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**MAUI PLANNING COMMISSION
REGULAR MINUTES
SPECIAL MEETING – WEST MAUI CP
OCTOBER 27, 2020**

A. CALL TO ORDER

The special meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 3:18 p.m., Tuesday, October 27, 2020, online via BlueJeans; **Meeting ID: 611 772 310.**

Mr. Lawrence Carnicelli: Aloha the Maui Planning Commission meeting, special meeting for October 27th, 2020, regarding the West Maui Community Plan has now been called to order. My name is Lawrence Carnicelli. I am the Chair. Also in attendance with us today is Vice Chair Christian Tackett.

Mr. Christian Tackett: Good evening, everyone.

Mr. Carnicelli: Good evening. Commissioner Kellie Pali.

Ms. Kellie Pali: Good afternoon.

Mr. Carnicelli: Good afternoon. Commissioner P. Denise La Costa.

Ms. P. Denise La Costa: Aloha.

Mr. Carnicelli: If everybody would please mute themselves. Also in attendance is Melvin Hipolito.

Mr. Melvin Hipolito: Good afternoon, everyone.

Mr. Carnicelli: Good afternoon. Commissioner Dale Thompson.

Mr. Dale Thompson: Good afternoon, all. Thanks very much.

Mr. Carnicelli: Okay, Commissioner Stephen Castro.

Mr. Stephen Castro: Good afternoon, everyone.

Mr. Carnicelli: Good afternoon. And Commissioner Kawika Freitas.

Mr. Kawika Freitas: Aloha Chair and fellow Commissioners.

Mr. Carnicelli: Aloha. So quorum is established with eight members. Let the record be shown that Jerry Edlao is excused today. Also in attendance with us is Director Michele Chouteau McLean.

Ms. Michele McLean: Aloha kakou.

Mr. Carnicelli: Aloha. Also in attendance with us from Long Range Planning is Pam Eaton and Jennifer Maydan.

Ms. Pamela Eaton: Aloha Chair. Aloha Members.

1
2 Ms. Jennifer Maydan: Aloha Chair and Commissioners.
3

4 Mr. Carnicelli: Good evening. It feels like evening. We've been doing this so long, it feels like it.
5 Good afternoon, ladies. So also, Corporation Counsel Michael Hopper is not in attendance.
6 However, if we do need him for anything, we can call him and he is all for that. So as I said, prior
7 to calling the meeting to order, what we will do is we'll take, we'll have a short, like we've done in
8 the other three subsections of the community plan, we'll do a brief presentation from large
9 landowners that are in that area to basically let us know what their, say, vision is and what the
10 benefits to the community is that they would like to see moving forward, and how they can move
11 and work with the community on that everybody would like to see. After that, we'll go ahead and
12 do public testimony. If you would like to testify, please use the chat function and go ahead and let
13 either, I think, it's Jen is keeping track. Jennifer Maydan will keep track of that. And the chat
14 function is not to be used to, for discussion or for testimony, or to communicate with planning
15 commissioners.
16

17 So at this point time what I'm going do, as I have said all, all along that I'm going to go ahead and
18 recuse myself from this subsection. So what I'm going to do right now, guys, is I'm going to go
19 ahead and just call the meeting in a, a brief recess. I'm going logoff. And, and so the seven of you
20 get to have some fun tonight, and, and I'll watch the recording later. And, and then when you guys
21 come out of the recess, let the record just show that Christian is taking over as Chair. So anyways,
22 my heart's with you guys. I appreciate the work that you guys all do that. Thank you very much
23 for your service to the community. So at this point in time, I'm going to go ahead and call the
24 meeting in recess.
25

26 **Chairperson Carnicelli then recused himself for the remainder of the meeting.**

27
28 *(A recess was called at 3:22 p.m., and the meeting was reconvened at 3:23 p.m. with*
29 *Vice-Chairperson Tackett calling the meeting back to order.)*
30

31 **B. UNFINISHED BUSINESS**
32

- 33 1. **MS. MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR, transmitting the**
34 **West Maui Community Plan Advisory Committee's recommended revisions**
35 **to the West Maui Community Plan pursuant to the provisions of Chapter**
36 **2.80B of the Maui County Code. (J. Maydan**
37

- 38 a. **It is intended that discussion be limited to the following subsections of**
39 **Section 4 Growth Framework, to the extent possible:**
40

- 41 i. **3.4 Community Plan Map**
42 ii. **3.5 Subarea Descriptions (Subarea 4 only)**
43 iii. **3.6 Areas of Change**
44 iv. **3.7 Areas of Stability**
45

46 Mr. Tackett: I'm sure whatever I can break you guys can fix, so I'm glad we're all together on this.

1
2 Ms. McLean: Okay, so I think you'll want to -- Chair, I think you'll want to formally reconvene the
3 meeting.

4
5 Mr. Tackett: Okay, could we please call to order the Planning Commission meeting in regards to
6 the, to the West Maui Plan. I guess, I guess it's been called back. Do I need to roll call everybody
7 again or we're, we're still good, are we not?

8
9 Ms. McLean: Still good Chair.

10
11 Mr. Tackett: Okay, and then the next order of business would be the presentations, correct? So
12 could we have our first presenter, please?

13
14 Ms. McLean: Yeah, we'll turn that over to Jen.

15
16 Ms. Jen Maydan: Thank you Chair.

17
18 Mr. Tackett: Thank you.

19
20 Ms. Maydan: Thank you. I'll, I'll first give a very brief overview for the Commissioners as far as
21 what you're looking at tonight in subarea four. And then I'll introduce the presentations tonight. So
22 you're looking at subarea four, your last subarea in the West Maui Community Plan. This area
23 basically covers Puamana to all the way south to the Pali, including Launiupoko, Olowalu,
24 Ukumehame. I'll just give a bit a brief background, as far as during community engagement with
25 the community, we heard a lot of concern regarding ag subdivisions, impacts from sea level rise,
26 protecting cultural, environmental and scenic resources, and traffic congestion, congestion in this
27 area. We also heard concern regarding the prevalence of 201H fast track affordable housing
28 projects in this area. And we also heard some support for proposed projects in this area, such as
29 Makila and Olowalu, giving the community sentiment to concentrate new development close to
30 existing neighborhoods, jobs and services, and there's a desire to protect cultural, environmental,
31 scenic and agriculture resources. The Planning Department's recommended map for this
32 subarea, for subarea four, did not include any growth in this area. Additionally, there were more
33 than sufficient growth areas identified closer to Lahaina town and other established communities
34 with infrastructure to accommodate the 20-year projected growth. During CPAC, again, much
35 discussion was had regarding fast track affordable housing projects, rural development in Makila,
36 Launiupoko, and urbanization of Olowalu. In the end, after much discussion and much testimony
37 from the community, the CPAC did vote to accept the Planning Department's recommendations
38 in subarea four as you have it in the draft, is predominantly designated agriculture and park open
39 space. So tonight you have four presenters, or four projects being presented by two different
40 people. First is Puunoa and Kyle Ginoza and Kamuela Goo, from Hope Builders are presenting
41 that project.

42
43 Mr. Kyle Ginoza: Aloha Vice-Chair Tackett. Can I share my screen?

44
45 Mr. Tackett: Yes, please.

46

1 Mr. Ginoza: Do you see this Puunoa project?

2
3 Mr. Tackett: Yes, I do.

4
5 Mr. Ginoza: Okay. Kamuela Goo will take over right here.

6
7 Mr. Kamuela Goo: Hi. My name is Kamuela Goo. Thank you for letting me provide information on
8 the proposed Puunoa Housing Project. The project is located at the southern edge of Lahaina
9 town, comprising approximately 80 acres of currently vacant and undeveloped land. We initially
10 proposed this project 15 years ago and it did not pass at the time due to traffic concerns. But now
11 that the bypass is built out in that area, we feel that it's an opportune time to consider this project.
12 Our intent is to propose a project that is roughly 250 residential units . . . (inaudible) . . . request
13 that you consider the designation as residential in that area. A small portion of the project is
14 located within the County's urban growth boundary, and the properties are currently designated
15 agriculture by State and County land use designations. We feel that the project is uniquely
16 positioned close to the County's wastewater system, and it will be serviced by private water
17 system from Launiupoko Water Company. Our original design included 250 residential units, with
18 live work units, and a community park. It is our intention to meet with the County in the coming
19 months to prepare a land use plan that they could support as part of the 201H application. We
20 pursue a 201H application as it is a regulatory vehicle to permit home construction and sales
21 within five years. With the severe shortage of affordable housing in West Maui, this project is an
22 opportunity to have housing online in an expedient manner. Designating this area for residential
23 growth in the West Maui Community Plan will help facilitate approvals for this affordable housing
24 project. Thank you.

25
26 Mr. Ginoza: We're done with Puunoa.

27
28 Ms. Maydan: Christian, you're muted.

29
30 Mr. Tackett: Do we want to go project by project or do we want to just go through all, all the
31 presenters?

32
33 Ms. Maydan: So the next project is project is Polanui and it's the same presenters.

34
35 Mr. Tackett: Okay, let's proceed to that one then.

36
37 Mr. Ginoza: Can you see the, the map I have in front of, on my screen? With Polanui Gardens
38 and Makila Rural East?

39
40 Mr. Tackett: Yes I can.

41
42 Mr. Ginoza: Okay, great. My name is Kyle Ginoza, and I'm here on behalf of the landowners
43 comprising roughly 55-acres and 98-acres, also known as Polanui Gardens and Makila Rural
44 East respectively. These areas are located wholly within the County of Maui's rural growth
45 boundary, and we spent a considerable amount of time with the County and the community to
46 recognize this area as slated for rural residential growth. So if you see that kind of shaded light

1 blue area, that's the County's rural growth boundary. Unfortunately, despite being recognized
2 within the County's rural growth boundary as passed by the Maui County Council, the Planning
3 Department disregarded this designation and retained an agriculture designation for the West
4 Maui Community Plan update. We believe that this area is well positioned for rural living. And in
5 fact, we believe that pockets of urban, residential, affordable housing for our local residents are
6 warranted as well. In our last iteration of these projects that we proposed last summer, Polanui
7 had 66 total units on 55 acres, and Makila Rural East had 95 total units on 98 acres. In other
8 words, as designed, these two projects would have provided over 150 units for our local residents,
9 with well over half in the affordable range. We pursued these projects via affordable housing
10 protocols that we can have housing online within roughly five years as Kamu had just mentioned.
11 We would like to see these two areas recognized as rural residential, which would be consistent
12 with the rural growth boundary. At the very least, we would like to see policy 3.7.2 regarding areas
13 of stability, prohibiting affordable housing projects such as 201H or 2.97 south of Puamana
14 deleted. So we'd like to see policy 3.7.2 deleted so that we can pursue such projects. Thank you.
15 That's all I have. Thank you.

16

17 Mr. Tackett: All right. Thank you. Director, can we get our, our next presenter, please?

18

19 Ms. Maydan: Kyle, was that -- that covered both of the projects? Okay.

20

21 Mr. Ginoza: Yeah . . . (inaudible) . . . combined. Thank you.

22

23 Ms. Maydan: Okay, great. Thank you. Okay, Chair, next presenter is Dean Frampton representing
24 Olowalu town.

25

26 Mr. Tackett: Thank you.

27

28 Mr. Dean Frampton: Aloha. Can you hear me?

29

30 Mr. Tackett: Yes I can.

31

32 Mr. Frampton: Okay. Good afternoon Mr. Vice Chairman, Members of the Commission. My name
33 is Dean Frampton. I'm here on behalf of Olowalu Elua LLC in regards to the lands that they own
34 in Olowalu that's depicted in subarea four on your maps, and in your description of the West Maui
35 Community Plan. I apologize, Kyle and Kamuela were awfully brief and respectful of the
36 Commission's times, and the testifier's time. I have about eight to ten minutes of a presentation
37 so if you'll bear with me, I'll try my best to work my way through this presentation.

38

39 I'm here with one purpose today. I'm asking for your consideration. I'm asking you to consider
40 giving local families the opportunity live in Olowalu. The current version of the West Maui
41 Community Plan calls for the 600 plus acres, approximate 600 plus acres to remain primarily in
42 agriculture, as Jen mentioned, as well as a scattering of parks and open space. We have no
43 objections to the parks and the open space components, but we do want to be clear on the
44 ramifications of leaving the plan as it is without making any changes to the agricultural
45 designations. I'll take a minute to just a talk about our little project history. And Olowalu was placed
46 on the Maui Island Plan, and I'm going to share a figure here if I'm allowed. Can I share that?

1
2 Mr. Tackett: Yes you can.

3
4 Mr. Frampton: Share screen. Are you able to see that?

5
6 Mr. Tackett: Not yet. Nothing yet.

7
8 Mr. Frampton: Okay, are we good?

9
10 Mr. Tackett: Yeah. It's coming up now.

11
12 Mr. Frampton: Okay. Thank you. So again, I want to take a minute to talk a little bit about project
13 history. Olowalu is placed on the Maui Island Plan. As many of you know, the Island Plan was
14 developed over five to six years, starting back in 2006. It was a plan to set the blueprint for the
15 future growth on Maui, where we should grow as a community for the next 30 years. Olowalu was
16 a, Olowalu town was a controversial project, if not the most controversial, but one that ultimately
17 got on the Maui Island Plan with the rural growth boundaries and the urban growth boundaries
18 that you see in the map I'm sharing. The project got on the map in large part to a consistent
19 message that resonated with the community. That message was Maui has historically been an
20 island of small towns and small communities. This message resonated with local residents. Towns
21 Haliimaile, Paia, Wailuku, Makawao. There was and still remains value and charm in the small
22 town living that has been a part of Maui's history. These towns became the fabric of our community
23 and Olowalu town, the project itself hope to reclaim this way of life, utilizing walkable communities,
24 mixed uses, compact designs, and many other smart growth principles. With these design
25 concepts, along with the acknowledgement of the value of small towns, what they mean to Maui's
26 character and history helped the project get on the Maui Island Plan map.

27
28 With the Olowalu rural and urban growth boundaries on the Maui Island Plan, the proponents of
29 Olowalu town initiated the district boundary amendment for the 600 plus acres, which required
30 preparation of an EIS in support of the request from ag to urban. District boundary amendments
31 took approximately three years to process and ultimately the project was voted down due to a
32 number of concerns raised by the community that that project -- that the project components were
33 not able to satisfy.

34
35 We're back here before you today with a scaled down plan, a scaled down concept, one which
36 hopes to bring local families back to this unique location. I'd like to commend the Planning
37 Department for the work they've done in preparing the draft plan. The CPAC has dedicated hours
38 and hours of volunteer time in an effort to create a vision for the West Maui community. I'd also
39 like to thank the Planning Commission for your time in reviewing the subareas today. In its current
40 form, the plan calls for 600 plus acres to remain in ag. And as Kyle alluded to earlier, specifically
41 in Section 3.7 land -- the language of the plan calls for Olowalu -- the land in Olowalu to remain
42 the same. And more specifically, 3.72 of the plan actually calls for preventing the development of
43 gentlemen estates. This is an admirable objective, but one that in this case is irrelevant and to
44 put it bluntly, it's too little, too late.

45

1 Currently, the 600 acres in Olowalu are made up of 19 existing ag lots. You'll see them numbered
2 here in red, one through 20. I've got a typo there. Sorry. Number 20 supposed to be 18. These
3 lots, all of them were created in the early 2000s and exist today and can be sold without any
4 additional approvals, develop within, developed with the allowable two farm dwellings. We know
5 the type of buyers that these lots will attract and most of them will not be local Maui families.
6 Most, if not all. Supporting some residential type uses along with some limited mixed uses and
7 getting these designations on the map will go a long way in supporting the effort to giving local
8 families a chance to live in Olowalu.

9
10 The map I'm sharing reflects the original Olowalu town concept based off the Maui Island Plan
11 Land Use designations. The original plan includes two small town centers, each surrounded by
12 residential uses in yellow. And it's important to note that these residential uses, in yellow, by the
13 community plan definition include not only housing units but also parks, open space, public/quasi-
14 public, roads, and infrastructure. When you see all yellow, that's not just housing. Maybe it's 60
15 percent housing and another 40 percent for community amenities. So throughout this sizable
16 footprint, footprint that you're looking at now, 1,500 units, as approved by the Maui Island Plan,
17 were spread to the northwest and the southeast of the stream.

18
19 So what you're looking at here is these are the two areas that we are proposing to revise on this
20 map and for the Department's, the Commission's consideration. So today, we're proposing some
21 amendments to this original map. Amendments that we'll hope to make local housing in Olowalu
22 a little more palatable to the Commission and to the community. What you see here is this was
23 what was originally proposed, and this is the new proposal which basically has taken the central
24 small town center, just mauka of the general store and reduced its size significantly, to about 18
25 acres. It's intended to be more similar in size and scale for that of Lanai City, and again, I'd like
26 to reiterate, the areas in this yellow portion surrounding it, the residential portion would not be
27 entirely residential. It would include a substantial portion, again, of parks, public/quasi-public,
28 open space uses, as well as roads and infrastructure. The concept here is again recapturing the
29 historic nature, nature of our small towns, Maui historic character with compact and walkable
30 communities.

31
32 In addition to reducing the size of the small-town center, we've also taken the northwest portion
33 of the project. We're setting it aside and requesting a future phase designation of this entire area.
34 As we understand the West Maui Community Plan will be reviewed again in ten years. We believe
35 this would be a good time to review the second phase assuming we can do a reasonable job in
36 progressing with phase one. Our track record or failures would determine the fate of phase two.
37 If we don't perform, then we'd be dropped off the map at the ten-year update. And this, in this
38 map, it's important to note in gray we have the relocated highway. This is a very rough, rough,
39 rough representation of its relocated corridor, it will be imperative for us to engage the community,
40 the stakeholders, Department of Transportation, and the County to work towards a viable solution
41 for moving the highway mauka. Again, it's currently depicted this location is for illustrative
42 purposes only, and we're flexible on its location.

43
44 The next steps. It's important to understand the timing of this process. If this Commission were
45 to support our housing in this version of the plan, the next steps would be review before the
46 County Council, which would then take likely another four to six months at best. And if our local

1 housing component prevails with the County Council, we'd then be required to complete district
2 boundary amendment with the Land Use Commission, and a change in zoning with the Maui
3 County Council. The DBA, District Boundary Amendment, would require an EIS, and overall this
4 process would likely take three to four years to complete. If successful, with the LUC, the change
5 in zoning would then need to be heard by the Maui County Council, including review, a review by
6 this body, the Maui Planning Commission, taking at least another two to three years.

7
8 Assuming we're still alive and in pursuit of local housing, we would still need subdivision approval,
9 construction plan approval, collaboration with the State to move highway, building permits,
10 etcetera. Taking at least an estimated seven to nine years, breaking ground in ten if we're nothing
11 short of a miracle. So from an entitlement standpoint on Maui, in my experience as a consultant,
12 what I just described, is the Mount Everest to permitting without oxygen, all in an effort to give
13 local families a chance to live in Olowalu. It will be much, much easier for the ownership entity to
14 sell these 19 lots today as is.

15
16 So this is very high-level discussion, but I need to take a moment to acknowledge the impacts.
17 You're going to hear a lot about them today, understandably. And I want to keep in mind the
18 context. We will acknowledge them. We will be required to address them. If we're able to get some
19 housing and mixed use on this map, we will need to address these legitimate concerns moving
20 forward as we apply for required entitlements. Couple of the main impacts, the reef above all, it's
21 long term protection is paramount. Every measure has to be employed to ensure we eliminate
22 runoff and prevent erosion. This would be a priority. Archaeology, protecting and preserving the
23 critical connections to the past. This is critical and it would be a priority. Infrastructure, water,
24 wastewater, drainage; we can and will employ modern development practices efficiently balancing
25 our natural resources with a desire to have communities co-exist in this cherished area. Of course,
26 traffic, we'd need to collaborate with the State and the County to ensure that this project improves
27 the current traffic situation, moving the highway mauka, being part of the solution and long-term
28 vision of the Pali to Puamana plan. Again, it might sound like I'm kicking the can down the road
29 in terms of impacts, and actually I am. This forum is too brief, and too abbreviated to determine
30 our ability to address these concerns. I can say all the impacts I have noted are taken into
31 consideration and will be addressed moving forward if any future demands it. And any additional
32 impacts raised in the testimony today would be noted beyond what I've mentioned and addressed
33 as well. This decision decides in favor of housing, we'll have our work cut out for us. We'll need
34 to demonstrate to the LUC, the Council, the County Council, this body, and most of all, the
35 community and all stakeholders that we can adequately address potential impacts.

36
37 Finally, above all, this is an emotional issue, and I'm sure there will be a lot more emotion to come
38 out of this testimony today. My hope is that we can channel that emotion, focus on the goal. The
39 goal I'm asking you to consider is preserving part of Maui's small-town character and giving local
40 families a chance to return to Olowalu. Thank you.

41
42 Mr. Tackett: Thank you. Director. How many more presentations do we have?

43
44 Ms. Maydan: Chair, this is Jen. That was the last one.

1 Mr. Tackett: Oh, thank you Jen. I believe the last time, after their presentations, didn't we go to
2 public testimony?
3

4 Ms. Maydan: Correct Chair. We did.
5

6 Mr. Tackett: Unless you can think of something that needs to go before it, I suggest we transition
7 to public testimony. Anybody got any opposition to going to do public testimony? Yes, sir, Kawika,
8 what you got?
9

10 Mr. Freitas: Vice-Chair, if, if someone talks about -- if someone testifies right now, they have to
11 testify on three of the presentations that we just heard and they only get one chance to testify. So
12 if that's how it's going to be, we want to make sure that they know that instead of us going to one
13 presentation and I wouldn't --. I don't know if they would be able to do testify on each one. So
14 can we clarify that so everybody knows what they're testifying? And then we as Commissioners
15 get all our notes on the three different and jot down what people think. So --
16

17 Mr. Tackett: Okay.
18

19 Mr. Freitas: -- what's the plan?
20

21 Mr. Tackett: I believe they have three minutes to discuss one or all of those, of those three plans.
22 And then we have to kind, kind of base our opinions off of, of what we get. Thanks for, thanks for
23 helping me to clarify that. So does anybody else have any, any other concerns before we move
24 on to the testifiers? All right. Thanks, you guys. Could we get could we get our first testifier,
25 please?
26

27 Ms. Maydan: Yes. Okay. Chair, at this point in time, I have 20 people signed up to testify. Our first
28 testifier is Anne Rillero, followed by Karen Comcowich.
29

30 Ms. Anne Rillero: Hello?
31

32 Mr. Tackett: Are you able to state your name and promise to tell the truth?
33

34 Ms. Rillero: Okay . . . (inaudible) . . .
35

36 Ms. McLean: Chair, this is Michele. Just to note, you don't have to swear in testifiers because this
37 is not a contested case proceeding.
38

39 Mr. Tackett: That's super helpful. Thanks Director.
40

41 Ms. Rillero: Aloha Planning Commission members. Thank you for the opportunity to testify after
42 your very long day. I really appreciated. I'm Anne Rillero. I'm with Maui Nui Marine Resource
43 Council. We're a nonprofit working for clean ocean water and healthy coral reefs for Maui Nui.
44 Out of significant concern for Olowalu reef, I'm submitting our testimony in strong support of the
45 Draft West Maui Community Plan, and Maui County's Planning Department's recommendations
46 for Olowalu lands in subarea four to remain designated as agricultural. Olowalu reef is a 1,000-

1 acre reef designated as a priority for protection in the Maui Coral Reef Recovery Plan. It's a
2 document created by some of Hawaii's most esteemed coral reef biologists. The reef has some
3 of the oldest coral in the main Hawaiian Islands and acts as a coral nursery to replenish and
4 populate the reefs of Maui, Molokai, and Lanai. Changing the designation of Olowalu lands to
5 urban would add to sprawl in this ecologically sensitive area, and threaten the survival of this
6 important reef, which is already enduring the stresses of climate change. There is no municipal
7 sewage treatment in this area, nor are there sewer lines to connect Olowalu to existing municipal
8 wastewater treatment plants. With Olowalu designated as a tsunami evacuation zone, this area
9 is not a suitable location for a new municipal wastewater treatment facility. As a result, any
10 development to Olowalu would utilize private wastewater treatment systems otherwise known as
11 septic systems. Roger Babcock, a sanitation engineer and professor of civil engineering at U. H.
12 Manoa says "septic systems do little to remove heavy concentrations of nitrogen and phosphorus,
13 which leach through the soil and into the ocean, harming marine life and creating coral reef dead
14 zones in near shore waters." Why add these stressors to the Olowalu reef when there are far
15 more suitable locations for urban housing where homes can be clustered in and around Lahaina
16 to provide easy access to essential services, jobs and stores, promote more walkable community
17 and provide connections to existing sewage treatment plants.

18
19 Furthermore, with sea level rise projected to cause significant coastal flooding in Olowalu the
20 presence of urban housing would add to the expense and challenge of relocating Honoapiilani
21 Highway away from the coast. As we all know, relocating the highway is critical to the safety and
22 well-being of all West Maui residents in the face of climate change. The Citizens Advisory
23 Committee that devoted significant time and energy to the process of creating the West, Draft
24 West Maui Community Plan recommended keeping Olowalu lands designated as agricultural.
25 The Planning Department has made the same recommendation. We ask that you respect the
26 wishes of the community and help prevent urban sprawl to this unsuitable, unsuitable area for
27 development in Olowalu. Thank you.

28
29 Mr. Tackett: Thank you Anne. Does anyone have questions for Anne? Thank you very much
30 Anne.

31
32 Ms. Rillero: Mahalo.

33
34 Mr. Tackett: Could we get our next, next testifier, please?

35
36 Ms. Maydan: Yes, Chair. The next testifier is Karen Comcowich followed by Christopher Delaney.

37
38 Ms. Karen Comcowich: Aloha. Karen Comcowich from the West Maui CPAC. My basic question
39 for every development and change of designation is the same. How does that serve the West
40 Maui community in a way that is equitable, socially, culturally and environmentally responsible?
41 And two, does the West, the West Maui community support it? I understand that you have heard
42 repeatedly from the same people like me. On the West Maui CPAC we heard a lot of testimony
43 from a diverse representation of the community. The policy and land use designations, we
44 included in the plan, really represent what the broader West Maui community values. This is, after
45 all intended to be the West Maui Community Plan, not the developer's desired plans. Regarding
46 changing designations from agriculture to rural, Kaipō Kekona, a vibrant member of the West

1 Maui community, summed it best. It was divided as agricultural land. It was sold as agricultural
2 land. It was bought as agricultural land. And it should remain in agriculture. Many landowners
3 have done what they like with the land with no regard to its intended purpose. Now they want the
4 land reclassified as their current use. The broader West Maui community does not support this.
5

6 Another thing to note, we put a policy in our plan to specifically address the problem of turning
7 agricultural lands into gentlemen estates so future planners and developers will not be confused
8 by having these areas designated as agriculture. Furthermore, two of my good friends have
9 recently gotten separate contracts to start farming in Launiupoko. These friends are passionate
10 about farming but cannot afford land. However, because it is currently in the best interests of the
11 landowner to have agriculture activity on their property, they worked with my friends to make it
12 happen.
13

14 Finally, in the spirit of Halloween, let's talk about Olowalu, the zombie development. No matter
15 how many times the community tries to bury it, it keeps rising from the grave. Olowalu was one
16 of the areas we heard the most testimony about because Olowalu has a lot of history, a beautiful
17 intact reef, an insufficient water supply, and no infrastructure. Most of that testimony was against
18 development. The developer says he wants to build affordable and workforce housing. If this is
19 truly his desire, the area of Lahaina town south, which he also owns, would be a great place to
20 begin. For this West Maui Community Plan, please respect the community's wishes and maintain
21 the agriculture designations for Launiupoko, Olowalu and Puunoa. Thank you for your time.
22

23 Mr. Tackett: Thank you, Karen. Commissioners, does anybody have questions for Karen? Ms.
24 La Costa?
25

26 Ms. La Costa: Thank you, Chair. No, I just wanted to thank Karen for all of her hard work on
27 CPAC. I was at most of the meetings and I really appreciate all your work, and consideration,
28 and listening to the community.
29

30 Mr. Tackett: Hi Karen. I got a question for you. Two questions. The first question is what are the
31 protections that you have in place to stop the gentleman estates? Because I think we all, we all
32 have issue with the gentleman estates. I think that's my first question.
33

34 Ms. Comcowich: On page 116 of the West Maui Community Plan under areas of stability, we
35 have a policy 3.7.1, support agricultural activities within the agriculture areas, including within
36 agriculture subdivisions, and policy 3.7.2, gentlemen estate project and projects following the
37 201H or County 2.97 process shall not be approved within the area of stability.
38

39 Mr. Tackett: So do you feel like that that's going to stop people from turning those 18 lots into
40 gentlemen estates or do you think that, that's going to happen anyway and what you're
41 implementing would be your forward? I'm trying to, I'm trying to -- I guess I'm trying to figure out
42 what happens to the 18 lots if nobody does anything. Do we end up with 18 gentleman estates
43 and, and nobody, doing ag, even though it's as ag lot which has happened predominantly in
44 Launiupoko? So that's I think that's what we're all very . . . (inaudible) . . .
45

1 Ms. Comcowich: I really appreciate that that is your concern. That is something the County needs
2 to look at. The thing with agriculture land is that is the area that the County has the most control
3 over. They can actually make policies to encourage agriculture on that property. Once it is
4 changed to rural residents that is their rural residents. They can do what they want with it.

5
6 The other thing is putting it in the plan as agriculture will actually allow the community more input
7 if the developers want to do something different with it in the future. It also -- I do think that this
8 would help to maintain the agricultural integrity of the west side. And it is actually because of some
9 of these policies that the landowners in Launiupoko are encouraging people to farm their property.

10
11 Mr. Tackett: Thank you. Thank you for the response. Anybody else got any questions? Can we
12 get our next testifier please?

13
14 Ms. Maydan: Chair, the next testifier is Christopher Delaney, followed by Donna Brown.

15
16 Mr. Christopher Delaunay: Aloha Commissioners. This is Chris Delaunay with Pacific Resource
17 Partnership. I don't know if it's appropriate for me to come, comment right now. It's related to the
18 modular housing provision in action number 5.12 on page 154 of the draft, draft plan. Is this the
19 appropriate time to comment on that section?

20
21 Mr. Tackett: Director, are we capable of entertaining that at this time?

22
23 Ms. Maydan: Chair, this is Jen. I would recommend that the testifier wait for our next meeting
24 where you cover the implementation section. That's where the actions are. The November 10th
25 meeting.

26
27 Mr. Tackett: Thank you, Jennifer. Sounds like, sounds like the next meeting would be the
28 appropriate place for that.

29
30 Mr. Delaunay: Okay, thank you.

31
32 Mr. Tackett: Thank you so much. And I'm sorry, Jennifer. I believe it's, it's going to be me and you
33 going forward, correct? As opposed to asking the Director.

34
35 Ms. Maydan: Yeah, Michele is still here. I'm just --. Yeah, I'll, I'll help you with the testimony.
36 Michele is still on. I'm giving her a chance to focus on eating and since I have the testimony list.
37 So next is Donna Brown, followed by Tina Wildberger.

38
39 Mr. Tackett: Thank you.

40
41 Ms. Donna Brown: Hi, I'm Donna Brown. Hello? Can you guys hear me?

42
43 Mr. Tackett: Yes. Yes, I can. Thank you, Donna.

44
45 Ms. Brown: This is Donna Brown. I teach marine biology at University of Hawaii, and live on West
46 Maui for the past 40 years. And I did go to almost all of the West Maui Plan meetings for the last

1 few years. I've been very involved in it. And I know that the people of West Maui really want to
2 keep that whole area from Puamana to Ukumehame in ag. And I am against all of those projects.
3 And as a marine biologist, I've spent a lot of time doing surveys of the coral reefs around Maui,
4 and I can tell you that the reef out in front of Olowalu is one our healthiest reefs that we have.
5 And even so it's not doing very well as all of our reefs are not doing very well. So we really cannot
6 afford to lose this one or any of them really, but especially this one. And one of the things we keep
7 hearing from the developers is how people need affordable housing. And these developers, the
8 landowners, own a lot of other lands that's close to Lahaina that's already has -- its hooked up to
9 the sewers, it's close to everything that people can walk to. And that's what everybody talked
10 about in those planning meetings, is we want to keep the development close to existing
11 development and then keep the open space open. And they keep talking about how they want to
12 help people that, you know, local people to buy this land. And then there's talk of the gentleman
13 estates and there's a really good way they could solve that. The developers bought a huge amount
14 of land for really cheap, and because it was ag land. And they could still help some local people
15 by selling those ag lots at a reasonable price, like maybe two or three times what they bought it
16 for and it would still be affordable for people to make a farm. And instead of dividing it up into a
17 lot of lots, they could sell to somebody that really wants to do farming. So I think that you guys
18 should go with the will of the people and how the owner --. When I went to those meetings, it
19 seemed like the only people who wanted those developments were the developers. And pretty
20 much all the people of West Maui wanted to keep development in the area that's already
21 developed, and keep the open space open. And, you know, there's no infrastructure there, no
22 sewers, everything's going to run into the ocean. So and there's a huge fire hazard out there.
23 There's been so many fires all the time. So I just hope we can keep it at what the people of Maui
24 wanted, and especially the people of West Maui. So thank you for your time and for listening.

25
26 Mr. Tackett: Does anybody else have any questions for Donna? Kawika?

27
28 Mr. Freitas: Thank you Vice-Chair. Also Vice-Chair, can I ask that you have testifiers be specific
29 on what project they're talking about. And if it is all three, that's fine. So Ms. Donna, were you
30 talking about all three projects that you feel that way?

31
32 Ms. Brown: Yes. All three projects. That whole area between Lahaina and Ukumehame I think
33 should stay in ag, so I'm against all three projects or any other ones or any other ones they come
34 up with.

35
36 Mr. Freitas: Okay. Thank you.

37
38 Mr. Tackett: I have a question, Donna. First question is if it goes into full-fledged, full-fledged
39 ag... fertilization of those types of things, is that not heavily, a heavy nitrate type of situation? I
40 believe, I believe fertilizers and that type of thing are extremely heavy in nitrates. And so a big
41 runoff from heavily ag project would have a severe impacts if those types of, of activities were
42 going on, if they're being fertilized. If they're just being run organic, probably not so much. Is, is -
43 - do I understand that correctly or not?

44
45 Ms. Brown: Yeah. Definitely the runoff from fertilizers is bad enough, and that's when people over
46 fertilize. So if you use the right amount of fertilizer, the plants will take it up and it won't end up in

1 the water. And, you know, if you -- and it's kind of a waste of money too to over fertilizer because
2 fertilizer is expensive. So if you are, you know, careful with how much fertilizer you put on, it's not
3 going to over fertilizer reef. And then also, if you think about when they have development and
4 they build all those places, people are going to fertilize in their yard too so it would do the same
5 thing. But, you know, if we keep it in ag, if people are doing the ag properly, it shouldn't cause
6 runoff into the ocean.

7
8 Mr. Tackett: And then my next question for you is, is during that timeframe, is it your, is it is your
9 thought that people believe that if, if the designations wasn't changed that that would stay open
10 space? Or do they believe that 18 wealthy people will probably come in there and develop
11 gentlemen estates if it is, if everything is apples to apples, how it has been all these other years?
12 Like that, that the easiest thing for, for a developer to do, in my opinion, if, if they cannot do any,
13 any affordable there is just to sell the lots off one by one, which at that point hardly anybody can,
14 can, can compete against international labor for farming. So it's, it's difficult to foresee somebody
15 buying that and actually making a real farm. Did do they believe that that's what's going to happen
16 or do they understand that if, if history repeats itself, they might end up with 18 really wealthy
17 people and nobody local in that area?

18
19 Ms. Brown: Well, as you heard from the woman who talked a little bit before me, I forgot what her
20 name. But if they, you know, if, if they have to have a farm plan to have to have a farm lot, they
21 can make them have a farm plan before they can build a house there. So if they're going to have
22 a farm plan and have a whole farm, they can just build a house to, to do that. And like I mentioned
23 before, if the land owners would just sell those lots at a price that people could actually afford to
24 be farmers, you know, instead of selling them to rich people from the mainland who just want to
25 come here and, and build a big estate, you know. They, they bought that land. I don't remember
26 exactly the numbers, but it could be looked up. But they brought, they bought that land for
27 practically nothing when they bought it because it was ag land. And so they were betting on being
28 able to change it into something else, which they did do in a lot of the areas in like Launiupoko . .
29 . (inaudible) . . . there. And they said that they were, they made all their money back for all the
30 land they bought just a few lots at Olowalu that they sold already . . . (inaudible) . . . So, they,
31 they could easily afford to sell some of these lots to local people that could make a farm there.

32
33 Mr. Tackett: Thank you. Thank you for answering my question. Thanks you guys for humoring on
34 that one. Yeah. Thanks. Thanks, you guys, for affording me that opportunity.

35
36 Ms. Brown: Thank you.

37
38 Mr. Tackett: I believe Dale has a question.

39
40 Ms. Brown: Okay.

41
42 Mr. Thompson: Sure. Hey Donna. Hey, I have a question for you. What's the biggest factor that's
43 killing off our reef?

44
45 Ms. Brown: The biggest factor. Probably the biggest thing is, is warming water, is just the global
46 warming, and the corals are bleaching and dying. And also in, on West Maui, I think our other

1 biggest thing is the sewage treatment plant and the Kaanapali area. That's a big thing. And the
2 runoff from the land. But, you know, it's like there's -- it's not just one thing, it's a whole lot of
3 things. So if there's anything that we can do to prevent some part of it, you know, it's like the death
4 of a thousand cuts. It's, it's, there's a whole bunch things that are happening. But if we keep
5 adding to those things and there's going to be one straw that breaks the camel's back. So, you
6 know, as if we can prevent anything, we should try to do that, I think.

7
8 Mr. Thompson: Is it possible to plant coral that lives warmer water and procreate there, and other
9 spots in West Maui? They're dying all over here. And, you know, I've heard lots of . . . (inaudible)
10 . . . because they used to have pineapple and sugarcane, all the nitrates, and the sewer, and
11 bleaching. But I just -- because you're -- isn't that your part of your kuleana there at the university?
12

13 Ms. Brown: Yeah. Well, one thing is, you know, you can't really bring things here from somewhere
14 else that aren't from here because then they could become an invasive species and kill off all our
15 native things. So that's something, you know, you've got to be really careful about. So it, it sounds
16 like a good idea, but then you, you can't just go bring something from some other warmer place.
17 But there are people over at the Hawaii Institute of Marine Biology at UH Manoa that are working
18 on different corals that are native here, that are succeeding when the water's warmer. And then
19 they're breeding those and looking at them to see what their characteristics are and they might
20 be able to use that to replant in places. But one of the things that now is a big thing is a lot of
21 people are talking about replanting corals, but you can't replant them in an area that's so stress
22 that it's just going to kill it. You know, you have to have a healthy environment for them to go into.
23

24 Mr. Thompson: Well, thank you. I'm just looking for some proactive things to do over there. I've
25 watched for 30 years here and it's gotten worse every year.
26

27 Ms. Brown: Oh, I know. It's really sad.
28

29 Mr. Thompson: Yeah . . . (inaudible) . . . Thank you.
30

31 Ms. Brown: That's why I feel like we really need to do whatever we can to preserve what we still
32 have, and Olowalu is really our best reef we have left at Maui, in Maui.
33

34 Mr. Tackett: I'm sorry. Before, before you go, let me make sure nobody else has any questions
35 for you. So anyone else have any questions? Kellie?
36

37 Ms. Pali: Chair, I don't have any clarifying questions based on her testimony. I do not. Thank you.
38

39 Mr. Tackett: Okay. Thank you, Donna.
40

41 Ms. Brown: Thank you.
42

43 Mr. Tackett: Could I have the next testifier please?
44

45 Ms. Maydan: The next testifier is Tina Wildberger followed by Mark Deakos. Go ahead, Tina.
46

1 Ms. Tina Wildberger: Thank you very much. Aloha Commission --

2

3 Mr. Tackett: Hi Tina. Could you please be specific as to whether you're speaking to one or all
4 three, please, of the projects?

5

6 Ms. Wildberger: Testify about the proposed changes for the community plan for Olowalu.

7

8 Mr. Tackett: Thank you.

9

10 Ms. Wildberger: Good afternoon, Commissioners. I appreciate your time and particularly your
11 stamina. I'd like to thank the Chair for recusing himself on these items. I'm Tina Wildberger. I'm
12 South Maui's State House Rep, and I'm here to testify to support the community plan for which
13 the ink is barely dry and already we have developers coming to you and asking for changes.
14 Olowalu is our mother reef. That reef deserves reverence and protection, and I think that the
15 Planning Commission should consider not making changes to this beautiful space that you see in
16 the painting behind me. Olowalu spawns all of the coral in our County, and our reefs protect our
17 shorelines. As we experience sea level rise, and we experience global warming, we need our
18 reefs intact to protect our beaches and our shorelines. Olowalu reef is a remote destination. I find
19 the claim that creating another small town disingenuous. It's an -- it would be at best an outpost
20 with no school, no wastewater, no infrastructure of any kind, far from everything, a fire hazard. I
21 beseech you to uphold the desires of the West Maui Community Plan and the efforts of all the
22 people that went to the trouble to offer input. The era of puritanical plantation patriarchy needs to
23 be over, and I'm sure it's a rude awakening. But the community is awake now and we get to plan
24 what kind of community we want. I urge you to uphold the community plan, and I thank you for
25 your time.

26

27 Mr. Tackett: Thank you Tina. Does anyone have any questions for Tina? Dale?

28

29 Mr. Thompson: You're a State Rep, right?

30

31 Ms. Wildberger: That's correct.

32

33 Mr. Thompson: So should that road be moved? Should the highway be moved behind of Olowalu?

34

35 Ms. Wildberger: We absolutely need to move that road.

36

37 Mr. Thompson: Do you have a, do you have a fast track to make that happen or the right people?
38 I don't know. I mean, I'm far from that. But for years, I drive by and this is not right. It's falling in
39 the ocean. I'm sure all the carbon monoxide from our cars goes out and kills the reef as well on
40 top of everything else.

41

42 Ms. Wildberger: And hardening. That roadside is also detrimental to the reef. That, the section
43 that was hardened under emergency proclamation after the Japan tsunami that did not require
44 any environmental assessment, the reef offshore from that hardening has been destroyed. And
45 so we have one part that we've destroyed already. And we need to do as much as we can to
46 continue to preserve that, that, that State treasure.

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Mr. Thompson: Can we get State and Federal funds?

Ms. Wildberger: To move the road?

Mr. Thompson: Absolutely.

Ms. Wildberger: I'm afraid asking for funding for anything in the next two years is a fool's errand.

Mr. Thompson: Thank you for your comments.

Ms. Wildberger: Mahalo.

Mr. Tackett: Do you have any other questions, Commissioners? Thank you Tina. Could we get our next testifier, please?

Ms. Maydan: The next testifier is Mark Deakos followed by Tiare Lawrence.

Mr. Tackett: Mark, please specify as to one or all three of the projects you're talking to.

Mr. Mark Deakos: Yes. Can you guys hear me?

Mr. Tackett: Sure can.

Mr. Deakos: Great. Thank you, Commissioners. I'm going to testify on all three items by focusing on Olowalu primarily. I'm a marine scientist from Napili, 24-year resident, and also an ambassador for . . . (inaudible) . . . that promotes regenerative and smart growth design. So first, I want to be clear, you're probably not going to hear any single person testifying today that doesn't believe we need more affordable housing. The discussion, as we've seen, is about planning. Where do we build that much needed housing? Do you ask the West Maui community or the Maui Planning Department, they say around Lahaina, around existing infrastructure because we don't want additional urban sprawl? We don't want affordable housing that's unaffordable like Peter Martin's recent . . . (inaudible) . . . project which was denied by the Maui Affordable Housing Committee, okay, and the Maui County Council. These were \$600,000, \$800,000 homes with septic tanks just uphill from a fish nursery area and requires everyone from that household to drive 20 minutes if you don't get stuck in traffic every time you go need to get to school, to work, or just to get supplies. So it's simply not affordable living, and that's important. And that's why the community denied Olowalu town in 2015. Why the Planning Department scored Olowalu as the worst place to build from a smart growth perspective. And why the West Maui Community Plan leaves high density out of Launiupoko and Olowalu. So the conversation about Olowalu should not be about increasing density. It should actually be about sea level rise.

Now I sent you guys an email attachment. If you didn't get it, you just need to Google Hawaii sea level rise viewer. Click on the three-foot rise and then click on the three-foot erosion line. That's the planning tool. You'll see Peter Martin's home is underwater in the next 15, along with the other ocean prop, oceanfront properties along that area. And the Olowalu Village has the ocean on its

1 doorstep. So three-feet used to be the extreme prediction. Now scientists expect a 10 percent
2 chance of seeing six to eight feet rise in sea levels by the end of the century. Okay, so we are
3 going to see three-feet. You can also do the same for that Puamana area project. That's all going
4 to be underwater. You don't want to add housing given all the issues we're having with managed
5 retreat. So the conversation should really be about asking Peter, what is he going to do to retrieve
6 his home? What is the plan? If he thinks climate change is a hoax, and he thinks scientists like
7 myself and others spread lies and fear which he's expressed to me, that's deeply concerning for
8 a landowner, a major land owner and a developer is responsible --
9

10 Ms. Takayama-Corden: Three minutes.

11
12 Mr. Deakos: -- for protecting that iconic reef. So our taxpayer is going to pay for that seawall, just
13 like in West Maui or not.
14

15 Mr. Tackett: Thank you so much, Mark. I appreciate that. Could I please, could I please get any
16 questions from my Commissioners, please? Anybody got any questions for Mark? Thank you so
17 much, Mark. I appreciate that.
18

19 Mr. Deakos: Mahalo County.

20
21 Mr. Tackett: Can we get our next testifier, please?
22

23 Ms. Maydan: Tiare Lawrence asked to testify later. She's not available now. So our next testifier
24 is Brett Gobar, followed Gordon Firestein.
25

26 Mr. Tackett: Brett, if you could please let us know which or all three of the projects that you're
27 testifying.
28

29 Mr. Brett Gobar: Thanks. Can you hear me?
30

31 Mr. Tackett: Yes I can.
32

33 Mr. Gobar: Super. Hi, my name's Brett Gobar. I'm testifying on all three projects. 127 Ala Iki Place
34 is my home. My bachelor degree includes planning and water quality studies. Less detailed than
35 Mr. Deakos, but in the same thing. I do believe small family farms are viable, are sustainable,
36 can create healthy long-term jobs for the community, and to answer Christian's question, if you
37 build soil organically using covered crops and compost, you have fewer soluble herbicides,
38 pesticides and fertilizers in the water column.
39

40 First, I don't believe our educated Commissioners, our citizens, any of us feel that affordable
41 housing should be created within expensive areas like West Maui and Olowalu. Doing so reduces
42 the number of affordable housing units we can create. Affordable housing can only be financially
43 viable and paid for by our tax dollars if it's built in the most affordable land and near existing
44 services.
45

1 My second point is many, including those wanting affordable housing, feel it prudent to consider
2 development in West Maui and Olowalu only after circulation transportation elements of the
3 General Plan are revised to move the already flooded highway mauka -- I believe it was Tina, the
4 State Representative -- mauka, away from our rapidly accelerating sea level rise. These projects
5 together will not create a small-town feel. And impacts, if not to date in our County, has been
6 considered cumulatively. Environmental laws mandate that we consider cumulative effects of all
7 of the projects currently in front of us and those expected in the near future. It's important, all of
8 you on the Planning Commission and on the County Council to start honestly looking at them
9 cumulatively. It hasn't been done, in my opinion. Thank you for listening.

10
11 Mr. Tackett: Thank you, Brett. Do we have --? Thank you, Brett. Do we have any other questions
12 for Brett? Thank you for your testimony. Can we get our next testifier, please?

13
14 Ms. Maydan: Our next testifier is Gordon Firestein, followed by Doris Lang.

15
16 Mr. Tackett: Gordon, please specify one or all three projects that you'll be testifying on.

17
18 Mr. Gordon Firestein: Yes, I'll be --. One second, please. Can you turn down the volume --? Sorry
19 about the feedback. I'm testifying on all three projects and I am here to urge you, the Planning
20 Commission, to affirm the updated West Maui Community Plan. This is especially important with
21 regard to ag land in Olowalu and Makila. These areas should not be subject to dense development
22 in the future. There's plenty of land closer to Lahaina town for legitimately affordable housing.
23 Changing the zoning in Olowalu should not even be on the agenda, any agenda. This topic has
24 been re-litigated numerous times. Before the State LUC, before the County Council's Affordable
25 Housing Committee, before the County Council itself, and of course, through the many, many
26 public meetings of the West Maui Community Plan update process. The conclusion has been the
27 same in every case. I urge you to come to the same conclusion today. Thank you.

28
29 Mr. Tackett: Commissioners, does anyone have any questions for Gordon? Thank you, Gordon.

30
31 Mr. Firestein: Thank you.

32
33 Mr. Tackett: Could we get our next testifier, please?

34
35 Ms. Maydan: Chair, just to clarify, you've been referencing three projects. There were actually
36 four that the presenters presented. So I just wanted to make that clarification. Our next testifier is
37 Doris Lang, followed by Dick Mayer.

38
39 Ms. Doris Lang: Hi. Can you hear me?

40
41 Mr. Tackett: Yes, Doris. And could you please specify which one of the four projects you're
42 speaking about?

43
44 Ms. Lang: I'm speaking about all of them that were brought up.

45
46 Mr. Tackett: Thank you Doris.

1
2 Ms. Lang: I just -- I had written something but I need to just sort of talk from, from my heart around
3 here. I've been to, for years, going through the County Council meetings for development. We live
4 in Launiupoko, and my husband Gordon Firestein. We're, we're very small-time farmers, but
5 we're working very hard to provide food for ourselves and for the community especially during
6 these COVID days. I've done and I -- and our neighbors up in the Olowalu or up in the Launiupoko
7 area has also really stepped up the farming to supply. And listening to all of this I think it's
8 important that, first of all, all of our voices from the, from, from the community plan that all of us
9 went to the, to the meetings and the hearings that over and over again our voices need to be
10 taken seriously. We spent a lot of time listening and, and trying to understand, and I am in absolute
11 support of this community plan and to end this development kind of nonsense that we've had to
12 be put through over and, over and, over again. But I also when I was listening to the road and the
13 issues up the road and when it could get turned around, I think farming is far more important now
14 than any other time because if our road gets cut off, we're going to need to have the food over
15 here that we grow and we can supply for the West Maui people. And more and more people are
16 stepping into this, becoming more professional farmers and getting grants and so forth, and even
17 the small timer. So please just, you know, listen to the people that have, have been representing
18 this area and not to the developers. It's really getting old. And the reef has been covered, and,
19 and it really needs to just stay, stay in the best shape that it possibly can, because that one is
20 irreversible. Thank you.

21
22 Mr. Tackett: Does anyone have any questions for Doris? I have a question for Doris.

23
24 Ms. Lang: Yes.

25
26 Mr. Tackett: Doris, you live, you live in Launiupoko?

27
28 Ms. Lang: Yeah, for 12 years.

29
30 Mr. Tackett: For 12 years. And you know your neighbors fairly well?

31
32 Ms. Lang: I know quite a few of them, yes.

33
34 Mr. Tackett: What would you, what would you say are the percentage of local people that live up
35 there?

36
37 Ms. Lang: Gordon?

38
39 Mr. Firestein: Permanent?

40
41 Ms. Lang: Permanent?

42
43 Mr. Tackett: Yeah. People that -- local people that own those lots up there. What would be, what
44 would be your estimation of that?

45
46 Mr. Firestein: 50 percent.

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Ms. Lang: 50 percent.

Mr. Tackett: Thank you. Yeah, that's, that's what I was asking. Anybody else have any, any questions? Okay, thank you. Could we get the next testifier?

Ms. Maydan: Chair, your next testifier is Dick Mayer followed by John Starmer.

Mr. Dick Mayer: Hello? Can you hear me?

Mr. Tackett: Yes I can Dick. Thank you.

Mr. Mayer: Very good. Thank you. Three items. Number one, as you may remember I was on the -- I was the Vice Chair for the General Plan Advisory Committee that made recommendations on the Maui Island Plan and the Countywide Policy Plan. And we worked from 2006, roughly, to 2014 by the time we finished everything. I want to clarify something, and as with regard to urban growth boundaries and rural growth boundaries. We were told and given our instructions when we designed to put those lines in that that was not an obligation of the community plans which would be going into effect, as you're doing now, to somehow build out up to those lines. Those were maximum lines that over a 20-year period may see development. And it was mainly to try to keep development outside that area from taking place. So there's no tie that, that by necessity, whether it be Launiupoko, Olowalu, Kapalua, wherever it might be that you somehow feel you have to go out to that line. That's not number one.

Number two, with, with regard to the question that, that, Christian, you asked about the agricultural lots that these will become McMansion type estates? One problem here is that we don't have the proper zoning in Title 19 to take care of ag lots, and so that's why we have this proliferation. Title 19 is now being reviewed and there's a special committee on it, a consultant, and I'm hoping that the use of agricultural land will be much better defined in that zoning ordinance, which is, which is the tool that implements your community plans. Before that happens, there is something you could do in your plan right now, and that is you could make, a put a statement in there that on no agricultural lands can houses be built. It may seem stark, but that was the land was. It was in Olowalu, for example, and other places, it was all ag land. All central Maui had ag land with no houses on it, so there's nothing that prevent it. What you cannot do is say you cannot use your land for anything. But by saying that no houses can go on it, you still leave the option open of good use of that land for agriculture and agricultural things. It may bring the costs down if housing doesn't go on it. And so actually farmers may be able to generate crops, profits, et cetera.

And finally, the third point I wanted to make was regarding Olowalu town itself. As you may remember that was indicated that it was in the Maui Island Plan as a potential area. It went through the process, for entitlement by the present owners, Peter Martin and company, about four years ago, and the State Land Use Commission turned it down. And one of the main reasons why they turned it down was the excellent testimony of the previous Planning Director, Will Spence, when he stated that what we don't need is an isolated community along the highway from Central Maui to West Maui that will add more traffic congestion and problems in that area, far from public facilities --

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Ms. Takayama-Corden: Three minutes.

Mr. Mayer: -- schools, school buses, wastewater, et cetera. So I just want to say that there is a background for having turned down development in Olowalu. I can't hear you Christian.

Mr. Tackett: Thank you, Dick. I appreciate your testimony. Can we have -- do we have, do we have any questions for Dick? Thank you. Can we get the next testifier, please?

Ms. Maydan: Chair, the next testifier is John Starmer, followed by Jordan Hocker.

Mr. John Starmer: Hey, everyone, thanks for hearing my testimony. I am -- I've been here about three years. I've spent about 20 years studying coral reefs throughout the Western and Central Pacific. I am currently, among other things, chief scientist at the Maui Nui Marine Resource Council. And Olowalu is definitely a special reef here on Maui, and it's worth protecting. The main point of my testimony is that I fully support the West Maui Community Plan, and the Maui Planning Department's consideration. This is one of the worst, if not the worst place to build on Maui. It's famously said that you can't go back again. If you turn ag land into anything other than ag land, it will never go back to ag land. So considering that -- turning it to anything else is a big step. There have been a lot of mentions of history in the presentations by the gentleman that are in support of developing small towns in this area. But this is looking backwards and times are definitely changing. Nobody that is in support of smart growth is looking to create new centers of development. You want to keep people, especially when you're talking about affordable housing, close to where people are working. You want to reduce commute times. You want to keep people close to infrastructure, close to schools. This is only sensible.

There have been some mentions of concerns about agriculture contributing to things like nitrates. And while this might be true in the case of inconsiderate plant-based farming, certainly there are techniques nowadays that are able to deal with that and make sure that that we aren't seeing those impacts on coral reefs. And by the way, I am speaking to all four development areas. If, if any of the Commissioners need help and understanding how you can do agriculture without impacting reefs, the Hawaii Farmers Union United has some great resources and would be great to fill you in on that.

In terms of the reefs, I think one of the previous testifiers mentioned death by a thousand cuts. The reefs in Olowalu are really, really amazing, but they have been impacted. And it's one of these situations where it might not seem like it's a big deal to add another, another impact onto all the impacts that have already happened, but these reefs are suffering from sugar cane and pineapple farming in that area. And they are still on the road to recovery. They've had issues like the unpermitted management of erosion along the highway. And all of this stuff has turned a reef that is still spectacular but is impacted into something that is vulnerable. It's kind of like the people that have COVID that are dying from it, to give you a current example, are people that have pre-existing conditions and Olowalu has pre-existing conditions. We don't want to give --

Ms. Takayama-Corden: Three minutes.

1 Mr. Starmer: -- add, add something else to a reef that is already under stress. Thank you.

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3 Mr. Tackett: Thank you, John. Do we have any questions? Could we get the next testifier please?

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5 Ms. Maydan: Next testifier is Jordan Hocker, followed by Michael Fogarty.

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7 Mr. Tackett: Are you there Jordan? Maybe we could move on to the next testifier.

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9 Ms. Maydan: Okay, next testifier is Michael Fogarty, followed by Cecilia Rose Riley.

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11 Mr. Michael Fogarty: Aloha Commission. Can you hear me okay? Okay. My name is Michael
12 Fogarty. By the way I'm speaking to all four areas. I'm currently the acting director of Maui Nui
13 Marine Resource Council, but I'm testifying in this stance, on my own behalf. So I'm simply
14 testifying in opposition of designating Olowalu as an urban area in the West Maui Community
15 Plan. The Citizens Advisory Committee that develops significant or devoted significant time and
16 energy to the process of creating that draft West Maui Community Plan recommended keeping
17 Olowalu lands designated as agricultural. The Planning Department has made the same
18 recommendation. So I'm asking that you respect the wishes of the community and help prevent
19 urban sprawl to this unsuitable area for development, and instead focus on smart growth for our
20 communities. Mahalo.

21
22 Mr. Tackett: Thanks Michael. Does anybody have any questions for Michael? Thank you. Could
23 we get our next testifier, please?

24
25 Ms. Maydan: Our next testifier is Cecilia Rose Riley, followed by Keeaumoku Kapu.

26
27 Mr. Tackett: I believe, I believe perhaps you should move on to Keeaumoku?

28
29 Ms. Maydan: Chair, I just saw Jordan Hocker's name pop up. Perhaps -- Jordan, are you there?

30
31 Ms. Jordan Hocker: I am. The program closed itself just on its own. Okay. Thank you Commission
32 for waiting. Hello, all of you. Thank you for giving us the time to testify. I would like to testify
33 regarding all four proposed developments. I'm just here to really support what the community plan
34 was. One of the things that I'll just address specifically in terms of Olowalu. I think someone else
35 said too, there's no one here who's in opposition of affordable housing. We need it now more than
36 ever. But developing further and further out from town centers doesn't create more small towns.
37 If anything, it creates an impetus to fill in the spaces between those small towns. And so, you
38 know, I would, I would say that developers wanting to say, well, our development, at least in one
39 of the first ones I think was proposed, within just within the urban growth development area. And
40 I think that pushing those boundaries is almost sort of . . . (inaudible) . . . boundaries. If developers
41 can push it this far, then how much further can they go? And I think it's important to call into
42 question the difference in motivations for testifying here today. A developer always has money to
43 make regardless if they say that they're about community values, regardless if they're building
44 affordable housing. Community members live here. We know what it looks like when the reefs
45 disappear. We know what it looks like when the reefs disappear. We know what it looks like when
46 we get from one place to another in as much time as we did before. And so I really would urge

1 the Commission to hear the community on this and, and, and support the community's wishes.
2 Thank you for your time.

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4 Mr. Tackett: Thank you, Jordan. Does anybody have questions for Jordan? Thank you. Could we
5 get our next testifier, please?

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7 Ms. Maydan: Cecilia Rose Riley, if you're still on the meeting, you're next. If not, Keeaumoku
8 Kapu you're next.

9
10 Mr. Tackett: Cecilia, are you there? I believe Keeaumoku is next. Keeaumoku, are you there?
11 Jen, can you see if either of them are there?

12
13 Ms. Maydan: Chair, I see Keeaumoku's name. I do not see Cecilia's name.

14
15 Mr. Tackett: Okay, well, perhaps, perhaps we'll come back towards the end. Let's move on to the
16 next one.

17
18 Ms. Maydan: Next, the testifier is Victoria Kaluna Palafox.

19
20 Mr. Tackett: I looks like --. Sorry, it looks like, looks like we have Keeaumoku. Keeaumoku, are
21 you there? You got to, got to unmute yourself Keeaumoku.

22
23 Keeaumoku Kapu: Can you hear me?

24
25 Mr. Tackett: Yeah. Got it.

26
27 Mr. Kapu: Aloha mai kakou. This is Keeaumoku Kapu from . . . (inaudible) . . . I wanted to testify
28 on behalf of all four projects starting with Olowalu. I am the steward of . . . (inaudible/Hawaiian) .
29 . . heiau in Olowalu. And I really want to stress that this body really, really consider the
30 archaeological integrity of Olowalu. There's area that should basically be prioritized highly on the
31 culture sensitivity of those areas. And we all know what Olowalu has basically been meant in the
32 past. And it was the battleground or the slaughter of the massacre of Olowalu. So the reason why
33 I bring those things up in because it's very eminent that if any project was to go in that area, it
34 would, it would definitely have to have, you know, the highest of monitoring in this area to make
35 sure. Even though if the developers say that they've done all the archaeological survey, there's
36 a lot more that basically was missed throughout the years. So, my concern for Olowalu.

37
38 And, you know, I mimic the words pertaining to what everybody is saying that the highway
39 definitely should be moved. And . . . (inaudible) . . . by Alan Arakawa . . . (inaudible) . . . I would
40 say maybe 10 years ago that it should be moved at least 300 feet. So all properties below that
41 basically should be a no build zone.

42
43 Polanui as well as Makila, I have great concerns on the irrigation pipeline that they're putting in
44 that's been extend from the County process. No regards or anything when they started the
45 pipeline. And where the pipeline basically ended in the core of Lahaina, also mimic the same

1 concerns as pertaining to doing a high extensive archeological inventory assessment for any
2 project that goes in that area.

3
4 The last one that I'm really, really concerned about is the Puunoa subdivision project as well. Any
5 type of high-density project that comes in that area I going stress again, eminent danger to
6 inadvertent -- not an inadvertent -- by iwi kupuna is definitely, definitely evident. That no matter
7 where you developed in these areas, there's a high concentration that most definitely you're going
8 to come across iwi kupuna.

9
10 So these areas are basically especially for the Puunoa . . . (inaudible) . . . the area right in Lahaina
11 town area was designated in the GPAC years ago. All of that . . . (inaudible) . . . had really
12 stressed how important it was in those areas. The north side of . . . (inaudible) . . . river and open
13 space and culture reserve. I'm really concerned about these areas.

14
15 Ms. Takayama-Corden: Three minutes.

16
17 Mr. Kapu: And . . . (inaudible) . . . everybody know that there was a burial that was hit just recently
18 this past Friday. So imminent danger on all these projects. My whole wish is that this body here
19 to keep in mind how important it is to make sure that the County or the community's general plan
20 of what their wishes are, they --

21
22 Mr. Tackett: Thank you. Thank you Keeaumoku. Thank you. Anybody got questions for
23 Keeaumoku? Dale, go ahead my brother.

24
25 Mr. Thompson: Yeah, Keeaumoku, so if you're a proponent of moving the highway and would
26 you, would you help them along there so that they don't run into iwi kupuna, and is there a way to
27 navigate that? Do you know a safe passage?

28
29 Mr. Kapu: Yeah, there's always a possibility because I guess by moving the highway mauka,
30 everything below would be basically a no build zone so there's more potential hopes that they're
31 not going to run into iwi kupuna. One of the major concerns I had if we do get involved there's
32 also some cultural historical properties that we really highly need to consider talking about moving
33 the designation of the highway. But I feel that's more of a better possibility to look at future growth.

34
35 Mr. Thompson: Thank you.

36
37 Mr. Tackett: Does anybody else have questions for Keeaumoku? I have, I have some questions
38 for you my brother. Keeaumoku, there's, there's 18 lots there, and I know my, my family history
39 doesn't go back as long as your family history in that area. Although I did spend a lot of my days
40 when I was a kid because my friend's dad was part owner of that store. So when we were kids
41 we were there a lot, a lot of that time. But what I seen there is you got, you got 18 lots that -- and
42 here's the struggle. There's 18 lots there that they're going to sell and everybody's saying that
43 perhaps that guy might sell them for cheap to a farmer. Well, I never seen that done in my entire
44 life. You know what I mean? I never seen anybody say, oh, bra come take my house. You know
45 what I mean? Take it cheap. You know, I mean, because I get plenty, you know? So I don't think
46 that's going to happen. But I know at one point there was a chance that some affordable could go

1 there. And to me, that choices either we let these guys have those 18 lots because there's not a
2 lot you can do about it. And when you do, and then when they do develop those 18 lots, when,
3 when 18 lots are developed as a single person develops a lot, there's, there's less people to watch
4 it. You know what I mean? Like when they build a hotel or something, there's choke guys that
5 watch that. When they build, when they when somebody goes and builds his house, nobody
6 watches that, you know. And so right now, I think what I'm struggling with is I know some people
7 are saying that we could get some affordable there and that would eat up some of those
8 gentlemen estates, or we could just squash the whole thing, leave it the way it is, and we going
9 to end up with 18 gentleman estates. And so I think that that's, I think that that's where we're
10 sitting and I would like your input on how you feel, or whether or not you feel that the community
11 reads it that way.

12

13 Mr. Kapu: And this is a project you're talking about Olowalu?

14

15 Mr. Tackett: Yes sir. Because Olowalu get 18 lots, and then they were saying that they could
16 possibly put some affordable, you know. But go ahead. Go ahead, Keeaumoku.

17

18 Mr. Kapu: Yes. I think majority of the concern originally when I spoke in the beginning was the
19 high density or the possibility of impacting historic properties. So, you know, before we can even
20 finalized, some kind of assessment on providing 18 lots through a 201H project I think a lot of the
21 work needs to be done to make sure that that is the appropriate area to do it. And whether or not
22 that area . . . (inaudible) . . . fish ponds, some might be affiliated to burial sites. My own concern,
23 because I've been in the Cultural Resources Commission as well as the Burial Council for so
24 many years, my whole life has been to study the dynamics of these areas, and how important it
25 is. And also we also got to take into consideration the Land Commission Awards, the royal patents
26 in this area. Who knows. I mean, later on, you know, family make come forth saying they . . .
27 (inaudible) . . . buried there. Who is going to be the one to be responsible that all of a sudden
28 these properties have been cut up and sold into a TMK? So somebody basically needs to answer
29 the question. So I look at the longevity as pertaining to the history that's foretold about this place
30 and I think we're missing that component. This is the massacre of Olowalu, and it's eminent that
31 you're going to find remnants of the past before we even start talking about providing affordable,
32 18 affordable homes in the area.

33

34 Mr. Tackett: I agree. I, I agree with you Keeaumoku. But I believe that those 18 lots, I think that
35 they, they going sell them no matter what, you know what I mean because they're already
36 approved. So it's just a question of whether or not, whether or not 18 lots gets sold or, or --. Well,
37 actually, I think it's just a question of whether or not they go that way or there's a chance of
38 affordable in Olowalu. But I think that the 18 lots, I think they're already 18 lots. So if those people
39 sell the lots, it is what is, you know what I mean?

40

41 Mr. Kapu: Yeah, well, I don't think that they're doing us any favors by providing that and . . .
42 (inaudible) . . . basically everything else they've done. You know this company has been able to
43 circumvent everything, the whole process in the County as well as the State to bring it this far.
44 And they still haven't answered the question on whether or not . . . (inaudible) . . . and our history
45 and our culture is going to be impacted on all of this. So 18 lots versus how many residents that
46 we have to provide for affordable homes in this whole County. 18 lots is not . . . (inaudible) . . .

1 So they don't have anything that will make sure we got our future generations going to be provided
2 with something.

3
4 Mr. Tackett: Thank you, Keeaumoku. I appreciate that. Kawika, you had a question as well my
5 brother?

6
7 Mr. Freitas: Yes. Thank you Vice-Chair. Aloha Keeaumoku Kapu, being a steward of the Olowalu
8 area, I don't hear anyone speak of the state recognized petroglyph that is up that trail. And I see
9 the Olowalu development is very near to -- I've never been, by the way, so I don't know how far
10 up it is. Your experience in the different burial and cultural commission that you were on it, is there
11 going to be some restrictions for them to develop in that area because of that designated or State
12 recognized petroglyph area?

13
14 Mr. Kapu: Believe it or not, I think we got a look at the long term. One out of the bad things from
15 Maui is the Maui review that everybody knows where these places to go, and how does it deter
16 or diminish the whole cultural perspective of what the petroglyphs is all about. The importance of
17 about those petroglyphs is not just a petroglyph, but what is on top. . . . (inaudible) . . . burials
18 that belong to a families of Olowalu. So when you start looking at allowing people to go there and
19 look at the ambiance of the history of Olowalu, you know, it's the touristy kind of thing. But what
20 happens when a lot of lineal descendant families that have burials up on that hill, you know what
21 is importance to the protection of those petroglyphs? Is the burials or is it the petroglyphs? So we
22 have lineal descendants that belong to that area and they should be a part of the process to try
23 to figure out what is the longevity of the petroglyphs, and how the community can come together
24 to malama and take care of those things. It's an iconic thing. You know, that tells the mo'olelo or
25 the stories of the past. But I really believe that, you know, we have still have families, the
26 Nahoikaikas, the Nahinas, we got a lot of ohana and they are the ones that have kupuna that is
27 buried on the . . . (inaudible) . . . as well as Kaiwaloa. So as a steward for these areas, I always
28 try to make sure that we go to people of the . . . (inaudible) . . . owe within themselves can be the
29 perfect tool to allow these kind of things to happen. But you got to involve the people of that place.
30 The planning and all this, and these private developers coming in and trying to create some kind
31 of ambiance to sell. It's just a sales pitch to bring more tourism to impact those areas. That's why
32 I'm totally against it because we're not protecting what we supposed to protect and that's the iwi
33 kupuna that is buried on that . . . (inaudible) . . .

34
35 Mr. Freitas: Thank you.

36
37 Mr. Kapu: Thank you.

38
39 Mr. Tackett: P. Denise, you have a question as well?

40
41 Ms. La Costa: I do have. Thank you Vice-Chair. Aloha Keeaumoku and mahalo for being here
42 today to answer our questions and to testify. So I have a couple of questions. There are -- the
43 map didn't show long enough to be 18 lots, and the developer said irrespective of what happens,
44 they still could sell them because of the designation that was provided by Maui County. So my
45 question is, because of the sensitivity of both the iwi kupuna and the petroglyphs, would it not be
46 easier if you left those 18 lots to monitor them? I mean, that, you know, that could be something

1 that the Planning Department or the building department could put in. So you would have so much
2 less density and you could really, you could make them, I think, the building permit process set
3 aside areas that would protect the petroglyphs and the areas of the iwi kupuna.

4
5 If you allow big scale development, irrespective of whether it's affordable or not, you're going to
6 have so much density that I think it would be really hard to control that. So being that you are the
7 steward of that area, what is your feeling one versus the other? Because unfortunately,
8 something's going to happen and it can't be stopped because of those 18 lots already set. But
9 don't you think that gentleman farms, you know, I don't know why is so dirty connotation because
10 their density is very, very small. Give me your opinion on that, if you would, please Keeaumoku.
11 Mahalo.

12
13 Mr. Kapu: Sure. Was talking about the 28 homes and lots, and basically what the potential risks
14 of creating in the futures pertaining to these gentlemen estates. You know, we always look at a
15 code of conduct when we look at certain areas. And Olowalu has always been a code of conduct
16 for a lot of us. What is acceptable? What isn't acceptable? And that's only within the conversations
17 pertaining to the ohana that as a, a, an interest to that area. So it is really good now in the County
18 of Maui that they're just finally, finally recognized that archaeology . . . (inaudible) . . . to finally do
19 the work pertaining to what needs to be done as a subculture overlay of certain areas.

20
21 Now Dr. Janet Six now has been appointed as the archaeologist, archaeologist for that area. And
22 I think with the work that she's done so far, by looking at the red zoned area, I think we've got to
23 go with that before we start looking at how we can create these homes in certain areas. We've
24 got to look at what the overlay basically tells on where is the red zones. And she did a presentation
25 I would say about a few days ago. I'm not exactly when she did the presentation. But Olowalu
26 was really, really in the red when it came to identifying historic properties, and identifying change
27 on the shoreline. So I really feel that before we even step forward, we need to look at what has
28 been analyzed by Dr. Janet Six, knowing that now she becomes the best resources not only for
29 Cultural Resource Commission, but also for the Planning Commission as well. That's a priority
30 that we've been looking at for a long time by getting somebody in there to address the issues
31 pertaining to 343 and the County ordinances code. And now we get somebody on the ground that
32 can look at these kinds of things. So the monitoring, yeah. I'm more in support of that, but it
33 depends on the red zone of the area and whether or not those areas should be monitored or not.
34 So I hope I answered your question.

35
36 Ms. La Costa: You did. Mahalo nui. Keep up the good work.

37
38 Mr. Tackett: Do we have any, do we have any other questions for Keeaumoku? Thank you, my
39 brother. I appreciate it.

40
41 Mr. Kapu: Thank you so much.

42
43 Mr. Tackett: May we have our next testifier, please?

44
45 Ms. Cecilia Rose Riley: This is Cecilia Rose Riley. Hello?

1
2 Ms. Maydan: Okay, our next, our next testifier is Victoria Kaluna Palafox followed by Kahikilani
3 Niles.
4
5 Mr. Tackett: Keeaumoku, I think your video is still on. Go ahead Victoria.
6
7 Ms. Victoria Kaluna Palafox: This is Victoria Palafox.
8
9 Ms. Riley: Hello? Hey. It's me.
10
11 Mr. Tackett: Could someone please turn off Keeaumoku's camera, please? Thank you.
12
13 Ms. Riley: This Cecilia Rose Riley. I haven't gotten to testify because every time I mute it's not
14 hearing me.
15
16 Mr. Tackett: Okay, well we can hear you know Cecilia. It's a go.
17
18 Ms. Riley: Okay. Awesome. Thank you much. I'm testifying on all four . . . (inaudible) . . . hugely
19 offended by the assumption that there are two options for this areas, these areas to be . . .
20 (inaudible) . . . or to be like . . . (inaudible) . . .
21
22 Mr. Tackett: Cecilia, we cannot hear what you're saying. Do you, do you have a place where
23 there's better reception where you live?
24
25 Ms. Riley: How is this? Can you hear me here?
26
27 Mr. Tackett: That's better.
28
29 Ms. Riley: Okay, so the affordability is . . . (inaudible) . . . the project said like 25 percent of the
30 homes that they were going to build would be affordable. And we know that developers are not
31 actually building affordable homes. They're building the market rate homes, they're filing
32 bankruptcy as soon as the affordable homes are built. So they are saying that they can afford to
33 build the affordable homes. And so they're using it as a prop to try and get projects to be heard
34 without actually having any intention of building affordable. And so besides all the things that like
35 it's a horrible idea to develop in Olowalu area, in this whole general area because it's
36 disconnected, it's incrementally sensitive, and all the rest of it. It is ag land. It was bought as ag
37 land, sold as ag land, paid a price for ag land, and should remain ad land as it is in the community
38 plan and have been told over and over. Like this guy is just trying to get one over on community
39 by trying to change what should be going in there so that we can profit more from what's going to
40 . . . (inaudible) . . . you know square footage. So I just . . . (inaudible) . . . you know, offended that
41 it is proposed that it's got to be these different. You know, it's either going to be 18 gentlemen
42 estates, or it's going to have these, like, developments that threaten our community. Think it's
43 offensive that we're having a special meeting, but bringing this up at all . . . (inaudible) . . . number
44 of times we've gone over how inappropriate it this kind of development in Olowalu is . . . (inaudible)
45 . . .
46

1 Mr. Tackett: Thank you, Cecilia. Does anyone have any questions for Cecilia? Thank you very
2 much. Could we get our next testifier please?
3

4 Ms. Maydan: Chair, our next testifier is Victoria Kaluna Palafox followed by the Kahikilani Niles.
5

6 Ms. Palafox: Aloha Commissioners, Chair. My name is Victoria Kaluna Palafox. I reside in the
7 area of Ukumehame, and I support the Community Plan Advisory Committee draft in its fullness,
8 in its entirety. I also would like to see and keep Olowalu and Ukumehame ag land . . . (inaudible)
9 . . . about the area in Olowalu being very sensitive. Stories have been told to me from my . . .
10 (inaudible) . . . my pass, way before even the battle. That area used to be a city of refuge. And if
11 you cannot understand what a city refuge is. A city of refuge would be some place, and there's a
12 boundary line, if you committed something outside of that boundary line in Lahaina or somewhere
13 around the island and you were able to make it safely into Olowalu, you'd be safe. But then you
14 would be, need to stay in that area. So it has a whole lot of history for me and meaning to me.
15

16 And also, I was arrested on Tuesday on Mr. Peter Martin's property that he claims to own through
17 a TMK where we know that our land commission covered by road patent is a true deed of the
18 land. It shows you clear ownership of property.
19

20 I also have a problem with the companies that they hire, their archaeologists. At the time when
21 our kupuna was found a few days ago, it probably wouldn't have been hit so hard if that individual
22 archaeologist was standing completely over the hole watching every scoop. He wasn't. He was
23 in his truck, in the A/C.
24

25 The other thing is that West Maui Land and its subsidiary, all the challenges that they have put
26 us through, the families of kuleana land in the area of Lahaina has, has no clear and good ethics
27 practicing with kanaka maoli families, with local families that I've heard him cry and say that he
28 wants to keep his land that he bought to leave for his . . . (inaudible) . . . so that they may build
29 homes for other people. I just want to make clear that we don't need help in building homes. We
30 know exactly how to build homes. We know exactly how and where to build a home where we do
31 not destroy or interrupt life itself. We should be building homes according to the land structure,
32 not to the thought that we think or heard through the grapevine this area is good to build homes.
33 Sometimes it may look like it. But I am really against when there is a planning like this. I disagree
34 with Mr. Peter Martin always wanting to change things as --
35

36 Ms. Takayama-Corden: Three minutes.
37

38 Ms. Palafox: -- like, oh, the community is not part of CPAC or have not been part of CPAC. I stand
39 for my, my family, and my family is hundredfold. So I am here sitting and talking to you with 500
40 of my family in the back of me. So Mr. Peter Martin, I think you need to turn in your badge. Let
41 kanaka people start building on their land. We have smart students in MCC that are great
42 engineers that can help their own people to develop these lands the way it's supposed to be. And
43 anyway, when the developer, the developer destroyed the land, the kanaka maoli is the one that
44 comes in the . . . (inaudible) . . .
45

46 Ms. Takayama-Corden: Four minutes.

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Ms. Palafox: So we need more talented people that know what they're really doing.

Mr. Tackett: Excuse me, the three minutes is up, so got to, got to be fair. Thank you so much.

Ms. Palafox: Thank you.

Mr. Tackett: Thank you. But we might have questions. We might have questions, though. Does anybody have questions? Anybody have any questions? Well, thank you so much for your testimony. I really enjoyed it.

Ms. Palafox: Thank you.

Mr. Tackett: Thank you. Thank you. Can we get the next testifier please?

Ms. Maydan: Our next testifier is Kahikilani Niles followed by Consuelo Apolo Gonsalves.

Mr. Tackett: Thank you Kahiki. Go ahead.

Ms. Kahikilani Niles: This is Kahikilani Niles. I was born and raised here in Lahaina, and I just want to say thank you for your time. And I'm support, I'm in support of the community plans where they want to leave it as ag. I don't think it should be subdivided anymore. And you know, like everyone else was saying . . . (inaudible) . . . developing without an AIS being made . . . (inaudible) . . . And you know out in Olowalu there's like places . . . (inaudible) . . . there's burials, you know. So I think that everything that needs to be done, you know, as far as making sure that nothing is destroyed or lost for the kanaka maoli. You know those things need to be done before they move forward and anything. But, as far as know . . . (inaudible) . . . You know, they said they did their research. They know where everything is, but they still when hit iwi kupuna. So, you know, but yeah, that is I guess I'll leave it at that.

Mr. Tackett: Thank you. Do we have any questions? Thank you so much.

Ms. Niles: Okay, mahalo.

Mr. Tackett: May, may we have our next testifier, please?

Ms. Maydan: Next testifier is Consuelo Apolo-Gonsalves followed by Noe Ahia.

Ms. Consuelo Apolo-Gonsalves: Aloha. Hi. My name is Consuelo Apolo-Gonsalves. I agree with the community planning. And as far as the affordable homes, Peter Martin need for stop using affordable homes. Because to me it's not affordable. I mean, when I bought my home was like \$100,000, you know, so, and that was 20 years ago. And besides we . . . (inaudible) . . . are finding their way home. We also need to fill with the Land Commission Awards besides all burial site of our iwi kupuna. But I think we need to stick to the, to the community planning, and enough of this affordable home. Like what it is affordable? We cannot afford \$500,000. Not even \$300,000, so yeah, I'll leave it as that.

1
2 Mr. Tackett: Thank you.

3
4 Ms. Apolo-Gonsalves: Mahalo.

5
6 Mr. Tackett: I can appreciate that, but we might have questions. Let me let me check if, if anybody
7 has questions. Does anybody have questions? And, and I agree wholeheartedly. Like, even
8 300,000, it's hard for anybody to afford anything on Maui with the normal jobs that we have on
9 Maui at 300,000, you know. There's, there's not a lot of jobs that can, you can qualify at 300,000
10 so point taken. Thank you. Can we have our next testifier please?

11
12 Ms. Maydan: Next testifier is Noe Ahia followed by Junya Nakoa.

13
14 Ms. Noe Ahia: Aloha mai kakou. I'm Noelani Ahia. Can you hear me okay?

15
16 Mr. Tackett: Yes, we can Noe. Thank you.

17
18 Ms. Ahia: I'm here out in . . . (inaudible) . . . with these other folks. And I just want you guys to
19 know the last three wahine, Kahiki Niles, aunty Cuelo Apolo-Gonsalves, Keikiluna Palafox as well
20 as Kapu, Keeaumoku Kapu, were arrested last week Tuesday defending iwi kupuna project that
21 Peter Martin is doing for his unpermitted water lines. These women put their bodies in front of a
22 gigantic machine with a four-foot bucket with huge blades that was digging through the aina in a
23 very, very sensitive area known to contain burials. They were arrested. These are wahine that
24 have kuleana to this aina, and kuleana to protect iwi kupuna. That they were taken . . . (inaudible)
25 . . . and criminalized by MPD. They were arrested under the premise of being citizen's arrest on
26 behalf of the land owner and the construction company. Highly illegal. Several days later, iwi
27 kupuna was hit on the same project further down the line. That was our "I told you so moment."

28
29 They need to wake up and listen to kanaka maoli when we say get iwi kupuna. That's our
30 ancestors. Nobody wants their ancestors desecrated. Olowalu is a highly sensitive area. I've
31 spoken with multiple archaeologists who've done work in that area and say that just about
32 anywhere you go there's going to be iwi kupuna, not to mention heiau and petroglyphs, cultural
33 layers. This is not an area to put housing. You make it sound like you're doing us a favor by
34 putting, you know, multiple subdivisions instead of 18 gentleman estates. There's gentleman
35 estates all over the west side that are for sale right now that are not selling. We don't need that
36 and we don't need these subdivisions either. Not in these sensitive areas.

37
38 As Keeaumoku said Dr. Janet Six is working on a cultural overlay map, and I highly suggest you
39 folks get your hands on that before you make any decisions about planning going further. This
40 map is in the very, very early stages and it is not complete by any stretch of the imagination. It
41 has limited . . . (inaudible) . . . Already the Olowalu area is -- they're going to, they're going to
42 phase it like red, yellow. I'm not sure what the other colors are, but red is high sensitivity, and
43 Olowalu is red all over the place. Which means it's highly, highly, highly sensitive culturally. We're
44 asking for respect. We're asking for respect of who we are as a people. And development has
45 been privileged by the rules and laws of the separate government for far too long whose kanaka
46 maoli who pay the price. This is literally cultural genocide. And we listen to Peter Martin and the .

1 . . (inaudible) . . . testimony say that, oh, the archaeology survey was done and they didn't find
2 anything. Do you know why that is? Because those archaeologists are contract archaeologists
3 who are paid by developers . . . (inaudible) . . .

4
5 Ms. Takayama-Corden: Three minutes.

6
7 Ms. Ahia: They paid for an outcome. I want you folks to please think about. . . (inaudible) . . .

8
9 Mr. Tackett: Thank you.

10
11 Ms. Ahia: -- aina before you make any decisions. And please stick with the community plan as is.

12
13 Mr. Tackett: Thank you. Thank you for your testimony. Please hold on and see if we have any
14 questions. P. Denise, you got a question?

15
16 Ms. La Costa: Mahalo for your testimony. Aloha. Can you please tell me if you know when Dr. Six
17 is going to have that map finished?

18
19 Ms. Ahia: I don't. I'm not . . . (inaudible) . . . Michele McLean because Janet is a county employee.
20 And we saw this map at the EACP committee meeting that was on Blue Jeans last week. So that
21 was the first that I had seen it. But Michelle McLean would probably be your connection to that
22 data.

23
24 Ms. La Costa: Mahalo nui.

25
26 Ms. Ahia: . . . (inaudible – Hawaiian) . . . And thank you for your time. It's much appreciated, and
27 aloha.

28
29 Mr. Tackett: Do, do we have any other questions?

30
31 Ms. Ahia: Sorry.

32
33 Mr. Tackett: No, no problem. No problem. Any, any other questions for the testifier? Thank you
34 so much for your testimony.

35
36 Ms. Ahia: Thank you very much for your time. It's much appreciated. Aloha.

37
38 Mr. Tackett: Can we get the next testifier, please. Junya.

39
40 Ms. Maydan: Chair, the next testifier is Junya Nakoia followed by Tiare Lawrence.

41
42 Mr. Junya Nakoia: How's it. Junya Nakoia. I'm testifying on all four of the projects. I know the
43 developers in the beginning they was mentioning about a 201H and all that stuff, you know, you
44 guys change the zoning that they can get, you know, this kind of project for get the locals into
45 houses. I've been involved with a lot of these 201H. If you one greedy developer, like these guys,
46 you can get around it and you can screw us locals up. Where you make the houses expensive

1 like \$500,000 in the affordable range, and then us locals cannot, cannot pass the, pass the loan
2 for that thing. Then after that, once we cannot pass them then they put them towards market so
3 now the bugga is just a market home now. So that's how we get screwed by the 201H. He no
4 help us out. He does not help us out.

5
6 What else...what you call, yeah, and then I support the community plan. And I think you guys,
7 thank you guys for your time and all your hard work for all day today and night listening to the
8 community talk. But the community plan says it all. Keep it ag. Don't change it. So far I've been
9 here on top this thing since 1:55. You know you guys to run late. That's okay. You guys when
10 work hard earlier. But all testifiers, everyone that when testify except for the developers no like
11 this thing happen. So please, listen to the community, listen to us when we talk or else, you know
12 what I mean, po-ho you guys do this community stuff if you no listen to the community.

13
14 Yeah, so this 201H no work where the thing is 500,000. Even 300,000, like you was saying
15 Chairman. They can make 'em \$100,000 if they, if they really want to make it affordable for the
16 locals. It can be done because I've been part of it and I've seen it can happen. But these guys
17 they no like, they like make money both ways and they like screw us locals. They think us dumb.
18 Let's show them we not dumb. We smart buggas. Yeah, mahalo.

19
20 Mr. Tackett: Thank you, Junior. Do, do we have any questions for Junya? Thank you, Junya, for
21 your testimony. Appreciate it.

22
23 Mr. Nakoa: Mahalo.

24
25 Mr. Tackett: Can we get our next testifier please?

26
27 Ms. Maydan: Chair, Commissioner Pali is raising her hand.

28
29 Mr. Tackett: Yes. Yes, Commissioner Pali?

30
31 Ms. Pali: We've been going about two hours. . . (inaudible) . . . have, Jen, can you confirm five or
32 six people left and I'm hoping we can get a quick ten-minute break, please.

33
34 Mr. Tackett: Sure.

35
36 Ms. Maydan: Yes, we have six people signed up.

37
38 Mr. Tackett: Is everyone okay with the, with the -- how many minutes would you prefer, Kellie?
39 Ten? Everybody okay with a ten minute, the ten-minute break? How long? Let's, let's make it ten
40 because everybody's giving me different numbers so let's just stay with, with Kellie's. So ten
41 minutes everybody. Ten-minute break and take care of what you guys got to take care of. Thank
42 you.

43
44 *(The Maui Planning Commission recessed at 5:23 p.m., and reconvened at 5:35 p.m.)*

45
46 Mr. Tackett: Thank you. And I believe we're ready for our next testifier.

1
2 Ms. Eaton: Okay Chair, this is Pam Eaton. Jen had to log off and log back on. She's having some
3 technical issues. The next testifier is Jennifer Vander Veur. Jen, are you on the call?
4

5 Ms. Jennifer Vander Veur: Good evening. Thank you, Commissioners. Thank you for taking time
6 to listen to everybody's testimonies. My name is Jennifer Vander Veur. I'm a Maui program
7 manager for the Coral Reef Alliance, but I'll be offering the testimony as myself. And I'll be brief.
8 I just want to echo what everybody else has said from how culturally significant this area is, and
9 that it should be left out as it is. That the reefs off shore of this area are very important and they
10 need to be protected. That we need to address moving the road, and the sooner we do it, the less
11 that will cost us. And that when we're looking for planning, making sure that we're building outside
12 of the projected sea level rise so that we don't just keep compounding a problem that we already
13 face. And I agree with the other testifiers that this isn't the appropriate place for affordable housing
14 and the plan should be left as it is. Thank you.
15

16 Mr. Tackett: Thank you. Do we have any questions for the testifier? Thank you so much.
17

18 Ms. Vander Veur: Thank you.
19

20 Mr. Tackett: Do we have our next testifier please?
21

22 Ms. Eaton: The next testifier I have is Kameaaloha Laborte, has she testified yet? Or he? Sorry.
23 Kameaaloha, no, are you on?
24

25 Ms. Kameaaloha Laborte: Hello?
26

27 Ms. Eaton: Thank you.
28

29 Ms. Laborte: . . . (inaudible) . . . Laborte . . . (inaudible) . . . I am Kameaaloha Laborte and I
30 belong to Lahaina. I agree with the community plan to keep the lands as ag. Our families, our
31 people have been saying this for years. We do not need more development. We do not need
32 more gentlemen estates. We do need more affordable housing. But to put affordable housing in
33 Olowalu is...it's not appropriate because it is too far from the cities like everybody else have been
34 saying. And I just I, I agree with the community plan. Mahalo.
35

36 Mr. Tackett: Does anybody have any questions for Kameaaloha? Thank you for your testimony.
37 Could we get our next testifier, please?
38

39 Ms. Maydan: Next testifier is Jenny Pawai followed by Kaipo Kekona.
40

41 Ms. Jenny Pawai: Aloha. I just wanted to testify against all four projects. I don't really want to
42 reiterate what everybody said, but I agree completely with all the points that everyone has made.
43 But I did want to reiterate the fact there is no water, no sewage, it's a historical site, and it's quite
44 simply isn't affordable housing, along with the sea level rising. I also wanted to point out that why
45 are the two options, gentlemen housing or building a completely new town in Olowalu. I'm not
46 too familiar with the County permits and whatnot, but wouldn't, wouldn't there be an option to

1 either turn that whole area into a conservation land or change the permits so that if you're not able
2 to build considering it's it has such huge historical significance. I think affordable housing should
3 be done by the County, not by developers. Especially not by this developer because he has shown
4 time and time again that he is not for the community. He is only interested in profit. And at what
5 point does he, does he get -- he keeps getting a pass. He keeps trying with Olowalu. At what
6 point do you tell him to stop and move on to something else? Move on to something that that isn't,
7 you know, a wolf and sheep's clothing so to speak. And I believe that --. Oh, no, that was it. That's
8 all my points. Mahalo.

9
10 Mr. Tackett: Thank you, Jenny. Does anyone have questions for Jenny? Next testifier, please?

11
12 Ms. Maydan: Kaipō Kekona followed by Danielle Haia.

13
14 Mr. Kaipō Kekona: Aloha, mai kakou. My name is Kaipō Kekona. Can you guys hear me?

15
16 Mr. Tackett: Yes we can. Yes we can Kaipō. Thank you.

17
18 Ms. Maydan: Yes.

19
20 Mr. Kekona: Thank you. So I'm born and raised here in Lahaina, a native Hawaiian. I sat on the
21 GPAC and was active in the CPAC as presenting on agricultural properties and farm lots. I
22 manage -- it currently manage a regenerative agricultural farm educational site here in Lahaina.
23 And I want to testify on behalf of all four subjects and most of them probably won't reach the three-
24 minute limit, but I would start with Olowalu and my three limit, my three minutes. So everybody
25 objects and the environmental impact and they said that the project would incorporate all those
26 best management for erosion and run off. And generalized, no brainer, any urban or rural
27 infrastructure established on land causes more runoff due to less available land for water seepage
28 and percolation to our water tables. So that's --. And then with the current status of that, of this
29 company, if you've been keeping up to date with in Olowalu they still can and encroached upon
30 State property, bulldozed the entire shoreline, massive erosion and run off. Those, that's currently
31 happening as we speak, and they're, they're saying that they're going to, that they're going to
32 maintain and they can and will do the best practices to develop that area. The current actions that
33 they're, that they're doing doesn't speak to that subject at all whatsoever.

34
35 Also, archaeological studies in Olowalu, it reveals that the shallowest burial sites dug up in
36 Olowalu was a foot and a half below the filling layer of our previous Pioneer Mill agricultural use.
37 Normally when you find a burial that shallow, it's, the magnitude of how many burials are in the
38 area, there are so many that they had to bury on top of others and that it was that shallowly place.
39 That kind of gives you a magnitude and understanding of how much burials potentially will be
40 found there, knowing that, you know, people speak mainly of the Olowalu massacre. But even
41 previously before the massacre. That's why that place was a massacre because there's so much
42 people there that resided in the area and it flourished with food, with water. It was it was a very,
43 very well managed and established place providing agricultural use. We may not have the same
44 resources available to do multiple different reasons; global warming, and overdevelopment and
45 tapping all these different well systems. So that's all to be discussed on later.

1 So that's kind of my, my wrap up for Olowalu as far as my, my concerns there. I totally support
2 the CPAC. We've been involved in there. I've been active for quite a long time. The GPAC was
3 somewhat 13, 14 years ago or so, and --
4
5 Ms. Takayama-Corden: Three minutes.
6
7 Mr. Kekona: -- we're just trying to stick it to that. Okay, so that will wrap up my Olowalu concerns.
8 And then we'll move into Puunoa, Makila, those, those project that they mentioned in those --
9
10 Mr. Tackett: Kaipo? Kaipo?
11
12 Mr. Kekona: Yeah?
13
14 Mr. Tackett: We only get three minutes for all three my brother.
15
16 Mr. Kekona: How, how is that possible? The presentations got their time, and we don't have our
17 individual times for every presentation, for every subject?
18
19 Mr. Tackett: Everybody, everybody gets the same three minutes no matter what. So they testify
20 on either one or all four points.
21
22 Mr. Kekona: . . . (inaudible) . . . on all projects in three minutes?
23
24 Mr. Tackett: Well, that's just what everybody gets, you know, because, like, we've been through
25 like 60 today, and then three times 60 that's, that's like all day and night.
26
27 Mr. Kekona: You got through 27. I've seen the list. You only had 27 people signed up.
28
29 Mr. Tackett: Yeah, but we've been going since nine o'clock this morning yeah, so, so we had
30 meetings before this too. And the time limit for them was three minutes as well. So but what I can
31 do --
32
33 Mr. Kekona: Were they testifying on four subjects?
34
35 Mr. Tackett: They were, they were on all different types of subjects. It's just the standard across
36 the board. But what I can do is try get questions. So you covered Olowalu. What was the next
37 one you were going --? I see two people want questions for you already.
38
39 Mr. Kekona: I want to speak mainly on the water issues within the areas of Makila, Puunoa and
40 what's currently happening with the water, the . . . (inaudible) . . .
41
42 Mr. Tackett: Okay, let me, let me start with P.D. P.D., do you have a question for Kaipo?
43
44 Ms. La Costa: Thank you Chair. I have. So we -- you talked about one area and then you started
45 to talk about the others and, and your time was up. But I am really interested in what you have to
46 say about the other areas, so could you please answer my question? Thank you.

1
2 Mr. Kekona: Okay. So the watershed known in this area is Launiupoko watershed. That feeds
3 from Launiupoko here over to . . . (inaudible) . . . Lahainaluna. That's the boundary line of this
4 watershed. This watershed is, is tapped in by two different PUC's, all aliases under West Maui
5 Land Company. These PUC's, one is unlimited, which is doing the groundwater systems. Then
6 you have another PUC which the Launiupoko Irrigation Company and Lahaina Water Company.
7 Launiupoko Irrigation Company has a cap on it and that's surface water use. With, with the interim
8 . . . (inaudible) . . . standards from these, from both, from this entire watershed that they're looking
9 to provide water for them is 1.33 million gallons a day to 6,000 acres. And that's under that cap
10 PUC license.

11
12 My farm site that I, that I operate under is dependable upon this same water system. Currently,
13 they are, due to their bill of sales with all the user off of this system, they've asked for an increase
14 in rates. This increase in rates is a dramatic change to the costs, which was promised they were
15 going to have a dual water system for all users. Which would have been a potable . . . (inaudible)
16 . . . They have run out of their non-potable system and it's been only left to provide with potable
17 water. So currently they're giving potable water into the irrigation system for the users that are
18 currently using which, which in result jacked up the price dramatically in all of these places, and
19 then turned into lawsuits against the company. That's what's causing them to now scramble and
20 going through different sections and crossing multiple properties to install these water systems
21 that are, that are very controversial in our community. Those kinds of, and this thing, and it's a
22 salinity well system that they're, that they're even sucking off at that point. It's really bad. We get
23 it tested. Our well site, that's the secondary system for our, for our farm site in the event that our
24 . . . (inaudible) . . . shut off we have a secondary system. That salinity well . . . (inaudible) . . . all
25 of these with this, this line that they're laying in place right now crosses over those three projects
26 that are in front of you today, as well as for . . . (inaudible) . . . some projects that aren't being
27 presented to you guys within the same arena. There's at needs another four more projects,
28 development projects pending in that area . . . (inaudible) . . . depending on these things. Very
29 vulnerable, very outdated, and mismanaged water systems that we have to deal with right now.
30 So that's a huge concern and should be an automatic red flag to come forward especially without
31 consulting through the CWRM . . . (inaudible) . . . regulations in place now.

32
33 Ms. La Costa: So excuse me, are you saying that there is not enough water because the non-
34 potable has run . . . (inaudible) . . . for farming? So if there are all of the projects on the boards, if
35 they get approved, then we're going to have an issue with water?

36
37 Mr. Kekona: Yeah, without a doubt for that on that subject. So not I'm not saying that because of
38 the groundwater has run out. But the State has gone through, in the Constitution, they're required
39 to provide an interim . . . (inaudible) . . . standard. Now interim . . . (inaudible) . . . standard we
40 can go through that and the whole definition, but it's basically trying to put water back into the
41 streams, maintaining that mountain to ocean or mauka to makai, if you will, flow that, that is
42 required for the State to do in the State, in the Constitution. So that, that largely took away a lot
43 of water that this development company and projects were depending on. So in that result, they're
44 going for wells. In the same area of Puunoa or Makila, there's a, there's an empty space in that
45 map that you look at, in between the two different projects that they proposed to you. That place
46 there belongs to a gentleman named . . . (inaudible) . . . already applied for a, a exploratory well

1 permit through, through the County, and he's not having any success in finding a good water, a
2 good potable water source in that area, which is kind of a bummer. Because he, he doesn't have
3 a water system to provide for his development that he wants to be creating in there. And I think
4 he has a pretty good project coming forward speaking to the fact of our native housing, and, and
5 the cost rates. He's willing to go really, really low in the, the average medium household income
6 system, the scale set up. It's a good project, but even so, there's no water and he knows it. So,
7 that's already a problem for him, let alone these other projects that are pending.

8
9 Ms. La Costa: Mahalo nui. Appreciate your input.

10
11 Mr. Tackett: Anybody, anybody have any other questions for Kaipō? Kaipō, I've got a question for
12 you. You know the 18 lots that they got in Olowalu?

13
14 Mr. Kekona: Yeah, I'm glad you brought that up.

15
16 Mr. Tackett: Good. So that my struggle is that --. I was raised here. I'm not Hawaiian by blood but
17 I'm from here. I went to the public-school system. I got a job. I've got a house. When I look at the
18 houses right now and I look at my classmates, I know none of them can afford them, you know.
19 Like nobody getting nothing. So what I'm struggling with right now is if, if we don't allow a small
20 portion of affordable to go there, then you're just going to end up with 18 big lots. You see what
21 I'm saying?

22
23 Mr. Kekona: Yes, I do. So I'm not sure --

24
25 Mr. Tackett: Okay. And I just, I just want to know your feeling on that.

26
27 Mr. Kekona: Right. Right. I'm not sure what your guy's bounds or limits are on that fact, on that
28 matter. That property is currently 18 lots, and I totally understand that we need housing. And I
29 totally and supportive of good planning development projects more close to town where --. And
30 then hopefully we can find the water resources available for that system. 18 versus 250, even if
31 it's just a small portion I wouldn't, I still can't support it in the area. There's no water. There's a
32 huge historical sensitive area. And I my, my end result would be everybody speaking like, you
33 know, once you go into development you can't go back to ag. Well, the only option that you really
34 have, in my opinion, is leave it as open space or parks. And that can still convert back to ag. . .
35 (inaudible) . . . moment we find water.

36
37 Mr. Tackett: So, so if you have the choice between 18 Launiupoko lots developed or 15
38 Launiupoko lots developed and some affordable what would you pick in that, in that, if that's what
39 was on the table? Just go with the 18?

40
41 Mr. Kekona: You said, you said from 18 Launiupoko lots to 15 Launiupoko lots and a few
42 affordable housing? That would just take off three lots? You're going to only minus three lot 18 to
43 15? I wouldn't go with that. I'd really be firm and press at least a 50/50, at least. You want to
44 give, you want to do this many lot at that much acreage, then you need to have this many, that
45 much acreage cut in half and provide affordable housing at that rate.

1 Mr. Tackett: So what I'm, what I'm saying is, what I'm saying the guy he owns 18 lots that he can
2 sell, yeah. He has 18 lots he can sell. And now he says he might take some of those lots and
3 make affordable housing out of them. So it's like either we, we make some sort of scenario where,
4 where we can make some affordable out of these 18 lots, and it will eat up a few of those lots. Or,
5 if it doesn't happen, then he can just sell them, you know what I mean? And he don't have to ask
6 anybody because they already lots, you know.

7
8 Mr. Kekona: Right. So status quo --

9
10 Mr. Tackett: So that's where it puts pressure on the . . . (inaudible) . . . stuck. Yeah, that's where
11 we're stuck right now.

12
13 Mr. Kekona: So apparently you have the position to say, okay, we don't like 18 big lots and we
14 want to have some affordable done in the area. Now, the 18 big lots have a certain amount of
15 acreage. And I'm saying take that whole 18 lot acreage split it . . . (inaudible) . . . And at first and
16 foremost for the record, I am not in support of any development in that area so this statement
17 does not say that I would favor it if it was this way. But I would take it at a 50/50 percent rate. And
18 I would say 50 percent of that acres of those 18 lots need to be affordable housing, and then the
19 50 other acreage total would have to be whatever the hell he wants to make it. But that's all I can
20 say as far as if I had to pick the lesser of both evils.

21
22 Mr. Tackett: I agree 100 percent with you. But what there is, is just either he going sell the 18 or
23 we're going to try to help him to try and make some affordable. You know what I mean? And I
24 agree wholeheartedly with what you're saying.

25
26 Mr. Kekona: Right? Why can't, why . . . (inaudible) . . . the some affordable be 50 percent? Even
27 what you guys say, he can still go against what you guys say. He doesn't have to say. He doesn't
28 have to agree with you. So at that point you might as well shoot for the stars and go for 75 then
29 at that point and knock it down to 40.

30
31 Mr. Tackett: Yeah, but the thing is, is if you went for 75 or you went with the 50, then you got to
32 increase the amount of urban area. And what they're trying, what we're trying to do is keep the
33 urban area small. You know what I mean? So they're trying to keep the urban area small.

34
35 Mr. Kekona: Yeah.

36
37 Mr. Tackett: Yeah. You see? So that's, that's what all nine of us is struggling with right now. In
38 my opinion, and this is my opinion, not the other nine, but my opinion, it's like either we let them
39 do the 18 and no affordable come from it or we get, or they do some of the 18 and we get some
40 affordable. And according to what everybody has said so far, nothing should be built over there.
41 But that's not what's on the table right now because those 18 lots are already approved. You know
42 what I mean? So that's what --

43
44 Mr. Kekona: Yeah, I follow, I'm following what you're saying.

45
46 Mr. Tackett: Yeah, that's what we're struggling with.

1
2 Mr. Kekona: So you . . . (inaudible) . . . at a point that you have the lesser of evils. You're trying
3 to get a little bit of good out of this really bad situation.
4
5 Mr. Tackett: Amen.
6
7 Mr. Kekona: I got you. I'm following that.
8
9 Mr. Tackett: Exactly. Exactly.
10
11 Mr. Kekona: But you're basically at -- I mean, you're basically at a negotiation point where you're
12 going to the guy and say, hey, you know, we understand that you got the lots approved and you
13 want to develop the area. Negotiations always start, you always go big. That's way I was always
14 thought you'd go at it. You know, you ask for more than what you're expecting and hopes that you
15 get closer to what you want to get, you know?
16
17 Mr. Tackett: But that would mean asking for more urban.
18
19 Mr. Kekona: I mean . . . (inaudible) . . . are at. Right. So then more pavement, less water, more
20 runoff, all those . . . (inaudible) . . .
21
22 Mr. Tackett: Yeah.
23
24 Mr. Kekona: Like I said, I'm not -- the place definitely isn't suitable for the development to take
25 place to begin with. Without a doubt, the coral reef has been an issue for decades. We can't, we
26 can't develop the area, and you're stuck with that problem because somehow the 18 lots are
27 approved.
28
29 Mr. Tackett: Correct.
30
31 Mr. Kekona: There has to be there --. So you can't just have A and B, there's always find an option
32 C. And I can't tell you what it is because I don't know your guys' limits and bounds as a Planning
33 Department. But I can't, I can't imagine being where you guys have like, okay, we got to beg for
34 crumbs for our community. I mean, we should be able to get a larger piece set aside . . . (inaudible)
35 . . . for the people . . . (inaudible) . . . this land owner testimony so many times that he wants to
36 provide housing for, for local . . . (inaudible) . . . He made the money . . . (inaudible) . . . paid for
37 it. And then you have kuleana families, families that have . . . (inaudible) . . . that just want to go
38 home and build their own houses without any of that stuff, without having any overhead costs.
39
40 Mr. Tackett: I understand completely, but --
41
42 Mr. Kekona: But he doesn't want to provide that for them either.
43
44 Mr. Tackett: Okay.
45

1 Mr. Kekona: And, and . . . (inaudible) . . . for a few little lots of, of homes in the area, it just doesn't
2 add up.

3
4 Mr. Tackett: Got it. I, I really appreciate you weighing in on that with me Kaipo, and I appreciate
5 the rest of the Commissioners letting me, letting me vent that because this is what I'm struggling
6 with. You know what I mean? That's what I'm struggling with right now. So anyway, thank you so
7 much Kaipo. Any, any other questions for Kaipo, Commissioners? Right on. Thank you.

8
9 Mr. Kekona: Aloha.

10
11 Mr. Tackett: Can we get our --

12
13 Ms. Maydan: Chair, the next testifier -- our next testifier is Danielle Haia followed by Tiare
14 Lawrence.

15
16 Mr. Tackett: Thank you.

17
18 Ms. Danielle Haia: Aloha mai kakou. . . . (inaudible -- spoke in Hawaiian) . . . I just wanted to
19 welcome everybody. Mahalo for letting me testify. I'd like to just share that I am not in support of
20 any type of development. I have been following and listening to what's been going on and I
21 appreciate you, you know, you guys position. So . . . (inaudible) . . . But again, you know where
22 the water is a big issue here. Before . . . (inaudible) . . . for anything is the water is an issue. Are
23 we even looking to fix that situation? Nobody's looking to fix that situation. Why? Because this
24 developer is not even considering that, right? It's all about make the money and it doesn't matter
25 what happens. He made his money, right? So, now, now it falls back on the State. Okay, we no
26 more water. What's going on, right? And so water's a big deal. Kupuna iwi is a big deal for us. We
27 just asking you guys to, to respect who we are and the place that that we are at.

28
29 Yeah. And so I am not in support of any type of development. And again, he's trying to change
30 the . . . (inaudible) . . . sticking to the original plan, if any, community plan. But no, no changes.
31 If any changes, leave it in open space. But yeah, that's my testimony. And I . . . (inaudible) . . .
32 yeah, what we the people here saying.

33
34 Mr. Tackett: Thank you. Do we have any questions? Any questions for the testifier? Thank you
35 so much.

36
37 Ms. Maydan: Our next testifier is Tiare Lawrence followed by Faith Chase.

38
39 Ms. Tiare Lawrence: Aloha Commissioners. Mahalo for all you hard work today. I know it's been
40 a long day. I wanted --. Sorry, I'm going to start out to say as much as I can within the three
41 minutes. But I wanted to testify in strong opposition to their proposed Puunoa, Makila, Olowalu
42 and Polanui project for many reasons.

43
44 I wanted to highlight the issue with 201H. My issue with the 201H is it bypasses environmental
45 reviews, but it also allows transplants, recent transplants that live here for one year to become a
46 State of Hawaii resident and enter themselves into the lottery. We've seen this problem all

1 throughout the State where recent transplants come in, they put their name into the lottery, and
2 then it hinders the chances of local generational families from getting an affordable home.

3
4 Huge opposition of Olowalu for many reasons. No schools, no walkability, no access to medical
5 facilities, prone to fires and droughts. Huge issue. Furthermore, the County should ban any
6 proposed permits or development in that area would be irresponsible for the County to issue any
7 permits until the location of the realignment of Honoapiilani Highway is decided. And that is a
8 major issue that I think the Commission to take seriously today.

9
10 And then I also wanted to highlight the history of these landowners. I mean, their violations go
11 back to 2000. I was a senior in high school when they did illegal dredging of coral at the landing.
12 And they had series, a series of other violations throughout the years. In 2015, TNT violations.
13 2016, illegal diverting of water. 2018, violations of the IIFS; in 2018, 2019 and 2020. On top of
14 that, the illegal grubbing that recently took place on conservation State lands. So I mean, basically,
15 if the County was to allow this to happen, it's like rewarding bad behavior. And so I would urge
16 you guys to consider that.

17
18 Furthermore I wanted to highlight the issue of, you know --. In closing I wanted to highlight my
19 ideal thought for Olowalu. I think Olowalu can be an amazing resource for education. It could be
20 a marine institute, you know. It could be, it should be preserved in conservation and agriculture.
21 When I was a kid, it was all sugar. My family and my ohana is from Olowalu. We grew up behind
22 the store. My family still lives there today. We never had issues of runoff, and sediment, and
23 erosion back in those days because there was active, vibrant agriculture taking place. Yeah, it
24 was sugar but the fact is agriculture kept those that soil, that top soil in place. So a lot of the issues
25 of erosion and sediment and the killing of the reef, which has been substantial since the land
26 owners took over these lands -- was it 1996 around there? -- has a lot to do with bad management
27 of these lands. And if it's zoned ag, they had what, 20 plus years to pursue agriculture and never
28 really did. And so I, I agree with the community. I think that the, the community spoke loud and
29 clear wanting agriculture to remain in Olowalu. But I would like to see more conservation and
30 open space dedicated.

31
32 Ms. Takayama-Corden: Three minutes.

33
34 Ms. Haia: Sorry. I mean, I have more to say, but it is what it is.

35
36 Mr. Tackett: Thank you, Tiare. Perhaps somebody has questions for Tiare. Anybody have any
37 questions? Kawika, go ahead.

38
39 Mr. Freitas: Thank you Vice Chair. Aloha Tiare, you had mentioned specifically Olowalu when
40 we actually are talking about several different ones. Did you mean Olowalu, the whole area, or
41 did you mean that one 18 lot planned development?

42
43 Ms. Lawrence: Honestly and listening to some of the comments earlier, I think the, I think they're
44 using the 18 lots as a scare tactic. I think it's total complete "shibai." They could --. The reality is
45 is the State and the County still needs to work together in identifying where the proposed
46 realignment is going to go. And perhaps portions of that realignment would have to be bought

1 from Peter Martin or West Maui Land Company themselves. So there still is the potential for the
2 land owners to still make money off of those lands with the proposed realignment route. Do we
3 know where that route is going to be? No, but that needs to be thought out. And so I just wanted
4 to put that out on the table. I think it's complete "shibai." I think it's a scare tactics. And honestly,
5 affordable housing has been brought up several times. Well, on the books, we have projects that
6 are including Pulelehua, Leiali'i, the DHHL Honokawai Homestead lots. We've got the Makila
7 project. We've got the Kai Ulu Kukui. We have Kai Ulu O . . . (inaudible) . . . We have Mahana
8 Ridge. These are all projects that are currently on the books being built with affordable housing
9 units. So, you know, we hear like, oh, we want affordable housing. Well, you know what? We
10 have several projects that are on the books about to be built in locations where there is walkability
11 and access to work and schools, medical facilities. That is where we should be building. That is
12 smart growth. A proposed town in Olowalu to me is irresponsible development.
13

14 Mr. Freitas: Thank you. You, you mentioned this realignment and I heard another testifier earlier,
15 Keeaumoku Kapu, who talked about 300 feet back. And you're saying realignment should be
16 done the right way. Do you have a suggestion for that or you're leaving it up to the State and the
17 landowner to decide that?
18

19 Ms. Lawrence: No, I think there should be a community led project. But in a perfect world, the
20 Olowalu is a very sensitive cultural area. Where they're proposing the realignment now would
21 basically put a major highway next to . . . (inaudible) . . . heiau, Puu . . . (inaudible) . . . where the
22 petroglyphs are. So I don't know. To me that takes away the cultural significance and integrity of
23 Olowalu. I am completely against their proposed route. I think there's old cane haul roads that
24 have already been impacted and grubbed, and would minimize the impacts of, of discovering iwi.
25 And I think, I think perhaps using portions of the existing highway and coming in back of Olowalu
26 Village would be the smartest thing to do. But I think we can, we can avoid a lot of the cultural
27 and environmental impacts that will come. But of course that would need an EIS to be completed.
28 We've proposed through the years that the County consider putting up the money to get the EIS
29 completed because this has been 30 years late, and we need the realignment of Honoapiilani
30 Highway, and I'm afraid that the next big storm we're going to be cut off and that would be
31 catastrophic.
32

33 And then foresee or allowing developments to take place without having a holistic approach to
34 where this realignment would go is irresponsible. And so I urge you guys to, to take, to take the
35 side of the community today and do the right thing. We have lots of affordable housing on the
36 books and let's work together to make it happen.
37

38 Mr. Freitas: Okay, thank you Tiare.
39

40 Mr. Tackett: Does anyone else any other questions for Tiare? Thank you, Tiare. Can we have
41 our next --?
42

43 Ms. Lawrence: Mahalo for your hard work. I know it's been a long day. Aloha.
44

45 Mr. Tackett: Can we get our next justifier, please?
46

1 Ms. Maydan: Your next testifier is Faith Chase, followed by Tammy Harp. And Tammy Harp is
2 the last person I had signed up. Oh, maybe not. But Faith Chase.

3
4 Ms. Faith Chase: Good evening. I've always wanted to come to your meetings and I am
5 appreciative actually of this new format so that I can. I just wanted to clarify the archaeology map
6 that was referred to a few times, it's new in the making. It is, it is fantastic. What, what the
7 archaeologist is doing is putting cultural overlays, working with the GIS staff member of the
8 County. And while not revealing sensitive burials and such, there's a parameter in which the
9 density of cultural sites and important sites are identified. So, yes, that is a new tool that is, that
10 should definitely be used in your process of evaluating things moving forward.

11
12 I just, you know, I guess I'm not from this area. I have many people I know that are concerned.
13 I've listened to all their concerns. I listened to the many testimonies. And I just want to key some
14 real caution. I, I really, it, to me, it doesn't matter where you are in the permitting and approval
15 process, the fact that you have a farmer that is asking for water is a very real subject. And it would
16 behoove you to go back to the drawing board or pump the brakes a little bit because in the
17 hierarchy of, of water and who gets it, riparian rights are first. Agriculture is first. And so in case
18 that might have escaped anybody's mind, I just wanted to say that and certainly get that on the
19 record.

20
21 And I also, I also understand and I also sympathize with people who know this area well and are
22 lineal descendants, or stewards, or protectors of that area. I certainly, I certainly heard that loud
23 and clear today. I do have one more mentioned that I'm not sure if any of the testifiers might have
24 mentioned earlier. But, you know, this is a new day and age. We have a lot of new laws and
25 communications that have come forward in regards to land commissioner awards, regardless of
26 what may have been decided before. If a clear title is not present, you can be sure that there won't
27 be 18 homes being built. If those people decide to come home to their lands, those lineal
28 descendants, you will have a whole bunch of new issues to deal with. And I just needed to say
29 that in closing, in case somebody didn't bring up clear title issues regarding land commission
30 awards. Thank you for your time this evening.

31
32 Mr. Tackett: Thank you. Do we have any questions for the testifier? Could we get our next testifier,
33 please?

34
35 Ms. Tammy Harp: Aloha.

36
37 Mr. Tackett: Aloha. Please state your name.

38
39 Ms. Harp: Aloha.

40
41 Mr. Tackett: I can, I can hear you.

42
43 Ms. Harp: Oh, Tammy Harp. Can I share my screen? Because means that we are visual people,
44 yeah. I need that and is self-explanatory, so I'll be quick. Mahalo.

45
46 Mr. Tackett: Sure. Go ahead.

1
2 Ms. Harp: Sorry. It's not --. Hold on. Okay, wait now. Sorry. Are you able to see this?
3
4 Mr. Tackett: Not yet. But sometimes there's a lag.
5
6 Ms. Harp: Stop sharing. No, I do not want to stop sharing. Oh, I'm so sorry. It's been a long day
7 for you folks and I appreciate it. Okay, it says I'm sharing. How do I grab it?
8
9 Mr. Tackett: I don't know.
10
11 Ms. Harp: I did it the last time.
12
13 Ms. Pali: If I may Chair. Tammy, if you, if you opened it up first on your screen and then you go
14 up and hit the share screen, it should, it should pop up.
15
16 Ms. Harp: Oh, okay, yes. Okay, and then the share screen is --?
17
18 Ms. Pali: There should be a little button that looks like a computer screen that you can hit to share
19 your screen.
20
21 Ms. Harp: Oh, I'm so sorry. Okay, I got my screen. I don't see a button. I see the microphone.
22 That doesn't help because usually it shows something, yeah. Oh, this is --. I'll just read what I
23 have and if anybody wants me to e-mail it, I'll do that. Thank you. I'll stop sharing because it won't
24 -- it doesn't want to. Maybe not meant.
25
26 I don't want to repeat what everyone else had said, expressed, and support --
27
28 Mr. Tackett: Excuse me? Excuse me, Tammy?
29
30 Ms. Harp: Yes?
31
32 Mr. Tackett: Just, just one second. Can we start Tammy's time now because I think her three
33 minutes is almost up? So go ahead and start her time now.
34
35 Ms. Harp: Okay, thank you. I just want to, I just want to say that I support all what has been said,
36 and that I won't be repeating what they said. But, um, I wanted to reflect on the West Maui power
37 point slides of 2012 that was the Maui Island Plan that was done by the Long Range Planning
38 Division. And in, on slide 23, they had directed growth strategy for West Maui. And on there had
39 about Olowalu. And, and it, and it was included at that time as urban and rural growth boundary.
40 And the Planning Department comment was that it didn't support that location for future growth
41 because of the lack of infrastructure or infrastructure constraints and all the other stuff that has
42 been expressed by the community.
43
44 And then also too on that same slide, there's the Pali to the Puamana Parkway, and it was
45 identified as a protection area. And the Planning Department's comment at that time was broad
46 support for this project as a way to address, address recreational and transportation needs.

1
2 And, and then there was slide number 24, and that was direct directed growth pitfalls, which had,
3 you know, talked about the high housing prices and gentrification and all that kind of stuff, and,
4 and the negativities. And, and that the residents' concerns have, you know, haven't been, you
5 know, as good land stewards, they haven't been good with the residents. And besides causing
6 illegal like in, you know, decades ago they did an illegal dredge at Olowalu Landing, and only got
7 a slap in the, you know, a fine. And that's one thing they have is money, and they can commit all
8 the, all the illegal stuff to the environment, and yet they just pay it off and pau. You know, next.
9 And then next infraction.

10
11 But anyway, the slides that I wanted to show you guys was that at the last slide, it was a, of a, the
12 peaks of Lihao and Ulaula. The two peaks of Olowalu Valley. And, you know, just as a tidbit,
13 Makila Point is the nose of Maui. And poor Maui we've been, you know, bopping its nose quite a
14 lot here. And, and you know, we have other places that can, you know, do the housing affordable
15 and all that.

16
17 But anyway, also, is it my understanding that the developers in Olowalu --

18
19 Ms. Takayama-Corden: Three minutes.

20
21 Ms. Harp: -- are threatening the residents with potentially selling the lots and letting the new
22 owners do whatever they want? But I thank you, folks, for your time and this long-haul day, and
23 pleasant evening to everyone. Mahalo.

24
25 Mr. Tackett: Thank you. Does, does anybody have any questions for Tammy? Could we have our
26 next testifier please?

27
28 Ms. Eaton: Yes Chair. The next testifier is Kai Nishiki.

29
30 Ms. Kai Nishiki: Aloha Chair.

31
32 Mr. Tackett: Aloha Kai.

33
34 Ms. Nishiki: Kai Nishiki testifying on my own behalf. I'll be sharing my screen. Okay, I can -- I'll
35 start my time now. Can you see my screen? Can you hear me?

36
37 Mr. Tackett: Yes.

38
39 Ms. Nishiki: Okay. To consider this presentation is highly inappropriate. It was not presented to
40 CPAC nor vetted by the community. This is wrong. Let's talk about housing units. Housing units;
41 the estimated housing units needed in West Maui by 2040 is approximately 6,900. Estimated
42 housing units possible with this plan is 7,950 which is over a 1,000-unit surplus.

43
44 So let's start with these facts. Housing is not needed in Olowalu to fulfill demand nor wanted in
45 this area by our community. Period. Let's count the testimony. Over 500 heartfelt testimonials to
46 support protecting Olowalu from further sprawl and degradation were submitted to the CPAC,

1 Planning Commission and the County Council. I didn't forward all these to you -- you're welcome
2 -- but they are available on the website. The developer tells a good story about wanting to provide
3 housing, and it's a nice vision and it sounds good. But let's, let's look at the actions of this
4 developer because actions speak louder than words. And if it quacks like a duck, well, I think you
5 know the rest. Numerous projects in Olowalu have failed to gain approvals from the State Land
6 Use Commission, Maui County Affordable Housing Committee, Maui County Council, and other
7 agencies time and time again. They have a documented history of continuously flouting laws from
8 the 90s dredging coral rubble near the landing and still continuing today with illegal clearing of
9 State conservation lands. These laws are meant to protect this ecological, cultural and historic
10 treasure. And this developer has outstanding and current violations, suspensions and reprimands
11 from the Department of Land and Natural Resources, West Maui Conservation District Board,
12 Office of Conservation and Coastal Lands, Department of Health Clean Water Branch, DLNR
13 State Land Division, County of Maui, Zoning and Enforcement, Maui Lanai Burial Council, Maui
14 County Department of Planning, Commission of Water Resources Management, and quite a few
15 more, all the while bragging about and profiting hugely from their misdeed, misdeeds on real
16 estate websites. Today, there is an advertising for our newly constructed, in 2020, \$8.5 million
17 ocean front gentleman estate on Makila Point with a 360-degree view created by Peter Martin
18 and Lawrence Carnicelli by illegally clearing shoreline State conservation land near a documented
19 cultural site while making fun of SMA rules.

20
21 So I guess what I'm saying is why would this body be motivated to grant entitlements to this pilau
22 developer? Have they proven to be good stewards of the land? Does this prioritize resident needs
23 over developer's greed? Is it supported by our community? Is it absolutely necessary? I've heard
24 Commissioners ask how will we protect these 18 so-called lots from becoming gentlemen estates.
25 You heard the developer say they are really serious about local people living here. Well put your
26 money where your mouth is Peter Martin and sell these to local farmers to feed our West Maui
27 community. There isn't a market for gentlemen estates. There's plenty available all-over West
28 Maui. Plenty of inventory of two acre lots and homes. They aren't selling. This is a false narrative.
29 Anyone with money and --

30
31 Ms. Takayama-Corden: Three minutes.

32
33 Ms. Nishiki: -- if they've done just a bit of homework they can see there are problems with water,
34 fire, burials, et cetera. Why would they --

35
36 Mr. Tackett: Thank you Kai. Does anybody have any questions for Kai? Kai, you got to stop
37 sharing your screen because I can't see, I can't see whether or not if anyone's raising their hands.

38
39 Ms. Nishiki: Oh, I'm sorry.

40
41 Mr. Tackett: No, no. problem. No problem.

42
43 Mr. Freitas: Vice-Chair, I have a question. Freitas.

44
45 Mr. Tackett: Okay, thanks. Kawika, Kawika has a question.

46

1 Mr. Freitas: Thank you Vice-Chair. Aloha Ms. Nishiki. You had mentioned --

2
3 Ms. Nishiki: Aloha.

4
5 Mr. Freitas: Aloha. You had mentioned this 2040, 6,000 housing units is needed, and yet you
6 had said that the developer, the developers here are putting out 7,200. Did you mean all of the
7 West Maui Plan or are you just talking about this area that we are talking about right now which
8 is -- I don't know what section we're in -- 3.5 to 3.7?

9
10 Ms. Nishiki: I was talking about, I was talking about all of the housing units within the plan that we
11 submitted that there are available lands and entitlements for 7,950. So almost 8,000 units are
12 possible. And we really focused on putting the housing where our communities said that they
13 wanted it which is close to jobs and schools and Lahaina town. And the estimated units that that
14 is estimated that we'll need is around 7,000. So there is already a surplus of 1,000 units in the
15 plan that we have or that we've submitted to you folks. So, you know, by Peter Martin saying, you
16 know, and he's the large, one of the largest landowners in West Maui and he's made millions of
17 dollars already. And now he's basically crying for mouth and trying to strong arm and spread fear
18 in our community by saying either give me the authority to develop the high-density housing or
19 I'm going to sell it to foreigners for gentlemen estates. It's just, it's a false binary option. There's
20 lots of, there's lots of options. Like if you guys really want to protect this area from gentlemen
21 estates, then put it in park and open space or conservation or create an ag park or a cultural park
22 or a beach for Awalua or Olowalu surfing area.

23
24 Mr. Freitas: Okay, thank you, Ms. Nishiki, and one more question. I don't know if I want to ask you
25 as the CPAC Committee Chair or as Kai Nishiki, but a lot of it of this area is only talking about
26 these developments. And again, it's the same question I asked prior about the cultural importance
27 of this area. I don't see much of it mentioned. Everybody's more worried about stop the
28 development. Was there a push for protecting the culture? And again, we talk about the heiau
29 and the petroglyph area, and how that would affect any development over there. Could you
30 comment on that?

31
32 Ms. Nishiki: Yes, absolutely. I think one of the big motivators and in saying that we don't want
33 development in this area, is cultural and, and the deep respect that we should hold for this very
34 important area. And any development will severely affect how cultural areas are viewed. Like if
35 you just put a highway right next to a heiau or the petroglyphs, like, how is that respectful? It kind
36 of loses its sense of place. And so it's, I think, that it's really important to preserve this area. Our
37 community wants to preserve this area into more of a place that would offer reverence and respect
38 for these areas. I mean, look down on the shoreline, what they're doing. They're, they just cleared
39 a cultural site. Went in there without a permit, without, without any monitoring.

40
41 Mr. Tackett: Kai, you got to stay on the question, though. If you go to a different, if you go to a
42 different road, then it's hard for us to finish, you know, and I mean? You got to, you got to stay to
43 Kawika's question please.

44

1 Ms. Nishiki: Well, I, I believe that I am because I'm demonstrating is that this landowner has not
2 shown proper reverence for cultural sites. And I'm illustrating that by, by their violations for clearing
3 and probably degrading the cultural site. So I believe that I am staying on the question.
4

5 Mr. Tackett: I believe he's asking you what, if, if there were any suggestions about how to protect
6 those areas. Not, not so much as what the infractions were, but what the ideas were that could
7 be beneficial going forward for that. I believe, if -- is that right Kawika?
8

9 Mr. Freitas: Vice-Chair, thank you. She answered, she answered by her first answer, which was
10 the whole area should be considered a cultural area, which I agree. Thank you, Ms. Nishiki.
11

12 Mr. Tackett: Thank you Kai. I think, I think we have more questions for you, though. P. Denise, go
13 ahead.
14

15 Ms. La Costa: Thank you Vice-Chair. Thank you Ms. Nishiki for your testimony. You mentioned
16 many, many, many issues and violations and fines, et cetera, et cetera, that were levied or are
17 levied against the developer. And I'm just curious, from where did you get that information if, if
18 that were something to look at in the future? Thank you.
19

20 Ms. Nishiki: If -- well, one, you can review all of the tapes of Lawrence Carnicelli's testimony to
21 the County Council and he admits what they did. There's also the zoning inspectors, which if you
22 look at the notices of violations, we could have zoning and enforcement officers come in. You can
23 have the DOCARE officers come in. And also all of the violations from OCCL are public records.
24 So is all of the violations from the County of Maui, Shoreline Management Area, all of those things
25 are, are public records. And I'd be happy to provide them to this Commission if they would like
26 them. And I'm sure, you know, Lawrence Carnicelli, he's your Chair, he could give them to you
27 because he's also the managing director. He's very familiar.
28

29 Ms. La Costa: Thank you Kai.
30

31 Mr. Tackett: Sorry. I forgot the button. Do we have any other questions for Kai? Thank you so
32 much Kai.
33

34 Ms. Nishiki: Thank you. Thank you for your time.
35

36 Mr. Tackett: Can we have our next testifier, please?
37

38 Ms. Maydan: Chair, the next testifier is Peter Martin, followed by Albert Perez.
39

40 Mr. Peter Martin: Oh, good afternoon. I mean, late evening. My name is Peter Martin. Let's see.
41 Lots of accusations. Can you hear me? Yes?
42

43 Mr. Tackett: Yes, I can hear you good.
44

45 Mr. Martin: . . . (inaudible) . . . busy day and I think you, I hope you read my letter, too, this
46 morning. I am very much interested in education. I'm in this. I appreciate my community a lot. I've

1 been involved in it for 50 years. I live in Olowalu. My daughter lives in Olowalu. My grandchildren
2 live there. Her husband. So we're very involved in Olowalu.

3
4 I just, I don't know how to address all these. I'll start with a blanket statement of violations. There
5 are notice of warnings. There are things, each thing if you address it one by one, we, it's been
6 shown we have not basically have we have notices of warnings. Something, but every -- they're
7 all minor things over a 22-year period. So I don't think there's an explanation and a reason for
8 every one and they were just -- I want to address them at a later date.

9
10 I want one fact to get out of. One fact we should look at is you had 13 members on the CPAC; 13
11 members. I talked --. Well, I didn't talk to every one of the seven, but I talked to most of the seven
12 starting with Don Gerbig. I said, do you agree? And he wrote a letter to you folks. He said he
13 supports housing in all these areas, okay. He supports housing for local people. That's Don Gerbig
14 on the CPAC. I think he lived there 40 years; children and all that. Next, Joseph Pluto, head of
15 West Maui Taxpayers Association, wrote you a letter, he says that he supports housing in these
16 areas. That's two. Then you go to Leilani. She wrote you a letter very clearly that she supports
17 housing. Okay, number four, Jeri Dean, principal of Lahainaluna. . . . (inaudible) . . . looks great,
18 has three children, born and raised in Lahaina, on the CPAC, 100 percent supports housing in
19 Olowalu for local people . . . (inaudible) . . . Hans Michel married a Hawaiian girl, Neizman, three
20 children, grandchildren. He was on CPAC and GPAC. Wrote a strong letter in support. Dylan
21 Payne lives in Olowalu, three children, graduate of Lahainaluna, on CPAC, 100 percent supports
22 housing for local people in all three of these areas. Aina Kohler, born in Lahaina, Lahainaluna
23 grad, two kids, on CPAC, 100 percent support. So the idea to say that CPAC doesn't support it's
24 shibai. If you want to hear shibai --

25
26 Ms. Takayama-Corden: Three minutes.

27
28 Mr. Martin: Thank you very much.

29
30 Mr. Tackett: Thank you, Peter. I think we have some questions for you. Kawika, go ahead.

31
32 Mr. Freitas: Thank you Vice-Chair. Mr. Martin, are you testifying as a developer or yourself?

33
34 Mr. Martin: Well, gosh, I am a developer and I am myself. Myself.

35
36 Mr. Freitas: Thank you. The reason I asked is if you're testifying as a developer then we should
37 give him more time. But it's testifying as yourself, then you get three minutes like everybody else.
38 That's, that's the reason I asked. Thanks.

39
40 Mr. Martin: Thank you for explaining. I am a partner in Olowalu, but I wasn't authorize to testify
41 for my partners. Okay, I think, I think I'd like to change then because I'm more, more than willing
42 to spend time answering more questions. So I'll --

43
44 Mr. Tackett: Let's just go ahead and see if we got some more questions for you, Peter. Because
45 I believe other people have their hands up right now. So we have questions for you anyway.

1 Mr. Martin: Okay.

2

3 Mr. Tackett: Go ahead Kellie.

4

5 Ms. Pali: Hi. I'm just curious to know what a rebuttal would look like in three areas. Number one,
6 I've heard a lot about the protection of the shoreline and the reefs, which are very, very important
7 to just our islands and really just, you know, our marine life. Number two, that there is no water.
8 And number three, if you got your wishes and were able to develop affordable housing, how would
9 you be able to 200 percent ensure that any cultural evidence, iwi kupuna, all those things would
10 be carefully preserved? Those are my three questions.

11

12 Mr. Martin: Great questions. I think we're talking about Olowalu. First, I hope you saw the e-mail
13 from Steven Dollar, the U. H. Marine biologist, that basically and common sense would tell you
14 that housing there with the right kind of septic systems or the different types of modern technology
15 for septic that we propose, there would be no damage to the reef. And if you take the time and
16 use science, you'll realize that they're using scare tactics. Historically, all that ag really did
17 probably have a lot of nitrogen and stuff going to the reef. So I believe if you take the time and
18 read Steven Dollar and he's studied this thoroughly, and he's very well respected, he'll explain to
19 you the logic of that.

20

21 The cultural sites, we did have a cultural study done like 23 years ago and I think some since
22 then. But again, that when you do the bypass, we drew, you know, it's not some big plan. We just
23 went to Mr. Unemori, Warren Unemori, 23 years ago or 20 years ago and said, Mr. Unemori,
24 here's what we know about archaeology. Here's the topo, here's the land, here's all we know, and
25 asked Warren Unemori who's graduated from Lahainaluna. Great guy. Passed away. Said where
26 would you put the road so we don't, you know, build there or something? And he picked basically
27 a straight line through our property from Olowalu dumpsite to the end. It's not rocket scientists
28 where it should it go, and he avoided things, and we would do a more thorough study. And gosh,
29 I forgot your third question.

30

31 Ms. Pali: The water.

32

33 Mr. Martin: Oh water. Yes, the study show we have a good aquifer there of potable water. Two
34 million gallons a day, I think was the study done, which is way enough potable. We have basically
35 no very, very little potable, enough for our Olowalu cultural reserve. Maybe, very little non-potable
36 because it must go to the ocean. But there's old, what they have skimming wells that are there
37 from the sugar days. You know, they grew sugar there with non-potable water. Of course, they
38 use stream water, but they, they pumped, I think, and the end pump pumped up the five million
39 gallons a day. And the old pump, I'm not sure. They do get salty if you pump them too much. But
40 they are very good for at a certain level to grow crops. We really have all the infrastructure you
41 need for a wonderful community. Hope that answer your question. And these studies have been
42 done. This isn't me making up stories.

43

44 Ms. Pali: And I don't know that I was able to record your answer on the preserving the shorelines
45 and the reefs.

46

1 Mr. Martin: Well that test is really a frustrating accusation. That they show us brown water, no,
2 that came from a high tide. It was when the -- and my daughter says it happened all down the
3 coastline there. She was born and raised here. She lives in Olowalu. That was from a high tide,
4 pushing up, grabbing the shoreline water, the shore surface, and dragging it back into the ocean,
5 which has happened. It happens on high tides. Not one drop of water. And your common sense
6 tells you when that water comes down from the mountains into that plane, it just soaks into the,
7 the ground. It did not -- it wasn't mauka makai water flow. And to keep seeing that video and have
8 it twisted, I, you know, I don't know how long it would take to get the truth told. I would love to
9 spend the time to explain each and every accusation.

10
11 Mr. Tackett: Thank you, Peter. I believe Kawika has a question.

12
13 Mr. Freitas: Thank you, Vice-Chair. And Vice-Chair, if my question is not appropriate because it's
14 directed to Mr. Martin, please let me know and he doesn't have to answer. Mr. Martin, we had
15 several testifiers that came forward including people that were arrested for protecting the bones
16 on, on construction work leading toward some development in the direction that we are discussing
17 right now. I saw it on social media early on. I sent an e-mail to Planning Director McLean. Maybe
18 she didn't get it, but I never got a response. And my question was basically, who can we go to
19 verify that what is going on, has been permitted? And I never got a response. And, and those
20 stewards of the iwi kupuna stayed with that construction for another week, and put themselves in
21 front of it when nobody was listening. And then they got arrested. Is this the way these
22 developments are going to be? I mean, can you respond to that? I mean, we had testimony, the
23 actual people that got arrested. So this isn't made up stuff. What can you say about that?

24
25 Mr. Martin: Sure. I'm kind of glad you brought this up. But I'd like to give you an example. If you're
26 on your property, your property, your house. I don't know, I hope you have a nice property. And
27 you bring a trench across that property. If somebody jumped in that trench, and I think, you go,
28 hey what are you doing? Don't do that. You're trespassing on my property. I think you'd call the
29 police and have them arrested. Now this, there's no question the title on this property. We paid, I
30 -- this is basically my property and my, basically my property. I don't really have investors other
31 than --. Yeah, I don't have investors in the Wainee lands, so it's just me, under a company. And
32 we have a good deed. We paid a lot of -- I paid a lot of money. I have title insurance. It was sugar
33 cane land for many years. Dug up a lot and they put pipes all over the fricking place to bring their
34 water and stuff where they drained it. So there were -- we didn't go through any known burial
35 areas. We were very careful. We were blasted on social media and my gosh Dean, he goes, I
36 don't want to watch social media. We, we don't need to get a permit to dig a trench and put a pipe
37 in across our own land. And we didn't go --. We know the burials. There's been archaeology there.
38 We know there's two cemeteries. Could you hit? I mean, people have been buried in Lahaina,
39 say for a 1,000, 1,600 years. You're going to possibly hit something. That's why you have a
40 monitor there. We didn't even have to have a monitor. I voluntarily paid for one. It wasn't a
41 requirement. And we had a monitor there. And we're almost finished with the job. And so some
42 people jumped in the trench and we stopped and they did get arrested. But they're just confused
43 about whether we're doing something right or wrong. We were, we're not, we're just putting in a
44 water line. We're doing, having a monitor there. We're not going anywhere close to known burials.
45 We did find a portion of the skull. I didn't see it or, but it looks like it was infill. No, excuse me, it
46 almost certainly was infill. I guess that whole area was filled up for a while back to keep malaria

1 away. It might have been, I don't know, quite a long time by the sugar company. But the hunch
2 is, but nobody knows yet, they're going to come back and determined, but the hunch is it was
3 brought in in the fill. And so it's not actually --. I don't know if you still call that a burial. And it was
4 brought in and when the fill was brought in. So I know we're doing our best we can. That's all we
5 can do to get water to our farmers and our people, and, you know, I'm doing the best I can. That's
6 all. And I'm --.

7

8 Mr. Freitas: Thank you. Thank you Mr. Martin.

9

10 Mr. Tackett: So, Peter, you said that there was no need for a permit for that?

11

12 Mr. Martin: No. And it's good reason not to. If we have to get permits, other people will too. We'll
13 slow down work all over the, all over the County. It'll drive up the cost. I mean, you, you know, the
14 power lines and all these things. If every time you have to go through archaeo -- I mean to get
15 an archeological study done from some things -- we actually had one here -- but it'll delay and,
16 and drive up the costs for everybody on Maui for simple things like water, electricity, sewer, you
17 know, through private lands. We, we followed a monitoring plan that we -- we had a monitor there.
18 Most people would not pay for that. That's -- but I insisted on it.

19

20 Mr. Tackett: Anybody else have any questions for Peter? I got a question for the Director. Michele,
21 are you still there?

22

23 Ms. McLean: Yes Chair.

24

25 Mr. Tackett: So when do you need a permit and when do you not need a permit for that kind of
26 stuff?

27

28 Ms. McLean: I believe the construction that Commissioner Freitas was talking about is outside
29 the special management area, and so SMA review was not triggered. Oftentimes land work
30 clearing and so forth requires a grading permit depending on the area being cleared or the amount
31 of material being moved. However, there is an exemption to grading permit requirements for the
32 installation of utility lines. That provision of the code is administered by the Public Works
33 Department, so I'm not super familiar with the details on it. But because a grading permit wasn't
34 required because of that exemption language, typically grading permits, Public Works send
35 grading permits to SHPD, the state historic preservation division, for comment before they issue.
36 But because the installation of utility lines is exempt, this project or, or that particular work did not
37 have that kind of review.

38

39 Mr. Tackett: So he was within the realm of his rights then?

40

41 Ms. McLean: In terms of the permits that the Planning Department issues, I don't believe there
42 were any permit violations on the Planning Department side. And I don't believe there were
43 violations in terms of the grading permit.

44

45 Mr. Tackett: Okay. Thank you.

1
2 Ms. McLean: However, I should note that that doesn't exempt anyone from the laws that SHPD
3 administers. State law is still in place in terms of disturbance of historic sites or cultural remains,
4 so, but without a County permit, it's difficult to, to really regulate and enforce those because they
5 don't have an active enforcement arm. They have DOCARE but they're not already always on call
6 to respond to SHPD type . . . (inaudible) . . .

7
8 Mr. Tackett: But in your opinion, in your opinion, there's no blatant infraction here to speak of,
9 correct?

10
11 Ms. McLean: I'm not familiar. In terms of the Planning Department and Public Works, I don't
12 believe there are. I'm not familiar enough with what I understand the recent discoveries are to be
13 able to say if there was any violation of state law. That would be left to SHPD to establish.

14
15 Mr. Tackett: Thank you, Michele. So, yeah, so my, my question was, was I just wanted to see
16 because I mean in this day and age, the best thing everybody can do is follow the rules. And if
17 you're following the rules, then I think, I think everybody be better off for it. So I don't see the
18 problem there. Peter, what, did you have something to say about that?

19
20 Mr. Martin: Yes, I also wanted to be sure you understood that it's an agricultural line, and we really
21 don't want every farmer to have to get a permit every time he puts a water line in.

22
23 Mr. Tackett: Under, understood. That's why that's why I asked the question because I want to --
24 But just want to make sure the rules are same for everybody, you know, which is, which is how it
25 should be. And although, although you're a, you're a farmer with, with a lot of assets to throw
26 going forward, there are also farmers with very few assets going forward that also need the ability
27 to lay a line without having those same problems. So do we have any other questions for Peter?
28 If, if not, I got, I got a question for Peter. And my question for Peter, Peter, is that the affordable
29 housing in, in Olowalu, the septic systems, they're saying, you're saying you have a specific septic
30 system that is scientifically proven not to, not to affect the ocean?

31
32 Mr. Martin: I'm not saying that quite. I'm saying we -- I believe if you and this would not be just be
33 my belief. This would be something we bring in scientists to confirm. But I believe if you are a
34 certain number of houses, you're way better off just using septic systems or whatever I have . . .
35 (inaudible) . . . treatment systems or there is another system too, hate to use that as an individual
36 system. If we got very many homes in Olowalu approved, then we would go to a, a sewage
37 treatment system where you'd reuse the non-potable. But it depends on how, how many homes
38 are allowed and how dense. If every home, if the conclusion after this process and through the
39 Council is we only have half acre lots or one acre lots or something, then of course you'd probably
40 use septic systems. And if you have more density, which we were hoping for some, would be,
41 then you'd have to use a sewage treatment plant with reusing the, the wastewater.

42
43 Mr. Tackett: Thank you, Peter. Anybody, anybody else have any questions? Thank you. Thank
44 you so much, Peter.

45
46 Mr. Martin: You're welcome. Thank you all. Bye now.

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Mr. Tackett: Can we get our next testifier, please?

Ms. Maydan: Chair, the last testifier is Albert Perez.

Mr. Tackett: Thank you.

Mr. Albert Perez: Aloha Commissioners. Your stamina amazes me. I've been with you since nine this morning, and I'm fading fast. I just want to -- I'll try and summarize my testimony. It's a lot that's been said today. But, you know, the West Maui Community Planning Advisory Committee carefully considered whether to allow development in these areas, but they rejected the idea. And, you know, there's been some information about whether or not that happened. But the bottom line is that's what happened. And that's why the current draft is before you today. You have heard Mr. Martin and his consultants say that Olowalu is within the urban growth boundary, and that this justifies allowing development there. But the urban growth boundary is the outer limits of urban growth. And there's no requirement the community plans fully fill the urban growth boundaries as Mr. Mayer talked about much earlier today. And so these same concerns, you know, the Maui Island Plan calls for infill and development near existing infrastructure, which both helped to make housing more affordable, reduce traffic, and it has many other benefits. So all of the supplies to the other projects. So, Puunoa, Polanui Gardens, Makila Rural East, and Ukumehame as well. So none of these were agreed upon by the CPAC, and they adopted specific policies to prevent them from going in.

One thing that got me was this plan that I've never heard of before, which is the scaled down plan for Olowalu. The developer says they want to restore the small-town character. And then when you really look at it, it's the same plan in two different phases. It's not a small town. It's 1,500 homes plus accessory dwellings. That would give us over 2,000 homes in this area. But the historic character of Olowalu, there were 80 homes associated with the sugar mill. So this developer is proposing a much larger town, not a small town.

As far as smart growth is concerned, a primary principle is location near existing development. Olowalu town would violate that primary position principle of smart growth.

About the State Land Use Commission rejection of the EIS for Olowalu town, they did so because of the many cultural sites in the area, as well as serious traffic concerns. The Planning Department wrote many pages of comments expressing their concerns. And given what we know about the impacts of development there, it would be wise to remove Olowalu town urban growth boundary from the Maui Island plan during the next update of the Maui Island Plan.

So finally, please note that the CPAC never saw this new Olowalu proposal. For this developer to bring this in front of the Planning Commission now is to circumvent the process the community never got to testify on that proposal. West Maui folks are going to be the ones most affected.

Ms. Takayama-Corden: Three minutes.

- 1 Mr. Perez: Please respect the efforts of the West Maui community and do not add anything to
2 subarea four. Citizen and volunteers should be respected.
3
- 4 Mr. Tackett: Thank you Albert.
5
- 6 Mr. Perez: . . . (inaudible) . . . government.
7
- 8 Mr. Tackett: Three minutes my brother.
9
- 10 Mr. Perez: Citizen volunteers should be respected.
11
- 12 Mr. Tackett: Perhaps, perhaps I do have a question for you, though. Let me see. Anybody have
13 questions for Albert? Kellie has a question for you, Albert.
14
- 15 Mr. Perez: Aloha Kellie.
16
- 17 Ms. Pali: My daughter just fell and she's like howling. I almost don't want to ask a question because
18 he's the last testifier. But in all fairness. Thank you, Albert, Albert Perez, for hanging out with us
19 all day and taking one for the team with us. I appreciate that. I have a question for you, and this
20 is just you helping me just -- I always like to see two sides, I guess. And so when I hear strongly
21 about one side, I'd just like to get a different perspective. You mentioned about you not being
22 presented or maybe the CPAC not being presented a down sized project. So I'm going along that
23 lines of your testimony and then asking you a question. Similarly, we did get a written testimony
24 from someone that was on the CPAC stating the same concern that the areas of stability policy
25 was never discussed at CPAC meetings. Can you just confirm that that would be true or not true
26 in your opinion? Thank you.
27
- 28 Mr. Perez: I don't think that's true, but I'm not qualified to. I didn't attend all of the CPAC meetings.
29 So I live in Kula, and that was happening in Lahaina. I attended as many as I could. But that
30 doesn't sound right to me. You know, the Planning Department came up with a draft and early on
31 the CPAC voted to say that unless they had enough votes to override the, the Planning
32 Department's draft that they would go with the Planning Department draft. So if there is any
33 people who didn't get what they wanted in the CPAC, it's because they couldn't muster the seven
34 votes. Part of that is because there were some conflicts of interest. For example, Dylan Payne
35 has financial ties with Peter Martin. So anyway, I think I'm going on too long.
36
- 37 Ms. Pali: No, that's very helpful. Thank you. And I'll save these questions for Jen and Director.
38 Thank you. Thank you so much.
39
- 40 Mr. Perez: Thank you.
41
- 42 Mr. Tackett: Thank you, Albert. Does anyone have, anyone else have questions for Albert? Thank
43 you so much. I believe that's the last of the signed-up testifiers. Do we have any testifiers that
44 have not signed up?
45
- 46 Mr. Dylan Payne: Hello? Hello? Hello?

1
2 Mr. Tackett: Yes. State your name, please.

3
4 Mr. Payne: Hi. Sorry. I'm, I'm on my phone so I couldn't type in with a chat. But I'd like to testify if
5 that's still possible.

6
7 Mr. Tackett: Go ahead.

8
9 Mr. Payne: Yeah. My name is Dylan Payne. I am -- Albert was just talking about me. I did submit
10 testimony today in writing, so you can refer to that. But I just wanted to talk a little bit about the
11 areas of stability section in the plan. I did attend 35 of the 37 CPAC meetings that were held. So
12 I did miss a couple, but I really tried my best to be fully engaged. And the one thing that I would
13 urge the Commissioners to do here at this phase of the plan review would be to look at that areas
14 of stability and the language there, as well as the maps. If you look at the minutes from the last
15 CPAC meeting, and I include that in my testimony, but there's a paragraph in the minutes from
16 May 19th that says that Dylan Payne asked if it were possible to have discussion about sections
17 plan that were not previously discussed. Jennifer Maydan clarified that while the areas of change
18 and stability sections had not been seen or discussed by CPAC prior to this meeting, those
19 sections were created based on CPAC discussion at previous meetings. So that that's to say that
20 we discussed it, I guess, conceptually and it was referred to, but we never saw the draft language,
21 nor the maps. And as such, we never had a chance to vote it up or down. So there was never a
22 vote. So I would just encourage the Commission to look at that language and the maps.

23
24 For instance, there's two areas of stability, one north and one south. The southern section is called
25 south of Puamana to the Pali. But if you look at the map, it goes about a mile north of Puamana.
26 So I would just, again, since the CPAC didn't really have a chance to vet it properly I would
27 encourage the Planning Commission to do that.

28
29 And then finally, I live in Olowalu. I'm raising my kids there. I love it. It's five minutes to get to
30 school where my kids go to Kamehameha III School in Lahaina. It's 20 minutes to get to Costco.
31 It's, it's a really, really convenient place to live. I know from the CPAC meetings, from this meeting,
32 there is a lot of emotion about all of these areas. But I would just like to point out that there, there's
33 two sides to all of this. I think there's a lot of people in the community that would like to have the
34 opportunity to live in these areas if it's done the right way. And, and that's it. I really appreciate all
35 of the time that the Commissioners have put in to this process. Thank you.

36
37 Mr. Tackett: Does anybody have any questions for Mr. Payne? No. Hearing no questions. Do we
38 have any other testifiers that wish to testify at this time?

39
40 Ms. Tamara Paltin: I'd like to testify.

41
42 Mr. Tackett: Okay, one at a time. So who was -- who's first? Tamara, I believe you're first. Go
43 ahead.

44
45 Ms. Paltin: Thank you. Just, you know, nothing is guaranteed till next week so I just wanted to
46 testify as a citizen. You know, with the reality that we're facing today, there's not that much money

1 from the State. There's not that much money from the County in terms of revenue. And by
2 expanding these areas, adding 1,400, a hundred people, however many people, they're going to
3 expect services from the County. And, you know, whether it's a -- if it's over 50, they're going to
4 need to build wastewater treatment plant. There's all this infrastructure that's going to need to go
5 into these rural ag areas that no matter how hard you try to make it be affordable it's not going to
6 be as affordable as if you put it in to existing areas with infrastructure, and then --. So that's one
7 point I wanted to make.

8
9 The second point that I wanted to make is that those were known burial areas. And because there
10 was no permit for the Wainee property it didn't trigger SHPD review. And so the concerns brought
11 to me from the community, I wrote a letter to Maui Lanai Island Burial Council. There is records
12 in the CRC minutes of known burials there from Hinano Rodriguez. The Maui Lanai Island Burial
13 Council recommended a stop work order that was ignored. And it was till the SHPD, the County
14 archaeologist, and the Maui Lanai Island Burial Council could make a visit to the place and
15 determine the situation before they stop work then a human skull was found. So, you know, that's
16 the type of developer that we're dealing with. A government entity recommended a stop work
17 order because of the presence of the Pioneer Mill Cemetery, that Jacobson's cemetery. I think
18 there were a few cemeteries and our County archaeologist has a cultural overlay map that some
19 of the testifiers we're talking about that lights up that that is a known sensitive area.

20
21 And so, like Mr. Tackett had said, we don't want to stop people from being able to lay utility lines
22 on their own property. However, if we're able to pass a cultural overlay map where there's a high
23 probability of sensitive sites, it should trigger additional review. Because whether it's a veteran's
24 cemetery, a plantation cemetery, native Hawaiian burials, we don't want no part in digging those,
25 those graves up.

26
27 And as for the claim that, you know, if we don't do these affordable housing or whatever that will
28 turn into gentlemen estates. That was what he said before Polanui and Makila was denied as a
29 201H affordable, and it's still not gentlemen estates because there is no market for gentlemen
30 estates where there is no water and infrastructure, and there's all these known problems. We
31 have gentlemen estates up Launiupoko for sale. We gentlemen estates at Mahana Ridge.

32
33 Ms. Takayama-Corden: Three minutes.

34
35 Ms. Paltin: Thank you. You guys are awesome standing -- being on all day long. Been there with
36 you.

37
38 Mr. Tackett: Thank you so much. Do we have any questions? Thank you so much. Do we have
39 any other testifiers?

40
41 Ms. Linda Nahina Magalianes: Aloha. I would like to testify.

42
43 Mr. Tackett: Okay, go ahead Linda. Thank you.

44
45 Ms. Magalianes: Thank you. Aloha. My name is Linda Nahina Magalianes. I am a lineal
46 descendant of Olowalu. I do not want to see anything changed there. There is a lot of cemeteries.

1 There's a lot of cultural stuff that goes on in Olowalu. And furthermore just what Tamara said, I
2 was one of them that got arrested. This company has no respect for anyone, and that's Peter
3 Martin, West Maui Land, all those guys. You know, I had to jump in a hole to protect our iwi
4 kupuna. And then we got arrested by West Maui Land because they claimed that they own the
5 land. Second day we stopped it. And then that Friday, they hit the iwi kupuna. When this going
6 end? We don't need any more houses in Olowalu. And another thing, the lands are cloudy, mind
7 you. That's how we got to stop them on the second day, the day after we got arrested. Because
8 you have two sides. You have the LCA. You flip the LCA, turn 'em into TMK, who is still the owner
9 of the land? The LCA. Nobody told the County to turn over it to TMK. But anyway, you know, I
10 hope you guys listen to the community because I know majority of the community don't want it
11 there. And for Dylan Payne, he, he's with Peter Martin. And I know one more person in your guys
12 group is with Peter Martin, but I'm not going to call out names. I just want it to stay the way it is.
13 No need any changes in Olowalu. You like build house, go build 'em up behind Kaanapali. Go
14 in that area. But thank you guys for listening to me, and thank you for being on this late. I know
15 you guys had a long day. You guys also started late. I was going to testify early, but I had to do
16 some things, but thank you for being on. Mahalo.

17
18 Mr. Tackett: Thank you, Linda. Good. Do we have any questions for Linda? Thank you.

19
20 Ms. Magalianes: Thank you. Mahalo.

21
22 Mr. Tackett: Do we have any other testifiers? Going once. Going twice. I'd like to close the public
23 testimony at this point. Public, public testimony is closed, and I think I got a request for a ten
24 minute break. Is everybody okay with that? Okay. Thanks, you guys. Ten minutes. I'll see you
25 guys right back here.

26
27 *(The Maui Planning Commission recessed at 7:13 p.m., and reconvened at 7:23 p.m.)*

28
29

30 **C. NEXT SPECIAL MEETING DATE: November 10, 2020**

31

32 **D. ADJOURNMENT**

33

34 Mr. Tackett: Michele, the conversation for being back in session, is that what that is?

35

36 Ms. Takayama-Corden: Yeah. This is Carolyn. I'm asking if you are back in session.

37

38 Mr. Tackett: Right, and I was asking Michele what we were talking about was something that
39 needs to go on in session.

40

41 Ms. McLean: It can be either. I mean, when you take action to recess that have to be on the
42 record. So it's being recorded now, so it's okay that we're, you're in discussion.

43

44 Mr. Tackett: Okay, so what was being discussed when, when the recording started was how late
45 everybody is interested in going tonight because we had a very long day. So anybody got any

1 input on that because I'm willing to stay the path as long as you guys are willing. Go ahead Kellie.
2 What you got?

3
4 Ms. Pali: I was just going to say that on a normal evening sess, we would have a, we would have
5 at least gotten like a one-hour lunch, but we never really got. I think we've had, what, three or
6 four, ten minutes throughout the whole eight, nine, ten-hour day. So I think normally I wouldn't
7 mind going till nine or ten, and just bang it out. But without really being able to just, you know, turn
8 off for the one-hour lunch, you know, I feel like cracking the whip, I'm starting to like. So anyway,
9 I'm okay with recessing, but if you guys want to take it all away, then I'll just stand up and let's do
10 it all the way.

11
12 Mr. Tackett: Okay, and then Kawika, could you please weigh in on it?

13
14 Mr. Freitas: Yes, Vice Chair, I'm okay sticking through to the end. I think the longer portion was
15 going to be the testifiers. And I guess now there's a few subjects we've got to talk about, so then
16 we can vote on each project or we can vote them all at once.

17
18 Ms. La Costa: I just can't.

19
20 Mr. Freitas: I do want to bring up one area of this section which was brought up not at all today,
21 but it was brought up in some of the testifier, the written testimony that came in, and it referred to
22 that, the, the section that talked about the building gentlemen estates and not using 2.96, or fast
23 tracking. And I think I -- can someone read what that says? Yeah, that one. I think we need to
24 discuss that. And then I think we can kind of vote on a lot of things and wrap it up.

25
26 Mr. Tackett: Well, I have -- I'm interested in that issue as well as I am, I'm also interested in two
27 or three other things that were discussed today. So there's a few things that I want do to discuss.

28
29 Mr. Freitas: If, if we start talking about that one segment, everybody who testified cannot testify
30 again. Is that correct?

31
32 Mr. Tackett: Correct. It's pau. It's pau already.

33
34 Mr. Freitas: Oh wow. Okay.

35
36 Mr. Tackett: The testimony part is pau.

37
38 Mr. Freitas: Okay.

39
40 Mr. Tackett: So it's just our deliberation and discussing everything that we heard tonight, which
41 there's a lot that we are tonight for sure.

42
43 Mr. Freitas: Okay.

44
45 Mr. Tackett: So let's, let's, let's hear. So Kawika is in for the long run. Kellie is in if everybody else
46 is in. What, what -- Dale, what's your, what's your thought on it?

1
2 Mr. Thompson: I'm stating elder abuse. And I think we have a few miles to go yet. We're not there.
3
4 Mr. Tackett: How about you Mel?
5
6 Mr. Hipolito: There's a lot to talk about and I don't think we're going to be able to vote from my
7 perspective with what we heard tonight, passionately, sensitively. I have a lot of questions for the
8 developer and so it's going to be drawn out. I would prefer to recess. Let's regroup on November
9 10th, you know, and take this on fresh and so we can make the best-balanced decision.
10
11 Mr. Tackett: Okay. Stephen, what's your, what's your thoughts on it?
12
13 Mr. Castro: I can go either way. Whatever the majority wants I'll go.
14
15 Mr. Tackett: Okay. How about you, P. Denise?
16
17 Ms. La Costa: Well, I'm kind of the one who just too asked about deferring it, or recessing it
18 because I am, I'm having difficulty. I have a horrific headache and I need to be part of the
19 conversation, and I'm not thinking as clearly because it's been such a long day. So I think to do
20 justice to our community, the people on CPAC has spent hours, and hours, and hours, to those
21 who testified and to the developers, I think we need to open the book, look at it fresh and make
22 some really informed and smart decisions based on clear heads and not tired or coalesce.
23
24 Mr. Tackett: Okay, well, from, from what I read, what I just heard, we have a bunch of people that
25 say that they're done. And we have a bunch of people that say that they're willing to go more if
26 they have to, you know. So in my opinion, that means that we should, we should probably think
27 about what, what all that went down went down today and then continue at another time. That
28 being said, who is open to the 10th? Who doesn't want the 10th? The 10th okay with everybody?
29 What time should our starting time be for the 10th? That's the, that's the question. Correct,
30 Michele?
31
32 Ms. McLean: Yeah. Chair, I think, I think two o'clock would be safe. The regular agenda was left
33 pretty light intentionally expecting Hale Kaiola might not finish. So there was really one. There's
34 only one other public hearing item that day. And now that you've concluded because the public
35 hearing was concluded for Hale Kaiola, you'd just be into deliberations there. So I think those two
36 could take . . . (inaudible) . . .
37
38 Mr. Tackett: How should we word that? How should we --?
39
40 Ms. McLean: You'd want to take motion and take action to recess this meeting to November 10th
41 at 2:00 p.m.
42
43 Mr. Tackett: Okay, so do I have a movement, and it is to -- your motion is to, P. Denise?
44
45 Ms. La Costa: Recess and take up this conversation of the meeting on November 10th from 2:00
46 to 6:00 p.m.

1
2 Mr. Tackett: Outstanding. And the second? Second, Mel. And then all those in favor raise your
3 hand. Does that work for you, Michele? I mean, does that work for you Director? I'm so sorry.
4 You know, like, I'm so sorry.

5
6 Mr. McLean: Yeah, that's fine. That's fine.

7
8 Mr. Tackett: Thank you, Director. And thanks you guys. Great job you guys. And so, yeah, it's a
9 lot, you know, it's a lot. All right, have a good evening, everyone. Thank you so much.

10
11 Ms. La Costa: Mahalo Michele.

12
13 **It was moved by Ms. La Costa, seconded by Mr. Hipolito, then**

14
15 **VOTED: To Recess the meeting to November 10, 2020 at 2:00 p.m.**
16 **(Assenting – P. D. La Costa, M. Hipolito, S. Castro, K. Freitas, K. Pali,**
17 **D. Thompson)**
18 **(Excused – J. Edlao)**
19 **(Recused – L. Carnicelli)**

20
21 The meeting was recessed at approximately 7:28 p.m.

22
23
24 Respectfully Submitted by,

25
26
27
28 LEILANI A. RAMORAN-QUEMADO
29 Secretary to Boards and Commissions II
30 For CAROLYN TAKAYAMA-CORDEN
31 Secretary to Boards and Commissions II

32
33 **RECORD OF ATTENDANCE**

34 **Present**
35 Lawrence Carnicelli, Chair (recused himself 3:22 p.m.)
36 Stephen Castro
37 Kawika Freitas
38 Mel Hipolito
39 P Denise La Costa
40 Kellie Pali
41 Christian Tackett, Vice Chair
42 Dale Thompson

43
44 **Excused**
45 Jerry Edlao
46

1 **Others**

- 2 Michele McLean, Director, Department of Planning
- 3 Pam Eaton, Long Range Division Planning Program Administrator
- 4 Jennifer Maydan, Supervising Planner
- 5 Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel (on-call)