

# LAND USE COMMITTEE

Council of the County of Maui

## MINUTES

July 25, 2007

### Council Chamber

**CONVENE:** 1:35 p.m.

**PRESENT:** Councilmember Michael J. Molina, Chair  
Councilmember Joseph Pontanilla, Vice-Chair (Leave 6:00 p.m.)  
Councilmember Michelle Anderson, Member  
Councilmember Gladys C. Baisa, Member (Leave 5:50 p.m.)  
Councilmember G. Riki Hokama, Member (Arrive 1:41 p.m.; Leave 3:50 p.m.)  
Councilmember Jo Anne Johnson, Member (Arrive 1:38 p.m.; Leave 6:00 p.m.)  
Councilmember Danny A. Mateo, Member  
Councilmember Bill Kauakea Medeiros, Member  
Councilmember Michael P. Victorino, Member

**STAFF:** Tammy M. Frias, Committee Secretary  
Carla M. Nakata, Legislative Attorney

**ADMIN.:** Colleen Suyama, Deputy Director, Department of Planning  
James A. Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** Charles Jencks, Owner's Representative, WCPT/GW Land Associates, LLC  
Gwen Ohashi Hiraga, Principal, Munekiyo & Hiraga, Inc. (Applicant's entitlement consultant)

Mark Isenmann  
Tom Croly  
Ron Vaught  
Ed Lindsey, Maui Cultural Lands, Inc.  
Roger Greenwald  
Phil Johnson  
Gene Zarro  
Colin McCormick  
Angie Hofmann  
Mele Coleman  
Alan Wallace  
Stan Franco, Housing for the Local Person  
Bonnie Newman  
Patricia Stillwell  
Chip Hilberg  
Mark Hyde  
Michael Duberstein

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Inez Okamura, Housing for the Local Person  
Pamela Palencia  
Mimmie Hoffman  
Valerie Simonsen  
John Carty  
Jeanne Duberstein  
Mike McCormick  
Chandrika McLaughlin  
Cambria Moss  
Warren Blum  
Lisa Buchanan  
Jimmy Connift  
Zandra Souza-Amaral  
David Heard  
Lezle Molina  
Ray Mains  
Desiree Lopes  
Lala Caballero  
Chisa-Lee Anela Okalani Dizon  
Christy Lynn Cistone  
Wayne Nishiki  
Guy Aina  
Joyclynn Costa  
Irene Bowie, Executive Director, Maui Tomorrow Foundation, Inc.  
Pat Borge  
David Mogilefsky  
Aerie Waters  
Dick Mayer  
John Naylor  
Rob Parsons, Conservation Chair, Sierra Club-Maui  
Maury King  
Bill Kamai, Hawaii Carpenters Union  
Ivan Lay, Hawaii Carpenters Union  
Cody (Koko)  
  
Jesse Spencer  
Terri Ewbank  
Bob Hansen  
Elden Liu  
Wayne Bachman  
Soren Jensen  
Kapono Nahooikaika, Maui Tomorrow Foundation, Inc.  
James Williamson, Maui Meadows Homeowners Association  
Lisa Kasprzycki  
Travis Thompson

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Somerset Tullius  
Gene Weaver  
Charles Jencks, Owner's Representative, WCPT/GW Land Associates, LLC  
Mark Spencer  
Valentino Ceria, Field Agent, Plumbers & Fitters Union Local 675  
Richard Michaels  
Vernon Ta`a, Legislative Liaison, Plumbers & Fitters Union Local 675  
Lance Holter  
LaJon Weaver  
Carl Chase  
Judith Michaels  
Lorien Acquintas (Lolo Mon)  
Lucienne deNaie  
Jeff Faulkner  
Reverend Robert Nelson  
Mercer "Chubby" Vicens  
George Aikala, Laborers Union Local 368  
Andrew Kaina, Laborers Union Local 368  
Janos Padilla, Padilla Designs LLC  
Volker Weiss  
Helen Anne Schonwalter  
M. Todd MacFarlane  
Anthony Carter  
Paz Padilla  
Ken Jencks  
David Bergau, Operating Engineers Local Union 3  
Samson Harp  
Bob Cella  
David Morin  
Andrew Morales  
Danniel Morales  
Martin Williams  
Bettina Jones  
Christine Rose  
Lahela Augustin  
Jeana Medeiros  
Jennifer Jensen  
Nathanial Mickelson  
John Belles  
Tom Blackburn-Rodriguez  
Puanani Lindsey  
Suzanne Lahl  
Unmani Cynthia Groves  
Kimokeo Kapahulehua

LAND USE COMMITTEE MINUTES  
Council of the County of Maui

July 25, 2007

---

Robin Knox  
Renee Riley  
Ray Skelton  
Tom Tezak  
Paanaakala Baybayan  
Nohea Farmer  
Jason Medeiros  
Todd Craine  
Stephen West  
Larry Feinberg  
Meenakshi Angel Honig  
Lanakila Librando  
Dwayne Betsill  
Chris Tackett  
Leila Kalani Larson  
Kuilani Elaban  
Additional attendees (50)

**PRESS:** Claudine San Nicolas, *The Maui News*  
*Akaku--Maui County Community Television, Inc.*

---

CHAIR MOLINA: . . . (*gavel*). . . Land Use Committee meeting for July 25, 2007 is now in session. For the record, we have in attendance Members Mateo, Anderson, Baisa, Medeiros, Pontanilla, Victorino and Molina. Excused are Members Johnson and Hokama. From the Committee Staff we have Legislative Analyst Carla Nakata and Committee Secretary Tammy Frias. And from the Corporation Counsel's office, we have Mr. James Giroux and from the Planning Department, Deputy Director Colleen Suyama.

**ITEM NO. 38: CHANGE IN ZONING AND PROJECT DISTRICT PHASE I APPROVAL FOR  
"HONUA`ULA/WAILEA 670" RESIDENTIAL DEVELOPMENT  
(C.C. No. 01-334)**

CHAIR MOLINA: Welcome everyone. The Council Chambers is filled to capacity today and we have one item that we're dealing with today, a very big item which is LU-38, Change in Zoning and Project District Phase I Approval for "Honua'ula/Wailea 670" Residential Development.

And we're gonna begin first with public testimony but the Chair would like to request from everyone, being that we have a lot of people signed up to testify, close to 100 at this point. I'm gonna ask everybody, because this is such a...uh...I guess a...a....somewhat sensitive subject for many, we're gonna ask that you refrain from applause. Respect each other's opinions and please refrain from any unnecessary noise. The Chair will not tolerate any disruptive behavior in these Chambers so if we can abide by the rules, I think we shall have a very civil and very well-

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

facilitated meeting, I hope. That the Chair appreciates everyone's input on this very serious matter.

So with that being said, we will start with public testimony. And just a few ground rules before we begin. Please turn off all your cell phones and pagers so as not to disrupt our proceedings today. Our first testifier for LU-38 is Mark Isenmann. And he'll be followed by Tom Croly. Please come up to the front. And for those of you who have just arrived, if you would like to testify when the testifier is done testifying, please come up and sign up at your leisure.

**...BEGIN PUBLIC TESTIMONY...**

MR. ISENMANN: How long do I have?

CHAIR MOLINA: You have—by the way—yes, thank you. You have three minutes to testify with one minute to conclude. And identify...uh...please when you start, give us your name and any organization you may be representing. Proceed, sir.

MR. ISENMANN: My name is Mark Isenmann. I'm representing myself and my family. And I'd like to thank you for coming. I also am a contra...licensed general contractor and a real...real estate broker. Defining a great community. A great community incorporates planning for the future, not just for our children but our grandchildren as well as ourselves. A great community offers opportunities for lower, middle and upper classes to thrive regardless of race, color, ethnicity or national origin. A great community serves the greater good within the larger community by providing educational opportunities for our children with churches, parks and recreational avai...recre...recreational available...availabilities for everyone. Safety issues, local business services, healthy lifestyle initiatives and infrastructure for roads and community improvements as well as education, if I haven't said it.

One of the great developers in the United States, James Rouse, once said, "A great community offers love." He was attacked many times for saying that but in the end everyone agreed that it was love that made a great community. As Council members and elected and appointed offi...officials, you have the chance to guide the future for Maui for the next 50 years. The decisions you make today will affect your children's and children's grand...grandchildren's future also. With the path that Maui's taking today, will the...will it offer you opportunity to live on Maui in the future or lead your...your children to live in Nevada or Texas to find affordable housing as about 100,000 folks from Hawaii have already left.

If you moved...as Council members, if you moved to Maui today on your salary, could you afford to buy a \$600,000 home? The answer is probably no. This is based on a 25 to 28 percent of your income going...going to your mortgage. Odds are that very few people in this room would afford...would have a...would have a very difficult time, in the...in the government sector, affording a home. Many of Maui's—never mind that.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

The eco...economic reality is scarcity dries up housing prices. As long as demand is substantially higher than the su...the supply, price will go up. Therefore, if you stop responsible development, you are as an unattended consequence, going to future escalate real estate prices, period. For Maui to prosper in a common...community sense, the upper income folks will end up partially subsidizing the middle income and lower income folks for the foreseeable future or the community will live without essential services in the future.

My understanding is that Wailea 670 is a planned community. I've looked at the plans. I've read over'em all that I could find. I've met with Charlie personally out of...not out of...out of curiosity more than anything. I did not know anything about this property...er, property before about a year ago. My understanding, after speaking eye to eye with Mr. Charlie Jencks, is that Wailea 670 has—I'm gonna call it whatever the Honul...

MS. NAKATA: Three minutes.

MR. ISENMANN: I can't pronounce the other name—to offer 700 affordable units as part of a master plan. In addition, it's also my understanding they were, according to Charley speaking to him eye to eye, okay, that they are willing to start the affordable component at the inception of the product. That means affordable housing very soon, as quickly as it can be developed. I would urge you, therefore, to approve the project contingent on a list of conditions that must be met in order to meet and...what the...and the order that they must be met in the event that the interest rates or the materials rise or real estate slumps and the opportunity may be lost. I urge and enable...I urge you to enable Wailea 670 provide 700 units in a timely manner for the 4,000 or 5,000 are urgently needed where some folks wait...have waited on a list for 12 years. Now is the time to act on behalf of your conscience and community as a whole. It is time to make the right, moral and ethical decision to allow Wailea 670 to proceed with conditions and timelines --

MS. NAKATA: Four minutes.

MR. ISENMANN: --if necessary. Thank you very much.

CHAIR MOLINA: Okay. Thank you, sir. Committee Members, questions for the testifier? Seeing none. Next to testify, we have Tom Croly, followed by Ron Vaught.

MR. CROLY: Aloha. My name is Tom Croly and I'm a resident of Maui Meadows so this project will directly impact me. I'm not here to testify for or against this project. I'm here to urge you to treat this applicant fairly. From what I've seen over the past several years, these folks have been very accommodating to any requirements made of them. And I believe that they want to be responsible developers.

My major concerns are one of in...infrastructure. Specifically, Piilani Highway is a problem. Those who can remember back just a few years ago can remember that Piilani Highway was a parking lot for several hours of each day. The recent widening and re-striping of...of...the highway, has improved things tremendously. However, at this point of...however, that...the

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Piilani Highway still is a substandard road as evidenced by the recent tragic deaths that have occurred there. Adding 1,400 homes at the end of Piilani Highway without making improvements to the entire road wouldn't be a prudent thing to do at this time. I don't think that this should be a concern of only this applicant but of the community at large.

Many of us will testify today and express many more concerns about this project and all are valid and have their place. It's my hope that the Land Use Committee, the developer and the public can open a dialogue that will productively address everyone's concerns. I hope these dialogues can lead to a win-win situation for everyone. Thank you.

CHAIR MOLINA: Thank you, Mr. Croly. Committee Members, questions for the testifier? Member Anderson.

COUNCILMEMBER ANDERSON: Mr. Croly, thanks for being here. So are you saying that the...the substandard striping on Piilani Highway that the highway needs to be widened to Federal Highway standards in order for it to be adequate and safe?

MR. CROLY: Well, I'm...I'm not a highway expert. However, there's...there's many parts of...of Piilani Highway that are...that are substandard.

COUNCILMEMBER ANDERSON: Right.

MR. CROLY: The shoulders aren't wide enough. The access, there's plenty places that need to...need to have lights at the intersections and so forth. And it's...it's just a fundamental concern of mine that this project doesn't go on until those things are addressed.

COUNCILMEMBER ANDERSON: Okay. Thank you.

MR. CROLY: That dividing it would probably be one...one major thing.

MEMBER ANDERSON: Right. Thank you.

CHAIR MOLINA: Committee Members, any more questions for the testifier? Seeing none. Thank you, Mr. Croly. Next to testify, we have Ron Vaught, followed by Ed Lindsey.

MR. VAUGHT: Aloha.

COUNCILMEMBER BAISA: Aloha.

MR. VAUGHT: I...Mr. Chairman, Members of the Council's Committee on Planning [*sic*] and to the interested members of the community, I really appreciate the opportunity to come and speak. My name is Ron Vaught and I've lived on Maui for nearly 50 years. Been a Kihei homeowner for more than 36 of those years. In all of my years here, I've not seen a large number of people exiting Maui's shores, nor have I seen a reduction in the number of homes.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

And in 1958, we had in the neighborhood of 34,000 residents. Today we have nearly 600...nearly a 160,000 residents. Our neighborhood has grown and it continues to grow. What we must ask ourselves is how do we want it to grow? As you can see by what was done in Kihei in the past, the more than 15 strip malls and concrete poured everywhere and pretty poor planning to turn out what we have today. Not much thought went into the planning of the residential areas. Land was sold. Plans were put in motion to maximize the use of every square inch of every lot. Maximize profits without much concern for the needs of the surrounding community. I don't think there's anyone here who will argue that point.

If we had concerned citizens then the way we have today, Kihei might look a little different than it does now. The roads might be different. We might have better streets. We might have better sewers. We might have a lot of things. Well, I look at Wailea 670 and look at their plan and I wish we had had a developer then that we could have gone to and said if you're going to build something in our community we want you to do this and we want to do this and we want you to put money in your budget so that our community looks nice, is maneuverable and, and we can have homes that people can afford to live in.

I'm representing myself, my 100 percent Hawaiian wife, my Hawaiian kids and my Hawaiian grandkids when I say we've got to have affordable homes for our young people and for the people who work in this community. Now Wailea 670 professes to build. They're in the planning to build 50 percent of their project as affordable. I can't see any problem with that. If they're affordable, let's get people...let's get it built and let's get people into them. I can't say it any better than Joe Bertram who said homes are going to be built and we have to ask ourselves, by whom? If Wailea 670 is held up for some reason and somebody else buys that piece of land and decides to build 3,000 or 3,500 or 4,000 homes there. . .

MS. NAKATA: Three minutes.

MR. VAUGHT: Time limit? Okay. I will say this, the gentleman who was representating...representing 670 has good planning skills. He's planned in our community, is...he has planned for cultural and environmental-friendly community. And then we have to ask ourselves, do we want them to build this kind of community or do we want what is in Kihei today? And I'd like to see what they're going to build. Thank you.

CHAIR MOLINA: Thank you, Mr. Vaught. Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Vaught. Prior to recognizing our next testifier, the Chair would like to recognize Members Johnson and Hokama to our proceedings today. We have to testify next Mr. Ed Lindsey, followed by Roger Greenwell.

MR. LINDSEY: Aloha auinala, Council Members. My name is Ed Lindsey. I'm representing Maui Cultural Lands whose primary mission is reforestation, archaeological stabilization and education. As we proceed in our testimonies this afternoon, there will have...you will have many eloquent speakers coming out giving out different points of views and it's important to



**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

recognize these points of views especially with our young people who are stepping up to the...to the plate. And that they be duly recognized as somebody who is, people who want to participate in the planning of their future.

My introduction is, in the word, there is life. In the word, there is death. The word "honua'ula", if you were to give it life, you would have to showcase Hawaiian things. To showcase golf courses mixed in with archaeological site, in that word would be death. In the word of life, the plants, who cannot speak for themselves, is what the Hawaiian culture is about. And we have a...over a hundred acres of native plants that are going to be bulldozed and moved into golf courses. It really breaks my heart. For example, Wiliwili. Besides being used for surfboards, floaters, there's also medicinal uses. The flower was used for venereal diseases. Nehe, it's going to be bulldozed. It's used for a tea that is used to clean the blood. Maiapilo, the kupunas were using that to fight cancer. One of the best strands of maiapilo is located in the area. It's gonna be bulldozed and it's gonna put in a golf course. Golf courses and archaeological sites do not mix. So we need to tweak that.

In the word there is life and in the word there is death. If a place that loses its Hawaiian names and I'll give you one example, a surf place that's real popular today is called Shark Pit. It's right in the front of our home in Lahaina. The correct name is uhailio(?). But when you use the name SharkPit --

MS. NAKATA: Three minutes.

MR. LINDSEY: --everything about uhailio(?) dies. When you use the word honua'ula and you put foreign things in there, the true meaning of honua'ula dies. There's much more I could talk about. One last one I'd...I'd like to share with you is Act 205 that I understand you had a workshop on. And we need to be careful that this is not become a stepping stone to urbanization. Besides water...I don't know where you gonna get the water. If I had...but if I was the developer, I'd go check with DHHL. They have the primary use of water. But it would be kind of unethical, in my opinion, to go to DHHL who was a Hawaiian in nature and ask for their water for something that is alien in nature. So with that, ladies and gentlemen, I want to leave that main thought with you.

MS NAKATA: Four minutes.

MR. LINDSEY: That we really need to take care of who we are and that is our Hawaiianess and our aloha. Mahalo.

CHAIR MOLINA: Thank you, Mr. Lindsey. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have Roger Greenwell to be followed by Phil Johnson. Before Mr. Greenwald gives his testimony, the Chair would like to thank all of you in the Chambers for showing your kokua and respect to our testifiers. Some folks outside, please refrain from conversations because the conversations are carrying in here to the Chambers. And

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

I'd like to ask staff to make sure we keep things down out there so as not to interfere with the testimony from our testifiers. Proceed, Mr. Greenwald.

**MR. GREENWALD:** Yes, Council Members and guests. My name is Roger Greenwald. After 37-year medical career and 36 years of visiting Maui with my wife and children for our yearly vacations, the past two years I have lived in Wailea in retirement. This has been my lifelong dream.

I'm not opposed to slow, smart development that does not intrude on the quality of life of present Maui residents, that includes depletion of natural, non-renewable resources such as water. Construction noise and traffic, explosives, jack hammering, massive diesel trucks on site and in the roadways. If...if we must have large development versus smaller developments such as Wailea Highlands, Golf Vistas, Golf Estates, Ekolu, Wailea Kai, Pualani, Kialoa, Fairway Estates, Elua, Ekahi, the natural resources and quality of life must be protected. Infrastructure is already suffering. Roads and health care are inadequate. Water is the ultimate resource at risk. Experience the present drought and pending crisis.

A huge development like 670 should be responsible prior to approval to commit to the infrastructure needs of the present and the future. The profits of development should be more equally shared by the community. There is no common sense for a few to profit at the cost of draining the natural resources and negatively affecting the quality of life of residents. If you must have large developments, require a significant infrastructure fund for both present and future needs. I suggest an additional \$100,000 per unit ... affordable housing except...exempt. That is if affordable housing is not just real estate speculation where people buy affordable housing and then put it back on the market inflating the cost of an affordable house. The developer passes on this \$100,000 to the purchaser. Property values stabilize or increase and the County has an infrastructure fund to deal with the demands of growth. Development then supports the bene...and benefits the community as a whole.

Many of us in Wailea object to the doubling of the size of Wailea in this one development. We object to the risk for our quality of life. I object to the use of Kaukahi Street as an entrance and exit for 670. Increase in traffic of...by that subdivision alone at least tenfold over what it presently carries because there are only a hundred homes served by that street. Piilani is an adequate entrance and exit for this development if it is to be built. The Hawaii State --

**MS. NAKATA:** Three minutes.

**MR. GREENWALD:** --Constitution, Article 11, conservation and development of resources for the benefit of present and future generations. The development and utili...utilization of the re...resources in a manner consistent with the conservation and furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people. Environmental rights, each person has the right to clean and healthful environment defined by laws relating to environmental quality including control of pollution and conservation protection and enhancement of natural resources. Section I of Chapter 344, the

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Hawa...Hawaii Revised Statutes states the purpose of this Chapter is to establish a State policy which will encourage productive and enjoyable harmony between people and their environment.

MS. NAKATA: Four minutes.

MR. GREENWALD: Section II. . .

CHAIR MOLINA: Sir, you need to conclude soon, please.

MR. GREENWALD: Yes, I su...sure will. Section II, land, air, water and minerals, flora and fauna and places of historic significance. I request of the Council, say no to 670. They may re-submit with resources more clearly protected and accounted for and a superfund for infrastructure to protect and benefit the people of Maui. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Greenwald. Committee Members, questions for the testifier? Seeing none...oh, Member Anderson.

COUNCILMEMBER ANDERSON: Mr. Greenwald, thank you very much for being here. As a resident of Wailea, your opinion is valuable because you live where this is happening. You mentioned water and I don't mean to put you on the spot but do you have any idea what—being that you live in Wailea—what the gallons per day that you guys use on your water bill?

MR. GREENWALD: I...I do not...we personally use?

COUNCILMEMBER ANDERSON: Yeah.

MR. GREENWALD: No, I don't.

COUNCILMEMBER ANDERSON: Because I think...I think the est...the estimation of what they think is gonna be used is way low and being that you live there, you have a house, maybe you could check your water bill and let me know.

MR. GREENWALD: All right.

COUNCILMEMBER ANDERSON: Thank you.

MR. GREENWALD: Happy to.

CHAIR MOLINA: Okay. Committee Members, any other questions for the testifier? Seeing none. Thank you. Next to testify, we have Phil Johnson to be followed by Gene Zarro.

MR. JOHNSON: Mr. Chair and Council Members, my name is Phil Johnson. I'm coming...speaking in behalf as a private individual. I'm also a member of the AIA and the former design covenant manager for the Wailea Community Association.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

And I'd like to speak just at...at on one issue. You have many people here that are going to speak on all the different issues, I believe. But just one issue I'd like to talk about and that is the water quality that comes into our ocean. And one of the things...one of the charges I...I was responsible for was to look at and help evaluate the potential impact of the 670 development on Wailea and...and in the surrounding area, in particularly water. There is a major water channel that goes down Wailea Ike Drive and a vast majority of the 670 site drains into that water channel. During heavy storm seasons, that water runs brown. And it's not from Wailea. It's from further upcountry.

By putting this development in, there will be a substantial amount of water retention basins put in that will dramatically increase the water quality content of what flows downstream. It...it will make a significant impact. And it's my understanding that Charlie Jencks what...who was...was responsible actually, for this County ordinance being initiated back when he was the Director of Public Works. So he has a long record, I think, of wanting to do the right thing for the environment and working towards improving this County and...and...and our beach reserves...resource and our water.

So that's my one issue. There are many, many others but I think it's a very important one. And I think it will greatly help the near shore by having this development in and...and by improving the quality of the water runoff. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Johnson. Committee Members, questions for the testifier?

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR MOLINA: Excuse me, Mr. Victorino. Mr. Johnson. And by the way, those of you in the audience please turn off your cell phones. Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Johnson. I'm very interested in...in...in what you've just said that a lot of water during major storms runoff comes through this channel. And by we putting in these retention basins, you feel that this will help the quality of the ocean itself by refra...re...restraining this water from flowing directly into the sea itself?

MR. JOHNSON: That's right. By having re...retention basins up, further uphill, you're going to give the water time to have the sediment settle out of it and it's slowly released downstream into...into the...into the water channel and into the...into the Wailea Beach and Wailea Bay and...and the...the near shore reefs.

COUNCILMEMBER VICTORINO: Because that's one of the concerns we've been facing as the...the quality of our reef system and the algae blooms and all the other issues have been or has been brought up that development, fertilizers and all these other things may contribute a great deal to it. But you feel this project could enhance and protect the...the ecosystem in the ocean by retaining this water from flowing into the ocean directly?

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

MR. JOHNSON: I think the County...the present County's rating requirements and drainage requirements will greatly increase the quality of water that comes down that drainage channel.

COUNCILMEMBER VICTORINO: Thank you. Thank you, Mr. Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Victorino. Member Johnson.

COUNCILMEMBER JOHNSON: Yes. Thank you very much, Mr. Johnson, for being here. I...I un...also believe you submitted written testimony as well. My question basically has to do with representations that have made...been made on other developments where these same standards that you refer to in your testimony have also been in place. And yet, the waters, particularly during construction phase, those developments have really degraded and this ordinance that you're referring to does not seem to have made a difference on the water quality. In fact, it still continued to worsen. So what is different about this development than the other developments who are held to the same standard who made the same claims and we saw the result?

MR. JOHNSON: I'm afraid I don't have that knowledge as to what the difference is. I know what I've...what I've experienced, what I've seen in the water coming off of that site at present. And I believe it will be greatly improved and...and there is a, my understanding, a very large and lengthy both State federally-mandated State requirement for controlling water sediment...water control sediment. The State does fine and monitor that. Wailea Development was...is actively...Wailea Community Association is actively involved in monitoring that through every construction project that goes into Wailea. I believe they'd be interested in...monitoring that construction process for 670. No one, I don't think, wants to have the beaches de...degraded with...with more sediment. There are laws and rules and best practice management in effect. Everybody does what the best they can to do that. Now, I can't speak on other developments. I'm sorry I don't know.

COUNCILMEMBER JOHNSON: And...and...and I appreciate your testimony. I think what you're referring to is the NPDES permits which are in place, which have been in place and the County also paid millions at Maalea...Maalea with those same rules in place. So, unfortunately, we don't always get the end result that was basically advocated from the beginning. But thank you and. . .

MR. JOHNSON: Just as...just as an aside, there's a lot of things...I think it's...it's the intent of the developer that makes it...that makes a lot...a big difference. I can give you...just as my knowledge. When several major developments started up simultaneously in Wailea, we went to Goodfellow Bros. Trucking and asked them to help control the trucking issue through Wailea. It was a great concern for the...all of the community, for all of Kihei and for Wailea residents. And they did several things to do that. We all...all we were asking for them to do was to follow the law -- to cover their loads, to not use their jake brakes and, and to not speed. And Goodfellow Bros. stepped up to the plate and did that. And one of the things that they did is they took the truckers off of a per load fee and put them on a daily fee. So there wasn't this impetus to make

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

more money. You're going to get "X" amount of money no matter how many loads. And there's nothing that required Goodfellow to do that. It was their desire to that. And I believe you have a developer here that has a desire to do the right thing.

COUNCILMEMBER JOHNSON: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Johnson. Committee Members, any other questions for the testifier? Seeing none. Thank you, Mr. Johnson. . . .*(change tape, start 1B)*. . . Zarro, followed by Colin McCormick.

MR. ZARRO: Good afternoon, Council Members. Thank you for giving me opportunity to speak here. Last year, this Council approved a bill. And I believe it's called the Workforce Housing Bill? And as soon as that bill went into effect, boy, the...the clamor from the community about there will never be a developer willing to do this. They'll never be able to make a dollar at this. It's way too high of a percentage. We have a developer here who's willing to prove that rhetoric wrong. We have a developer here who's willing to prove that 50 percent affordable housing is not an unattainable goal. And for me, that is a very, very important part of this project, 50 percent affordable housing, 700 units. That's almost 20 percent of the total problem of affordable housing that's been outlined over the years that we need 3 or 4,000 units fairly quickly. So I think this is important all by itself.

Another impact -- we hear about traffic impact but I also heard concerns about impact on the beaches. Allow me to state the obvious. The beaches of Kihei are not only used by Kihei residents. They are used by everybody in the coun...in the community on the island and, of course, our...our visitors. So a development in Kahului will eventually impact the beaches in Kihei. There are some of the best beaches in the country. So our solution to beach impact is not to stop development and deprive Maui residents of needed housing, it is to solve the beach issue clearly by itself. Open public access. Put in more parking. Buy the coastline back. Make it more accessible to the community. That is the way you solve the beach problem. Not taking a community that happens to have the beaches and deprive housing.

So with that said, I support this Wailea 670 project because of the benefit to the community for the affordable housing among many other things. But for me that is premier. Thank you.

CHAIR MOLINA: Thank you, Mr. Zarro. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have Colin McCormick followed by Angie Hoffman.

MR. C. McCORMICK: Aloha. My name is Colin McCormick. I'm a recent UH Manoa botany graduate. I work for the Nature Conservancy Hawaii and the Parks Service. And the main concerns I want to talk about today are terrestrial ecosystems, cultural sites and open space. But I likely will just only be able to talk about one of'em, which is the terrestrial ecosystems and Wailea 670.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Wailea 670 comprises of a lowland dry forest and lowland dry forests are critically in danger, they're probably the most critically endangered type of ecosystem left in Hawaii. There's less than 5 percent found anywhere and of that two to three struggling or remaining percent, it's a pretty hard hit. I mean, they've suffered fires, human development, ungulate damage, on and on. And Wailea 670, some, you know, some people may say, oh it's nothing that significant or whatever, but it's...for...for lowland dry forests, it's very significant. The Wiliwili forest there are really, truly some of the best Wili...Wiliwili forests I've ever seen. And I've been throughout...throughout all the main islands and I've seen Wiliwili forests. And many people admit that southern Haleakala has the best remaining Wiliwili forest. And it truly does. And Wailea 670 really is I think an emblem in there.

And there's...there's other plants. I've had the privilege to hike up there and GPS various plants. And *canavalia pubescens* is another one. It should be on Endangered Species Act. It's a Class II candidate for the Endangered Species Act. The only...Class I is to have an endemic genus which is a genus that's only found in a particular area, no where else in the world. That's a Class I, but this would've probably been listed if political stances would have been different. And the *maiapilo* shrubland, too, is also recognized as one of the best shrublands left in Hawaii. And *maiapilo* itself is an important food source for various native insects. And there should be I think entomological studies done up there.

There's likely various pollination syndromes going on up there. And that's the reason why we see plants recruiting naturally up there, probably still. Maybe the *lipochaeta rockii*, for instance, is a plant that's only found on this lava flow; there's maybe 30 or so left. And it's gonna, you know, on that section that's going to get turned into a golf course. And there's, yeah, this is a plant that's probably, you know, has a specific host pollinator but we don't know about it. And, you know, people may say oh, we can propagate or whatever. But will you be able to see it naturally recruit? Once you destroy this ecosystem, it's lost forever. So that's one of the main points I wanted to bring up.

And we know about the gall wasp in...infestation. Those ancient trees that we...we see will never be replaced likely. We have to respect those because those trees have been there for 300 or 400 and 500 plus years. Aren't...isn't that something worth holding on to? I think so. I'd rather see those golden gems there rather than another golf course.

MS. NAKATA: Three minutes.

MR. C. McCORMICK: And I've hiked up there and I've seen various cultural sites too. Every time I go up there I see more and more artifacts and cultural sites. And I think that place really deserves recognition and should be set aside, not just turned into another golf course. Thanks.

CHAIR MOLINA: Thank you, Mr. McCormick. Committee Members, questions for the testifier? Member Anderson.

COUNCILMEMBER ANDERSON: Thank you, Chair. Thank you for being here, Colin.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

MR. C. McCORMICK: Yeah.

COUNCILMEMBER ANDERSON: So, what we're dealing with is only 5 percent of this habitat remains.

MR. C. McCORMICK: Throughout the State and throughout the world, lowland dry forest.

COUNCILMEMBER ANDERSON: Throughout the State and throughout the world.

MR. C. McCORMICK: Yeah.

COUNCILMEMBER ANDERSON: And so we have a very rare habitat that still so...survives --

MR. C. McCORMICK: Definitely.

COUNCILMEMBER ANDERSON: --down at Wailea 670. In the southern portion of their project, in the a`awa flow.

MR. C. McCORMICK: Uh-huh.

COUNCILMEMBER ANDERSON: And is it because it's on the `a`a...a`awa flow that it still exists? Is that one of the reasons?

MR. C. McCORMICK: That's probably likely the reason why the `a`a habitat is, probably prevented fires and maybe ungulates from easily getting in there. But that's definitely the prime habitat still. There's some other kinda interesting stuff like pili shrublands and other unique types of things but, I mean, pili grasslands and stuff. But that's on the northern part of the property that's mostly sparsest over there but, yeah, the southern portions really, the `a`a, is the really nice stuff. There's about 110 acres of really nice, kinda like, sparse Wiliwili, maiapilo, nehe shrubland a`a habitat.

COUNCILMEMBER ANDERSON: And so this 110 acres, is it—in other words, if we were able to preserve this as a cultural and botanical preserve, of all the areas where on Maui, and I understand there's only a few areas where this dry land forest still exists, would this be an area where the public could easily access this and see native Hawaiian, um . . .

MR. C. McCORMICK: Yeah, definitely. I mean, it's so close. It's probably the lowest...the lowest dry land forest that I've seen. Palauea was part of this original forest and, you know, I remember seeing this nice Wiliwilis and maiapilos and all kinds of plants right there. But now they're kinda getting destroyed. But this is all part of that same, you know, ecosystem habitat. And, yeah, that's definite. It's so accessible, maybe, you know. . .

COUNCILMEMBER ANDERSON: And so how old do you think these trees are?



**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

MR. C. McCORMICK: The Wiliwilis?

COUNCILMEMBER ANDERSON: Yeah.

MR. C. McCORMICK: They're...they're...I seen some probably at least 400 years plus, 500 years, maybe, old.

COUNCILMEMBER ANDERSON: Thank you very much, Colin. Appreciate your information.

CHAIR MOLINA: Committee Members, questions? Member Johnson.

COUNCILMEMBER JOHNSON: Yes, thank you very much. And you sound very well-educated on the subject so I appreciate that. One of the things that, I believe, Mr. Altenberg has relayed to us in the form of his report is that this area should be preserved because of the reasons that you're stating. But have you had an opportunity to look at the preservation plan that the developer has submitted to this Council?

MR. C. McCORMICK: I believe he was planning to set aside six of the 110 acres for preservation. But maybe those figures have changed. I hope they have. I...I don't...I don't know. I heard maybe. . .

COUNCILMEMBER JOHNSON: They...from my knowledge, they have not. But so, you have had an opportunity and you've also seen Mr. Altenberg's report as well. In your opinion, then, from what I'm getting from you, is that the only way to really preserve this area would be to actually not relocate or try to mitigate or try to duplicate, but to just leave things in their natural state.

MR. C. McCORMICK: Yeah. And you can't relocate, you know, 30 foot tall trees that have—the roots have been there for 300 years. It's just more, I think just displacements gone on way too long already.

COUNCILMEMBER JOHNSON: And...and I know you mentioned the gall wasp also in your testimony. What is happening to the native Wiliwili forest in this area? I know that we are saving seeds but are some of those trees actually surviving? Because I have had reports that they are some of the few that are still surviving.

MR. C. McCORMICK: Yeah, yeah. The native Wiliwili has photosynthetic pigments in...in its stems. I think they have an advantage where the other Wiliwilis I see along the highway, they only have the green leaves, you know, that give them most of their energy and stuff. So they're...they're suffering the biggest loss.

The...the native ones, they can actually power through summers for years and years through major droughts. That's what they do in the summer. They lose all their leaves so they can get by just producing food in their stem. So they have an advantage. But the big thing, that's the

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

problem now, is the flowers are...and all those things are they're not developing properly. It's kind of vegetative on the Wiliwili. So I haven't seen really that...that much some seed production recently. And that's the big dilemma so I...I really think that these ancient trees you see are really, really going to be some of the last.

And also the ones that are younger, too, they're not really growing. They're growing but they're not really growing like they used to because now they can only produce half as much as, or one-tenth as much food because they can't flush out in the winter. Or they can't flush out for as long as they want to because the wasps just come by and just annihilates the leaves, you know. The larvae, they destroy the leaves.

COUNCILMEMBER JOHNSON: But in your opinion, the trees that do remain there, that's our best chance for preservation of the native Wiliwili?

MR. C. McCORMICK: I think it's definitely a resource, genetic resource. And, yeah, these...these, this Wiliwili section should definitely be left alone. It's like no other place I've seen.

COUNCILMEMBER JOHNSON: Thank you very much.

CHAIR MOLINA: Thank you, Member Johnson. Committee Members—(applause)...(gavel)...—Folks, settle down. Committee Members, any other questions for the testifier? Okay. Seeing none. Thank you, Mr. McCormick. Next, we have Angie Hofmann to be followed by Mele Coleman.

MS. HOFMANN: Aloha, my name is Angie Hofmann. I'm from Kihei, now live in Olinda. I...I'm very opposed to the re-zoning of the Wailea 670. I feel very strongly about it. I turned down a work...a day of work to be here today. And we all know how hard that is for the average Mauian.

Over the years, I have watched life on Maui become very imbalanced. And I don't believe this development is gonna improve that balance. I believe it'll go in the wrong direction. I don't believe the promises they're making of affordable houses. Maui's been lied to before about that. And I would just like to pose a question, why is it so expensive for the children of Maui to buy a home here? None of my high school friends live here any more. They all moved to cities because they don't think they can make it. And I think that these kinds of developments worsen that problem with these really high end houses that are way above the median price. So I would just like to reiterate that we need to be careful of the promises being made. And beyond that, the whole economic structure needs to be changed on Maui away from development and construction. We are facing so many environmental crises on Maui. They are plenty of jobs that can be created focusing on sustainability that would benefit the whole community instead of benefiting just a few and widening the gap between the haves and the have-nots.

I would like to live here all whole life...buy a home, start my own family but I'm very concerned about water. Is there gonna be enough clean water for me, my grandkids, their grandkids?

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

There's been drought conditions and we're talking about building another golf course in the driest part of the island, one of the driest parts of the island. That doesn't make any sense to me.

One of the reasons that Kihei is so parched is because invasive species were...have taken over a lot like what Colin was saying. I was told in its pre-kiawe days, that Kihei was quite a thriving forest land, dry forest land. Now the native forests of the South side are facing extinction. And Wailea 670 is asking to demolish much of what's left of these forests in their parcel. I think the new invasive species are multi-million dollar developments. Mahalo.

CHAIR MOLINA: Okay. Hang on, Ms. Hofmann. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have Mele Coleman followed by Alan Wallace.

MS. COLEMAN: Aloha. My name is Mele and I'm a second generation local from Oahu. And I have called Maui home for the past year and a half. I went to school on the mainland and I majored in marine biology so my focus here is mainly for conservation. I'm very worried about lots of things that Ed Lindsey and Colin touched on, so cultural sites and our native Hawaiian plants.

I work as a naturalist at Ahihi Kinau, which is a natural area reserve right next to La Perouse. And our main goal there is to manage and protect the area. There's lots of...lots of Hawaiian archaeological sites there and native Hawaiian plants. Now, as you guys know, Wailea 670, that area is adjacent to there. And it is home to lots of archaeological sites like Ed Lindsey was saying and also the lowland dry forest. So I'm very worried about these forests becoming extinct in the area. And I do think that we should try to preserve this land and to protect it, to leave it alone for future generations.

And I'm not against affordable housing. I do agree that I would love to live here for the rest of my life. I prefer it over Oahu. I've always thought it was more country and I'd like to end up buying a home here. But building these homes in that area is not a good idea. We're gonna be taking some of the last archaeological sites that exist on South Maui. We're gonna be ruining our last lowland dry forest. We're gonna be creating lots of runoff even though I've heard differently today. It's very disturbing to me coming from a marine biology background. There is going to be lots of runoff that is going to degrade the coral reefs. So I can pretty much guarantee that from such a large development.

And also...also with the traffic. Piilani is already very busy. And what if there is a tsunami warning or a brush fire and everyone has to evacuate? I think if they're gonna build something that large over there, they should demand that the roads...the infrastructure be improved before that happens. Could...could be very...very detrimental if there's a big problem like that.

And also the water but other people will touch on that. We see commercials on TV and ads on the radio telling us not to...to waste water and to conserve. And we're in a drought and then you want to build a golf course in the driest part of Maui? So I don't...I don't understand. It just doesn't make any sense all around for me. So, mahalo.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

CHAIR MOLINA: Okay. Thank you, Mele.

COUNCILMEMBER ANDERSON: Mele.

CHAIR MOLINA: Committee Members, questions for the testifier? Seeing none. Okay. Next to testify we have. . .

COUNCILMEMBER ANDERSON: Chair, I did have a question.

CHAIR MOLINA: Oh, I'm sorry. Member Anderson, proceed.

COUNCILMEMBER ANDERSON: Mele, thank you so much for being here and as a naturalist down in Ahiki...Ahihi Kinau, I'm sure you're aware of the recent study that was done by the Division of Aquatic Resources on the reefs of South Maui—well, actually of Maui, the southwest shores of Maui.

MS. COLEMAN: A little bit, yeah.

COUNCILMEMBER ANDERSON: The...and, you know, we're gonna have this in front of the Council next week. But they're saying that the growing problem of invasive species in the South Maui area is due to anthropomot...anthro. . .

MS. COLEMAN: Human...human impact, yeah.

COUNCILMEMBER ANDERSON: Thank you very much for qualifying that.

MS. COLEMAN: Yeah.

COUNCILMEMBER ANDERSON: But the gr...growth rate of algae on shallow reefs are extraordinarily high --

MS. COLEMAN: Yes.

COUNCILMEMBER ANDERSON: --and that such growth rates are so high that the estimated productivity of shallow Kihei reefs is among the highest ever recorded for any ecosystem on the planet.

MS. COLEMAN: It's really, really sad. It's the nutrient flow. It's just, you know, way higher than it would naturally be if we weren't building all these homes. And Wailea 670 is so huge that you could imagine how much runoff it's gonna cause. And we can, you know, we can argue this all we like but it's just...it's just a fact that's what happens. You can even just build a strip mall and you're gonna be impacting the reefs that's closest. So the water is gonna run down and it's gonna end up in Wailea and all those beautiful reefs and it's even gonna go down to Ahihi Kinau, and our pristine coral reefs there will be impacted by this. It's just a fact. I don't know how you

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

can argue that. It's just what happens. So if we want to protect that area, we really cannot build right above it. It's gonna go downstream. I don't know how you can argue with that.

COUNCILMEMBER ANDERSON: And then do you also...are you also aware of the Section 303, Impaired Water Bodies list that DLNR puts out every year? Or is it...yes, DLNR.

MS. COLEMAN: I'm...I'm not familiar with it in detail. I mean, I know of what you're talking but, in the detail.

COUNCILMEMBER ANDERSON: It indicates that the South Maui shoreline down there is listed on the Impaired Body...Impaired Water Bodies list which means we're already in bad shape down there.

MS. COLEMAN: Oh, yeah. Oh, yeah.

COUNCILMEMBER ANDERSON: Then you've seen that yourself.

MS. COLEMAN: I've...I've been told of it and heard about it. And we work with the DLNR, we're partnered with them. So, I mean, I'm well aware of the water issues. And that's one of the things. And it's just all around this issue kinda, really hurts.

COUNCILMEMBER ANDERSON: Are you a Seabury graduate?

MS. COLEMAN: No, I went to Kaiser High School on Oahu and University of California-Santa Cruz.

COUNCILMEMBER ANDERSON: Thank you for coming to Maui and sharing your talents.

MS. COLEMAN: Thank you.

COUNCILMEMBER ANDERSON: Thank you.

MS. COLEMAN: Thanks.

CHAIR MOLINA: Committee Members, questions for the testifier? Seeing none. Thank you, Ms. Coleman. Next to testify, we have Alan Wallace followed by Stan Franco.

MR. WALLACE: Aloha. And thank you for allowing me to speak here today. I'm Al Wallace. I live at 3043 on Mapu Place over in Kihei. And although my background was in biology most of my working life I was a jeweler. For all the good that did me, I guess.

The...the first thing I want to address is I want to talk a little bit about something that you see and you read about it often, and it's the concept of smart growth. And I...I think that came into the Maui lexicon sometime six, seven, eight years ago. And one of the challenges that I run into is...is...is how would you define that? And...and one of the things that bothers me and...and I'll

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

ask this as a question to the Council and...and...and to the people of...inside the community is, number one, what is the...what is the carrying capacity of the island? Does anybody know what that number is? I looked...I looked in the Maui 2030 plan. I looked in the Hawaii 2050 for the sustainability. I've read all these documents. I've looked at everything that I can find. I have nothing. And if someone could tell me what that number is, what is it? What is the sustainable carrying capacity of this island? Nobody knows. Where...if...if anyone can tell me, I'd be excited to hear it, okay?

And then the second thing is that...is...is, what if you don't know what that is, how, in God's name, can you be planning all these developments and you have no clue as to what the carrying capacity of the island is? Now, secondly. . .*(applause)*

CHAIR MOLINA: Folks, settle down, folks.

MR. WALLACE: And I wanna go on and say that...that...that...that take a step backwards, kinda step outside the world that we're in, and look down. Look down for just a second and say, wait, what are we doing here? Would you take a time out and say, now but if you know what that number is—if you could scientifically back up a little bit and...and...and come up with some kind of environmentally sustainable number that you had agricultural—the only number that I did find that was kinda interesting was in the Hawaii 2050 plan. That if you plant it, all of the agricultural land in all of Hawaii—of which less than half of has been used for agriculture—you could not feed the people on the islands. And yet, we're going to take...we...we...we're gonna tear down more...more...more ag land and, and you know something, this is not a bad planned community. There's other nice communities down the road that are planned nice.

But in any case, I would step back a little bit and I'd say, what is the carrying capacity of the island? Once you've understand what that is, then you gotta go back to the community and say, what do we really want? Because that...that number may not be want the community wants as a whole. Then you can start planning. Where do we want the communities? What kind of infrastructure do we want to support those communities? Now, we can bring builders in and say, hey listen, we've got a great project for you. We need 1,400 homes over here. We need 500 over there. We need a hospital over here. We need schools over here. And who wants to bid on them? And here's the requirements and let's go for it. Does that makes some sense? That requires forward thinking, not reactionary thinking, forward thinking. Now, and I . . .

MS. NAKATA: Three minutes.

MR. WALLACE: I know my time is almost up. The last thing I wanna address is affordable housing. I just had—this is anecdotal—I just had a great conversation with a young lady who works for the State of Hawaii. She was one of the very lucky ones who bought a house over here, 200 and something thousand dollars. Well, she can't sell it for ten years. Great, that's an affordable house right now. Ten years from now it's \$750,000. So we've given her an extra \$50,000 year bonus for working here on Maui in her, you know, government job. That is not sustainable. Where's the land bank? Where's the community owned property to put the homes on so that the

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

land stays affordable in long term, forever. Does that make some sense? Okay, I hope that's it. My time is up. Thank you very much.

CHAIR MOLINA: Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Wallace. Next to testify, we have Stan Franco followed by Bonnie Newman.

MR. FRANCO: Good afternoon, Chair Molina and Members of the Land Use Committee. My name is Stan Franco. I speak for the members of Housing for the Local Person, HLP. Our members come from churches such as Door of Faith in Wailuku, Christian Ministry Church, St. Theresa's Church, Kealahou Congregational Hawaiian Church, Living Way Church, Christ the King Church, St. Rita's Holy Rosary Church and faith based organizations like Family Life Center, Catholic Charities and Feed My Sheep. In addition, we have individual non-profit and business members. Our purpose is to advocate for housing for those who want to live, work and raise their families on Maui.

At our membership meeting on July 17, 2007, we recommended to you seven conditions to be placed on the proposed Wailea 670 project. Among these conditions we are asking that all affordable units—have heard the number 700—be built on site. That a major park be constructed so our...our kids and our families can live and play. That the golf course that's been developed for this project be available to Hawaii residents, at rates that are affordable. Rates comparable to Wailea...oh, Waiehu Beach Public Golf Course.

The reason for these conditions is well-documented in an informational piece called Olowalu Town, which I just received yesterday. I don't know if you've seen it. The article, A Community for Maui's Family, states—and I quote “we have pledged to develop a community where Maui residents can afford to live and raise families. A community where schools, stores, community centers, parks, ball fields, etcetera, will be in walking distances for our...from residence homes. A place designed to offer residents an opportunity to live and work in the same community.”

For HLP, we are for housing for the local person but not at any price. It is essential that the housing is built to create community. In his book, Living Buddha and Living Christ, Vietnamese monk Hanh writes that it takes at least four persons prac...practicing together to be called a senga. When we live as a...in the senga, we regard each others as brothers and sisters and practice six concords, two of which are sharing the essentials of daily life and respecting each other's view points. A community that follows these principals always lives happily and at peace, according Hanh. I believe the same concords are embodied in Jesus' words, to love one another, and in the native Hawaiian concepts of aloha and ohana.

For HLP, we do not want affordable housing at any cost. We believe a community with members living side by side in affordable and market homes who work and play together is what is needed. And that's what we ask for.

CHAIR MOLINA: Okay. Thank you, Mr. Franco. Committee Members, questions? Member Anderson.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

COUNCILMEMBER ANDERSON: Thank you, Chair. Mr. Franco, thank you so much for being here and thank you for the work you do on behalf of the community. I'm just wondering, you know, based on the...the criteria that you guys have set forward if you're aware that...well, first of all, I know you know that close to 70 percent of the resident population of Maui makes 100 percent or below the median income. And that in this project, the...the housing for...the affordable housing requirements for that sector of the community is...they're not building any housing. They're going...their proposal is to give money to a non-profit to develop a homeless resource center. You think that's an effective use of this opportunity for affordable housing?

MR. FRANCO: As...as others have spoken, we need affordable housing. We just talked about the 700 number. I think all 700 units need to be built within that community based on the residential workforce housing policy which includes rentals so that people that can afford to live in that community and work in that...in the joint community Wailea-Makena can live there and also for single family residences. Eighty three percent of the people in the housing policy study of 2006 by SMS said they wanted single family residences to buy. Forty nine percent of the renters wanted the same thing. We ask for all the affordables to be built within the...that community with at least 50 percent of the affordables to be single family residences. We would like to see that those single family residence that are affordable are next door to the market homes so that we have a community that can work, play and talk together. This is the only way we're gonna prevent these...this stuff that's happening right here in our community where we have haves and have nots and we are fighting with each other. Basically, we have a community...community right now that's broken apart. It's not the community when I was growing up as a kid that was on this island. It is the community now. And we have to reverse that trend and this is why we call for what we call for.

COUNCILMEMBER ANDERSON: Thank you very much for being here.

CHAIR MOLINA: Okay. Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Franco.

MR. FRANCO: Thank you.

CHAIR MOLINA: Next to testify, we have Bonnie Newman followed by Patricia Stillwell.

MS. NEWMAN: Aloha. Good afternoon, esteemed Council and interested member of our great community. I have been a continuous and grateful resident of Maui for over 21 years now. And it hurts my heart to see all the development that's happening. As we know, there's hardly a square foot of Kihei or Wailea that isn't being developed right now. And we also know that everyday in the Maui News there's. . .*(change tape, start 2A)*. . .

They're complaining that they've been here for years and they're not coming back because of all the development and traffic. I also live in Maui Meadows now. And I am very concerned about the traffic that already exists on the four-lane part of Pili...Piilani Highway. The last mile which



**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

encompasses the south part of Maui Meadows and will...will be the entrance to this great development is a two-lane highway. And I keep looking to see how they will widen that without a condemnation of many luxury houses both on the left and right side of that highway. So I can't see how it can remain anything else but a two-lane highway which is pretty busy almost all the time, even at night. And I am concerned in the event of a disaster which I hope will never happen to us, where are we gonna evacuate these people? We're gonna be stuck.

So with 1,400 other houses coming in as well as all the developments presently being constructed right now—and I really appreciate all the people who make their livelihood in construction that are here, they must've been making a very good livelihood these past few years—and I can understand they're afraid that, that might run out. But let's not sacrifice the rest of the community for them.

I've also been a realtor in this community for 16 years and I'm one of the few of many realtors in this room today—and you'll excuse me, my colleagues—who oppose this project. And I understand that many of the rest of them here have been promised to be able to sell these luxury houses because I don't, for a moment, believe that there will be 50 percent affordable houses here. And I'm very sad to see all the native people here who are for the project because they believe there will be affordable housing. I don't believe it for a moment. I believe the developer will weasel out of that to a great degree like he has broken many promises already.

So it hurts my heart to see this. We don't need another golf course in South Maui. We don't really need another luxury home or residential condominium. There are...is a glut of these on the market right now. They will remain vacant for a long time because there aren't the people to come here anymore. We're killing the golden goose. And we know that. They come here for open space and paradise. But we've paved paradise to a great degree.

So I strongly oppose this. And I'm going to ask everybody that's here who also opposes this project to stand up and if you're standing, raise your hand. *(cheers and applause)* And if you would just. . .*(inaudible)*. . .*(applause)*

CHAIR MOLINA: Okay. All right, folks. Please settle down. Ms. Newman, please proceed.

MS. NEWMAN: Sorry to have that disturbance but I think it's important that you see that a lot of people do oppose it. Thank you for your time.

CHAIR MOLINA: Okay. Committee Members, questions? Member Anderson.

COUNCILMEMBER ANDERSON: Thank you, Chair. Ms. Newman, you said that there's a glut of high end on the market.

MS. NEWMNA: Absolutely.

COUNCILMEMBER ANDERSON: You live down in the Wailea area.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

MS. NEWMAN: I do.

COUNCILMEMBER ANDERSON: As do I in Maui Meadows.

MS. NEWMAN: Yes.

COUNCILMEMBER ANDERSON: And I see all these high end condominiums coming in makai the highway.

MS. NEWMAN: Right.

COUNCILMEMBER ANDERSON: None of them are yet actively occupied but they are about to be. And so we have not yet seen the impact of the traffic that these are gonna generate. But I'm just wondering as you're a realtor in the area, if you can tell us are these—you're saying that there's a glut of the high end on the market. So are you saying they're not moving? They're not being sold?

MS. NEWMAN: Some of them are being sold and a lot of them are not. They are some occupants of some of the residential condominiums that you see. We have experienced all the construction workers, the traffic there. At 4:00 o'clock you can't get on the highway --

COUNCILMEMBER ANDERSON: Right.

MS. NEWMAN: --from Maui Meadows. And again, I respect their livelihood. Yes, I think a lot of them are vacant, will remain vacant for a long time. So I don't think we need anymore.

COUNCILMEMBER ANDERSON: And then you were saying about the highway from Kilohana to Wailea Ike --

MS. NEWMAN: Yeah.

COUNCILMEMBER ANDERSON: --it's still just two lanes.

MS. NEWMAN: Yes.

COUNCILMEMBER ANDERSON: And there is two large sections of blue rock that would have to be blasted out --

MS. NEWMAN: Yes.

COUNCILMEMBER ANDERSON: --in order to allow the expansion of the highway there. But you're saying you don't think that there's enough right-of-way left in order to expand the highway?

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

MS. NEWMAN: I don't think so. Not where the blue rock is. And there are houses on top of the blue rock.

COUNCILMEMBER ANDERSON: Yeah.

MS. NEWMAN: Very lovely luxury houses that have been there for awhile and some newly built. There's also houses on the right side—Wailea, Wailea Pualani—that have been built just in the past few years. So it would cost an awful lot for condemnation from the County in order to have the space to widen the highway. 'Cause I don't see...maybe another lane, but I don't see how two lanes will be built there.

COUNCILMEMBER ANDERSON: Well, I think we were all under the impression that there was a right of way already established when Piilani was first built but we'll check into that. Thank you very much.

MS. NEWMAN: Thank you. I don't see it.

COUNCILMEMBER ANDERSON: Okay.

MS. NEWMAN: Mahalo.

CHAIR MOLINA: Thank you. Committee Members, any other questions for the testifier? Seeing none. Thank you, Ms. Newman. Next we have Patricia Stillwell followed by Chip Hilberg.

MS. STILLWELL: Aloha. My name is Patricia Stillwell. I'm speaking on my own behalf. I'm a three-year resident of South Kihei and not a resolute NIMBY. I understand that progress and development are necessary and will happen. The key to development...the key is to develop smart so that nothing and no one feels sacrificed and made lesser because of it.

The concern I have over Wailea 670 is the type of development that is being proposed and the lack of infrastructure to support it, the destruction of significant cultural and architectural sites and the destruction of the native Wiliwili habitat in particular. All will be in beg—excuse me—all will be made lesser if this development proceeds as planned. The County Code requires adequate infrastructure to be in place before development can proceed. Just a few points that we know are not in compliance now. Piilani is a sub-standard highway right now, before additional homes are built in South Maui and Makena.

The Police department has been desperately understaffed for years given our current population. More houses means more police and fire personnel are needed. How will that happen? We don't have enough water right now to adequately serve our citizens without rationing. The developer should prove that he can supply water for the long term without risking the supply for our existing residents. So far, that hasn't been done.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

When I first learned about the remnant Wiliwili forest habitat at Wailea 670, I was shocked that the developer was proposing to destroy 104 of the 110 acres leaving just six acres of this incredibly valuable and significant habitat. Colin really went into detail about it but I will just summarize again. This area is one of the most highly endangered ecosystems in the United States. It is home to 12 endemic species of Hawaiian plants and 12 indigenous species that we know of. Wailea 670 is one of only six sites left on Maui where the native Wiliwili is found. In addition to the Wiliwili trees, the area is home to several other native species that we are close to losing. To actually permit any part of this significant Hawaiian ecosystem to be destroyed is just plain wrong. It is within the Maui County Council's zoning power to preserve this tract for future generations. If we were talking about an invasive species decimating a native habitat, we'd be righteously up in arms. But because it's progress, we let it happen? I suggest that the bulldozer is another invasive species that we need to eradicate from our sensitive habitat areas.

I propose that Wailea 670 would be a much more community friendly development if we preserved op...open space for a desperately needed park, a place for the entire community to enjoy, not a select few.

There are six golf courses in South Maui that I know of. We have one fair-sized park in South Maui with a second in the planning stage but not built.

MS. NAKATA: Three minutes.

MS. STILLWELL: How many golfers are there versus the number of residents and tourists alike that would enjoy a safe park to play and relax in? Let's...let's put the needs of the majority first for a change. Please, let's choose a community park over another golf course, ensure truly affordable housing that our own residents can purchase, have adequate infrastructure in place before any development begins and protect the Wiliwili forest habitat forever which can easily be accomplished now through a conservation easement. Thank you.

CHAIR MOLINA: Thank you. Committee Members, questions? Member Anderson.

COUNCILMEMBER ANDERSON: Ms. Stillwell, thank you for being here. Could you leave your testimony for us please? I'd like to get some of those statistics you gave us.

MS. STILLWELL: Sure.

COUNCILMEMBER ANDERSON: Thank you.

MS. STILLWELL: I'll leave you a clean copy.

CHAIR MOLINA: Committee Members, any other questions for the testifier? Seeing none. Thank you, Ms. Stillwell. Next to testify, we have Chip Hilberg followed by Mark Hyde.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

MR. HILBERG: Chairman, Council Persons, thank you for this opportunity. My name is Chip Hilberg. As a real estate agent with a background in hotel management, I would like to speak something about the issue of affordable housing and whether or not Wailea 670 would provide genuinely affordable housing for people working in hotels and other occupations in South Maui.

Based on figures provided by Gay...Gayle Revels, an analyst with Council Services, the 700 units Wailea 670 would be required to set aside for work force housing would range in price from \$247,000 to \$535,000. According to the most recent Maui County Data Book for the top ten most common occupations in Maui County, the annual median wage ranges from \$20,830 to the high of \$35,210. The December 2006 average for hotel workers according to the Hawaii Business Library is \$33,700. The rule of thumb in real estate is to pay no more than three or four times one's annual income for risk suffering, foreclosure and loss of credit. Four times two...20,800 is \$83,320, a far cry from the Wailea 670 low end of affordability, \$247,000. The highest wage for the top ten most common occupations, \$35,210, multiply times four equals \$140,840. In other words, you would have to have two wage earners earning among the highest salaries for the common occupations to be able to afford the least expensive affordable house in Wailea 670, with the \$535,000 price tag, far out of reach of even for them.

Not to mention the fact that only 30 percent of the affordable housing will actually be located on site according to the developer. Is there any doubt that the on-site housing will be in the half million dollar range? The likely monthly payment for someone purchasing a home for \$247,000 with 100 percent financing is \$1,773. When you add homeowner's association dues, taxes and utilities, the number's well over \$2,000 a month. At the high end, the likely monthly payment for someone purchasing a home for \$535,000 with a 100 percent financing is \$3,841. When you add homeowner's association dues, taxes, and utilities, the number's probably over \$4500 a month. \$54,000 per year in housing expense qualifies as affordable housing. Thus, the statement that hotel workers will finally be able to live near where they work --

MS. NAKATA: Three minutes.

MR. HILBERG: --is highly misleading. A public relations ploy without basis and fact. I find it unacceptable that the...the lever...depth the developers would use to genuine need for low-income housing on Maui to trick the public into accepting this luxury development. The sacrifice of nature, water, and quality of life and culture's great to bear. If you approve this development, you will do it to enable the developer and realtors like myself to make lots of money. Don't kid yourself that you are doing it to help local wage earners buy their own home. Like the famous naturalist John Muir stated, "Everybody needs beauty as well as bread, places to play in and pray in where nature may heal and give strength to body and soul." Thank you.

CHAIR MOLINA: Thank you. Committee Members, questions for the testifier? Member Anderson.

COUNCILMEMBER ANDERSON: Thank you, Mr. Chair. Mr. Hilberg, thank you so much for those stats. And if you could leave that, we would appreciate it. So who is likely to purchase homes from \$250 to \$530,000, quote affordable?

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

MR. HILBERG: Well, I'm not...I'm not sure. But it will be someone that isn't among the top ten most likely people to be working in Maui. I mean, you're gonna need to have at least—well, to buy a \$535,000 home, you're gonna make...have to make at least \$133,750. And to do that part of what you're gonna have to do is probably go into the sub-prime rate. You're gonna need a second mortgage. A...uh...to get just a first mortgage on a...the lowest cost housing, \$247,000, what you'd have to do is put up \$49,400 down payment. Most people making \$61,750 are not going to be able to afford \$49,400 as the down payment. And likewise, you need a \$107,000 as a down payment to qualify for just the first mortgage on the \$535,000 home.

COUNCILMEMBER ANDERSON: So then is it likely that the people who would be buying these affordable housing...or houses, will be retirees from the mainland likely?

MR. HILBERG: Quite likely, or perhaps realtors.

COUNCILMEMBER ANDERSON: Yeah. Thank you very much.

CHAIR MOLINA: Okay. Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Hilberg. Next to testify, we have Mark Hyde followed by Michael Duberstein.

MR. HYDE: Thank you. My name is Mark Hyde. I'm a full-time resident of the Wailea community and I previously submitted written testimony to you. As I understand it, County Ordinance number 19.500.040 provides that the applicant has the burden of proof here and also that the application must show that the development will not, quote, adversely impact the social, cultural, economic, environmental and ecological character and quality of the surrounding area, end quote. With that standard in mind, I want to focus on water and all my comments are based upon the record that is before you.

When this project was first submitted in 1988, it planned to obtain drinkable water from the central valley source. That plan had to be abandoned because all central valley sources were insufficient. About the year 2000, Wailea 670 shifted its proposed drinking water source to a location on the Ulupalakua Ranch. However, that source became unavailable as well because it was within the Upcountry region and the Upcountry Community Plan forbids exportation of water to another region. In 2001, Wailea 670 proposed three alternative possible sources for potable water. Number one, drilling wells in the Hana region and importing water to Wailea. Number two, desalinizing water from local wells for—and I emphasis—initial development, then connecting to the County water supply. And number three, simply connecting to the County water supply. The developer did not pursue the Hana option presumably for good reason. And the latter two options were still not feasible as noted by the Planning Department at that time.

So a little over one year ago, in a letter responding to then Councilmember Carroll, Wailea 670 indicated that the source of drinkable water was to come from wells to be drilled on Haleakala Ranch property located north of Maui Meadows. And desalinization techniques were to be used to render the water drinkable. Here is the crux of the problem: One, this is a large project with

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

large impact. Two, the water is a hot button issue for Maui. Three, the EPA has predicted that global climate change will result in prolonged and intense periods of drought in Hawaii. And four, most importantly for you, the administrative record here is void of data, analysis, expert opinion that demonstrates that the water sourcing strategy for Wailea 670 will not, quote, adversely affect the environment. For example, Wailea 670 and Haleakala Ranch have entered into an agreement to allow drilling on Haleakala Ranch. However, both parties have refused to provide a copy of the agreement to you regarding this sole source of drinkable water.

MS. NAKATA: Three minutes.

MR. HYDE: While...while cryptic description of the agreement is given, we are not told the gross amount versus the net amount of water that will be pumped from the wells to produce water. How much water they will produce. This is key information that you absolutely must have to gauge the environmental impact of this strategy. Second, from the record that I have seen, Wailea 670 has not presented a credible data or expert reports authored by a hydrologist or a geologist that tell you about this water source such as its location, its quantity, its quality, its sustainable yield or number and volume of other users who might be impacted by virtue of their pumping. And fourth, you have absolutely no information, that I can see in the record, that speaks to the desalinization plant including its site, its...the amount of the by-product discharge that it will generate, if any, and how it will dispose of that. I recommend that you deny this application because the developer has the burden of proof and it is not met. Thank you very much.

CHAIR MOLINA: Okay. Committee Members, questions for the testifier? Member Anderson.

COUNCILMEMBER ANDERSON: Mr. Hyde, thank you very much. Are you aware how...that it takes more water...more raw...raw water when you're gonna desalinize it in order to produce the drinkable quality water?

MR. HYDE: I'm not a geologist or a hydrologist but I have spoken to a geologist knowledgeable in this area and I understand that there...it takes approximately three gallons of...of saline water to produce one gallon of drinkable water. But that's hearsay. I don't have any other information on that. I would assume that those volumes vary depending upon the salinity of the water that's pulled out of the ground.

COUNCILMEMBER ANDERSON: And probably the process used to desalinate.

MR. HYDE: Presumably.

COUNCILMEMBER ANDERSON: We recently had a study done in the County on desalinization and I think that those stats were...uh...were supported in that study.

MR. HYDE: You see, that's the problem with not producing that agreement between these two parties because in that cryptic description that they've given to you, it's been quite cute. They talk about

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

the net gallons that are going to be pulled from water, not the gross gallons. The net gallons are of no relevance. It's how much water is gonna pumped out and then you have to figure out, what is gonna be the impact on the lower elevation wells that currently are producing water, although not potable, but it's water that's wa...that is watering the Wailea golf courses.

If those wells at lower elevations go sour, then there's gonna be a huge environmental impact. Where's the water going to come from to water the Wailea golf courses? Now, I mean, it sounds like sort of a stupid concern in a way given the grand scheme of things but that's the job, I believe, that we have to look at. What is gonna be the external effect of this development? And I can tell you from looking at the record, and I've been to the Water Department. I've gone through their files. And I've been to the Planning Department. And I've looked at four bar...banker's boxes. Now, maybe I've missed something. And I'll...and if I have, show it to me. But I can tell you that there is no record before you that can support this water strategy.

COUNCILMEMBER ANDERSON: Mr. Hyde, what's your profession?

MR. HYDE: I'm retired but I was an attorney for many years and I was CEO of a health plan in California for many years.

COUNCILMEMBER ANDERSON: And so given that background, do you think that this body has a right to see that private agreement between Ulupalakua and this applicant when it is really the crux of the water issue?

MR. HYDE: You know, the applicant has the burden of proof to come forward with the evidence. You don't have a burden to disprove what they're showing. And look, the contention they make is this document is proprietary. You know what? Then, fine. It's a private agreement. Don't come here and ask for relief then. But if you want relief, put the cards on the table and show the people what you intend to do. And...(applause)

CHAIR MOLINA: Okay, folks.

MR. HYDE: And if I may make...if I may make one other point on that and that is if there are proprietary components to that agreement—perhaps they're financial provisions that can be redacted—that's fine. But, you know, the...the core of it has to be reviewed. And that's the beginning point for analysis, not the end.

COUNCILMEMBER ANDERSON: Thank you very much.

MR. HYDE: Thank you.

CHAIR MOLINA: Committee Members, any other questions for the testifier? Seeing none. Thank you, sir. Coming up next to testify, Michael Duberstein...Duberstein and after Mr. Duberstein's testimony, Members, we're gonna take a break. Mr. Duberstein.



LAND USE COMMITTEE MINUTES  
Council of the County of Maui

July 25, 2007

---

MR. DUBERSTEIN: That's all right. Just as long you don't rhyme it with Frankenstein.

CHAIR MOLINA: If it's "stine", sir, I apologize.

MR. DUBERSTEIN: Chair, Members of the Committee, I'm Michael Duberstein, an economist and I live in Kihei. And I have provided for you a copy of written testimony from which this statement is derived. Because I'm enough of a realist to expect that the best the critics who have had serious doubts about this project stretching back to when it was first proposed. Can...the best that we can expect will be some sort of a compromise. And if so, that compromise should reflect 2007 and onwards, not values and choices dating back to 1988, 1995, 2001, 2003 or 2005.

Alright. So where should we go? Well, I looked at the energy efficiency guidelines that they provided. Well, they may have been relevant in 1995. They're not now. You should insist that this development have a near to zero energy impact or footprint. You should start with a mandate that every structure be completely solar powered and are constructed with a reasonable—and that would mean high percentage—of recyclable materials. I guarantee you that the emerging economies of scale can do this at a very affordable cost and obviously the long term savings will be huge.

Well, then I looked through all the foot paths and the parks. Now, they're real pretty. But where are the community gardens that can be irrigated by that same non-potable water going to the golf courses? And what about real community comments where community grown crops can be marketed or, even better, can be bartered? Now, if indeed the concept here is to have a community where you can walk to work rather than rely upon two or three cars, then you need to know more about the jobs that'll be created. Just vague commercial space is not enough. Are they gonna be just more dead-end, low-wage retailing or service positions? Or will there be opportunities for community residents to move up the job ladder? Sure, police and fire facilities are acceptable but where in it is the community-based health clinic? Look, compromise is vital when we have very finite resources. And unfortunately, because once unique historic cultural sites and endangered indigenous species are destroyed, that's it. They're gone.

MS. NAKATA: Three minutes.

MR. DUBERSTEIN: You should insist on a more detailed archaeological survey that's okayed by relevant State agencies. Nor should you allow the current plan to move forward without saving (*clears throat*)—excuse me—the one-sixth of the property identified by Dr. Altenberg containing the rare, endangered, endemic and indigenous species and you should create a teaching hands-on park on that land. Look, you have an opportunity to make sure we do have a true green community. If it's gonna be had, make it that but don't go ahead which...with something which is just replicating the past. I thank you very much.

CHAIR MOLINA: Thank you, Mr. Duberstein. Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Duberstein.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

When we return from break, ladies and gentlemen, Inez Okamura and Pamela Palencia will be our next testifiers. Members, it is about five minutes after 3:00. Let's return at 3:15. . . .(gavel). . .

**RECESS: 3:05 p.m.**

**RECONVENE: 3:24 p.m.**

CHAIR MOLINA: . . .(gavel). . . This Committee meeting for July 25th is now back in session. Folks, we're gonna continue our testimony so please get settled and listen up to our next testifiers. We have Inez Okamura to be followed by Pamela Palencia.

MS. OKAMURA: Good afternoon, Chair Molina and Council Members. I am Inez Okamura with Housing for the Local Person, HLP. I'll probably be echoing a number of statements that Stan Franco made earlier but I think it's worth repeating. Thank you for this opportunity.

I recently moved home to Maui no ka oi after having been in California for 40 years. Being back home is a precious gift to me that I do not take lightly especially after my exploratory trips around the island. So many high-end developments with their electronic gates and high fences. It appears that they've been designed for privacy or maybe to keep others out. Who are these others? Local people who just wanna enjoy the seascape? Who just wanna go down the beach like we used to?

When I was a young child—permit me to reminisce a little bit—but when I was a young child, my parents would take us down the beach. We'd park the car and then we'd walk through the kiawe. Throw down our goza mats and run into the ocean. For lunch we'd have musubi and Portuguese sausage, very simple. I can still see my grandmother out in the ocean up to her knees with her skirt pulled up gathering ogo for the family. You know, afterwards we'd be exhausted but we'd be so happy after a day in the sun and the ocean. That's the Maui experience I remember. And I'm sure there are a number of you out here who remember the same. That's the experience that I long to give to my granddaughter and to generations to come.

I'm not here today with a bunch of statistics. There's sufficient number of people who have spoken so well before me. Instead, I want you to reach back to your childhood and to remember days under the sun and in the surf. Clearly, life on Maui is not as simple. . . .(change tape, start 2B). . . There's no argument about that. Progress and changes are inevitable. But should these changes not benefit the citizenry of Maui? Should bodies of politics such as the Land Use Committee, the County Council, not have as their primary kuleana the care of the people of this aina?

MS. NAKATA: Three minutes.

MS. OKAMURA: Ask yourself, how is our aina? How is our way of life going to improve with another huge development, the plans for which we already know have gaping holes, water, accessibility,

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

evacuation routes, public gathering and recreation areas. I say to you, Council Members, please do not accept easy, glossed over answers. I urge you to examine the issues. Do your homework. Ask the hard questions. And one last point—I can't let this go by—this meeting was scheduled at a time that precluded so many people from participating. Why? It's a valid question. Do you have an acceptable answer?

MS. NAKATA: Four minutes.

MS. OKAMURA: Okay. One last thing, you were placed in this position by the folks who live next to you. Folks who are Maui County citizens. You have a great kuleana to serve those people. This is your opportunity to stand up and be counted. We, the citizens, are watching. Thank you.

CHAIR MOLINA: Questions for the testifier? Ms. Anderson?

COUNCILMEMBER ANDERSON: Ms. Okamura, welcome back home.

MS. OKAMURA: Thank you so much.

COUNCILMEMBER ANDERSON: We're happy to have you here and thank you so much for contributing. The...the Planning Department recently provided the Council with a socio-economic study that was pro...prepared in 2006. And it indicated the percent of housing sales from 2004 and 2005 by Maui regions. And this study showed that the off-shore housing demand for...for sales on...in Maui County . . .

MS. OKAMURA: Right.

COUNCILMEMBER ANDERSON: And it shows that in the last, well, from 2004 and 2005—I have no reason to believe that the trend is any different. In fact, I think it's probably increased. It shows that Lahaina, Kihei, Paia and Hana that 50 percent of the housing units were sold—50 percent or more—were sold to off-shore buyers. Do you think that we need to be continuing to build housing for off-shore people at the high-end range?

MS. OKAMURA: You know, I volunteer for Housing for the Local Person. I think that should answer your question.

COUNCILMEMBER ANDERSON: Thank you very much.

MS. OKAMURA: Thank you.

CHAIR MOLINA: Members, questions? Member Johnson.

COUNCILMEMBER JOHNSON: Yes. Thank you very much, Ms. Okamura. Because I...I know you raised the point that other people have mentioned before because many of these people are taking off from work. If we were to have a meeting where more people could participate who want to

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

also, like you, share their manao, would an evening meeting in the district that's being impacted, would that be more acceptable?

MS. OKAMURA: I...I sure think so. I really think so. You know, a lot of these people took time off from their jobs today. I'm lucky 'cause I'm retired so I'll go and, you know, I can be...but I think that accessibility to you guys, to having the meeting at a time when people can be there, having a meeting in a large enough venue where, you know, we have half in...half as many people standing and sitting on the floor as there are sitting. Yes, I think that's a great idea.

COUNCILMEMBER JOHNSON: Thank you very much.

MS. OKAMURA: Thank you.

CHAIR MOLINA: Committee Members, any other questions? Seeing none. Thank you, Ms. Okamura. Next to testify, we have Pamela Palencia followed by Mimmie Hoffman.

MS. PALENCIA: Chair and Council Members, thank you so much for your time and your attentive listening. First I'll speak for myself. I've been here 30 years which isn't long in some terms. And I've seen development but that word has changed in meaning, drastically. Currently development has taken on a different meaning. I work at the Renaissance Hotel which is going to be leveled to the ground as of September and replaced with condominiums valued from two million to six million. And so, of course, my heart is heavy about that. However, I'm going to read something written by Maui Tomorrow.

Maui Tomorrow has been before the Council many times over on the same stuff...topic, always with a long list of unanswered questions. We have met several times with Mr. Jencks to try to understand what the project was really proposing and to suggest improvements. One of those suggestions made long before the County had a workforce housing bill, was that there be housing built in the project that could be affordable to families earning 80 percent of HUD medium income. We asked for this because we read the statistics. Almost 60 percent of the families on Maui earn under 69,000 a year. These are the folks that are our public servants, our store clerks, our visitor industry workers, our health care workers. We're glad our suggestion was incorporated into the plan. Fortunate families may be able to purchase a home for \$247,000.

However, given the reasonable amount the investment partnership paid for this land, and the billions it is likely to generate in potential profit, we're frankly disappointed that they were only willing to offer such a limited number of homes that Maui's hard-working families can afford. We hope the Council asks these same questions and not be pushed into a hasty decision due to the desperate need for affordable housing. We hope that if this project did move forward, the Council will use its authority to insist that homes our local families can afford will be located throughout the project area making it a real community.

It appears from past private agreements that the Piilani corridor will be the preferred route for construction traffic that is expected over the next 15 years in the Wailea-Makena area. Let's

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

make sure that our affordable lots are not used as a buffer zone along this corridor as has sometimes been proposed in other projects.

Maui Tomorrow continues to have many unanswered questions about the impacts that this project would have to irreplaceable natural and cultural features. Our public trust water resources, the quality of life for local residents who use our roads, beaches and community services. It appears on the surface to be offering a lot of trade offs but the losses are not being discussed until today. In 1992, Councilmember --

MS. NAKATA: Three minutes.

MS. PALENCIA: --Joe Tanaka had the same concerns. He noted at the Wailea 670 hearing that he doubted the County could provide water and sewage services to all the projects already approved in South Maui. He was assured by the Planning Director that since all the projects would be built over time, the County would be able to accommodate them. Tanaka's reply in the Maui News was, "I can hardly believe that." You'll be given many of those same assurances today. Remember when Mr. Tanaka made his observation, he was right. We are counting on you to overlook the short term grab and go for the long range benefits. Thank you.

CHAIR MOLINA: Okay. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have Mimmie Hoffman followed by Valerie Simonsen.

MS. HOFFMAN: My name is Mimmie Hoffman from Kihei. I've lived in Kihei many years. And. . .

CHAIR MOLINA: Excuse me, Ms. Hoffman. Can you move closer to the microphone so we can hear you? Thank you.

MS. HOFFMAN: I've lived in Kihei for many years and I've recently become a grandmother so I'm very worried about all the housing development that have, popping up everywhere. All the speakers before me have...have stated all the issues that I am very worried about especially the traffic. Since we've moved here on Maui, there are more and more traffic accidents on Piilani Highway and it is very alarming. Before I used to like to cross the Piilani with my bike to go down to the shore. I live North Kihei and recently I hesitate even to do that, to use the bike except maybe for Sundays which is...I mean, it won't be as dangerous. But I worry for the next generations and the generations after that.

I was...I saw this...a new highway being developed and...on the West Maui, which is above Hoopilani (*sic*), I believe. And I was thinking we could already be planning for the...the next Piilani Highway above somewhere which would cut the traffic of the two lanes.

Then water issue is another thing that I've read that the Upcountry people are not having enough of it. And I'm not an expert in anything. I'm regular resident here. So, and I've heard that people are worried about high school. When my kids were growing up, they were no high schools so we had to, you know, rely on the buses. And also if we miss the bus, to drive them to

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Wailuku-Kihei...I mean, Wailuku-Kahului. Then the hospital or clinic, if...if there are no hospitals that...on Maui, it's...to go from Makena, I think it's a very, very far way 'cause I...I'm a...my mind set is only island mind set. Before I was...I was living in...in Singapore but it is different. And I hope, you know, you would consider all these issues that people before me, the speakers --

MS. NAKATA: Three minutes.

MS.HOFFMAN: --before me have brought up. Thank you.

CHAIR MOLINA: Thank you, Ms. Hoffman. Committee Members, questions? Seeing none. Thank you. Next to testify, we have Valerie Simonsen followed by John Carty.

MS. SIMONSEN: Aloha, Council Members. Thank you for allowing me to testify today. I am Dr. Valerie Simonsen and I stand here today to testify for your children, their children and all the children to come. After a time away from the island, I returned to find new development that set great pain in my heart. I cried to see more land destroyed for the greater needs of man through development. Excuse me.

As I drove into Iao Valley, the mountains spoke to me firmly, scolding me for my despair. She said, "Valerie, have you forgotten who I am? I am the aina. I have been around for billions of years and I know how to deal with these issues that mankind is presenting to me. Trust me." Days later off the shores of Makena, I sat in a canoe with two young Hawaiian men as we talked about their futures on Maui. Tears filled their eyes as they shared their truth. They would have to leave the island after graduation because they cannot afford to buy a home. They can't even go to their childhood beaches.

In a subtle genocide the way of the aina is being devoured by the greed of a few people. This must stop. I'm sure I do not need to remind you of the magic of Makena area. She carries ancient healing properties, medicine that is essential for all...for the well-being of all. The aina...the aina is the people. The stones are the ancestors. The waters are the lifeline of all living things which is all that there is. Let us protect her while we can. As we know, one does not piss off Pele 'cause she remembers who she is. And she'll show us. So please remember aloha which means coordination of your mind and your heart as you choose to deny further plans to develop Makena. Maluhia.

CHAIR MOLINA: Thank you. Committee Members, questions for the testifier? Seeing none. Thank you, Dr. Simonsen. Next to testify, we have John Carty followed by Jeanne Duberstein.

MR. CARTY: Hello, my name's John Carty. Thank you for this opportunity to participate in government. Obviously, I'm here to put my voice for no for 670. I see a great imbalance in our community. And I see this development and others like it as something that contributes and takes us further away from where we need to be as a community. Sustainability, balance, being

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

able to grow food, what...what happens if we get cut off from the mainland even for a short amount of time? How are we gonna grow food?

Where is the water going to come from? Already water is illegally being diverted from Na Wai Eha and we can't seem to get that corrected. Where's the water going to come from for new developments in Wailea, Makena? Anywhere else on the island, you wanna say, where's the water gonna come from? We need that water for food. We need that water to flow to the ocean to help sustain our reefs. Our reefs are dying. The reef that I live near, the coral cover has de...gone down from 42 percent to 9 percent in ten years. So this is evidence of balance. Now, for humans to live I think many, many people have forgotten that we have to live with nature. We are a part of nature. It's not some hippy-dippy words. It's food that we consume and water that we drink and that's air that we breathe. And that's how we live.

Now developments like this are creating more imbalance because we don't have the resources to sustain them. And the more out of balance that we get, the more painful the balance will be for us when it finally comes 'cause it does. Nature always balances things out.

There are people and I've seen some in this room and there's others on the island that do know about living in balance. And we have an opportunity to find out from them how to do that. So I urge us all as we're considering these developments, and all the other numerous developments that I've seen proposed on the island, that we take this time and talk to people that know how to live in balance with nature. And let's find out how that they did that and let's start figuring out how that we can do that ourselves. And there will be some who will miss out on the opportunity of a great opportunity on selling land and developing houses. And there'll be some people who don't make as much money from it but in the end, we can all live and eat and breathe and drink in Maui. So, thank you.

CHAIR MOLINA: Thank you, Mr. Carty. Member Anderson? Hold on, Mr. Carty.

COUNCILMEMBER ANDERSON: Just a quick question, John, for clarification. I'm assuming you live...you live near Honolua Bay.

MR. CARTY: That's correct.

COUNCILMEMBER ANDERSON: Because that's where the coral reef has declined from a 42 percent coverage to 9 percent in ten years?

MR. CARTY: That's correct. I can see the report on your desk there.

COUNCILMEMBER ANDERSON: And you've seen it in the water, too, right?

MR. CARTY: I have seen it. I live actually in the area and development has started in a big way up there. In fact, a few years ago there's a specific development called Honolua Ridge that began. And we...it happened to coincide with some heavy rains that winter. In the bay I watched it

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

happen before my eyes. I was at the bay that morning with wind. The bay went from crystal clear to filled with mud in the course of about 15 minutes. And it stayed there for a very, very long time. I've not seen that happen there before. And, you know, I heard the previous speaker talking about, right in the beginning, about how development can help because of all the basins that they provide to re-route water and all that. Well, those same laws were in effect in Honolua and those lo...laws didn't help Honolua that day. And I've seen the bay filled with mud three times since then.

COUNCILMEMBER ANDERSON: Thank you very much, John.

CHAIR MOLINA: Committee Members, any other questions? Seeing none. Thank you. Members, we have Jeanne Duberstein, ready to sign up followed by Mike McCormick. The Chair would just like to ask again your kokua. If you have to leave the Chambers, please close the door quietly so as not to get any disruptions. And I want to thank you all in here. I know we're packed in here like sardines and I thank you very much for your cooperation and composure. And if you can, as much as possible, refrain from the applause so as not to slow us down because we have 22 people have spoken. I have 117 sign-ups in here. So I know the rest of you would love to share your manao and talk to us. So if we can...can help me to keep things moving along we would much...most certainly appreciate it. Okay? Ms. Duberstein.

MS. DUBERSTEIN: Hi, I'm Jeanne Duberstein. I'm a resident of Kihei and aren't we lucky to have so many experts that you've heard from today, especially the young people. I'm not an expert. But I want you to know that I've been to every public information meeting held on the Wailea 670 project and other proposed development for South Maui. I've heard people from the State DLNR talk about the ruined coral reefs from runoff. I've heard geologists express grave concern about the water supply. I've heard botanists talk about the Wiliwili forest. I've heard people talk about transportation and I've heard the young people express concern about their access to La Perouse, Makena and other jewels such as Black Beach and Ahihi Cove. It's already tight there.

And about cultural sites, I suggest we should define what we mean by preservation of cultural landmarks. I'm sure you agree that sim...simply keeping a list of them somewhere is not in the spirit we claim to honor and respect. My point is that while the developers or builders might have supplied experts' stur...studies to answer all those above concerns, there are other experts with different conclusions. The experts I've listened to in public information meetings are respected and bonafide scientists. And their overall message is, halt, halt, step back, look deeper, study harder. I think that's the least we can do. Thank you.

CHAIR MOLINA: Thank you, Ms. Duberstein. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have Mike McCormick followed by Chandrika McLaughlin.

MR. M. McCORMICK: Aloha. My name is Mike McCormick and I live in Kihei and I want to thank the Chairman and the Council Members for giving me the opportunity to speak here today. I've



**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

been coming here to speak before the Council now for almost 20 years. And I'm still a poor speaker so bear with me.

I'm opposed to Wailea 670 for the reasons being stated here today. Water, traffic, damage of Hawaiian dryland forests and the lost of open space. But there's another thing that I want everybody here to consider. Charlie Jencks, he's not the builder of this project. He's not the developer or the money person behind Wailea 670. He's the hired gun to get this project for the large corporations approved. And they hired Charlie and he's being well-compensated to have this project approved. I like Charlie Jencks. Charlie Jencks is a good guy. But that doesn't mean that this project is right for Maui because Charlie's a good guy.

And, for instance, as a parent, I love my kids. I've got two boys and would they would propose or do something that I didn't feel was right, I said, "no." And I think everybody here today can still like Charlie and say, "Charlie, this project is not right at this time because you have not provided conclusive evidence that you have enough water on this island to do this project right now. It just isn't there right now. It may be later but it isn't here now.

The General Plan that I've gone out and testified and I've seen a lot of people here taking their time off work to go and testify. That's not done yet. Let's get the General Plan completed and find out what the people on this island really want. And then, let's look at these projects. The people haven't spoken yet. It's still being compiled.

And at this time, the island does not need another golf course and million dollar homes. We need truly affordable homes and I...I just can't buy that even 50 percent of what's being proposed here is really affordable for the hard working people, contractors, building people, teachers, everybody on this island cannot afford these homes. It's a scam. And it's been going on here in the County too damn long and we need to stand up, you Council Members here have to have the courage to really do the right thing now. And, you know, we want affordable housing. Let's get it. There's a way to do that.

And please don't be misled by the people here today that are making promises and I...I think maybe they've been promised favors if they're gonna come and speak for this thing. I...I even heard that a lot of people who were bussed here by Wailea 670 to testify here today. I'm here on my own dime and paid for my own gas.

MS. NAKATA: Three minutes.

MR. M. McCORMICK: And I want to say to Bill Medeiros, Bill you're a new member of the...the Council along with Gladys and Mike and we're glad to have you here. And we wanna see you guys do the right things. I know you have friends in Hana. Bill Church is one of those guys and I think you stood with him when golf course and maybe developments in Hana were proposed. And I...I trust that maybe you were against that. Well, consider me. I'm in Kihei. I bought my first home here in '77 and look what's happened to Kihei now in the last 30 years, too much. So

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

I think we really want to stand back and I just want to ask the Council Members one more time today, in the years to come be strong, be courageous and do what's right for Maui. Thank you.

CHAIR MOLINA: Thank you, Mr. McCormick. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have Chandrika McLaughlin followed by Cambria Moss.

MS. McLAUGHLIN: Chairman, Council Persons, my name is Chandrika McLaughlin. And I know you care as I do about the precious beauty, culture and aloha of Maui. You also know that continued development, if you allow it, will destroy all three of these elements that make Maui special. I'm a parent. You are also parents and must wish to protect Maui's natural beauty for future generations. While all the world yearns for paradise, let it not be said that in our greed and shortsightedness we allowed this paradise we were given to be lost in one generation. Let our children's children say instead that we love them enough to keep in an area of extreme beauty and cultural significance protected and alive for them.

With Wailea 670 the choice between protection and destruction as well as between truth and deception is clear. In the transcript of the Land Use hearing, July 19, 2006, Brennan Morioka of the DOT stated that Piilani Highway is at maximum capacity. I debated the developer's representative, Mr. Jencks, on Akaku. Mr. Jencks asserted in the debate what he meant was that it will be at maximum capacity after the build out of the proposed development. This is not true. In fact, when asked, "Right now?", Mr. Morioka responded, "Correct."

Mr. Jencks also stated that Wailea 670 will be building a Piilani extension that will provide a second escape route from South Maui. This is deceptive. What they will be building is a loop back to the Piilani.

He then claimed that watering the golf course and landscaping will replenish the Kamaole aquifer. This is not true. The truth is that much of such watering evaporates. What remains is used up by the grass and other plants.

Mr. Jencks stated that the two existing wells are under 100 parts per million in terms of salt content. He actually claimed that they were potable, drinkable. He bases this on a developer-sponsored hydrology report that has not been made available for review, has not been made available for the Council, for Maui Tomorrow, for concerned citizens, the people. The State Water Commission figures for these wells are 320 and 183 parts per million. Mr. Jencks responded by saying that these figures are dated. This is misleading.

MS. NAKATA: Three minutes.

MS. McLAUGHLIN: Salt contact...salt contents on a brackish aquifer that is being pumped over time will rise, not fall. I must be reading slower than I did when I practiced.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

The Wailea 670 developers, Cargill and Lehman Brothers, are unethical. Cargill has recently been fined for illegal air and water pollution in the U.S. They illegally burned Brazilian rainforests for animal feed. Cargill has profited recently from slavery on two continents, including child torture enslavery. They were sued by a human rights group in 2005. This is not. . .(change tape, start 3A). . .

Lehman Brothers has a history of fraud. One month ago, they made the front page of the Wall Street Journal for mortgage fraud, quote, “bringing turmoil and eviction to tens of thousands of homeowners.” Can we really afford to trust them?

People sometimes ask me my vision for Wailea 670. All you have to do is stand before the majestic Wiliwili and open your eyes --

MS. NAKATA: Four minutes.

MS. McLAUGHLIN: --then you will have the same vision of sacred beauty. Thank you.

CHAIR MOLINA: Committee Members, questions for the testifier? Seeing none. Thank you. Next we have Cambria Moss followed by Warren Blum.

MS. MOSS: Chair and Council Members, thank you for your attention all day long. I respect what you do very much. My name is Cambria Moss and I'm a musician, a violinist and a music teacher. I've been living in Kihei for six years. I'm a professional, educated professional but I can't afford one of those affordable houses that they're planning on building. But that's not what I came to speak here about today.

More important to me are the native plants. They are part of Hawaiian culture. Since Hawaiians had no metal or pottery, they used plants to make hundreds of implements needed for daily life. Archaeological...archaeological studies that link plants with cultural sites tell us the most about the past and give us valuable knowledge that could be useful in the future. It appears from independent biological review in Wailea 670, that the lava flow that makes up part of the area is a preferred habitat for many native plants that are rare or struggling elsewhere. No one has discussed just how many of these native trees and shrubs will be destroyed if the golf...golf course or home sites replace their favorite habitat. Will it be a few dozens, a few score or a few hundred? Will the Council request and receive this information before it sets conditions on what should be protected or developed?

So Wailea 670 preservation plans submitted by the developer describes the Wiliwili trees on site in 2005 as under attack by wasps. But as we...as we heard by Colin earlier, now the plants by observation and pictures taken in 2007 are thriving with Wiliwilis with abundant leaves and other species in bloom that are endemic and in endangered. There are large expanses of lava between the plants and that it is just what has allowed them to survive. The lava is also free of flammable grasses and other weeds. If a large expanse of this lava was left in its natural state instead of a golf course and some fencing added to discourage goats and deer, they can thrive and live from

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

hundreds more years. Wouldn't it make sense to give this unique area a chance to really flourish, not in a small six-acre pocket park but in a real habitat? That...a habitat that the plants have already chosen themselves.

The Council should get independent opinions on whether or not limiting dryland forests habitats in South Maui to only a few remote regions is really a wise strategy for their well-being. It appears somewhat self-serving that the Wailea 670 biological consultant feels that small area will be sufficient. And moving these plants Colin already explained to us would be impossible. Just because more money can be made by building a private golf course really seems insulting to Hawaiians and their culture. These endemic species have chosen their home. They were here long before us. They deserve to live, all of them.

If County planners have no way to protect areas like this, the Council should pass the cultural district overlay law that was recommended in the Kihei-Makena Community Plan. We've waited ten years for this tool. Our native plants and cultural sites can't wait much longer. Thank you for your attention.

CHAIR MOLINA: Okay. Thank you very much. Committee Members, questions for the testifier? Seeing none. Thank you. Next we have Warren Blum followed by Lisa Buchanan. And the Chair would just like to pass on some information to you. If you are parked outside in a, I guess, a two-hour time zone, please be aware. If you need to move it, please go ahead and do so, so you don't get ticketed. So, Mr. Blum. Thank you.

MR. BLUM: Council Members, thank you very much for this opportunity. Please excuse my attire. I mean no disrespect. I came directly from work because I thought this was very important, more important than changing clothes. And I would encourage an evening meeting in South Maui so that other working people can have their voices heard.

I work as a scuba dive master and dive instructor. I work on one of the charter boats out of the Kihei Boat Ramp. In the last six years that I've lived here, I've done an excess of 3,000 dives along the South Maui coast. In that time I've seen very clearly the degradation of the reefs particularly in the areas of the most recent development. The guide books say that Five Caves, Five Graves is one of the best dive spots. Six years ago it looked completely different than the way it looks today. There was huge turtle cleaning stations. There was an abundance of turtles that would go there to get their shells cleaned. Today that cleaning station is completely dead. The turtles have moved on.

I've also had the opportunity to dive down on the Kanaio coast further on down around the corner. And the reef there is spectacular. The fish, the marine life is abundant. The reefs are healthy. There's no development. It's very clear the effect that development has. Right now the area above where Wailea 670 is proposed, it's not in great shape. And it's gonna get in much worse shape if...if this goes through.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Also, I've had the opportunity to dive with people that have come out here over the last 20 years, year after year. And they ask me, what's happening? What's going on? Why, you know the silt that runs off after large storms—it's clear to anybody who's in the water—and then the silt settles down on the coral reef and just chokes the coral. And it...it just dies. And it's irreversible. Once it's dead, it's not coming back.

And they say, you know, if things continue the way it is, the visitors aren't coming back either because not only, you know, what's this going on in the ocean but also just the traffic and the congestion and, you know, this is what people have said used to look like paradise and now it's getting to look more and more like Oahu. So, that's all that I have to say. Thank you very much for your attention.

CHAIR MOLINA: Okay. Thank you, Mr. Blum. Committee Members, questions for the testifier? Member Anderson.

COUNCILMEMBER ANDERSON: Thank you, Chair. Mr. Blum, are you...you say you're a charter boat operator?

MR. BLUM: I work for a charter boat.

COUNCILMEMBER ANDERSON: And so, does your company have to take people further down the coastline to find a quality experience?

MR. BLUM: Um. . .

COUNCILMEMBER ANDERSON: Or do you still dive like at Five Graves and. . .(inaudible). . .

MR. BLUM: We don't dive at Five Graves. We...there are some sites a little bit further offshore where the runoff doesn't quite get as bad. And Molokini is pristine and it's the jewel that we enjoy everyday.

COUNCILMEMBER ANDERSON: Okay. Thank you.

CHAIR MOLINA: Committee Members, any other questions for the testifier?

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR MOLINA: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yes. Warren, I...I find it interesting, you know, you...you've done over 3,000 dives over...over the years, yeah. And you've seen the degradation in these certain areas where development did come in.

MR. BLUM: Yes.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

COUNCILMEMBER VICTORINO: Okay. And you believe that development caused these degradations?

MR. BLUM: I think the runoff, the silt --

COUNCILMEMBER VICTORINO: The runoffs, yes.

MR. BLUM: --is caused by...yeah, for sure.

COUNCILMEMBER VICTORINO: Okay. And let me ask you this. You say turtles no longer in the Five Graves area? You don't find turtles anymore in that area?

MR. BLUM: I...no, I...this one particular cleaning station it was an area, you know, 10 by 10 feet that everyday there's, you know, about five or six turtles just right there because the fish that clean the shells just lived on that reef. And that area is...is been wiped out. I'm not saying there's no turtles --

COUNCILMEMBER VICTORINO: Okay.

MR. BLUM: --in that area.

COUNCILMEMBER VICTORINO: Okay. And I was gonna ask you what a cleaning station was and you answered the question. Thank you very much. I appreciate that.

MR. BLUM: Thank you.

CHAIR MOLINA: Committee Members, any other questions for the testifier? Seeing none. Thank you, Mr. Blum. Next to testify, we have Lisa Buchanan followed by Jimmy Conniff.

MS. BUCHANAN: Hello, thank you. My name is Lisa Buchanan and I've been here, I was raised here on the islands. I'd like to also mention to the Council Committee if we could please have a meeting on the South Maui side since many of my friends would like to be here. Okay.

I know that several Hawaiian burials were found on the Wailea Golf Course in the 1990s, not far from the Wailea 670 boundary. I saw them on a archaeological map at a meeting. I have the map here. I'm concerned about what will happen to any iwi found on Wailea 670 lands because I read in the paper about a year ago that an archaeological firm was given a big fine for mishandling burials found at Wal-Mart on Oahu. And this is the same people that are doing all the work for Wailea 670 and Makena Resort. The State Historic Office doesn't have a staff archaeologic...archaeologist here on Maui at the present time and the Burial Council is understaffed. It's like there's no one able to watch over things.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

The Council needs to take their time to review this project and grant no approvals without some second opinions on important unanswered questions like how much space the native plants need? And how many archaeological sites and possible burials there really are? Then there also needs to be way that the folks who care about these lands can have a say in what sites are important enough to save. This can't be done by one...small group loyal to the developers. We need those who will ask hard questions and challenge bad decisions. We need to let Hawaiian culture survive on its own land, not be looked at as something that's just in the way of another golf course or condo. That has already happened way too much.

The Council should ask the developer to come back with more information after different archaeological...archaeologists have been brought in to work on the site and the community has been allowed to participate and see for themselves what is really there. Then good decisions can be made about where anything should be built or if the land needs to be set aside for plants and historic sites.

Our current generation is committing treason against future generations by destroying our global environment. Maui is just a tiny piece of the puzzle. Let's not lose another piece of the grand puzzle. Thank you.

CHAIR MOLINA: Thank you, Lisa. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have Jimmy Connift followed by Zandra Souza-Amaral.

MR. CONNIFT: I thank you. I testified, this is my second time testifying in these kind of matters. I did it about a month ago down at the Planning Commission. And I was there from 1:15 to 6:20 and then they called for anybody from the community. And I would have never known about it had it not been for the TV station - Akaku. I wanna thank them for being on the air. And whatever it was, I was against. It passed. But I had to say something.

I'm gonna read something. It's only a few lines, you know. It's off the website that I looked up some information. I agree water is a problem. Traffic is a problem. Cultural and recreational degradation is a problem. Please deny this development.

When I testified it was about a month ago at the Planning Commission. I was all choked up and kinda crying. I felt I was and they all looked at me with sympathy and the developer was next to me. It was the development that went above Makena landing, seven lots or so. He kinda looked at me with sympathy but I felt like a dog on Kihei Road. I saw this happen once in the morning down by the cove. A busload of people on their way to work ran over this dog's leg and the bus kept going, you know. And the dog—I called the...um...dispatch. They said if I could contain the dog they'd...they'd send someone out and...and take care of it. Well, the dog limped home, you know, 'cause I couldn't get'em. But I felt like that dog at that last hearing.

You know, I'm never one of those I really don't believe it. I think it's ka-ka, bullshit—oh, I didn't mean to say that. But I think this promise of...of...of affordable housing is just something that's, you know, when the time comes is gonna be, whoops, I'm sorry. We can't do that. And I

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

do believe that this project is gonna be...is unhealthy, you know, spiritually, emotionally, mentally and physically, in that order. I...I had some words prepared about the two Cargill and the Lehman Brothers but it's been said already. I'm...I'm also opposed to the super ferry, not that bad. I can see them pulling in, putting a dock in front of the Grand Wail...Wailea some day. Maybe not in my lifetime but they're hoping. And the Lehman Brothers, I think, own a part of that.

And...and also on the website, and it's true. We always get some promises but nothing ever, you know, they never follow through on it and they're really no facts happening on what they promised. They donate—these are developers which to me developer is like exploiting. If this...she said it has a new word. It's a new meaning to me. They're exploiting.

MS. NAKATA: Three minutes.

MR. CONNIFT: They have donations of...of...uh...little particles of things that they don't want. They donate and they take the best part. My reason for coming really is I represent my grandson. He's six years old. I'm 67. Some of my friends of Hawaiian ancestry will...will show places like Makena Landing and say my grandfather used to show me how to do this, net and swim and this is what we learned. Many of them do. And some of them won't come here because they're afraid they'll go berserk at this meetings. That's another thing. But I don't want to have my grandson—he's six, his name is Jeremy—to have to talk to his grandson and tell him that, you know, my grandfather and I used to be able to come here but now there...there's a no admittance signs, no access, keep out.

MS. NAKATA: Four minutes.

CHAIR MOLINA: Okay. Mr. Connift, you need to conclude, please.

MR. CONNIFT: I'm done. That...that was my purpose. It's not for me, it's for my grandson. Thank you.

CHAIR MOLINA: Okay. Thank you. Committee Members, questions for the testifier? Seeing none. Mr. Connift, for the record, can you state your full name?

MR. CONNIFT: Connift. James Connift.

CHAIR MOLINA: Okay. Thank you very much. Okay, Members, next to testify, we have Zandra Souza-Amaral followed by David Heard.

MS. SOUZA-AMARAL: Aloha. Aloha kakou. Kau mau hoa aloha. Good afternoon, Chairman Molina and Council Members. My name is Zandra Souza-Amaral. I am a member of Housing for Local People now. I'm also a realtor who is not given a contract to sell that property, nor was I bussed over by Wailea 670. I used my own dime too. I'm also a member of our local real estate board.



**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

However, while we are all concerned about housing for our people, I am speaking only on my behalf this afternoon.

As I realtor, I have wit...witnessed the devastating effect the lack of affordable housing is having on our young families. My son, being one, and his lovely wife, both of who works while raising four of my grandchildren with one more child on its way. Both of who are actively involved with coaching and sponsoring my grandchildren's Little League teams and Taekwando because they believe that it's important to spend quality time with their children while they are young. It's hurts to see my son work so hard in raising his family, trying so hard to purchase a home they can call their own, and they can call home only to find that it is far beyond his reach.

A home, I believe, is not a luxury. It is a necessity. Maui does not need to stop development for this is one of the major factors in driving the cost of real estate prices upward. Limited inventory, you know. I believe what Maui needs is a plan, a plan that perpetuates responsible planning on affordable housing for our local people now. While Wailea 670, also known as Honua'ula, represents responsible development for this area and while about half the homes will be committed to be affordable homes, I would like to make the following recommendations.

One, that all affordable housing units are built on site with at least 50 percent of these units being single-family homes.

Two, a park which has fields for baseball, football and soccer with tennis and basketball courts, places for people to sit, eat and talk story be built within the project.

Number three, that the private water and wastewater system being proposed by Mr. Jencks, Charlie, be operated and maintained by the developer for at least 30 years prior to them requesting public excep...acceptance of water delivery and wastewater treatment. This will insure that the general public will not be accessed higher water fees for this new development.

Number four, that sidewalks are provided throughout the project so that the young and the old can use them for exercising, biking and/or walking from home to park, stores and so forth. This will insure a safe walkable community.

Number five, the main road through the development be made a part of an evacuation route out of the Wailea area --

MS. NAKATA: Three minutes.

MS. SOUZA-AMARAL: --in case of natural or man-made disasters. Land areas within the project are set aside for a police station, churches, library and similar types facilities. I feel that if these recommendations are made a part of the conditions for the re-zoning and...of the property, the interest of the local people would have been served. I thank Mr. Jencks for involving the community for the many years he did. And I look forward to him providing housing, affordable housing, for the local people, my son and my eight grandsons now. And I thank all of you,

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Council Members and Mr. Chair, for your great work that you have continuously done and for the many years I have seen all of you fight for affordable ho...hou...housing. Mahalo kakou a me ke akua.

CHAIR MOLINA: Thank you, Ms. Amaral. Committee Members, questions for the testifier? Member Anderson.

COUNCILMEMBER ANDERSON: Thank you, Chair. Thank you for being here, Zandra.

MS. SOUZA-AMARAL: Thank you, Michelle.

COUNCILMEMBER ANDERSON: What price range of an affordable house could your son afford?

MS. SOUZA-AMARAL: My son, that's an interesting thing, 'cause somebody bought up—and I believe it was a hotel person—see, and as a realtor and as someone who works with these young—'cause that's what my firm does. We work with local families. I don't sell high-end real estate because I'm so. . .

COUNCILMEMBER ANDERSON: But what price range. . .

MS. SOUZA-AMARAL: I feel that 240 is very attainable. Now, Ms. Anderson, 240, they gotta give up the beer. They gotta give up the cigarettes and they gotta give up the bars. They gotta make sacrifices --

CHAIR MOLINA: Okay, folks.

MS. SOUZA-AMARAL: --but you know what guys? That is exactly what my dad did when he raised ten of us when he was a machinist at the cannery. He couldn't afford to send ten kids to St. Anthony so what he did was he raised a pig, a cow and he sold it. And by god, we all did real well.

COUNCILMEMBER ANDERSON: So your son could afford a 247,000?

MS. SOUZA-AMARAL: I believe he could. And if Charlie Jencks would give it to him, he would move in so he could raise his four, five, five children to be. And have the...the quality of life we deserve. But, yes, there are sacrifices, my brothers and sisters, that need to be made in order to preserve and to gain. Our ancestors did it and by god, we need to do it.

COUNCILMEMBER ANDERSON: Thank you, Zandra.

MS. SOUZA-AMARAL: But stopping development is not the answer. Thank you.

CHAIR MOLINA: Okay. Thank you.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

COUNCILMEMBER ANDERSON: Thank you very much.

CHAIR MOLINA: Okay. Any other questions? Mr. Mateo, you have a—oh, I'm sorry. Okay. No, that's okay, Ms. Souza-Amaral. Thank you very much for your testimony. Next to testify, we have David Heard following...followed by Lezle Molina.

MR. HEARD: Aloha and good afternoon. My name is David Heard and I've lived in South Maui for nearly 20 years. And I'm not nearly going to excite you as much as Zandra did. But I simply want to state a few reasons why I publicly want to support the project known as Honua'ula or Wailea 670.

First, I'm encouraged by the developers' and Charlie Jencks' agreeability to be pliable. And by that I mean they listened to the community. Now understand nothing can be perfect for everyone but I truly believe they're trying and have tried to design and develop a community that we can all enjoy. I am encouraged by the fact they have taken into consideration many of the concerns concerning the respect and preservation of the Hawaiian culture. This project is committed to not only to the preservation of native Hawaiian plants but also to numerous Hawaiian culture sites located within the development.

Also, too, I'm pleased that Honua'ula will contribute to the effort that's being made county-wide to address Maui's affordable housing crisis. And it really is a crisis. They've planned to develop nearly 700 affordable housing units and that's a lot. Also, too, I'm a father and I have two small children which leads me to really appreciate the intelligent thought that went into the design of this project to include walking, walkways and ways for bicycle riding within the development. Also, too, I appreciate that this project will contribute significantly to South Maui's park system.

I recognize that up until this point as a supporter of Honua'ula, I am in the minority this afternoon. But I do appreciate those of you that have listened respectfully. And I do support this project and I ask you, Council Members, that you seriously can think of...seriously think of supporting it as well. Thank you for your time.

CHAIR MOLINA: Thank you, Mr. Heard. Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Heard. Next to testify, we have Lezle Molina followed by Desiree Lopes. Lezle Molina. Okay. Not here. Okay. We'll move on to our next testifier Desiree Lopes followed by La...Lala Caballero. Desiree Lopes. Oh, there you are. Okay. Thank you.

MS. LOPES: Good afternoon.

CHAIR MOLINA: Good afternoon.

MS. LOPES: I wanted to say that I...was at the Kihei evening meeting couple years ago and testified then. So thank you fo...again for another opportunity to let you know that I am testifying as an individual in support of this project. I read in Sunday's newspaper the view point of State House

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Representative Joe Bertram. I thought he made a really good point that the question is, development, it is not how much but what kind. And I agreed with all the points he said.

I'm born and raised on Maui and I'm local so it's like going for the local housing. And Maui needs a responsible development like Wailea 670. I have been here for 41 years. I've watched other developments and the design that went into those developments and just the responsibilities and I'm really impressed with this project. It will provide 700 affordable homes.

I mean, I'm a single parent with three kids. What is affordable? Okay. I...I can't think that I would be all by myself to afford in this price range. But I have hope. There's my children to look forward to. There's family and friends that are supportive and helpful. So the finances might not always be there the way that it was reported earlier. But I really believe that it is hopeful.

Also, the project is consistent with the District Community Plan. So sometime ago, Kihei already said that this is what they wanted to have. And so I don't see why we cannot approve that now and have to wait for the General Plan.

Also, the developers have listened and I believe that these people are true to what they say that they have integrity. They've listened to a lot of concerns and acted in good faith. And the things that I've seen them do, I...I myself wouldn't have done that. Being a developer you have negative um...thoughts against him but these people have worked in...with integrity. And so I believe that they're gonna do what they say.

And this project will benefit all of South Maui and Maui County as well. So Maui needs responsible developments like Wailea 670. And today I'm asking you to please vote to approve their request to change the zoning because like everybody else, we have to take off from work and I think this is about the third time, and I missed at least two other hearings that I couldn't take off and be here. So I'm hoping that you got all these binders of information, you've looked at it, you've had your questions answered by now and would be able to make a decision so we can get this project built and affordable homes built. Thank you.

CHAIR MOLINA: Thank you, Ms. Lopes. Committee Members, questions for the testifier? Member Anderson.

COUNCILMEMBER ANDERSON: Ms. Lopes, do you know where we're getting the water for this project?

MS. LOPES: From the project itself. The project is providing water.

COUNCILMEMBER ANDERSON: Do you know where they're getting it?

MS. LOPES: They're building wells.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

COUNCILMEMBER ANDERSON: And have the wells been drilled yet? Is there any data to show that the water's there?

MS. LOPES: Yes, they have data.

COUNCILMEMBER ANDERSON: Well, we haven't seen it.

MS. LOPES. Okay. Well, I'm sure you could ask those questions of the developer.

COUNCILMEMBER ANDERSON: Yeah. We've asked many times. Thank you.

MS. LOPES: Thank you.

CHAIR MOLINA: Committee Members, any other questions for the testifier? Seeing none. Thank you, Ms. Lopes. Next to testify, we have Lala Caballero followed by Chisa-Lee Anela Okalani Dizon.

MS. CABALLERO: Aloha. My name is Lala Caballero. I actually came from California and my roots are in Honolulu. I want to open up with some quotes from the Bible. Hear my words, you wise men. Listen to me, you men of learning, for the ear test words as the tongue tastes food. Let is discern for ourselves what is right. Let us learn together what is good.

My name is Lala and I reside in Kihei. I have been blessed to be an area truly touched by God with beautiful beaches and open spaces. My confirm...my concern is for the land and all the creatures in this area which will...which we're going to develop upon. It is...is it truly necessary to build a gated community and another gor...golf course in Makena-Wailea? People that were born and raised here can't afford to pursue the American dream of owning homes yet we desecrate their land, pollute the water with toxins, where fishing is how local folks feed their children and how I will probably have to fish to eat because I can barely survive to live here. And yet I'm blessed to be in this land of aloha.

And I came here because I had a hard life in California and I wanted to come where I felt at home and this is where I want to live and raise my children. And this is where I want to die. And it's just heartening to see this land desecrated. It breaks my heart. I...it took me ten years to come here. And I'm barely making it and just to see this happen, it...it's so hurtful.

Tourism is which feeds at least...at least 50 percent of the people, if not higher, than all the folks living here. And if we continue to build, we will turn out to be just another Oahu. Who will pay our wages when our tourism dollars go to Kauai, Lanai, Molokai? Furthermore, how about the electricity to juice all these homes?

I believe another town meeting at a more available time other than at mid-day somewhere outside of the area where we reside—I took a whole day off work. And to me, that's a part of my rent and how I'm going to eat. And I believe so much in this that we have to do something about

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

it. I also think that we should have some kind of professional come here to give us a proper guesstimation on the loss of inc. . .(change tape, start 3B). . .dollars.

God forbid if this was to pass. What would happen to all the folks that live here that work in the hotels that bring in the tourists their food, that work in the grocery stores. Nobody's gonna want to come here anymore. I will like to close with some scripture, again, from Isaiah. Woe to those who make unjust laws to those who issue a press of decrees --

MS. NAKATA: Three minutes.

MS. CABALLERO: --to deprive the core of their rights and withhold justice from the oppressed of my people making widows their prey and robbing the fatherless. What will you do on...on the day of reckoning? When disaster comes from afar, to whom will you run for help? And where are they gonna run? Where will you leave your riches? Nothing will remain but to cringe among the captives of...or fall among the slain. Yet, for all this, his anger is turned away. His hand is still up raised.

Council Members, please take this to heart. Each decision you make regarding Makena will last long after your children or your children's children -- to either insure their future of this land or its destruction. Mahalo for your time, Council Members. Save the aina.

CHAIR MOLINA: Thank you, Ms. Caballero. Committee Members, questions for the testifier? Seeing none. Thank you. Next we have Chisa-Lee Anela Okalani Dizon followed by Christy Lynn Cistone. And forgive me if I mess...messed up your name. Miss...Miss Dizon.

MS. DIZON: Okay. First, I'd like to thank for your time and allowing me to voice my issues on Wailea 670. I like to ok...open up with saying Hookahi no laau lapa'au o ka mihi, which means the first remedy is forgiveness. Before we can heal ourselves or anyone else and the bad taste in our mouths be...between the haoles and the locals, we need to learn how to forgive and accept each other.

I don't want to leave here angry or disappointed. I want to make things pono between us. What Wailea 670 means to me personally is, I'm a single mother stri...struggling to make ends meet, not for the finer things in life but just for the mere necessities to live, to clothe myself, to feed myself. Coming and going to work has been hell, traffic. I want to live here. I mean, live in Kihei. I can't even. I have to live Upcountry and Kahului. It takes away time from me and my daughter. My daughter's two.

And, you know, sometimes I sit and I count all the tourist cars, the Sebrings, the convertibles, the Jeeps versus the local people's cars. And I feel like I'm the only local person on the road sometimes. And that traffic is really, really bad. And I pick my kid up late. My babysitter charges me more so I end up working hard. I have two jobs.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Affordability, I can barely...uh...afford rent. I pay \$900 for a one-bedroom where I share with my mom, my brother, me and my daughter. And how can I own my own home? At what \$500,000 is that affordable? To the developer, is that...that's what you call affordable housing? Because, I don't. I don't think I can even afford \$250,000. I really can't. And out of the 1400 homes that the developer will be building, you say 700 of that will be affordable? Are they gonna be built on the same property? And if not, why can't I be your neighbor? Are you too good enough? Why can't we all share if we're supposed to be one community, why can't we all live together in peace? And a golf course? Now, I have been affected.

I'm born and raised on Kauai. North and east side Kauai was made up of a lot of golf courses. All that runoff has polluted our reefs and our fishes. I fish for a living. I cannot afford to go to the store and buy eleven piece...\$11 piece of ahi. So I go and fish and I get poisoned and now I cannot eat fish again. I have ciguatera from the runoff from the golf courses. And one day you will too. The reef fish eats what's on the coral. The smaller fish get eaten by the bigger fish which is mahi and opakapaka, all the big fish. And you will get sick, too, eventually. So we're gonna kill off each other if we build another golf course.

And if we all are supposed to be one community, why a golf course? Why not build a nach...a Hawaiian preservation center or an ancient artifact, you know, like museum? Because you guys are already building on ancient grounds there anyway. And even if you don't find arrows or petroglyphs on that land, how can you explain that mana that comes off the land when you're standing there? Explain that energy that the land gives you when --

MS. NAKATA: Three minutes.

MS. DIZON: --you're just looking at all the Wiliwili trees. I don't think that this building is...is a smart idea. I think we need to really re-think about it.

And the water seems to be a real big concern today. Why not all this water wells, this water catchment systems...we're having such a bad problem now with the water, how come we don't do this now? How come we're only doing this for this new development? I don't understand. We're all going through major drought. I can't even water my yard Upcountry. It's looking he...looking hideous. And if we can't even solve the problem with the water now, how can we promise that this whole new development will have enough water? And like I said, your water catchment, your basins will not screen off of 100 percent of all the pollutions. There will be more who will get sick. I have at least five people in my family who will get sick.

And for those Hawaiians who are on the board and who are supporting this, I am very glad. Not to say that I am of Hawaiian blood. Because of the people of your own community who are --

MS. NAKATA: Four minutes.

MS. DIZON: --supporting this. Thank you.

LAND USE COMMITTEE MINUTES  
Council of the County of Maui

July 25, 2007

---

CHAIR MOLINA: Okay. Committee Members, questions for the testifier? Oh, Ms. Dizon. Ms. Dizon. Ms. Dizon. Hello. Ms. Dizon, come. Can...can you, just for the record, state your name, full name, please.

MS. DIZON: You sure the whole thing? *(laughs)*

CHAIR MOLINA: You have a beautiful name.

MS. DIZON: Chisa-Lee Aneli Kalanimokupuniaea Dizon

CHAIR MOLINA: Okay. Mahalo. Thank you.

COUNCILMEMBER VICTORINO: Chair.

MS. DIZON: Ea, ea.

CHAIR MOLINA: Thank you.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR MOLINA: Next to testify, we have Christy Lee --

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR MOLINA: --Christy Lynn Cistone. Mr. Victorino?

COUNCILMEMBER VICTORINO: I have a question.

CHAIR MOLINA: Oh, I'm sorry. Excuse me, Ms...Ms. Dizon. Sorry, we have a question from the Councilman Victorino.

COUNCILMEMBER VICTORINO: Sorry. You know, and I won't even try to go there.

MS. DIZON: Okay. Thank you, eh? *(laughs)*

COUNCILMEMBER VICTORINO: You know, I have enough trouble saying my name, let alone that one.

MS. DIZON: Okay.

COUNCILMEMBER VICTORINO: Let me ask you this question now. You work two jobs. In what areas do you work?

MS. DIZON: I work in Kihei.



**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

COUNCILMEMBER VICTORINO: Okay.

MS. DIZON: And I also work in Wailuku.

COUNCILMEMBER VICTORINO: Okay. So you work in two dis...two different districts.

MS. DIZON: And I live Upcountry part time with my sister and I rent a place in Kahului.

COUNCILMEMBER VICTORINO: In Kahului.

MS. DIZON: Yes.

COUNCILMEMBER VICTORINO: Okay. And you mentioned about affordability and that 240,000, based upon your income level, would not be reasonable.

MS. DIZON: No way.

COUNCILMEMBER VICTORINO: Yeah. Okay. So what would you think, in your opinion, we could do best in so...like a project like this or any kind of project that is brought forth in the future, to help young people like yourself—the local, young people—to stay here, work here and live here so that you can raise your family?

MS. DIZON: Well, I really don't know. Me, not of being Hawaiian blood, I'm haole-pino. I'm half haole, half Filipino. And you guys get plenty programs for people of Hawaiian, you know, Hawaiian blood. I'm born and raised on Kauai. I call myself Hawaiian at heart. There's no programs out there for me. I'm just like all my other colleagues who have screwed up their credit because of Macy's and Victoria's Secret who get bad credit already. And so there is no way that I can afford a house. Now, \$200,000...maybe offer free credit help, clean up your credit for the local people because there's so much young ones. There's so many people who have jammed up their credit that we cannot help. I'm looking right now for someone to help me build my credit up so I can, maybe, one day buy my own house. Maybe not one 5, 5 thou...hundred thousand dollar house, but a small one. Like I said, I'm working just for the basic necessities, not for the finer things in life. Brah, I even make my own dress, brah. I no can afford for go Macy's and buy me clothes.

COUNCILMEMBER VICTORINO: Well, you now, and...and I thank you very much because you brought up a very, very, very valid point that which has never been addressed by anybody. And it's not really a government issue but I don't know how to address it. It's that the young people have been brought up—your generation has been brought up—is everything now.

MS. DIZON: Yeah.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

COUNCILMEMBER VICTORINO: Everything now and I'll pay for it later. And the credit and all the that has been really. . .

MS. DIZON: And that's not only for local people. That's everybody.

COUNCILMEMBER VICTORINO: Oh yeah, and right. The generation, I said, the generation.

MS. DIZON: Yeah.

COUNCILMEMBER VICTORINO: Whereas in our day, we never bought anything unless we had the cash to buy it. And so, I understand your dilemma and I think this is...is promulgated. Going back to the Hawaiians, you know, these people, their lands were stolen from them. . .(inaudible). . .

CHAIR MOLINA: Excuse me, Mr....Mr. Victorino. Can we keep our questions confined to the agenda item --

COUNCILMEMBER VICTORINO: Okay. Well...

CHAIR MOLINA: --as much as possible.

COUNCILMEMBER VICTORINO: Yeah, well, thank you because she brought up some valid points and why we cannot do some of the things that we do. But we'll cover that a little bit later but thank you very much for your mana'o and sharing your on...with us honestly.

MS. DIZON: Mahalo.

COUNCILMEMBER VICTORINO: I really appreciate it. Thank you.

MS. DIZON: God bless.

CHAIR MOLINA: Committee Members, any questions for the testifier? Seeing none. Thank you. We have next to testify, Christy Lynn Cistone followed by Wayne Nishiki.

MS. CISTONE: I'm never spoken before.

CHAIR MOLINA: That's okay. First time for everything. Please proceed.

MS. CISTONE: Yeah. Thank you. I've waited and I've heard. . .

CHAIR MOLINA: Closer to the mike, dear. Thank you.

MS. CISTONE: Okay. I've heard so much today and I feel like I've really just—I just came here to listen. I didn't know by signing in I had to come up and say anything. But I just...I just wanted

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

to be here to support and that little part of land that they're gonna build on, I just...I just thought was so beautiful and I do believe it is still to be so. And I think there's other places where the land has already been used for sugar cane and other irrigation where the soil isn't as rich for the agriculture to support, to be self-supporting and independent in case we can't get those imported things. And it's so beautiful here and I'm just grateful to be here. And I hope...I actually moved here 'cause I couldn't afford where I lived back home. And I couldn't afford to buy a house there, nor could I here, pretty much the same market. And I...I don't mind not being able to, to have a piece of paper that says I own it 'cause I really don't believe I do own it. I just believe that I'm borrowing it for the next generation. So, hopefully, we can take care of what we have and maybe use what we've already used to have our needs met. Thank you.

CHAIR MOLINA: Thank you. Committee Members, any questions for the testifier? Excuse me, Ms. Cistone? Christy? Hello. Sorry, come. Sorry to bother. Can you just state your full name for the record? By the way, you have a very pleasant voice. Just wanted to hear it again.

MS. CISTONE: Right. Christy Lynn Cistone.

CHAIR MOLINA: Mahalo.

MS. CISTONE: You said it right.

CHAIR MOLINA: Thank you. Okay. Next to testify—you know what, Members, we're gonna take a break—just kidding, Mr. Nishiki. *(laughter)* Gotta have fun with our old colleague here. We have Wayne Nishiki and then we'll have Guy Aina and after Mr. Aina's done, we're gonna take a break. Mr. Nishiki, proceed.

MR. NISHIKI: Thank you, Michael. I'm really blessed that we've had these young people come and speak to you today. I think that's what you gotta think about. I was talking to some of these kids, 22 years old, 30 years old, and they're telling you they can't afford this project. That is saying something to you. That it is not the project. You gotta go and if government's gotta do it, Danny Mateo, I know you've worked so hard on the ordinance but you gotta fit the shoe with the people. If you don't, they're gonna be here again. And not, perhaps, living on Maui and I hope that you guys will make them feel like they count.

I was thinking about what was happening today. And there's one thing I know that we don't have, Chairman Molina. You need to get the developers to share with you their water agreement. They should not be hiding anything. We wanna know. Where's the water coming from? We already know that there is no water at the Iao Aquifer. Gone. Mr. Jencks and these people have not provided adequate information on the water. I think what you need to do is ask them where the drilling is. And also provide you pump tests before you give any entitlements to this developer. No zoning until they've shown you the pump test and what the water quality is. Have them provide this --

CHAIR MOLINA: Okay, folks. Settle down.

LAND USE COMMITTEE MINUTES  
Council of the County of Maui

July 25, 2007

---

MR. NISHIKI: --this reading for two weeks, Mr. Chairman. And that way we can rest with this community what type of water is coming by from this.

We also know that there's a golf course being planned. 1.5 million gallons to create a golf course, to irrigate. What will this do to the water in that area? I think you're going to see that there's so much salinity [*sic*] there that the developer himself, this big corporation, will need to assess on whether or not there is adequate water for this development.

Finally, this development needs to rest. This development needs to go, Mr. Chairman, to Kihei where there is adequate seating there at the community center. The people, Alice [*sic*], Mr. Medeiros, and Michael Victorino, this is probably the first time that you've seen this type of attendance here. Many of these people that wanted to come had to work. You need an evening meeting to accommodate—really—and listen to the community.

MS. NAKATA: Three minutes.

MR. NISHIKI: One more minute? Nakata? Thank you. Please, you need to put the shoe and fit that shoe for what these people can afford. And I think when I look at the young people here—and thank you for coming—because I think that you count. They know that all of you live here. And hopefully they want to take care of you. Michael, please, as Chairman, satisfy the community and come to Kihei and have an evening meeting so you can really feel the pulse of this community. Thank you.

CHAIR MOLINA: Thank you, Mr. Nishiki. Member Anderson.

COUNCILMEMBER ANDERSON: Thank you, Mr. Chairman. Thank you, Councilmember Nishiki.

MR. NISHIKI: Ex-Councilmember.

COUNCILMEMBER ANDERSON: I think if anybody in this County deserves the honorary title of Councilmember, it's you, Mr. Nishiki, after 18 years of service to this...people of this County. (*applause*) So we're very happy to see you back in the Chambers.

You know, on this issue of the water agreement, I very much agree with you on that because...and for many reasons. But the most important of which—and I don't think we'll get to it today—but I've got the documentation to pass out to members. The Department of Land and Natural Resources is looking for water for State projects. Specifically water so that we can have toilets at Makena Beach. And so they did an exploratory well right above Makena. And their end result—this was at the 720 foot elevation. The wells that Mr. Jencks is proposing to drill for his project would be just below the 600 foot elevation. So, hopefully, you would think that the salinity would be better at the 700 foot elevation. However, DWS drilled this well and they found—it's a exploratory well and this is what you're asking them to do and I think they should do it too. Prove to us that you can provide the water that you say these wells would

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

produce. In this exploratory well, they were only able to produce a well...the well went down some...oh, I'm sorry, I don't have the depth right off the top of my head. I think it went down some 500 and some odd feet. But they were only able to produce in the neighborhood of 170,000 gallons per day from this well and the chloride levels were too high. So they have abandoned putting a well in this area in the Kamaole Aquifer. Now, you know, if it's not viable for DLNR, and they've already done an exploratory well, then I would think we certainly have to have an exploratory well on the proposal that Mr. Jencks is giving us.

MR. NISHIKI: Yeah, and...and...and just to—if I may, Mr. Chairman?

MR. MOLINA: Proceed.

MR. NISHIKI: I don't think that the nine of you can make any good decisions unless you find out what that water ve...water quality is, Gladys. And if they find that it isn't, and hopefully Charlie—I guess this is a challenge that I...this whole community puts on you. Please, don't hide. Do the test. Run it. And...and...and let us know what it is. I take you as an honorable man. And I think this is the least we can do with you representing the developer. I know that it's a corporate somewhere from the mainland. But then I see distinguished people like Steve Gool...Goodfellow here. I see...I see many other people here that are supporting this project. And, and you guys live here.

CHAIR MOLINA: Mr. Nishiki, can you just address the Council.

MR. NISHIKI: Yeah. And so, in...in all fairness, Michelle, I think that, like, if they're our family, you know, just as you would talk to daddy or my daughters would talk to me, there's no secrets. You share heart to heart. They're our community, Mr. Chairman. Please, let them show us that there is indeed water and perhaps we can be calm about it.

Again, the cost of these homes, I don't think are for people here. And please search within your heart. Listen to what—when you ask questions about what the affordability range was. And you can see they're not lazy people. These young ladies that I heard speak. They work two jobs. They live in Kahului. They live Upcountry with a sister. This is what these people are experiencing. And yet they want to live here. And they love this place. But don't desecrate it. Thank you so much.

CHAIR MOLINA: Committee Members, any other questions for the testifier? Seeing none. Thank you, Mr. Nishiki. Next, we have Guy Aina.

MR. AINA: My name is Guy Aina and this is what I have to say. Do not allow these developers to develop Makena across of Big Beach. You already allowed too much development to occur from the first stop light as you're coming in to Kihei from Kahului all the way to just before Big Beach. That's 95 percent of the coastline going that way. On the mountain side of the road at Big Beach to the lava flow going towards La Perouse is the last 5 percent of natural Hawaii on

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

that stretch of coastline in that area. There is no excuse for overdevelopment. Leave that 5 percent alone.

There is too many of you government officials using false authority to make decisions in these islands without looking at Hawaiian rights and land titles. Clear land titles do not start from dates from the so-called Territory of Hawaii. It starts from the legal authority of the Sovereign Kingdom of Hawaii called Ko Hawaii Pai'aina which all these lands are patented under its authority and on file in International Court. And is again starting to be recognized by other countries around the world which your government is aware of. And that the Territory of Hawaii had no legal authority to cede any land over to the so-called State of Hawaii which in...which, if you know law, the State of Hawaii has no legal authority in Ko Hawaii Pai'aina. There is no record showing legal transaction of land title from the Sovereign Kingdom of Hawaii to the Territory of Hawaii to the State of Hawaii.

Beware, because for so many years your government has never wanted to recognize what you call native Hawaiian rights. You know it's the law but you choose to ignore it. I guarantee you that you know these developers have no real clear title to those lands. But you ignore it.

Beware because now is not like before. Now our cries for justice is just starting to be heard around the world. Because you government has been suppressing and verbably [*sic*] and mentally abusing our Hawaiian culture for so many years. Like our elders always said, take care of the land and it would take care of you. If you don't take care of the land, it won't take care of you.

The bottom line is this, you're changing our lifestyle allowing too many foreigners to own land on Maui. Our way of life is changing. These foreigners are getting away from where they're from and coming here and making our people look like there's...wait a minute...and making our place look like theirs and feel like theirs, overcrowded. Queen Liliuokalani sing, was this in islands that had to be neutral ground in time of war? Do not covet the little vineyard of . . . (*inaudible*) . . ., so far from your shores, lest the punishment of a hove fall upon you. For be not deceived, God is not mocked. The people to whom your fathers told of the living god and thought to call Father and whom the sons now seek to despoil and destroy are crying aloud to him in their time of trouble. And he will keep --

MS. NAKATA: Three minutes.

MR. AINA: --his promise. And will listen to the voices of his Hawaiian children lamenting for their homes.

CHAIR MOLINA: Mahalo, Guy. Committee Members, questions for the testifier? Seeing none. Thank you. (*Applause*) Okay, folks. Okay, ladies and gentlemen. We're going to be taking a break and when we come back from break, we have Joyclynn Costa followed by Irene Bowie. Members, we are in recess till five minutes after five. . . .(*gavel*). . .

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

**RECESS: 4:52 p.m.**

**RECONVENE: 5:15 p.m.**

CHAIR MOLINA: . . .(*gavel*). . . This Committee Meeting for July 25, 2007 is now back in session, ladies and gentlemen. Thank...thank you, Members, for that break. We left off with testifier Joyclynn Costa to be followed by Irene Bowie.

Folks, let's tone it down just a bit. We do have a testifier awaiting to share her thoughts.

COUNCILMEMBER ANDERSON: (*laughs*) Where is the chicken katsu for the Council Members?

CHAIR MOLINA: It's over in the restaurant. Okay. Okay. Okay. Ms. Costa.

MS. COSTA: Good afternoon. My name is Joyclynn Costa. I hope all that have testified realize that you are given an opportunity to stop this progress now that you are nestled in your piece of paradise. That word paradise is just a fantasy word to fluff this area. These places are actually called *aupua*'s and *ilis*. The use of the word that some speakers had mentioned was made felt less of. Made felt less of a person. Cultural, to perceive that the cultural is lesser. Yet all the archaeologists site...sites and existing habitat there would lead you to believe that someone lived there before. This would mean someone brought those plants there.

My *kupuna*. My *kupuna* was not given this opportunity to speak to you, to say no progress. So I speak on behalf of my *kupuna*. The silent majority, the ones who actually, literally have no voice. You come and travel from away and plant yourself here. And now you want to stop everyone else from coming. Imagine that. Our *kupuna* said, come and rest. Yet they stayed. And when our *kupuna* spoke out, they were dealt with. I am a descendant of such a person. My *kupuna* was condemned to *Kalaupapa*. Only to find that his death, he was clean, no leprosy. He was condemned.

We live in this American way of terrorism and attacks. We still live that today as *kanaka maolis*. Our queen was held captive. That, to me, was the first sign of terrorism in Hawaii. She was not allowed to even speak to her people without sneaking out of her own home. And when they found out how she snuck out, they blew up the tunnels.

One Council Member said the lands were stolen. Look under your feet, it's still here. Just occupied. We gotta fix that. The land's not stolen. My father always told me, let the Japanese go and build their buildings. Let these guys build their buildings. Then when we wanna come home, we come home. The land is still here. It's under our feet.

Now back to why I'm...I'm here. The proof of the people who were living and working in these lands, *Honua'ula*—actually the entire archipelago.

MS. NAKATA: Three minutes.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

MS. COSTA: In your own laws...see, and there's not enough time. Not enough time. Too many deceits and too many lies.

In your own laws, it states...and Guy Aina had brought up that one point about your title. I hear about developer. I didn't hear an owner. I hear about investors. I didn't hear about owners. In your own laws, every royal patent hereafter issued upon an award of the Board of Commissioners to quiet land title shall be in the name of the person to whom the original award was made. Even though such person be deceased, or the title of the real estate thereby granted have been alienated. Do you understand what that means? That means even if it was sold or bartered or traded or conveyed or leased, it's still holds in the title of the original awardee. You need --

MS. NAKATA: Four minutes.

MS. COSTA: --to look at your titles. You are a tenant here. You occupy our kupuna's aina. And you --

CHAIR MOLINA: Ms. Costa, you need to wrap up, please.

MS. COSTA: --need to understand that. Well, all I wanted to say was I'm reading this out of the laws of 1872. It is also in the revised laws of 1955. It is also in...if you go and look in the revised statutes...in Statute 172-11. So now you need to realize actu...actually who...who owns this land and address that before you address the water, before you address the...the issues of pollution, and before you address the...the issues of...of tourism, you need to address the issue of title.

CHAIR MOLINA: Okay. Thank you, Ms. Costa. Committee Members, questions for the testifier? Member Johnson.

COUNCILMEMBER JOHNSON: Yes. Thank you very much, Ms. Costa. Do you know any of the descendants, the lineal descendants, who still hold title or have a claim within the lands that are under our consideration today?

MS. COSTA: I know some that...that have...have reservations on coming out because of the way the hewa that we have in the court system. You come in and you...and you show your royal patent. You show your...your lineal descent and they disregard you. Completely disregard you because why? A developer, not an owner, has the monies to convince you people to want to pass these dir...different things so that. . .*(change tape, start 4A)*. . .for homes.

Mr. Victorino, you ask, what...what would be...what would be a solution? Anybody looked at real estate lately? How many real estate magazines are out on the counters? How many classified ads are in the newspaper? Why don't you regulate that? There's a lot of housing available. Why do we have to put more up? There's lots of homes already available. It's just nobody's regulating how they're...how they're selling 'em. So we got books and books and



**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

books of houses to be sold and what we doing? We running out to go build some more. I no understand.

But you need to go back to...and...and look at your laws. You folks come from the laws of the Kingdom. The HRS is based on 1892, 1892 Kingdom laws. And so that's where your foundation is. So when everybody asks me, where is your government? I'm looking at it. I...I did...but...they're not doing anything.

COUNCILMEMBER JOHNSON: Thank you very much. The other question I had is, because there's a tool that is used in western ways called quiet title and also another real estate vehicle called partitioning, do you know if any of the lands that are under consideration, any portion of these, have been secured through either one of those means?

MS. COSTA: I know of a royal patent being allodial and inalienable. And if you look up those...those words, allodial and inalienable, it's forever more to that family, not to ever be transferred or sold. It's impossible. If you really do your homework, you'll find that out. Now if you really understand the royal patent, and you are under oath by the United States, there's a doctrine of political question which states that any land titles derived from another country, which is Hawaii, is no longer in the governmental or the court system but only through executive powers of the Congress or the President himself that can make that decision as far as transfers. And that's in your oath.

CHAIR MOLINA: Member Johnson, you have another question?

COUNCILMEMBER JOHNSON: Thank you. Yeah--no. Thank you very much.

CHAIR MOLINA: Okay. Member Anderson.

COUNCILMEMBER ANDERSON: Thank you, Chair. Ms. Costa, thank you for being here today. We have a title report from Title Guaranty. It's actually just a preliminary report which says no liability hereunder. It's issued solely for the convenience of the title holder, the title holder's agent, the counsel, purchaser or mortgagee, or the person ordering it for the purpose of facilitating the issuance of a policy of title insurance by Title Guaranty of Hawaii and no liability will arise under this report. I'm sure you must be familiar with Title Guaranty.

MS. COSTA: Uh-huh..

COUNCILMEMBER ANDERSON: And also probably familiar with the investigation currently going on under the Bureau of Conveyances in regards to Title Guaranty?

MS. COSTA: Yes.

COUNCILMEMBER ANDERSON: Would you say that this title report is. . .

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

MS. COSTA: Colored.

COUNCILMEMBER ANDERSON: Well, why don't you say what you want.

MS. COSTA: I've tried very diligently to look up certain documents. And to say the least, when you go to the Bureau, it is...it has become even more confusing now that you wonder what paper you have. And when you finally do receive a paper, if it's actually legitimate. You'll see some royal patents come out of there with scratches across the entire face. And handwritten names replaced by kupunas.

Title Guaranty, I've had a phone call with them once before and...and they claim not...they don't transfer titles. All they do is they examine it. And when they examine it, all they do is tell you, well, I guess if you have quit claim, you have a broken title. That's a clouded title.

You need to go back to the original owners. And in your own HRS, 172-11, it states, the original owner is the original patentee. No matter what, even if he's deceased. Even if it's the...the real estate has been sold. Title is there. The land hasn't been sold away. It's still under your feet.

And you young kanaka maolis need to stand up and be counted because if it's not in my generation, my daughter sits there. She's got three children waiting for her at home. I come from East end and I come to talk for South end because it doesn't matter what district. It's the principle of it all.

You have an oath of office to uphold. Your oath of office is very clear. As far as I can see, unless you can show me different. And so when it comes to our royal patents, you need to cease.

CHAIR MOLINA: Member Anderson, you have another question?

COUNCILMEMBER ANDERSON: No. Thank you very much for being here.

CHAIR MOLINA: Okay. Committee Members, any other questions for the testifier? Seeing none. Thank you. Next to testify, Irene Bowie followed by Pat Borge.

MS. BOWIE: Aloha, Council Members. My name is Irene Bowie and I'm the Executive Director for Maui Tomorrow Foundation. My background is in marketing and so I recognize the marketing job that's been done on this project. A skilled marketing campaign like this is designed precisely to focus all attention on the aspects of the merchandise that the seller wants to emphasis while other aspects are relegated to the background or diminished all together. But I'm also trained to look beyond the product being marketed and to examine real facts, not just get lost in the sales pitch or the hype.

Private water and sewage systems for Wailea 670 are being pitched as a plus. But the reality is that they are an absolute necessity because there is no County capacity available for them. That's distressing. Private water systems in Kapalua and Kaanapali cost two or three times the rate that

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

the public system charges. Last year a pump failed at the private well at Maluhia and County water trucks had to haul water out to that community traversing all windy and narrow roads to Kahakuloa.

Wailea 670 has changed their water source plan three or four times and yet we still aren't privy to the details of their plan or the impacts. Some years ago, we heard a sales pitch about the Maalaea condos saving us money by putting in their own sewage plant. And now the nutrients from their injection wells are killing our once healthy reefs. We're hearing sales pitches for impact fees for parks, roadways, schools and possibly even a homeless resource center. Though, of course, this will not be on their property. The reality is that the developers would not be giving these things to the community. They would be, at best, fair compensation for straining our already overburdened infrastructure with 1,400 more units, 3,000 more cars and 20 years of construction traffic.

Seven hundred market homes could easily sell in the \$3 million range, netting the developers over \$2 billion in returns before they even add in the amount from selling 700 more units in the affordable range.

So any impact fees they pay will be a tiny drop in the bucket. Remember that the owners of this property, Lehman Brothers and Cargill, have combined assets in the range of \$600 billion worldwide. They bought this property at a bargain basement price and they're now playing the Maui...Maui real estate market as though it was Park Place on the Monopoly board.

We've often heard the hype that higher property taxes paid by part-time residents is the best thing for our economy. If that were so, development in Kapalua, Kaanapali, Wailea and Makena should've already enabled us to catch up with the infrastructure. Instead, we've fallen even further behind. Parks are closed at night. Our police force is inadequate. Traffic is a nightmare and it's a long list that goes on.

I ask you, Council Members, please study the cumulative impacts of all South Maui developments and not just listen to the spin on this one project. And please, get all the legal information required for this request, not just the zoning application --

MS. NAKATA: Three minutes.

MS. BOWIE: --that deserves a grade of about a C- and an old and obsolete EIS. I'll leave you with one last thought, the final line of our community vision statement from Focus Maui Nui. That which makes Maui Nui unique in the world will be preserved, celebrated and protected for generations to come. That, Council Members, is the vision worth embracing. Thank you.

CHAIR MOLINA: Thank you, Ms. Bowie. Committee Members, questions for the testifier? Seeing none. Thank you, Ms. Bowie. Next to testify, we have Pat Borge followed by David Mogilefsky.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

MR. BORGE: Hoo, long afternoon, boy. But I want to thank the Council for having this meeting today but I sure wish we would have had it in Kihei where there's more room, more breathing room and this is, to me, this kinda ridiculous. I know the County got more money than this. You know, the budget, you know, I don't know.

But anyway the water issue, Wayne Nishiki said it all. Show me the water, okay?

My thing is Piilani Highway, the most dangerous highway on Maui right now, four lanes. That...during the Apana administration they went out with a tape and they measured. They said, okay, we can put in four lanes 'cause people were complaining. All the construction was going on -- Four Seasons, Kealani, everything was happening at one time. Now you're expecting to put up 670. The highway is still the same. What I...we looking at Kapalua. Look at Kapalua, what they going through right now. You put in the same pressure you're gonna put on South Maui what's happening in Lahaina. And then we're gonna be going, oh, what we gonna do? We're gonna have corridors. We gonna need the State to put in a bypass. This been planned many, many years ago. This four-lane highway was supposed to go all the way to the Maui Prince Hotel. And right now, it ends right at the beginning of Maui Meadows. You talking two lanes.

And I drive that highway everyday and I don't see too many police officers. I have nothing against the Police Department. They're understaffed, underpaid. But I've driven that highway many, many times with no police officers in sight. Now, you talking a thousand, what, over thousand homes. All these people, according to Joe Bertram, they say he's just gonna ride around on their bikes in their community on their bicycle paths. I mean, I'm sure they gonna go to Costco. I'm sure they're gonna go to Big Beach.

Our South Maui natural resources right now, Ahihi Bay, Makena Big Beach is all over-taxed by people, too much people. That's it. This affordable housing thing...I'm sorry, Charlie Jencks. You put it up like little...here, Council people, look at this affordable housing. And that's all it is. You guys gotta look at the whole picture. What this development is gonna do to the South Maui? You talking Dowling now. You got Dowling just bought out Makena Resort. He's gonna come before you for rezoning.

Piilani Highway, four lane ends right at Maui Meadows and that's the most dangerous highway right now. And people are dying on that highway. And we cannot put anymore traffic on that highway.

And also, I wanna tell you a story about this private golf course. Why I'm so against private golf course, 'cause I grew up in Puunene. And Hansen Road, uh, Hansen Road, that little museum, we used to call it Haole Camp. Not to be offensive. Just that's what I grew up with. And when that whistle blow at 8:00 o'clock, I couldn't cross Hansen Road because it was for the supervisors, and the doctors, and the lawyers and everything. They had their own swimming pool. They had their own club house. They had their own movie theater. I couldn't go there.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

So all my life, I grew up with this chip on my shoulder that they were better than me. So what kind of society are we gonna teach these kids? They have a private golf course.

MS. NAKATA: Three minutes.

MR. BORGE: But you can live there but you can't play on that course, you know. But to me this affordable housing is just a little trickle that they trying to throw into the mix of things here. And I hope you, Council, look at the whole picture. And...and like the young lady up here working two jobs. They're very hard working people. And that's too hard. There's no way that they can afford those houses. And thank you very much for your time and God bless you all.

MR. MOLINA: Thank you, Mr. Borge. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have David Mogilefsky followed by Aerie Waters.

MR. MOGILEFSKY: I had a handout but it still needs. . .(inaudible). . .

CHAIR MOLINA: Okay. Sir, we'll have...we'll have staff hand it out for you.

MR. MOGILEFSKY: It's only couple pages of reference materials. It's probably already buried on your desk somewhere. Excuse me, thank you for the opportunity to appear. My main concern with Wailea 670 is beach parking. Since at least 1992, the zoning code has required that Wailea 670 not burden infrastructure. Current Section 19.90.020B(1) says, quote, the development shall not burden government agencies to provide substantial infrastructural improvements, unquote. Yet, the developer intends to construct 1,400 homes near the beaches but not near enough to walk and provide no beach parking at all.

I wrote this Committee in January pointing out that beach parking is near capacity now. With 1,400 more homes in the area, beach parking will become a serious problem for everyone. Kihei and Wailea people who go early will stand the best chances of getting a place to park. Wailuku, Kahului and Upcountry people will suffer the most. They will have to start out very early in the morning or just not go at all so as not to have to deal with parking problems. I suspect the many baby luaus and birthday parties at Kam III will become a thing of the past.

Along the lack of beach parking come two more problems. One, people start parking in improper places and parking control becomes necessary along with personnel to do the towing and write the tickets. And two, the roads get all jammed up with people driving around looking for a place to park.

The zoning ordinance you're being asked to approve contains a similar provision about infrastructure that is been in the same...the zoning code that we've had since '92. It's on page 3 and I've passed out copies of that with the infrastructure paragraph highlighted for you. It says, Kihei-Makena Project 9, Wailea 670, shall not burden government agencies by requiring the provision of major infrastructure improvements or public services. But the developer has already violated the provision before it's even passed. It does not intend to provide any beach parking at

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

all for the residents of 1,400 new homes near the beaches. They just want the people of Maui to suffer with it. Thank you.

CHAIR MOLINA: Okay. Mr. Mogilefsky. Committee Members, questions for the testifier? Member Anderson.

COUNCILMEMBER ANDERSON: David, thank you so much for being here. And for making it your focus because I...I feel very much the same way. Living in South Maui, you know, we share our wonderful beaches in South Maui with people from all over Maui. Actually from people from all over the world since at least 50 percent of the people using our shorelines are visitors which, you know, is an extra strain. So given your experience, and you...you...you're saying that, you know, there is...it's almost at capacity. I think it's over capacity already.

MR. MOGILEFSKY: At times.

COUNCILMEMBER ANDERSON: At times.

MR. MOGILEFSKY: It's filled...it's full.

COUNCILMEMBER ANDERSON: Right.

MR. MOGILEFSKY: That's it. It's done.

COUNCILMEMBER ANDERSON: I mean, there's no parking.

MR. MOGILEFSKY: No.

COUNCILMEMBER ANDERSON: And down in Big Beach, their parking...the parking lot's full. The driveway into the parking lot is parked choc-a-bloc on either side. And people are...are even at times parking out on Makena Road, which is very unsafe.

MR. MOGILEFSKY: Yes.

COUNCILMEMBER ANDERSON: So would you...and...and I think you're right. It's different to mitigate this. Most of our shoreline beaches, there's no...or parks...there's no area to provide additional parking. However, there could be additional parking developed at Big Beach. And so, I'm wondering. Do you think that that should be a requirement of this development to add additional parking spaces at Big Beach?

MR. MOGILEFSKY: I think it should be a requirement of the development to add beach parking throughout the beach areas of South Maui. Starting at least from Charley Young/Kam I and heading all the way south as far as Big Beach and maybe even beyond. Incidentally, those...the side parking you see when you drive into Big Beach. My understanding is that, that's illegal. The State is just --

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

COUNCILMEMBER ANDERSON: Yeah.

MR. MOGILEFSKY: --putting up with people parking along the sides there. That doesn't even belong there.

I wrote in my original letter to you that I felt that this could not be mitigated because there's no land available, or little or no land available for beach parking. I've kinda changed my...my view on that a little. It's available at a price. I mean, if somebody really wants to provide parking, they can provide it. All they have to do is buy something else and convert it over to parking.

But, you know, I wanna say...mention something else to you. I'm familiar with two situations in a previous resort community that I lived in where as soon as the developer decided they wanted to do a major project and they knew people were gonna go to—in this case it was beaches on lakes, two different lakes—they immediately went down to the lake fronts and bought property. So that their residents would have a place to park and they would not burden infrastructure of...for everyone else. These guys didn't do that. They just said we're gonna put in 1,400 homes and you figure it out.

COUNCILMEMBER ANDERSON: Yeah, there's no analysis whatsoever on the impacts to our beach parks at all.

MR. MOGILEFSKY: I don't know how many spaces 1,400 homes and their cars, you know, would require.

COUNCILMEMBER ANDERSON: Well, it's for sure we can't build anymore beaches so we've gotta, you know, use what we've got in a smart and wise way. And overburdening them is not a smart thing to do.

MR. MOGILEFSKY: Well, it's against the law. It's...it's...this is not a...a permissive statute you got here, both in the old law and in the new law. It says Kihei-Makena Project District 9, Wailea 670, shall not--that's mandatory—shall not burden government agencies by requiring the provision of major infrastructure, improvements or public services. As near as I can tell, that's beach parking.

COUNCILMEMBER ANDERSON: Thank you.

MR. MOGILEFSKY: And they're not gonna do it.

CHAIR MOLINA: Okay. Thank you, Member Anderson. Committee Members, any other questions for the testifier? Seeing none. Thank you. Sir, can you just again state your full name for the record?

MR. MOGILEFSKY: David Mogilefsky.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

CHAIR MOLINA: Thank you very much.

MR. MOGILEFSKY: Thank you. Bye.

CHAIR MOLINA: Next we have Aerie Waters followed by Dick Mayer. Aerie Waters. Not here. Okay. We have Dick Mayer and after Mr. Mayer we have John Naylor.

MR. MAYER: Thank you, Mr. Molina and aloha, Council Members. It's been late...and it's late and I'd like to add a few things to the commentary that's already been given. I'm vice-chair of the GPAC right now as most of you know. I'm not speaking in any way on their behalf or representing them. These...my view points but they do come...my comments come from my experience that I have in the past. I was on the Planning Commission back when Wailea was originally approved. I was on the Upcountry...I was vice-chair of the Upcountry Community Plan as it went through the process. And I have had a number of experiences with planning.

I'd like to make some points. Number one, regarding water. Three...two or three years ago, there was a similar meeting to this one held on Wailea 670. And I raised the issue at that time that stopped the meeting dead in the water. And the point that I made was that the Wailea 670 project at that time was calling for wells to be drilled in the Upcountry region. And the Upcountry region has a very specific statement in the Community Plan on page 34, number 4, and I read it, quote it as follows: Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region with exception provided for agricultural use. In other words, any water drilled Upcountry or passing through Upcountry cannot be exported from the region. That's part of the State...part of the County ordinance. And what the intent was, of course, that Upcountry suffers continually for droughts and it should not have water exported to other regions where water might be more likely available.

When I stated that last time, the County attorney at that time called for recess, looked it over and said that because of the proposal that a well be drilled Upcountry, the meeting should stop at that point because there was no water source for the project.

I've heard today that there is no yet defined water source for this project. Wells may be drilled in Haleakala Ranch below the line. The question I have is, how will the water get from that well, which is north of Maui Meadows to the Wailea 670 project? Will it pass through Maui Meadows? I think not because it's a very highly urbanized area and probably would not have a pipeline. Most likely they're planning to go above Wai...Maui Meadows through the Upcountry district into Wailea 670 which would be illegal according to County ordinance. And I would like you to review that.

The second point is that with the regard to water, mention was made of desalinization as a possible way of treating the water. If this water system that they're going to propose is going to be a private water system, desalinization is extraordinarily expensive. When the County did a



**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

study I think in the last administration, the price came out to roughly \$3 or \$4 per thousand gallons. I'm not sure what the price exactly would be today.

The main reason is that desalinization is highly energy...uh...sensitive. Now, with this energy prices have gone up con...significantly since then, the price would be high. What will happen? Will the Wailea 670 company be selling this water to the people on that property at rates that are three or four times the price that the County has? And will the people who are in those 700 affordable homes have to pay those extraordinarily high water prices? The houses --

MS. NAKATA: Three minutes.

MR. MAYER: --may be cheap but the price of the water bill every month for that area, because in South Maui right now, my understanding is they use in that roughly 2,000 gallons per day in each household. That's the sort of the average. By comparison, Central Maui's using somewhere around 600 gallons per day. So with that kind of water use and the bills that they may have to pay for desalinated water and then the question is, what guarantee will that development give over the long term to provide that water? Cargill and Lehman may sell that project off and who's gonna be running the water? Is the County gonna be supplying water at \$3 or \$4 or \$5 just to desalinate, not to mention the pumping of the water. That's something you have to look at and may be even illegal if they bring it through the Upcountry region.

I also would urge you to take a look at all the other projects in South Maui. Some of these people mentioned cum...cumulative effects. I'm gonna pass out after I leave here the list of projects in South Maui. There are 43 other projects that the County has already committed to in South Maui.

MS. NAKATA: Four minutes.

MR. MAYER: Thank you. Of those 4,300 they're already committed. This is something you don't have any more power over. You may have some fine tuning but...but basically 1175 single family homes have already been committed. 1786 multiple family homes and 3,554 time shares and hotels have already been committed for South Maui. That number which comes out to around 6,000 units, is already been committed. What will be the added effect, and that's what I'm saying, the added effect of Wailea 670, on all these already existing approved projects? And that doesn't include ohana units that may be built. It doesn't include single family homes. It does not include small units. These are all numbers from your Planning Department and I'll give you the numbers when I step down.

CHAIR MOLINA: Mr. Mayer, you need to conclude.

MR. MAYER: Thank you. I will conclude now.

CHAIR MOLINA: Okay. Thank you, Mr. Mayer. Committee Members, questions for the testifier? Member Anderson.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

COUNCILMEMBER ANDERSON: Thank you, Mr. Chairman. Dick, thank you for coming and adding your knowledge here especially about the Upcountry situation. But, you know, the County of Maui did do...the Department of Water Supply did a Central/South Maui desa...desalinization feasibility study. It was finalized in December '06. And Members, I will pass these out to you, probably at the next meeting. But their conclusion was that a facility that's operating...and this is for brackish, not salt, not ocean water --

MR. MAYER: Right.

COUNCILMEMBER ANDERSON: --but brackish water, a desalination facility would have a capital cost of approximately 44 million and annual operating cost of 3.8 million. Assuming that the facility is operating at capacity continuously, the water production cost would be approximately \$4.10 per thousand gallons. If the facility was operated at a lower rate, the water production...production cost would be higher.

Now, this was...this feasibility study was done to assess the economic benefit, I guess...the feasibility technically and economically, for a five million gallon a day facility. They're gonna need about two million gallons a day, at...at least potable. And so maybe we could cut that in half but then the cost is gonna go up. So my question to you is, and there is waste involved with desalinization and they have to have injection wells for that waste, are you familiar with that and...and how that might affect...how that might affect all the down gradient brackish wells that are currently being used to irrigate all the golf courses?

MR. MAYER: No, I'm not the technical side of the geology of it all. Where...where they would inject it, how deep they'd inject it, how comp...how many wells they might want to inject into to disburse it. I mean, that would be something that the geologist would have to look at within that area. But obviously it could affect. But I'm merely concerned with the cost. I mean, even...even—there is, there are these—as you had mentioning the pollution problems, but the actual cost as you said, four...four...four dollars per thousand going on to this and that's added to the cost of pumping the water up because it has to go up first to get up...to get up to the surface and then the whole distribution system. We're probably talking about six, seven, eight dollars a thousand water and they're gonna sell this to affordable homes?

When, and there's one requirement that I would urge you at any point to do is, that they're not allowed to sell to any of those affordable homes at a—water price—at anything higher than a person in Kahului's paying. And let the other rich people who have...have the high homes, let them subsidize those affordable homes if that's the project they want.

COUNCILMEMBER ANDERSON: And the other thing that you mentioned was the rate of consumption in the South Maui area particularly for the high end housing even, you know...I'm looking at...we're...we're told by the developer that they're going to need a thousand gallons per day. That's their estimate for domestic use and that would be, you know, use within the home and also irrigation of the property.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Currently, I'm looking at a water bill for a neighbor of mine in Maui Meadows and any of you that get your water bill you know that they have it broken down. They give you a yearly breakdown. And a typical consumption, and I checked with several other people, they use depending on the time of year that they're using anywhere from 1,900 gallons per day to 2,600 gallons per day. So that's quite a larger amount than what they're estimating. And they're basing their estimate on some kind of wastewater figures, not actual, on the ground data. And I think they need to do that because we certainly have enough water bills in South Maui to show that people use 2,000 gallons a day --

MR. MAYER: Well I think it's. . .

COUNCILMEMBER ANDERSON: --in Wailea and Makena.

MR. MAYER: All you have to do is go to your Water Department, in the...in the draft for the Water Development Plan, which is still is to come to you, they have the average figures for each of the regions of Maui in there. And I've seen those numbers. And those numbers show a rate...great range from the obviously much lower levels in Haiku where it rains a lot to medium levels, let's say in...in Kahului-Wailuku, to very high levels in South Maui and Lahaina where it's much drier. And the number that you...I use number 2,000...you rate 1,900 to 2,600, it's consistent, somewhat. Now...now one of the reasons why they may be throwing a thousand, is they're planning to put some multi-family homes in. And in a multi-family home where presumably you have several homes there may be a much smaller garden area, less irrigation. So they might. . .

COUNCILMEMBER ANDERSON: No, this was for single family.

MR. MAYER: Okay. And if they're doing any single family affordable homes, I don't think any affordable homes. . .*(change tape, start 4B)*. . .water bills, in addition to their mortgage and everything else. And so this may not be the right place to put a project of that kind if you're gonna have to spend that much for the water.

COUNCILMEMBER ANDERSON: Thank you.

CHAIR MOLINA: Thank you, Member Anderson. Committee Members, any other questions for the testifier? Seeing none. Thank you, Mr. Mayer.

MR. MAYER: I'd like to hand...have these handed out.

CHAIR MOLINA: Okay. We'll have staff assist you handing those out.

MR. MAYER: You'll see...you'll see the other 43 projects already committed for South Maui.

CHAIR MOLINA: Okay. Next to testify, we have John Naylor followed by Rob Parsons.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

MR. NAYLOR: Aloha, Council and my fellow residents of Maui. Thanks so much for taking this time. I have to concur, though, that we really should have this meeting in South Maui at a time when a lot of people can be here.

So, I guess Wayne kinda took the wind out of my sail 'cause my biggest thing is where's the water? I live Upcountry and my lawn is brown. I like a lot of plants. I like to grow food and I'm watering a plant instead of flushing the toilet. And I'm not real happy with that. I think there ought to be a water restriction island-wide. I think everyone should share the burden. And I think it would be, you know, an eye-opener for a lot of the people that are down here. When I come to work in Wailea, it's usually around noon and people are watering their lawns at that time. And they have green lawns. But a lot of times the water is running down the curb, down the street. And, you know, that...that just doesn't feel good to see that kind of waste all the time. I mean, it's not a once in a while thing. This is a daily occurrence.

Yeah, I understand that...and I've gotten a little bit more knowledge here today about the lack of any real solid water figures for this development. And I think that, you know, that's just not acceptable. I also understand that some of these wells they're...they're not sure where they're gonna put 'em but, you know, there are some wetlands. I heard something about maybe doing something up above Lipoa. You know, there's wetlands down below there that have already been moved around and reconfigured. What's gonna happen to those, for instance, if they drill...drill a well?

I'm not a geologist. I did take some college level geology courses. It was something I was interested in. And where's a specialist? A hydrologist, geologist who isn't being paid by the developer. Where...where are the figures that they have? You know, I envisioned that if we drilled a well on Maui on the Haleakala side that actually we're tapping into that same lense of water. There might be little places where it's up higher in different areas, particularly, let's just say, South Maui. But if you drill long enough or pump long enough from that well, it's gonna affect that lense underneath. And I think we know that to be true if we look at Iao Valley and Waihee and so forth. That is the same water and we're out of it now. How can we continue to develop property when we don't have enough water island-wide?

And we need affordable housing. We don't need anymore multi-million dollar homes for people that can afford that which most of which don't live on Maui currently, let me tell you. And I know from personal experience of buying a home, that \$250,000 mortgage is a lot of work --

MS. NAKATA: Three minutes.

MR. NAYLOR: --on this island. It's...it's pretty much impossible, I think, for a lot of people. So, you know, and I work six days a week, three jobs my first years and I had 50,000 down because I'd work for ten years saving diligently to get that money together. So I think it's a, you know, it's a pipe dream. We need affordable housing that will stay affordable forever. So we need to create some sort of land bank and we need to cut all development that is for people that don't live here already. It's not that I'm anti-development. I know that development is gonna happen. I want

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

smart growth. But we gotta take care of the people who live here and have...and are waiting. And maybe their parents and their grandparents died waiting to own some land and some of them are native Hawaiians and --

MS. NAKATA: Four minutes.

MR. NAYLOR: --and we've heard adequate testimony to what has happened to those people.

CHAIR MOLINA: Okay. Mr. Naylor, you need to conclude, please.

MR. NAYLOR: Yeah. Well, thank you very much. I have more.

CHAIR MOLINA: Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Naylor. Next to testify, is Rob Parsons followed by Maury King.

MR. PARSONS: Good afternoon, Chair, Members and members of our community. My name is Rob Parsons. I've been privileged to call Maui my home for the past 30 years. My comments today are on behalf of the Sierra Club Maui Group. I serve that organization as their Conservation Chair.

Recently I've read Wailea 670 referred to as smart growth. As one who attended Maui Smart Growth Conference back in 2001, I would remind everyone that you don't just take one smart growth element such as greenways or bike paths and then label an entire development proposal as smart growth. As Diane Zachary summoned up after the conference, smart growth first and foremost responds to the needs and wishes of the community. And our South Maui community has clearly stated that it needs a medical facility, a high school and real affordable housing, not a private golf course and multi-million dollar homes for non-residents.

In past meetings on this agenda item, I've shared with you my grave concerns over traffic impacts of this development. I reviewed the environmental assessment for re-striping the Piilani Highway six years ago and registered official comments. South Maui roads, including the Piilani, are already at or above capacity. Twenty years of added construction traffic during the proposed build out is a rather shocking reality check.

Others have elaborated on water issues and that is certainly a vital concern but I wish to focus on two main issues. The need for additional studies and preservation of unique flora and fauna habitat and the need for a new supplemental environmental impact statement to replace the outdated one prepared 20 years ago in 1998.

UNIDENTIFIED SPEAKER: 1988

MR. PARSONS: 1988. Thank you for that correction. That's what it says right here. I've spoken with a number of individuals from the conservation community who work with local, State and Federal agencies. Most of them are on Oahu today for the opening of the yearly Hawaii

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

Conservation Conference. I did learn that the State requested additional studies on native plants and on the Hawaiian hoary bat and the manduca or the Blackburn's sphinx moth. And while this site was not included in critical habitat for that federally listed endangered moth, the primary host plant, *nicotiana glauca*, is present at Wailea 670. And as one DLNR official told me, where the moth goes, it carries the law with it.

Additionally, there were questions the State had about controlling axis deer since irrigating the area will attract them, and also about managing water birds, Hawaiian stilt, coot and *auku'u*, which would visit golf course water features.

You've seen Dr. Lee Altenberg's compelling report and photographs of the native plants found on a portion of this site. And I would just say that the developer's plan to preserve six acres of a habitat larger than a hundred acres is a sad day for the remnant native ecosystem.

MS. NAKATA: Three minutes.

MR. PARSONS: I believe Councilmember Anderson was on the right track at the March 14<sup>th</sup> meeting with concerns over the incomplete zoning application. She highlighted zoning application requirements that were inadequate or missing altogether. No...no Department of Transportation comments on traffic analysis, no baseline study or preservation plan for environmentally sensitive areas, no State man...mandated provision for access trails for native gathering rights, no details of water delivery plan, no cumulative impact analysis of all South Maui developments, and especially on over-stressed beach parks.

And besides obviously failing to comply with legal requirements, it puts all of you at a disadvantage for accurately assessing potential impacts of this project proposal.

And I believe a similar situation exists with this 20-year old EIS. I've reviewed this document as well as the Chapter 343 rules and Administrative Rules for when a Supplemental EIS is required. And without going into great detail because I don't --

MS. NAKATA: Four minutes.

MR. PARSON: --have the time, suffice it to say that my analysis is that this project has changed so much since its original study that an updated Supplemental EIS is absolutely warranted. And I'll finish with one sentence, Chair.. I brought...oh I brought this up with the discussion with our Planning Director last week, the need for Supplemental EIS. I urge you to seek a legal opinion on this matter, once again, so that you are in an advantageous position of having the correct legal information required to make pono planning decisions. Thank you.

CHAIR MOLINA: Thank you, Mr. Parsons. Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Parsons. Next to testify, we have Maury King followed by Bill Kamai.

COUNCILMEMBER ANDERSON: Mr. Chair.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

CHAIR MOLINA: Yes?

COUNCILMEMBER ANDERSON: Can I ask your intention? I thought we were gonna stop at 6:00?

CHAIR MOLINA: Yeah. The Chair is gonna go just a few more minutes and then we'll...the Chair will offer you a recommendation after we complete the testimony of these next two individuals.

COUNCILMEMBER ANDERSON: Okay. And then I'm also asking, Mr. Chairman, since I do have the floor at this point, if you would commit to having a night hearing in my Community Plan district, for this project will be impacting it.

CHAIR MOLINA: I haven't thought about that matter as of this point. But I would like to share with the public that there was an evening meeting that was held just last year, January 4th at, I believe, the Lokelani School cafeteria and there was also a site inspection. So I will make the...my intentions known at a later point. Thank you. Okay. Sir.

MR. KING: Aloha to the Council. Excuse me, aloha to the Council and everybody that's here to share their thoughts. My name is Maury King. I'm from Maui Meadows. I'm not even sure why we're here talking about re-zoning land that is zoned ag into more development land. There was just a meeting a couple of weeks ago with HECO and NRDC doing a presentation about bio fuels. Most of the debate at that meeting was about if we should use every available acre to grow bio feed stock or food so we could be sustainable. Why would we be considering taking the precious land we have left to help us be sustainable and build it out with more heavy duty users of our precious resources?

I think it was Bill Clinton whose campaign slogan was, it's the economy, stupid. I'd like to paraphrase that in a more respectful way. It's the water, my brothers and sisters. We should really get some definitive information by fully independent sources even if the County has to pay for it about the whole potable and irrigation water situation on Maui before moving forward on many large and small developments which, as I understand it, if all approved would more than double the amount of existing dwelling units currently on the island. I'm not suggesting that all be approved, but where do we stop?

More to the point of 670 and the water issue, there are currently about 100 wells along the Kihei shore pulling about three and a half million gallons per day of...from the Kamaole aquifer for the irrigation needs of South Maui. This water is already marginally brackish. But the system currently works. 670 is proposing to pull two and a half million more gallons per day from the Kam aquifer. It's very uncertain as to if this additional daily draw might cause all the existing wells to become too brackish to use and maybe the 670 wells as well. The parts per million counts to establish brackishness are close to unacceptable even now. What would happen if the whole aquifer turned too brackish for anyone to use?

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

I understand there's an agreement with Haleakala Ranch to supply 670 with an additional million gallons per day of useable water, apparently not specifying how many gallons of unusable water they can take to make the million usable gallons. I don't know all that much about water on this island but what would give the Ranch the right to offer up that water to a third party? And we haven't even started talking about the water needs of Reken...Makena Resort yet. Guess what? Same aquifer.

What is truly sad and ironic is that if we do find a way to screw up the water on this island...well, screw it even worse than already...the rich people that bought last are the ones who will find it easiest to pack up and leave while the families with deep roots here and, of course, all you decision-makers will still be here trying to sort out the mess. Thank you very much for listening and taking a stand for the quality of life on the island.

CHAIR MOLINA: Okay. Thank you, Mr. King. Committee Members, questions for Mr. King? Member Anderson.

COUNCILMEMBER ANDERSON: Mr. King, could you leave your testimony for us?

MR. KING: I would be happy to.

COUNCILMEMBER ANDERSON: Thank you.

CHAIR MOLINA: Okay. Any other questions, Members? Seeing none. Thank you. Next we have Bill Kamai. Chair will take one more testifier after Mr. Kamai, Mr. Ivan Lay.

MR. KAMAI: Aloha and good afternoon, Council Members, Chairman Molina. My name is Bill Kamai. I am a business representative for the Hawaii Carpenters Union and I am here to speak on their behalf.

I'd like to ask for your support for Wailea 670 because for us in the industry, it means lots of work, lots of jobs. Jobs for the building trades, for our members in the Carpenters Union, the laborers, the electricians, the plumbers, the operators, the truck drivers, the suppliers, the vendors, the manufacturers who...whose livelihood is dependent on construction. I'd also like to ask you to consider the impact fees that the developer is paying to the County. Twenty one and a half million dollars for a future park to be built in South Maui. Five million dollars to be used for an existing Little League field facility to be upgraded. Seven million dollars in traffic improvements, \$4.2 million dollars donated to schools. All told, there's \$43 million that the developer is gonna be giving to the County for improvements in South Maui.

Also, what...what makes this project unique is that this is the first major project coming before this body that incorporates the workforce...residential workforce housing ordinance. A policy that all of you are familiar with. A policy that you helped create, took advice on, co-wrote, voted on and approved. And it's for 700 units for Maui's working families. You guys asked for it. No gray areas for developers. No assessments, no in lieu of fees. What you guys sent to this



**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

developers was clear. You guys wanted affordable housing and you guys wanted it now. So now that it's before you folks, you guys gotta give it some legitimacy and vote for this project.

By approving this project, 700 units to be built will take care approximately 25 percent of the 3,000 units already owed to this County in affordable housing. Besides the impact fees, besides the...the jobs for our members, I'd like to ask for your support on this project. Thank you.

CHAIR MOLINA: Thank you, Mr. Kamai. Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Kamai. Next we have Ivan Lay. After Mr. Lay is done, the Chair will call for a brief recess.

MR. LAY: I'm gonna have to change the start of my speech by saying, good evening, instead of good afternoon. Good evening, distinguished Council Members and people of Maui. My name is Ivan Lay and I was born on Oahu and raised on Maui from the second grade. I have the privilege of standing before you as a field representative for Hawaii's Carpenters Union. I've been a carpenter for 17 years. My mother was raised and born in Lahaina.

Looking over the visionary projection of Wailea 670, I see a well-thought out project with public concerns and communi...communit...and County Council needs being addressed, a step forward on Maui in development. Smart growth, the way any and all developments should be addressed. This project is the first to include 50 percent of its housing to be low income. They also worked hard to enhance and incorporate Wailea 670 into neighboring communities helping to fulfill Wailea's needs for public sub-stations...I mean, police sub-stations, fire department, post office and parks. Some of the infan...infrastructure concerns including flo...flood water runoffs, sewage, and of course, the all time favorite, traffic.

Flood water runoffs. Catch water areas will detain runoffs and allow sediments to settle and not flow downstream into the ocean. Making our near ocean shoreline clearer and cleaner and also protecting the reefs.

Sewage. A self-contained wastewater treatment system will treat wastewater and use it on their landscape and the golf course.

Traffic. Three hundred and fifty thousand has already gone to the improvements for Piilani Highway. And these changes have already reduced congestion. They are also taking the lead in designing and construction of Piilani Highway from Kilohana Road to Wailea Ike Drive. Five million dollars to further remedy congestion in the future. This project demonstrates the...the smart communities can be done. The de...developer has gone ab...above and beyond what needs to be done for this type of development to be worthy of Maui.

Jobs. For heavy equipment operators, plumbers, electricians, carpenters would all become available with this project enabling them to house, feed, clothe their families. Houses, homes. Homes for low income families who, just a little while ago, could not afford to afford a home.

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

What was it before? Just 500,000, just six months ago? Now we're down to 250. That's a chance. I have three sons. That's a chance for them to get a home.

How can this development not pass? If it doesn't pass, what kind of message are you sending to other developers? Pack and leave? We're not going to go through this trouble to build a house here on Maui, even though they do need it for affordable housing? For everyone against the project, help this project go through.

MS. NAKATA: Three minutes.

MR. LAY: Make the changes. Don't make it not happen. Make it happen. Send the right message. On Maui we take care of our people. Thank you.

CHAIR MOLINA: Thank you, Mr. Lay. Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Lay. Okay, Members, Chair is going to call for a short recess. Don't go anywhere. . . .(*gavel*). . .

**RECESS: 6:14 p.m.**

**RECONVENE: 6:16 p.m.**

CHAIR MOLINA: . . .(*gavel*). . . Land Use Committee Meeting for July 25, 2007 is now back in session. Thank you very much for that break, Members, in order for your Chair to consult with staff.

Obviously, we have a lot of people that have signed up to testify. The latest count we had 122 sign-ups today. We completed 54. So, Members, I wanna first of all thank some of the Members who have to leave. They've already over extended their stay. They have had prior commitments to other areas in our community. And I know one of 'em is running late already. We have bare quorum as it is right now. Legally I cannot run a meeting with less than five people. So I wanna especially thank Member Medeiros. I know we're running late.

The Chair will entertain one more testifier. He'll be speaking on behalf of several people who have taken off work. So I would ask Cody to share your mana'o with the Committee and after Mr....uh...after Cody is done, we will look at a recess and the Chair will give you a date and time for it. Proceed, sir.

CODY (KOKO): Aloha. My name is Cody. Everybody knows me as Koko. I am born and raised in Maui of pure Polynesian blood. Through my years growing up, I have seen so many changes. I remember Kihei as a community but now it seems like everybody has forgotten what makes this island so beautiful. Family values have been lost. Our culture is on the verge of extinction due to money, greed and corruption and destruction. What do I have to do to make you guys really understand? Us as the young generation, we know what our tutus have taught us and we come

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

here to fight for what we believe in. We get jobs and everything like that but we still come here to show...to show our voice.

I need to preserve our ancestral lands. Respect the Hawaiian people, respect the culture. We need to cultivate and re-think this whole process. We need to find a way to bring the local community back to Kihei. Because when I was young and I grew up, Kihei was a community everybody used to go to everybody's baby luaus on Saturday at Kam III. You know, everybody go to everything together and now it's like zoo in Kihei. You feel like strangers in our town going to the beach, like that.

We need to change the morals of the people. The way that we was taught to grow up, to respect our elders, respect the land. I don't know, everybody talks about the future generations which is very important but we gotta always remember the past, our history. That's who we are as a people.

We are starting to live in a material world where money makes the rules. But we as local people, as Polynesians, we know that we don't need to live...you don't need to be rich to live a rich life. We, as the next generation, are coming together and now we getting stronger than ever. So, this is just the small of it right here. We getting everybody and everybody coming strong. The people coming strong.

I want to see our land used for historical sites and school purposes, like Iao Valley, Haleakala. It feels like an invasion and developers will do anything to get what they want. We're the ones who really care about the aina. We're the ones out there replanting native plants, like Colin, or rebuilding the fishponds with Uncle Keeaumoku...oh, Uncle Bully. And Hawaiians have been here for thousands of years. In a matter of 50 years, look what's happened. You know what I mean? Fifty to 100 years. This place is a sacred place and a magical place to us. They are devious in their ways by raising the cost of living and property tax, the gated communities and million dollar houses to keep us out.

MS. NAKATA: Three minutes.

CODY (KOKO): They treat us like strangers in our own land. This is not a Hawaiian versus haole type of thing. This is a right versus wrong. The money versus the pocketbook. I mean, the heart versus the pocketbook, sorry. So I leave you with this, our Hawaii State motto. Ua mau ke ia oka aina i ka pono. The life of the land is perpetuated in righteousness. Aloha.

CHAIR MOLINA: Thank you, Cody. Committee Members, questions? Member Anderson, please make your question brief for Member Medeiros.

COUNCILMEMBER ANDERSON: Make it very brief. Koko, you came with some of your friends today that were not able to get up to speak.

CODY (KOKO): Yeah, a lot of 'em.

LAND USE COMMITTEE MINUTES  
Council of the County of Maui

July 25, 2007

---

COUNCILMEMBER ANDERSON: And...and you all took off work?

CODY(KOKO): Yes.

COUNCILMEMBER ANDERSON: Would...would you also come and...and share your manao with this body if we were able to come to Kihei and --

CODY (KOKO): Yes, definitely.

COUNCILMEMBER ANDERSON: --and have a hearing at night?

CODY (KOKO): Please ask if we could make a...another meeting in Kihei so more of the younger generation can come and speak for themselves because I know they want to. There's a lot of 'em who came, they're very scared by the other people who came up and spoke before them. But I know they wanna speak so I guarantee if you give them another chance, they will.

COUNCILMEMBER ANDERSON: Thank you very much for being here.

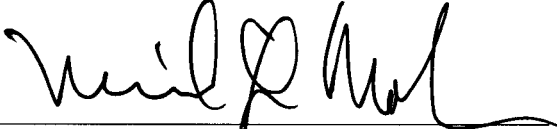
CODY (KOKO): Thank you.

**...END OF PUBLIC TESTIMONY...**

CHAIR MOLINA: Okay, Members. Cody is the last testifier for today. Members, the Chair is going to recommend a recess until Friday at 1:30, July 27, Members. And we have another 60 or so testifiers to go through and for the record, we have...yes, I know. We have Jesse Spencer and Terri Ewbank and the recess will occur right here in the Chambers again. And as a reminder to the public, if you have already spoken today, you're not allowed to speak for a second time on Friday because we do have a large amount of people that still need to share their manao with the Committee. So that being said, again, the meeting is in recess until Friday, July 27, 1:30 right here in the Council Chambers. Land Use Committee is in recess. ...*(gavel)*...

**RECESS:** 6:23 p.m.

APPROVED:



MICHAEL J. MOLINA, Chair  
Land Use Committee

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 25, 2007**

---

CERTIFICATE

I, Reinette L. Kutz, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 20th day of August 2007, in Wailuku, Hawaii.

  
Reinette L. Kutz