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**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
AGENDA ITEM C.1.
APRIL 27, 2021**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Christian Tackett at approximately 9:00 a.m., Tuesday, April 27, 2021, online via BlueJeans; Meeting ID: 621 370 871

C. NEW BUSINESS

1. **MS. YUKINO UCHIYAMA OF MUNEKIYO HIRAGA on behalf of WAILEA RESORT SF-S PARTNERS LP requesting an Environmental Assessment determination on the Final Environmental Assessment prepared for the Proposed Wailea Resort SF-S Residential Project on approximately 23.1 acres of land located at Kapili Street, Wailea, Maui, Hawaii: TMK: (2) 2-2-008:145 (SM1 2020/0007) (PD2 2020/0001) (EA 2020/0002) (T. Furukawa) (The Commission commented on the Draft Environmental Assessment at its September 8, 2020 meeting.)**

The Chapter 343 trigger is the use of County land. The Commission is the accepting authority of the Final EA.

The Applicant also filed for a Special Management Area Use Permit and Planned Development Step II approval. The public hearing on those applications will be scheduled after the Chapter 343, HRS process has been completed.

The Commission may accept the Final EA and issue a Finding of No Significant Impact (FONSI), or take some other action.

Links to the Final Environmental Assessment:

Volume I

<https://www.mauicounty.gov/DocumentCenter/View/126273/Proposed-Wailea-Resort-SF-S-Residential-Project-Volume-I-March2021>

Volume II

<https://www.mauicounty.gov/DocumentCenter/View/126274/Proposed-Wailea-Resort-SF-S-Residential-Project-Volume-II-March2021>

Ms. Michele McLean: Thank you, Chair. The next order of business is a request from Yukino Uchiyama, of Munekiyo Hiraga, on behalf of Wailea Resort SF-S Partnership, LP, for an Environmental Assessment Determination on the Final EA prepared for the proposed Wailea Resort SF-S residential project on approximately 23.1 acres of land located at Kapili Street in Wailea, at TMK 2, 2, 8, parcel 145. Tara Furukawa is the project planner.

1
2 And I would like to note a couple of things. We do have 19 people signed up to testify. The
3 Commission has also been forwarded written testimony up until tomorrow -- up until yesterday
4 afternoon. But as is noted on the agenda, testimony that came in late last night or first thing this
5 morning was not forwarded to the Commission because we, with that kind of short timeline, we
6 couldn't be assured that all members would have had the chance to review it. And all members
7 need to have the opportunity to review the complete record.

8
9 Also, Kamakana Ferreira from the Office of Hawaiian Affairs (OHA) is on the call and is available
10 as a resource if there are questions from the Commission for OHA. And so we can pass it along
11 to Tara and the applicant to introduce the item.

12
13 Ms. Tara Furukawa: Aloha Commissioners. This item has come to you for review because the
14 Planning Commission is the accepting authority of the Final Environmental Assessment (EA). The
15 applicant and project consultants are seeking your acceptance of the Final EA and issuance of a
16 Finding of No Significant Impact (FONSI) for the Wailea SF-S residential project. The Draft EA
17 was filed with the State Office of Environmental Quality Control on July 23rd, 2020. The Draft EA
18 was presented to the Maui Planning Commission on September 8th, 2020. And the Final EA was
19 drafted upon receipt of feedback from the Maui Planning Commission, the Urban Design Review
20 Board, other agencies, as well as the community. If you accept the Final EA, it will be transmitted
21 to the Office of Environmental Quality Control. There will be a 30 day legal challenge period and
22 if undisputed, the Department will return to you with the Special Management Area Use Permit
23 and Project District Phase II applications. If you think additional information should be
24 incorporated into the Final EA, you can defer action, more information can be added, and it can
25 be returned to you again for your acceptance at a later date. Another option is you can determine
26 that the proposed project will pose significant impacts requiring an Environmental Impact
27 Statement. The project consultants, Yukino Uchiyama and Mark Roy, of Munekiyo Hiraga are
28 here and they and the other project consultants can answer any questions you might have
29 regarding the project.

30
31 Ms. Yukino Uchiyama: Thank you very much, Tara. My name is Yukino Uchiyama of Munekiyo
32 Hiraga. May I share the screen for the presentation?

33
34 Mr. Christian Tackett: Please do.

35
36 Ms. Uchiyama: Okay. Thank you very much. And David Goode from the applicant team can
37 present -- start the presentation.

38
39 Mr. David Goode: Good morning Chair, Commissioners. Can you hear me?

40
41 Ms. McLean: Yes we can, David.

42

1 Mr. Goode: Okay. Great. Well, it's good afternoon. I'm David Goode. I'm with Ledcor Development
2 and we are the development manager for Wailea Resort SF-S Partners LP. It's good to be back
3 with you. As was mentioned, we last saw you on this project in September of last year. And it's
4 good also to welcome new commissioner, Ms. Lindsey to the proceedings. My presentation, or
5 our presentation is about 40 minutes in length. We will cover all aspects of the project as a
6 refresher for some of the members, also understand our new enhancements to the project, and
7 for Ms. Lindsay to get a full grasp on the project. Next slide, please.

8
9 So with me today from our team are Paul Woodward, Eric Gerlach and Casey Lamb. You'll also
10 be -- we also have a full team here. So our architect, we have Rene Matsumura and Steve Yuen
11 here. Our landscape architect, engineer, traffic consultant, they're all here as part of the
12 presentation, so they'll introduce themselves. Bob Hobdy is also available as our biology
13 consultant. And you'll be hearing from SCS (Scientific Consultant Services), and we also have
14 Hugh Starr here from Auku'u Consulting on the historical work that was done. You'll be hearing
15 from 'Aina Archaeology and the Mo'olelo Group. That's Tanya Lee-Greig and Kainoa Horcajo
16 respectfully. And heard from Yukino and Mark Roy here from Munekiyo Hiraga. Next slide please.

17
18 So what's before you today? We respectfully request your review of the Final EA and the issuance
19 of a Finding of No Significant Impact, also known as a FONSI, determination as was
20 recommended by the Planning Department in their memo to you, which is part of your package.

21
22 For context. South Maui coast here. This a bird's eye view of Wailea, stretching from the edges
23 of Makena into a bit of Kihei. You see the project site outlined in red. For context and size
24 purposes, Maui Meadows is on -- is mauka of the highway. We're, Maui Meadows, is about 1,000
25 homes, a little makai of the highway, Piilani Highway. We're mauka of the shoreline quite a ways.
26 And right below the property is the Papali. A similar type product that's resort residential and has
27 about 24 homes on ten acres. Next slide, please.

28
29 Zooming in a little closer, you can see the project site and how we've arranged the homes. Next
30 to us, to the north is Kilohana Park. Makai again is Papali and some single family homes at Wailea
31 Kialoa. Also to the south is Wailea Kialoa homes. The mauka side is Kapili Street. And also on
32 the mauka side is Kanani Wailea, an existing 38 home project. And Wailea Ala Nui is makai of
33 the project. Next slide, please.

34
35 So basically this is a resort residential community in an existing resort, Wailea resort. It consists
36 of 57-single family homes, an amenity center, and related infrastructure. We'll be developing it as
37 a CPR condominium, and not as individual lots. And no accessory dwelling units will be allowed.
38 The total size is about 23-acres. And within the community center, it will be modestly sized to
39 accommodate gatherings for the residence and other places to collect mail, barbeque, pool and
40 other facilities. The land is clearly zoned for this type of use. It's single family, single family in the
41 community plan. It's within the Maui Island Plan and the urban growth boundaries specifying this
42 is where we want growth. County zoning is R-3 Residential which is single family homes. And of

1 course it's also in the SMA, and we'll be coming back for an SMA Permit in the future. And it's
2 also in the Wailea Resort Planned Development Area in which we're coming back to get Plan
3 Development Step Two.

4
5 So we started a while ago, a couple of years ago, looking at possibilities for the project. Early
6 consultation was done in September of 2019, about 20 months ago. An application was filed with
7 the Planning Department almost a year ago, in May of last year. The Draft EA was published on
8 the OEQC Notice Bulletin. And we had a meeting with you folks. You folks reviewed the Draft EA
9 and unanimously concurred that you anticipated a FONSI being issued. Based on that, we did a
10 lot of work and that's why it's taken us a while to get to you. We've revised the Draft EA as a Final
11 EA. And we've addressed comments that we received from you, from other agencies, and the
12 public. Finally, the Planning Department reviewed the Final EA, and they recommend that a
13 FONSI be issued.

14
15 So as part of our community outreach, we've been meeting with the Wailea Community
16 Association a couple of times. Met with the Kihei Community Association, South Maui Advisory
17 Committee, and we went in front of the UDRB and they unanimously recommended approval of
18 the project. And finally, of course, we met with you, the Planning Commission on September 8th.
19 Next slide.

20
21 So general themes that we're trying to accomplish in this project is we want to be an efficient use
22 of resources. And some we'll talk about, but I'll highlight a couple now such as we're going to
23 design -- we have designed it for future R1 and recycled water hook up which is in my mind really
24 key and important to future recycling of waste water. We've also have also have what's known
25 as low impact design of storm water to minimize the runoff that come off the site. In terms of the
26 volume, but most importantly, in terms of any pollutants that could be captured through that low
27 impact design capabilities.

28
29 For energy use, we want to be as efficient as possible. We want to use Smart Tech as we can.
30 And based on the comments we got from this commission, we are now installing rooftop solar on
31 all the homes and amenity center. Next slide please.

32
33 In terms of mobility and flexibility mobility, we addressed some concerns that the Planning
34 Commission had related to the inside the project. But we've also expanded our footprint outside
35 the project so that folks, when they leave the project have the safest possible environment by
36 which to either bike or walk. We've also worked with the Maui Department of Transportation, our
37 future bus system, and we'll be talking about planning for a bus stop in the vicinity. Next slide,
38 please.

39
40 And finally, we know that this part of the Wailea Resort is part of the historic kuma hula, moku
41 and the ahupua'a of Paeahu. And we've had ongoing consultation as part of the project and the
42 archaeological work was done, cultural impact assessment was done. And we're continuing to do

1 that work because we're implementing the cultural impact assessments recommendations. So
2 some of those areas you'll be hearing more about from Kainoa Horcajo.

3
4 So as far as project updates, I've mentioned a few of them already. But the first thing of importance
5 is that the archeological inventory survey, which was a draft when we first met in September, has
6 been accepted by SHPD. We did additional research and a historical aspects of the rock wall as
7 there are questions as to where the rock was a Moku wall or a ranching wall. We confirmed and
8 SHPD concurred that it's an old ranching wall. The rock wall, as far as recommendations we
9 received from some of the cowboys at Ulupalakua Ranch -- and this is actually part of the ranch
10 back in the day -- is to repurpose the wall. And you're going to see that as part of the project.
11 We've incorporated cultural gardens along the main entry, the makai entry, and actually along the
12 entire length of the roadways so that cultural materials can be made easily available to the public.
13 We've extended the sidewalk along Wailea Ala Nui Drive. So from our makai entry we'll be able
14 to provide a sidewalk going all the way to Kilohana Drive, partially in front of our project and in
15 front of the County parcel as well. We're going to add bike lanes where they're currently aren't
16 any, which is along Kilohana Drive on the mauka side from Wailea Ala Nui up to Kapili. And we're
17 going to add them on both sides of Kapili Street, from Kilohana and Okolani Drive where there's
18 currently are no bike lanes. Next slide, please.

19
20 As I mentioned earlier, we've been working with MDOT. And while they have no plans currently
21 for bus service in this area, they do recognize it as a potential expansion area. And so we're going
22 to work with them on that sidewalk along Wailea Ala Nui to design to place the sidewalk in such
23 a way that they can easily add a bus stop in the future. This allows them to lower their costs in
24 inserting the bus stop and not have to tear the sidewalks and other purposes out the way.

25
26 We did more view studies along Piilani Highway, as requested by the commission. And you'll see
27 there's no impacts with that view. As I mentioned earlier, we've added PV solar panels to all the
28 residents and amenity center. And we specifically noted that short term rentals will be prohibited
29 in the condominium's declaration. Next slide, please.

30
31 We're getting in more into the site plan itself. At the top along Kapili Street is our main entrance.
32 There's also two emergency entrances on Kapili; one on the north and one on the south end.
33 Around the main entrance is where we're going to have these cultural gardens which you're going
34 to hear about from Kainoa. On the makai end of the project is our, is another emergency ingress
35 and egress. And here we'll have the historic wall rebuilt, and some other interpretive materials.
36 And it will be generally not a main entrance, but more for emergencies. There will be full
37 pedestrian access. Next slide, please.

38
39 Generally, the homes will be pretty much the same, except for a couple end conditions along the
40 end of roads. The homes will be shown here. This is a maximum of build out. For the purposes of
41 the SMA we wanted to show the maximum density, so the homes will be configurable with options
42 for the homeowners. So, for instance, there is a separate guest suite that portions of which will

1 be an option. And the pool will be an option as well. And we anticipate maybe 50 percent of the
2 people would opt for a pool based on some of the pool usage we see at nearby projects like
3 Wailea Kialoa and Maui Meadows.

4
5 As far as the elevations go, they're very similar to what you saw earlier. We have added PV
6 panels. You can see if you look closely enough the designs are, are open. They're very
7 contemporary. They're flexible. And it's a really high quality design. And being single story, it
8 helps to preserve views from neighboring roadways. Next slide, please.

9
10 The amenity center, again, is modestly sized, to allow for these gatherings of residents, mail
11 service, workout room, barbeque, pool. We have added PV panels and you'll see that on the
12 diagram as well. Next slide, please.

13
14 And the elevations, you can see are flowing with the site, in terms its mauka and makai orientation.
15 And the architecture will complement the homes. Next slide.

16
17 One thing the commission asked about when we met in September was what the roadways look
18 like? How does that work? And so we wanted to show you some nice renderings of what the
19 roadways will look like. This is the driveway that will be servicing anywhere from four to six or
20 seven homes. The driveway, as noted in this picture, you can see where the bicyclist is. To the
21 bicyclist's right is the swale which is part of the low impact design. By choosing the right plant
22 material in here and having the right design, we can filter a lot of the pollutants that normally come
23 off a road or hillside to this swale. As you can see, there's plenty of shade trees to cool off the
24 site. It's quiet, it's peaceful, and it's safe for residents, bicyclists, and some cars alike. Next slide,
25 please.

26
27 The driveways will be serviced by what we're calling our spine road at this time. And this spine
28 road was a question you folks had about how it will work with pedestrians and bikes. Going makai
29 on a bike is not a problem. Going mauka is a little tougher, and so we've added a bike striping to
30 show where bikes can easily coexist with vehicles in the roadway. The sidewalk has been
31 designed to go through the intersection. I think this is actually rather novel and really tells anyone
32 in the subdivision that pedestrians have primacy here. They have, they have the right-of-way. And
33 that sidewalk would go through the intersection, instead of having a sidewalk and have the asphalt
34 would actually continue all the way through, showing that pedestrians have the right-of-way. Next
35 slide, please.

36
37 This view is looking mauka, like more of a bird's eye view. And we want to show here is, the is
38 the landscaping is extensive and organized. Not every home will have a pool, not every home will
39 be the same size, and that it flows into the site well, as well as into the mauka viewpoints. Next
40 slide.

41

1 The views looking from the roadways. And we have a number here we want to take a look at.
2 This first view is from Kapili Street taken north, on the north end over the County park area that's
3 currently undeveloped. As you can see there's currently a view of out towards the ocean and
4 Kahoolawe. That view is preserved in our renderings here due the fact that we have single-family
5 homes and roofs that are sloped in a way to help preserve views. Next slide, please.
6

7 Again, looking along Kapili, we can see the views are preserved again due to the way the site
8 drops off from Kapili and the slope of the roofs. Now we've added the bike lane on Kapili I spoke
9 about earlier. And we've also changed the material along the fence to Ilima so that's something
10 that has cultural value. And in conformance with the UDRB's recommendation, we can cap that
11 easily at 44-inches of height so that doesn't grow up and block the view in the future. Next slide,
12 please.
13

14 Look a little closer again on Kapili at the entrance, you can see the views are pretty much the
15 same as what we have currently. The cultural gardens, on either side of the entry are accessible,
16 inviting people to come and explore. And the bike lane is also shown in this particular image. Next
17 slide, please.
18

19 This is from the makai end. This is from Wailea Ala Nui, looking mauka. You can see currently
20 there's just a view of the hill there, but not of Haleakala. And so the resulting image is basically
21 what it looks like upon completion. And here you can see where we repurpose the ranching wall
22 into the makai entry, along with a little feature of some sort. And the details will be fleshed out,
23 talking about some of the historical aspects of, of the wall. Next slide.
24

25 This is Piilani Highway. I looked really hard to try to find a view that allows the areas in cut, and I
26 found a little sliver where I thought there might be a view and we did the computer generated work
27 and we find that you can barely see the treetops poking out in the middle of the picture there.
28 That's the effect of the project on that view from Piilani Highway, which is no effect at all.
29

30 Okay, I'd like to turn it over to Yukino to continue on with the presentation. Thank you.
31

32 Ms. Uchiyama: Thank you, David. Good morning Chair and the commissioners. My name is
33 Yukino Uchiyama of Munekiyo Hiraga. I'm a planning consultant for this project. In the next few
34 slides, I'm going to share the key findings of the Final EA.
35

36 First of all, a biological resources survey was conducted and no threatened or endangered
37 species are found within the project site. The applicant will still implement appropriate mitigation
38 measures to avoid any impacts on species that can potentially occur within the project site. The
39 project is located within flood zone-X, which is the minimum flooding risk area, and outside of
40 tsunami evacuation zone, and 3.2-foot sea level rise exposure area. Greenhouse gas emissions
41 from the project will be mitigated by roof top solar PV on all homes and the amenity center, EV
42 charger ready home designs, and other energy saving measures. Air and noise impacts from the
43 construction will be mitigated by implementation of best management practices. As shown by the

1 view studies, the project will not substantially impact this scenic vistas and view planes. The
2 project is located within the Wailea Resort Master Plan area, which is identified as an appropriate
3 location for urban growth by the State and County plans, as well as the Community Plan.
4

5 The project will have beneficial economic and physical impacts on the community during the
6 construction and after the build out. For example, the construction of the project will create 77 full-
7 time jobs per year and will contribute to significant tax increase to the State including, including
8 income tax and GE tax. After the build out, the new residents of the community will spend money
9 locally for shopping, dining and various other things. And also this new residents, new residents
10 of the community will pay monthly association fees, the total, which will be over two million dollars
11 per year and will largely be spent locally. So these spending will benefit the local economy and
12 the tax revenues for the, to the County and the State.
13

14 Lastly because of this project development, the property tax revenue will be, will increase over
15 one million dollars per year. A market study was done for the project and indicated that there is a
16 demand for resort residential homes and the project will help meet expected demand. The
17 applicant will meet the requirements for the residential workforce housing and also a portion of
18 the property tax from this project will be contribute to the County's affordable housing fund. The
19 project will not expect to have any adverse impacts to public services. The applicant has been
20 and will continue to consult with the Department of Fire and Public Safety to implement
21 appropriate fire prevention measures.
22

23 The infrastructure improvements will be conducted concurrently with this development. Because
24 the applicant will implement very sustainable design features to conceive resources, no adverse
25 impacts are anticipated to the local utilities. The project does not involve adverse cumulative or
26 secondary impacts. That project has its own independent utility and it's not a phase or increment
27 of the larger, a larger action.
28

29 The Final EA for the project analyze the project in the context of the State plan, County's General
30 Plan, the Community Plan and Zoning District, and concluded that the project is consistent with
31 these plans and zoning designations. That project complies with Chapter 205A, HRS, Hawaii
32 Coastal Zone Management Program and SMA rules and regulations. So these were the overall
33 findings from the Final EA. And next, we'll have to consultant team to discuss the key areas of
34 interest based on the comments that we received during the Draft EA review period. So we have
35 the project engineer, landscape architect, traffic engineer, the archaeologist, the cultural
36 consultant who prepared the CIA. And lastly, the cultural planner who is working on ongoing
37 cultural consultations based on the CIA recommendations. So with that I'm going to hand the
38 presentation over to Darren Unemori, of Warren S. Unemori Engineering to talk about drainage
39 and water for the project.
40

41 Mr. Darren Unemori: Good afternoon Commissioners. My name is Darren Unemori. I'm the project
42 civil engineer. So let's start with a brief overview of the storm drainage. So Wailea SF-S, or
43 Wailea's best, consists of 23-acres of rocky high grounds which drains into three existing drainage
44 ways surrounding it. The first of these drainage ways is located on the north side of the project in
45 Kilohana Park. The second is on the south side of the project in the Wailea Kialoa Subdivision.
46 And the third is located below the project on the makai side of the Wailea Ala Nui between the

1 Palms of Wailea and Papali Wailea Condominiums. All three drain into the ocean at Keawekapu
2 Beach a little more than one half mile below the Wailea SF-S site. So Wailea SF-S is close
3 proximity to the ocean makes water pollution a particular concern. Therefore, storm water from
4 Wailea SF-S will be treated onsite using a combination of low impact development techniques,
5 including green streets with road side bio swales, surface ponds, and underground drainage
6 structures, which will remove pollutants from runoff through settlement infiltration, preventing
7 flooding and promoting groundwater recharge. Use of these methods in combination will provide
8 the most effective means of protecting the coastal environment from both flooding and pollution.
9

10 A few words about the water system. So the potable water for the Wailea SF-S will be supplied
11 by the Maui County Department of Water Supply, Central Maui system, from groundwater wells
12 in Waiehu and Waihee which draw upon both the Iao and Waihee aquifers. The site has 130-foot
13 elevation change between Kapili Street and Wailea Ala Nui. And so this means that the project
14 needs to be served from both the Wailea mid-levels and the upper level distribution systems to
15 maintain proper water pressure. In essence, that means water mains from both systems will be
16 extended into the site to provide potable water and fire protection. Water meters will be applied
17 for after SMA Permit approval under the Department of Water Supply's water service rules in
18 effect at that time. Site improvements are also designed to be adaptable to use, for the use of R-
19 1 recycled water when it becomes available.
20

21 Let me turn the presentation over now to our landscape architect, Micah.

22
23 Mr. Micah McMillen: Hi. Good afternoon, everyone. I'm Micah McMillen, with PBR Hawaii, the
24 project landscape architect. And I'll take you through some brief, overarching, overarching
25 strategies incorporated to the project for water conservation within landscape and irrigation.
26

27 So the design of the project's landscape applies strategies from xeriscaping and the lead
28 accreditation system which work together to reduce outdoor water use through tailored planting
29 and irrigation design specific to the project site. Planting strategies include selecting native,
30 drought tolerant, adaptive plant materials that are suitable to the climate and do not require much
31 water once established. The larger public spaces, including streetscapes and the more exposed
32 sun areas will be landscaped with plant materials of a higher drought tolerance. And the shadier
33 courtyard spaces at the residence with cooler microclimates can host a lush type of resort
34 landscape. By grouping plantings by water use, you can achieve better efficiency and prevent
35 unnecessary overwatering. And by installing mulches over the planting beds, you can keep the
36 soil cooler and help to reduce evaporation and retain moisture. Next slide, please.
37

38 Xeriscape and lead strategies for irrigation focus on water efficient application products and an
39 overall reduction of water use by encouraging the use of non-potable water when available to
40 eliminate the use of potable water altogether, and to irrigate at night when cooler, when it's cooler
41 to reduce water loss through evaporation from the sun. Drip irrigation equipment applies water
42 directly to the base of the plants, and rotary heads broadcast water in more focused streams to
43 help reduce evaporation through traditional mistype irrigation sprays. When adding weather
44 sensing controls to the, to the project, it allows the irrigation system to kind of shutoff during
45 periods of rain and indicate when, when water is not necessary for the landscape. So by applying
46 a combination of these best practices to planting and irrigation design, outdoor water use can be

1 reduced between 30 and 80 percent as compared to landscapes designed without considering
2 these strategies.

3
4 So that's a brief overview of the strategies incorporated for the landscape. And now I'll turn it over
5 to Tyler Fujiwara from ATA who can discuss the traffic study prepared for the project. Thank you.

6
7 Ms. Uchiyama: Tyler, sorry, you're muted, I think.

8
9 Mr. Tackett: I don't, I don't see Tyler yet over here. I just still have --.

10
11 Mr. Tyler Fujiwara: Can you hear me now?

12
13 Mr. Tackett: Yeah, I can hear you now, Tyler.

14
15 Mr. Fujiwara: Sorry about that. The TIAR indicated that the project will only generate 40 . . .
16 (inaudible) . . . along Wailea Ala Nui Drive and South Kihei. . . . (inaudible) . . .

17
18 Mr. Tackett: Hey, Tyler, you're not very clear, though.

19
20 Mr. Fujiwara: Can you hear me now?

21
22 Mr. Tackett: It's a little better, but not much.

23
24 Mr. Fujiwara: How about now, can you hear me?

25
26 Mr. Tackett: Yeah, that's much better. Thank you.

27
28 Mr. Fujiwara: Okay. Sorry, I think my microphone was on the fritz a little.

29
30 Mr. Tackett: No problem.

31
32 Mr. Fujiwara: Okay, going back to the presentation. Nearly all vehicular movements will operate
33 with the same level of service, with or without the project. So as a result, no County roadway
34 improvements were recommended. Additional traffic analysis indicated that peak hour vehicular
35 volumes within the internal driveway -- so these are the local roads adjacent to the homes -- they'll
36 range from about three to six vehicle trips during the A.M. and P.M. peak hours or on average,
37 about one vehicle every ten to twenty minutes. As a result of the low vehicle traffic and generally
38 low speeds along these local roads, we concluded that it is safe for pedestrians and bicyclists.

39
40 The project's landowner have entered into and executed a memorandum of agreement, or MOA,
41 with DOT. This MOA, dated March 14, 2016, and its subsequent amendment between the State
42 DOT and landowners in Wailea Resort, encompass the SF-S property. The amended MOA
43 identifies that traffic impacts will be mitigated based on the following two phases of the Wailea
44 Resort Master Plan. The phase one of the, of the development will be mitigated by the installation
45 of a traffic signal by Kaimalu Wailea LLC at the Piilani Highway, Okolani Drive intersection.
46 Construction of this signal is anticipated will be completed this year in 2021. Phase two

1 development will be mitigated by the widening of Piilani Highway at its intersection with Kilohana
2 Drive resulting in addition of one mauka lane. So at this intersection, the northbound approach
3 will widen from one to two lanes. This will be completed prior to issuance of the certificate of
4 occupancy of the 150-unit in phase two. The SF-S project is included in phase two and will
5 contribute 57-units towards that 150-unit threshold for Piilani Highway widening improvements.
6

7 The supplemental traffic analysis was conducted for the full build out of Wailea Resort confirm
8 that the assumptions used for the amended MOA are still effective. The remaining phase two
9 parcels are forecast to generate approximately 233 and 370 new vehicle trips during the A.M. and
10 P.M. peak hours. The findings of this report, of this analysis, is generally consistent with the
11 Wailea Resort Master Plan's 2017 traffic assessment that was prepared for the amended MOA.
12 So I'll now turn over to Mike Dega who will discuss the AIS.
13

14 Mr. Mike Dega: Good afternoon. We now get into the exciting world of archaeology. My name is
15 Michael Dega from SCS Archaeology. We conducted a field inspection of the property, as well as
16 a formal Archeological Inventory Survey (AIS). We went out there multiple times, at least four
17 times that we surveyed this parcel in the summer, fall and winter as things change with the
18 seasons. We documented three sites. The first was a pre-contact Hawaiian agricultural site
19 proposed a modified outcrops and mounds. The second was a military related feature site with
20 three features. This is related to the World War II military, military training in Wailea. The third
21 site was historic ranching wall, which I'll get to in a moment.
22

23 These are all significant under criteria A, with the military site being also significant under criteria.
24 Excuse me, D, the military also criteria A because it relates to events in history, which would be
25 World War II. Please note that of all these 12 features, we did excavations at almost all of them.
26 There's a very shallow soil deposit there, and we found nothing in digging any of these sites. Not,
27 not any artifacts, shells, . . . (inaudible) . . ., anything in our testing.
28

29 Back to the wall. And Hugh Starr is here to talk more about this from 'Auku'u Consulting. A lot of
30 the community comments about this wall were that may be a pre contact moku boundary wall.
31 Hugh did some really excellent archival research and we documented this wall archaeologically.
32 We came up with eight reasons why it's not a moku wall. Three are listed here. One, it's not a
33 well-defined moku or ahupua'a boundary. In fact, it's not even on any district boundary lines or
34 even close to one. The original grants make no mention of the wall. And the walls are built in
35 stony terrain only with wooden barbed wire fence posts molds at the ends. It's not a traditional
36 construction. And we can get back into that if you have questions because Hugh is here for that.
37

38 In response to many other community comments, again, as I said, we returned to the field three
39 or four times over the course of eight months to relocate and examine areas that the community
40 thought that we had missed as archaeological sites. These included a few places with shell
41 scatters, possible uprights, and a little terrace area. In going back out there again, we did not
42 confirm any of those to be true archaeological sites. So based, where we are right now, based on
43 SHPO acceptance of the A.I.S, we are going to do mitigation through data recovery of the
44 ranching wall. That means one hundred percent. We're going to test the footings of the wall and
45 look at its composition as it's repurposed. Thanks for your time. And I'll turn it over to Tanya, who's
46 going to talk about the cultural impact assessment.

1
2 Ms. Tanya Lee-Greig: Aloha. Tanya Lee-Greig from 'Aina Archaeology, to discuss the results of
3 our cultural impact assessment. For the cultural portion or the environmental assessment, we
4 looked at Paeahu Ahupua'a in its entirety to then be able to understand if or how the proposed
5 project might impact traditional and customary practices within Paeahu. Research into both
6 Hawaiian and English language resources, which included historical narratives, Mo'olelo, as well
7 as map resources to identify traditional hi'i noa, settlement areas and transit for trail corridors.
8 Along with consultation with those who are raised within Honua'ula and neighboring Kamaole
9 prior to the development of the Wailea Resort area. And we also consulted with others who were
10 pili to the area as well.

11
12 Some of the specific aspects of traditional Hawaiian cultural resources and practices within
13 Paeahu revolved around agricultural practices which would have included cultivation of plants
14 that do well in our kona or leeward environments, such as ipu, . . . (inaudible) . . . As get into the
15 upper elevations, kalo and . . . (inaudible) . . . increasing agricultural intensification as we move
16 mauka into those upland growing areas. The agricultural fertility of lands at similar elevations to
17 the project area were also noted by folks who were consulted, and spoke of their family farms at
18 similar elevations in neighboring Kamaole ahupua'a. In addition to the traditional agricultural
19 staples, for those who resided in our kona environments, references to hala or laupala, la'au kukui
20 – as well as la'au kukui at Paeahu were noted in the reference of the Mahele Aina. Others who
21 were consulted recalled gathering . . . (inaudible) . . . and Paeahu for la'au lapaa'u, and historically
22 introduced Panini fruit in the upper portions or upper limits of our wainau or middle elevation
23 spaces.

24
25 Makai resources were also well noted at Paeahu, the Honua'ula shoreline is well known for the
26 once abundant marine resources. And for Paeahu that shoreline extends from . . . (inaudible) . .
27 . and consists of phase of white sand beaches bordered by rocky points. We know that Paeahu
28 shoreline was well utilized for traditional settlement with a focal point at Ka Manini in the area of
29 present day Marriott just north of the Grand Wailea through the time of the Mahele Aina. So just
30 into and past the 1850s, early twentieth century. Those who shared not mana'o recall abundance
31 of limu in this area from the . . . (inaudible) . . . at the shoreline so much so that you could even
32 smell it and you could smell the limu wafting up towards Maui Meadows. It was that much. While
33 fishing for manini . . . (inaudible) . . . and other fish were shared. Collective mana'o about the
34 abundance of off shore fish resources, specifically large schools of akule and the communal
35 surrounds that focused on that particular resource were also shared during consultation.

36
37 We know that in order to successfully manage and care take the traditional resources, transit
38 through the ahupua'a through trail systems were also necessary. Some of which were pretty story
39 trails like the alaloo or in the section of Maui, the alaloo is sometimes referred to as . . . (inaudible.
40 Hawaiian) . . . Piilani. The earliest historic maps show the presence of two trails traversing through
41 Paeahu. All alaloo on the makai side, and a mauka trail that branches off from the shoreline at . .
42 . (inaudible) . . . and Kamaole ahupua'a. So these two trails branch off the current project area
43 situated between the two.

44
45 Of utmost importance are the interment spaces where we lay our iwi kupuna to rest. And that
46 Paeahu traditional Hawaiian burial interments are well known within the once prominent dune

1 lands that blanketed the lower coastal areas. The area of the project before you today is located
2 in the stony Makena and Kamaole soils above the dune lands. The geologic landscape for which
3 this influenced how our kupuna settled or utilized the lands within the project area which appears
4 to be revolved around modification of land forms for traditional agriculture as described in the
5 archaeological research. So specific to the project footprint while Ilima and Uhaloa resources
6 were observed within the project area, there were no active or historically known traditional and
7 customary practices related to gathering of this specific resource within the project footprints. We
8 do know Ilima continues to figure prominently in traditional lei making. Uhaloa is used in traditional
9 medicinal purposes. And the availability and integrity of this resource that grows naturally in the
10 project area, we identified that as potentially being adversely affected by construction. So while
11 there are no known, no currently known traditional and customary practices within the footprint of
12 the project area. And there appears to be no potential for adverse effects on cultural resources
13 mauka of the region, or access to cultural resources, or the project will not, does not appear to
14 impede access to these mauka resources or the makai resources.

15
16 Nonetheless, concerns for the makai resources were voiced as a part of our consultation with
17 regards to the cumulative effects of runoff and additional development in the region and what that
18 how that might affect shoreline resources. So as a part of our cultural impact assessment, we
19 made several recommendations revolving around Malama Ike Kai, Malama . . . (inaudible) . . .
20 taking care of our ocean resources as well as . . . (inaudible) . . . honoring the traditional cultural
21 landscape. So with regards to caretaking our shoreline resources, those consulted points toward
22 integration of impact development and green infrastructure for the project. The application of
23 these concepts were detailed in the preceding slides. With regards to honoring traditional cultural
24 landscape and grounding in Hawaiian space and presence at Paeahu continued consultation was
25 recommended as a part of our study to understand how the project might be able to integrate into
26 traditional space through Mo'olelo, through physical interpretive aspects of archaeological
27 records, through incorporation of native plants. And so with that, I will turn it over to Kainoa
28 Horcajo, of Mo'olelo Group to discuss how the project proponent is seeking to put the
29 recommendations into action.

30
31 Mr. Kainoa Horcajo: Aloha Tanya. Aloha maikako, Chair, Commissioners, everyone in
32 attendance. My name is Kainoa Horcajo, and I, I was brought in by the project a few months back
33 to flesh out the next stage, right. So archeological inventory survey, cultural impact assessment,
34 all of these compliance based things tell us about what was, what happened from a cultural
35 perspective, archaeological perspective, of course, the traffic, you know, all the engineering stuff.
36 And part of what I'm doing now is, okay, how do we go forward? How do we take all of this? How
37 do we take the mana'o, and the background research that was found during the culture impact
38 assessment, the, the people who volunteered to be interviewed and consulted during the CIA,
39 and additional people, and how do we bring that to life in the ways that we can within this project?
40 The basis of, of that is from the culture impact assessment recommendations. As Tanya
41 mentioned there were about seven of them. The later ones, the Malama Ike Kai have to do with
42 water usage, storm water runoff with lights not impacting our birds. And then the beginning three
43 have to do with what you see here, the first three bullet points there. Those are the Hi'ohi'ona
44 'Aina No Na Kupuna Mai. How do honor this, this place, this place of Paeahu which is the
45 individual ahupua'a that the project resides in. And then the larger moku or the large land district
46 of Honua'ula. And, and the three ways in which the cultural impact assessment recommended

1 was to look into how to preserve the mo'olelo of this 'aina through either physical preservation of
2 sites or through interpretation. And there's a bunch of ways that that we can look into interpreting
3 the mo'olelo and how that applies. And we'll get to that the next slide.

4
5 The second one was about how do we incorporate traditional place names? Now, these could be
6 place names that we see throughout the moku or throughout the Paeahu. So specifically related
7 to an ili 'aina or kuleana, or some physical place on the land. But it could also be something
8 connected to a cultural practice like la'au lapa'au or hana no'eau, or some sort of mythical, you
9 know, or legendary event that happened. Like, like the battle between Pele and . . . (inaudible) .
10 . . , which created Molokini and . . . (inaudible) . . . within the moku Honua'ula.

11
12 And then the third thing was the incorporation of native plants to support la'au lapa'au and hana
13 no'eau. And I will add to, to that recommendation that it was not just the increase of native plant
14 percentages within the project went to not just supporting the la'au lapa'au or the medicinal aspect
15 of cultural practices, and hana no'eau like lei making with Ilima, but also, you know, what goes
16 into the bioswales there and the landscaping along all of the roads and, and in peoples' backyards
17 that just adds to the, you know, the, the, the cultural density of the native plants. When we look
18 into --. Oh, excuse me.

19
20 And all of those, you know, those three points, they come from a variety of sources, right. So
21 where do we go to for our sources? We have a wealth of background information that we pull
22 from the culture impact assessment, all the, all the various archival research that has been out
23 there, done in and about Honua'ula, and then also in consultation with, with people. People that
24 were recommended by and interviewed during the culture impact assessment. And then this
25 larger community of . . . (inaudible) . . . kumu, kupuna, you know, knowledgeable experts, kumu
26 hula, cultural practitioners that are ma'a with the area, you know, familiar with the area of
27 Honua'ula. But, but also perhaps familiar with a particular practice, whether that is a kahuna la'au
28 lapa'au or a lei making expert, right. And we go, we reach out to those people too sometimes to
29 find out, you know, as the CIA pointed out, there are no ongoing, known ongoing cultural practices
30 in the area. But what are these practices that were going on in the past in Honua'ula that we want
31 to find a resurgence of. And maybe there's, you know, plants and things to, to connect to. This
32 part of the consultation is, is not like a check the box kind thing. It doesn't just happen. A lot of
33 times, you know, emails go out, phone calls go out, you don't hear back from them. Hopefully we
34 run into them at Safeway or Foodland, and that process is longer ongoing. It's not just tied to this
35 EA. It is something that that will continue on and hopefully in this process, we engage in very long
36 term, you know, in perpetuity relationships with a larger portion of the community that might not
37 otherwise be involved in a development like this.

38
39 When we look at the layers of the stories we can tell, we can look to, of course, as far back as,
40 as the mythical past. I mentioned a lot of the talk of Honua'ula is the Launipu'u or, you know, the
41 roll of hills that come down the side of Haleakala to the legends of Pele and Inaina. And then, of
42 course, the first arrivals of, of our Polynesian ancestors. Honua'ula itself, the moku of Honua'ula
43 was named after a family that came up with Tahitian navigator called Mo'ikeha. And this
44 gentleman and his ohana name Honua'ula said, you know, like, oh, I like this side of the island, I
45 want to get off here. So they got off. His ohana got off and became the first inhabitants of this, of

1 this region. And the name Honua'ula was named after them, at least as one mo'olelo as one story
2 goes.

3
4 And then we have this long period of, of Hawaiian habitation upon the land up until, of course,
5 you know, the arrival of, of foreigners. And, and I put the name Honua'ula Kua La'ola'o because
6 that -- there's is very common thread that you hear from, from the kua'aina, from the descendants
7 of Honua'ula about them being very resilient. Yeah, it's not, they're not in lao, they're not in Hana,
8 there's not water flowing all over the place, so they needed to become callous tacked because
9 they had to work so hard to gain sustenance and, and prosperity for their, for their families, and
10 for their next seven generations. And so those stories are pulled into this collective narrative that
11 we have the opportunity to tell.

12
13 And then of course, we get into post contact where we have a large period of ranching as
14 mentioned with the ranching wall that we found upon, upon the land. And then military and all of
15 that, although you don't hear a lot of people wanting to retell the stories about the military in these
16 sort of interpretive things. But, Yuki, you can go to the next slide.

17
18 So in this, in this process of consultation, and you know, this process really in, you know, I guess
19 in a time frame just started right. It continues on and on, and, and I myself, we addressed all the
20 different -- we trying to address all the different concerns. Some of them are archaeological
21 concerns. Some of them are cultural concerns. Some of them have to do with the project itself.
22 And at some point, hopefully with, with some people, we've gotten very down the line with
23 incorporating the CIA recommendations. With others, we're still at the beginning. But that's okay
24 because it's a long process. In this, in this process, we have these opportunities to tie in, you
25 know, the place names. At some point, and you know, in this in this phase of the development,
26 we haven't really even gotten into a lot of details, right. But, you know, what, are there designs
27 that we can put in stamps into the concrete of, you know, all of the la'au lapa'au or native plants?
28 What is what are the sales and marketing materials look like, right? How do we incorporate these
29 place names into the name of the project? The names of the interior roads, the spine road that
30 that David mentioned, you know, the individual driveway roads, right? And then how do we bring
31 about all those traditions specific to the area, right? For instance, you know, loi kalo were not
32 present too much in Honua'ula, you know, wetland taro. Paeahu is in fact the ahupua'a name
33 about uala or sweet potato, right? And then, of course, Micah talked about, talked a little bit about
34 landscaping.

35
36 And then, of course, we can get right into stakeholder education. So one of the things that the
37 project group committed to was, of course, every construction worker before they start and this is
38 whenever they get to construction, will have to go through cultural education before they begin
39 working on the land. The salespeople, you know, at the very end of the day, when homeowners
40 come to buy, they will go through an orientation process to understand what Honua'ula is, what
41 the history of the place was, you know, in the process of, you know, buying a home in that area.

42
43 Besides the implementing the culture impact assessments, there was a response letter to the
44 Draft Environmental Assessment by the Office of Hawaiian Affairs. And I believe Kamekana is on
45 this as well, but there was a letter from Kamekana, on the compliance division, led by Kai Markell
46 about cultural access to the site, both for the la'au lapa'au and for hana no'eau, you know, other

1 cultural practices. As, as noted, the property, the project is a gated property. There are no ongoing
2 cultural practices within the parcel. Of course, you know, access, you know, for past purposes of
3 all of that, you know, it can be worked out making sure that it's honoring all of those things. There
4 was some changes in, in both the plants being planted and the interface to the publicly accessible
5 area along that front main entrance to create these larger cultural gardens for la'au lapa'au and
6 hana no'eau, both for the, the rejuvenation and perpetuation of these practices. And also to have,
7 like, just a visual of, hey, these things still happen which, you know, there's not a lot of places
8 where we see that in Wailea as a resort community. And these are some of the touch points and
9 place makings we can talk about in the next slide, Yuki.

10
11 So Dave spoke to this a bit. You know, originally, I think in the Draft EA the fence line run kind of
12 as, you know, all the other projects, Kialoa, and you know, Pualani Estates kind of run right up on
13 the sidewalk. We were able to pull this back so there's a pretty large area there where you've got
14 these walking paths through. One side is sort of slated for sort of the reinvigoration and able to
15 show basically dry land, you know, uala cultivation, cultivation of, of food crops, and other crops
16 that you would find, you know, in there. So what you see there kind of like dry stack terraces. So
17 some of the common or typical archaeological features you would see in this area, you know, are
18 either like this kind of what they call sea shaped enclosures or dry stack, you know, to collect
19 moisture, divert wind, where you've got uala. And you can see it a small little dot for some
20 interpretive educational signage, right? So anyone walking by can stop. And, you know, if you go
21 down the Kihei coastal walk or like Makena Landing, you see these, these real nice signage that
22 talk about the history and the practices of the area, allowing some connection with, with, with
23 everyone, with the community there.

24
25 On the right hand side, you have the la'au lapa'au area where, where we have the opportunity to
26 plant various la'au lapa'au or medicinal plants. We might not have to plant puhaloa because it's a
27 weed so it will, it will grow, pop up anyway. We just got to tell the landscape guys not to pull it.
28 But we have the opportunity there to plant la'au lapa'au under some nice native shade trees. You
29 know, incorporating hala, you know, pu'u kukui, all those things that are mentioned in, in this oral
30 accounts and in the, in the culture impact assessment and these other things here. Mentioned
31 also and Dave kind of talked about it along that whole borderline of that mauka side will be planted
32 as a border in Ilima. The one of the plants found in the project was Ilima, although there were no
33 lei making practices discovered in the conversations with interviewees. That's a real kind of cool
34 touch point that we can bring about, you know, that idea of Ilima and the propagation of Ilima for
35 that purpose, yeah.

36
37 And then the last slide I have, I believe, is just they talk about the ranch wall down there. If you
38 guys are familiar with Honua'ula and, you know, I think when we think of ranch walls, we think
39 Ulupalakua, people go walk Thompson Road, and we see them up there, you know, in Keokea,
40 Ulupalakua. Of course, Paeahu, Wailea area was, was, you know, once a lot of ranching as well.
41 You get down into Keoneoio, we call LaPerouse, we see a lot of ranch walls, but there's not many
42 left in Wailea, much less left in an area that's publicly accessible. So here we've, as, as Mike
43 Dega mentioned, done a total manual breakdown of the wall data recordation on that. And then
44 brought it manually, so we're not bulldozing the wall. We're actually going to hand, hand by hand,
45 move it and place it in a pickup truck bed, move it down to the site, and rebuild this wall, hopefully
46 in, in coordination with some paniolo up in Ulupalakua. So that it, in fact, looks like one of those,

1 you know, traditional kind of, you know, paniolo ranch walls. And we'll also be able to have, you
2 know, another interpretive signage there in that region. And, and I'm not sure exactly where the,
3 this potential future bus stop would be, but would be kind of cool if it was all in the same region.
4 And so, of course, you got the opportunity people be waiting for the bus and you get to read about
5 the history of Wailea, Paeahu, Honua'ula, and ranching in that, in that area, somewhere that is
6 totally accessible.

7
8 So, and I'll be around, you know, questions later if you got them. And of course, I think I hand it
9 back over to you, Yuki.

10
11 Ms. Uchiyama: Yes. Thank you, Kainoa. Again, my name is Yukino Uchiyama of Munekiyo
12 Hiraga. I'd like to thank the Commission for this opportunity to share the findings of the Final EA.
13 To summarize based, on the findings of the Final EA using the State's significant criteria, the Final
14 EA concluded that the project is not expected to result in significant adverse effects on the
15 environment. And today, we respectfully request issuance of a Finding of No Significant Impact,
16 FONSI, determination by the Planning Commission.

17
18 And lastly, I would like to quickly touch upon the next steps if the Commission determines to issue
19 a FONSI determination of the Final EA. First, the Final EA will be published in the State OEQC's
20 Environmental Notice. And after the process is done, we will come back to the Maui Planning
21 Commission for a final public hearing for the SMA Use Permit and Planned Development Step II
22 applications. And finally, the applicant will work with the Planning Department to obtain PD Step
23 III approval. So that's all we have today. Thank you so much for your time. And as mentioned
24 earlier, we have all the technical consultants with us, and we are all happy to answer any
25 questions that you may have. Thank you so much.

26
27 Mr. Tackett: Thank you. Director, I believe we have testifiers next. Is that is that correct?

28
29 Ms. McLean: Yes, Chair. Right now we have twenty people signed up to testify. If we can confirm
30 with Corporation Counsel, I do not believe that the testifiers need to be sworn in. But Mr. Hopper,
31 can you confirm that?

32
33 Mr. Michael Hopper: I think in this case you, you should because you will be asked to make, the
34 Commission will be asked to make a determination of whether this, this Environmental
35 Assessment is a -- if there's a Finding of No Significant Impact, which I believe is an appealable
36 action by, by commenters. The other option is to make a determination that an EIS prep notice
37 has to be, has be provided and an EIS has to be prepared. So I do think that in this case, testifiers
38 should be sworn in. I know at the last meeting was just for comments on this item which is a little
39 different. In this meeting, you are being asked to make a final -- well, not necessarily a final
40 decision, but a decision on this application that could affect the legal rights of the applicant. So I
41 think I'd advise swearing in testifiers and allowing the applicant to ask them questions.

42
43 Mr. Tackett: Will do.

44
45 Ms. McLean: Thanks Mike. I will remind testifiers that you'll be given three minutes to testify. If
46 there is anyone else who wishes to testify please indicate so using the chat function. And until

1 you are called, please keep your audio and video on mute. Chair, the first person to testify is
2 Genesis Young who will be followed Lucienne de Naie.

3
4 Mr. Tackett: Thank you, Director.

5
6 Mr. Genesis Young: Can you hear me alright?

7
8 Mr. Tackett: Yes, I can Genesis. Please introduce yourself and promise to tell the truth.

9
10 Mr. Young: Yes, I'm Dr. Genesis Young, a residence of Maui Meadows, and I will tell the truth.
11 And I'm here testifying -- wondering how you could not consider there being an impact when there
12 is going to be bulldozers rolling, excavators working, and houses building, and roads paved. How
13 there could not be an environmental impact is beyond me. And in the last part of this meeting,
14 you had a great request for information and deferred the hearing because you really wanted to
15 know the information before you made a decision. And I think the situation is the same here.
16 Frankly, I don't feel there's enough information. And why wouldn't you get a full environmental
17 impact study and really understand the impact of this, this this development? It just, I just can't
18 understand how anyone could say there's no, no significant impact here. And so I would
19 encourage you to request a full environmental impact study.

20
21 I'm testifying here as an individual and I oppose the development across the highway from Maui
22 Meadows for many reasons. The traffic coming out of Maui Meadows on the uncontrolled
23 intersection of Mikioi and Okolani, in general, is dangerous and difficult to exit during rush hour.
24 And we were still waiting on the promised light or roundabout there, and we've all been led to
25 expect that this road, Piilani Highway, will be widened to four lanes before any further
26 development was done. I believe that's the agreement under the Makena-Wailea Community
27 Plan. And I'd ask you please to abide by that as this is what's required for us to have some easing
28 in using the -- in the -- using the road and getting to where we need to go. And so I really was
29 upset to hear that there was going to be 233 more morning trips and 370 more afternoon trips
30 based on the traffic impact analysis. And anyone who says that's not significant, that's just not
31 true. I mean, they keep saying these things aren't significant, but I don't know who's judging that.
32 Because if you want to come out during rush hour, it's, it's backed up already. You cannot add a
33 new development without widening the road. They're going to widen one lane. Who cares? That's
34 not going to change the impact to my life and to our neighborhood. And so I really encourage you
35 to look at that. Not to mention that this is a gated community. There's basically going to be no
36 access to another one of those empty gated communities. And I really don't feel that this is a
37 community friendly project and they're taking water from lao Valley. We already have a, have a
38 lack of water. The sewage isn't adequate. The drainage plan is there, but I don't think it's
39 adequate. They're not accounting for pesticides or herbicides or chemical fertilizers. And the
40 affordable housing issue, they're not going to build any affordable housing till later. That needs to
41 be in place now or who -- where the workers to build this, build this unit. Where will the workers
42 live --

43
44 Ms. Takayama-Corden: Three minutes.

45

1 Mr. Young: -- because we have an affordable housing crisis right now? And so I really ask you,
2 please don't look at short-term gains, go for long-term gains. As a planning commission, I'd ask
3 you to do that. Thank you.

4
5 Ms. McLean: Chair, you're muted.

6
7 Mr. Tackett: Commissioners, do you have any questions for the testifier? Hearing none. Does
8 the applicant have any questions for the testifier? Thank you, Mr. Young. Could we get our next -
9 -? Thank you.

10
11 Ms. McLean: Yes Chair. The next testifier is Lucienne de Naie who will be followed by Glen
12 Yamasaki.

13
14 Mr. Tackett: Thank you.

15
16 Ms. Lucienne de Naie: Aloha everyone. Let me see, my video has been muted by the moderator.
17 Okay. Can you folks hear me?

18
19 Mr. Tackett: Aloha, Lucienne, please, please introduce yourself and tell the truth.

20
21 Ms. de Naie: I do. My name is Lucienne de Naie. I'm the chairperson of the Sierra Club Maui
22 Group. I'm testifying on their behalf. Our Sierra Club volunteers are very familiar with this land
23 and the surrounding parcels in Paeahu, the place that we call Wailea today. Our volunteers have
24 spent many hours with cultural users, documenting archaeological and cultural sites at various
25 project areas. And this project is part of a greater whole. Wailea Phase II really needs a full EIS
26 of its own. It's not just this particular piece of land, this 23-acres, but it's a series of other
27 developable parcels that will all have cumulative impacts, that all share common conditions, and
28 they shouldn't be cut up into separate parts. The AIS for this project was approved by the State's
29 Historic District Division, and we've been told that. But that's not the end of the story. There can
30 be an approval by the State and many, many unresolved issues remain about undocumented and
31 important sites. Sierra Club volunteers submitted testimony with pictures of unrecorded historical
32 sites to the September meeting of the Planning Commission for the Draft EA. As, as far as we
33 can tell the AIS, the archaeologists reviewed one site and it may be scattered. They didn't look at
34 anything else, and they just concluded that there was no more to be seen. But one of our
35 volunteers is a PhD archaeologist with 30 years-experience. She lives in Paeahu. She spent a lot
36 of time on the land here. Her suggestions were ignored.

37
38 The Commission should really request that the AIS and the Final EA be reviewed by the Cultural
39 Resources Commission to determine if there are impacts to historic sites and cultural resources,
40 and if there's going to be impacts by this project on the waters of Na Wai Eha. How do we honor
41 a place after we've decided it's okay to destroy everything Hawaiian here and build a little
42 simulation of a cultural site at the entryway? Is this going to be our new standard of honoring
43 Hawaiian culture? The historic wall on the property is another feature. . . . (inaudible) . . . pre
44 contact moku boundary. Volunteers who are very familiar -- our volunteers are very familiar with
45 all the walls existing in Honua'ula and have advocated for many significant walls to be preserved.
46 Every one of them was called a cattle wall before we were able to save them.

1
2 The analysis done in the revised AIS by Hugh Starr, who I respect very much, overlooks one
3 thing. It's that Hawaiians, when they chose moku boundaries, didn't choose straight lines. They
4 chose very visible physical embodiments, a high ridge like where this wall is, a deep gulch like
5 what this wall overlooks. And this really deserves a fuller discussion.
6
7 Ms. Takayama-Corden: Three minutes.
8
9 Ms. de Naie: So if we get it, if we get it wrong, we've lost an irreplaceable part of our . . .(inaudible)
10 . . .
11
12 Mr. Tackett: Thank you Lucienne. Let me see, let me see if Commissioners has any questions for
13 you? Commissioners, anybody have any questions for Lucienne? Does the applicant have any
14 questions for Lucienne?
15
16 Mr. Goode: No questions, Chair.
17
18 Mr. Tackett: Thank you, Lucienne.
19
20 Ms. de Naie: Mahalo.
21
22 Mr. Tackett: Can we have our next testifier, please?
23
24 Ms. McLean: Yes, Chair. The next testifier is Glen Yamasaki, who will be followed by Carol Lee
25 Kamekona.
26
27 Mr. Tackett: Thank you.
28
29 Mr. Glen Yamasaki: Good afternoon, Mr. Chairman. Glen Yamasaki here.
30
31 Mr. Tackett: Please, please promise to tell the truth, Glen.
32
33 Mr. Yamasaki: I promise to tell the truth.
34
35 Mr. Tackett: Thank you. You have three minutes.
36
37 Mr. Yamasaki: Thank you. Appreciate your patience in this endeavor today. I speaking, I am
38 speaking as an individual, and I am speaking on behalf of and in support of the project. I am also
39 speaking in support of the Commission's decision if they decide to move forward on a Finding of
40 No Significance. Just for your information, I live across the project itself. I am, I do live in a single-
41 family condominium arrangement, and I enjoy that arrangement very much so. This project, in my
42 opinion, meets all the attributes of a sustainable, renewable project. They are going to install PV
43 panels on the roof as part of the overall development. I think the greenways, as well as the
44 Hawaiian architect, or the Hawaiian cultural components of the project, I think makes it very
45 appealing for visitors, as well as, our prospective residents here in Wailea. So in part of my short
46 testimony, I just want to say that I do support the project in its entirety. I also would support the

1 Commission in its finding if they decide to move forward with a Finding of No Significance. Thank
2 you, Mr. Chairman.

3
4 Mr. Tackett: Thank you. Commissioners, does anyone have any questions? PD, go ahead, and
5 then followed by Ashley.

6
7 Ms. P Denise La Costa: Thank you, Chair. Thank you, Mr. Yamasaki, for your testimony and for
8 being on the call today. You said that you live right next to it. What kind of impact is the
9 construction going to have on your home if this moves forward? Thank you.

10
11 Mr. Yamasaki: Thank you for the question. I am sure that we'll have some impact, but it's no
12 different than the dust winds we get from North Kihei anyway. So I don't see that as being a, an
13 impact at all quite honestly.

14
15 Ms. La Costa: How close are you to the proposed project?

16
17 Mr. Yamasaki: I live right across the street.

18
19 Ms. La Costa: So 100-yards, 500-yards?

20
21 Mr. Yamasaki: About a 100 --. Well, from the corner, from the gate of my community to probably
22 the corner -- what is that the northeast corner of that project -- under a 100-yards.

23
24 Ms. La Costa: Thank you.

25
26 Mr. Tackett: Go ahead, Ashley.

27
28 Ms. Ashley Lindsey: As a resident of a similar community, how many of your neighbors are part-
29 time residents? Or --

30
31 Mr. Yamasaki: I think --. Yeah, our, our subdivision --. Well, number one, it doesn't, it does not
32 allow for short-term rentals. Two, I think the next, last time I checked was majority were owner
33 occupants and the rest were long-term renters.

34
35 Ms. Lindsey: So do you -- so most of the people who --? So you experience a neighborhood in
36 your neighborhood? Like they're, you know your neighbors, there's like even if they're long-term
37 or owner occupants, it's not somebody who was here for a month and gone for eleven, for
38 example, or whatever term?

39
40 Mr. Yamasaki: No, no. I mean, we do have some owners who rent their units long-term. So, you
41 know, I have not obviously met them. But the majority of owner occupants who do live here, I do
42 know them and we do say hi. And we you know, people walk the neighborhood with the dogs and
43 there's kids on the streets, and it's, it's a family oriented neighborhood, in my opinion.

44
45 Ms. Lindsey: So it's not like a --. Are there homes that are empty for long periods of time other
46 than the . . . (inaudible) . . .

1
2 Mr. Yamasaki: No. Not that I'm aware of, no.
3
4 Ms. Lindsey: Okay, thank you.
5
6 Mr. Tackett: Commissioners, does anybody else have any question? Does the applicant have any
7 questions?
8
9 Mr. Goode: No questions, Chair.
10
11 Mr. Tackett: Thank you. Thank you, Mr. Yamasaki.
12
13 Mr. Yamasaki: Thank you. You have a good day.
14
15 Mr. Tackett: May we have our next testifier please, Director?
16
17 Ms. McLean: Yes, Chair. It's Carol Lee Kamekona who will be followed by Mike Wildberger.
18
19 Mr. Tackett: Aloha Carol are you there? Carol Lee, are, are you there?
20
21 Ms. Carol Lee Kamekona: Can you hear me?
22
23 Mr. Tackett: Yeah, I see, I see where you are and I can hear you.
24
25 Ms. Kamekona: One second. Can you . . . (inaudible) . . .
26
27 Mr. Tackett: Not very well, Carol. There might be a lot of devices on in your area or something
28 like that.
29
30 Ms. Kamekona: Okay . . . (inaudible) . . .
31
32 Mr. Tackett: Sorry, I can't make out anything you're saying. Carol Lee, are you still there? Michele,
33 our Director, could we, could we move on to the next? And if Carol Lee gets back on, can we, we
34 put her in to the next available position, please?
35
36 Ms. McLean: Yes, Chair. So next we have Mike Wildberger who would be followed by Jonathan
37 Orlando.
38
39 Mr. Mike Wildberger: Okay, I'm Mike Wildberger. I'm here.
40
41 Mr. Tackett: Okay. Thank you, Mike. Could you please introduce yourself, which you just did and
42 just promise to tell the truth?
43
44 Mr. Wildberger: I will tell the truth and quickly. Hey, I happen to live on Kahale Street, which the
45 end of it abuts this development, right, it goes up to Kilohana Street and Kilohana Park. The area
46 where they're building it is my morning dog run most every day for 20-years, 30-years. The dogs

1 go up there, we run around the street. There's -- it's a pretty nice place, but it is, I understand, it's
2 entitled to have a building there, to have resort building and, and that makes sense. We'll miss
3 the owls and the deer, and the other animals. When the construction starts, I'm sure that will stop.
4

5 Looks like they've done a lot of things. I noticed some inaccuracies in their presentation, but most
6 importantly on KITV, in the news about this, Ledcor spokesman was quoted as saying that the
7 main, that this won't delay any affordable housing. Said the main thing that delays housing is lack
8 of entitled properties and lack of in place infrastructure. And so by that definition, the housing here
9 should be delayed. You do need a full EIS statement. The infrastructure in this area is not in place.
10 The Piilani Highway above it is a traffic jam. Sure it slowed down during the pandemic, but it's
11 coming back up again. And it's basically a long, skinny parking lot all the way past Maui Meadows
12 to Wailea. Until that's actually flushed out, lighted or circled, and continued, there really shouldn't
13 be any more development. If the developers don't want to wait for that, then they should be paying
14 for it, and they should be doing it.
15

16 There's also a problem with the sewer infrastructure. The Elua pumping station, County of Maui
17 pumping station, is scheduled for a complete renovation over the next couple of years. They're
18 working on the equipment now, and it's not up to what's being placed there. So there's not really
19 an infrastructure in place. And when you take that along with the burgeoning movement, have a
20 moratorium on resort development, and the, the builders did call it a resort condominium
21 community, it seems like that's another thing to think about. By the time this thing gets built, it may
22 not be allowed, you know, it'd be like the last one on the lifeboat.
23

24 That's, that's three things right there. I did notice in their, in their drawings, they seemed to indicate
25 the Kilohana Park is much larger than it actually is. It's a football field and a, and a dog park. Much
26 of what they're calling the park, next to the project, is actually just a gully that they can't build in it
27 anyway really.
28

29 So I would like to just make a...request that you get a full Environmental Impact Statement. If
30 anything, it needs to be delayed a little bit until there's proper infrastructure. There's no reason to
31 not to develop along the community plan.
32

33 Ms. Takayama-Corden: Three minutes.

34 Mr. Wildberger: And, and thank you.

35 Mr. Tackett: Thank you, Michael. Commissioners, does anybody have any questions? I see you,
36 Dale, go ahead.
37

38 Mr. Dale Thompson: Hi Michael. Thanks for joining us. So you're married to Tina I take it?
39

40 Mr. Wildberger: That's true.
41

42 Mr. Thompson: Right, and so she's in our state government. Can she get us some, some tax
43 money to fix some road down there?
44
45
46

1 Mr. Wildberger: She's doing what she can. You know that the State is primarily funded by income
2 tax and TAT tax. The State has, is grabbing all the TAT. The State is taking all the money they
3 can and it's not quite enough, I think. So I think there's a struggle. I can't speak for Tina. I can only
4 speak as a citizen and a neighbor. But looking at what's going on, the State -- the County actually,
5 because they do property tax, is almost better off, except they're going to be missing some of the
6 State's money, some of the State's supplemental money. So it's real hard to get money at this
7 time I've noticed. But you would be welcome to contact her office and make that request. I'm sure
8 she'd be happy to talk to you.

9
10 Mr. Thompson: Yeah. Very well. Thanks very much. Thanks for joining us.

11
12 Mr. Tackett: Commissioners, does anyone else have any questions for Michael? Go ahead PD.

13
14 Ms. La Costa: Thank you, Chair. Thank you, Mr. Wildberger for joining us. You mentioned there
15 were three items that you said were incorrect. Could you please tell us what those are and the
16 sources of your information to back that up? Thank you.

17
18 Mr. Wildberger: I'm concerned about the, the Piilani Highway, which is only one lane each way.
19 And you noticed that in their, in their presentation, they said that the units being built are 57-units,
20 towards 150 that would eventually cause the, the highway to be widened. So in effect, I guess
21 they can finish that, open it up. And I'm not, I'm -- if I could I don't -- I'm not concerned about the
22 traffic generated by it because three million dollar homes are going to be built and owned by
23 people that don't live in them. I know the previous speaker said that his community had people
24 living in them; I'm familiar with that one. But most of the other gated communities were basically
25 ghost towns. People are parking money. They use it a couple of weeks a year. I don't think they
26 have a lot of impact on traffic. You know, the people there don't have to go to work usually. You
27 won't see a lot of long-term rentals in this thing because the mortgage on it would be 15,000 a
28 month so you'd have to get about \$16,000 or \$17,000 a month rent, which seems a little high for
29 most of us. So I'm not worried about that. So the first thing is Piilani Highway and that's just an
30 evidential antidotal. I don't do traffic studies, you know, but I've, I've been stuck in the traffic a lot.

31
32 The infrastructure work is scheduled and it's on, the for the sewer system, is scheduled and is
33 being worked on. That's, that's County of Maui's, you know, normal maintenance thing. Elua
34 Beach is the sewer, the pump station there is 40-years old, I think, 35. It's going to take a lot to
35 rebuild it. It's in a sensitive area. And the more they put on, the harder it's going to be. So, you
36 know, even though they're paying into property tax, they're not definitely encouraging that. . . .
37 (inaudible) . . .

38
39 A couple of the -- like I said, a couple of the drawings of the project aren't quite to scale. You
40 know, the drawing on the project itself shows the parking lot larger. So I'm wondering about the
41 entire presentation. I was taking notes, but I can't quite reach my notes at this point.

42
43 Ms. La Costa: Well, let me get back to my question, please. My question was, you said the three
44 things were incorrect. But what you have echoed, in my estimation, is the things that -- the road,
45 they addressed the roads. The park, well, it might not be this big, it might be this big. But if it was,

1 were there any mistruths or misrepresentations that you saw to make you have that claim? Thank
2 you.

3
4 Mr. Wildberger: In watching the presentation, some things that I said -- doing a couple of things
5 because I got to work too. Just minor statements on the, on the size, and the impact, and the
6 scope. So, yeah, I think what I meant, when I said that the Ledcor spokesman said in order to
7 build housing, you need to have the infrastructure in place. And without that, that's an impediment
8 to actually building. And so he was saying that building there doesn't take away from anybody
9 else. He's got the right. He's entitled to build there. And my thing is that the infrastructure is not
10 actually fully in place. And I don't think it's going to be in place when they're done, and it could be
11 a long time, you know, the highway and especially a sewer system. So that's, that's really the --
12 that. I'm not, I don't think there's that much disingenuous in their presentation. They really seemed
13 to do their homework and it all follows the community plan, which is refreshing, right, that they're
14 doing what the community says; resort property should be here. But at this time, it seems like
15 that's a little bit cart before the horse to continue to build giant, this giant project when we actually
16 don't have the road finished to it, and we're still working on the sewer system. It's just seems a
17 little bit ahead. There's an awful lot of construction down there. I said that's been my home for half
18 of my life so I'm very familiar with the whole area and watched things come up. And you know,
19 it's not the end of the world, but I just think that the full EIS would be a good idea, and we slowed
20 down a little bit, and maybe allow the infrastructure to catch up.

21
22 Ms. La Costa: Appreciate it very much.

23
24 Mr. Wildberger: Thank you.

25
26 Mr. Tackett: Any other Commissioners have a question for Mr. Wildberger? Hearing none. Does
27 the applicant have a question for Mr. Wildberger?

28
29 Mr. Goode: No questions, Mr. Chair.

30
31 Mr. Tackett: Thank you. Director, could we --. Thank you, Mr. Wildberger. Can we have our next
32 testifier please, Director?

33
34 Ms. McLean: Yes. Chair. Carol Lee Kamekona, do you want to give it a try?

35
36 Mr. Tackett: Carol Lee, are you there? We can't, we can't or I can't hear you at this time. It shows
37 that you're unmuted on, on my side. Do you perhaps have a mute on your side? Still nothing.
38 Director, it shows that Carol Lee left again. Could we push her back down and, and perhaps she
39 can get it figured out?

40
41 Ms. McLean: Yes. Yes. Next, we have Jonathan Orlando who will be followed by Bruce U'u unless
42 we can get Carol back.

43
44 Mr. Tackett: Okay, Jonathan Orlando, you're next. Could you please introduce yourself and
45 promise to tell the truth?

46

1 Mr. Jonathan Orlando: Aloha, guys. My name is Dr. Jonathan Orlando. Can you hear me?

2
3 Mr. Tackett: Yes, I can. Please proceed.

4
5 Mr. Orlando: Alright. I will tell the truth. Okay, so to start out with this, I would just like to say that
6 a very large section of the community opposes such a development here. We would like to ask
7 that the Commission does not grant a FONSI determination on this. Starting with some of the
8 previous testimonies have said that this is actually one of seven projects that will come up to
9 something close to 289 luxury units for folks who do not live here on Maui, known as the Wailea
10 Hills Collection. Now the reason that or it seems that this was broken to be seven units was
11 because according to HRS, Chapter 343, I'll read it directly, actions triggering HRS Chapter 343,
12 environmental review, must be reviewed as a single project when any of the following applies.
13 One, the component actions are phases or increments of a larger total undertaking, which this
14 seems to be. An individual project is a necessary precedent for a larger project. An individual
15 project represents a commitment to a larger project, or the actions in question are essentially,
16 essentially identical and a single statement will adequately address the impacts of each individual
17 action and those of the group of actions to the whole. That's from HAR 11-200-7.

18
19 So basically all of these, it seems that the applicant is separating similar projects to avoid doing
20 a full EIS. Also, on the diagrams on page 19 to 22 have single-family homes with what seemed
21 to be detached ohana. On page-199, which is also page one of the CIA, it says because property
22 is located within the resort plan development area is a specific single-family residential zoning it
23 limits the onsite density to 2.5 homes per acre. Twenty-three point one acres equals 57 units.
24 Now if those are ohana that comes to a 114 units, not to mention the other projects that are
25 planned for this area. Okay, so that seems to violate the Wailea planning rules. Page-29 says
26 that rendering does not reflect the maximum build out of unit size. So since these lots of 10,000
27 square feet could be larger.

28
29 Okay, the other thing on page-38, as we've actually discussed is this is a gated community. What
30 the point of a gate? The gate is to keep out undesirables. Who are the undesirables? Us, the
31 locals? So that in itself is making an enclave which is an enclave is defined as a distinctly bounded
32 area enclosed within a larger unit. It's just more of this is not what the community wants or the
33 community needs at all right now. For the cultural impacts, I appreciate very much what Tanya
34 and Kainoa have spoken about; it's very nice. On page 10 of the original. I don't know if it's the
35 EA. The -- it goes to say the project will incorporate various measures to honor native Hawaiian
36 culture throughout a project cultural plan and educate new residents of the residential community.
37 That's great. However, it's still blocking access to those --

38
39 Ms. Takayama-Corden: Three minutes.

40
41 Mr. Orlando: -- locals. Other issues we talk about was --

42
43 Mr. Tackett: Excuse me?

44
45 Mr. Orlando: -- traffic.

46

1 Mr. Tackett: Your three minutes are up, so got to keep it fair for everybody. But --

2

3 Mr. Orlando: Thank you much.

4

5 Mr. Tackett: Wait, don't go, don't leave yet because there could be questions. Does anybody have
6 any questions for the testifier? Does the applicant have any questions for the testifier?

7

8 Mr. Goode: No questions, Chair.

9

10 Mr. Tackett: I believe PD has a question. Go ahead, PD.

11

12 Ms. La Costa: Thank you very much. Thank you, Mr. or Dr. Orlando for your comments and for
13 being on the call. You mentioned the drawings. Earlier in your presentation, the applicant
14 specifically said there would be no accessory dwellings. I believe that those are carports that
15 you're seeing rather than actual accessory dwellings. So if the applicant could please clarify that
16 for me, and for Dr. Orlando. Thank you.

17

18 Mr. Goode: Chair, I can do that now or we can do that during the Q&A afterwards. Chair, what do
19 you prefer?

20

21 Mr. Tackett: I believe that, I believe we could do it during the Q&A afterwards. Please, please
22 write down the question, please, and we'll go through it that way. I believe that's how, how we've
23 done it the other times. So do you have any other questions for the, for the testifier, PD?

24

25 Ms. La Costa: No, Chair. I haven't. I just needed that clarification so I didn't keep coming up down
26 the line. Thank you.

27

28 Mr. Tackett: Okay, and thank you, PD, for, for allowing us to do that all at one time because I
29 know the last time I ran a meeting, people were kind of distraught with the, the in and out of
30 everything. And so if we could just try to keep it to the questions and then, and then after that's
31 finished, we can, we can direct our questions to the applicant and kind of work through it that way,
32 if that's acceptable to everyone. Thank you. I believe our next testifier is brother Bruce U'u.

33

34 Mr. Bruce U'u: Aloha everybody. Good afternoon.

35

36 Mr. Tackett: Aloha Bruce. Could you please introduce yourself and promise to tell the truth?

37

38 Mr. U'u: I promise to tell the truth. My name is Bruce U'u, life-lifelong resident of Maui and
39 Carpenters Union Representative. I thank you guys for serving on the Planning Commission, by
40 the way, great job.

41

42 I support the EA. I do and the support I, I say that I support is not going to be based on rumors
43 hearsay. It's not personal. It's not my personal perspective. It's not about being anti-tourist or anti-
44 part-timer. It is based on facts. And the facts is that it is zoned. It is master planned. It's been in
45 place for years and, and, and as --. I always put myself in the position. I have a house, and if
46 somebody said, and even though I had all zoning now, and they said they don't like my house,

1 even though I fit the criteria and the process, everything I do is legal, I will be a little upset about
2 it. So this is a legal process of going through the process of obtaining the permits. And you guys
3 are part of the process. People who testified prior against this project, whose the neighboring
4 people, again, their projects went through the same process, with the same agencies they had to
5 go through to get the same approval. So, again, the people living next door went through the
6 same process. In fact, probably more now than ever they have to go through the process because
7 we keep adding to the process. So the further we go, we add more, more, more things in place.
8 Again, all the agencies signed off. It's up to you guys. You guys make the decision. I give it to you
9 guys.

10
11 But, lastly, I like to ending where we are looking at funding for a road, what have you, right. We
12 get the highest unemployment rate in our nation, the highest. We first place. Now, if the State is
13 first place, but Maui is even more first place because we don't hire than the whole State. We the
14 highest. This is the type of revenue stream we need for our workers, the working class. The blue
15 collars, we've got to go out there hammer, hammer every day looking for a project similar to this.
16 And it's utilized these funds, the property tax funds coming in. And if we can allocate them to the
17 affordable housing, let's utilize that. We need the funding. This is part of our revenue stream that
18 Maui could use. And I know for sure our people could use 'em, the local people who got to work
19 there. I'll end it like this; I hope to gain that support today. I leave that up to you guys. I think you
20 guys are doing an incredible job. Aloha.

21
22 Mr. Tackett: Thank you, Mr. U'u. Commissioners, does anybody have any questions? Kawika, go
23 ahead.

24
25 Mr. Kawika Freitas: Thank you, Chair. Aloha Mr. U'u.

26
27 Mr. U'u: Aloha Kawika.

28
29 Mr. Freitas: I have a question. When you say this development was zoned and should proceed,
30 was it, is it fair to say that it was zoned for luxury homes or residential homes?

31
32 Mr. U'u: Well, in the Wailea -- it's within the Wailea Master Plan. So that to me, that, that tells me
33 that it is. I don't think, if anything that's not expensive in Wailea. Just my perspective, right. And
34 again, it is the zonings there, but it's been master planned. And I know where you going to, but I
35 get it, you know. Not like I don't own one house there. Again, it is within the zoning. That's how I
36 feel. That's all I feel, Kawika.

37
38 Mr. Freitas: Okay. Thank you, Mr. U'u.

39
40 Mr. U'u: Thank you.

41
42 Mr. Tackett: Thank you, Kawika. Commissioners, does anybody else have any questions for Mr.
43 U'u? Does the applicant have any questions for Mr. U'u?

44
45 Mr. Good: No questions, Chair.

1
2 Mr. Tackett: I have, I have one question for Mr. U'u about jobs coming up. You said we have a
3 high unemployment rate at this time. The members that you service, would you say that that's
4 holding pretty, pretty true for your workforce?

5
6 Mr. U'u: Say that again, Chair, Commissioner.

7
8 Mr. Tackett: So you said that there's a high rate of unemployment right now for Maui. Would you
9 say that that's the case for, for your workforce as well?

10
11 Mr. U'u: Absolutely. And here's the key. You know, we see a lot of cutbacks in jobs from the
12 private sector right now. Maybe not the homeowners what you guys going see, but the private
13 sector absolutely is slowing down. And I think it's going to dry up at one time. My personal belief.
14 I believe in the years to come, we're not going to have CIP projects, which is, or going to be less
15 of that, less of those projects. So you going see a bigger increase on, on our side, I would say the
16 forecast is. On the construction side, the larger projects, it's been curtailed and it's been slimmed
17 down I would say the projects that I see right now. So, yeah, we will appreciate the work or
18 whatever work there is as far as, again, legal, taxed base payers that go through the process, we
19 would accept that work, absolutely.

20
21 Mr. Tackett: And I, I have one other question for you. We had a testifier come in and he said that
22 this project's going to keep locals out, which was insinuating, insinuating that he is a local, which
23 I'm not sure if he is or not. But what I would like to know is if you feel like there are any other
24 opportunities in Maui where, where locals can purchase a house with a career. And, and I guess,
25 I guess what I'm getting at is, is of your membership, how many of your membership would you
26 say are out-of-staters in general and how many of your membership are people that grew up here
27 and, and chose their career, and are trying to feed their kids, and stay in the island?

28
29 Mr. U'u: I'll tell you something, Chris, the bulk is Hawaiians. That's all we get applying. And right
30 now we're accepting no one. So as far as one career, one new career opportunity in the carpenter
31 program, probably closed. We got one waiting lists of guys. We get, like I said, I say 95 percent
32 is local born, I would say. I say over half of that is Hawaiian. That's, that's what we got. That's the
33 guys I represent. Thank you.

34
35 Mr. Tackett: Thank you. So, so in your, in your opinion, if it's we don't get these opportunities,
36 what would happen to that large chunk of locals that, that have been surviving with the
37 employment that you guys currently provide?

38
39 Mr. U'u: We going see more of the same. They leaving, right? I mean, with this high
40 unemployment rate, everybody booking elsewhere, right. And, and that we losing that group that
41 really tries hard but understands that it's, it's too hard maybe for them. And so we all hear this,
42 they going Vegas. Everybody moving. But most of the people try to sustain it here. But it is really
43 hard. You know the . . . (inaudible) . . . jobs like this that, jobs like this that go through the process,
44 they pay the prevailing wage which is actually a livable wage for all Maui residents, you know,
45 who could give them one shot at home ownership to even sustain a life. Again, we all know you

1 own one home, you can stay a little bit longer, hopefully longer, right. So this is an opportunity for
2 them and, and, and for people in the position like we are in.

3
4 Mr. Tackett: And not to, not to hog the floor, but I have one last question. Growing up here, what
5 are the other opportunities that you see for our young people growing up? What other, what other
6 work or opportunities do you see for any of them can afford to stay here and raise a family?

7
8 Mr. U'u: I mean, either go work for a State or County. And then, and then you get the construction
9 based, tourism based work. That's about it. But the biggest employer, again, is the State and
10 County. But guys like us got to work for fun, guys like them, you know, that's how I see it is as.
11 And the private sector group. I mean, construction is a pretty big sector in that so I think we're
12 pretty important. And I know everybody looking at other avenues down the other road, but until
13 it's built and set up to go, there's nothing else really. Not much anyway. I take that back, not much.

14
15 Mr. Tackett: Thank you. That's all the questions I have. Does anybody else have any questions?
16 Bruce, I believe Ashley has a question, and then Jerry also has a question. Go ahead Ashley.

17
18 Ms. Lindsey: Hi, Bruce. How large is your membership?

19
20 Mr. U'u: Maui, Molokai, Lanai, we probably get about 500 members, but that includes the retirees.
21 So we have members of all three islands, yeah.

22
23 Ms. Lindsey: This project seemed a little bit larger than the other ones I've seen. They say that
24 they -- there's going to be three years of construction and 77 full-time jobs for three years. Based
25 on that, like, we can't really build forever, you know what I mean?

26
27 Mr. U'u: Absolutely.

28
29 Ms. Lindsey: So, so there some sort of, within the three years you see things changing for you
30 guys, or is it a longer term than that?

31
32 Mr. U'u: You know what, good question to ask. Thank you for the question, by the way. And, you
33 know, if I had a fortuneteller, you know, I wouldn't know because the pandemic is still ongoing.
34 You know, the parties, we don't know even what's happening next week with the pandemic. Next
35 month. We -- my wife was laid for almost a year, so I feel an impact, and I'll know our members
36 feel the impact. In fact, I feel most people feel the impact and there's a lot of uncertainty. Even if
37 you guys approve this, there's still uncertainty that they going built, right. And sometimes it's
38 meant to be, right. If, you know, they went through the legal process, never go through, meant to
39 be. But then again, a job like this for three years -- I'm sorry, somebody called -- will be huge.
40 Again, we would sustain some of our current membership, but again, we will not be able to recruit
41 anyone, seriously. And that's, that's the forecast we see. And hopefully something else can pick
42 up. I have no idea what to make up some of the difference, yeah.

43
44 Ms. Lindsey: Thank you.

45
46 Mr. U'u: Thank you.

1
2 Mr. Tackett: Thank you, Ashley. Jerry, Jerry, go ahead, please.

3
4 Mr. Edlao: Mr. U'u.

5
6 Mr. U'u: Aloha.

7
8 Mr. Edlao: I, I, you know, drive down Kihei, Wailea area, you know, I see a lot of projects going
9 on. I'm kind of concerned because, you know, are these workers outer island, out-of-state, or
10 nonunion? I mean, there are a lot of projects going on if you just drive down Kihei. So, I don't
11 understand why you're saying that, you know, your, your, your guys are not working unless, you
12 know, like I say, unless these guys are non-union and out-of-state. So can you help me
13 understand?

14
15 Mr. U'u: Good question, Mr. Edlao. These guys, they, one, go in union. So for the job you see
16 currently, a lot of them are union, but a lot of them are slowing down and coming to the end. Or
17 like you see Maui Lu, they when kind of shrink, shrink what they built originally intended to do. So
18 there is a lot of jobs that ended, and a lot of jobs that are in . . . (inaudible) . . . and there's going
19 to be a long pause in between that process of starting, so --. And a lot of the owner builders -- I
20 think most people know the houses, we not in the market for that. You know, that's, that's the
21 small mom and pop, which is great for them. They stay thriving, you know. And most of the guys
22 in our unit and within those big projects are Maui residents for the most part.

23
24 Mr. Edlao: Okay, so, so, then these bigger projects that involve union members, from you guys,
25 are basically these project are slowing down. They're, they're downsizing their projects.

26
27 Mr. U'u: . . . (inaudible) . . . and, and kind of at the tail end of the projects, a lot of them, except
28 the . . . (inaudible) . . .

29
30 Mr. Edlao: Okay. Thank you very much. That really, really cleared my mind regarding that.

31
32 Mr. U'u: Okay, thank you.

33
34 Mr. Tackett: One last, one last question for you, Mr. U'u. You said you have 500 members
35 approximately at this time. At the, at the high point, what is the amount of numbers that that we
36 once had for Maui County?

37
38 Mr. U'u: Seven plus. So we down. Seven hundred plus members we had that one time. So that's
39 and hence we not, we cannot take in the up incomers, right, right now. No more, no more much
40 opportunity. Really there isn't much opportunities in the construction field. In our field, we fill the
41 biggest construction arm in the construction industry, the Carpenters unit.

42
43 Mr. Tackett: Thank, thank you for that.

44
45 Mr. U'u: You're welcome. Thank you. Aloha, you guys have a good day.

1
2 Mr. Tackett: Bruce, I think, I think PD has a question for you as well. Go ahead, PD.
3
4 Ms. La Costa: Aloha, Mr. U'u. As always, thank you for your testimony and your insights. Of that
5 500 members, you said some of them are retired. What is the percentage of active to retired,
6 please?
7
8 Mr. U'u: My guess is about 100 retired. And then I say we got about 150 apprentices to 200
9 apprentices.
10
11 Ms. La Costa: Thank you much, sir. Aloha.
12
13 Mr. U'u: Thank you. Aloha.
14
15 Mr. Tackett: Thank you. Thank you. Mr. U'u. Director, can we have our next testifier please?
16
17 Ms. McLean: Chair, does that applicant have any questions for the testifier?
18
19 Mr. Tackett: Oh, thank you so much. Does the applicant have any questions for Mr. U'u?
20
21 Mr. Goode: No questions.
22
23 Ms. McLean: Okay, Chair, we can give Carol Lee Kamekona a try again.
24
25 Mr. Tackett: Sounds good.
26
27 Ms. McLean: Then she would be followed by Nick Drance.
28
29 Mr. Tackett: Outstanding. Thank you, Director.
30
31 Ms. Kamekona: Aloha, can you hear me?
32
33 Mr. Tackett: Yeah, sounds Carol Lee.
34
35 Ms. Kamekona: Can you hear me?
36
37 Mr. Tackett: Yeah, I can hear you well.
38
39 Ms. Kamekona: Aloha Director, Chair, and Commissioners. My name is Carol Lee Kamekona,
40 and I am testifying on behalf of myself and promise to speak truthfully. To see this parcel in its
41 current state, I cannot understand how anyone could say the proposed project to dig into the
42 steep hillsides and build 57 luxury units with their swimming pools, lush landscaping, and an
43 amenity center would have no significant impact. There will be impacts to historic properties that
44 were never recorded on the site. The archaeologists say they have found everything and that
45 State Historic agreed. Even though in the State Historic letter they say that archaeologists did not
46 follow the agreed upon testing strategy of testing through the architecture of the features. I have

1 visited other lands where SHPD has accepted archaeological studies and many other historic
2 sites are visible in plain sight but left out of the reports. This means they can be destroyed and no
3 one will ever know they existed. Please do not approve this Final EA. If there are impacts
4 associated with the proposed project, it needs to complete an EIS. This project connects with
5 others I have visited the ahupua'a of Aiahu, all proposed by the Canadian firm, Ledcor. The
6 impacts of all these projects together should be looked at by a complete EIS.

7
8 In my opinion, as a recognized cultural descendant of moku of Honua'ula by the MILBC where
9 this project lies, a trained and credentialed archaeologist would be able, with a little cleaning of
10 the property, to in historic sites that exist there, that the current AIS does not document. Just
11 within a couple miles of each other, there are at least four different projects I am aware of that
12 have or will come before this body in varying stages of its permitting process. I have been on the
13 'aina of all these projects. I have seen many undocumented sites that clearly show the existence
14 of what was. The many kahawai that runs from mauka to makai clearly shows the connectivity of
15 each of these projects. I truly believe this whole area of Paeahu should be considered traditional
16 cultural property. It is within, within the purview of this body to grant permits for development. I
17 ask you to ask yourself this question: who are these developments to benefit? Who will be buying
18 all these homes these projects are building? Certainly not the residents of this 'aina. Ask yourself,
19 how are these projects helping solve Maui's affordable housing crisis? Also ask yourself this . . .
20 (inaudible) . . . continue the erasure of our people, their history and their culture. I am a kanaka
21 maoli. I am part of that culture. Every time you approve a project to go through that allows all
22 remaining Hawaiian sites presently on the lands to be devalued and destroyed, you are stripping
23 away a part of my body, my essence, my being. You are affirming that Hawaiian culture remains
24 as defined by Western thinking mana'o don't matter. Our culture will be gone and substituted by
25 an invasive one. Think carefully. That is a decision you are making today. You will be told that it's
26 really okay because State Historic said so, but the State does not speak for the Hawaiians
27 connected to this land.

28
29 Ms. Takayama-Corden: Three minutes.

30
31 Ms. Kamekona: As a recognized cultural descendent of the moku'ula of Honua'ula --

32
33 Mr. Tackett: . . . (inaudible) . . .

34
35 Ms. Kamekona: -- I was not consulted on this project.

36
37 Mr. Tackett: Ms. Kamekona --

38
39 Ms. Kamekona: Therefore, I asked you to defer this project to the Cultural Resources Committee.

40
41 Mr. Tackett: -- your three minutes is up.

42
43 Ms. Kamekona: Mahalo.

44
45 Mr. Tackett: Please, please stay on the line, though, Ms. Kamekona, because there may be

1 questions. Commissioners, does, does anyone have any questions for Carol Lee? Carol Lee,
2 Kawika has a question for you.
3
4 Mr. Freitas: Thank you, Chair. Aloha, Ms. Kamekona. Thank you for your testimony.
5
6 Ms. Kamekona: Aloha.
7
8 Mr. Freitas: Aloha. At the very end, you had mentioned that the developers did not come to the
9 organization, Cultural Hawaiian Organization, you are part of. Is that correct?
10
11 Ms. Kamekona: No, Commissioner . . . (inaudible) . . . cultural descendant of the moku of
12 Honua'ula, I was not consulted on this project. Therefore, I ask you to defer to the Cultural
13 Resources Committee.
14
15 Mr. Freitas: Thank you.
16
17 Mr. Tackett: Commissioners, does anyone else have a question for Carol Lee? Does the applicant
18 have any questions for Carol Lee?
19
20 Mr. Goode: Chair, no questions. Thank you.
21
22 Ms. Lindsey: I have a question. Sorry.
23
24 Mr. Tackett: No problem. Carol Lee, Ashley has a question for you.
25
26 Ms. Lindsey: Just kind of a comment. I'm looking at the Cultural Impact State Assessment, and
27 you're Carol Marie Ka'onohi Lee?
28
29 Ms. Kamekona: No. No.
30
31 Ms. Lindsey: Okay. Just confirming. That person was contacted, but that's just a similar name.
32 Sorry about that.
33
34 Ms. Kamekona: She's the Aha Moku representative.
35
36 Ms. Lindsey: Okay. Thank you.
37
38 Ms. Kamekona: You're welcome.
39
40 Mr. Tackett: Commissioners, do we have any, any other questions? Go ahead, PD.
41
42 Ms. McLean: Commissioner La Costa, you're muted.
43
44 Mr. Tackett: Thank you.
45
46 Ms. La Costa: Am I unmuted now?

1
2 Mr. Tackett: You're good now.
3
4 Ms. La Costa: Okay. Thank you. I had my mute on. I beg your pardon. So, Ms. Kamekona, thank
5 you for your testimony. So the organizations and people who are employed by the developers,
6 are you not, (A), pleased with what they have written? (B), think it is concise? And, (C), think that
7 more in-depth information has to be uncovered in order for you to be comfortable with whatever
8 they say?
9
10 Ms. Kamekona: Yes, Commissioner. As I mentioned, I was not consulted as a cultural
11 descendant. . . (inaudible) . . . a complete EIS needs to be done of all the projects in the area.
12 They should not be piecemealed in order to allow passage. There are other projects in the area
13 that clearly show the mauka to makai connectivity with the Awai's. You can see how the water
14 runs from one project to the other. That all needs to be taken into . . . (inaudible) . . . So yes, I
15 believe more investigation and . . . (inaudible) . . . do need to be done.
16
17 Ms. La Costa: Mahalo nui.
18
19 Mr. Tackett: Commissioners, does anyone else have any questions for our testifier? Thank you.
20 Thank you for your time. Can we have our next --
21
22 Ms. Kamekona: Mahalo.
23
24 Mr. Tackett: -- testifier please?
25
26 Ms. McLean: Yes Chair. The next testifier is Nick Drance, who will be followed by David Dorn.
27
28 Mr. Tackett: Nick, are you there?
29
30 Mr. Nick Drance: Are we good?
31
32 Mr. Tackett: Yeah.
33
34 Mr. Drance: Okay, sorry about that. Aloha. I hope that the previous testifier, regarding construction
35 jobs --
36
37 Mr. Tackett: Nick, you need to introduce yourself and then promise to be truthful, and then you're
38 good.
39
40 Mr. Drance: Nick Drance, South Kihei, and I promise to speak my truth. Mahalo. I hope that the
41 previous testifier, construction jobs, that those jobs go to homes that they themselves can afford,
42 I want to add that. I appreciate the quality of the developer's presentation. However, my
43 conclusion is that not only is project harmful to us, but the interests of current residents appear to
44 be so blatantly ignored, it feels like an affront. Given the three to 25 percent rate indicated soil
45 type of location, the area appears to be critical watershed. Dam two and three still have
groundwater and three from the last storm. Our watersheds are in trouble. The addition of this

1 development will remove some of the last natural watershed area remaining directly below Maui
2 Meadows.

3
4 Given that we are developing an area of historical significance to the developer -- to the developer,
5 we must recognize that open land in and of itself has intrinsic value. The -- I appreciate the cultural
6 intent in naming of the streets, but let's also recognize that this is a gated community that keeps
7 locals out. The best way we can honor the culture is to leave the land alone. I believe a full EIS
8 would determine that the project has a net negative effect on residents. Conditions . . . (inaudible)
9 . . . environmental concerns, residents get more development, more traffic and permanent change
10 to the character of the island. We're becoming Orange County. Please bear in mind that public
11 discussion of this project comes along the heels of the Maui Coast Hotel expansion, which is
12 located adjacent to Kihei's most crowded beach. It's also located at a portion of South Road where
13 we often see is traffic lined up for three quarters of a mile or more. We feel like we're being overrun
14 and we are.

15
16 This is another example. It's true that the project is ostentatious display of super luxury and wealth.
17 Given the national dialogue about economic disparity, it could come to us in this form at worst
18 time. It's offensive to residents who feel like they need to beg for affordable housing that offers
19 10 foot by 10 foot sized bedrooms, and units tightly packed on top of one another. Whether or not
20 this is an emotional or subjective point of view, it's not the point. The point is that under the
21 circumstances, this project is viewed by many as a slap in the face. I don't see the appropriate
22 financial contribution to the interest of residents or to the island itself. Certainly the one million
23 dollars in property tax revenue the project provides, while substantial, is small given our current
24 approximately 800 million dollar budget. The 77 full time jobs is a small number as well, although
25 livelihoods important to everyone. Altogether, I would get, guess that the net final cost of additional
26 infrastructure well exceeds the value of revenue received. Bottom line, current residents at,
27 current resident tax payers don't want this project on top of everything else, given the current
28 climate, it's still . . . (inaudible) . . . Tax payers depend on County government to put our interests
29 first, so let's please focus on that and find other solutions.

30
31 Ms. Takayama-Corden: Three minutes.

32
33 Mr. Drance: Mahalo for the opportunity to share my views.

34
35 Mr. Tackett: Thank you, Nick. Commissioners, does anyone have any questions for Nick? Does
36 the applicant have any questions Nick?

37
38 Mr. Goode: No question, Chair.

39
40 Mr. Drance: Mahalo.

41
42 Mr. Tackett: Thank you. Our next testifier please, Director?

43
44 Ms. McLean: Chair, next up is David Dorn, who will be followed by Tom Cook.

45

1 Mr. David Dorn: Hello, my name is David Dorn and I agree to tell the truth. I'm a Kihei resident
2 and I am opposed to the approval of the Wailea SF-S environmental assessment. There are too
3 many uncertainties in the environmental assessment, and there are a lot of questions not
4 answered that directly impact the environment which should trigger the need for a full EIS. The
5 EA repeatedly mentions that 57 family homes will be built. But in their proposal, they represent
6 many times that the typical design will include guest living buildings, a.k.a. ohanas. So the number
7 of actual dwelling units that could be built substantially exceeds the proposed number of total,
8 total of 57 units. It could be up to three times that number of actual dwellings totaling 171. The
9 water use calculations in the EA are made for just 57 units. So with this uncertainty and un-clarity
10 of how many actual dwelling units will finally be built on a property, you should not approve EA.

11
12 The Wailea Community Plan says no accessory dwellings. So what are these guest living
13 buildings, if not accessory dwellings? This EA approval doesn't fit their rules. The developer,
14 David Goode, today presented the diagram showing guests living ohana on there and he called
15 it the maximum building recommended building, whereas, it says the typical building in the
16 proposal. And I don't know if you can see that, but it says right on there and you can just refer
17 back to it that this is the, the guest accommodations, for guests living. It's a separate detached
18 building. These buildings are designed in such a way they can be split into five studios. There is
19 five bathrooms. And because of the rules, they can be rented long term, six months at a time, up
20 to five separate families. This is not excluded in the rules. This is a renter's dream. That's how
21 they can probably afford to pay their mortgage.

22
23 Affordable credit trading. The EA states that they will purchase affordable housing credits from
24 housing already built instead of actually building their own affordable workforce housing. This act
25 of affordable housing credit trading creates segregated communities and pushes workforce
26 housing out of intended neighborhoods.

27
28 The site condition is inaccurate as described in the environmental assessment. They say that the
29 site has been extensively damaged by fire and extensively bulldozed. Whereas, in fact, only a
30 very small section was damaged by fire and bulldozing. And regardless, many structures are still
31 standing including the rock wall formation, and the remaining subsurface, archaeology is likely
32 not affected.

33
34 Cultural and archaeological impacts. The previous archaeological work on the site was conducted
35 incorrectly and not according to the required SHPD protocols, including incorrectly located
36 trenching and overly shallow trenching. This matter is admitted in the EA itself. So I strongly
37 recommend this EA insight be reviewed by the Cultural Resources Council.

38
39 Drainage too, the area the proposed central road is currently in a natural gully streambed that
40 connects mauka to makai streams, and drainage ways that flow across the middle of the property.
41 We heard for the first time today they admitted there is a third stream in the center of the property
42 that connects to Keawekapu Beach.

43
44 Ms. Takayama-Corden: Three minutes.

45

1 Mr. Dorn: This natural gully is not described the EA, but the drainage plan does show storm water
2 pipes, drainage and what have you infrastructure in there. In conclusion, please do not approve
3 the EA today, defer to and require the applicants to correct the problems and discrepancies in the
4 EA. I believe significant environmental impacts should trigger the need for full EIS.
5
6 Mr. Tackett: Dave? Dave?
7
8 Mr. Dorn: Yes?
9
10 Mr. Tackett: Can you please follow the rules?
11
12 Mr. Dorn: This is a conclusion. That was the conclusion. Please asking some questions. Okay,
13 I'm finished.
14
15 Mr. Tackett: Hey, three minutes and that's it. Do you understand?
16
17 Mr. Dorn: Yes. I was called to conclude and I did. I'm concluded. Thank you.
18
19 Mr. Tackett: No, you conclude before your three minutes. You understand? Everybody, it has to
20 be the same for everybody.
21
22 Mr. Dorn: I stand corrected. Thank you very much.
23
24 Mr. Tackett: I appreciate it. Thank you for conforming. Yes, just got to be fair for everyone, Dave.
25 It's got to be that way. So, Commissioners, does anybody have a question for Dave please?
26 Hearing none. Does the applicant have any questions for Dave, please?
27
28 Mr. Goode: No questions, Chair.
29
30 Mr. Tackett: Thank you, Dave. I appreciate it. I believe, I believe Tom, I believe you're next. You're
31 our next testifier. Thank you.
32
33 Ms. McLean: Yes. And Chair, just to note, Debra Green will follow Mr. Cook.
34
35 Mr. Tackett: Outstanding. Thank you Director. Go ahead Tom. Tom, you're on mute, I believe.
36 Tom? Tom, I think you're muted. I think you're muted, Tom.
37
38 Mr. Tom Cook: Can you hear me now?
39
40 Mr. Tackett: Yes, sir. Please introduce yourself and promise to tell the truth.
41
42 Mr. Cook: Okay. Aloha everybody. My name is Tom Cook, and I promise to be truthful. I commend
43 you all. I've been here since nine o'clock this morning. If you guys were all paid, I would vote to
44 give you a raise because it's been a hard day and just big, big mahalo for your public service.
45

1 I'll try and be brief, which is hard for me, but I'm going to work on it. I'm very familiar with this
2 property and I am supportive of you approving a Final EA. I gave testimony previously. I was
3 Glen's neighbor for seven years across the street. I was one of the long term renters. I -- my family
4 -- actually the home was for sale and so we got to live in it at a discount for a long period of time.
5 I've walked and bicycled that whole area many, many times. In 1997, I built the house on the top
6 of Wailea Kialoa blue tile house that sits right at the bottom of this property adjacent to the
7 drainage swale on the south side. It's a really gnarly piece of property. I mean, principally blue
8 rock. This project is going to be extremely expensive to develop. I think I'm impressed with their
9 design. I encourage you to be supportive of, of a large company developing this type of lot. This
10 is not something that a small company can do. I'm not like the big Ledcor Canada fan. I wish it
11 was like a local home grown construction company, but I'm just glad it is. I'm supportive of it long
12 term, economic development, property taxes. To me, it's over \$1.3 million a year. That will
13 increase in time. Affordable housing, that's one of the pathways that our local government can
14 afford to pay for infrastructure through bonding is to have the Wailea -- the resort community high
15 tax based. I look at this as an annuity.

16
17 I was on the GPAC several years ago. We discussed in detail about incorporating affordable
18 housing into luxury homes. It doesn't really make any sense. When it comes to gated communities
19 -- I've said this and anybody knows me -- are they keeping us out or are we keeping them in? The
20 gated communities, generally speaking, they pay for their own yard maintenance, their own road
21 maintenance. They pay for their own trash disposal. If it's a gated community, the County is not
22 paying for that. I don't know if you're familiar with this, but the Wailea Resort area, the County
23 does not maintain the roads. It's beautiful. They maintain the irrigation, the landscaping, the trees,
24 everything. And that's Wailea Community Association. If you think it's expensive to buy a house
25 there, you should have to pay the property, tax, the dues and everything else.

26
27 And I'll just leave you with this.

28
29 Ms. Takayama-Corden: Three minutes.

30
31 Mr. Cook: If you think you guys are tough, Wailea Community Association takes the cake.

32
33 Mr. Tackett: Tom, your three minutes is up, Tom.

34
35 Mr. Cook: Okay, I'm pau. Mahalo.

36
37 Mr. Tackett: Thank you, Tom. Please stick around and let's see if there's any questions.

38
39 Mr. Cook: Okay.

40
41 Mr. Tackett: Commissioners, does anybody have any questions for Tom?

42
43 Mr. Cook: Thank you.

44
45 Mr. Tackett: One last second, Tom. Does the applicant have any questions for Tom?

46

1 Mr. Goode: No questions.

2

3 Mr. Tackett: Thank you, Tom.

4

5 Mr. Cook: Thank you all very, very much. And I hope you don't have too long an afternoon.
6 Mahalo.

7

8 Mr. Tackett: Mahalo.

9

10 Ms. McLean: Chair, next up is Debra Green who will be followed by Christopher Delaunay.

11

12 Mr. Tackett: Thank you. Debra, please introduce yourself and promise to be truthful.

13

14 Ms. Debra Green: Thank you Chair. My name is Debra Green. I promise to be truthful. I thank
15 each of you . . . (inaudible) . . . You have so much patience. I am the president of the Maui
16 Meadows Neighborhood Association testifying on behalf of the association, which represents the
17 residents directly adjacent to the proposed project. And you may have noticed that in the
18 developer's presentation, we were not mentioned. And our association was not mentioned and
19 that's because we were not consulted. So that's not right. Yet we will be greatly impacted by this
20 project. We're asking you to deny the FEA and to require a Full EIS for many reasons.

21

22 One is, again, the project is part of a larger project that has been segmented and might meet the
23 Wailea Master Plan but it violates the community plan. And the community plan is clear that Piilani
24 Highway must be widened to four lanes before any more development in this area. The project
25 has significant socio economic impacts and it will impact archaeological and cultural sites. So the
26 project really needs a full EIS because it's part of this larger plan to develop these other lands into
27 what is being advertised currently as Wailea Hills. You can find it online; Wailea Hills dot com.
28 And the major luxury development has been segmented into seven smaller projects, which is a
29 well-known strategy to avoid triggering an EIS. So please don't allow that. All the projects need
30 to be considered together as part of an EIS for an accurate assessment of the environmental
31 impact.

32

33 This piecemeal approach also ignores the clear requirement that Piilani Highway be widen to four
34 lanes before any new projects in this area. It seems like the developers are trying to get approvals
35 for one project at a time, hoping you'll allow them to avoid the four lane requirements. Please
36 don't allow that because it ignores significant traffic impacts that affect our community. The current
37 Kihei-Makena community plan is very clear that widening the highway to four lanes is required all
38 the way to Wailea Ike prior to construction of any new development south of Kilohana. Also, the
39 four lane widening was part of the County of Maui long range traffic plan, the Kihei Master Traffic
40 Plan, and the zoning ordinance. So nothing could be more clear or consistent. If this is approved
41 without the four lanes, there will be no incentive for the four lane widening and it will not happen.
42 And we will be left to suffer the consequences of that for years to come.

43

44 There are other major socio economic impacts that haven't been addressed by the EA. All the
45 infrastructure in this area will be impacted: water, ocean runoff, underground flows, affordable

1 housing, schools. The group is also concerned about the traffic problems because we have only
2 two access points, two roads for our entire neighborhood of several thousand residents.
3
4 Ms. Takayama-Corden: Three minutes.
5
6 Ms. Green: Thank you.
7
8 Mr. Tackett: Thank you, Debra. Commissioners, does anyone have any questions for Debra? Go
9 ahead Dale, and then followed by Kawika.
10
11 Mr. Thompson: Thank you, Chair. Hi, Debra. So how many homes are in the, in Kihei, in Maui
12 Meadows?
13
14 Ms. Green: We believe that it's approximately a 1,000. It's probably more.
15
16 Mr. Thompson: Yeah, and how many ohanas are there?
17
18 Ms. Green: There's a lot of units that that have multiple levels and, and, and also, yes, the ohanas.
19 And I'm sorry, but I don't know the exact number.
20
21 Mr. Thompson: But, so you represent a portion of those or all 1,000, or what you say, 3,000
22 including all the ohanas in there and everything? And the . . . (inaudible) . . .
23
24 Ms. Green: Yeah. And we are the Maui Meadows Neighborhood Association, and our board of
25 directors that represents this neighborhood.
26
27 Mr. Thompson: The . . . (inaudible) . . . scope and breath of what's there. Are you guys object to
28 kicking in and helping fix the road in there?
29
30 Ms. Green: We're a neighborhood association.
31
32 Mr. Thompson: Okay, good luck.
33
34 Ms. Green: I guess we can go door to door with a little cup asking for donations. It's hard enough.
35 Yeah, it would be very nice if the developers would actually cooperate and, and that is the history
36 of the road widening is that, you know, ten years ago there was a very clear admission on the
37 part of the developers in the whole area to, to chip in and contribute to widening Piilani to four
38 lanes. And there's lots of documentation on that. It was called the tri-party agreement, and it
39 involved the Wailea 670, and Makena, and Wailea. And that was in the works, and was the plan.
40 And we've heard constantly that no development was going to happen. The community plan was
41 going to be honored. And, you know, this is the four lanes was going to happen. And then all of a
42 sudden, you know, things have changed and --
43
44 Mr. Thompson: Thank you kindly. I was aware of that already. That's why I mentioned it. But
45 thanks so much.
46

1 Mr. Tackett: Kawika, did you have a question? Yeah, go ahead, Kawika.

2
3 Mr. Freitas: Thank you, Chair. Hi, Ms. Green. In the Draft EA hearing that we had, there was a
4 representative from Maui Meadows who spoke and said that, yes, they were not consulted. And
5 since that meeting, you're saying they still didn't reach out to anyone in your neighborhood
6 association?

7
8 Ms. Green: This is correct. Sadly, that is a fact. And instead, we have reached out to them and,
9 and, sent Mr. Goode a letter, you know, asking to have a seat at the table, asking to be consulted
10 and so forth. And the reply that we got from Mr. Goode was, we have received, we have received
11 your letter. And that was because when we sent the letter, I said, please reply and let us know
12 you received this. So we got a one sentence reply; we have received your letter. That's it.

13
14 Mr. Freitas: Sorry to hear that.

15
16 Ms. Green: Not good neighbors. Not good neighbors.

17
18 Mr. Freitas: Sorry to hear that. Thanks for your answer.

19
20 Mr. Tackett: Commissioners, does anyone else have any questions for Debra? Does the applicant
21 have any questions for Debra?

22
23 Mr. Goode: Yes, Chair, actually we do.

24
25 Mr. Tackett: Go ahead.

26
27 Mr. Goode: Thank you, Chair. Ms. Green, so were you -- did you attend the meeting in November
28 of last year that we set up with Munekiyo, and ourselves, and your board to discuss the --?

29
30 Ms. Green: I personally did not attend that meeting because I was not on the Maui Meadows
31 Neighborhood Association board at that time.

32
33 Mr. Goode: Okay, thank you. So you, so you recognize that there was a meeting in November
34 with your board?

35
36 Ms. Green: There was a meeting that was held and --

37
38 Mr. Goode: Thank you. Do you remember that we also had Zoom call that you set up or the
39 association set up, the previous president, with a lot of members of your community? I think over
40 50 attended that Zoom call had a talk about the highway improvements and other aspects of
41 Wailea?

42
43 Ms. Green: The point is that those, those events, as I understand them were, were not specific to
44 Maui Meadows. There were people from our neighborhood and board who did attend these
45 things, but it wasn't as though you guys reached out to the Maui Meadows Neighborhood
46 Association.

1
2 Mr. Goode: Well, you're actually wrong, you're wrong there, unfortunately, because your president
3 set it up and then asked others to attend. But that was fine. We were happy to participate and
4 give the information to Maui Meadows, so they understood the full history of the highway
5 improvements. Did Maui Meadows Neighborhood Association, of which you're the president, did
6 you folks meet with DOT this last Friday to understand DOT's position on the highway
7 improvements?

8
9 Ms. Green: Yes, we specifically requested and coordinated that meeting, yes.

10
11 Mr. Goode: Right. So you understand now that DOT's position is that our fair share, as specified
12 in the MOA, is what DOT would like to see done?

13
14 Ms. Green: What we understand is that, again, we were not consulted and we didn't have a seat
15 at the table. We were not included in that agreement. We weren't, we weren't consulted when that
16 agreement was made and that's our complaint.

17
18 Mr. Goode: Right, right. Yeah, we understand that. It's unfortunate at the time that. And of course,
19 Ledcor, we're not involved in that agreement. We, we intend to abide by it, which will provide an
20 over six million dollars improvement to improve the intersections that serve over 3,000 or as many
21 residents as you said are in Maui Meadows. My final question, if I may Chair, Maui Meadows --
22 are you aware that Maui Meadows has ever contributed anything to the Piilani Highway
23 improvements for its 3,000 or so residents?

24
25 Ms. Green: Are, are you are you asking me that question?

26
27 Mr. Goode: Yeah. Are you aware of any contribution that Maui Meadows has ever had to Piilani
28 Highway improvements?

29
30 Ms. Green: So in your presentation, you said that we have a 1,000 residents and now you're
31 saying it's 3,000?

32
33 Mr. Goode: My presentation, I said there's a 1,000 homes. You stated that there is a few thousand
34 people, so homes and people are different. My question, my question -- let's take my question if
35 you can -- has Maui Meadows, in your estimation, ever contributed anything to Piilani Highway
36 improvements?

37
38 Ms. Green: We are a community. We are residents of neighborhood. We're not we're, not a
39 developer. And I feel like I'm, I'm under a deposition right now. It's a little bit uncomfortable so . .
40 . (inaudible) . . .

41
42 Mr. Goode: Unfortunately, some of your testimony wasn't very accurate and that we need to clarify
43 the record. And finally, I guess the same question as Mr. Thompson.

44
45 Mr. Hopper: Mr. Chair?

46

1 Mr. Goode: Anyway, my final question is . . . (inaudible) . . .

2
3 Ms. Green: . . . (inaudible) . . .

4
5 Mr. Hopper: Mr. Chair? I think the Chair is muted. Sorry. Mr. Chair?

6
7 Mr. Tackett: Can I ask Mr. Hopper, first, please, Mr. Goode?

8
9 Mr. Hopper: Yeah, just, just -- I understand there's questions back and forth. And then, you know,
10 if we could have the, the question asked, and then time to answer the question so that it's just
11 clear for the record because we have the board secretary is going to try to type this all up. So if
12 we could have the question, the answer, and then, you know, try not to cut each other off, if at all
13 possible, because that's really hard for the secretary to, to get that, that, that part of the record. I
14 just wanted that as a reminder that it's, you know, if we can maybe slow it down just a little bit,
15 would help. Chair, that's all I wanted to, to put in there.

16
17 Mr. Tackett: I appreciate that, Mr. Hopper. Thank you so much. And, and I'm, I'm not going to
18 reiterate it because I'm sure that everybody understood it. So, Mr. Goode, I believe you had a
19 question, and then we'll allow Ms. Green to answer.

20
21 Mr. Goode: Thanks Chair.

22
23 Mr. Steve Freid: I'd like to speak too. I'd like to speak.

24
25 Mr. Tackett: Who are you? Hey, Steve? Steve?

26
27 Mr. Freid: Hey. Hey.

28
29 Mr. Tackett: You can't just roll in and interrupt people. You understand? You've got to wait for
30 your turn.

31
32 Mr. Freid: When, when will be my turn? I only have about ten minutes.

33
34 Mr. Tackett: It doesn't matter but you've got to wait for your turn. So you've got in, in line.

35
36 Mr. Freid: Okay, I'm going, I'm going to get off this. I got recommended by Nick Drance to be --

37
38 Mr. Tackett: Please, no, no. You got to wait till your turn. People have all been waiting all day,
39 okay?

40
41 Mr. Freid: Okay.

42
43 Mr. Tackett: So let them finish.

44
45 Mr. Freid: Okay, so I'm going to get, I'm going to get off this now.

46

1 Mr. Tackett: Please do.

2
3 Mr. Freid: Bye.

4
5 Mr. Tackett: Goodbye. Mr. Goode, you have the floor.

6
7 Mr. Goode: Alright, thank you, Chair. Just a final question. Again, I'm only asking these questions
8 because clearly the testifier is not telling the truth like she swore to, and I need to clear the record.
9 My final question is, as president of Maui Meadows Neighborhood Association, would you work
10 with the DOT to help participate in a fair share funding mechanism that helps get the road built
11 whereby Maui Meadows homeowners would pay their fair share of those improvements?
12

13 Ms. Green: Now that is a really intense accusation that you just made against me, that basically
14 saying that I'm lying. I, I do not take that lightly. Please, could we have some civility? I'm sorry
15 that was so upsetting to me that I didn't even hear your question, Mr. Goode. Could you please
16 repeat the question?
17

18 Mr. Goode: Would you, as president of the Maui Meadows Neighborhood Association, work with
19 DOT and any other party to help establish a fair funding mechanism to help complete those
20 improvements being that Maui Meadows is 1,000 homes are part of the solution, essentially.
21

22 Ms. Green: Just to be clear, Maui Meadows is a residential neighborhood. It is not a luxury
23 development. We are a neighborhood association. I am a volunteer. I am doing my very best.
24 Please keep that in mind. And yes, we are happy to work with whomever to try to represent the
25 needs of this community, the needs of this neighborhood because the needs of this neighborhood
26 are not, they're not being represented and looked out for. There's a lot of meetings going on in
27 private. There's a lot of agreements that are happening and we simply want a seat at the table.
28

29 Mr. Goode: That's fair enough. We'll continue to work with you. Thank you. No more further
30 questions, Chair.
31

32 Mr. Tackett: Thank you. Could, could we get our next testifier, please, Director?
33

34 Ms. McLean: Yes, Chair The next testifier is Christopher Delaunay, who will be followed by Ed
35 Weinstein.
36

37 Mr. Christopher Delaunay: Aloha Chair and commissioners, Chris Delaunay with Pacific Resource
38 Partnership (PRP). I swear to tell the truth.
39

40 Mr. Tackett: Thank you, Chris. Please proceed.
41

42 Mr. Delaunay: Okay. At PRP, we would like to express our support for the proposed Wailea Resort
43 residential project, and we respectfully request that the Planning Commission accept the Final
44 EA. Our understanding is that the project's Final EA satisfies criteria for acceptance of an EA.
45 And we encourage the Planning Commission to help to move this project forward in a timely

1 manner as it will benefit Maui County by providing real property tax revenue, jobs, and valuable
2 GET for the State. And that would all. Thank you.

3
4 Mr. Tackett: Thank you, Chris. Commissioners, does, does anybody have any questions for our
5 testifier? Does the applicant have any questions for our testifier? Thank you.

6
7 Mr. Delaunay: Thank you.

8
9 Ms. McLean: Chair, the next testifier is Ed Weinstein, who will be followed by Larry Clark.

10
11 Mr. Tackett: Thank you.

12
13 Mr. Ed Weinstein: Good afternoon, Commissioners. My name is Ed Weinstein, and I swear to tell
14 the truth in this testimony. It is my pleasure to testify in support of Ledcor's submission of their
15 FEA for the proposed Wailea SF-S residential project. I am a Seattle architect with a long history
16 of involvement with the Wailea Resort. Most significantly, I'm the architect and the co-developer
17 of the Papali Wailea residential community which is located down slope and makai of this
18 proposed project. As both its eventual neighbor and as an architect, I am very appreciative of
19 Ledcor's design approach to the project. Similar to the strategies that I utilized at Papali 15 years
20 ago, Ledcor has chosen to develop a community of single family residences to step down the
21 hillside with a series of terrace benches. Just like at Papali in recognizing the very limited vehicular
22 traffic, they are proposing to utilize short lanes without sidewalks for pedestrian circulation. I think
23 that this is a very appropriate strategy for this low density project, and note that we have had no
24 pedestrian auto accidents over the 13 years of Papali's operation.

25
26 In consideration of the view impacts on their neighbors and on the broader community, Ledcor
27 has limited their structures to one-story with relatively shallow roof. Together with their generous
28 landscaping, the community will be perceived as a collection of shallow, hip roofs that float in the
29 landscape. In this regard, it will be perceived very similarly to Papali. Since Papali was completed
30 over 13 years ago, many people have told me that they greatly appreciated its low density in
31 scale, its landscaping, and its general architectural character. I speculate that the Ledcor project
32 will be similarly perceived and embraced by the community. Although any new residential project
33 will certainly impact the community during its construction phase, I believe that the Ledcor project
34 has thoughtfully addressed and mitigated the broad array of long term impacts that are normally
35 associated with such projects. I am certain that it will be a wonderful addition to the Wailea Resort,
36 and the type of development that the Planning Commission will be able to utilize as a positive
37 exemplar. I urge you to approve this final environmental assessment. Thank you, Mr. Chairman.

38
39 Mr. Tackett: Thank you. Commissioners, does anyone have any questions for our testifier? Does
40 the applicant have any questions for our testifier?

41
42 Mr. Goode: No questions, Chair.

43
44 Mr. Tackett: Thank you.

45
46 Ms. McLean: Chair, the next testifier is Larry Clark who will be followed by Clint Hansen.

1
2 Mr. Tackett: Thank you, Director.

3
4 Mr. Larry Clark: I anticipated to say good morning, but I'll say good afternoon, Chairman and
5 members of the Planning Commission. My name is Larry Clark and I promise to tell the truth.

6
7 Mr. Tackett: Thank you.

8
9 Mr. Clark: I am the design manager for the Wailea Community Association, a member of the WCA
10 design committee, and a member and past Maui Chapter president of the . . . (inaudible) . . . I am
11 here to comment on WCA Design Committee's review of the SF-S residential development. And
12 I also might say that I'm apparently the one who takes the cake for Tom Cook...as far as being
13 tough.

14
15 We have worked with the developer on this project over the past year. SF-S is an innovative
16 solution to community issues and concerns. Residential units express a modern take on Hawaiian
17 Pacific architecture with generous overhangs, covered lanais, interior courtyards that are building
18 orientation to take advantage of the prevailing trade winds for ventilation. It incorporates use of
19 local materials, including lava and blue rock, including those available on site.

20
21 There's a low density to the site characteristic, which is true of Wailea in general. There's an
22 appreciated low profile of residential units, which preserve comprehensive view planes of
23 residents and the surrounding community. This includes community views from Pili Street as well
24 as Maui Meadows. What can be viewed as a precursor to President Biden's recent climate
25 initiatives, and new to Wailea, Leducor has committed to include PV arrays on every residential
26 unit. Since on average 50 percent of the residents at any one time in Wailea are not on the island,
27 this would have a benefit of contributing to the greater and the overall benefit of those on Maui.
28 As exemplified by the design and planning for SF-S, Leducor has continually expressed sensitivity
29 and concern for the cultural and history of artifacts of Hawaii. This has been expressed at every
30 meeting that we have held with their leadership. We are impressed with both the project and
31 Leducor and fully support SF-S.

32
33 And one last thing, I'd just like to comment about the units themselves, which are -- were
34 characterized as being a possible ohana. We don't allow ohanas in Wailea. One of the
35 characteristics of that would be that we don't allow anything other than a single kitchen on any
36 single property. And as labeled on their drawings, this was a guest quarters, not an ohana. And
37 again, we fully support the project. Thank you and mahalo.

38
39 Mr. Tackett: Thank you. Commissioners, any questions for our testifier? Does the, does the
40 applicant have any questions for our testifier?

41
42 Mr. Goode: No questions, Chair.

43
44 Mr. Tackett: Thank you. Thank you for your time.

45
46 Ms. McLean: Chair, next up is Clint Hansen, who will be followed by Ivan Lay.

1
2 Mr. Tackett: Mister, Mr. Hansen, are you there? Please introduce yourself and promise to tell the
3 truth. I believe you're still showing muted on my screen. You there Mr. Hansen? You're going to
4 have to try unmute yourself because I'm showing you this muted. Can you hear me, Mr. Hansen?
5 Can you hear me? Director, I think he's having some technical difficulties. I believe maybe we
6 should move on.

7
8 Ms. McLean: Okay, Mr. Hansen, we can call you back another time. Ivan Lay, followed by Mark
9 Coronesi.

10
11 Mr. Ivan Lay: Good afternoon. My name is Ivan Lay, and I promise to tell the truth. First of all, I'd
12 like to thank all of you for your due diligence and your hard work. You guys are working really
13 hard, and I love the compassion that you guys have for Maui County and making sure that no
14 project slips through, through your fingers.

15
16 I'm asking the Planning Commission to accept this Final EA. I like the fact that there's no short
17 term rentals. I have faith in the work that Tanya Lee-Greig on the archaeological work. She has
18 great passion for her work, and I would never second guess her and her work. She's really
19 passionate about her work. This project is consistent with the State, County and Kihei Makena
20 plan. And it takes a lot of work to get to where they're at right now. Blood work, hard work,
21 dedication, and a group coming together to make it happen.

22
23 The revenues from this project will help Maui County. We need it, and like everyone said, we'll
24 come out of a pandemic, there's a lot of work that can mean more money, that can come out and
25 revenues that can come from this project to help us out and move forward. Monies that can help
26 out with the roads. And I like the fact that they're going to build side sidewalk and I actually bike
27 there every week. And we're that project is where I turn around because that's where the bike
28 path ends, so hopefully we get that bike path completed so I can get further away, further away
29 to Makena.

30
31 So let's keep this project moving along and a journey that still has a long way to go, a long way
32 to go. Accept this final EA in its entire, entirety, and I hope you guys evening comes a lot sooner
33 than it looks. Thank you.

34
35 Mr. Tackett: Thank you. Commissioners, does anybody have any questions for Mr. Lay?

36
37 Mr. Lay: Thank you.

38
39 Mr. Tackett: Mr. Lay, I just got to ask the applicant. Does the applicant have any questions for
40 Mr. Lay?

41
42 Mr. Goode: No, no, we're good. Thanks, Chair.

43
44 Mr. Tackett: Okay, thank you so much.

45
46 Ms. McLean: Mr. Hansen, do you want to give it a try? It sounds like you're on.

1
2 Mr. Bob Hansen: Sure. Yeah, sure. It was actually my son, Clint, but I'll give it a try. I'm 100
3 percent for the project. I think we need, you know --
4
5 Mr. Tackett: Mr. Mr. Hansen? Mr. Hansen? You just got to introduce yourself and --
6
7 Mr. Hansen: Oh, I'm sorry.
8
9 Mr. Tackett: -- and promise to tell the truth, and then you're good to go.
10
11 Mr. Hansen: Yeah, Bob Hansen, and I promise to tell the truth. Anyway, I'm 100 percent for the
12 project. I think, you know, we've got to finish out Wailea, and it's great to have people there that
13 pay taxes all year, and only use the infrastructure for maybe a month. I think it's great for the
14 community. I think it's great for Bruce U'u and his workers. And I think that's really all I have to
15 say. I think it's a great thing.
16
17 Mr. Tackett: Thank you, Mr. Hansen. Commissioners, anybody have any questions for
18 Mr. Hansen? Does the applicant have any questions for Mr. Hansen?
19
20 Mr. Goode: No questions, Chair. Thanks.
21
22 Mr. Tackett: Thank you.
23
24 Mr. Hansen: Looks like Clint's back.
25
26 Mr. Tackett: Director, may we have our next testifier, please?
27
28 Ms. McLean: Yes, Chair. The next testifier is Mark Coronesi, who will be followed by Les Iczkovitz.
29
30 Mr. Mark Coronesi: Aloha. My name is Mark Coronesi, and I lived in Maui Meadows for 17 years.
31 Like everyone else, I've seen a lot of change and growth in Kihei, Wailea, Makena.
32
33 Mr. Tackett: Mark, after you introduce yourself, you have to promise to tell the truth.
34
35 Mr. Coronesi: I will do that. My apologies. I'm Mark Coronesi. I will tell the truth and speak
36 honestly. Again, I've been in Maui Meadows for 17 years and have seen, as we all have, a lot of
37 change in that short period of time. And realizing changes are inevitable, and we've seen, I think,
38 very clearly, especially during this pandemic time, that people want to move to Maui. A lot of
39 realtors have testified here and we know what that means, you know, with the no inventory and
40 just people are going to come and they're -- and developments such as the Ledcor project that's
41 being discussed, they're likely to continue to happen. And I believe that when they do, they need
42 to be well planned and coordinated, and that's the only way we can get the best result possible
43 with minimal disruption to the community and the meetings that we're having today.
44
45 I'm not here to talk about the specifics of the project. I'm here to testify today as a business owner
46 that's worked with the Ledcor team on their recently completed project, at Luana Garden Villas.

1 We were involved with them from their initial design planning strategies to the very end of the
2 project. And just, you know, they were very a professional organization. They built a very, very
3 high quality product, so I expect the same will happen here in the Wailea project. They plan really
4 well. And along with that, they also handled changes very well. They communicate very
5 effectively. I think we saw a good presentation today. And as continued mentioned earlier, they
6 will create a lot of jobs and opportunity for the local workforce.

7
8 So bottom line, for me is that throughout the entirety of our interaction with them, the Ledcor team
9 did what they said they would do. And I know as simple as that sounds, it's not always our
10 experience when we've worked with other large construction companies on projects such as this.
11 So I just wanted to share that knowledge with you and to pass along my positive feedback as to
12 the high quality of the Ledcor organization. Thank you for your time.

13
14 Mr. Tackett: Thank you, Mark. Commissioners, does anybody have any questions for our testifier?
15 PD, go ahead.

16
17 Ms. La Costa: Thank you, Chair. Thank you for your testimony. And may I ask what your job is
18 and what association you have had with Ledcor? Thank you.

19
20 Mr. Coronese: Our company is Sky Shades Hawaii, and we do predominantly motorized, large
21 motorized solar shades to take the sun and the heat off of a home. And back to what they
22 mentioned in their presentation, one of the earlier points they mentioned, is the efficient use of
23 resources and low energy use in their, in their projects. And we contributed to that aspect of what
24 they did up in on the West Side. We did, you know, 30 foot large shade screens that lowered their
25 air conditioning and electricity usage to the interiors and exteriors of the properties. So I found
26 that to be very forward thinking. They planned that into the project. Homeowners, they didn't
27 realize they would need that aspect, especially living on the West Side. You know, Ledcor spent
28 the money and put in all the structural elements they needed during the construction phase. So
29 when the homeowners realized that, hey, you know, I really have to put one of these in here, it
30 was all available. So just forward thinking that I hadn't seen before with other companies that we
31 worked with.

32
33 Ms. La Costa: Thank you, Mr. Coronese.

34
35 Mr. Coronese: You're welcome.

36
37 Mr. Tackett: Commissioners, do you have any other questions? Does the applicant have any
38 questions?

39
40 Mr. Goode: No questions, Chair. Thanks.

41
42 Mr. Tackett: Thank you.

43
44 Mr. Coronese: Thank you.

45

1 Mr. Tackett: Go ahead, Michele. The next testifier is Les Iczkovitz, who will be followed by Clare
2 Apana.

3
4 Mr. Les Iczkovitz: Good afternoon Commissioners. My name is Les Iczkovitz. I promise to tell the
5 truth. I'm a resident of Maui Meadows. I've been an attorney in Hawaii for 42 years. I'm a member
6 of the Board of Directors of Maui Tomorrow and of the Maui Meadows Neighborhood Association.
7 I submit this testimony on my own behalf.

8
9 Yesterday I submitted a letter with seven pages of written testimony which, which I urge all of you
10 to read because it goes to the factual legal issues which requires the Maui Planning Commission
11 to deny the request for a FONSI and require the applicant to do a full EIS. It was in 1973 that
12 Wailea was first approved for development. This is before Chapter 343 was effective. Therefore
13 there was no EIS for the original development. Forty-eight years later, our 'aina, our ocean and
14 our communities have an absolute right, and a legal right to know the full environmental impacts
15 of the next stage of development before anything is approved. The -- under Chapter 343, the
16 potential impact of all of, of all of Phase II, the seven parcels that Wailea is advertising as part of
17 the Wailea Hills collection, of that, the next three projects alone there could be 429 new units. It's
18 impossible to conclude that the impacts, the cumulative impacts of the future development is not
19 going to be substantial. Wailea Resort asserts that the SF-S project is a standalone project, and
20 its environmental impact should be evaluated solely on, on its own. That's not what the law says.
21 Please read my letter and the discussion therein to understand the legal issues and why the
22 applicant is required to prepare a full EIS. It goes into the segmentation issues. As -- and I'm not
23 going to go through the legal argument, but here's a quote from a leading Sierra Club case from
24 the Hawaii Supreme Court: "Segmenting a project in this incremental way to avoid the preparation
25 of environmental impact statement is against the law," Sierra Club versus Department of
26 Transportation.

27
28 And the second, the other major reason why -- it has to -- you cannot approve this is the promise
29 for the four lane highway. Ten years ago these developers realized they had a requirement to
30 chip in. They all had the pro rata share of 30 million bucks. They're all going to do their share.
31 They can put all new, but no new development south of Kilohana was going to be approved until
32 the four lane highway was built. That was the promise to the community. That's in the community
33 plan. That's in the zoning ordinances for Makena and Honua'ula. Ten year ago they agreed to it
34 and then they walked away from it. And now Wailea says all we're going to do is give you a 170-
35 foot partial third lane, and that's our entire mitigation for the next seven parcels of Wailea that we
36 want to develop. I mean, that's a common thing alone, depending on one little, one little
37 improvement of 170-feet, which they won't even build until 150 units have already been built in
38 phase two. And that's just not what the community was promised. It's not what the community
39 needs. It's not what's required to alleviate this.

40
41 Ms. Takayama-Corden: Three minutes.

42
43 Mr. Iczkovitz: Thank you for your time.

44
45 Mr. Tackett: Thank you. Commissioners, do you have any questions for the testifier? Does the
46 applicant have any questions for the testifier?

1
2 Mr. Goode: No questions, Chair.
3
4 Mr. Tackett: Thank you.
5
6 Ms. McLean: Chair, next up we have Clare Apana, who will be followed by Junya Nakoa.
7
8 Ms. Clare Apana: Okay, can you hear me?
9
10 Mr. Tackett: Yes, we can, Clare.
11
12 Ms. Apana: I'm going to take a breath. Okay, let me take a breath. I have so much to say. I'm
13 going to try my best. Okay, there are many good points that have been made. I'm going to do my
14 –
15
16 Mr. Tackett: Clare, Clare, you've got to start off with who you are and promise to tell the truth.
17
18 Ms. Apana: You call me Clare. Okay. My name is Clare Apana and I promise to tell the truth.
19
20 Mr. Tackett: Thank you.
21
22 Ms. Apana: Thank you. I would like to concentrate on consultation. Consultation to kanaka maoli
23 in particular are, is outlined in the . . . (inaudible) . . . laws, and specifically HAR 13276. Some
24 consultation has occurred for a CIA. No consultation has occurred for the AIS. The AIS has not
25 been done by Tanya-Lee Grieg, to let you know that. It was important for us to, to be consulted
26 because there are so many projects that are being proposed by this developer. We were just at
27 the CRC on another project, a project in which we were actually told we were going to be
28 consulted. They were going to tell us what was the result of the consultation, and we would get to
29 do another site visit because we did not finish. Instead, they took it straight to the CRC and it was
30 there, the CRC, we had to try to say something. The CRC, in their wisdom, said we're not going
31 to do this right now. And they ran out of time.
32
33 In the process of doing this, the consultant, Kainoa Horcajo came to talk to us, several of us. And
34 I told him what the difficulties were with being told something and then it not happening because
35 it happens a lot, especially with the archaeology person who was there and the project manager.
36 And so he made a whole big deal about how we could maybe go forward and getting consultation.
37 And that would be, we would be allowed to mark sites with flagging tape. He provide, he would
38 provide us with an AIS and a map on the site so that when we go, we could clearly mark what we
39 are finding because it always happens the archaeologists always miss things. Because frankly,
40 Commissioners, this is Makena. This is Makena. It doesn't mean that much to some of you who've
41 not been here. But I grew up here and this is Makena we're talking about. It has to be done
42 correctly. Every single law and every single right that I have I am going to impress upon you that
43 that has not happened. And I expect that to happen because this is Makena.
44
45 Ms. Takayama-Corden: Three minutes.
46

1 Ms. Apana: And there are so many projects that they are piecing together. There's so much wrong
2 information.
3
4 Mr. Tackett: Clare?
5
6 Ms. Apana: . . . (inaudible) . . .
7
8 Mr. Tackett: Clare? Clare? Clare? You cannot -- you got to -- your three minutes is up, my dear.
9 I'm sorry.
10
11 Ms. Apana: Okay, thank you very much.
12
13 Mr. Tackett: But please don't go because there, there could be questions. Yeah, please, please
14 stick around. There could be questions for you. Thank you. And I share your passion for Makena.
15 Go ahead, Kawika.
16
17 Mr. Freitas: Thank you, Chair. Aloha, Ms. Apana.
18
19 Ms. Apana: Aloha, Kawika.
20
21 Mr. Freitas: So in your testimony, you say that Mr. Horcajo offered you to walk the property and
22 I kind of got lost after that. Did you folks end up going on or that never happened?
23
24 Ms. Apana: What happened was this is a property that is very close to this one, another property
25 that's close to this in proximity. And this was at the CRC. I -- Mr. Horcajo told me at the time that
26 they decided that they would try to do a better consultation on this project that they were holding
27 off. So then I got confused and I said, okay, it was . . . (inaudible) . . . Why is in the Planning
28 Commission? He wrote back to me and said, no, that's another project. It didn't go to the CRC.
29 So we're just going forward with this EA, and maybe we'll go to CRC after it, after we get approved.
30 And I'm going, what the heck, you know? Shouldn't go to the CRC just like the other project right
31 next to it? And, and, so I wrote back to him and I said, so the new, is there new information?
32 Because the last time I read the report, they were going to dismantle the wall, which is a moku
33 wall. I'm so sorry. It is a moku wall. And they were going to use it and make other things with it on
34 the project. Totally hewa.
35
36 Mr. Freitas: Okay.
37
38 Ms. Apana: It's totally hewa to call that a . . . (inaudible) . . . Okay, so I have not had a chance to
39 talk with the archaeology team. I have not had a chance to mark sites that I see. And I, I went
40 there yesterday. I see sites. I see the same configuration that you see in this area. You see a
41 slope, a slope. Some of them are steeper, some of them are not as steep. But you see a slope
42 and a slightly bold area, there at the near the top, you see sites, you see cultural features, you
43 see all these pohaku. And Tanya-Lee Grieg was explaining that in habitations you would see
44 these features up near the top, and then live there, and then down below you see smaller features
45 which were probably places that they planted or used for other uses. And I said, wow, that makes
46 total sense. I see that on this land. I see that clearly. It's just like all the properties all around it.

1 And that's not being marked. That is not Makena style. That's not the right thing to do. You know
2 --
3
4 Mr. Freitas: Okay.
5
6 Ms. Apana: -- we get to say --
7
8 Mr. Freitas: Okay.
9
10 Ms. Apana: -- is it important? Thank you.
11
12 Mr. Freitas: Thank you, Ms. Apana.
13
14 Ms. Apana: Sorry. I'm so sorry. I'm so upset with this whole thing.
15
16 Mr. Freitas: Thank you.
17
18 Mr. Tackett: Commissioners, are there any other questions for Ms. Apana? Go ahead, Ashley.
19
20 Ms. Lindsey: Aloha Ms. Apana.
21
22 Ms. Apana: Hello.
23
24 Ms. Lindsey: Aloha. I was wondering who you -- which we were talking, you are talking about.
25 You keep saying we but I'm not sure which entity you.
26
27 Ms. Apana: I'm sorry we are Malama Kakanilua. I will be sending my testimony into you. I did not
28 get to do that yet.
29
30 Ms. Lindsey: Okay.
31
32 Ms. Apana: Yeah, so we are Malama Kakanilua.
33
34 Ms. Lindsey: And you're also a descendant of the area?
35
36 Ms. Apana: I have not . . . (inaudible) . . . have my genealogy shown to me yet. But I am the
37 president of Malama Kakanilua, and this is the kind of kuleana that we have. We have many
38 descendants from this area in our organization, and we are a native Hawaiian organization 501-
39 3C3.
40
41 Ms. Lindsey: Okay, thank you.
42
43 Mr. Tackett: Thank you. Commissioners, are there any other questions? Does the applicant have
44 any questions?
45
46 Mr. Goode: No questions. Thank you.

1
2 Mr. Tackett: Thank you. Thank you so much.

3
4 Ms. Apana: Thank you very much.

5
6 Ms. McLean: Chair, the next testifier is Junya Nakoa, who will be followed by Dick Mayer.

7
8 Mr. Junya Nakoa: How's it? Junya Nakoa. I not going lie. I going tell the truth. I'm assuming the
9 applicant is the David Goode, the David Goode from the old Public Works Director. But, so yeah,
10 he no longer there for so much reasons. What you call, I no live over there. I live Napili like I told
11 you guys. I support Aunty Clare because she from over there, and her heart, you can see 'em.
12 Wear it in the face, wear it on the heart. And so I want to -- I am here to back them up, you know
13 what I mean, and all that kind stuff. Like one of the previous testifiers when say that everybody
14 going go through the process, go through the process. Dude, the process is go the EA and then
15 go the EIS. Do 'em the right way. And the reason why I real, real, real stringent on that is because
16 the one project I told you guys, the one over here at Napili Bay, I don't know, the thing with slip
17 through the fingers of some corporate, the buggas because the thing is not supposed to be built
18 there. So no rush 'em. No rush, gang. No, no, no hurt the resources. Plus all the water for all
19 these pools and all the stuff we no more that. So rush this bugga. Make 'em go do the EIS. Do it
20 right, gang, for the 'aina. We deserves some respect. Aunty Clare need some -- deserve some
21 respect. Yeah, I no care about these other guys that live around the place, you know, and the
22 bugga look cherry like that because haole put plenty money into them. I serious, bra. Think about
23 us locals, locals, Hawaiians. You know, do the EA. They did the EA, go do the EIS. And then if
24 the bugga all pono, and they pass everything because I going watch 'em because I no trust this
25 Planning Department. I no trust the Public Works anymore because a proven fact that they when
26 let something by. And director, Planning Director can attest to this that because of this project in
27 Napili Bay, she going cost the taxpayers, the local taxpayers, all kind choke money for stop that
28 illegal development. And you go ask her, go ask 'em, go ask 'em. You can ask me when I pau
29 talk, but you go ask 'em because now days legality that us taxpayers got to be pay. Same thing
30 with the injection wells. You know, here Lahaina, the stupid Mayor like take 'em to the Supreme
31 Court. We got a pay. Still get the dumb, stupid injection wells poisoning our water. Do the EIS,
32 gang. Do what is right. Do 'em correct. Do 'em the pono way. If they pass everything, okay. But
33 I going make sure I watch these buggas with like one, one magnifying glass because I getting
34 blind. But I tell you guys, go just check 'em out and do the EIS. No let, no let these guys tell you
35 anything different, gang.

36
37 Ms. Takayama-Corden: Three minutes.

38
39 Mr. Nakoa: Yeah, okay. Mahalo. And bradda, bradda, the Director of the Chairman, good job you
40 doing bradda. This morning and this one, great job. And all you guys awesome bra. You guys all
41 good. Go guys all tie-tie good. You guys all bad ass. Okay. Shoots.

42
43 Mr. Tackett: Thank you. Thank you Junya. Please, please stick around though because we might
44 have questions. Commissioners, any, anybody have any questions for Junya? Does the applicant
45 have any questions for Junya?

46

1 Mr. Goode: No, but hi, Junya.

2
3 Mr. Nakoa: Yeah, see that is David Goode guy, yeah. That is that bugga. Oh, you like hide your
4 face, yeah, Hawaiian. Show your face. Show your face. I ugly, I still show my face. Yeah. But,
5 good job, gang. For real, good job.

6
7 Mr. Tackett: Thanks. Thanks to two handsome guys. I appreciate it.

8
9 Mr. Nakoa: Good job.

10
11 Mr. Tackett: Alrighty. Thank you so much you guys. Michele, can we, can we have our next
12 testifier please?

13
14 Ms. McLean: Yes, Chair. Dick Mayer is the next testifier, and he will be followed by Kanaloa
15 Kamaunu.

16
17 Mr. Dick Mayer: Can you see me?

18
19 Mr. Tackett: Yes, sir, I can, Mr. Mayer. Please state your name and promise to tell the truth.

20
21 Mr. Mayer: My name is Dick Mayer. I will be telling the truth. I'm going to cover several, several
22 topics. First one is segmentation. I was on the Planning Commission back in April 1973 when
23 Wailea was approved. In other words, I voted when that project district, the first phase came in.
24 You're now 48 years later looking at phase two, a particular part of that project. And I would say
25 that you need to look at all of the impacts that are going on and not segment out one particular
26 element of this project. There are also other hotels being proposed. There are other housing
27 projects. The shopping center is being expanded. All of those things need to be impact. The only
28 cumulative impact they made an effort to try to cover was traffic. They did not look at water,
29 drainage, wastewater for all the various projects that are going on at Wailea within that project
30 district. I think that's a major error. They list, for example, on page 58, volume one, that they're
31 going to be 421 units to be built. They need to talk about the cumulative impact. That's what an
32 EA does. I'm going to urge you not to accept the FONSI at this point. I believe there are elements
33 that are deceptive, incomplete, and maybe even illegal.

34
35 With regards to the highway, they are required by the Kihei Community Plan, Kihei-Makena
36 Community Plan, to have a four lane highway all the way from Mokulele Highway, all the way
37 down to Wailea Ike. They, A&B, which is the, the master of the project district, worked with
38 Honua'ula, with Wailea 670 and Makena to get that highway built. They did a final EA indicating
39 that they recognized that they had an obligation to put that in. David Goode made a, I think, a fast
40 statement saying that that should be built by Maui Meadows, and that was, I think, very
41 unfortunate that he tried to assert them.

42
43 The project itself -- and I'm going to do something here -- because the, the TIAR does not include
44 two of Ledcor's projects. Why are you getting off my thing? I put that up potentially. You're denying
45 the right to testify.

46

1 Mr. Tackett: Nothing ever showed up and I don't believe anybody took anything down.

2
3 Mr. Mayer: Can you see it?

4
5 Mr. Tackett: No, I've never seen anything from the beginning when you said so nobody, nobody
6 has done anything to you intentionally, that I know of.

7
8 Mr. Mayer: Let me get my time back because I -- on that part. Okay, let the TIAR was supposed
9 to look at all of the projects. They neglected two of their own projects in the traffic study that are
10 one, these are adjoining and one, next door across the street there. And they didn't include those
11 in the TIAR. So the TIA came to all these great conclusions about traffic, but did not make the
12 assumptions that were needed to be made.

13
14 With regard to water, you saw the pictures of the swimming pools, the spa pools, and all the --

15
16 Ms. Takayama-Corden: Three minutes.

17
18 Mr. Mayer: -- other water features, and the very lush landscaping that was done.

19
20 Mr. Tackett: Mr., Mr. Mayer, your three minutes are up.

21
22 Mr. Mayer: Let me, let me -- yeah, I was robbed half a minute because --

23
24 Mr. Tackett: No, no, Mr. Mayer, you were not robbed. You chose to use your time the way you
25 chose to use your time.

26
27 Mr. Mayer: But you wouldn't let me -- your technology was --. You let the applicant share their
28 screen, but you didn't let me which is unequal.

29
30 Mr. Tackett: Everybody share their screen with the three minutes that they have. Whatever you
31 choose to do with your three minutes, nobody stopped you from showing it. Whether you're
32 successful or not is not my kuleana. I cannot control who's successful and who is not successful.
33 What I can control is that everybody gets three minutes and that's fair.

34
35 Mr. Mayer: Why was the applicant allowed to share their screen and I was not?

36
37 Mr. Tackett: You're not --. They're not a testifier. Right now testifiers are getting three minutes.
38 You got three minutes just like all the rest of the testifiers got three minutes.

39
40 Mr. Mayer: But we need --. We should have an equal ability to explain ourselves.

41
42 Mr. Tackett: Everybody has the equal ability. It's called three minutes. Everybody -- however you
43 choose to use your three minutes, that's up to you. I'm not going to, I'm not going to weigh in on
44 that.

45

1 Mr. Mayer: Okay, I hope some of your, I hope one of your commissioners ask me questions about
2 what I was going to say.

3
4 Mr. Tackett: Absolutely. And that's, that's, that's what we're going to go to next. But we need to
5 keep this as fair as possible, so thank you so much. Ashley, go ahead.

6
7 Ms. Lindsey: Water has been a concern of mine on this project. Can you please elaborate what
8 you're going to say, well, regarding only water, please?

9
10 Mr. Mayer: Okay, with regard to water, they have their swimming pools. They have very lush
11 landscaping as you saw in the diagrams they show, but they do not account for where that water
12 is coming from. They talk about water tanks as if the water tanks supply the water. The water is
13 actually coming from Waihee and Iao Valley, etcetera. That's water that should be going to all the
14 people of Maui, residents of Maui, in Central Maui who want to build. A&B has, has an entitlement
15 to build a large project, Waiale project, between Maui Lani and Waikapu. They can't build because
16 they don't have water. If they, if this project goes ahead, it's another knife into a project like that
17 which could be using that water from Waihee, Waiehu, and Iao Valley. But if it goes here for a
18 swimming pool, for lush landscaping, that would be a very inappropriate thing. They're
19 underestimating the amount of water. And then they make a big statement, we will attach up to
20 the waste water, the recycled wastewater, but they make no effort how it's going to happen. They
21 make, the many places in the EIS they talk about using wastewater, but they don't indicate that
22 they're going to be hooking up to it and how they're going to hook up to it, who's going to pay for
23 it. They should make an offer to pay for that connection.

24
25 Ms. Lindsey: Thank you.

26
27 Mr. Mayer: Thank you for asking.

28
29 Mr. Tackett: Mr. Mayer, I believe Kawika also has a question for you.

30
31 Mr. Mayer: Yes, Kawika.

32
33 Mr. Freitas: Thank you, Chair. Mr. Mayer, in the beginning of your testimony, you said you were
34 involved in 1973 with the development of creating this Wailea development. At that time was there
35 a vision that half of the homes being built were going to be luxury, multimillion dollar estates?

36
37 Mr. Mayer: It was the other way around. The Wailea representative came to our planning
38 commission and that was Hannibal Tavares. He was their spokesperson at the planning
39 commission meetings. And he promised that one-third of all the units built in Wailea would be
40 workforce housing for the employees who would be working at the hotels and in the luxury
41 development. And we, we understood that those were going to be luxury homes. But he promised
42 that one-third of the homes, and he said those would be ones built up on the hill, exactly where
43 this project would be, that's where the workforce housing would be. And they would be able to go
44 down to the coast and work at the hotels, etcetera. And then he added to that that Wailea would
45 also provide internal transportation system because they knew that there'd be a shortage of
46 parking down below. So they said the workers up above would be able to come down to those

1 hotels and work utilizing their internal bus system, a van system, that they would have within the
2 overall 1,000 acre resort.

3
4 Mr. Freitas: Sounds like a great plan. What happened?

5
6 Mr. Mayer: The County never enforced it. It was on the on the record. The County never --. A&B
7 didn't have to back off and say we won't do it because the County never went ahead and enforced
8 it. And it should have been up to --. One of the problems was with the planning commission --
9 and I've sat through many of your meetings, and I appreciate all the work that you folks do -- is
10 that you get projects to accept or reject, but you don't have any enforcement powers. And so what
11 we really need is a planning commission that should have the authority to say we approved this
12 plan, and this is the entitlement we gave you, and we should have the ability to make sure it gets
13 complied with the way we've approved it. That doesn't happen. And it's unfortunate that A&B got
14 by with it. They were supposed to put a school. Right where this project was, was the location for
15 a school. They spent one million dollars donation to the DOE apparently to get the school built in
16 South Kihei and that was it. So they got out of that and they freed up the land to put up multimillion
17 dollar homes. So there are many --. And I can go through other things that happened in that
18 original project.

19
20 Mr. Freitas: Thank you. Mr. Mayer, one more question. Was the Maui Meadows subdivision
21 considered part of this one-third Wailea workforce housing?

22
23 Mr. Mayer: No, absolutely not. It was up on the hill. It was -- this is at 1970. But there was no Maui
24 Meadows at that time, first of all. It was not part of the land parcel that was considered by the
25 Planning Commission. It was only the part below what is now Piilani Highway that was considered
26 to be part of Wailea, not any of the part above it. And in fact, at that time, in '73, there was like
27 only one concrete building in all of south Maui, and that was the, what we used to call the bureau
28 of standards building was a small building in the middle of Kihei. Other than that there were a few
29 hundred houses, but that's about it. No concrete buildings, no condos, nothing. And the Piilani
30 Highway itself was put in 1981.

31
32 Mr. Freitas: So, so when you say the Wailea development area, would that be everything south
33 of Kilohana or is that extend north? . . . (inaudible) . . .

34
35 Mr. Mayer: Kilohana, Kilohana was the borderline at that point, and it went down as far as it goes
36 now, all the way down there past the Fairmont, into that area, generally in that area and up to
37 Piilani Highway. And then Wailea 670 was not even on the drawing boards at that time. That came
38 much, much later in. And Makena came a year -- actually Makena came a year or two later, in
39 '74, '75.

40
41 Mr. Freitas: Okay. Mr. Mayer, thank you so much.

42
43 Mr. Mayer: Thank you for asking.

44
45 Mr. Tackett: Commissioners, anyone else with any questions for Mr. Mayer? Does the applicant
46 have any questions for Mr. Mayer? Thank you, Mr. Mayer.

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Mr. Mayer: Thank you very much for your time and all your efforts.

Ms. McLean: Chair, next up is Kanaloa Kamaunu who will be followed by Nalani Kaninau.

Mr. Kanaloa Kamaunu: Aloha. Kanaloa Kamaunu. Mahalo Commissioners for having me. I am going to tell the truth, yes, I'm going to tell the truth. I am from Waihee. I am a seventh generation kuleana.

Mr. Tackett: Kanaloa, Kanaloa you got to -- after you introduce yourself, you got to promise to tell the truth and then you're good.

Mr. Kamaunu: Okay, I promise to tell the truth.

Mr. Tackett: Thank you.

Mr. Kamaunu: Okay. Mahalo. So I am seventh generation from Waihee Valley. I am kuleana . . . (inaudible) . . . So this project concerns me because of the water. I am -- I'm recognize by CWRM as kuleana. I'm also recognized by the County of Maui Water Department as kuleana from Waihee. With that being said, as Mr. Mayer was saying, I have great concern of the water use from Waihee because it is my invested right as kuleana. I was also in a contested case with, along with Hui O Na Wai Eha. . . (inaudible) . . . people only recognize them. We are -- I was actually in that case and I was the one for kuleana right. That became a big issue during that process. So I sat my kuleana rights. I don't understand with all the development coming up where that water. I keep up with the water use in our area and I look at what's coming from Waihee. Almost 49 percent of what is being used comes from the Waihee site. And it gets -- came down to the south side. And so there's a concern because it's a finite resource that can't be replaced. And if you are familiar, last year, during three times that the Water Department had to declare water shortage. And the funny part of one of them was that they actually took action on the Central side, which included us, and did nothing about the south side and actually regulating them. So that's a concern of misuse or misappropriation of water.

I'm also intervener with the Grand Wailea Resort on the same issue. And they are the number one water wasters on Maui what they use. And now I'm looking at 57 possible pools that are going to be put in there. The other thing also intervene with Malama Kakanilua, the iwi. It was mentioned that construction, we need to put affordable housing for the people. Well, well, kind of funny about that. The history of that place, with all the kupuna that they found at just Grand Wailea alone means that they are ancestral lands. And our people were kicked off our ancestral lands through encumbrance of foreigners with the tax map key afforded people lands to be taken from them, and they were taken off of their lands and they auctioned so that County could make money off those ancestral lands. And today, lands are being built upon on our ancestral land. They have LCAs, they have kuleana, and yet we talk about affordable housing, we talk about construction, and yet our people are actually displaced. And I'm not only talking about the living. I am also referring to iwi kupuna. I'm an advocate for the iwi kupuna.

Ms. Takayama-Corden: Three minutes.

1
2 Mr. Kamaunu: And I have been for over 12 years. Thank you.
3
4 Mr. Tackett: Thank you. Commissioners, do we have any questions? PD has a question for you.
5 Go ahead, PD.
6
7 Ms. La Costa: Aloha and mahalo for testifying. And I apologize if I mispronounced your name
8 because it was said so quickly. Mr. Kamaunu, is that correct?
9
10 Mr. Kamaunu: That's fine.
11
12 Ms. La Costa: Okay, I appreciate it. Could you please clarify for me the lands about which we are
13 discussing today, are those kuleana lands that is the title clear? Tell me about how that affects
14 the kanaka maoli, please. Mahalo.
15
16 Mr. Kamaunu: Well, you know, when we -- it was being discussed earlier about, you know, lack
17 of resource people and people moving away. With the amount of burials they found in the area
18 would, would put to cause to think that there are lands. And we've been on several other parcels
19 that do have LCAs, they all know specifically what LCAs or kuleana are on this property. But I
20 would believe is still believed to be ancestral properties because of the amount of people just
21 found the iwi that's disturbed in the area. So, you know, my, my whole thing is there is and should
22 be . . . (inaudible) . . . kuleana or land grants or leases. And, you know, my whole thing is the
23 discussion about providing affordable homes, providing homes for our people because . . .
24 (inaudible) . . . It's kind of a new thing for me when our people have been actually taken off their
25 properties. And it's been happening through the 'aina, throughout the State of Hawaii, and has
26 been happening for years. So I know for myself I can trace my genealogy to Honua'ula, though I
27 don't make a claim for decadency because I'm, you know, I work in Waihee. So, yes, that will be
28 my concern too often because, you know, we have to be living on our properties, and not renting
29 on our properties. So, hopefully kind of clarifies your question.
30
31 Ms. La Costa: Mahalo nui. I appreciate that.
32
33 Mr. Kamaunu: Mahalo.
34
35 Mr. Tackett: Commissioners, any, any other questions for our testifier? Does the applicant have
36 any questions for our testifier?
37
38 Mr. Goode: No questions, Chair.
39
40 Mr. Kamaunu: Chair, can I just make one comment? Do you mind?
41
42 Mr. Tackett: No, I cannot.
43
44 Mr. Kamaunu: Okay. No problem. Thank you.
45

1 Mr. Tackett: Thank you. Thank you for asking though because most of the guys they just blurt it
2 out. You know what I mean? Like guys just running me all day, so I really appreciate it.

3
4 Mr. Kamaunu: . . . (Inaudible) . . .

5
6 Mr. Tackett: Mahalo bro.

7
8 Mr. Kamaunu: A hui hou.

9
10 Ms. McLean: Chair, the next testifier is Nalani Kaninau who will be followed by Mike Szymanski.

11
12 Mr. Tackett: Thank you.

13
14 Ms. Nalani Kaninau: Aloha everyone. Thank you for your time. My name is Nalani Kaninau, and
15 I will be truthful. What I want to do is echo and support Lucienne de Naie, Clare Apana, Carol
16 Kamekona's comments regarding the archaeological studies. I don't think that having a cursory
17 glance at one parcel is doing justice to the area. I think we need to take all of the areas together
18 as a whole. I'd like to get Dr. Janet Six, who is the county archaeologist involved. Maybe use that
19 LYDAR technology that they're starting to bring online. I really believe that this area needs to be
20 looked at in its entirety.

21
22 As a native Hawaiian, I am offended by the song and dance of Hawaiian culture, and that honoring
23 this area and resurgence of practice and then put in a gated community so the Hawaiians can
24 stand outside the gate. I'm deeply offended by that. You know, and don't, don't waste the time to
25 do place name streets for the area. Just name it Wall Street. Name it Larry Ellison Street. Name
26 it, you know, Oprah Winfrey Street. Don't, don't bother with the place names.

27
28 And lastly, as a member of the Board of Water Supply, I am also deeply concerned about water
29 use, water source, runoff, waste water. I think that we need to really back up and make sure that
30 the infrastructure, as a totality for our islands, is looked at. I think that we need a full EIS. I really
31 think that this project, three million dollar houses, so somebody has got to wait for their three
32 million dollar house. We really have got to take the opportunity to look at our infrastructure and to
33 be prudent about our water. We don't know what's happening with Wailuku water. There's
34 development galore in the pipeline and we need to be very prudent about what, what and
35 swimming pools, please. Again, and you, you'd be surprised at the water use for just Wailea,
36 Makena, it would blow your mind. I have statistics. I could send them over. I'm at work right now,
37 but the water use for Wailea Makena is well over --. It would --. I'd rather just talk off my head, but
38 anyway, thank you so much for all of your service and your hard work.

39
40 Mr. Tackett: Thank you, Nalani. Let's, let's see if we have any questions. Commissioners, anybody
41 have any questions for Nalani? Does the applicant have any questions?

42
43 Mr. Goode: No questions. Thank you.

44
45 Ms. Kaninau: Mahalo.

1
2 Mr. Tackett: Thank you. Director?

3
4 Ms. McLean: Chair, the next testifier is Mike Szymanski, who will be followed by Tiare Lawrence.

5
6 Mr. Tackett: Go ahead, Mike.

7
8 Mr. Mike Szymanski: Can you hear me?

9
10 Mr. Tackett: Yes, I can hear you.

11
12 Mr. Szymanski: Okay. I'll speak. For some reason my video isn't working. I'll try to get it working,
13 well, afterwards. I apologize for that. My name is Mike Szymanski and I promise to tell the truth in
14 my testimony today. Ownership of the subject parcel, the Wailea SF-S parcel, is in dispute.
15 There's been a -- there is a 20-year long ongoing lawsuit for me to buy the land. And there's a
16 pending appeal before the Hawaii Intermediate Court of Appeals. The applicant's ownership of
17 the property is in dispute. And I would ask that the Commission and the Planning Department
18 deny, not approve the environmental assessment determination. First remedy, first choice.

19
20 Second option would be to put their application, the environmental assessment determination, on
21 hold until the legal dispute of the ownership of the subject parcel is fully resolved in the courts,
22 which will likely take many more years. The litigation has been going -- the dispute has been going
23 on for 20-plus years and the litigation has been going on for 19 years. So it's likely to be many
24 years more. And while ownership of the property is in dispute, it doesn't make sense to have the
25 applicant proceed getting any entitlements on it including the environmental assessment
26 determination.

27
28 And another option would be, a third option would be to require the applicant to get a full
29 environmental assessment, EIS, environmental impact statement. That's all I have for now.

30
31 Mr. Tackett: Thank you. Commissioners, any questions for the testifier? Go ahead, Kawika.

32
33 Mr. Freitas: Thank you, Chair. Forgive me, Mr. Mike. I'm going to call you Mr. Mike because I
34 can't say your last name. When you say there's a dispute on legal ownership, is that a dispute
35 with you?

36
37 Mr. Szymanski: Yes, it is.

38
39 Mr. Freitas: Confirming you said yes?

40
41 Mr. Szymanski: Yes.

42
43 Mr. Freitas: Okay, you're kind of soft. I'm not sure what's going on.

44
45 Mr. Szymanski: Yes. Yes. Wailea Resort Company in 1999 entered a contract to sell me the land.
46 They were insolvent and unable to perform, and unable to remove a blanket, \$200 hundred million

1 dollar mortgage on the subject property. They breached their contract with me after I got SMA
2 approval and all my entitlements to proceed. And they breached the contract and it's still before
3 the Courts. I've won several appeals so far and I'm confident that I'll ultimately prevail and be the
4 owner of this property.

5
6 Mr. Freitas: Okay. Okay, thank you, Mr. Mike.

7
8 Mr. Szymanski: Thank you.

9
10 Mr. Tackett: Commissioners, any other questions for Mike? Go ahead PD.

11
12 Ms. La Costa: Thank you, Chair. Mr. Szymanski, do you, do you have a title report that shows
13 that there is a cloud on title or how are you justifying that the property should be yours instead of
14 Ledcor's?

15
16 Mr. Szymanski: I have filed numerous notices of pend -- notice of pending lawsuits, and notices
17 of appeals. And just earlier this year, I filed my latest appeal. The Hawaii Supreme ruled partially
18 in my favor a little over a year ago. And I'll be filing another notice of pending appeal in the next,
19 a few weeks shortly, and I will provide a copy of that to the Maui Planning Department, and ask
20 them to forward it to you, to the commissioners.

21
22 Ms. La Costa: But my question is, do you have a title report that shows that there is a cloud on
23 title with any of your list . . . (inaudible) . . . or any of the appeals?

24
25 Mr. Szymanski: Yes, I got it from staff planner Kurt Wollenhaupt. He provided me one that shows
26 a cloud on title. Yes.

27
28 Ms. La Costa: Okay. I will leave it at that for right now. Thank you, Chair. Thank you,
29 Mr. Szymanski.

30
31 Mr. Szymanski: Thank you.

32
33 Mr. Tackett: Commissioners, any other questions? Does the applicant have any questions for the
34 testifier?

35
36 Mr. Goode: Chair, yeah. We just had some breaking news here, so we do have questions. We're
37 unaware that Mr. Szymanski claims to have interest in the title. So accordingly, I'd like Kekoa Kili
38 to ask some questions on behalf of the applicant? Thank you.

39
40 Mr. Tackett: Sure.

41
42 Mr. Kekoa Kili: Hi, Chair. My name is Kekoa Kili and I promise to tell the truth. I am an attorney
43 here with Chun Kerr in Honolulu, and I represent the applicant. So, Mr. Szymanski, thank you so
44 much for your testimony today. On behalf of the applicant, I have reviewed the pending litigation
45 and the relevant record related to the ongoing litigation to which you're a party. And given kind of
46 the long procedural history of the case I wanted to walk through with you some of the history

1 behind the litigation. So the first thing is the litigation that you referred to arises from a purchase
2 contract pursuant to which you agreed to purchase the SF-S property. And in the litigation you
3 have, in the past, claimed that you have a right to title to the property through what would be
4 specific performance. Is that correct?

5
6 Mr. Szymanski: Yes, in the past and still to this day, yes.

7
8 Mr. Kili: Okay. So in the course of litigation, the Circuit Court on Maui, in the Second Circuit,
9 determined that you had actually breached the purchase contract and you were not entitled to
10 specific performance as a remedy. That decision was appealed to the appellate court, and
11 decided by the appellate court in 2009 against you. Isn't that correct?

12
13 Mr. Szymanski: At that point, but it's still ongoing. And I'll need to point out that Judge Rhonda
14 Loo, who owns stock in A&B and by law was required to disclose to the parties that she had a
15 financial.

16
17 Mr. Kili: Okay, so we'll get there. So after the 2009 decision --

18
19 Mr. Szymanski: Her 2004 decision. When Judge Rhonda Loo, as you said, ruled against me? You
20 said that I breached the contract? She didn't disclose that she had a financial interest in her own
21 decision that she benefited financially by her own ruling.

22
23 Mr. Kili: Okay. So we'll, we'll get to that, to the decisions on the conflict of interest that you're
24 bringing up. So after the intermediate court of appeals said you didn't have a right to specific
25 performance, you filed a couple of other appeals and those related to Judge Loo's . . . (inaudible)
26 . . . conflict of interest. But when I look at the 2019 Hawaii Supreme Court decision, it specifically
27 decides that those claims did not have merit and that they had already been decided by the ICA
28 and so they just dismissed that. Is that not correct?

29
30 Mr. Szymanski: That is not correct. To the contrary, the Hawaii Supreme Court asked the Circuit
31 Court to determine the issue of my \$50,000 non-contract deposit based upon the contract which
32 I believe includes and requires the Circuit Court in Maui to determine whether or not the seller,
33 Wailea Resort Company, breached the contract, which it did. Despite 19 years of litigation, no
34 court in Hawaii had ever yet determined, ever considered, has ever considered whether or not
35 the seller breached the contract, which they clearly did in over 6,000 pages of litigation. Nowhere
36 is there any evidence at all that the seller performed with . . . (inaudible) . . . obligations. And
37 instead they breached it by not removing the two hundred million dollar mortgage, not providing
38 free and clear title, and not getting a title commitment for me, a title policy showing free and clear
39 title. So I respect --

40
41 Mr. Kili: Okay, so that is your interpretation of the case. In February 2021, you filed a document,
42 a document statement in your current appeal. Nowhere in that document, in the statement, do
43 you ever claim title to the property or any rights or interests in the property. The only thing you
44 focused on is the fact that you are owed \$50,000 in pre-judgment interest. I guess my question is
45 why did you not raise the claims to title in your documenting statement?

1 Mr. Szymanski: The document referred to is not the opening brief or my reply, reply brief for the
2 appeal. I will get to that. But if you look further in the doc --. I wasn't required to address that in
3 my brief for this appeal. I have not been filed yet. But the determination under Hawaii Revised
4 Statute that allows ten percent pre-judgment interest, based upon the date that a party breaches
5 the contract, in this case, the seller, Wailea Resort Company. I fully expect either the Hawaii
6 Intermediate Court of Appeals, the Hawaii Supreme Court, or on remand, the Maui Circuit Court,
7 the Second Circuit Court, will determine that, in fact, the seller, Wailea Resort Company breached
8 their contract with me in July 2001. And when that happens, then it will reopen the whole case
9 and I'll be able to buy the property.
10

11 Mr. Kili: Okay, do you have any legal training?
12

13 Mr. Szymanski: I'm not a lawyer. I haven't been to law school, but I have been in 20 years of
14 continuous litigation. So only as a party involved in the courts.
15

16 Mr. Kili: Okay, thank you Mr. Szymanski, and thank you, Chair and members of the Commission.
17 I have no further questions. But if the commissioners would like further details, I'll be around during
18 the Q&A session.
19

20 Mr. Goode: No further questions.
21

22 Mr. Tackett: Did that, did that answer your -- or, yeah. David did that --? Do you have any other
23 questions, David?
24

25 Mr. Goode: No, Chair, no further questions. Thanks.
26

27 Mr. Tackett: Okay, thank you. Commissioners, do you guys have any other questions since we
28 had a few things to work through?
29

30 Ms. La Costa: Excuse me, Chair. My, my question was not answered. I don't know if there's a
31 simple yes or no at this juncture.
32

33 Mr. Tackett: We can try again. Go ahead and ask him one more time and let's see what we get.
34

35 Ms. La Costa: Thanks so much, Chair. So this goes to Mr. Kili. I'm sorry, Kili? The attorney for
36 Leducor.
37

38 Mr. Kili: Kili.
39

40 Ms. La Costa: Kili, I beg your pardon.
41

42 Mr. Tackett: Excuse me, you guys. I got, I got Mr. Hopper on.
43

44 Ms. La Costa: Go ahead.
45

1 Mr. Hopper: I think at this point, again, this is for cross-examination questions of the public
2 testifiers, if there's any. Certainly, the applicant's attorney has said he would stick around, and so
3 if you have that question, you can certainly ask that of the applicant. But if you had more questions
4 or the commission had questions for the testifier, I think now would be the time to address them.
5 But I mean, I think that that's the question for the applicant along with any others you'd have could
6 be done after the testimony.

7
8 Mr. Tackett: Understood Mr. Hopper. PD, do we have to have questions for the testifier?
9

10 Ms. La Costa: No, I'll wait till Q&A. Mahalo nui.

11
12 Mr. Tackett: Thank you. Hearing no more questions, can we get our next testifier, please?
13

14 Ms. McLean: Yes, Chair. The next testifier is Tiare Lawrence, who will be followed by Clint
15 Hansen.

16
17 Mr. Tackett: Tiare, are you there?
18

19 Ms. Tiare Lawrence: Hi. Yes, I'm here. Can you hear me?
20

21 Mr. Tackett: Hi.
22

23 Ms. Lawrence: Okay, we're good. I felt in a courtroom in that last testimony. Aloha. Aloha
24 Commissioners, my name is Tiare Lawrence. I swear to tell the truth. And Mahalo for all your time
25 today. I'm here today in opposition for the following reasons. Much has changed in the last 23-
26 years since the last community plan was completed. The Kihei Community Plan is now 13 years
27 overdue for an update. I know it's currently in the works for an update.

28
29 Secondly, regardless of the claims in the last testimony, the land ownership of this parcel is still
30 in dispute in Hawaii Courts between the two parties. They're waiting final determination.
31

32 Third, water usage as you know the County has had its challenges with maintaining adequate
33 water supply, which has led to drought restrictions in the past for local residents. Maui has ample
34 supply of luxury homes, but we seriously lack real affordable housing. At this point with climate
35 change, if any water is extracted, it should primarily be used for real affordable housing and food
36 security efforts.

37
38 Jobs; our unemployment rates, you know, I heard testimony earlier, our unemployment rates are
39 the highest in the nation mainly due to the fact that as a County we are primarily dependent on
40 the construction and tourism industry. Now, if there's anything the pandemic taught us is that
41 business as usual is unsustainable and that it's critical that we start to diversify and create feel
42 good, sustainable jobs that our blue collar workers can be proud of and in the end, maintain our
43 quality of life and provide themselves homes. I'd be happy to share my ideas on how we can
44 accomplish that.
45

1 With the past and recent real estate boom and sales to out-of-state investors, it's safe to say that
2 this project will only contribute to the influx of out-of-state ownership, one that I cannot support as
3 I have watched too many of my friends and family be priced out of Hawaii. Besides what Ledcor
4 stated on KITV last night, history has proven that out-of-state investor purchases have and
5 continue to drive up the cost of housing for local residents. Furthermore, we are in a serious
6 critical shortage of affordable housing as stated earlier. If the Commission takes a hard stance on
7 disallowing all luxury developments, you will help us move the needle and getting policies in place
8 that will contribute to the needed balance and protection of our quality of life for local residents.
9

10 In closing, look at the supporters. Most of them benefit financially by you approving this project or
11 approving the FONSI. And mahalo, mahalo for your time.
12

13 Mr. Tackett: Thank you, Tiare. Commissioners, does anyone have any questions? Go ahead,
14 Kawika.
15

16 Mr. Freitas Thank you, Chair. Aloha Tiare. I know you're trying to squeeze a lot in three minutes
17 but I heard you say you had some ideas maybe for revenue generating. Can you share some of
18 those ideas?
19

20 Ms. Lawrence: Absolutely. And so sorry, I ramble and I try to talk because I try to squeeze
21 everything in real quick. You know, there is an effort to raise property taxes on out-of-state
22 homeownership, homeownership and possibly raising the taxes on hotels. I think that's something
23 worth look worth supporting.
24

25 Collecting revenues from County parks and parking lots. I can say just the Friends of Moku'ula
26 parking lot that they once managed in Moku'ula used to generate over \$300,000 a year. That
27 small little parking lot. Imagine how much funds we could create. We could gain from, from
28 approving parking fees to, to tourists.
29

30 Perhaps working towards raising car rental registration fees or reform of County water rates. I do
31 think that we, we pay cheap water rates and perhaps we should look at raising the rates on hotels,
32 or luxury homes, or out of state homeownership. I mean, they're watering their yards all year
33 round and they're hardly even there. Let's charge them more if they're going to, if they're going to
34 waste water like that.
35

36 But those are just some ideas that I think could generate a lot or create a lot of feel good,
37 sustainable jobs that could put a lot of our local boys in the construction industry to work, and
38 build true workforce rental and, and houses for ownership among everything else that that could
39 be created from that.
40

41 Mr. Freitas: Thank you.
42

43 Mr. Tackett: Commissioners, are there any other questions? Does the applicant have any
44 questions?
45

46 Mr. Goode: No questions. Thank you.

1
2 Ms. Lawrence: Mahalo for your time.

3
4 Mr. Tackett: Thank you.

5
6 Ms. McLean: Chair, next testifier is Clint Hansen, who will be followed by Bud Pikrone.

7
8 Mr. Tackett: You there, Clint?

9
10 Mr. Clint Hansen: Yeah, I was just trying to unmute it. Can you hear me now?

11
12 Mr. Tackett: Yeah, I can hear you now.

13
14 Mr. Hansen: There we go. Yeah, I got muted, and then re-unmuted. Sorry about that. This is Clint
15 Hansen with the Maui Luxury Real Estate, and I promise to tell the whole truth. I also run Maui
16 real estate radio. You can listen to any of those on Maui real estate, radio, dotcom. And of course,
17 I'm on the KAOI radio group, seven AM on Mondays. So I'm really well connected with the real
18 estate community here. And in addition to that, I've read every single comment that's out there in
19 regards to KITV-4 and the peoples' concerns associated with the development. And I agree with
20 everybody; there most definitely needs to be continued development of affordable housing
21 specifically for the local residents of Hawaii. But what I'm noticing is with the lack of inventory is
22 we're seeing people gentry neighborhoods. Maui Meadows is kind of a prime area. You're starting
23 to see prices skyrocket up there as well as the neighborhood right next door. I've grown up on
24 that, those streets. I've actually, that very road next to, my friends almost died roller blading when
25 we were kids. And I remember when those houses were just a few hundred thousand dollars. But
26 with a lack of inventory people are purchasing. And a home that three months, six months ago
27 you could have purchased for \$850,000. It might have come for \$950,000. It ended up selling for
28 over one point two million. And so there is a desperate need for inventory and a whole variety of
29 price points.

30
31 I think that there's a great number of ways to increase affordable housing for Hawaii. And I think,
32 of course, that's going to take a lot more time than three minutes. But I think what they're doing
33 here with this project, how they're incorporating Hawaiian plants and the size difference between
34 this and what's allowable is minuscule. But more importantly, allows for a continuity in the
35 neighborhood that I really like, smaller roads, more green ways, and I think, all in all, it's a very
36 good project. Thank you so much.

37
38 Mr. Tackett: Thank you. Clint, I believe Kawika has a question for you. Go ahead, Kawika.

39
40 Mr. Freitas: Thank you, Chair. Mr. Hansen, you, you testified that Maui Meadows cost of a home
41 has gone up, and if you're in the real estate business, would you agree that by putting three and
42 a half million dollar sub, per, per home subdivision right across your street is only going to increase
43 that value? So it is this kind of development that is creating the problems that we're seeing, which
44 is high priced.

45

1 Mr. Hansen: No, it's actually putting the cart before the horse there. Typically, it's supply and
2 demand. There's a demand because we're the best weather pattern that the entire United States
3 has to offer. We're protected from Haleakala, as I know you know quite well. So we're a very
4 desert-beachy area and have some of the most sunshine and beautiful trade winds. So people
5 are coming here on vacation and they're wanting to stay. But with the big movement to the work
6 from anywhere, people are making the decision to be here in Hawaii. So it's made a dramatic
7 jump and they're now able to live and work here, and only have to travel for their quarterly
8 meetings to the mainland. So that's put a great strain on demand. And if you're going to be --
9 There, there's, of course, a round peg square hole issue that we're dealing with. I mean, we're
10 one of the most geologically isolated places on the planet, and the cost of building is dramatically
11 high. And I think that the County has to work towards subsidizing those costs. And I think there's
12 ways that you can make it more profitable to develop affordable housing as opposed to putting
13 more restrictions in place. And I've talked about that on my radio show, but we're not here for that.

14
15 Mr. Freitas: Mr. Hansen, sorry I missed your show. Let me ask you this. We are certain we're
16 short on supply for affordable workforce homes here. And you say supply and demand. What
17 does demand mean to you? Who are you providing what is being demanded for?

18
19 Mr. Hansen: I sell all over the island. I sell in Kahului. I sell on the west side, up-country. I went to
20 high school. So I've been here 30 years and selling real estate for 20 on island. And I serve
21 everybody from millionaires that come here, the CEOs, to my aunties and uncles, to teachers and
22 firemen and police, doctors, you name it. I've sold to just about everybody on this island.

23
24 Mr. Freitas: Mr. Hansen, maybe you didn't understand the question. The demand, you said supply
25 and demand. So the demand for homes being built for who you saying we should be providing
26 this demand for?

27
28 Mr. Hansen: Well, there's a demand for people and they come from all over both local and visitor
29 alike.

30
31 Mr. Freitas: You, would you say there's more demand for out of state people that want to buy
32 these places or more demand for people who live here that can't get a house because --

33
34 Mr. Hansen: There's far more demand for people who live here in the lower price points and
35 medium price points. And then there's more demand in the higher price points from people out of
36 state.

37
38 Mr. Freitas: Thank you. I, I agree with what you said, but it contradicts what you're trying to tell
39 us.

40
41 Mr. Hansen: Well, if you don't build the higher end, they're just going to buy the cheaper and
42 remodel it. Like Maui Meadows is gentrified. Gentrified is the process of purchasing and
43 transforming the neighborhood scheme and ownership. So that's why you're seeing homes that
44 sold last year for one point five, one point three going well into the mid twos.

45
46 Mr. Freitas: Thank you.

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Mr. Hansen: You bet.

Mr. Tackett: Commissioners, are there any other questions? Does the applicant have any questions?

Mr. Goode: No questions, Chair.

Ms. McLean: Chair, next up we have Bud Pikrone, who will be followed by Cody Tuivaiti. And Cody for the time being is the last one signed up to testify.

Mr. Tackett: Thank you, Director.

Mr. Bud Pikrone: Aloha. My name is Bud Pikrone, and I will tell the truth. I am the general manager of the Wailea Community Association. Actually, I just found out from my staff that I've been here 20 years of doing this. So Wailea is planned urban development of 1,500 acres. It's been planned, like we heard earlier from the 60s, the 70s, the 80s. It's just been planned throughout. And it's always has separate parcels, whether they're zoned single-family, multi-family, hotel, commercial, golf course. So to say that things are should be all done at one and are being broken up, they've always been kind of broken up. And in this one case, there's three lots that are going to be joined together that Ledcor is going to be doing in the future that has been talked about. This development in Wailea, when you talk about why there are expensive homes here and that, the entire resort was considered back then in the planning -- and I got this from a former mayor who was on planning back then -- said that while it was developed to be an economic engine for Maui. And that is to give Maui money to do things. They should be doing the infrastructure. It's money to help build affordable homes. That's, that's what Wailea is about. Yes, it's expensive. Yes, it caters mainly to people who can afford a three million dollar home. But the taxes coming out of that is what's helping generate income and that's for other parts of the island.

Wailea has, though, over the years from its latest master plan in 1987, what could have been built here has only been at 58 percent. We've only built 58 percent of what could have been built to date. So the densities have been down and that's pretty significant. Now, for what else goes on in Wailea --. By the way, the, all these properties contribute and I think somebody brought this up earlier, contribute to three and a half million dollar budget for us. And we use that to maintain county property. The roads; we street sweep the roads that keep debris out of the storm drains. We clean the restrooms in all the beach parks, twice a day, seven days a week. We take care of the landscaping, and the medians, and the entryways, and trim the trees in the county right of ways. This is all paid for by the homes and the hotels.

So I want a quick catch on a couple other things. Kilohana Park was brought up. It is a 13 acre park. And we some time ago had monies from about \$500,000 from two developments that were being built right next to it. We had an agreement with the Parks Department to develop that park. We were getting plans done on that. And I was called in to the Mayor's Office and told we don't do any --

Ms. Takayama-Corden: Three minutes.

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Mr. Pikrone: Anyway, that gives you an example what, what's been done.

Mr. Tackett: Commissioners, does anybody have any questions for Bud? Go ahead, PD.

Ms. La Costa: Thank you, Chair. Thank you very much for testifying today. When you talked about 58 percent is that because those lots that are remaining have not been sold and built out, or is that because you have 100 percent or was that you had 100 percent and instead of it being as dense as it was planned to be that it has been cut in half with the density?

Mr. Pikrone: Well, this is, this is based on everything that we've built so far, which is about 90 percent of Wailea land. Out of that what could have been built there we've only built -- we haven't -- but it's only had 58 percent of it built. Now, if that trend which we seem to think is happening with what Ledcor's got planned, and what's left of the land here, if that continues, it'll be similar to 58 percent. So it would be less. In other words, less than what was originally planned for a resort.

Mr. Tackett: Go ahead Kawika.

Mr. Freitas: Thank you Chair. Mr. Frank, 58 percent, so if you had a golf course, that golf course is considered a development and part of the 90 percent?

Mr. Pikrone: The golf course is the golf course. We're talking about buildable areas of homes. So 58 percent of the homes, the residences, not including the hotels because the hotels, only 30 percent of the rooms that could have been built here have been built, and we're pretty much done with that. So, but it's 58 percent of the residences that could have been built here. The golf course is separate out of there.

Mr. Freitas: Can you -- thank you -- can you explain, Mr. Mayer had said from Kilohana going south, how far south is the end of what is considered Wailea development?

Mr. Pikrone: Well, it jogs a little. It's right -- it goes south to Kaukahi Street where the Kealani Hotel is. But it also includes the golf course, the Golden Emerald Golf Course. That is actually Makena.

Mr. Freitas: Okay. Thanks so much, Chair.

Mr. Tackett: Thank you. Jerry, go ahead.

Mr. Edlao: Mr. Frank, you was talking about Kilohana Park and you cut up. Can you continue what you're talking about? You were planning on developing --

Mr. Pikrone: Yeah.

Mr. Edlao: -- whatever. What happened?

1 Mr. Pikrone: Well, we, we looked at doing the whole park. What we ended up doing there is putting
2 in Maui's first dog park and started the trend across the island. But we, we redid the soccer field
3 and a lot of kids would come and practice from Kihei, and they would practice there. We re-did it.
4 We cleaned it up, put in new irrigation, a fence, cleaned the trees, cleaned up all of the garbage
5 and beer bottles and couches and everything that were down in the gully. But our plan was we
6 had -- we were going to have parking lots to put in there so that the kids could park safely. They
7 haven't been able to get a park on the street now, but the parents could park safely. We're going
8 to have areas where they could picnic, covered areas. We were going to have fitness trails. We
9 had all of this in, in the works and we actually had a planner that was looking at this for us and
10 gave us quotes. So that's the type of thing that that, you know, we always try to hope for here is
11 get improvements.

12
13 The intersection that's been talked about now. There is an improvement, yes, not the entire four
14 lanes yet, which we're all expecting. But if Honua'ula is not going to happen, we don't know when,
15 that widening is not going to happen. So this is kind of like a gift to get an intersection because
16 the worst traffic is when the hotel shift changes happen and everybody comes up Ike and then
17 heads north and we get that back up at the light that goes all the way past all Okolani, almost all
18 the way back to Ike. This would help alleviate that because it would open it up at that light and
19 give a little, alleviate some of the traffic.

20
21 We're always in favor of things like that, so that's, that's, that's --. I just brought the park thing up
22 because there was a question about this park and the size of it. And we're still holding out that we
23 will get something done on that someday.

24
25 Mr. Edlao: So, far as the, the park, my concern is the park area. You guys are still trying to get
26 funding to do what you had said earlier with the park benches and parking? Because parking
27 would be a great idea because, you know, parking on Kilohana is too dangerous, you know.

28
29 Mr. Pikrone: It is.

30
31 Mr. Edlao: So you guys are going to still pursue that and look for help, or is that just going to be
32 put on hold until somebody steps forward?

33
34 Mr. Pikrone: Well, we'll look forward to that. We've got other projects. We've got our little
35 community center that we're building, right. We're not building yet. We're still in, were planning.
36 But that is kind of our focus for the next year or two. And then we'll probably start going back to
37 the looking at what we can do in the park. We maintain it now.

38
39 Mr. Edlao: So what happens, so what happens to that money you guys got previous?

40
41 Mr. Pikrone: It went to a central Maui Park.

42
43 Mr. Edlao: Okay, thank you.

44
45 Mr. Pikrone: I don't know which one.

46

1 Mr. Edlao: Thank you.

2

3 Mr. Tackett: Commissioners, any, any other questions for the testifier? Does the applicant have
4 any questions for the testifier?

5

6 Mr. Goode: Yes, Chair, I may have missed it, but does Mr. Pikrone support the proposed
7 development?

8

9 Mr. Pikrone: Yes. I got through all of this trying to explain why developments like this are important.
10 I forgot to just say, yes, I support that. As a community association, I support it.

11

12 Mr. Goode: No further questions, Chair.

13

14 Mr. Tackett: But I got a question for you. If it, if it doesn't go through and, and it doesn't look all
15 that promising right now, if it doesn't go through, what are the ramifications of that? And then if it
16 goes go through, what are the ramifications, ramifications of that, in your opinion? Because you
17 seem to know a little bit about the workings of those things. I'm not from the Wailea crowd. I have
18 no idea.

19

20 Mr. Pikrone: You're talking about whether the project goes through or not?

21

22 Mr. Tackett: Yeah. What do you see changing if it does, and what do you see changing if it
23 doesn't?

24

25 Mr. Pikrone: Well, I think if, if it does, it will bring more tax dollars into the County. It will also bring
26 more funds into our association so that we can continue to do the things we do. But I think it also
27 will kind of do an infill and probably give us that that impetus to get that park done because I see
28 the possibility of families and that being more in that area, also. Where mainly families have
29 always been on the other side of Kilohana, they could still utilize that park and they do. So I see
30 that. If it doesn't go through well, first off, we may not, we may not get improvements in the area
31 that we would like to see and usually get done, whether it's cleaning up an area, putting trees in
32 somewhere that the developers do, or we don't know what'll happen to it. Somebody else could
33 come in at some other time and maybe not be as, as community minded for us. And it might --
34 they may come in and do something different, completely different than what's being planned
35 now. And I know that they'd have to go through the commission again, but who knows at that
36 point. It could be a little denser. It could be a number of different things. So it's hard to say what
37 would or wouldn't be, but there would be some consequences.

38

39 Mr. Tackett: Fair enough. Ashley, go ahead.

40

41 Ms. Lindsey: Hi. So in your estimation how many homes or houses are second homes for people
42 in Wailea versus primary residence maybe of, maybe Maui residents? How many homes are Maui
43 residents and how many homes are secondary?

44

1 Mr. Pikrone: There's approximately 2,400 homes and condos. A majority of the condos are going
2 to be part-time or could be rentals, you know, but there are probably, I'd say 30 percent of those
3 condos would be somebody who lives there and full-time.

4
5 Single family, it depends, for instance, in I know some areas where they'll have 150 units, they
6 have 35 of them are residents, permanent residents. Another, approximately 35, are long-term
7 rentals. And then the balance, so about half, are, are second homes. And those people who come
8 here probably about six months a year. So that's an example.

9
10 Ms. Lindsey: Okay, thank you.

11
12 Mr. Tackett: I believe Kawika was first followed by Jerry.

13
14 Mr. Freitas: Thank you, Chair. Mr. Frank, Mr. Mayer, in his testimony, said that the original plan
15 for this area was one-third of homes for workforce development, for workforce housing. What
16 percentage do you think it is now?

17
18 Mr. Pikrone: None, and I could tell you why. Because it wasn't -- that was a concept probably
19 back in the 60s. I've looked at plans from the 60s, and there was never mention of, of workforce
20 housing. It was mainly a much smaller scale, nine hole golf course one had and all that. What
21 ended up happening is they built where the fire station is. Back in there, I remember hearing there
22 was a 100-homes built back there for workforce housing. Out of that, only one was sold to
23 somebody who worked in the community. The people at that time back then didn't want to live
24 down here. It was either too hot, too far away from maybe their second job that they'd have to
25 drive to, far away from the stores, and far away from family that maybe lived up country. So a lot
26 of people didn't want to do that. I, I remember working in Kaanapali at KBH and -- many years
27 ago -- and I met people who worked, lived up in Pukalani and Kula and they worked there and
28 they've been or 20 some years. And I said, how do you do that drive every day? Of course the
29 traffic wasn't as bad back then, but how do you do this drive every day? They said, well, we love
30 it up there. That's, that's our home. That's our family. We just love it up there. And they were
31 willing to do that. So kind of the same thing happen here back then. And so it never went any
32 further than that.

33
34 Mr. Freitas: Thank you, Mr. Frank. Chair.

35
36 Mr. Tackett: Jerry, go ahead.

37
38 Mr. Edlao: Mr. Frank, you said your association takes care of the roads and etcetera. And these
39 funds are through association fees? Is that correct? And what was -- what is the amount you
40 mentioned?

41
42 Mr. Pikrone: Sorry, what was the last part there?

43
44 Mr. Edlao: What was the amount that you get annually from fees from the association?

45
46 Mr. Pikrone: We get, we get 3.7 million dollars a year. And with that we do an awful lot. You know,

1 we do the, we do a street cleaning. We do sewer inspections. We clean the beach accesses.
2 We've install picnic tables at barbecues at the beach accesses. Redid the one Elua Beach access.
3 We added new showers everywhere. So we, we do a lot of things like that. And we just maintain
4 the landscaping, the lighting on the pathways. Yeah, you name it, we pretty much --. We run this
5 like a town. And so everybody has, gets an assessment based on a number of different categories
6 and . . . (inaudible) . . .
7
8 Mr. Edlao: Okay. And considering the project before us, how much more would that generate?
9 An estimate? Do you have an estimate?
10
11 Mr. Pikrone: I honestly, I, I have not calculated that out. They do pay now for the undeveloped
12 land. But we generally -- sorry -- generally when they develop, that will go up because it would be
13 per unit. Well here, I can give you an estimate now. Take single family home, takes six hundred -
14 -. What do we got here?
15
16 Mr. Edlao: 67?
17
18 Mr. Pikrone: We've got at about \$34,000.
19
20 Mr. Edlao: . . . (inaudible) . . .
21
22 Mr. Pikrone: . . . (inaudible) . . . may go up.
23
24 Mr. Edlao: Thirty-four thousand dollars annually from that project, from this project?
25
26 Mr. Pikrone: Yes, sir.
27
28 Mr. Edlao: Okay. So as more projects come on line, you get more money.
29
30 Mr. Pikrone: Which helps us do a lot of things. It may in the future help us then when we do want
31 to do the park. We'll have some money at least to start the planning process and gets some
32 architectural drawings and stuff.
33
34 Mr. Edlao: Okay, thank you.
35
36 Mr. Tackett: Is there any other questions for Bud? Does the applicant have any questions for
37 Bud?
38
39 Mr. Goode: No further questions, Chair.
40
41 Mr. Tackett: Thank you for your time.
42
43 Mr. Pikrone: Thank you, and I hope you guys get a little rest.
44
45 Ms. McLean: The next testifier is Cody Tuivaiti. I will have to unmute his phone, and he will be
46 followed by Albert Perez.

1
2 Mr. Cody Tuivaiti: Aloha.
3
4 Mr. Tackett: Aloha and welcome.
5
6 Ms. McLean: We can hear you.
7
8 Mr. Tuivaiti: Aloha ka ko. This is Cody Tuivaiti . . . (inaudible. Spoke in Hawaiian.) . . . Aloha guys.
9 My name is Cody Tuivaiti, and mahalo for your time. You know, just listening to everything,
10 listening --. Can you guys hear me?
11
12 Mr. Tackett: Cody, yeah, but before you start, you got to promise to tell the truth.
13
14 Mr. Tuivaiti: Okay, yeah, I promise to tell the truth.
15
16 Mr. Tackett: Thank you. Yes, I can hear you. It's a little windy. If you could get out of the wind, it
17 would help a little bit. But yeah, I can hear you.
18
19 Mr. Tuivaiti: Okay. So, you know, I want to start off with the mission statement. I know you guys
20 all know it, but I want to make sure everybody can hear it and you guys can really feel what the
21 mission statement of the Planning Commission is. And it's to manage the growth in a sustainable
22 manner that balances our economy, our culture, and our environment. Now, I've heard a lot about
23 our economy. Just recently with the last testifier, you know, talking about the economy, you know.
24 And it sounds like it's something you guys really, really interested in. You know, how are we going
25 to build the economy after everything that's been happening? But for me, I live and I breathe
26 'aina, you know, because I am an islander by blood. You know, we forget what being islander.
27 For me, it's really about knowing your place, you know, being on the land. And for me in Honua'ula
28 I go there, I, I gather the plants, I gather limu. I've done studies there for opihi. I -- we know the
29 reef there. You know, and I hear all these people talk about, yeah, we live there, we love it there.
30 But these guys know the clouds. These guys understand the lay of the land. You guys know the
31 mo'olelo. You guys know the names of the pu'u. You guys know the names of the areas and
32 what they mean. We've taken the time to understand these places so much. And a lot of people
33 who are there, they pay to be there. I go there so much on my own time. I volunteer my own time
34 to be there. My days off, we go there, me and the kupuna and other people. You know, we -- it's
35 hard, it's heart wrenching hearing people talk about a place they know nothing about. You know,
36 so I want to balance that out. I want to make sure that when you guys make these decisions as
37 the planning commission, because I don't know how much you guys know about that area that
38 you making these decisions about, but it's really about balancing that out. The culture, the
39 environment. I want to see you guys ask and talk about those same things like you do about the
40 economy because it's very hurtful for us who on that land all the time when we could be doing
41 other things. But we there to practice our religious traditions to keep them . . . (inaudible) . . . with
42 the things we doing too.
43
44 You know, UH has a program of bringing native Hawaiian students into Honua'ula each year. And
45 they teaching them about --
46

1 Ms. Takayama-Corden: Three minutes.
2
3 Mr. Tuivaiti: -- how to understand these dry native forest. Sorry was that was that time up?
4
5 Mr. Tackett: Yeah, Cody, that was your three minutes. Let's see if anybody has some questions
6 for you. I believe, Cody, I believe Ashley has a question for you. Go ahead, Ashley.
7
8 Ms. Lindsey: Cody, I noticed on the cultural impact assessment that you didn't want to put any
9 mana'o on -- it says you respectfully withdrew your interview mana'o through the cultural impact
10 assessment. And I kind of noted that and was wondering why you did that.
11
12 Mr. Tuivaiti: Because a lot of times I've been in practices where these cultural impact assessments
13 are used against us. They -- people bring forth -- people have testified on behalf of hearing us
14 speak and have said otherwise. I mean, I've said things that that we don't say have left things out.
15 And it's more -- and it feels more of a check box than it does what we feel. And I feel these are
16 the opportunities for us to come forward and tell you what we feel personally instead of somebody
17 coming up there and telling you what we feel. We want you to hear it from us. We understand
18 what the CIA does, but I don't like how people utilize it to benefit certain things or to leave things
19 out or to not fully do the job that they should be doing. It's hard to put it into somebody else's
20 hands when you feel it and you want to, you want to, you want to tell it to the other people directly.
21
22 Ms. Lindsey: Mahalo. I was looking forward to what you had to say. I'm happy you testified today.
23
24 Mr. Tackett: Commissioners, does anybody else have any questions for Cody? Does the applicant
25 have any questions for Cody?
26
27 Mr. Goode: Yeah, Chair, just one quick question for Cody. Cody, mahalo for your testimony.
28 Would you mind working or consulting with Kainoa going forward on some of your thoughts
29 regarding Honua'ula and . . . (inaudible) . . . ?
30
31 Mr. Tuivaiti: Yeah, I mean, well, to be honest, I'll be real honest, I don't like to create mitigation for
32 something that I really believe shouldn't happen, you know. And it's always about can we, can we
33 can you create a little plot here for your native plants? Or and it's like that's not what it's about. It's
34 about a habitat. You're destroying the habitat, and that destroys ahupua'a system. It's a chain
35 link. You take that chain, you take that link out and it all falls apart.
36
37 Mr. Goode: . . . (inaudible) . . . I can see what you're saying. No further questions, Chair.
38
39 Mr. Tackett: Thank you, Cody. Director?
40
41 Ms. McLean: Chair, the next testifier is Albert Perez. He will be followed by Mavis Medeiros.
42
43 Mr. Albert Perez: Aloha Commissioners. Albert Perez, Maui Tomorrow Foundation, and I promise
44 to tell the truth.
45
46 Mr. Tackett: Thank you. Mahalo.

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Mr. Perez: Sorry, what?

Mr. Tackett: I said, thank you, Albert.

Mr. Perez: Okay. Mahalo for your work on behalf of our community, especially at the end of the day. Today you are being asked to decide whether the Final EA correctly assesses the significance of this project's impacts on various aspects of the environment. Today is not about whether the project should be approved. That would be a later decision during the SMA Permit process. This is just about the Final EA.

So here we have Ledcor, a Canadian company, coming in and buying up properties in Wailea, and trying to get them processed individually so that the overall impact does not seem significant. This violates the EIS rules, which say that a group of actions shall be treated as a single action when they are phases or increments of a larger total program. This project is one of seven that we know of that Ledcor is in the process of developing in Wailea. The number of residential units totals in the hundreds, yet the applicant is asking you to let them evaluate the impacts of only fifty seven. They claim that it's not a phase or increment of a larger total undertaking, but their own website, Wailea Hills dot com, tells a different story. They call these projects the Wailea Hills Collection. In addition, the San Diego mailing address of the owner and the agent are the same for all seven of these parcels. These projects are all in the pipeline right now. Please make this foreign developer follow our local laws and assess all the impacts of all their projects together by requiring a full environmental impact statement.

In response to comments that we submitted about segmentation, the applicant cited several court cases. But those cases didn't say anything about a company trying to separate the overall impacts of seven different developments, one at a time, instead of following the EIS rules.

Finally, there are unresolved issues regarding cultural sites on this project that really should be evaluated by the Cultural Resources Commission. That's what they're for. Please do not approve the final EA in its current form. Please refer this project to the Cultural Resources Commission first so that they can take a good look at these cultural issues and come back to you with a recommendation. Mahalo.

Mr. Tackett: Commissioners, you guys have any questions for the testifier? Does the applicant have any questions for the testifier?

Mr. Goode: No questions, Chair.

Mr. Tackett: Thank you. Chair, next up is Mavis Medeiros who will be followed by Daniel Kanahele. And for the moment, Daniel is the last testifier.

Mr. Tackett: Go ahead, Mavis. Mavis, I'm not getting any volume from you, but I'm showing you're unmuted on my screen. So perhaps it's something you have going on your side. Maybe your computer has a mute. I'm not sure. Still nothing Mavis. No, no sound. There, there you go. Try that; whatever you did. No sound again. But try, try what you did last time. Yeah, there -- it, it

1 came on for a second and then it came up. I don't know if it's your headphone system or, or what,
2 but it, it kind of blinks in and out. There's no sound Mavis.
3
4 Ms. McLean: Chair, I will put the call in number in the chat box so Mavis can try calling in instead.
5
6 Mr. Tackett: Okay.
7
8 Ms. McLean: I can't read your note. I can't see it well enough. Can you type it in the chat instead?
9
10 Mr. Tackett: Director, is she typing into the chat right now?
11
12 Ms. McLean: Chair, she typed in some testimony. We don't typically don't accept testimony by
13 that function.
14
15 Mr. Tackett: So you want me to try to get the phone number through to her so that she can call
16 in?
17
18 Ms. McLean: I put the, the phone number in the chat so she can try calling that.
19
20 Mr. Tackett: Try, try calling in, Mavis. Mavis, are you going to try to call in? Okay. I think she's
21 going to try to call in.
22
23 Ms. Mavis Medeiros: Can you guys hear me now?
24
25 Mr. Tackett: Yes, we can.
26
27 Ms. Medeiros: Alright. Sorry about that. I don't know if I still have time. I'll try to go really fast, but
28 --
29
30 Mr. Tackett: Oh, no, we're going to start you now.
31
32 Ms. Medeiros: Oh, my name is Mavis --. Okay, my name is Mavis Olivera Medeiros, and I'm here
33 to tell the truth.
34
35 Mr. Tackett: Thank you.
36
37 Ms. Medeiros: I was concerned about the ohana housing. I thought that ohana housing was
38 created for residents of Maui whose families cannot live in one house anymore. And so they
39 created the ohana homes that residence could move in to, you know, the extended resident. So
40 they can move into their own house without having to buy a house or build one, you know, so it
41 was just too expensive, right? That's one of my concerns.
42
43 Another concern is the water. Of course, I'm from Hana so we're really concerned about if they're
44 going to take water from Haiku or Wailuku. And then what is next? Is Hana next, you know?
45

1 And the archaeological sites concern me that there was no AIS done. And then I have a lot of
2 environmental concerns because even though I live in Hama, when I was younger, my aunty from
3 Paukukalo, and uncle, used to take us there camping in Makena. And then she would take us
4 over towards Kihei to pick limu on the beaches. And this was in the 60s; I was really young. And
5 we would pick . . . (inaudible) . . . I think, and I forget the other name. But anyways, the one that
6 grows on the opihi, the really crunchy ones. And we went back there in the 70s and there was no
7 limu left so I'm really concerned about that aspect of it also.

8
9 Whatever -- you know, Hawaiian style is, whatever you do mauka is going to come down and
10 affect makai. And that's a lot of houses to put into one place. What, what is going to happen when
11 they have to clean out the pools and, you know, with all those septic, what happens if it leaks?
12 It's just, you know, everything is going down to the ocean. So that's my testimony. Thank you very
13 much.

14
15 Mr. Tackett: Thank you, Mavis. Let's see if there's any questions. Commissioners, anybody have
16 any questions for Mavis? Does the applicant have any questions for Mavis?

17
18 Mr. Goode: No question, Chair.

19
20 Mr. Tackett: Thank you. Thank, thank you for your testimony, Mavis.

21
22 Ms. Medeiros: Mahalo.

23
24 Ms. McLean: Chair, the next testifier is Daniel Kanahale. And so far he is the last testifier. I, I need
25 to unmute him so give me one second.

26
27 Mr. Tackett: Thank you.

28
29 Ms. McLean: Okay, Daniel, you should be unmuted.

30
31 Mr. Daniel Kanahale: Aloha, Chair and Commissioners. My name is Daniel Kanahale, and I
32 promise to tell the truth. I'm testifying as an individual, but I want you to know that I am a
33 commissioner, a commissioner on the Maui County Cultural Resources Commission. But I'm
34 testifying as an individual today because this is close to home. It's important to me.

35
36 I live in this ahupua'a Paeahu, the place that I walk and study the culture resources for many
37 years. I have read the AIS. I have read the culture impact assessment. I was interviewed for the
38 Cultural Impact Assessment. This ahupua'a has a high concentration of cultural sites. It holds our
39 history, our Hawaiian history and our culture history. And this project, which is part of a larger
40 action, will have an adverse impact on those cultural resources. The AIS is not recommending
41 preservation of anything that it's found that's been documented. And there may be sites that have
42 not been documented. They're going to repurpose the wall there. There's some contention about
43 whether it's ranch or a moku wall.

44
45 Wailea expansion has not been kind to our Hawaiian history. Developed areas of Wailea have
46 preserved very few cultural sites. And what's happening with SF-S7 is typical of what has

1 happened in Wailea, as well as in Maui Meadows. And to my knowledge, there are no cultural
2 sites preserved in Maui Meadows. So slowly and surely our cultural history is being erased. That
3 is the cost. That is the price that is being paid by the Hawaiian people, the keiki o ka 'aina, the
4 loss of our history. And that's important because the plant without roots dies, and the people
5 without knowledge of its history languishes. So I think that this project, like its sister project on
6 Okolani, the three parcels, that 46-acre parcel that's being put together, should also come before
7 the Culture Resources Commission to resolve some of these issues of consultation, unrecorded
8 sites, and the wall.

9
10 The commission needs additional information and that's what the CRC is for. We're here to help
11 support your historic preservation duties. I live here. I want to see our history protected. There
12 needs to be mitigation. Please defer any decision making on this and I recommend that this be -

13 -
14
15 Ms. Takayama-Corden: Three minutes.

16
17 Mr. Kanahele: -- brought before the CRC to settle some issues. Thank you.

18
19 Mr. Tackett: Thank you. Please stick around in case we have questions, please. Commissioners,
20 any questions? Does the applicant have any questions?

21
22 Mr. Goode: No, Chair, no questions. Thanks.

23
24 Mr. Tackett: Thank you, Director?

25
26 Ms. McLean: We do have another testifier, Keeaumoku Kapu, would like to testify.

27
28 Mr. Tackett: Thank you. Go ahead Keeaumoku. Please introduce yourself and promise to tell the
29 truth.

30
31 Mr. Keeaumoku Kapu: Aloha. My name is Keeaumoku Kapu. I'm from Lahaina. Mahalo for this
32 opportunity for me to testify in front of you all. I would just like to give my input on how important
33 it is for this project to have a lot of transparency especially when it comes to the publics' concerns.
34 But my concern basically is -- it's a kanaka issue. And it I think it's really important that, you know,
35 before we start putting the cart before the horse, that a lot of the boxes that needs -- is required
36 to be checked to make sure that we're doing something that is lawful and binding to make sure
37 that everything is addressed, especially the rights of the kanaka. The constitutional right under
38 Article 12, Section 7 of the Hawaii State Constitution really rings a lot when you start talking about
39 these kinds of projects . . . (inaudible) . . . the word kanaka. And, you know, to do experiences
40 from the past, there's a lot of issues that we need to bring forward. And one of them is has a lot
41 to do with the public access shorelines, the PASH case. That's one that set precedent. And I don't
42 know whether or not this body of the planning commission really understands the PASH decision
43 of what had happened in the past. There's also other issues that came about for the protection
44 and preservation of historic properties. The PASH decision is only one. Then there's also others
45 where the state land use was challenged in the Supreme Court to make sure that all these issues
46 are addressed, not just foreigner species, but access for kanaka. The rights of the native Hawaiian

1 tenants that have the rights to go into those areas for ceremonial purposes. It's all written on the
2 Article 12, Section 7 of the Hawaii State Constitution.

3
4 So I really urge this body before you deliberate on whether or not this project would be beneficial
5 for the future generations, my concern is basically how it's going to infringe upon not just my
6 rights, but the rights of my kamalii, the rights of my children.

7
8 So I wish you luck in your deliberation to go forward in this. I am not in support. I am not convinced
9 that they have done their due diligence to make sure that, you know, the boxes that are provided
10 for them to address these concerns have been adequately assessed. And I would like to make
11 sure that if there is any possible way on how all of these historic property sites and possible burials
12 in the future can also be implemented in some kind of way that we don't separate or try to create
13 something that would agendize --

14
15 Ms. Takayama-Corden: Three minutes.

16
17 Mr. Kapu: -- this project separately. . . . (inaudible) . . . Like I said, good luck . . . (inaudible) . . .

18
19 Mr. Tackett: Thank you. Please --

20
21 Mr. Kapu: Mahalo for allowing me to testify.

22
23 Mr. Tackett: Please, please stick around. There might have questions. Thank you.
24 Commissioners, anybody have any questions for Keeaumoku? Go ahead, Kawika.

25
26 Mr. Freitas: You said -- you say that there . . . (inaudible) . . . a on cultural aspects of the project?
27 You do have a whole section that was done. You're saying on top of that have done more? Did I
28 freeze?

29
30 Mr. Tackett: No, you're still good. I can still hear you Kawika.

31
32 Mr. Kapu: Okay. So basically what you're saying, Kawika, is they've done their due diligence. You
33 feel they've done their due diligence to make sure that all those issues pertaining to native
34 Hawaiian rights, the protection and preservation under Article 12, Section 7, has been addressed.
35 The PASH decision to make sure that there is an unobstructed easement mauka makai to make
36 sure that is . . . (inaudible) . . . not necessarily public trust doctrine. . . . (inaudible) . . . to traverse
37 to the shoreline for traditional practices. Those are the kind of issues that I'm concerned about.
38 The public trust doctrine is totally separate when it comes to the native, the rights of the native
39 Hawaiians or the kanaka.

40
41 Mr. Freitas: Okay.

42
43 Mr. Kapu: And I just want to make sure that this body doesn't get that confused because under
44 the public trust doctrine is totally separate from the rights of the kanaka.

1 Mr. Freitas: Okay. Mr. Kapu, the reason I ask is I agree with you that it's not so . . . (inaudible) . .
2 . Mrs. Apana's testimony earlier . . . (inaudible) . . . understand . . . (inaudible) . . . My question is
3 what more should they do, and in no way did I feel that they, they comply.
4

5 Mr. Kapu: I think what is really important is the Commission. If this Commission really understands
6 the laws that are set precedent, that have set precedent in the past for kanaka, which is a totally
7 separate issue. I know through the development they can . . . (inaudible) . . . that all issues of
8 concerns under the public trust doctrine, doctrine are addressed. But what I'm saying is the
9 kanaka, under Article 12, Section 7, HRS 7-1 which is a kanaka right, and one that one to make
10 sure that the state agencies are involved to assure that native Hawaiians have not being
11 obstructed in anyway. Because those are kind of things that I implore on this commission before
12 you deliberate and make decisions, to make sure that we are clear that the laws that are there to
13 protect the rights of the kanaka is well addressed. Mahalo.
14

15 Mr. Freitas: Thank you, Chair.
16

17 Mr. Tackett: Thank you. Commissioners, are there any other questions? Does the applicant have
18 any questions?
19

20 Mr. Goode: No question, Chair.
21

22 Mr. Tackett: Thank you, Mr. Kapu. Director?
23

24 Ms. McLean: Chair, there is no one else who has indicated they wish to testify. Do a last, last call
25 if you'd like.
26

27 Mr. Tackett: I believe Kai just showed up. She's pretty magical that way. She comes at the end.
28 Kai, would you like to, would you like to testify?
29

30 Ms. Kai Nishiki: Yes. I'm your, I'm your friendly neighborhood closing fairy. I am Kai Nishiki,
31 testifying on my own behalf, and I promise to be truthful. I'll just start off by stating our community
32 does not need or want any more luxury housing for tourists. That's what this development is. It's
33 short term housing for tourists. So my objections are not just from me, they're from our entire
34 community. And, you know, it's just exhausting to go through all of these meetings for our
35 community. And I really hope that you folks are, are hearing us. Mr. Cody's testimony was, was
36 very meaningful.
37

38 So in regards to the money, you know, Wailea Community Association says that they're going to
39 because this development gets built, that it contributes a great amount to our budget through real
40 property tax. Our County is going through the budget right now, and I'm sure if you wanted to, you
41 could call on any of their staff, and they're not relying on this development, they're not relying on
42 any of these luxury developments that are, that are coming up. They don't, they don't need them.
43 They don't want them. They're actually trying to tax them out of existence.
44

45 There has been intense development in this area and cumulative impacts need to be addressed.
46 And not only just the whole segmentation nightmare that is definitely going on, but all of the

1 developments that are happening right in the Keawekapu area. There's, there's restaurants,
2 there's retail, there's housing developments that the County just approved. There's resort
3 expansions. There's whole new hotels being built. It's, it's overwhelming in this area. And what
4 Mr. Pikrone said about it only being developed around 50 percent, even more justification that
5 there needs to be an EIS done. Fifty years later conditions have changed. An EIS is absolutely
6 required.

7
8 And in, in talking about jobs, construction industry will always come and say they need these,
9 these projects for jobs. I'll tell you right now, there's developers who are trying to develop housing,
10 affordable housing for our people, and they are having a hard time finding workers. So I, I really,
11 I don't buy that, and I think that our construction industry is very, very busy right now. And anyone
12 who works in construction, they would really rather build homes that our family members can
13 actually afford to buy.

14
15 Ms. Takayama-Corden: Three minutes.

16
17 Ms. Nishiki: Thank you very much and completely against the accepting of the FONSI and the
18 EA.

19
20 Mr. Tackett: Thank you. Thank you, Kai. I appreciate it. Commissioners, anybody have any
21 questions for Kai? Go ahead PD.

22
23 Ms. La Costa: Thank you. Thank you, Ms. Nishiki. You said something about short term rentals
24 for tourists. I'm confused. This project is residential. Can you clarify your, your understanding?
25 Thank you.

26
27 Ms. Nishiki: Of course. I was saying that we don't need any more luxury housing for tourists and
28 that this housing project is basically for a person who doesn't live here and they are tourists. So
29 if they come here for two weeks out of the year, they're tourists, they're not residents. And so
30 that's what this housing project is for. And so that's what I was talking about. And I do think that,
31 you know, Na Wai Eha should be consulted regarding the water usage for 60 pools. That's
32 abominable.

33
34 Ms. La Costa: Okay, that's, that's all. Thank you.

35
36 Mr. Tackett: Commissioners, are there any other questions for Kai? Does the applicant have any
37 questions for Kai?

38
39 Mr. Goode: No questions, Chair.

40
41 Ms. Nishiki: Okay, thank you. Have a great evening. Thank you for sticking with our community,
42 voicing their concerns. Please hear us. We speak from the heart. Mahalo.

43
44 Mr. Tackett: Thank you.

45
46 Ms. McLean: Chair, we have one more person who wishes to testify. That is Dwight Burns.

1
2 Mr. Tackett: Thank you. Dwight, are you there?

3
4 Mr. Dwight Burn: I'm here. I'm going to leave my camera off because my signal not that great and
5 I'll only be cutting in and out. Yeah. All right.

6
7 Mr. Tackett: So, please just introduce yourself and promise to be truthful and you're good to go.

8
9 Mr. Burns: Okay. Good afternoon, Commissioners. Thank you, guys for sticking around this late.
10 Really appreciate it all you guys do. My name is Dwight Burns, and I am with the construction
11 industry for one. I want to make that clear. But the thing is, we not in deep pockets. You know, I
12 kind of, I kind of don't appreciate when people talk about the construction industry that way. I do
13 represent operating engineers and stabilization fund, and I guess I am a registered lobbyist here
14 on Maui. But the thing is, like I told you guys, we are not in anybody's pockets. And the
15 construction industry right now is not that busy like people saying, like, we slamming with work.
16 We not, okay? I know there is affordable homes, affordable housing projects in the works. But,
17 you know, it's not made out to be like how the last testifier said it was, you know.

18
19 And for this project, there was a lot of, lot of excellent testimony on both sides, both sides. I agree
20 with both sides. And like Kanaloa said the water is an issue. It is an issue. So, you know, it made
21 me think like, okay, so what if more affordable housing projects come up, where we can get the
22 water for those projects, right? So maybe what this developer can do is tap into the R-1 water
23 line like somebody had said before, use the R-1 water for do all of -- water your foliage. As a
24 matter of fact, I heard back in the day that the water was safe enough to drink at one time. I don't
25 know how true that is, but if it is then you know what fill up the pools with water at the same time.
26 So, you know, maybe they can collaborate with the County on running that line towards Wailea
27 and Makena. You can also put in hydrants on their line so like we can get wildfires, hey, there you
28 have it, water for help fight the fires out there in the Wailea community.

29
30 So just to make it clear, we are not in anybody's pockets. You know, hope these guys get their
31 EA permit because I believe that they will do their due diligence. Have archaeologists out there
32 while the project is being done. And you know what? I did a lot of projects out there in the past
33 when I was working out in the field. The place is like if you cruise on Piilani Highway, right before
34 Maui Meadows and you look at that embankment, what you see? Solid rock. Blue rock. So a lot
35 of the work we did there, we have to drill and blast just to get that place leveled off for the mass .
36 . . (inaudible) . . . you know.

37
38 I am half-Hawaiian. I get kanaka flowing to me. So, you know, this thing is like it's hard for us
39 people like me because we are on both sides, you know. And just through the experience of doing
40 these jobs, every developer did their due diligence of going out there, studying the area, studying
41 the impact. I dove in that area for years. I'm a free diver. I love diving. I love fishing. I live in Kihei
42 for over 20 years when I met my wife. But I used to go there back when I was a kid, even, diving
43 in that area, so I seen the changes throughout the years.

44
45 Ms. Takayama-Corden: Three minutes.

46

1 Mr. Burns: . . . (inaudible) . . . that is hard. So thank you guys, and I appreciate the time.

2
3 Mr. Tackett: Thank you. Thank you, Dwight. Commissioners, anybody got any questions for
4 Dwight? Dwight, I've got a question for you.

5
6 Mr. Burns: Yes.

7
8 Mr. Tackett: If you could just explain to them, because I think just for, just for general knowledge
9 on you were raised here, Mr. U'u was raised here. A lot of people come in front. Could you just
10 explain the difference between everybody says construction booming, but that doesn't necessarily
11 mean the young people coming up through high school that are applying for a trade, and that are
12 receiving an education in these trades are getting those jobs. And it's been my experience that a
13 lot of those jobs are people that flew in on the plane and they building these jobs from contractors
14 that aren't even from here. So could you just explain when people say, hey, construction is
15 booming, what are you guys doing? You know what I mean? Could you just, just shed a little bit
16 of light on that, please?

17
18 Mr. Burns: Well, I don't like, I don't want to make it sound union against non-union or --. It's not
19 about that. A contractor that doing the work for Ledcor right now is rooted here in Hawaii. I've
20 worked with the owner in the past years. But like Chris said, we do have contractors that come
21 from outer, outside of Hawaii, other states, like, and when they come here, they just come here
22 and make money. The money does not stay here. They bring their workers with them and then
23 they just make the money and they leave. You know, the money does not get spent here. It does
24 not stay here like compared to people like us, like myself and Mr. U'u, we rooted here, right? And
25 in this industry -- I going share with you guys -- in this industry, this is the only occupation that you
26 can have without one college degree earning up close to six figures. So that makes it a livable
27 wage for not just us, but even the younger up and coming generations to have that option to stay
28 and live here in Hawaii by learning the trades through our apprenticeship programs. You know,
29 so when they stay here and work here, the money stays here. When local developers develop
30 here, the money stays here. Local construction companies that is from here, the money stays
31 here. It does not leave with like the outside construction industries. I hope that construction
32 companies. I hope that answers your question, Chris.

33
34 Mr. Tackett: Yeah, partially. And then I think the other half was with the fact that I think that they
35 think or a lot of people think that because construction is booming that it's, it's necessarily the,
36 the, the people from here that are getting the work. And I don't believe that's always the case.

37
38 Mr. Burns: No, it's not always the case. You're absolutely correct. It is not always the case. So a
39 lot of these guys you see here is not is necessarily from here. To be honest with you, we're not
40 really booming like they say. We all, we all do different things. The carpenters may be booming,
41 but the operators may not be. The electricians may be booming, but the plumbers may not be. So
42 cannot --. I don't like to put, be put -- have a label be put on us that we booming because we do
43 have people staying home right now, believe it or not. And the reason for that is because outside
44 contractors coming in, scooping up some of the work over here. So, is that more clear for you,
45 Chris? Does that make sense?

46

1 Mr. Tackett: Yeah. Yeah, I appreciate that. Thank you, Dwight. Dwight, I think Jerry also has a
2 question.
3
4 Mr. Edlao: I don't know if I missed it, but do you support the project or not support?
5
6 Mr. Burns: This time I going say I support. It's, it's --. I'm sorry, Commissioner.
7
8 Mr. Edlao: No, no, no, no, no. That's all. I just wanted to know because I didn't hear, you know,
9 whether you did or not, so thank you.
10
11 Mr. Burns: You're welcome, sir.
12
13 Mr. Tackett: Does, does the applicant have any questions for Dwight?
14
15 Mr. Goode: No questions, Chair. Thanks.
16
17 Mr. Tackett: Thank you.
18
19 Ms. McLean: Chair, we have one more person asked to testify and that is Noah Thomas Francis.
20
21 Mr. Tackett: Thank you, Director. Noah, are you there?
22
23 Mr. Noah Thomas Francis: Yes, I'm here.
24
25 Mr. Tackett: Okay, Noah, please introduce yourself and promise to be truthful.
26
27 Mr. Francis: Sure. My name is Noah Thomas Francis. I'm the owner of my Laulima Landscaping
28 here in South Maui. I promise to be truthful. I know everybody's had a long day, so I just want to
29 say real quick, we're in favor of this project. My only concern would be the making sure that as far
30 as the EIS goes, yeah, water issues are not the same as what happened in front of the Maui Lu,
31 which was not good. And that part of the roadway is dangerous. I live nearby, so make sure that
32 drainage is all been accounted for. But other than that, I'm probably accepting of this proposal.
33 Mahalo.
34
35 Mr. Tackett: Thank you, Noah. I believe you have a question from PD. Go ahead, PD.
36
37 Ms. La Costa: Thank you, Noah. Are you related to the project or will you be getting a contract to
38 do the work for the project? Is that why you're in favor?
39
40 Mr. Francis: No, ma'am.
41
42 Ms. La Costa: Can you tell me again why are you in favor of the project? I must've missed it.
43 Sorry.
44
45 Mr. Francis: Sure. No problem. So I've been doing work in this area of Maui for twenty years. I
46 know that area super well. And in my opinion, a development there, and I know that there's very

1 -- everybody has opinions, both sides. But I just don't see the reason why, why not. I think for
2 people in my trade, which is landscape maintenance, there's opportunities there and not
3 particularly me. It might be one of my competitors and might be, you know, whoever. But I see
4 that the opportunity there for positive, what I would consider positive growth. And if it's done
5 responsibly, like I said, I live right nearby. You know, my only concern would be the management
6 of the water pump in that area like I said.

7
8 Ms. La Costa: Mahalo. I appreciate it very much.

9
10 Mr. Francis: No problem.

11
12 Mr. Tackett: Commissioners, any other questions? Does the applicant have any questions?

13
14 Mr. Goode: No questions, Chair. Thanks.

15
16 Mr. Tackett: Thank you. Director, how are we looking?

17
18 Ms. McLean: Chair, that seems to be the last person who wanted to testify. If you'd like to make
19 a last call for testifiers.

20
21 Mr. Tackett: I would. Last call for testifiers, please come forward. Going once. Going twice. Going
22 three times. Could we please close public testimony, Director?

23
24 Ms. McLean: Chair, you can close of testimony. Now would be the opportunity for questions for
25 the applicant or for the department.

26
27 Mr. Tackett: Outstanding. All right, Commissioners, that was a lot. Here's our, here's our shot to,
28 to clarify. So I believe, for sure, PD has a question or two. Would you like to start? And then
29 followed by Dale Thompson, and, and I'll try to keep up.

30
31 Ms. La Costa: Mahalo, Chair. Yes, I do have several. So maybe with your permission, I'll ask a
32 couple, then you can go around. And then if we need to do it again, then that way some of my
33 questions might be other people's questions as well and I won't hog the microphone. So my
34 questions are for the applicant.

35
36 Mr. Tackett: Thank you.

37
38 Ms. La Costa: And my first one goes to Mr. Kili who is the attorney for Ledcor.

39
40 Mr. Kili: Hi.

41
42 Ms. La Costa: Thank you. So would you please clarify for me if indeed this property has clear title
43 so that anything that is adjudicated here or move forward is not done in vain? Thank you.

44
45 Mr. Kili: Yeah. So the applicant purchased the property in 2019, and we have a title policy that
46 was issued by First American through Title Guarantee who --. And Title Guarantee was the party

1 who commenced the action that Mr. Szymanski is talking about. So they were full, fully aware of
2 the progress of the litigation that had been pending at the time of the purchase and decided to
3 issue of a multimillion dollar title insurance policy ensuring that the applicant is the fee owner of
4 the property, free and clear of any claims related to the litigation.

5
6 Ms. La Costa: Mahalo nui. Perfect. That, that answers that question.

7
8 Mr. Kili: Okay.

9
10 Ms. La Costa: And, it clears that title so to speak. Okay, my next, my next question is to Mr. Goode.
11 So initially, after reading this EA and the one previously and all the notes, I would like to commend
12 you for taking our suggestions and comments into consideration and adjusting the, the project
13 accordingly. And I especially am delighted that you're incorporating the PV because, you know,
14 that's my . . . (inaudible) . . . And it also helps the environment and reduces carbon footprint, et
15 cetera, et cetera. So first and foremost, bravo. Thank you so much for taking the community and
16 the commission's information into account when you have made these changes. You see, the,
17 the culture, the cultural issues seem to be huge. And I'm just wondering, why was the CRC not
18 included in this or were they included and it's just a misinformation on one or the other sides?

19
20 Mr. Goode: Well, first of all, thanks for recognizing the changes that we made. We worked really
21 hard on this to get to this point. My understanding is that the CRC is not part of the normal
22 processing on an application like this. As you know, we have another project that we had before
23 you for also for a Draft EA, and that one you asked us to go to the CRC before coming back to
24 the Commission. And so we're in the process of doing that. In fact, we made one meeting there
25 and they didn't have time to take up the item. So we'll be going back as they do more consultation.

26
27 For this item, you didn't ask us to go back to the CRC, and there's probably a good reason for
28 that. On the other project, we had an AIS that was completed, a preservation plan, et cetera. But
29 the AIS was 15 years old. In this project, we were doing a fresh AIS. So when we first saw you
30 folks in September, we had a Draft AIS. So we were in the process with SHPD, in consultation,
31 et cetera. We also had a fresh cultural impact assessment. And so you have before you everything
32 that was fresh and brought on by experts.

33
34 I would like to add that Tanya Lee-Greig -- and you can speak to her about it -- she's on the CRC.
35 So the person we had doing Cultural Impact Assessment is a CRC member. And I believe she's
36 also in on the Honua'ula. So I think we got a really good coverage. And we're going to understand
37 that people are going to disagree on the results. So...and finally, SCS who did the archaeological
38 work, their head Maui archaeologist is on the CRC. So if we go to CRC, we've got two members
39 who have to recuse themselves. And you already heard from a member of the CRC as a testifier.
40 So I think in this case, we are covered. We have folks that are very knowledgeable in terms of
41 archaeology and cultural, in particular Honua'ula. And if it goes CRC, they're -- we have a couple
42 of members that won't be able to testify, to be able to at least adjudicate the testimony. So it's not
43 --. You can Ms. McLean, but I'm pretty sure it's not part of the normal process. It's by request.

44
45 Ms. La Costa: I just heard several people talk about them not reviewing it and just wondered what
46 that, you know, if they had been overlooked or if it wasn't part of the norm. Just to get a clarification

1 that you weren't ignoring that situation. But it sounds like you have a lot of people on your staff or
2 who have contributed there are members of the CRC also.

3
4 And, Chair, if I might one more and then I'm pau. Would you please make the clarification of the
5 guest areas, and the second homes, and the ohanas because I was clear, but there were a lot of
6 people who were not? Thank you.

7
8 Mr. Goode: Yes. Sure. I thought you'd come back to that question. I'd like to just start by what the
9 actual design is. And so if Rene Matsumura is still on the call, from Group 70, she can speak to
10 actually what is exactly on the plans, and then I'll come back and add to what she says.

11
12 Ms. Matsumura: Hi, yes. This is Rene, Group 70. So the plan does show a detached guest
13 bedroom, and that room is a room with a bathroom, with no kitchen, which we would be qualify
14 this an ohana unit or addition of one unit. So that, that room could be used for multiple things. It
15 could be a guest bedroom. It could be an office. It could be a workout room. And so, you know,
16 really that was the intent with the development of that resident was that component. David, did
17 you want to add to that?

18
19 Mr. Goode: Thanks Rene. Yeah, thanks Rene. In fact, in the Makalii Project, which is almost
20 finished and that's on the other end of Wailea, they had a similar product. They call it a casita,
21 and it's basically just an extra bedroom and bathroom. And as you also heard from Bud at WCA,
22 WCA doesn't allow ohanas. In our case, the zoning doesn't allow it. And we're certainly willing to
23 put in like a no ohana clause in our condominium docs. So you potentially have three layers of
24 coverage that no ohanas are allowed. If in the instance someone tries to sneak one in later, you've
25 got three different enforcement arms between the condominium association, the WCA, and the
26 County that all come down on that unit. So we see it as certainly not an ohana unit. It's just an
27 extra bedroom . . . (inaudible) . . . to have flex in all kinds of space. Personally, I would put
28 teenagers there if I had an opportunity to, but it is not an ohana unit at all.

29
30 Ms. La Costa: Mahalo for the clarification. Thank you, Chair.

31
32 Ms. McLean: Chair, would it --. Excuse me, Chair. Would it be possible to take a brief recess just
33 for a break and a stretch?

34
35 Mr. Tackett: What do you think, Director? What would be a good break for you?

36
37 Ms. McLean: Five minutes or ten minutes, whatever the Commission feels is . . . (inaudible) . . .

38
39 Mr. Tackett: Commissioners? Commissioners I see ten. Anybody else? I see five. I see ten. Five.
40 So I'm about half, half; ten, seven. You guys are killing me. I love it. How about, how about we
41 do the -- since we only got one seven, let's do the seven. That's somewhere in the middle.
42 Everybody okay with seven? You guys look like a lucky group. Seven it is. I believe it's fifty-three.
43 So let's just make it 5:50 p.m. Five-fifty okay for everybody? Thanks you guys.

44
45 Ms. McLean: Thank you, Chair.

1 *(The Maui Planning Commission recessed at 5:43 p.m., and reconvened at 5:52 p.m.)*

2
3 Mr. Tackett: Alright, you guys, I believe PD was done with the first round and the floor is open for
4 questions. Go ahead, Dale.

5
6 Mr. Thompson: Thank you, Chair. PD did get my last, about the ohanas; it's just to clarify. But one
7 that's kind of floating too, how many do we have, like 60 pools in there? No, I heard different. But,
8 can you clarify for us, please? Mr. Goode, sorry.

9
10 Mr. Goode: Certainly Commissioner Thompson. We, we planned room for pools for each unit,
11 and we planned to offer them as options. And based on what we see in other neighborhoods like
12 in Maui Meadows or Wailea Kialoa, it looks like about maybe half the people have pools. So that's
13 kind of what we're estimating at this time.

14
15 Mr. Thompson: Thanks very much. Had having a pool, it's better to use your neighbors.

16
17 Mr. Goode: Understood.

18
19 Mr. Tackett: Commissioners, any other questions? Go ahead, Ashley.

20
21 Ms. Lindsey: So can you clarify, Mr. Goode, are you guys planning to build your share of the four
22 lane highway right now? Or I, I don't know if I missed this part, or like I wasn't here, or I just don't
23 know, but you're kind of touching upon it a couple of times. I don't know if you are including it
24 before you -- while you do this or hoping to gather everyone together to expand the road. Can
25 you elaborate on that part?

26
27 Mr. Goode: Yeah, sure. That's actually a good question. I think maybe the way the information
28 came out, it's hard to digest. So I think, as Tyler mentioned, the way the agreement reads is once
29 we had 150 units, we're going to trigger the need to do our share, right. And our share is about a
30 six million dollar project, and that really improves that whole area around Kilohana and moves the
31 two lanes going Wailuku bound back towards Wailea. Which helps free up that intersection, pau
32 hana time when everybody comes . . . (inaudible) . . . So it addresses an immediate issue. So the
33 question is, how close are we to 150, right? How close are we to 150 units? So we basically have
34 done 75, and this 57 gets us to 132. So we're just 18 units away. So we see it as right after this
35 project and the very first phase of the next project we're doing it. And we've committed to that and
36 we will use the proceeds from these sales to help fund that.

37
38 Ms. Lindsey: Okay. I'm just, I'm a little bit concerned about like kind of what happened at Wailuku
39 with the bridge and stuff kind of happening the same infrastructure coming after the development.
40 But it seems like it's kind of in the works here. No questions for how you can move on, Chair.

41
42 Mr. Tackett: Thank you, Ashley. Commissioners, any, any other questions? Okay, it looks like we
43 got one, two, three. Okay, I got, I got Dale, Ashley then PD. You guys, you guys are kind of
44 telling --

45
46 Mr. Thompson: Round two.

1
2 Mr. Tackett: Go ahead Dale.

3
4 Mr. Thompson: Water. Water came up a bunch. Can you address that and clarify?

5
6 Mr. Goode: Sure. So I think there's a couple of aspects to water. First, as you know, responsible
7 use of water on the site, I think we addressed that in the presentation. You heard from Micah from
8 PBR. There's a lot of great things that can be done to minimize water use.

9
10 The second is use of reclaimed water. And so we understand that reclaimed water is not yet to
11 Wailea. We know the County would like to get it there. And they're more motivated to bring it there
12 when they got projects ready to hook up. So our project will be ready to hook up to their system.
13 And so if there's a pro-rata share to that, which there isn't, you know, I'm sure we could contribute
14 some minor share to that because we were a minor user. But we want to be ready for that, right.
15 So we will design and put in extra pipes, in advance, so we can hook up later.

16
17 And then the last aspect of water, I believe, is, is the overall Central Maui Water System, right.
18 And so currently the Department of Water Supply is saying, you know, we don't have a lot of water
19 right now. We're getting water from Wailuku water, and the water commission. And on top of that,
20 per our rules, the DWS rules -- so DWS is telling us -- you can't even ask us for water until you
21 get an SMA. So they're basically directing us to go through this process. You know, get the EA,
22 get the SMA, and then come ask us. And so we're committed to that process. We, quite honestly,
23 hope they have the water when it's time to ask them. We understand they may not. And that
24 means we have to wait, as I imagine anybody else in the Central Maui Water System would have
25 to wait.

26
27 So I think those are like the major water issues, as I understand it. Hopefully that answered your
28 question.

29
30 Mr. Thompson: It did. Thank you.

31
32 Mr. Tackett: Ashley, I believe you're next.

33
34 Ms. Lindsey: Can someone talk about the ranch wall that's going to be moved?

35
36 Mr. Goode: Sure, what's your question about it?

37
38 Ms. Lindsey: So you are basically dissecting it and using it as an exterior wall for the subdivision?
39 Is that what's happening?

40
41 Mr. Goode: Yes. Yeah, so maybe Mike Dega can answer how that process works, and what
42 SHPD requirements are, if Mike's available, the archaeologist.

43
44 Mr. Dega: I am here. Thank you. What we're doing is the mitigation that SHPD asked for that
45 we're going to do is data recovery of the wall. That means we're going to manually remove it as
46 Kainoa said, piece by piece, so we can study the interior and exterior of the wall, how it was

1 constructed. We're also going to do a little bit of excavation below the wall to see if it was
2 constructed on any rock footings, maybe the wall that maybe predate what we can see on the
3 surface. Once these rocks are taken off, he's going to put them in a truck and take them over to
4 their base yard and use them on site. I think they're going to repurpose them.

5
6 Ms. Lindsey: Okay, thank you.

7
8 Mr. Dega: Thank you.

9
10 Mr. Tackett: Go ahead, PD.

11
12 Ms. La Costa: Thank you, Chair. I'm going to bring up water again as well. In your Exhibit-A, page-
13 18, you talked about potential impacts and mitigation measures. It says "buyer-education,
14 mandatory use of water-conserving landscaping, and the levying of excess water usage penalties
15 through the homeowners association will be used to aggressively promote water conservation."
16 Please tell me how you plan on doing that and where those funds will go if you're going to find
17 people? Thank you.

18
19 Mr. Goode: Thanks, that's a good question. So the way the water system will work is that we'll
20 have master meters for the whole project. So the association will be billed as an entire entity and
21 then each home and the amenity center will have its own meter, submeter. And that will be read
22 by the association. And obviously, hopefully the numbers add up every month, right. What was
23 on the master meter, what's for each individual meter?

24
25 The association has the ability then to set their own thresholds of water use. And so if someone's
26 using a lot more, the association can levy its own additional charges to get that particular
27 homeowner back in line. Maybe there's a leak or maybe they're just using excessive water. So
28 while we haven't yet developed that exact formula, that would be the intent of having that internal
29 control to tighten the water use. The funds would go to the association. Some funds would have
30 to go to the Water Department because our bills, our master bill would be going up. But the idea
31 of the water is that the association can levy its own controls on water use.

32
33 Ms. La Costa: Mahalo.

34
35 Mr. Tackett: Do we have any other questions at this time, Commissioners?

36
37 Mr. Goode: Chair, I have a question if I could of maybe you or the commission?

38
39 Mr. Tackett: Who, who -- I don't know who that is.

40
41 Mr. Goode: That was me, the applicant.

42
43 Mr. Tackett: Oh, okay.

44
45 Mr. Goode: Yeah, you know, one of the big issues that was mentioned a number of times is the
46 EIS, and I think we should address that to some degree today. And I know it's late and everyone's

1 probably got other things they want to do. So I can't prejudge what the commission might do. But
2 if they were to defer it, I think it's important for the commission to understand our position on the
3 EIS. And so it is a big issue and no one's asked a question yet. I think it might behoove us all to
4 hear from Kekoa on some of the reasoning that we believe an EIS is not needed. And I only want
5 to add is that, you know, we've had discussions with the Planning Department about this issue.
6 And from what I understand, they agree, which is why they recommended a Final EA. So if that's
7 something the commission is interested in, I think we should start the discussion.

8
9 Mr. Tackett: Yeah, I'm, I'm interested in the answer to that question, so I'm willing to answer that,
10 I'm, I'm willing to ask that question for, for informational purposes.

11
12 Mr. Kili: Thank you, Chair. So I think the, the comments that have been coming up were primarily
13 focused on segmentation, at least as, as part of the larger claim that an EIS needed to be
14 conducted for this project and several other projects that are owned by the entities under common
15 ownership with the applicant. And so I wanted to kind address that right out of the gate. You know,
16 it is true that, the under certain, certain circumstances, multiple actions must be treated as a single
17 action for purposes of the environmental review. And I think one of the testifiers specifically read
18 to you the section and the relevant code. And so there are a number of actual Supreme Court
19 cases that have interpreted that specific section, which requires you to, to take multiple actions
20 and treat them as a single action for purposes of environmental review. And what all of those
21 cases say is that when determining whether it's a single action, or can be, or you can separate
22 them into separate actions, you look at this what's called an independent utility test. And under
23 that test, multiple actions need to be treated as a single action only where the projects don't have
24 independent utility separate from each other. And the leading case out of the Supreme Court is
25 actually a case that was decided by the Maui Planning Commission. And it's the, I think, the
26 Napili Hau Villages. And in that case, the claim was essentially that, you know, the project was a
27 residential project, but it also included infrastructure, a drainage channel that was going to go
28 under the public road. And so the developer wanted to do an environmental assessment solely
29 on the infrastructure going under the public road. But the court said no. The only reason why
30 you're putting in the drainage is to support the project. And so the drainage itself doesn't have any
31 utility independent of the larger residential development, and therefore, you have to treat them
32 together.

33
34 Unlike that case here the, the projects that people are claiming need to be grouped together are
35 independent projects. They're separate residential projects that can proceed regardless of
36 whether or not the other project proceeds. So you guys have in front of you an environmental
37 assessment for parcel SF-S. There's also an environmental assessment for the what we call a
38 large parcel, but it's SF-7, MF-12, and MF 13. Those two projects can proceed independent of
39 each other. They do not, you know, if, if for some reason, the, the large parcel didn't proceed, this
40 project is still going to go forward and it can be constructed, and operated, and sold separate from
41 the other project. And so under that test, you know, it's clear that the scope of the environmental
42 assessment that we've done here is appropriate.

43
44 And just kind of a side thing. This is, that is the same factor or same test that the, you know, the
45 Federal Courts use when they're determining whether projects are appropriately scope for
46 purposes of the National or the Federal statute as well. So our Hawaii Statute is kind of modeled

1 after the Federal, and so our courts kind of adopted the same test that the Federal Courts apply
2 when applying the Federal Statute.

3
4 So that's kind of the segmentation issue from our perspective. And then the other claim is that
5 this project requires an environmental impact statement rather than an environmental
6 assessment. The environmental review law creates a procedure which we, as the applicant, must
7 follow. The procedure normally starts with an environmental assessment, which is used then to
8 determine whether or not the proposed project, as spoke in the environmental assessment, has
9 any likelihood of causing significant impacts to the environment. And so the EA becomes this tool
10 that we use to determine whether or not there's going to be a significant impact. And the statute
11 includes, I think, it's 13 different factors that you have to consider in determining whether or not
12 there's a significant impact. And those are all outlined in the environmental assessment. And I
13 won't go over them specifically, but there is actually itemized factors in part six where they go
14 through each of the 13 different factors that you, as the commission, and the ultimate decider on
15 this need to evaluate it as part of the environmental assessment.

16
17 And then -- so the only time that an environmental impact statement is necessary is if after you
18 weigh all of those factors, you determine that there is a likelihood that the project will have a
19 significant impact. And so that's the decision that's in front of you today. That's all I have unless
20 there's questions.

21
22 Mr. Tackett: That answered my question. Commissioners, anybody have any questions on the
23 information we just received? Okay, moving on. Next questions. And do we have any questions
24 other than that on the information you just received? Sounds like everybody has enough
25 information to, to reach a decision. I believe, Director, do we, do we get a recommendation at
26 this point?

27
28 Ms. McLean: Yes, Chair, if Tara, planner Tara Furukawa is still on the call -- she and I have been
29 emailing so I know she is. Would you like to present the Commission's options?

30
31 Ms. Furukawa: Sure. So you have three options. You can accept the Final EA and issue the
32 Finding of No Significant Impact. You can request that additional information be incorporated into
33 the Final EA and defer action on it. The information can be added and it can be returned to you
34 again for acceptance at a later date. Or you can opt for an environmental impact statement and
35 the consultant can prepare the environmental impact statement preparation notice.

36
37 Mr. Tackett: Thank you. Is that all, Tara?

38
39 Ms. Furukawa: Yeah. That's all.

40
41 Mr. Tackett: Okay.

42
43 Mr. Hopper: Chair, I think you were muted.

44
45 Mr. Tackett: Thank you, Commissioners, do we have a motion? I believe PD's hand was first, and
46 then Kawika's was second. Go ahead PD.

1
2 Ms. La Costa: Thank you, Chair. I would like to make a motion that according to the Planning
3 Department's finding of facts that the EA be moved forward to the next step.

4
5 Mr. Tackett: Okay. We have a motion on the floor, do we have a second? Okay, we have a
6 second with Dale.

7
8 Mr. Hopper: Mr. Chair?

9
10 Mr. Tackett: Go ahead, Mr. Hopper.

11
12 Mr. Hopper: Just, just to, just to clarify, the rule states that your, you are to issue a Notice of
13 Finding No Significant Impact or an EIS Preparation Notice. So I presume that that motion is
14 essentially to, to issue a Notice of Finding of No Significant Impact.

15
16 Ms. La Costa: That is correct. Thank you.

17
18 Mr. Tackett: I appreciate that Mr. Hopper. Thank you. So we have a motion and a second. And if
19 PD, if you'd like to speak to it, and then Dale, and then we'll have the rest of the Commissioners
20 weigh in.

21
22 Ms. La Costa: Thank you, Chair. Once again, the, the folks in the Planning Department have
23 vetted this, and I was taking a tally on for and against. There were 23 people who opposed. All
24 but one cited an EIS. There were 13 for the project. The Planning Commission is going to see
25 this project no fewer than two times and possibly three times. And I think that while a lot of people,
26 you know, don't want to see high income people move here or buy property here, the fact is they
27 do add to our economy. And the area that is going to be built is zoned for and is in the planning -
28 - sorry, my brain's getting foggy -- and is in the community plan for that specific type of property.
29 So and that is the reason that I made the motion to approve the EA with the FONSI. Thank you,
30 Chair.

31
32 Mr. Tackett: Thank you, PD. Dale?

33
34 Mr. Thompson: Yeah, I didn't find anything any significant, finding of significant issues. And we
35 do get another bite at the apple here. I think it raised enough. It's still a long, long ways. I do have
36 concerns about the water, still, that would be mine. But the project itself, yes, it's legal, it's legit,
37 it's in the part of the right spot. And this is going to sound weird, but actually because of the supply
38 and demand, any houses we add makes the problem less, big or small. Because those people
39 that are going to go into three million dollar houses used to be staying one million dollar houses
40 and now they're buying. And someone else that was staying in half a million goes to a million.
41 And the guy who was paying a thousand a month just moved up too. So it makes room for
42 everybody, and our Council is just working on our affordable housing and watched our budget
43 there. . . . (inaudible) . . . maybe up to 50 million dollars set for that if they can put it together and
44 actually do something. So we'll be able to get plenty of housing. This is separate from our
45 affordable housing. We need to build affordable housing. The only thing that's in way, we would
46 have all the housing we would ever need if the government was in the way. They're the --. And

1 I mean rightfully so we, you know, we want to have the roads that go straight and infrastructure
2 and all that. But . . . (inaudible) . . . if we didn't, anybody who had some land would build a little
3 unit like the guy that said, hey, you can build for one hundred grand at our last meeting, and they'll
4 be all over and we wouldn't have those problems. But everybody, you know, we're going to go
5 through all these checks and balances, and everybody, and then we got a ton of people that they
6 just don't want anybody. You know, they're kind of along this pandemic, we got infected with a big
7 dose of entitlement and some narcissist, you know, but everybody has nothing to do with pointing
8 fingers and hating people they don't even know. Anyway, it's got a long way to go. We got another
9 bite at it. I'll go along.

10
11 There is one thing I was concerned about was that Keeaumoku mentioned of the Hawaiian law,
12 and I did take a Hawaiian law course and I do have it here. It's like 900 pages. I think I know that
13 area he's talking about. I'll research that more.

14
15 Mr. Tackett: Okay. Was that all, Dale?

16
17 Mr. Thompson: Yes, thanks for letting me ramble after ten hours.

18
19 Mr. Tackett: Anybody, anybody else want to speak of this motion before there's a vote on it? Go
20 ahead, Kawika.

21
22 Mr. Freitas: I'm going to have to disagree with my fellow Commissioners that just shared. I totally
23 think that this is -- there is a lot of impact from this project that needs to be cleaned up. The
24 ownership concern that came up also seems to have been a surprise to Mr. Goode. I think that
25 needs to be cleared up. We're just taking Mr. Kekoa's word that it is. We heard a testifier under
26 oath say that he's in, in legal, all the way to the Supreme, State Supreme Court on it. Then there's
27 a lot to this that needs to be addressed.

28
29 What Mr. Keeaumoku Kapu had said, he kind of wrapped it up. We had different cultural experts,
30 different cultural advisors speak and share that the, the study that was done was not complete.
31 They had offered to go on the land and do their research. And I'm not sure how true it is that they
32 were told wait till after the EA is approved, then you can come on the land. That just doesn't sound
33 right.

34
35 The original plan of this place, Wailea Development, one-third work force housing. There's zero.
36 And there's only ten percent left to do anything. The previous administration in the Planning may
37 not have been doing their job. They not -- they just looked the other way. But I not going. Even if
38 I the only one that vote no.

39
40 Water. My fellow Commissioner just said, oh, yeah, let's go with it but I do have issues with water.
41 Water was my concern the first time this came up. They estimated water use that was more than
42 what was allotted, and I asked him to address that. And yes, Mr. Goode, I do agree with my fellow
43 Commissioner La Costa, you folks really listened to what we said. And, and when I read these,
44 the things that I, I talked about, you worked on it. But I still think that there's a lot more that needs
45 to be done to make this pono. It's not pono the way that it is.

1 The traffic, the road was supposed to be done, the four lanes before the project started. Now I'm
2 not sure exactly how you folks meeting just the other week was, but there's, there's been
3 discussion that that's supposed to be done before. But now I read in here that it's going to be
4 done after x-number of units are built, then that's going to be worked on. There's not even the
5 four lanes.

6
7 This is just a little bit of the reasons that this needs more, more work. An EIS, as my fellow
8 Commissioner said, almost, you know, only one person brought it up. But I read through that they
9 didn't realize that this is the only choices we have is to approve it, has no significant impact, defer
10 it, or have the developer create an EIS. That's the three, three choices. I'm going to vote no on
11 this motion, and will follow up with a motion requiring an EIS. Thank you.

12
13 Mr. Tackett: Thank you, Kawika. Ashley, go ahead.

14
15 Ms. Lindsey: I kind of wanted to echo what Mr. Freitas is saying also. I think there is significant
16 cultural impacts on the site based on the people who testified today, and understanding their
17 viewpoint. I think we talked about, I think, the part that gets the most impact is the gathering of
18 native plants and native things, and that is something that you don't share. You don't share your
19 fishing spot. And that is why it's not there, because people aren't saying, oh, that's where I go
20 gather my . . . (inaudible) . . . or that's where I go get my Ilima to sell the leis from. And I understand
21 there is some mitigation and I appreciate the effort in that, that part of it. But right now they can
22 gather the whole thing. You know, they take a little bit here, they take a little bit here. It's not like,
23 well, here, here use, use this whole farm, and now you can use this part in the front and it's pretty,
24 and it's a pretty entry. I understand both sides of that having residents who feel secure in a gated
25 community, but also as a cultural practitioner, it's important to access what we need to access
26 where we need to access. And I, I just --.

27
28 And in addition, the water, I'm concerned about the water. People in Wailuku Na Wai Eha are all
29 fighting for the water right now to grow their food for their family. And it's --. Or it's for the . . .
30 (inaudible) . . . to get up the stream. And just, I don't think culturally, I think you need to work on
31 it. But your cultural impact assessment was excellent. I read the whole thing, but I have to, I guess
32 I'm seconding Mr. Freitas's and voting no on Ms. La Costa's. I'm not sure how that works.

33
34 Mr. Tackett: So, so how it works Ashley is you're just speaking to the motion. So you're just
35 offering your opinion.

36
37 Ms. Lindsey: Okay.

38
39 Mr. Tackett: Whatever way, whatever way you vote comes down when you vote.

40
41 Ms. Lindsey: Okay. Thank you.

42
43 Mr. Tackett: So no need to second.

44
45 Ms. Lindsey: Okay.

46

1 Mr. Tackett: Are, are you done or do you have more?

2

3 Ms. Lindsey: I'm done.

4

5 Mr. Tackett: Commissioners, would anybody else like to speak to the motion? Everyone else
6 good? Okay, I'd like to speak to the motion. I don't know how I ended up here. I don't know how
7 I've been so fortunate to, to, to live here on Maui and to be raised here on Maui. But all I can say
8 is, is I came here with, with my parents when I was in kindergarten. And they both had to work
9 every single day. And when I would come home, nobody was ever home. And when we, when
10 we ate dinner, we ate dinner on two pallets stacked in the middle of the living room. And that's
11 what we ate dinner on. So that, so that I could have a beginning in this life in this wonderful place.
12 And I cannot tell everybody how grateful I am that my parents brought me here, and that I got to
13 be raised here as close to a born and raised as I'm going to get, you know. I know I don't have
14 the blood, but the only family I have was a mom and dad, and they were gone. So the only family
15 I really had was the local people, the Hawaiians, the Filipinos, the Japanese, the Portuguese,
16 whoever was around my house. My house was primarily Hawaiians down the street because
17 Hawaiian homes is right down the street Waiehu. And Lower Waiehu was full of Filipinos, and
18 Wailuku Heights was with the Japanese, and we all went to school together. Unfortunately, there
19 was only one haole and that was me. So I never had anybody to run to. I never had nobody to
20 back my . . . (inaudible) . . .

21

22 But that being said, there is a huge amount of romance with the Hawaiian culture. And it, and it
23 hurts me to be in a situation to choose between the two. But where I will always weigh in, and
24 what has gotten me to where I am, is that everybody has children, everybody has families, and I
25 respect my ancestors that came before. And I respect, and I respect my family that I have at this
26 point. But when I look at what we got in front of us, every single time when I look at what we got
27 in front of us, you, you have developers that, that pay these higher pay in jobs, six figure jobs.
28 These are your only Maui six figure jobs. They talk about a lot of other places. But even with two
29 six figure jobs, qualifying for a mortgage right here is almost impossible. So if, if you cannot keep
30 your Hawaiians, which they said, Bruce said about half these guys are Hawaiians. The operators
31 union, I remember from the field, about half those guys, if not two thirds of those guys, were
32 Hawaiian. If those high paying six figure jobs shut down, and how much these locals and how
33 much of these Hawaiians are paying their mortgage on that, and nobody, if the, if the prices
34 continue to escalate, nobody's going to get anything new, you know what I mean? And nobody's
35 going to make that money because there's no money for these, for these, for these mortgages to
36 be paid. What's going to happen is the last local people, and the last Hawaiian people that have
37 six figure jobs that are able to hold down a living and make these things happen, they're going to
38 lose those properties. And when they lose those properties, then it's going to go to other people.
39 So I will always stand on the side of the children that need food, and the local people that have
40 purchased a house and are struggling to hold on to it. And I'm always going to apologize to, to
41 everybody that, that, that I couldn't help along the way. But I don't think that if, I don't think that if,
42 if we kill the projects that they create these types of opportunities on Maui, which there aren't very
43 many of them. And I was lucky to get one and I got, like, I probably got 25 sets of stitches, multiple
44 broken bones, and it was a really, really hard life to get my piece of property. But those
45 opportunities are there. And when, when these people come in front, in, in my opinion, in my
46 heart, I'm weighing in on the, on the side of the families, the working class families, you know.

1 The working class families, they mean everything to me, and that's, that's why I'm going to be in
2 favor of it. And, and yeah, that's, that's, that's my feeling on the issue. So with that being said --

3
4 Ms. McLean: Chair?

5
6 Mr. Tackett: Go ahead.

7
8 Ms. McLean: I apologize. I believe that Commissioner Hipolito missed a fair amount of the
9 testimony. He did have to drop off to attend to a business emergency. So if we could check with
10 Mr. Hopper to see if he is able to vote on this matter. I apologize for the interruption.

11
12 Mr. Tackett: That's alright. I was finished. I mean, how much more can you say than that? I'm
13 sweating already. Anyways, Mr. Hopper, if you could please weigh in on that so, so, we know
14 where we're at.

15
16 Mr. Hopper: Yes, Chair. I think because Commissioner Hipolito is, has not considered the entire
17 record in the case, you would not be able to vote today. And this is being considered a contested
18 case. He could before the next meeting, should this get deferred -- and I don't know what the vote
19 will be -- but if this gets deferred, both he and Commissioner Pali could potentially review the
20 whole record with the recording and, and be able eligible to vote at that meeting. But because he
21 would have missed part of the, of the record in the contested case hearing, he wouldn't be able
22 to vote until he saw that record. So he'd have to -- you have the opportunity to review that before
23 voting.

24
25 Mr. Tackett: Understood. So that being said, we might as well call for the vote and then, and then
26 deal with the results.

27
28 Ms. McLean: Chair, to clarify the motion on the floor is to accept the Final EA and issue a Finding
29 of No Significant Impact.

30
31 Mr. Tackett: Thank you, Director. I believe I still have -- I mean, I have Jerry's hand up in the air
32 so I think, I think Jerry might want to speak to the motion.

33
34 Mr. Edlao: Yeah, I'm just surprised that Mel left. I thought he was just one of those things where
35 he didn't show up on the, on the screen, so I'm kind of disappointed that we weren't informed that
36 he was leaving the meeting. I think we should have, you know, at least been informed, you know,
37 before we started taking a vote, like making a motion like this. I don't know. I don't know what the
38 procedure is, but I don't like it because we weren't informed that he was not here or he was even
39 leaving. Director, did you know he was leaving? Obviously, you do, but you did not inform the rest
40 of us that he was leaving and I'm kind of disappointed in that. Because that presents a problem.
41 I mean, you know, and I don't know if Mel feels comfortable. He heard enough or maybe he
42 doesn't. I don't know. Nobody asked him that question.

43
44 Mr. Tackett: I have, I have nothing to weigh in on because I don't, I didn't hear anything until when
45 you heard it so I don't know how much time was lost. But all I can go with is our Director and Corp
46 Counsel so I don't know what to say about that.

1
2 Mr. Edlao: Yeah, that's my point. We don't know when he left. We don't know how much he heard
3 or had not heard. Can somebody asked him? Mel, do you have any comments?
4

5 Mr. Hipolito: I'll speak. I had a campus emergency. I had to leave. It wasn't life and death, but I
6 had to really leave. It impacted the entire campus. I left for about an hour when there were
7 testimony from testifiers; about an hour.
8

9 Mr. Tackett: Well, according to Mr. Hopper, then we, we're going to need to, to go without your
10 vote, I guess. That's, that's what Mr. Hopper said, correct Director?
11

12 Ms. McLean: Yes, Chair. And he can confirm that.
13

14 Mr. Hopper: Yes. And it's, it's -- if you miss a part of the meeting, the law says you have to consider
15 the whole record before you take a vote on the item. So he's not permanently ineligible to vote.
16 Before the next meeting he could read either the transcript if it's available of the time he missed
17 or get the video of the time he missed and familiar familiarize himself with that and then be eligible
18 to vote. It's, it's as if, you know, you didn't hear part of a, of a, of a hearing in a trial or something
19 like that. They want you to make sure you've heard all of it or have a record to review of all of it.
20 But that's, that's the requirement.
21

22 Mr. Tackett: Well, let's, let's proceed through. We have a motion. We have the second. All in favor
23 of PD's motion please raise your hand? Okay, we have three. All those opposed, please raise
24 your hand? We have two. I, I believe from those numbers, it doesn't matter which way I vote. It's
25 a fail no matter what. Is that not correct?
26

27 **It was moved by Ms. La Costa, seconded by Mr. Thompson, and**
28

29 **The Motion to Accept the Final Environmental Assess and Issue a Finding of No**
30 **Significant Impact (FONSI), FAILED.**

31 **(Assenting – P D. La Costa, D. Thompson, J. Edlao)**

32 **(Dissenting – K. Freitas, A. Lindsey)**

33 **(Excused – K. Pali, M. Hipolito)**
34
35

36 Ms. McLean: That is correct, Chair.
37

38 Mr. Hopper: It takes five votes to take an action. That's correct.
39

40 Mr. Tackett: So there is, there is -- it's a moot point at that, at that point. And I'm, I'm sure all of
41 you guys know, from what I said going up to the vote which way I was going to vote. So let's just
42 go ahead and move on to the next option, which is either to move to defer or to move to, to, to
43 have an EIS. At that point, Kawika had already raised his hand so he's next. Go ahead Kawika.
44

1 Mr. Freitas: Thank you, Chair. I would like to like a motion that the applicant files for environmental
2 impact statement due to the many questions and the significant impacts in areas of traffic, culture,
3 as well as, water usage.

4
5 Ms. Lindsey: Second.

6
7 Mr. Tackett: I got a motion and got a second with Ashley. Ashley, would you like to speak to it?

8
9 Ms. Lindsey: No, I, I think I spoke my piece earlier.

10
11 Mr. Tackett: Okay. So we have a motion and a second. Go ahead, Kawika, would you like to
12 speak to your motion?

13
14 Mr. Freitas: Yeah. And, and I said a lot earlier, but I also want to add another part to this whole
15 development. In their exhibit about the impact, potential impacts -- this is on page ten -- it says,
16 the proposed project will meet expected demand for luxury or resort residential homes on Maui.
17 And it goes back to, will meet expected demand. Why are we getting involved and, and supporting
18 something that is building with speculation of purchase -- of course, they know that they're going
19 to sell -- when the demand that we have is for residents, workforce housing, affordable housing?
20 So for that reason, this should go to the environmental impact statement to, to study all of that.
21 And I also want to say, Mr. Goode, I am really sorry that what everything that's going on now , I'm
22 sorry I'm bringing it up the way that I have been, because what happened all the way up until now,
23 they did not follow the original Wailea Development Plan. And they're not following a lot of the
24 things that they're supposed to. And I'm talking about the Planning Department from the time of
25 this development till now. So you're just happened to be the one that's taking it all, and you've
26 been very patient and, and taking it all in, and I commend you for that. But I apologize that I'm on
27 this side of the fence. You did a good presentation, but it's not enough. Thank you.

28
29 Mr. Tackett: Okay, so we have a motion on the floor. Any, any other commissioners would like to
30 speak to this motion? Okay, hearing none, we have a motion on the floor and a second. All those
31 in favor please raise your hand? One, two. Okay, all those opposed? One, two, three. Okay, I
32 believe that that motion fails as well. Perhaps, perhaps somebody could --. PD, could you come
33 with --? Go ahead, PD.

34
35 **It was moved by Mr. Freitas, seconded by Ms. Lindsey, and**

36
37 **The Motion to Prepare an Environmental Impact Statement (EIS), FAILED.**
38 **(Assenting – K. Freitas, A. Lindsey)**
39 **(Dissenting – P D. La Costa, D. Thompson, J. Edlao)**
40 **(Excused – K. Pali, M. Hipolito)**

41
42
43 Ms. La Costa: I can, Chair. I'd like to make a motion to defer the vote on this particular agenda
44 item until next meeting when Commissioner Pali and Commissioner Hipolito will have time to read
45 all of the testimony and be prepared to vote so that we can have a majority one way or the other.

46

1 Mr. Tackett: Do I have a second on that motion?

2

3 Mr. Hopper: Mr. Chair?

4

5 Mr. Tackett: Hold on. Hold on, I got Mr. Hopper. Go ahead, Mr. Hopper.

6

7 Mr. Hopper: I just want a couple of things under the rules. One is that there's a 30-day deadline
8 for the Commission upon receipt of the EA to make a decision. It does not specify, as it does in
9 the case for EIS's that don't meet that deadline then it's deemed approved. So I do not believe
10 that that's the case in this situation. I'm not sure of the date that the Commission was -- where
11 this was filed with the Commission. But, but I think at this point you would have to go from today's
12 date and there does not appear to be the ability to take action anyway. So I think having it at your
13 next possible meeting to have the decision as quickly as possible is in the best interests of the
14 commission whatever the decision is. And you may want to consider recessing this item until that
15 meeting. That way you would -- I mean, this is a contested case, so I think you generally don't
16 have to take public testimony on this again anyway. But I think if you wanted to recess this to your
17 next meeting so you don't have to go through testimony again, that's a possibility as well. Again,
18 that's just to the next meeting, and I think that would allow you to make the decision as quickly as
19 possible.

20

21 Also maybe include any additional information that the applicant could provide you that would
22 assist to the next meeting.

23

24 Mr. Tackett: I believe that, that sounds acceptable. But wait, PD has her hand up. PD, yeah, what,
25 what did you have to say?

26

27 Ms. La Costa: I would like to amend my motion to recess this item until the next Planning
28 Commission meeting so that the two planning commissioners who are not available to vote today
29 can vote, and that the applicant have additional information available pursuant to the questions
30 asked for that meeting so we can make a determination.

31

32 Mr. Tackett: Thank you, PD. Mr. Hopper, what is the process for recess? Is it, is it a motion and
33 a second? How, how does that process work?

34

35 Mr. Hopper: Honestly, I think as Chair, you could just, you could do that. You could say, I want a
36 recess, this meeting. I think you could do it by motion as well. So the motion on the floor, I think,
37 would accomplish that goal to make clear that this is a recess and not a, not an adjournment of
38 this item deferring to the next meeting. So if you're clear on that, that's fine. Again, this is a bit of
39 extra caution because since, I believe, this is a contested case, you would just be able to not take
40 testimony at the next meeting anyway, as you have in other contested cases. But I think that's an
41 option for you is to, to recess till the next meeting. And I think the motion on the floor would, would
42 do that if passed.

43

44 Mr. Tackett: Thank you. Thank you for your input. So we have a motion on the floor from PD. We
45 need a second. Have a second with Dale. All those in favor please raise your hand? All those
46 opposed, please raise your hand? Director, I believe that motion carries, does it not?

1
2 Ms. McLean: Yes, Chair. Commissioner Freitas voted no. Commissioner Hipolito did not vote.
3 So on this motion, it, he may been able to vote on this motion. But the other five commissioners
4 all voted yes, so the motion passes even without Commissioner Hipolito's vote.
5
6 Ms. Lindsey: I have a question. I'm not -- I'm a little bit confused.
7
8 Mr. Tackett: Sure, Ashley, what's your question?
9
10 Ms. Lindsey: The motion at hand is to defer with the other members -- well reconvening later. Is
11 that the only choices?
12
13 Mr. Tackett: That's the only choices because you didn't --. I wasn't -- yours didn't fly. I mean,
14 Kawika's didn't fly. PD's didn't fly. So the only thing you can do is, is defer because there needs
15 to be some kind of closure to it one way or another.
16
17 Ms. Lindsey: Okay. I keep my vote then if there's nothing.
18
19 Mr. Tackett: Yeah. There's nothing, nothing to be done until our next meeting at this point in my
20 opinion. Unless Director, you have something to add to that because you look like you have
21 something to add to that.
22
23 Ms. McLean: Chair, the Commission --. I agree that either . . . (inaudible) . . . the Final EA or
24 calling for an EIS or deferral are the three options available. But deferral can mean different things.
25 Defer to the next meeting, which is what you voted on, or you could defer, as some testifiers
26 asked for and asked for the CRC's input. Or you can defer and ask for input on a variety of issues.
27 So --
28
29 Mr. Tackett: Understood.
30
31 Ms. McLean: -- there are different --. There can be . . . (inaudible) . . . characteristics to defer.
32
33 Mr. Tackett: Correct, and we're not deferring anyway if I understand correctly. We're recessing
34 which is a different kind of animal altogether.
35
36 Ms. McLean: That's correct.
37
38 Ms. Lindsey: I would -- if I could reverse my vote and I'm going to vote no with Kawika.
39
40 Mr. Tackett: I think you already did vote no. That's what you, that's what you voted.
41
42 Ms. Lindsey: . . . (inaudible) . . .
43
44 Mr. Tackett: Yeah. That was your vote. Yeah, that was your vote.
45
46 Ms. Lindsey: Okay.

1
2 Mr. Tackett: And once, once the vote goes down, I don't believe anybody can reverse anything.
3 It is what it is. When you lay down your vote, you need to make sure that that's the vote that you
4 want.
5
6 Ms. Lindsey: Okay, thank you.
7
8 Mr. Tackett: You're welcome.
9
10 Mr. Hopper: Were there, were there five votes in favor of the motion then?
11
12 Mr. Tackett: Yes, there was.
13
14 Mr. Hopper: Even without Commissioner Lyndsey's vote? Okay.
15
16 Mr. Tackett: I don't know. Was that, was that counting Commissioner Lindsey?
17
18 Ms. McLean: That was counting Commissioner Lindsey.
19
20 Mr. Tackett: I see. I see, so she doesn't --. Okay, . . . (inaudible) . . .
21
22 Ms. McLean: She . . . (inaudible) . . .
23
24 Mr. Tackett: So I'm going to go with Director and Corp Counsel to see if you can get us out of this
25 because.
26
27 Ms. McLean: Well, I believe Commissioner Lindsay voted in favor of the motion to recess. You
28 may not have meant to --
29
30 Mr. Tackett: Correct.
31
32 Ms. McLean: -- or she may have understood other options. I don't know if Mr. Hopper thinks it
33 would be acceptable for Commissioner Hipolito to vote on this because it's not taking action on
34 the item before the Commission. So that might be an option as well.
35
36 Mr. Hopper: Okay, a couple of things. One is, I don't know how this is going to go to the CRC and
37 get its comments before the next meeting. Again, I'm concerned about the time frame with the 30
38 day deadline and action taken. So if that's something that can happen before the next meeting,
39 then I suppose that could happen and the applicant can have that.
40
41 The other issue is that if you have no vote, if you don't have five votes on this item, it's going to
42 be deferred anyway because you'll have no action taken. It's going to show up on your next
43 meeting agenda and that's what's going to happen in any case. If, if there's issues with deferral,
44 again, you need five votes to do anything. So, so if there's some other thing you wanted the
45 applicant to do before the next meeting, I suppose you can discuss that. But at this point --
46

1 Mr. Tackett: Mr. Hopper, I believe the, the contention is, I don't believe Ashley voted the way that
2 she wanted to vote. So I believe that's where the confusion is coming from.

3
4 Mr. Hopper: Okay, here's, here's what I'm going to recommend. If it's unclear how the
5 commissioner voted at the time -- I don't know if I heard a vote or what exactly had happened --
6 if the Commissioner was unclear, I'm okay with rehearing that motion. What you will, I think, want
7 to do in future cases -- also because you can't necessarily see everybody -- is do a roll call vote
8 for each member so you can say -- or have, have Director McLean do that -- so you can say for
9 each vote how each member is going to vote in favor, or opposed, or silence. And silence means
10 that you vote in favor of the item under your rules. So why don't we do that for the future so we
11 can make sure that --. I know it's hard because, you know, I can't see everybody and I know you
12 can't always see everybody so I think might be a good recommendation for the next, next item. If
13 you want to, if the commissioner did not, was unclear how she voted in that case, then I'm okay
14 with you redoing that motion. But again, if you can't get five votes either way, this is going to end
15 up being deferred to the next meeting anyway.

16
17 Mr. Tackett: Okay, well, let's, let's just follow through with the process. I'm going to call for the
18 votes once again. We have a, we have a first and a second on the floor.

19
20 Mr. Edlao: Wait, wait, wait, wait, wait, wait, wait, wait. The point of order here, what the hell
21 is going on? Are we, we . . . (inaudible) . . . the previous vote and . . . (inaudible) . . .

22
23 Mr. Tackett: So, Jerry, we're going to go through the process again just because Ashley is not
24 sure if she voted the way that she wanted to vote or not. So --

25
26 Mr. Edlao: So she gets to change her mind?

27
28 Mr. Tackett: No, it's not about changing your mind. It's about understanding the question and
29 voting what . . . (inaudible) . . .

30
31 Mr. (____): Because they, they have to get five votes to pass anything. And you got one, two,
32 three, four, five, six.

33
34 Mr. Tackett: Somebody's talking on the, on the phone.

35
36 Ms. La Costa: Tom, you're not muted. Tom, you're not muted.

37
38 Mr. Tackett: So, it's not about that. It's about clarity is what it's about.

39
40 Mr. Edlao: Okay, so what are we moving on now then?

41
42 Mr. Tackett: Let's go from the beginning. So we have a motion from PD. PD, your motion was to
43 defer, correct?

44
45 Ms. La Costa: No. My motion was to recess.

1 Mr. Tackett: To recess --

2
3 Ms. La Costa: If you'll let me speak please. My motion was to recess, to vote until next time so
4 that Commissioners Hipolito and Pali could be able to vote and that the applicant will have time
5 to get the information requested rather than do a deferral. This is --. Actually I should stop right
6 there because the deferral will have to take public testimony. So it was to recess the vote till next
7 time.

8
9 Mr. Tackett: Okay, and then we have a second. And the second was from...Dale.

10
11 Mr. Thompson: Yeah, and Mel's got a question for you. He's raising his hand. I don't know if you
12 can see him or not.

13
14 Mr. Tackett: I understand, but we have a motion on the floor --

15
16 Mr. Thompson: Okay.

17
18 Mr. Tackett: -- so we got to work through the motion that we have on the floor. Like there cannot
19 be questions in the middle motion. Like there was so much time for questions, you know.

20
21 Mr. Thompson: Alright. You got my second.

22
23 Ms. McLean: Chair, I believe Commissioner Hipolito can ask a question if it relates to the motion.

24
25 Mr. Tackett: Okay. Then, then, Mel?

26
27 Mr. Hipolito: My question is this. I was not aware and I don't think it was answered by Mr. Hopper
28 yet that I could not vote, or if I could vote, on PD's motion to recess. I need to know if I can vote,
29 by Mr. Hopper, on PD's motion. That's my question.

30
31 Mr. Tackett: Thank you, Mel. Mr. Hopper, could you, could you answer Mel's question, please?

32
33 Mr. Hopper: Out of an abundance of caution, I'd advise not voting on this motion. You haven't
34 heard all the testimony. I understand, again, it's going to be, it's going to be deferred if you can't
35 get a vote anyway. But, yes, I'd advise not voting on anything until you've reviewed the full record.

36
37 Mr. Hipolito: Thank you.

38
39 Mr. Tackett: So we have a motion and a second. All those in favor of recessing this item to the
40 next meeting. Director, if you could please roll call?

41
42 Ms. McLean: Commission Edlao?

43
44 Mr. Edlao: Yes.

45
46 Ms. McLean: Commissioner Thompson?

1
2 Mr. Thompson: Aye.
3
4 Ms. McLean: Commissioner Freitas?
5
6 Mr. Freitas: No.
7
8 Ms. McLean: Commissioner Lindsey?
9
10 Ms. Lindsey: I would feel confident recessing till the next round as long as they get a little more
11 community input from --
12
13 Mr. Tackett: It's, it's not like that.
14
15 Mr. Edlao: It's a no.
16
17 Ms. Lindsey: Then no.
18
19 Mr. Edlao: It's a no.
20
21 Ms. Lindsey: No.
22
23 Ms. McLean: Commissioner La Costa?
24
25 Ms. La Costa: Yes.
26
27 Ms. McLean: And Chair Tackett?
28
29 Mr. Tackett: Yes.
30
31 Ms. McLean: Commissioner Hipolito, if he's taking the advice of Corp Counsel cannot vote, so
32 the motion fails, four to two.

33
34 **It was moved by Ms. La Costa, seconded by Mr. Thompson, and**

35
36 **The Motion to Recess the Matter to the May 11, 2021 Meeting in Order for**
37 **Commissioners Hipolito and Pali to be available to vote and the applicant will have**
38 **the additional information available as discussed, FAILED.**

39 **(Assenting – P D. La Costa, D. Thompson, J. Edlao, C. Tackett)**

40 **(Dissenting – K. Freitas, A. Lindsey)**

41 **(Excused – K. Pali, M. Hipolito)**

42
43
44 Mr. Tackett: So Director, does it, does it automatically defer by default? Is that where we're going
45 with it?
46

1 Ms. McLean: Chair, Commissioner Lindsey may have a motion or question.
2
3 Mr. Tackett: Okay. Go ahead Commissioner Lindsey. Do you a --
4
5 Ms. Lindsey: Mr. Goode is on. I don't know if he has question or can he talk now?
6
7 Mr. Tackett: I don't know, I don't know what my process for, for Mr. Goode. Director?
8
9 Ms. McLean: It's your discretion, Chair, if you would like to recognize the applicant.
10
11 Mr. Tackett: Okay, Mr. Goode, what would, what you like to add?
12
13 Mr. Goode: Thanks Chair. I understand the dilemma the commission is in. If it would help, the
14 motion you had before you was a recess so two commissioners could review the record and get
15 more information from the applicant, that's us. So speaking to that portion of it, we'll provide you
16 some information --
17
18 Mr. (____): . . . (inaudible) . . . the applicant.
19
20 Mr. Tackett: Hey, you know, Mr. Goode, I understood what you're saying. And then whoever is
21 shouting in on the call like that cannot happen anyway. If you want more shout in the call, just
22 come in, raise your hand like Mr. Goode, I'll call you. You want to, you want talk to it, it's my
23 discretion. It's an open forum. I support you all. But don't run over the other guy, okay. Just, just
24 -- let's keep it straight forward, you know, so please let Mr. Goode finish talking. And if I gave Mr.
25 Goode an opportunity to talk and it's my discussion, and you want to say something too, I'll give
26 you a shot as well. But don't scream it out over the top of everybody because that's just not
27 appropriate, okay? I wouldn't do that to you, and please don't, don't do that to us. So, Mr. Goode,
28 please continue. And at the end of that, whoever is, is screaming out stuff from the sideline, I'm
29 going to give them, I'm going to afford them the same opportunity because you asked for that kind
30 of discretion yourself.
31
32 Mr. Goode: Mr. Chair and members of the commission. Again, to recap, you had a motion before
33 you to recess so that two commissioners could review the record and for the applicant to provide
34 information. To me, it wasn't super clear what we would provide. But what I would like to provide,
35 I think it was just Commissioner Lindsey, is we'll provide a report of the consultation that we've
36 done and that it is on, it is ongoing. And so at least you'll have an opportunity to see from us the
37 consultation that's happening and will be happening. And if that helps to move this on, then I'm
38 offering it. Thank you.
39
40 Mr. Tackett: Thank you. I appreciate --
41
42 Ms. Lindsey: . . . (inaudible) . . .
43
44 Mr. Tackett: -- I appreciate that, the offer. Thank you, Mr. Goode. And please, please, like I said,
45 if you guys want to speak, Ashley, like, don't just come in and do it, you know, what I mean? Like,

1 you've got to --. So before you, I got somebody else coming in that's just yelling out above
2 everybody else as well. So whoever that was, if we're going to be making exceptions.

3
4 Mr. Hopper: Mr. Chair?

5
6 Mr. Tackett: Mr. Hopper? Yeah, you go ahead, Mr. Hopper.

7
8 Mr. Hopper: Because public testimony has been closed on this item, you can hear from the
9 applicant if you like. But if you're going to start re-opening public testimony, I think you'd have to
10 let basically everybody testify again and would advise that could be problematic. So that's, that's
11 the only thing that I would want to raise for you. If you have items you want to address with the
12 applicant that's fine. But if you're going to address public testifiers and allow them to address you,
13 I think you have to sort of allow everybody to do that again, so I wouldn't advise doing that.

14
15 Mr. Tackett: So thank you very much, all you guys, for all your questions and all your hands up,
16 but you guys are not being helpful to me. Nothing that has gone on from, from the last motion
17 forward has been helpful for me, okay? So right now we have to defer this item to, to a different
18 time. Alright, ladies, with that, with that look on your face I expect that probably things need to be
19 said so...first Ashley because she was first, and then we'll go back to PD after that. Go ahead
20 Ashley.

21
22 Ms. Lindsey: I make a motion to recess until the next meeting and have the applicant provide the
23 information that he just suggested before then so, for us to review. And also then Mr. Hipolito,
24 and Pali, Ms. Pali, can review everything and also vote.

25
26 Mr. Tackett: Okay, we got a motion from Ashley. We got a second from PD. Director, could you
27 please call for a roll call vote?

28
29 Ms. McLean: Yes Chair.

30
31 Mr. Tackett: Hold on. Sorry Director. Kawika, Kawika has something he needs to say too. Go
32 ahead.

33
34 Mr. Freitas: I'm sorry. I just want to speak on the motion. Is that allowed?

35
36 Mr. Tackett: Yup. Go ahead.

37
38 Mr. Freitas: I want to share that by recessing and not getting a vote or making a decision tonight
39 is, is us really not doing our best work. I going tell you why. Because we've had this happen before
40 when it was recessed and then people who weren't in these meetings may read transcripts, but
41 they did not sit through like we did and heard the passion of these testifiers and hear every word
42 the way that they said it. I'm going to go back to Mr. Cody's testify, testimony. That was a very
43 deep presentation. And it's that kind of testimony that moves me and solidifies the reason that I
44 voting the way that I am. And I'm voting no on this recess and let everybody else join in because
45 I think we heard enough to make that decision. And it seems like some of my fellow
46 commissioners feel just, just do this because it's going to come by us again. Well, if we do an EIS,

1 it will come by us again, right. And that way, more of the information and a real clear answers to
2 a lot of these things that I've been bringing up but -- and the testifiers, all they have been bringing
3 up -- and it's just like, oh, just move it along. Just move it along, going back to what the Planning
4 Department did 40, 30, 40 years ago and just let the thing get out of hand the way that it is. So
5 I'm just sharing. This is why I'm voting the way that I want. I really want us to settle this and we
6 can do it by passing it on to an EIS, and then we will still get to hear it again. And at that point, we
7 get all our commissioners, and we go, and it win, and it goes through, it goes through. So that's
8 why I'm, I'm voting no again on this. I want us to hash it out and not push it to two other
9 commissioners that didn't hear it the way that we did. Thank you, Chair.

10
11 Mr. Tackett: You're, you're welcome, Kawika. And that's the beauty of the commission. You know,
12 like everybody's allowed their opinion, you know, so and I respect the passion of, of all our
13 members. That being said, I believe PD would also like to speak to the motion.

14
15 Ms. La Costa: Thank you, Chair. What I'd like to say is that -- and I absolutely respect all of my
16 fellow commissioners and all of their opinions because we all have different ones and that's why
17 it's valuable to have so many different personalities and backgrounds on the commission. We
18 have two commissioners that cannot vote, and I think that something that's important needs to be
19 recessed so we don't have to defer it and open public testimony again. We had 36 people who
20 testified today. If we defer it and it's open to the public, we will have another 36 or we'll have 45
21 or we'll have 140. So and I understand the passion and both sides. Like Christian, I am torn
22 because we need to preserve the culture and, and everything that is important that makes Hawaii
23 nei what it is. But we also have to look at the entire picture of, of the islands. And I think that we
24 need to have as many commissioners as possible weigh in on this, and not just try to ram it
25 through, because as evidenced with these five votes we've taken, there is no majority on an EIS
26 or not an EIS. There would be if we had all the commissioners. So that's the reason that initially
27 I wanted to recess it, and now Commissioner Lindsey has reopened this, the same motion, to
28 have it recessed and that's why I'm going to support it. Thank you, Chair.

29
30 Mr. Tackett: Thank you, PD. Commissioners, anybody else want to speak to the motion? No?
31 Can we take a roll-call vote, please, Director?

32
33 Ms. McLean: Yes, Chair. Again, the motion on the floor as to recess to the next meeting with the
34 information that the applicant said they would provide. Commissioner Edlao?

35
36 Mr. Edlao: Yes.

37
38 Ms. McLean: Commissioner Thompson?

39
40 Mr. Thompson: Yes.

41
42 Ms. McLean: Commissioner Freitas?

43
44 Mr. Freitas: No.

45
46 Ms. McLean: Commissioner Lindsey?

1
2 Ms. Lindsey: Aye. Yes.
3
4 Ms. McLean: Vice-Chair La Costa?
5
6 Ms. La Costa: Aye.
7
8 Ms. McLean: And Chair Tackett?
9
10 Mr. Tackett: Yes.
11
12 Ms. McLean: Chair, you have five ayes, one no, and one who cannot vote, so the motion passes.
13

14 **It was moved by Ms. Lindsey, seconded by Ms. La Costa, and**

15
16 **VOTED: To Recess the Matter to the May 11, 2021 Meeting to have the**
17 **applicant provide the information as discussed and Commissioners**
18 **Hipolito and Pali will have time to review the record and have the**
19 **ability to vote.**
20 **(Assenting – A. Lindsey, P D. La Costa, D. Thompson, J. Edlao,**
21 **C. Tackett)**
22 **(Dissenting – K. Freitas)**
23 **(Excused - K. Pali, M. Hipolito)**
24
25

26 Respectfully Submitted by,
27
28

29
30 LEILANI A. RAMORAN-QUEMADO
31 *for* CAROLYN TAKAYAMA-CORDEN
32 Secretary to Boards and Commissions II
33
34

35 **RECORD OF ATTENDANCE**

36
37 **Present**

38
39 Jerry Edlao
40 Kawika Freitas
41 Mel Hipolito, Jr.
42 P Denise La Costa, Vice-Chair
43 Ashley Lindsey
44 Christian Tackett, Chair
45 Dale Thompson
46

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1 **Excused**

2 Kellie Pali

3

4 **Others**

5 Michele McLean, Director, Department of Planning

6 Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

7 Jordan Molina, Deputy Director, Department of Public Works

8