ty Kurokawa. Thank you. I'd like to just review one quick thing about what Mr. Mardfin said about the pavilion being used to sell chicken out of and that being a benefit to all. Originally, Uncle Gary did let some community members sell chicken out of the pavilion and the State and the County let him know that if he continued to let people do that, they'd be fining him \$10,000.00 a day, and they made us take down numerous structures on the land and so that he didn't get fined 10,000 a day, and for over a year, there hasn't been any chicken sold out of that place. Uncle Gary is very generous and lets people go in there and enjoy the premises as everybody here is welcome to do at any time, go into the pavilion and eat their lunch. I'd like to also point out how generous Uncle Gary has been through the years, supporting several nonprofits, the State, Hana, among others, and he's brought in a beehive expert from Oahu, Uncle John, and also he's also an expert pa`u maker, and we had a lot of kids comes down to Koki and enjoy the teachings, learning about bees and learning about pa`u making, and also limu, planting, among other things as well, and my kids were welcome and, without charge, they got to enjoy those activities, and in the last couple years, I wish I could have a list of how many different graduation parties has been down there, and a lot of -- many, many people in the Hana community have enjoyed that --

Chair Notestone: Two minutes.

Mr. Kurokawa: As, you know, it's a resource for us to be able to go to, and like Uncle Gary stated or his representative stated, they haven't accepted any money; occasionally, they'll ask people to be able to donate because of the porta-potties, that's about it, and Uncle Gary's been extremely generous, and I believe that if these two houses are put up, that generosity will continue, that's kind of the main, you know, another person had mentioned that, you know, when their families come, that's why they object to the Lopez thing was that, you know, there's not enough room for families; well, that's one good thing that he wants to be able to, you know, help the community with, just like his land that he let people possibly stay in his house, you know, a lot of local families in Vegas and stuff like that and when they come, they can't necessarily afford the really expensive vacation rentals and I see him do that in --

Chair Notestone: Three minutes.

Mr. Kurokawa: In his Kilohana residence as well, just right down the street from there, he's let a lot of local families stay there for very cheap rates and he's always been very generous in the community, and sorry I'm over my time, but thank you very much for listening.

Chair Notestone: Thank you. Next testifier is Sam Akoi.

Mr. Sam Akoi: Aloha. My name is Samuel A. Akoi, IV. I'm eighth generation of Hana, Maui. Born and raised here. I would like to share, you know, Gary is wonderful to the community, you know, over and over, you know, graduations, parties, Hawaiian gatherings, community gatherings, everything, and, for me, you know, in the 1946 tsunami, you know, came there and wiped out that two houses, previously -- previously was there. You know, my great-mother reside in Keanae. You know, she saved her kids and, you know, she went back to get some paperwork and all the kids watched her go, you know. But, you know, I don't know Gary personally, but, you know, I talked to him like twice, and the way he do things down there, it's unbelievable. You know, I'm a hunter. I'm a gatherer. I go to the ocean. I throw net. And I do spiritual things. And, you know, that is what Hana is about. Hana is the last -- one of the last sustainable place. Excuse me?

Chair Notestone: Please refrain from talking in the audience.

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

Mr. Akoi: I have the floor.

Chair Notestone: Continue.

Mr. Akoi: Anyway, well, I support. I support Gary, you know, with all my heart, you know, because he, you know, for a sustainable and Hawaiians over here, you know, I rather see somebody local, even the wife, and living on the place, like ...(inaudible)... than, you know, business people coming in here and, you know, coming here and trying to find out how we live here, you know. I live here all my life and access is a big thing for us, period, because Hana is a place of gathering, it's a place of love, it's a place of peace. That's all I have to say. I support this. You know, I hope you guys support 'em too. Thank you very much.

Chair Notestone: Thank you very much. Ladies and gentlemen, if you could refrain from clapping when -- after a testimony, please. Thank you. Next up on our testimony list is Gena Sansone.

Ms. Gena Sansone: Aloha. My name is Gena Sansone. Just the other day I took some students to Lehoula and we read the legend of Kuula, and following that legend, there's a legend of Aiai, the son of Kuula. In that legend, Kuula, it tells us how Kuula was the first person in the State of Hawaii to build a fishpond at Lehoula, and then the puhi came, who came trying to eat all the fish, so then Kuula gave his son, his young son, who was just becoming a man, the responsibility of killing the puhi, and so being wise, the son, he asked for the help of all his neighbors in Lehoula, and Aleamai and Haneoo and Hamoa,

and they all came together and they figured out how to get the eel. They ended up poking him and people from both sides, Aleamai and Haneoo, they pulled and pulled, the Aleamai people won, they got the puhi up onto the pahoeoe lava. The point is that is not a culture that is just visual. You cannot just say, okay, there's only two archaeological spots on that property and so it's okay. There are laws of the soul. They are not laws of the land. This Coastal Zone Management Act is not the law of the culture. It's not the law of the inner soul of the people, and so when I speak to you guys, I'm not talking about these laws, maybe if you went by every law, yeah, you can find a way to build this property. And I have to say, with due respect to Gary because I know that he and his wife have been good community members and it's not personal, but I feel like we have to speak out. There's no guarantee that they are going to stay there. They may sell that property and all that aloha that they have could go with them. I'd also like to address the idea that there is no irrevocable loss of environment and culture.

Chair Notestone: Two minutes.

Ms. Sansone: Thank you. I think by virtue of having a home, two homes on that property, right where we drive by, fully in our view plane; that will take away the cultural beauty of that place. It will become just another house, another development, another place that people live instead of a place where we can all be, and so I'd like to -- I'd like to close by asking, and I know that this is presumptuous of me and so forgive me, but I think the best course is to sell the property to the State of Hawaii or to the County and turn it into a park and where we can continue to enjoy all the parties and the great things that the site has been so gracious to allow us, and, you know, I don't want to deny anyone a place to live, but this is not just about one family, this is about our entire community, it's about soul of the Hawaiian community, and the soul of Hana. Mahalo.

Chair Notestone: Three minutes. Thank you. Next to testify, Irish O`Hara? Oh, O`hara. Sorry. My apologies. Please state your name.

Mr. John Irish O`Hara: Aloha. My name is John Irish O`Hara. The ancient ways I taught things is not for University of Hawaii but for Hana. I don't have notes. I thought the best way to speak to everyone in the community is to go with the spirit, so I speak to you with the spirit. I come from Makaalae. My family is ...(inaudible)... Kalani Kaikala, from Hamao, he's the Kekahuna and Haluna family. Hana is very special to all of us and the reason for that is because of our kupunas and our ancestry is strong in Hana. My concern with this development, and I know there's plenty pros and cons for it, but my issue is the iwi down there. I know you guys addressed it. You guys said you guys did surveys. How good are the surveys? Are your plans going really satisfy they did right with our iwi? I don't know. Iwi have plenty mana to the Hawaiians and was carefully taken cared of. They cannot be treated lighted. Even as a Hawaiian, you know, as I get involved with the

iwi, I have to pray plenty because I pray that the iwi will do no harm to me, and I'm Hawaiian. You guys, well, foreigners, I hope you guys have the same respect that the Hawaiians have of the iwi. You cannot fool around with the iwi. You gotta be pono. You gotta be pono. And only you going know if you pono. I cannot judge you and I don't think anybody can judge you, but you gotta do what is right. There is obviously graves down there. Obviously. No ifs, ands, or buts. How far the graves go? I don't know. I know it's just more than just a grave 'cause in Makaalae, they told me that is the extent of the graves, the one tomb.

Chair Notestone: Two minutes.

Mr. O'Hara: Tell me, nobody going bury in one tomb. You going get plenty people around and that's why they get buffer zones to give the protection of the iwi some assurance that maybe get somebody else next door and that one is protected. I don't know how big the buffer is down there, and I don't know where this iwi fall into your development, I know you guys shown it on the map that you guys going take care the iwi, is that all the iwi get down there? You need to go answer that. Go talk to people, go find out, and then do what is pono. Thank you.

Chair Notestone: Thank you. Next up on our testimony list, we have Mary Kahana. Please state your name.

Ms. Mary Kahana: Aloha. My name is Mary Kahana. I am from the Piilani ohana. I'm the granddaughter of Doris Kanawai Piilani. Mr. and Mrs. Stice, I don't live far away from your land. I'm on the same road, next to Hamoa ...(inaudible)...

Chair Notestone: Could you address your comments to the Committee, please.

Ms. Kahana: Okay.

Chair Notestone: Not to Mr. Stice. Thank you.

Ms. Kahana: Okay. I'm going to read this letter on behalf of Aunty Viola and Uncle Ed Cashman, unfortunately, they couldn't be here today, and I also I need to, I have a whole lot of letters for you all, so I can get my three minutes, so I'm going to put their letter in front of my three minutes. So, again, I'm just the messenger. Aloha and mahalo for giving us the opportunity to be heard. We are requesting the Committee deny the SMA permit for Gary Stice. We live at 406 Haneoo Road, near the property where Mr. Stice is applying for a permit. Mr. Stice and his Hawaiian sovereignty group has proceeded to do whatever they want, whenever they want, with no concern as to how it affects the residents of Hamoa village. Listed below are some examples of events previously held at Koki: Rave

or rave concerts, I was not here at the time, so I'm not sure what it was, admission charge and liquor and food sold --

Chair Notestone: Mary, excuse me. I was advised that you started your own testimony and now you're reading someone else's testimony.

Ms. Kahana: That's what I shared that it'll be their testimony.

Chair Notestone: Apparently, it's not allowed. So what I've been told is that you can testify for yourself but not for both.

Ms. Kahana: Yeah, I'm not going to do both, that's why I said I'm presenting on behalf of Aunty Viola and Uncle Ed 'cause I'm going step down and not give my three minutes.

Chair Notestone: Okay. Continue. Sorry about that.

Ms. Kahana: At one point -- okay, thank you. The fine was original \$6,000 but Mr. Stice appealed and was granted a lesser fine. The following year, Mr. Stice and his group tried to hold another Rave concert on the lot that they were previously cited for. DLNR officers appeared the night of the concert and did not allow the concert to be held on DLNR land. The liquor inspector also came with DLNR. Because of concerns of crowd control and liquor at the event, the Police Department had DUI road blocks set up in Hana. DUI officers were brought in to Hana from Kahului. Food Concession. Group is operating a food concession at Koki seven days a week. Group was cited by both State Health Department and Maui County for no permits. Sovereignty group claimed laws did not apply to them and refused to comply. Information from Antonia Debeval, Acting Supervisor, State Health Department, Maui office. Note: All events held at Koki had no permits.

Mr. Stice also owns a residence at 330 Haneoo Road, Kilohana. For at least ten years, he has operated an unpermitted short-term rental home. He was cited and told to stop in 2012. He continued to operate and again was cited in 2016. Presently, he continues to operate, although not as visible. Information gathered from Planning Department, Kai Wright, Jay Arakawa, and others. Mr. Stice has 14 short-term rental homes and knows exactly how to be legal. He and his group have no intentions of following existing laws and will continue to do whatever they want and ignore the County and State laws and the pleas of the residents of Hamoa.

We are aware of members of the Hana Advisory Committee that were at one time or are currently a part of events at either Koki or Kilohana short-term rental home. We are requesting that those members identify and recuse themselves from this process.

If not for health issues, we would be there in person to share our concerns. We ask that the Committee deny the SMA permit request and restore peace and quiet to Hamoa village community. Mahalo nui, Ed and Viola Cashman. And Mr. Buika, I'm letting you know that, like Uncle Irish said, you mentioned the term "pono," Uncle Irish mentioned the term "pono", but sometimes I feel that it's used fluently. This, to me, this project is not pono. Thank you.

Chair Notestone: Thank you. My apologies for the interruption earlier. Next up to testify Earl Medeiros.

Mr. Earl Medeiros: Earl Medeiros. Resident of Haneoo. Born and raised Haneoo. I was there when ...(inaudible)... so I know and I used to go on his property when I was a little boy. My father was a fisherman ...(inaudible)... so I like you guys know that. The problem with me is 2500 square feet. How many people in here can tell me they own 2500 square feet house? The locals. Nobody. Nobody. You know, 1600 square feet, your guys lanai on the first house is bigger than most people's houses. You know, I from here and, again, I feel for the people. I know. When I talk, I talk for all the people of Hana, you know. That's what I looking at. And, okay, another thing that I wanna bring forth is that, you know, I going touch on what Ward Mardfin said, you know, in a few years going be under water. I mean we're going to -- it's going to be under water. Look at when the hurricane went past and in Kauai. All the houses over there is tidal wave zone houses. I could see the foundation underneath. It's all made tidal wave zone and you putting the houses right dab direct hit from the outside come in, so I mean, you know, the Planning Commission gotta really think about this one, okay, you know, this is not something that, you know, later on, look Lahaina what is happening, oh, we gotta make wall outside, yeah, built in the '70s, yeah, look now. We're going to be facing the same problem. I going be facing the same problem. I get fishpond. I own my fishpond -- you know, I talking not on behalf of what is there, but I'm talking what's really going to happen. We better look. And, you know, if we send out kids, you see this, that's the ...(inaudible)... we send 'em to school because we gotta keep up with these guys.

Chair Notestone: Two minutes.

Mr. Medeiros: We gotta keep up with these guys going for the doctorate now. You know, we need some titles around here so that we can throw around so you guys would listen. People are not listening to the people. It's gotten away from the people and the locals are stuck in here. The locals, they gotta survive over here. How long before they sell? I born and raise over here. I going tell you, my kids going own my property, and probably their kids' kids going own my property.

Chair Notestone: Please address the Committee and not the --

Mr. Medeiros: Yes, but I want an answer from him. Like he said ...(inaudible)...

Chair Notestone: ...(inaudible)...

Mr. Medeiros: You know, you're here, and you own one big house, over 2400 square feet, but what about everybody else? You know, I speaking for everybody else in here.

Chair Notestone: Three minutes.

Mr. Medeiros: Thank you very much. Aloha.

Chair Notestone: Thank you. Next up we have Mavis Medeiros, I think is the last name. Mavis?

Ms. Mavis Oliveira-Medeiros: Aloha. My name is Mavis Oliveira-Medeiros. I was born in Honokalani, this side, and I married Earl and moved to Hamoa. But my family is from Ulaino and Honokalani, and I also have decendency from Hamao, the Nanawina ohana is from there, Kalapa ohana, who is Earl's ohana is also my ohana, and then there is Paele, if you look on the hill up at Aleamai, you'll see a Paele, that's our family, but the reason -- the reason I'm here is to talk about Stice's property. We pass there every day, twice a day on the way to work, on the way home, and we love seeing the ocean and, you know, being able to enjoy the view. But anyway, the -- a lot of people coming up here, I think you guys should know, is not from Hamoa, so it's easy to say what you think should happen in one aina where you don't live. It's kind of like telling somebody else how to, you know, what to do in their own land, you know, and in the ahupuaa management system; that's not the right way. But I wanted to point out a few things that I was reading on the SMA thing, but, wait, before I get to that, we have seen waves coming across the road there a couple of times, and the graves I don't think are only the marked ones. I have maps in here from SHPD that shows there's graves all over Koki, and that's from SHPD. The SHPD has an archaeologist problem right now, so I'm kinda wondering how they're going to bring the spotter in to watch if they actually do find more bones because they don't have an archaeologist, he quit, and he left. You guys can call them and find out all this stuff. And the new rules, there's some new rules coming out in the Planning Department as we speak.

Chair Notestone: Two minutes.

Ms. Oliveira-Medeiros: There's a draft of some new rules coming up and I don't understand why they're approving, Planning Department is approving stuff when there is

rules coming up to address the rise of the sea, so why don't they wait until the rules are settled, you know, and you can look that up too. Planning -- oh, that's what I just said. The Planning Department going over draft rules, and I have maps to pass around. If this for somehow, some reason this passes, God forbid, some contingencies I would like to see added are that Maui SHPD, as long as they have no archaeologists, the property doesn't -- they don't build nothing until there's an archaeologist spotter, and it can wait for the new SMA rules.

Chair Notestone: Three minutes.

Ms. Oliveira-Medeiros: Thank you.

Chair Notestone: I do have a question for you.

Ms. Oliveira-Medeiros: Yeah?

Chair Notestone: The SHPD? Could you ...(inaudible)... I'd like to take a two-minute recess. I smell smoke.

Mr. Buika: We're okay.

Chair Notestone: Oh really?

Mr. Buika: The fire is out.

Chair Notestone: Okay, just checking. Okay, we're back in session then. Next up on our testimony -- that'd be something to have a fire at this meeting -- Jana Sinenci. Sinenci? Anybody see her? Okay, next testimony is Kahula. Please state your name.

Ms. Zelda Mice Kahula: Before I start, there's other testimony so -- and I can go get them so can I submit this?

Chair Notestone: Can you speak in the mike? Can you speak in the mike?

Ms. Kahula: There's other testimonies that I want to submit because I won't have time to -- I know you can do one testimony, so I'll do mine and submit the others.

Chair Notestone: We'll take those. Thank you. And please state your name please.

Ms. Kahula: Okay, my name is -- aloha everybody. My name is Zelda. I'll just read off my testimony. Okay, my name is Zelda but everyone knows me as Mice. I'm here to

testify on behalf of myself and my family who resides at 350 Haneoo Road in Hamoa village located directly across of the Loko Nui Fishpond. My family and I oppose Mr. Stice's proposed plan to build two separate homes located adjacent to the loko in Haneoo. The following are concerns we have with the project: Will there be a need for a septic system, waste system for the proposed build site with a guarantee it will not affect the loko and shoreline? What is the true purpose for these proposed homes that needs to be built that close to the ocean? Will this be another vacation rental? Will this proposed build support continuing commercialization? Currently vending, concerts and that's on the property illegally.

Another concern we not facing in Haneoo is traffic and parking. There are lot more tourist traveling through our village. Tourist walk into the loko and the surrounding area for picture taking. Tourist use my driveway and yard as a vehicle turn around, speeding. It's very overwhelming. Current activities at Mr. Stice's property attract tourist daily and it does not help the situation. We do not appreciate people disrespecting and blatantly ignore "No Trespassing" signs posted --

Chair Notestone: Two minutes.

Ms. Kahula: And do or go wherever they please beyond Mr. Stice's property especially into the loko.

Mr. Stice is a businessman and owns several vacation rentals. In spite of what I heard that the proposed home will not be a vacation rental, I am not a believer. Current activities lead me to believe otherwise. Right now you can already see the commercialization that is going on. Mr. Stice is commercializing this location. Anyone who passes through Haneoo can plainly see and tell you this is happening right now. I see it every day when I pass to go home and go to work.

Tour vans are being catered on Mr. Stice's property and drawing in more tourist and this brings more people into Haneoo and adds to the vehicular traffic in our village.

I do not approve for concerts and other activities that are held on Mr. Stice's property --

Chair Notestone: Three minutes.

Ms. Kahula: In Haneoo. I have had to call the police on occasion due to loud music being played. I have heard party goers cowardly stop in front of my mom's house yelling not so nice things and then drive away. I'm just going to close. My stand today on this proposed project is about the will of my dad, Jackie Kahula who worked so hard to protect this Loko Nui so it came -- come to be a viable place for years to come. It is a place to provide

food, not only for Hamoa village, but for the community of Hana. It is also a place for cultural practices and learning to teach the future generation sustainable living. We do not want our Hamoa village to mimic Nahiku Marketplace. I speak today for my family and we strongly oppose Mr. Stice's proposed plan to build and oppose the SMA permit being authorized. Mahalo.

Chair Notestone: Thank you. Next up we have Pat Caires. Please state your name.

Ms. Pat Caires: Aloha. My name is Pat Caires. I'm one of the heirs of the Haneoo Fishpond in Hana, and I was born and raised in Hana, but I've been listening to a lot of the testimony and one thing that jumped out at me is when a gentleman said that he grew up in Hana, and he's a diver, and it brought back memories to me when we were growing up and these people entered our fishpond illegally, so I just wanted to address that. Anyway, I oppose the Stice development or hopefully it won't go through. I witnessed, in fact, my grandchildren -- I have a grandson, in fact he's 8 years old, and he has a favorite line in this song and it says, "How can you be so rude?" And I kinda laughed at that and said, oh, you know, it's not about that, but, lately, they've been going to the fishpond and camping, and they love it, they catch a lot of fish, and now they hear that there might be houses on the adjacent lot, and they're saying, "But, grandma, what is going to happen when we see all these people come by to our fishpond? What do we do?" I said, "Well, they shouldn't be. You know, they should not enter our land." So anyway, I feel that to let this go through would be a mistake because we have family gravesites there and with all the -- in fact, I was there one weekend and there was a loud party going on and I was so sad to hear the loud music, to hear just a lot of noise, very disrespectful, and the luas around our gravesite, I'm like: What is going on with these people? So I firmly oppose the Stice development. Thank you and mahalo.

Chair Notestone: Thank you. And next up we have Sharon Mynar.

Ms. Sharon Mynar: Aloha ke akua, my alii, my king, you created us on this planet. Look around us. We not all the same. If you are who I am, respect our righteous Jesus Christ. He gave us the reason all to be here. You heard what everybody saying here. I speak to my Lord every day, every day for a reason because I hear all the ability of people that are just like me probably step over the heiau down at the loko, yeah? They step on the heiau. I see all that. My kupunas are coming to me now. They were right there by the door. I called two chiefs inside to come and see what I'm doing. I was blessed by them. And a tutu, Maryann Hoopii, I found your name -- heard your name, her name now, she gave me permission, when I was 12 years old before she died at 103, use my name, so I did at the loko and she was there. I just want to let you all know our aumakua in the loko is the shark. That's part of our aumakua. God created all the living things from heaven to earth. Okay, we need to understand all this, yeah, otherwise, you can sit in here,

listening to what our people are saying, so and so is doing them a favor. What about our ancestors? What about their ancestors? If you don't belong down there, leave the area. Go back to where your family is from. My kupunas are all stepping up now and I am not afraid. I will stand firm for them. I'm at the gravesite every week and I call them; I talk to them; I point my hand. People throw food on the grave. They take the wires across the grave. No -- no respect for them. What do you think I feel? Do I go to your yard and throw trash in it? No. Because God said no. You do the right thing. So He created all these ethnicity. All different people. Our job is we are all different colors, okay, God gave a reason so we all can learn ourselves the right thing of our inner self teach all these new people ... (inaudible) ... just joined them and given all a limited part of our Hawaiian people. I am not afraid. I have never been like this, but when I was in a home, it was 5 years ago, I have a picture, I went up --

Chair Notestone: Two minutes.

Ms. Mynar: And I came back down. That's another thing too. When I was born, my Lord and Jesus Christ didn't say it will take three minutes of your life, three minutes for to speak. No. These rules are coming from people like you; that's why we are who we are. Some of us are lolo. No think. I am not afraid of any of you inside here. Think of your kupunas, yeah. We got two chiefs down there, one, Princess Kae is over there, plus former people over there, they're all with the royal family, so you folks go down there, go do what you guys do, go in the loko. We get our uncles watching everybody in the loko. I know every uncle. One of them taught me how to dive in the loko. Do everything in the loko. That's why I'm happy who I am, and I praise God for everything I say with you think about. Think about it.

Chair Notestone: Three minutes.

Ms. Mynar: Three minutes.

Chair Notestone: Thank you. Okay, next -- next up will be Terry Mynar. Please state your name. Thank you.

Mr. Terry Mynar: My name is Terry Mynar. My family has interest in the fishpond. My wife just spoke. We've got the burial sites protected at that area. I drew up a plan while they gave the dimensions of one burial site as best we could because we had to go to the Burial Council. There's also a Preservation Site No. 4669 there that was supposed to have a 17-foot by 24-foot protected area. We're talking about the archaeologist being down there to do their work. They never contacted us on coming and putting the pins in that. They came out on their own and put the pins in and made a two-inch buffer on one side and a four-inch buffer on another side and extended it away. There's a stone there

that is sacred for the family. They put it right in the corner as opposed to ...(inaudible)... that. I'm going to go to DLNR and the archaeologist, apparently there's none now, but I'm going to protest that placement, so I don't believe the Stices were aware of that when this was presented to you. You can see it on your plan. There is a ten-foot buffer zone between the house and that site 4669, but that does not give no protection to that one corner, that northwest corner where the archaeologist, for some reason, shoved that thing all the way out to the road instead ...(inaudible)... it. The Stices can easily move that house another four feet to the north on the back side of the roadside and -- and I'm going to have to go through the process of seeing if I can get that done. The other one is the access, I don't know if everyone knows, I mean right now there's car access on the fishpond side. I actually don't agree with that. Certainly that's going to go away if the Stices build --

Chair Notestone: Two minutes.

Mr. Mynar: And I don't know if it'll go away anyway. Okay. But that's it -- what will go away. Right now, the Stices have moved debris onto the fishpond side by clearing the land, they know about it, they're going to clear it up, and they also know that all of these functions they're having down there, they got two electrical boxes there that are rusted out, that are open, and they're pulling an electrical cord from the Hamoa side, where that box is, it's trenched over to that pavilion, they're pulling an electrical cord either across the gravesites or down over the land on the road side to run electricity over to there, and they got a potential lawsuit on their hands, they're notified of it now. Somebody could die. Then we'll have to address this because ...(inaudible)... if somebody dies --

Chair Notestone: Three minutes.

Mr. Mynar: ...(inaudible)...

Chair Notestone: Alright. Thank you. Next up is Leo Caires.

Mr. Leo Caires: E kala mai. I just felt the need to do a short oli for the purpose of this hearing. (Mr. Caires presented an oli in the Hawaiian language). Mahalo. Thank you for that. My name is Leo Kaniela Caires. I came over from Kapakalua. I had to drive with my mom. We had to roll the windows down a couple of times because I was venting about this project. I come here humbly to share my point of view, my kuleana as a descendent for this Loku Nui here in Hana. I am against this project. I humbly ask that this project be denied to the Planning Commission and this thing stops here in its track. This is why. Hawaiians should not fight over crumbs. You fight over the bigger picture. The loko was -- is a lifeline of this community. I come here all the time during the summers and weekends when I could. I currently bring my -- my children. They go to

Kamehameha. They appreciate the significance of what loko ia means to a people. Yes, we're not infringing upon the rights of these people, but indigenous people are afforded protections under the Constitution of Hawaii and the United States of America. I will talk quietly now because my biggest concern that I have is on record. The gentleman, Mr. Dye, just said that the water of this wastewater treatment plant is going to be clean, for the record, so for the record, he has stated today that there's not going to be any effluent. In fact, in Exhibit 7, when I read this document, and thank God I got my MBA, and thank God when I finish my doctorate dissertation on financial illiteracy of Native Hawaiians, this is why we gotta stand up and speak for important things that affect the people. The Native Hawaiians, in someone's bio, just said that there's no endangered species. The endangered species is the Native Hawaiians because their rights are being infringed upon constantly and constantly. So on your Exhibit 7, sorry, it says, "Should the IWS fail, water effluent could enter the fishpond, thereby, diminishing water quality and nutrients from the effluent, could add stress to the marine ecosystem," in the document. That is why we go school and us local kids we come back. We come back for help the family. We come help to -- we come back to help the community. I don't -- I don't live here, as a lot of you folks do. I used to come and ask my grandpa, "Eh, how come get guys in the fishpond? What's up with that?" Grandpa said, "Because he feeding, she feeding their family." That's what this pond represents to this ahupuaa, to this moku o Hana.

Chair Notestone: Three minutes.

Mr. Caires: And then there is an emotional connection to this, why I'm here today. My Grandma Molly, I was wondering why she went to her bedroom every April 1<sup>st</sup> every year before she died, and I share the same birthday as her, August 16<sup>th</sup>, and this is why because her three children died in that tsunami. Every time I hear that spoken up, I get pissed off. And I got a better idea. This owner, I propose that you stop this project, and we work with the community, and you sell it to the community, and with my background and my experience, we can structure a deal to get you -- make you whole, get you what you need, cover your costs for all the expenses you paid, and make it a community asset because when you build those houses, not all you guys going be able to come over anymore as free as you want. It's not going to happen. It's not how this world works. So no be afraid to speak up and no just settle for crumbs. Stand up for the bigger picture. Mahalo.

Chair Notestone: Thank you. Next speaker will be Shavonn Eason. Shavonn?

Ms. Shavonn Eason: Aloha. I'm Shavonn. I know I only have three minutes but the first thing I want to say is my heart is so sore to hear so much negativity, and there's so much misunderstanding here. There's a lot of misunderstanding. There really is. And thank you, Marvin, for getting up here and talking, and Uncle Gary and Aunty Apo. I grew up in

Hana from when I was a small girl. We moved here when the population was 500 so I know Aunty Sharon, I know Mice, I know most of the people here really well. And he's not trying to come here and do anything bad. There's a lot of misunderstanding about concerts because I know that we had the guy came and played music, a Hawaiian guy, I mean I don't -- there was never any Raves there. You know what? I'm really sorry. I never speak in public. I only did three times in my life - my father's funeral, my brother's funeral, and my son's funeral - so getting up here is like kind of hard and a big deal but I just want everybody to know we love Hana, we love -- we don't -- we're not -- we're not residence of Haneoo, we're not in that village, but it's not like we don't understand. I didn't just spend a vacation or I was raised here since I was little so I love Hana too, I love Hamoa, and I love most of the people in this room, and I just wish that it wasn't so -- there wasn't so much anger, you know, because it's not like Uncle Gary and Aunty Apo sold the land. They bought the land. The family sold it. It just -- they didn't -- it's -- anyway, I'm sorry for all the misunderstanding, I don't know what's going to happen today, but I think that we should all show a little bit more aloha and love because I know all these families here and when we talk about Hana, Hana seems like a community that it shouldn't be about so much opposition and hatred. It doesn't matter what part of Hana you from. Hana is Hana. Thank you.

Chair Notestone: Next to testify is Mikyla Thomas. Please state your name.

Ms. Mikyla Thomas: Aloha. My name is Mikyla Thomas, and I come before you as a full-time resident of Haneoo. I speak on behalf of my family members that are here, my daughters, and my other half, James. I also speak with the best interest of the future, Hana community, all of the keiki. I'm trying to talk and I know I only have three minutes so it's kinda hard. Let me breath. I do not support the development of 175 Haneoo Road because it sits at the center of a vulnerable and historical coastline. It should be respectfully preserved as such. The aina rest on the perimeter of Kaoula loko ia fishing grounds which countless local families thrive off of. Despite what SMA, I don't even know what that stands for, criteria ...(inaudible)... to know this fishpond is fragile and it's a natural resources -- and it's a natural resource and comprises of freshwater springs which provide the needed environment for livable and livable habitat for juvenile fish. The development of this shoreline will require stabilization of the land, building a foundation. This alone will displace sediment and increase the amount of sedimentation runoff which kills the algae, our fishes, food source, and kill the coral reefs, our fish's house.

Chair Notestone: Two minutes.

Ms. Thomas: Allowing this to happen would be interrupting the process of how our food grows, how we gather our food and sustain, not only the families of this ahupuaa, but the families of Hana who rely on this vital food system. There isn't an amount of money that

you could have to construct and build two houses forever changing the dynamic of this aina, but there's no amount of money that could restore it to its natural state after these structures have been built and maybe you guys change your mind or sell it. You have an opportunity to be ...(inaudible)... and from where I stand, this project is a lose-lose situation. If this project goes through, it'll benefit no one except for a few landowners who probably will profit financially by increasing their assets on their land and when they decide to sell it. I humbly ask that you work with the community and choose to meet on progressive impacts on our home. By choosing not to develop, you'll be honoring, conserving, protecting this wahi pana, this sacred place --

Chair Notestone: Three minutes.

Ms. Thomas: Doing more good than any financial gain or any amount of houses could ever do. Mahalo.

Chair Notestone: Thank you. Next up is Fushia Pua.

Ms. Fushia Pua: Aloha. My name is Fushia Pua. I'm here on behalf of my cousins, my kids, my two grandbabies and ...(inaudible)... family we have down there. First up, I'd like to, for the record, we never had even one Rave, so I don't know where that news is coming from. Not one. We've had benefit concerts. I don't know if you guys remember someone who was dying of cancer that actually, unfortunately, did succumb to the disease. We did -- we did have benefit concerts. We do -- they do -- there's a vending thing, but I gotta clear the air. You guys misinformed because nothing is being done on Uncle Gary's land. See, there's some kind of misinterpretation on the public's part where they're saying that, you know, they're doing illegal activities. Straight up, those illegal activities are not even happening on Uncle's land. Uncle made it a point to make sure everything was out of his boundary, so with that said, I can give you half of -- I don't even want to go off of this. I wanna let you folks know, you guys can grumble all you want because right now it seems like everybody has so much backlash towards Uncle Gary, but from my -- let me put it -- let me put it into perspective, how would you guys feel if say like Oprah bought this property or someone like not over here because I don't think any community member can come up with however much it's worth in value. If they could, that would be a beautiful ...(inaudible)... if they could, yay. If they can't, you know what the next option would be? Uncle Gary step back and say, you know, forget all this. Let's just sell it to the biggest developer and then what? You guys are fighting for peanuts and crumbs, like you're saying, with little arrows. These guys going come and you're going to be using your fricken nuclear weapons to beat any -- if you get a real developer, straight up. Uncle Gary, he's a very kind, humble man. You guys complain about your gathering rights. How you think you guys been doing it for the last 20 years. For however many years he owned it, he welcomed everybody. He did not -- if someone else owned this

place, his place, they would be putting up fences, gates, and you cannot walk over here, you can't go over there. I strongly support Uncle Gary because I know next soldier in line, folks, won't be as gentle and humble as he with so much humility. Next people going to come here with their big guns, their money will talk, I don't care who denies it or approves it, the money will talk, it'll happen, and you guys not going -- you're going to be battling someone other than timid and humble Uncle Gary. He's a man of love. He's a very kind-hearted person, you guys don't have to know him, and I can, just from looking at this crowd, I can say almost all of you, you one way or another has benefited from his property when you had events whether it was your baby's luau, your grandkids luau, or maybe it was a graduation party or whatever.

Chair Notestone: Two minutes.

Ms. Pua: So I'm just letting you folks know, the bigger picture, you guys might say, oh, this that, and I don't care. Ask me if I care. No. I'm here to support uncle because I know right from wrong. I know right from wrong. You guys sitting there figuring out how to attack the man who's humble and silent, which I think is real weak and ...(inaudible)... and you guys can grumble about all this, but if you look down the line at Haneoo, there's a lot of properties that are same as ocean level, so you guys have your gripe there's waves. You guys want to complain? Tell the ...(inaudible)... don't make the ...(inudible)... okay. He can do it. He can do that there. You guys are talking about his runoff. I see kalo and the gray water going into it with sediment in it, so I mean hypocrites shouldn't speak. I know that straight out. I know that for a fact. I love Uncle Gary and his wife. He's done so much. LHG did not bully. LHG isn't going around selling illegal plates. E kala mai that the power cord went through someone's -- I feel for that, but I don't respect the fact that when I do go there with permission --

Chair Notestone: Three minutes.

Ms. Pua: Aunty come attack me. I not going call the cops on her. I was like, hey, aunty, all love, and that's where I come from, so I'm thinking if you guys step out, step back and look at the picture, you guys are going to realize this is only pellet gun, it's the air shotgun. You guys ready for the missiles?

Chair Notestone: Thank you.

Ms. Lono: I have a question for the testifier.

Ms. Pua: Sure.

Chair Notestone: Yes, Dawn Lono.

Ms. Lono: I like to deal with facts, you know, that's what we're here about --

Ms. Pua: Yes. Of course.

Ms. Lono: So I just wanna clarify what you said about all of the commercial activities are taking place off of Mr. Stice's property.

Ms. Pua: Ai.

Ms. Lono: And the pavilion that is not --

Ms. Pua: I'm sorry. The pavilion is not a part of the commercial activities. If someone, who is a property owner, decide that they want, hey, a bus came through, why not, you want to eat in my yard, that's fine. You're not vending any. No. They're not vending on his property ...(inaudible)...

Ms. Lono: Okay. Excuse me. I'm just trying to clarify --

Ms. Pua: No. Absolutely. I appreciate that. Please ask me questions.

Ms. Lono: So there's a pavilion on the property that is permitted and legal, but nobody is selling out of it. Nobody is vending anything out of it. And what happens is busses come, and then they may come and buy food or whatever, but that they can go sit in their yard ...(inaudible)...

Ms. Pua: Yes, in the same way he welcomes all tourist, all locals, all kanakas, the ones who want to fish at night ...(inaudible)...

Ms. Lono: Okay. I'm just trying to get clarification.

Ms. Pua: Yeah. No, I welcome questions ...(inaudible)...

Ms. Lono: So I appreciate that you brought that up so that we can clarify that because anything that is misinformation no matter what side we are on the issue or not, we need facts, so I appreciate you bringing that up.

Ms. Pua: Right. In regards to that, he was really strict about it because he was under that fine -- the threat of fines. He immediately took action, this can't be happening, and everything conformed, so when we were doing -- what LHG is doing, we get support from Uncle Gary and we love and appreciate him for that.

Ms. Lono: Okay.

Ms. Pua: He's beautiful, but he is not condoning, we're not conducting none of the business on his property.

Ms. Lono: Okay. Appreciate that. I appreciate that. Thank you.

Chair Notestone: Any other clarification?

Ms. Kahaleuahi: Mahalo, Aunty Fushia.

Chair Notestone: Lipoa.

Ms. Kahaleuahi: I just wanted to ask for, it's on the record as well, whose land is the commercial activity happening on?

Ms. Pua: I can assure you it's not Uncle Gary's. That's the truth. Out of the boundary so yeah, and if there's any like people, like they, well, State own this and that, we have our own thing going on with LHG, and we all know that, and if were to go into details what was pono, what's not pono, you guys ain't pono, straight up, but we're not here for that, we're here for this. This is the crumbs. You may say the big thing is the loko but --

Chair Notestone: So you don't know the answer to the question?

Ms. Pua: I do know the answer. I do know that it's not Uncle Gary's ...(inaudible)...

Chair Notestone: That's fine. Thank you for your testimony.

Ms. Pua: Thank you. Any questions?

Chair Notestone: Any other clarification?

Ms. Pua: Thank you.

Chair Notestone: Thank you very much. Next testifier is Scott Crawford.

Mr. Scott Crawford: Aloha everyone. Good evening to the Commission. In my three minutes, I'll try to cover a couple topics that I wanted to touch on. First off, I feel like I need to say something on behalf my late wife, Kekua, who was ohana with this -- with this land and, you know, her great-grand uncle was Ben Dusson, she's cousins with the Atay

ohana, and she considered this place very sacred, and in 2010, before the Hana Community Association, she submitted passionate testimony in opposition to this project as it was proposed at that time, and I'm sorry I don't have that testimony to share with you. Today I'm even more sorry that she's not here to give it herself but I know that if she was here today, she would say aole and so I wanna -- I feel like I need to be here to represent her, her feelings about this as a very sacred spot, and a spot that shouldn't be developed. And then I want to just address a couple other aspects of it, in particular the -- so he just handed me a copy of the testimony so I can, her testimony, so I can submit that to you. But I would like to address briefly the view plane; to me, it's kind of ridiculous to say that the view plane should be judged from Hana Highway. Clearly, from Haneoo Road, the view plane will be impacted to Alau Island. You know, that -- you can just look at the plan and you can see there's going to be a building right there in the middle of the line of sight from the road to the island. As far as sea level rise, to me, that also -- it just seems really -- really kind of careless and not very foresighted to want to develop houses on this property. The -- Ward mentioned the 2.3 level -- foot -- 2.3-foot sea level rise projection, you can go on to PaclOOS, I think, website and see these projections that they've done .5, 1.1, 2.3, and 3.2 feet. At 2.3 feet, this property is completely in the flood sea level zone.

Chair Notestone: Two minutes.

Mr. Crawford: At 1.1, it's almost completely inundated. There's one little -- one little part of it that's not. Even at .5, half-a-foot sea level rise, more than 50% of this parcel is in that flood zone, and this is just sort of the mean level, you know, for a while I was -- I was living, for about a year-and-a-half, I was living on the parcel immediately on the other side of the Loko Nui, and twice while I was living there we had some severe tropical storms combined with surge and king tides, and the waves were right into the yard and the whole yard was flooded for days, you know, a foot deep in some places, so these impacts are already happening. The road right there is already being flooded during high tide.

Chair Notestone: Three minutes.

Mr. Crawford: In, you know, in 20 years, 40 years, right now they're saying - I'll finish up in a just a second - but just a week or two ago, a report came out from the Intergovernmental Panel on Climate Change saying the effects are doing to be even worse than we thought they were predicted, we're talking 20, 30, 40 years up to that, you know, 6-inch to 1-foot level and, you know, this property is going to be underwater any portion of the time as far as I can tell so the idea of developing underground infrastructure there and having a house, even if it's on stilts, it's going to be -- there's going to be waves flowing under the house as far as I can tell, so I think it's just a really bad idea and with all respect to, you know, I don't know Mr. Stice, Uncle Gary myself, but I believe everybody

who says he has good intentions, I have respect for all the people who support him down in there and all the good he's done for the community, I have no doubt about that, but, personally, I would like to say -- I'd like to encourage the commission to deny -- to recommend denial of this application. Thank you.

Chair Notestone: Thank you, Mr. Crawford. Next up we have Faith Chase. Please state your name please.

Ms. Faith Chase: Faith Chase. Hi, Hana Advisory Committee. I just want to first say that I want to commend the ...(inaudible)... before, that was very brave on both, you know, when you decided to be on an advisory board like this, you do have to make hard decisions and that would have been unfortunate if ...(inaudible)... moving forward so I applaud you for taking the civic step and being on this advisory board, it's not easy, especially in a small town like this where everybody knows everybody, so I just wanted to say that. This issue, while it's new to me, is one of extreme balance, and I know a lot of people in this room too so I sympathize with some of the testifiers who are speaking on behalf of what might seem like division. I'm just going to share a quick example of a situation like this where sometimes it may feel like division, my mom, like 32 years ago, she was the Private Secretary for Dr. Howell and they wanted to put the road to go to Palapala Hoomau, to Charles Lindberg's grave next to the Nelson's, and she fought tooth and nail, and she was in the front page paper against her own employer because Dr. Howell wanted it, and my mom didn't want it, and, you know, it was very divisive but I have to laugh because 32 years later, when I look at same vans going down that road and how destructive ...(inaudible)... it might need to be back on the table because the Nelsons could actually use a fruit stand and capitalize on some of that traffic, you know. Things change over time. So good on you for making the hard decision right now; in the future, things may change. As far as -- as far as things changing, I think that this is actually an opportunity. You know, you shouldn't look at -- you don't have to look at conflicts as intentions, as pilikia that can't be resolved. It's good when you talk about everything because then you can come to a solution, you know, and if it wasn't Stice --

Chair Notestone: Two minutes.

Ms. Chase: You know, maybe another, you know, like people were saying, maybe another landowner might not be so open, but when you talk about things like this and you get it all out in the open, when would you ever have a kukakuka session, you know, brainstorming session to be able to talk about the things that you want in your community, so there's good and sometimes there's good intentions, conversations, and, you know, I think that in Hana, man, if you can't get it right in Hana, you're not going to get it right anywhere. So, anyway, I am not going to say I'm for or against it all. I just wanted to

applaud my community that I was raised in because you guys -- your guys' example of aloha and cooperation resonates around the world. Aloha.

Chair Notestone: Thank you. Is there anyone else that would like to testify that didn't sign up? We have one gentleman in the back, if you'll come to the mike and state your name.

Mr. Russel Kahookele: Aloha, Committee Members, community. As he stated, Russel Kahookele is my name, and, man, this one hard one. You know, I hear a lot of things going on over here like the Stice or Aunty Apo says that this is America. I beg to differ. I heard one question from the council: Who owns the land? Well, the land that the vending activities happening on currently right now down at Koki Beach is happening under the authority of me as the representative from the ... Hawaiian Government of the Kingdom of Hawaii, not the State of Hawaii, not the County of Maui. That land is land that's being held in trust for the heirs. We reinstated our country on March 13, 1999 and we served notice to the State of Hawaii. If you guys no believe me, you can go seek counsel from Daniel Ornellas. Daniel Ornellas is the Land Agent for the State of Hawaii. He openly admitted to us that the State of Hawaii has to title to none of the property, which wasn't one surprise to us because the State of Hawaii already admitted that in legislation in 1993 when they passed Act 359, one bill relating to sovereignty because of the findings of the sovereignty advisory commission and the -- the rivers of justice must flow free from mauka to makai. So reinstated our country. What does that mean? People laugh at me. People no take me serious. As far as the majority of the people in this room is concerned, this is America, and if the Hawaiians in this room no watch out, America going change our identity, make them Native American Hawaiian Indians. Now if you take on that status, it will talk about the Constitution, and the Constitution affords us all of us these rights. My father fought through three wars for America, and I joined the military right out of high school only to come home and find out that my country was illegally overthrown. Wow. What does that mean? That means somebody broke the law, okay, and when you like talk about spiritual law, God just gave us ten commandments - thou shall not steal, kill, or bear false witness - but there's some false testimony here tonight that Gary Stice was responsible for rages, that Gary Stice was responsible for the illegal vending activities. He is not responsible. This is what happened. When we had made claim to that land, I thought it was from Koki Beach all the way up, all the way back, only to find out that Gary had purchased his property from somebody who purchased it from the Apai family, and if they was so concerned about these graves, maybe they shouldn't have sold it. If they was so concerned about the porta-potty being next to the graves, before Gary --

Chair Notestone: Two minutes.

Mr. Kahookele: Had cleaned up that place, had dodo all over the ground, had rubbish all over the ground, had a lot of rubbish; that whole open grassed area that you can nicely see the ocean on, was covered with cane grass, had one broken down car, one washing machine, and over 30 bags of household rubbish as of somebody was using it for their own personal rubbish dump that we had clean it up. When we started to clean it up, my Cousin Earl was upset with me. He tried to get me to stop. Somebody called DLNR. DLNR came, not once, not twice, many times. The policemen then came. After I explained to them the laws, how the State of Hawaii was illegal, and what they did was illegal, and that we reinstated our country, and I am the authority here, they backed up because they cannot prove it, but if no more people like you guys to sit on commissions, we might just have run amuck, yeah, like why these rich people coming here and doing whatever they like. I notice Oprah bought Lehoula. I'm so happy to hear that Gina guys got to down there with the kids. I cannot. It's not extended to the community. That is one nice place to have parties where nobody can hear, not bothering nobody, but I don't hear Oprah extending that.

Chair Notestone: Three minutes.

Mr. Kahookele: People came down to Koki and they asked me if they could use this area, not Gary, but we did two fundraisers for Ziggy and one that Gabe Masuda and James guys involved with, and that is the fundraiser that they went get the cops involved and DLNR involved which went cost Gary \$6,000.00 in fines and he had nothing to do with that. All he was doing was allowing his property to be used for the benefit of his family. Gary is a good man, he wants to work with our community, he assured that he's going to work with our community, he proved it again and again.

Chair Notestone: Yeah, Russell, we gotta wrap it up.

Mr. Kahookele: Thank you, Gale. Thank you for giving me this time. I just like say one last thing. Aunty Sharon, when you came down there and you went cut down the tree and the cops -- the cops had asked if I wanted to have you arrested and I said no because I have a lot of respect for you, Aunty Sharon and Uncle Terry. Terry is a very good man, just like Gary Stice. Thank you for giving me time for testify, Gale, and thank you, Committee Members.

Chair Notestone: Thank you. Anyone else like to testify? We have a young lady over here. Can you state your name?

Ms. Leanne Pomai: My name is Leanne Pomai and I just want to state again that there is that feeling of animosity because ...(inaudible)... I believe that Uncle Gary and Aunty Apolonia are very good people and their intentions are very good with this plan. People

think that, ah, what if they sell 'em, then what's going to happen then? Well, if they don't get to build a house, they may be selling it and then we're going to be finding out what's going to be happening then, but right now if they do build their houses, we still get to utilize that place as people from Hana. I'm seven generations kanaka, okay, and so us people from Hana, we get to still utilize that place for graduation parties, birthday parties, first baby luau, all these beautiful things, still get access to the beach, camping, all because of the generosity of these folks. I don't know what the next people going be like and I sure don't want the State to own that land and give us more rules and regulations like they already doing down at Hana Bay. Anyway, my name again is Leanne Pomai and I vote yes in approval for the Stice project. Aloha.

Chair Notestone: Thank you. Anyone else would like to testify? Seeing none, public testimony is closed. We'll take a 10-minute recess and then ...(inaudible)... discuss.

*(A recess was called at approximately 6:30 p.m., and the meeting reconvened by Chair Notestone at approximately 6:40 p.m.)*

Ms. Lono: . . . to testify and did not understand that public testimony had been closed, so if anybody wants to second my motion, then we could reopen the public testimony.

Chair Notestone: Do we have a second?

Ms. Ross: Given the testifier and where he lives, he lives down there, I would like to hear from him, and so I second this motion.

Chair Notestone: All in favor? And so moved.

**It has been moved by Committee Member Dawn Lono, seconded by Committee Member Maya Ross, then**

**VOTED: to reopen public testimony.**

(Assenting: L. Clark; L. Cosma; L. Kahaleuahi; D. Kaina; D. Lono; M. Ross)

Mr. Roger Lane: My name is Roger Lane. I've lived here for, in Hana, for 11 years. My family has been in Hawaii for 135 years, and, you know, I live right there in front of the pond. I see everything that goes on. I see all the people that use it. I see all the kids that use it. And when I first moved in, I was told by Ray Carl, you know, don't never go in, it's not for you, and I was perfect -- I had never touched the water on that. I made a lot of -- I made a big error, you know, but I've watched everything including -- I live next to Gary's place for 11 years. When I asked and I heard about this hearing, I asked myself:

What's the value of building this on that property? I couldn't come up with one value, I've heard a lot of takeaways, a lot reasons why not, but I'm a business man. When you come into something, you should add value. There's no added value to continue the way it is or my suggestion that I would gladly spearhead is to buy it and turn it over to the community because it's community, it's not mine, it's not his, it's the community's, and this culture is irreplaceable. The Hawaiian culture is irreplaceable. There's nothing like it. I've been all over the world. There's nothing like it. You know, if we screw this one up, there is no return. And I -- so I just -- I can't find why you would wanna build a house there when I'm sitting -- living 11 years next to a house that he owns that nobody lives in, and there's no added value to that property in 11 years. What tells me you're going to add value to the next ...(inaudible)... I have nothing personal -- Gary has done amazing things for the community, so it's not personal, it's just when you're going to do something, think about the impact that you -- are you're going to leave Hawaii in a good place, which is pono, which I've learned --

Chair Notestone: Two minutes.

Mr. Lane: Or you're going to -- you're going to takeaway? There's no gaining to the value of the community with this, not obvious, other than what is there now, so I would gladly spearhead whatever it takes to raise money to buy that and turn it over to the community and let the community group who live here run it and make the decisions for it.

Chair Notestone: Thank you for your testimony. Thank you. We have one more testifier. Please state your name young lady.

Ms. Doris Buckley: Aloha. My name is Doris Buckley and I'm new in this area, only been here 22 years, and I'm humbled by the testimony, and the love, and the concern, and the knowledge of all these people that have gone up here, you know, they say ...(inaudible)... you said it all, you know, but I've seen what I'm seeing, not only the concern about this -- these buildings being built, which concerns me too but -- and that I know that these people are supposed to be wonderful people, you know, I get that you are generous to this community, I would suggest that if this deal goes through, the Stices would work out a trust where when they pass, the land goes in perpetuity to the people in Hana. Thank you.

Chair Notestone: Thank you. Would anybody else like to testify? I'll ask one more time. No? Seeing none, okay, we're closing public testimony. Would the representative like to say anything?

Mr. Gary Stice: Aloha. Well, sorry to have created all this confrontation with the --

Chair Notestone: Could you state your name? Could you state your name?

Mr. Stice: I'm Gary Stice, one of the members of the -- of the owners there making this application. I would like to say that I appreciate everybody's interest and concern and input. A lot of the things that were said tonight, somebody was mentioning about getting the facts, and, basically, we have done everything to mitigate all the problems potentially that have been addressed. Sea level rise is an issue that we have very little knowledge of the future. We -- as a rain geologist, this is my background, I can claim expert witness here, and all these talks about sea level rise is true, we're in a global warming period for the last 11,000 years, and that sea level is rising; presently, it's maybe 2.3 millimeters per year, that's the thickness of a dime, and there is more likelihood that geologic activity on the Hana Rift Zone will change sea level more dramatically, we could get ...(inaudible)... and so you can't really say with certainty what the future holds in terms of nature and our global warming conditions that we're presently in. So I do think that we have followed all the procedures, all of the things that are required of us to mitigate anything having to do with tsunamis, flood zones, and the ocean. And there's just no part of it you can go on as expectably. I'm the one that has the property. I'm the one that's taking the risk. And I don't understand why everybody else is so concerned about my welfare out there. If I'm willing to take the risk, then why is that everybody else's concern? I appreciate that. But anyhow I have been discussing this with our other partners and we would suggest that the council might consider that following some of the suggestions that have been made, that the community spearhead something to make us a fair and reasonable offer on the value of the land, and I would expect that to be something pretty fair and reasonable. We went through this process ten years ago and the County did not offer us anything close to a fair price. So that would be the big issue. We're willing to hold back for a year and see if that is possible to come up with something, but we still are not withdrawing our application, and I don't know, technically, maybe Jim can clarify what the procedure would be on this matter, so I'll turn it over to him.

Ms. Lono: Excuse me, Mr. Stice, I have a question.

Mr. Stice: Oh sure. Oh yeah. Any questions?

Ms. Lono: This is Dawn Lono.

Mr. Stice: Hi, Dawn.

Ms. Lono: I just wanted to know what you think is a fair and reasonable price? Is there a number in your head? Was there a number that's been --

Mr. Stice: Ten years ago it was appraised for 2.3 million, we don't necessarily have to reach that price, but the County has it I think at 1.4 something, but those are always low ... (inaudible)... so maybe that's the ball park.

Ms. Lono: Okay. Mahalo.

Mr. Stice: Okay.

Mr. Kaina: I also have a question.

Mr. Stice: Yeah.

Mr. Kaina: For the applicant. Mr. Stice, David Kaina, Vice-Chair. So I guess it's kind of a personal question but it's one that I need in my decision-making process is what is the intent of the homes being built?

Mr. Stice: The intent of the homes being built is to have somebody living on the property all the time. Part of the issues that have been brought up tonight are due to the fact that how do we control our own property when we don't even have a house on it. How many people in this room would be willing to own a piece of land that they bought that already had two residences on it and not be allowed to put a residence on their own property? I think most of you would object vehemently to that. So this is a matter of fairness. And we just feel that the people living there would not be renters, would not be vacation renters for sure, but we would like to have somebody from the -- a local resident, possibly part of the hui or otherwise, that would be on the property all the time to manage things properly, to get the projects going we're trying to promote, and then the other main house would be for a partner in the hui who would want to come down and spend, you know, few months at a time and share the use of that house. But we're not planning to do any vacation rentals and I know that a lot of people mentioned that, but it should not be an issue.

Chair Notestone: Thank you. Any other questions? Go ahead, Lipoa.

Ms. Kahaleuahi: I have a -- yeah, I have one question. Aloha, Mr. Stice, this is Lipoa Kahaleuahi. I wanted to address and ask the question to you about something that was brought up earlier, it could be seen in our packet in Exhibit, I believe it was 4, yes, regarding the parcel and the fact that in this map, it does seem to -- it looks like, and it has been distinguished, that there are two lots that are designated as Lot A and Lot B. Can you please --

Mr. Stice: Yeah. I'll tell you.

Ms. Kahaleuahi: Explain your intentions there?

Mr. Stice: Sure. That was the original hui that first purchased this lot back in the mid-90s, late 90's, originally planned to subdivide the lot amongst the partners, and one partner take one side and one take the other. We applied for the subdivision and there were a lot of complications so we dropped that so that is no longer on the books or on -- up there -- out there for consideration. It's very old and I was very surprised it came out.

Ms. Kahaleuahi: Mahalo.

Chair Notestone: Thank you. Any other concerns? Dawn Lono.

Ms. Lono: Mr. Stice, Dawn Lono again. In your last answer, you mentioned something about having someone on the property to assist with projects that you had planned. What the projects that you were talking about?

Mr. Stice: Well, as was mentioned previously in a testimony, my wife and I are committed to education, we feel that there are a lot of people in Hana, some of which who testified that have inherited land have been able to keep up -- keep it for generation after generation, that was good, their grandfathers were smart, but how about all the people in Hana that wanna stay here and have been here for generations but have been disenfranchised of their land, they need a lot of help to be able to sustain themselves in Hana, and we feel that we could do things on that lot to promote education and skills in fishing and aquaponics, which is a future way of sustainability, and that's why we've been supporting these projects, and the project that you were partially involved in involving the spring break, I loved that project, I'd love to do that here or more of it like it here. This is what we're about. And having toilets on the facility would be a great help. And if we have a house, that is something we're willing to share with these kinds of ...(inaudible)... so we could actually do a way better job than the State, as somebody mentioned. If this becomes a State park, I don't think you're going to get the kind of efficiency and effectiveness in the use of the aina then you will with our ...(inaudible)...

Chair Notestone: Thank you, Gary. Anything else from our Committee? Lipoa.

Ms. Kahaleuahi: I have one more question and I'm not sure if it would be to you or to your representatives. There, according to the Marvin Dye report, I believe it's part -- done in 2017, done in last year, there is a proposed to be an underwater line, the irrigation lines, can you specify specifically what that would be for?

Mr. Stice: No, because I really don't know what that is. Underwater irrigation. Do you know, Marvin?

Ms. Kahaleuahi: Sorry, underground. I did say "underwater."

Mr. Dye: It would be from our existing well --

Chair Notestone: Could you speak in the mike?

Mr. Stice: Oh, I can answer, but go ahead.

Mr. Dye: ...(inaudible - not speaking into the microphone)...

Mr. Stice: That might be the waterlines from our well to the house. Now, people seem concerned about the well and the flooding, that's really not too important because we also have plans to have rain catchment on the house and -- and that should be really sustainable; if it isn't, we can always order a water truck to come in. We have bottled water, of course, that we would be using. But the present well is very, very good. You could actually drink it as some sort of bottled water, super Hana bottled water, but because it's ...(inaudible)... but it is still very ...(inaudible)...

Ms. Kahaleuahi: Thank you. Can anyone answer the question of how deep you anticipate those lines to be dug?

Mr. Stice: Oh, only a foot or so. Whatever the code -- it would be something like that I suppose. It wouldn't require anything deep.

Ms. Kahaleuahi: I understand. Yeah.

Chair Notestone: Anything else, Lipoa? Nothing? Okay.

Ms. Kahaleuahi: Mahalo.

Chair Notestone: Thank you, Mr. Stice. Anybody else from our Committee? Thank you very much.

Mr. Stice: Okay. Thank you. Aloha.

Chair Notestone: Jim, you have something to add in closing?

Mr. Buika: I guess I should since I stepped to the mike, so, well, just reflecting on tonight's comments, you know, I have taken this from the, I'm at the Planning Department, and I have looked at this over the last five years, worked with the applicants to mitigate the project from the ecological point of view that's as best as possible and I think we have. Mr. Dye and Mr. Stice have done everything I have asked them to do to make it -- I mean this was originally at a 5,000 square-foot house, whole house, hexagonal, downsized to 1850 square feet and a 1200 square-foot house, so they have downsized the footprint on the parcel, so I've looked at it from the ecological point of view. Obviously, tonight, I think the -- the whole public hearing process has been a resounding success. I think the Hana community does come out. I have heard all of you. Mr. Stice has heard all of you. The Committee has heard all of you. And so adding in the, not only the environmental perspective, but the cultural perspective is extremely important. And that's what we are here for tonight. You can't write down the cultural perspective as well as hearing it from all of you tonight, so thank you so much for your important testimony. I appreciate it very much and so does the Hana community and Mr. Stice, and Mr. Dye.

Prior to the -- prior, when we took the break and then prior to opening up, the public testimony, my thought and discussion with Mr. Stice was how can we make this a community parcel. Can we give the community a chance, as the last two testifiers kind of said, weighed in to what we were talking about, give them a chance to purchase it? The County, representing the Planning Department, for your information, in the last several months, we have just created a special management area, SMA, revolving fund for all of the fees, all of the fines or violations; this money is going into a -- a project fund to do good things with, the idea being mostly the things that I struggle with on a daily basis of shoreline access. I make sure the shoreline access here, I mean, you know, Hana is Hana, the development going on the other side of the island is -- is putting tremendous pressure on our shoreline, and I fight every day. I mean I'm an environmentalist. I fight every day to keep every access open, to preserve the shoreline, to improve the shoreline; that's what I do. That's my passion. And so I approached Mr. Stice with the idea of can we give the community one year to come up with a solution, work together. We had offers here tonight to make this into a park. I hear what Mr. Stice is saying, you know, you give it to the State, forget it. They have 6 DLNR officers on the entire island, right. It's gonna -- it's gonna go holoholo. We need -- somehow we need to manage the parcel, so it's up to the community. I know the community can do it. So my thought is is we have this new SMA revolving fund. There are many, many pressures to use it, it's a small amount of money, but it may grow in this next year. We, potentially, could come up with some amount of money to contribute to purchasing this parcel. There are other parcels we would like to purchase also. We have approached the -- I asked Mr. Stice to approach the Hawaiian Island Land Trust to purchase this parcel. There's a letter in there stating no. We have absolutely no interest. It's not really the role of the Hawaiian Island Land Trust. They take donated -- they wanna take large donated parcels and

manage it legally, so even though this I argued with Scott Fischer on that, you know, this -- by purchasing this one parcel, we gain a large swath of very important ecological, cultural property, but so Hawaiian Island Land Trust is not able to do it. That's just one avenue we tried. We worked through Council Member Bob Carroll's office or Mr. Stice did in the past. The Council was unwilling to purchase it. They do have an environmental - I don't know what it's called - but land purchase fund; potentially, we could solicit, see what's going on with that, and either Bob Carroll or our next representative after this election could make it a priority and the community could work with them.

Chair Notestone: Thank you, Jim.

Mr. Buika: So, yeah, so anyway, my point being, in conclusion, I know it's getting late, is that I have a recommendation of approval with mitigation, conditions on here that I can share with you now.

Chair Notestone: Yeah, the staff recommendations.

Mr. Buika: Yes, and we could add, at the request of the Committee, an additional condition that would give the community one year to, you know, if you approve it, to give them one year to potentially look at purchasing the property, so trying to make it a win-win. I'll do everything I can, I can't do everything, to purchase the property.

Chair Notestone: But at this time it's not in -- it's not in the application.

Mr. Buika: But we can, I mean that's what the testimony is all about, we're willing to add a condition here, if you'd like, you could put it --

Chair Notestone: For the future.

Mr. Buika: No, you can put it in the report tonight. Correct, Corporation Counsel? Ask corporation -- get a ruling from Corporation Counsel.

Chair Notestone: Thank you. Do we have any discussion? Ms. Lono.

Ms. Lono: Well, I just wanna backup before that and say that this -- this is the packet that I received in the mail on Friday --

Mr. Buika: Yes.

Ms. Lono: To review and go over and be prepared to discuss by today. I do have other things that I have to do on the weekend and I did put some time in. I did take my lunch

hour today and sat and went through this, and highlighted, and made notes, and tried to educate myself, and it's just not enough time. There's so much information in here. And I know that we covered a lot of it and you did a wonderful presentation and I thank you for that, but there's more in here than you could possibly present in, you know, a half-an-hour presentation, and a lot of things were brought up in testimony that need to be looked at in the context of the information that's in these documents, it's 7:00, we've been 4 hours already, most of us have worked all day before we came, I just feel like we haven't had time to review this adequately and be prepared to address this, all of the information that we need, and with all due respect, I think that a deferral on the whole thing would be -- give us a little bit more time to prepare, to come back again, and also consider this other option, and if the other members might feel differently that maybe given this other option, we can move forward in a different way, but I feel -- I feel like I was not given the proper -- the information in time to properly prepare for this meeting, and I feel like I'm not up to speed, basically, so I thank you for that consideration and I'll leave it to the other members to decide.

Mr. Buika: So -- so noted, and sorry about the late arrival. It is a large document.

Chair Notestone: Yeah, we all received it on Friday.

Mr. Buika: Okay, that's -- I'll blame it on my wife's U.S. Postal Service, which she won't want to hear that, but not to make light of it. I understand. I mean you have four options. You have four options tonight. You can, and they're in -- at the last page of the -- of the main report, one is deferral. The Hana Advisory Committee may defer it to another meeting date in order to obtain additional information that will assist their recommendation on the request. So what Committee Member is saying there's additional information.

Chair Notestone: Yeah, and we know --

Mr. Buika: Okay. Alright, well, for the record, recommend approval with no conditions, recommend approval with conditions, and denial. So I can go through the -- my recommendation and then you can deliberate. Would you -- if -- with the permission of the Chair.

Chair Notestone: Do we have any discussion?

Mr. Kaina: I got a particular question since I know you handle the shoreline.

Mr. Buika: Yes. Thank you.

Mr. Kaina: I see in Exhibit 11, and this coincides with the testimony we got from Mavis about the rise in sea level, the shoreline setback I see in Exhibit 11 is dated May 31, 2007, and it states on there that it's only valid for 12 months from the date, and I understand another one was done in 2014.

Mr. Buika: 2016 -- September of 2016.

Mr. Kaina: And the recommendation was not changed?

Mr. Buika: The shoreline has not moved, basically, in 10 years, from 2006 to 2016. The shoreline is in -- it's virtually in the same position, and there is an exhibit in there that shows that.

Unidentified Speaker: Not true. We live there. We live there ...(inaudible - not speaking into the microphone)... the water is coming up --

Chair Notestone: Okay. Order in the house here.

Mr. Buika: Yeah, okay. There is a second --

Chair Notestone: That is definitely a debatable issue.

Mr. Buika: But the -- the two houses on the property will be elevated well above 3.2 feet sea level rise.

Chair Notestone: Yeah, I believe the issue is more, not just the protection of the house, but with the septic system that you have in there and the flooding of that. Co-Chair?

Mr. Kaina: So if it was done in 2017, what are we looking at as far as the expiration of that and --

Mr. Buika: September 2016. It was not certified. It was -- it was done at my request to confirm or deny that the shoreline has moved, and you can look at the exhibit, it virtually has not moved. It's moved -- it's pretty much in the same spot. All we can do is have professionals come out and survey it and look at it, right?

Mr. Kaina: If the project moves forward, is there a requirement to renew that, or is there no such thing, they'll just use the previous report?

Mr. Buika: We would -- we have a -- actually, the shoreline setback is well beyond the eroded rate or where the shoreline is. It's 60 feet. It's actually 60 feet back everywhere.

It's a peninsula type or triangular type parcel, right, so wherever that shoreline is, there -  
- the setback is 60 feet from that shoreline -- from that shoreline, so there will be -- so the  
buildable area on the parcel, even though it's a large parcel, acre-and-a-half, it's very  
small. It's all the way back 60 feet from the 2016 shoreline.

Mr. Kaina: Sorry. That didn't answer my question.

Mr. Buika: Oh, I'm sorry. Okay.

Mr. Kaina: Will they be required to renew that or will they use the previous recorded from  
2016?

Mr. Buika: Yeah, it -- they would use the 2016 and they adjusted I think one corner of the  
house a little bit, you know, to make it 60 feet outside of that. Yeah. Alright, thank you.

Chair Notestone: Thank you. Any other discussion?

Ms. Lono: I have a question.

Chair Notestone: Go ahead, Ms. Lono.

Ms. Lono: I'm not sure who it's for. I'm kinda losing it here. I'm getting a little bit tired.  
Sorry. If we do choose to defer this to another meeting, I would like to recommend that  
we have a site visit prior to the -- the meeting to actually look at it on the ground because  
I'm familiar with the place, you know, I've gone there plenty of times, but I have no concept  
of in relation to graveyard, or shoreline, or, you know, what's here and what's there, and  
it would really I think be helpful to have boots on the ground and see it right there. I think  
that would be very, very helpful. So just initial, my recommendation would be defer to  
another meeting and have a site visit prior to the -- the formal meeting. Thank you.

Mr. Galazin: Thank you, Chair. So in response in to your general comments,  
Commissioner, you could either do a site visit, which would be a full meeting of this  
Advisory Committee which, under the Sunshine Law, would be open to the public, you  
know, or there's another option, you could also vote to designate a subcommittee to go  
out and perform the site visit, then that way -- I don't know everyone's availability, if that  
would make it easier. The only issue with doing a subcommittee is that once it's formed,  
the subcommittee can go out and do the viewing at any point, it doesn't have to be noticed,  
it's not a meeting, but when they come back and provide the report back to -- at a regular  
meeting of the commission, then no action would be taken until a subsequent meeting,  
so, basically, it allows you to visit but it can delay the time, but I don't know if it'll delay it  
more than getting everybody together so --

Chair Notestone: Do we have a motion?

Ms. Lono: Yes, so I would like to make a motion that the Hana Advisory Committee defer to another meeting in order to obtain additional information that will assist our recommendations on the request and that that meeting include a site visit by the whole Committee.

Chair Notestone: Thank you. So noted. Do I have a second?

Ms. Clark: Can I second that motion?

Chair Notestone: Ms. Clark seconds the motion. Any discussion? All in favor of the motion say aye -- raise your hand? All opposing? There's one opposed, two opposed -- motion dies.

Ms. Lono: Oh yeah, you gotta vote.

Chair Notestone: No, I didn't vote.

Unidentified Speaker: No, but there's a tie. Is there a tie? What's the vote?

Chair Notestone: Yeah, I vote yes to defer this and do the site visit, so motion carried.

**It was moved by Committee Member Dawn Lono, seconded by Committee Member Linda Clark, then**

**VOTED: to defer item C.2. to another meeting in order for the Committee to obtain additional information and that that meeting include a site visit by the Committee.**

(Assenting: L. Cosma; L. Clark; D. Lono; G. Notestone)  
(Dissenting: D. Kaina; L. Kahaleuahi; M. Ross)

Ms. Lono: I would like to hear what Kawika has to say though.

Chair Notestone: Kawika, the Co-Chair.

Ms. Lono: The reason you -- you opposed the -- the deferral.

Mr. Kaina: I guess, in Exhibit 12, I'm looking at zoning and I'm seeing rural, rural, interim, and I see special district SMA, is there already an SMA on the property? Or is that what the --

Mr. Buika: It's within the SMA, that's why -- that's all the regulations, all of the criteria that we are looking at, the environmental criteria that we're looking at. They are governed by the Special Management Area Rules if it's in the SMA.

Mr. Kaina: How many SMA properties do we currently have out of the Hana area? In the Hana Community Plan, that is designated as Hana School to the Hasegawa General Store, the old one, so how many SMAs do we currently have in the community that are out because we're looking at a parcel that is out of that direct town center area? Do we know a number of how many special management area permits are issued out of that zone?

Mr. Buika: All of the houses on the makai side of the -- well, it is the Hana Highway. The Hana Highway above Haneoo Road, all the parcels there, but none of them come before you except for this one.

Mr. Kaina: Is there a reason why this property was triggered for an SMA?

Mr. Buika: Yes it was because the County felt it was too environmentally and culturally sensitive that it needed a public hearing so -- and the Maui Planning Commission voted in favor of making it a major permit and that's why we are here today.

Mr. Kaina: And then I see in Exhibit 7, on December 2<sup>nd</sup>, '08, that this, in fact, proposal was denied by then Hunt, I believe, Director Hunt? And it was denied --

Mr. Buika: It was the -- okay, it was the exemption. The SMA rules are a little hard to understand. Okay, so most homes, as I explained a little bit in my little mini primer up there, we could never develop anything on Maui if we had to take every single family -- single-family residence to the Maui Planning Commission in the SMA, so it is -- we do it administratively as an exemption, it's one of the -- it's not considered a development under the Coastal Zone Management Act, so we look at them, it's not that we just rubber stamp any home, we, obviously, this home, this original proposal was not rubber stamped, it was looked at in great scrutiny, and that's why we felt that we can bump it up if we feel that there are environmental impacts to be further examined, including cultural impacts ... (inaudible) ... we can bump it up to a major permit, so that's what happened in 2007 or 2008 that you're referring to, so thank you for all your research in looking at the stuff. So the original permit being an SMA exemption, that would have been -- that could have

been permitted straight on through, never having any of this. They could have built the homes over there, like most other homes along the shoreline are.

Mr. Kaina: I guess the reason I ask that question is is there another zoning besides special management area that can be done because in the community plan, it specifically states that we -- this is discouraged out of the actual town center area, and for those of you from Hana, I'm a born and raised Hana person, I volunteer my time to be on this commission, the Hana Community Plan is my bible. This is something that was written by kupuna before me, and I believe Uncle Jacky, who's a long-time resident and family is in that area, had input into this plan, and the reason I bring that up is, here in Exhibit 12, and I'm not sure who put this in the exhibit, or Exhibit 19, I'm sorry, there's a multitude of objectives and policies in the Hana Community Plan that I don't feel are adhered to in this project. I mean if you look at it, under Environment, the goal is the protection and management of Hana's land, water, and ocean resources to ensure that future generations can enjoy the region's exceptional environmental qualities. I haven't written this, but in my personal view of the project, I don't see how that's happening. The first bullet point is protect, preserve, and increase the Hana region's natural marine, coastal, and inland resources. I don't see how this happens here. I mean looking already we had testimony where the trash was pushed up on the shoreline. We're looking at naupaka down in this area, and for plenty of the kids in Hana who don't live by the cliffside, they don't get to see this plant often. The rubbish was just pushed into the area, so we're not looking at preserving. Manage, protect, and, where appropriate, restore areas. For those of us who don't know, if you have a piece of agricultural land and you decided to put a cement slab on it, that land is rendered obsolete. You can no longer farm that area for generations to come. We are talking about putting a building up and practically rendering our future generations denial of the area, and it's all laid out right here in front of us in a community plan that was done before any of us even sat on this commission. So the question is, and I'll go back to that denial by Jeff because he said in there, let me see if I can quote it in there, "The Director finds that the proposed action has a potential for adverse impacts to resources and/or processes that are provided protection within the Hawaii Coastal Zone Management Act and, therefore, the proposed action cannot be granted an SMA exemption." Now, what I'm trying to see in this entire proposal, and like Dawn said, we got this on Friday, I didn't have the time to see how every concern that he put in there, we're talking about the Planning Director, I do not see how all of these have been addressed, so we're being asked today and go forward and make -- make a decision on something that really hasn't been addressed.

Mr. Buika: With full respect, I did go over every single mitigation action that the applicant is addressing to protect, preserve, and to restore the natural shoreline of the Hana area, and I can go back to those slides and share that with you.

Mr. Kaina: I understand that. I understand that.

Mr. Buika: And it's right here on page 11, the top slide of the slide in front of you.

Mr. Kaina: I read those.

Mr. Buika: Those 8 points.

Mr. Kaina: I read those, however, like I said, these bullet points are put out from Hawaiian families who have lived in that district and we're looking, right now, that you see in the testimony, you see the conflict, which tells you, directly or indirectly, that these issues have not been met yet.

Mr. Buika: They're directly from the Shoreline Rules. Many of those are like quoted right from our --

Mr. Kaina: Right. Right.

Mr. Buika: Shoreline Rules for the Maui Planning Commission ...(inaudible)...

Mr. Kaina: Right. Right. Well, see, where I come from is the community perspective. We are the community here which means that if we have questions or if the community has questions, they will come and address us and ask us, and I cannot reasonably answer these questions with what I heard.

Mr. Buika: So then we need to know what else we need to do.

Chair Notestone: We have -- thank you, Co-Chair. Those are some valid points. In my mind, it's another reason to defer, which we had passed that motion to defer and --

Unidentified Speaker: May I clarify some ...(inaudible)...

Chair Notestone: Testimony is closed. So any other discussion? The motion to defer is -- has passed. So the item no. 2, of this public hearing, is closed. Thank you very much for attending everybody.

Mr. Buika: Thank you.

Chair Notestone: Yeah, we still have one item on here and that's the Director's Report, no. 1 is the Native Hawaiian Law Training, no. 2 is Scheduling of other Hana Region Applications, and 3, Discussion of Future Hana Advisory Committee Agendas.

Mr. Yoshida: I guess the question since you have deferred is when are you going to defer to and if you're going to do a site inspection, what time are you going to do the site inspection?

Ms. Lono: Well, when are you guys available to come out?

Mr. Yoshida: Well, we got 3 holidays in November so --

Ms. Lono: Excuse me, you have what?

Mr. Yoshida: Three holidays in November.

Ms. Lono: Oh, you do? What are they?

Mr. Yoshida: General Election Day, Veteran's Day, Thanksgiving Day.

Ms. Lono: Right. Oh, holidays. I thought you said Hana days.

Mr. Yoshida: Holidays. Holidays.

Ms. Lono: Great! We'll be here. We'll show up. So what does that mean? Does that mean that there's limited days available to come to Hana to have a follow-up meeting?

Mr. Yoshida: I believe so given the schedules that we have with other boards and commissions and staff, members of the staff staffing those boards. We think something like December 3<sup>rd</sup> probably.

Ms. Lono: That seems reasonable, I mean in my opinion, I don't know if everybody else can ...(inaudible)...

Chair Notestone: Sounds good to me. December 3<sup>rd</sup>?

Mr. Yoshida: Well, I mean since all of you are here, then we wouldn't have to poll you anyway.

Ms. Clark: I'm okay with that.

Ms. Cosma: I'm okay with that too, and we'll try to make ourselves available.

Chair Notestone: Mark your calendars - December 3<sup>rd</sup>. At what time?

Mr. Yoshida: At what time do you want to do the site inspection?

Chair Notestone: 3:00. 3:00 in the afternoon, December 3<sup>rd</sup>.

Mr. Yoshida: And what time do you want to start the meeting?

Chair Notestone: How much time do you think we'll need? We could start the meeting at 4:30.

Mr. Yoshida: So is the applicant available on December 3<sup>rd</sup> for a site inspection -- site inspection and meeting.

Ms. Cosma: So you're going to let us know where the meeting going be, yeah? Usually Suzie contact us so --

Chair Notestone: I suggest we meet at the Hawaiian -- Koki Beach.

#### **D. DIRECTOR'S REPORT**

- 1. Native Hawaiian Law Training**
- 2. Scheduling of other Hana Region Applications**
- 3. Discussion of Future Hana Advisory Committee Agendas**

Mr. Yoshida: Okay, the next item is under the Director's Report, item 1, Native Hawaiian Law Training. Two years ago, at the end of the last Council, they passed a requirement that Planning Commissioners and Hana Advisory Committee members attend a Native Hawaiian Law Training conducted by the Ka Huli Ao Center for Excellence. We've been trying to deal with Ka Huli Ao and the Office of Hawaiian Affairs, who funds these trainings, because Ka Huli Ao has done these trainings twice a year for State -- incoming State board and commission members. We also thought of the idea of maybe having a session, most of these trainers are -- teach at the Richardson School of Law, so the training would have to be on a Saturday, maybe having a session at the Council Chambers and broadcasting it throughout the County for the boards and commission members so they wouldn't have to leave their area. Office of Hawaiian Affairs was reluctant to do that, to have the session broadcast via Akaku because they felt that the decision-makers would be somewhat inconvenienced in asking the questions that they wanted to ask. So we're back to this Ka Huli Ao training. The next training is scheduled for December 7<sup>th</sup>, Friday, from 10:30 to 5:00, here on Maui, at the J. Walter Cameron Center, and they'll cover -- the trainers will cover various topics in the 6.5 hours regarding Native Hawaii law, traditional and customary gathering rights, water rights, iwi kupuna, dealing with the

remains, and so forth. So due to the Sunshine Law concern, the most we can send at any one time is, because they should have been started with training, so the most we sent at any one time is less than a quorum, so we can only send 3 of you to this session, but then they conduct it twice a year, so we can send 3 of you to the next session that will be conducted in June, and then we can send 3 of you to the next session, next December, so for today --

Chair Notestone: Does that include transportation?

Mr. Yoshida: Transportation. I guess you'd have to kinda get out there but you can claim mileage.

Mr. Kaina: No satellite available this time like how we were going to do the last time?

Ms. Lono: No. He said no.

Mr. Yoshida: No. So I guess the first question is how many of you can make it on December 7? And out of those, how many of you want to go to the training on December 7?

Chair Notestone: Okay, who wants to go?

Mr. Kaina: I want to go but it's kind of hard to project that far ahead, we gotta look at the calendar and --

Chair Notestone: Can anybody confirm December 7. At what time, Clayton?

Mr. Yoshida: It'll be started at 10:30.

Chair Notestone: Oh, in the morning.

Mr. Yoshida: Cameron Center, in Wailuku.

Chair Notestone: Do we have anybody confirm?

Ms. Lono: I would love to go. I have to check my schedule. I'll email you tomorrow if I'm available, and if you've achieved the 3 that are available, if somebody else is available, that's fine.

Ms. Ross: Sorry, but December 7 is a Friday so --

Mr. Yoshida: Correct.

Ms. Ross: Okay.

Mr. Yoshida: Because I guess it's the end of the semester so it's kind of study period before finals so that's why --

Chair Notestone: Any confirmations? Seeing none, we'll get back to you.

Mr. Yoshida: Okay. So I guess we'll work with the Chair and try and register you through the board secretary, Suzie. Okay, as far as pending Hana applications, I think we have several bed and breakfast and short-term rental home permit applications some in the ag district so they need a State special permit also, which will probably come to the Hana Advisory Committee. We also have Bill Sides with his Kawaipapa zoning change that he's working through with SHPD about addressing their concerns before we can schedule it. Essentially, that's what we have; mostly it's either State special permits or short-term rental homes and B&B permits.

Mr. Kaina: How many? How many of them?

Mr. Yoshida: I don't know. We got a rash of them. You know, the Council passed this durational ownership requirement that took effect six months after they passed it, that was like September 27<sup>th</sup>, so just before September 27<sup>th</sup>, we got a bunch of applications for short-term rental homes because, otherwise, after September 26<sup>th</sup>, they would have to show us that they owned the property for five years.

Mr. Kaina: How much are ready for us to see them?

Mr. Yoshida: I would say at least five or six.

Mr. Kaina: Can we bunch them together 'cause we're looking at the same issue with them all?

Mr. Yoshida: Yeah, we try to bunch them together.

Mr. Kaina: Okay.

Mr. Yoshida: So, yeah, that's -- that's what we have for pending Hana applications.

Chair Notestone: Anything else, sir?

Mr. Yoshida: That's all we have. Well, we wish all of you a Happy Thanksgiving, yeah, we won't see you until after ...(inaudible)... we'll see you after the ...(inaudible)...

Chair Notestone: Do I have any discussion for Clayton? Can I have a motion to adjourn?

## **E. ADJOURNMENT**

Ms. Ross: I'll make the motion to adjourn.

Chair Notestone: Okay. I guess we don't need one. We're closed. We're adjourned. Thank you very much everybody.

**The meeting was adjourned at approximately 7:33 p.m.**

Submitted by,

SUZETTE ESMERALDA  
Secretary to Boards & Commissions II

## **RECORD OF ATTENDANCE:**

### **Present:**

Gale Notestone, Chairperson  
David "Kawika" Kaina, Vice-Chairperson (Arrived at approximately 4:10 p.m.)  
Linda Clark  
Lehua Cosma  
Lipoa Kahaleuahi  
Dawn Lono  
Maya Ross (Arrived at approximately 3:30 p.m.)

### **Others:**

Clayton Yoshida, Planning Program Administrator, Current Division, Dept. of Planning  
Jim Buika, Staff Planner, Current Division, Dept. of Planning  
Ryan Quigless, Staff Planner, Current Division, Dept. of Planning  
David Galazin, Deputy Corporation Counsel, Dept. of the Corporation Counsel  
Suzette Esmeralda, Secretary to Boards & Commission, Current Div., Dept. of Planning