

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

July 27, 2007

Council Chamber

RECONVENE: 1:35 p.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Joseph Pontanilla, Vice-Chair
Councilmember Michelle Anderson, Member
Councilmember Gladys C. Baisa, Member
Councilmember Jo Anne Johnson, Member
Councilmember Danny A. Mateo, Member (Leave 4:17 p.m.)
Councilmember Bill Kauakea Medeiros, Member
Councilmember Michael P. Victorino, Member

EXCUSED: Councilmember G. Riki Hokama, Member

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

ADMIN.: 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)

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

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

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Lance Holter
LaJon Weaver
Mary Groode
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
Annabelle Kibbee
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
Kimoqueo Kapahulehua
Robin Knox
Renee Riley
Ray Skelton
Tom Tezak
Paanaakala Baybayan

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Nohea Farmer
Jason Medeiros
Todd Craine
Stephen West
Larry Feinberg
Meenakshi Angel Honig
Lanakila Librando
Dwayne Betsill
Chris Tackett
Leila Kalani Larson
Kuilani Elaban
Karen Oleson
Sylvia Cabral
Roy Stillwell
Stephen Jiran
Dustin Nakasone
Kaniela Davis, Goodfellow Bros.
Ray Nahikei, Laborer, Goodfellow Bros.
George Manaois, Laborer, Goodfellow Bros.
Deslyn(?) Pasco, Goodfellow Bros.
Bud Pikrone
Marcia Godinez
Jacob Pokipala
Ilona Rahn
Kandace Pruet
Pat Villiarimo-Cockett
Amanda Mizner
Joan Pawsat
Ewalani Shim
Ku`uikaikapu`ali`okekai Kawai
Bruce U`u
Others/Additional attendees (40)

PRESS: Travis Kaya, *The Maui News*
Akaku--Maui County Community Television, Inc.

CHAIR MOLINA: . . .(*gavel*). . . The recessed Land Use Committee meeting of July 25, 2007 is now in session. Today is July 27th. It is 1:35. Members, when we last left off we had covered, or had heard from 55 testifiers. We have roughly another 70 more to go today. Before we begin with or continue with public testimony, the Chair would like to share some information with the public. There is currently two hour parking out there so if you're waiting to testify and the, you come close to the two hour mark it would be advisable to you to go out and move your car so you don't get ticketed. And when the Committee does go into recess, I ask members of the public do

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not come down here to the floor unless you are here to sign up to testify. And anyone who testified at the last meeting on July 25th you are not allowed to sign up again. Okay. You signed up for once, at one time, that's all you're going to have, one time. And if the rear doors in the back are closed, you have to go out, please to help eliminate noise close the doors softly so as not to interrupt our testifiers as they speak.

**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: So with that being said we will begin with testimony today. Sir, please. We begin, continue with testimony. We have Jesse Spencer to be followed by Terri Ewbank. And again, you will have three minutes to testify with one minute to conclude. And please state your name or any organization that you may be representing. Good afternoon, Mr. Spencer.

...BEGIN PUBLIC TESTIMONY...

MR. SPENCER: Yeah. Thank you. And I'm Jesse Spencer, builder of affordable homes. And I'm here to testify on behalf of the, the 670 project. And as most of you know, I've been here a few times and I've never had the joy of any project that I've had in my present project and that is building 412 affordable homes. And we had, and we have now approximately 200 people in those homes that are calling those places home. The, we still have applications filled out with where they work, where they live, what they make. We still have approximately 5,000 more people that need these affordable homes. And I want to commend the, the Council this last year when they put in the provision that 50 percent of the future projects would have to be affordable because I don't know how else we can satisfy this demand. It is truly an emergency situation that we have.

And this project I feel like that it could provide 700 of those homes. I think that should be the, for me that's the key thing of this whole project. I don't care what the other 700 do, to be quite honest, because my goal and my dreams have been on the affordable. And we, in fact, we were building affordable homes in Kihei before they were called affordable homes. And so as I go down the street now where we have these people all in and I see the children running around and I, well, I just can't tell you, it kind of gets me emotional when I realize that at 76 years old I'm still worth something. And in delivering these homes I try to meet most of the people and, and so a lot of times when I give them their keys, you know, they give me a big hug and, and I'm Mr. Macho, I don't like to show people I cry. But it's, it's a very emotional thing when you realize that you have satisfied the needs of a lot of these young families.

And for a reminder, too, for some of the people particularly that testified against this project and other --

MS. NAKATA: Three minutes.

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MR. SPENCER: --projects on affordable homes, the young people on this island are still making babies, and where are they going to live if we keep saying no? And so with 700 this is a large number. Now it's important even on my project when I think of 412 and I have all the documents, where they meet, where they moved from. A lot of them moved from family housing. A lot of them, most of them were in rentals. So now then when we satisfy the affordable housing, we also create a larger number of rental units. People that were renting and now then they have that opportunity to buy. And so again it's kind of, oh, kind of hard for me to listen to all the people that are against --

MS. NAKATA: Four minutes.

MR. SPENCER: --any development. Whether they call it save the thorn tree or save what have you, they're all basically anti-development and they're thinking about themselves, --

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

MR. SPENCER: --not about these young families that, you know, we've tried to in our market houses, and we've reduced, we've taken quite a few of our market houses and put them in affordable. In doing that we give away \$100,000. And even our market houses are priced approximately 200,000 below market.

CHAIR MOLINA: Mr. Spencer.

MR. SPENCER: All of you can check on that.

CHAIR MOLINA: I'm sorry. I need to stop your testimony here. You've exceeded the four-minute time limit. But thank you. Committee Members, do you have questions for the testifier? Mr. Pontanilla?

VICE-CHAIR PONTANILLA: Thank you.

CHAIR MOLINA: Mr. Pontanilla, before you ask your question for the record the Chair will recognize who is in attendance. We have Members Molina, Mateo, Anderson, Baisa, Johnson, Medeiros, Pontanilla, and Victorino. Eight Members are present here for the recessed meeting. And I'm sorry, Mr. Pontanilla, proceed.

VICE-CHAIR PONTANILLA: Thank you, Chair. Mr. Spencer, I've known you for five years now. We've worked on your project. Tell me, how long did it take you to get this affordable housing project? I know it's not 100 percent completed but I know the first 200 is pau. How long did it take you to get the first 200 buildings out?

MR. SPENCER: The first 200?

VICE-CHAIR PONTANILLA: Yeah.

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MR. SPENCER: Well, what I thought going through the State Land Use Commission would take six months, it took two years. And in going through some of the Departments, particularly Water, it takes you another period of time. But I feel like that, I feel really good about the people I see out here that are on the Council now. I felt good when I saw you and I talked to a lot of the people, the Council people about this large demand that are still there. And so like I said before, you know, I'm Mr. Macho, I don't like for people to see me cry. But when I cry with these people they're tears of joy. You know, when you feel good about something and you feel very emotional about it. And I've been on the islands now approximately 40 years, 20-something on Oahu and then 20 here. And so I consider myself local and so when I hear the names, so many times Maui Tomorrow. . .

VICE-CHAIR PONTANILLA: Mr. Spencer. Yeah. Can you tell me how many years it took you to. . .

MR. SPENCER: What's that?

VICE-CHAIR PONTANILLA: How many years it took you to get this project, the first 200 completed?

MR. SPENCER: The first 200 we've taken approximately two and a half years.

VICE-CHAIR PONTANILLA: From the time you started the project?

MR. SPENCER: And, and it will take us approximately, oh, a year and a half now. When we first do a project we have to do the infrastructure, you know, the sewer, water. And the fact that we do that ourselves is another reason why our houses are affordable. Now then that we have, end of next week we'll have all our roads in and so we're now pouring four slabs a week where earlier we were only able to pour two slabs a week. So we will finish in approximately a year and a half.

VICE-CHAIR PONTANILLA: Thank you. Thank you, Mr. Chair.

CHAIR MOLINA: Thank you, Mr. Pontanilla. Committee Members, any other questions for Mr. Spencer? Member Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chair. Mr. Spencer.

MR. SPENCER: Oh. Excuse me, I'm sorry I didn't hear. My, my hearing is bad so just holler up.

COUNCILMEMBER ANDERSON: Good afternoon, Mr. Spencer.

MR. SPENCER: I got ya.

COUNCILMEMBER ANDERSON: Could you tell me the price range of the affordable homes that you sold? Not the market but the affordable.

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MR. SPENCER: Yes. Our prices start at \$225,000 for three bedroom, two bath, front yard landscaping, hot water system on the roof, yard, front yards is landscaped.

COUNCILMEMBER ANDERSON: That's solar on the roof --

MR. SPENCER: Solar on the roof --

COUNCILMEMBER ANDERSON: --for the hot water?

MR. SPENCER: --on all of them. Nothing extra. That's, but that's part of our program and that is for our three bedroom, two bath, with a garage, a two car garage. Our highest price is \$275,000, that is four bedroom, three bath, the same thing, the yard. And now then our placement, when a person asks me and looks up at my map and they say, well, which ones are affordable and which ones are market? I just say there. Because my son, Mark, he has positioned them so there's not, person might be on an affordable one and a market next door.

COUNCILMEMBER ANDERSON: That's excellent.

MR. SPENCER: And that's what I like.

COUNCILMEMBER ANDERSON: And we like that, too.

MR. SPENCER: That's right. And, you know, that's, that's the other important part of this. If I had to make recommendations for this project, the houses would have to be built in Makena area, the same place where all 14 of 'em, 700 would have to be. You know, I would also. . .

COUNCILMEMBER ANDERSON: You answered my question. I have another one.

MR. SPENCER: Okay. Sure.

COUNCILMEMBER ANDERSON: Do you, this is a sensitive question, Mr. Spencer, and I'm sorry to have to ask it. But I have received complaints in my office that you turned down single mothers. Is there a reason for that?

MR. SPENCER: That woman made her complaint in, in one of the articles. And, and while we're talking about that she works for Goodfellow. I have four Goodfellow people that have moved into my project. I've never discriminated against anybody, in fact, we have, I don't know how many single moms in our. . .*(inaudible)*. . .

COUNCILMEMBER ANDERSON: You do have single moms in your project?

MR. SPENCER: Oh, absolutely.

COUNCILMEMBER ANDERSON: Okay. Thank you very much.

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CHAIR MOLINA: Okay. Members, any other questions for the testifier and please keep it related to the item on the agenda. Seeing none. Thank you.

MR. SPENCER: Thank you.

CHAIR MOLINA: Next to testify, we have Terri Ewbank to be followed by Bob Hansen.

MS. EWBank: Aloha. My name is Terri Ewbank. I was born and raised in Kihei and I still reside in Kihei. I've watched the development and the rapid growth of Kihei and Wailea as I was growing up. I'm 25 now and believe it or not I still remember when a lot of South Maui was still dirt road. South Maui has grown a lot and really fast. But I just want to start off good and just say that I am pro-development. I have, you know, nothing against, you know, anybody building any houses or anything in Kihei. I just want to know why this location? There's a lot of available land near the Kihei Gateway Plaza that I think all of that dry brush area can be developed rather than in Makena.

But I want to address a few concerns that I have personally. My main concern is the water scarcity. The last government study of the water in this area that they want to develop was in 1968. So I think that before you even think about development we need to hit the facts. We're on an island in the middle of nowhere and we have no continuous river flow to fight over. What we have depends strictly on Mother Nature and God himself. We have to get creative with the rainfall that he brings us and when we're out of water it'll be too late. On volcanic islands rain that does not run out to the sea settles in porous groundwater aquifers forming what geologists call a lense of fresh water above encroaching saltwater. But hydrologists say for each foot of fresh water taken from these subsurface aquifers heavier salt water pushes up 40 feet.

In addition to our drought over the past four years, levels have plummeted in Maui's Iao Aquifer from 18 feet above sea level in 1990 to ten feet in 2001. That level only left us 400 feet in the fresh water lense. Mr. Jencks states in his report that his two wells that he has now can pump half a million gallons a day right now. Kihei alone uses three and a half million gallons of water from a report in 1991, which is probably almost double that now. Planners say Maui's population of 150,000 could reach one million by 2050 as tourism expands making hard choices inevitable. Mr. Jencks also says that his four wells will produce two and a half million gallons a day and claims that that is enough water for this development and that the water passes the County of Maui guidelines for clean drinking water. There are no reports from hydrologists just yet of testing of the water his wells produce as quality drinking water.

The Wailea 670 is going to have 1,400 homes. The average home in Kihei consumes 2,000 gallons of water a day. Now times the 1,400 homes by that 2,000 a day, that is 2.8 million gallons of water a day that Wailea 670 will, will not be able to produce. And a hotel complex or golf course needs a million gallons a day for irrigation, which is enough for 10,000 people. Not to mention the irrigation for the park and the shopping center they plan to build. And I personally think that these numbers do not match up and are unrealistic. Wailea 670 will also

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worsen the traffic in South Maui. This development plus the existing building going on right now will add at least seven --

MS. NAKATA: Three minutes.

MS. EWBANK: --new traffic lights in Wailea/Makena alone which means Piilani Highway will have to be widened eventually. As Mr. Jenkins [*sic*], Mr. Jencks mentioned, he seems to think that making Piilani Highway into four lanes each way would solve the traffic problem. And as everyone agrees Piilani and South Maui roads have been redone enough. How do you plan on curing this traffic problem if your project will be approved? Go figure that each, each home will have at least two cars, that's 2,800 new cars in South Maui alone. AAAHHH! The Wailea Alanui has a terrible history of killing our residents not to mention a few of our classmates. Those roads are so dangerous as it is. If you guys start developing then everyone is going to think that it's okay, and then we're going to have the next Waikiki. Wailea Alanui will be the next Kalakaua Avenue. More people equals more crime, more crime equals our keikis are going to be at higher risk, and we don't need Kihei to turn into the next Kalihi. If we wanted business we'd move to Oahu.

What about our jobs for our local boys?

MS. NAKATA: Four minutes.

MS. EWBANK: Since Trimark Pacific Homes is a company that's based in San Diego I think that most of them will be flying in their employees to be working over here. They're not going to be sub-hiring all of these local businesses and, you know, local boys, you know.

CHAIR MOLINA: Ms. Ewbanks [*sic*], you need to conclude.

MS. EWBANK: Okay. I just have one more thing that I really, really want to say. Okay. Cargo Group is an international provider of food, agriculture, and risk management products and services. They are one of the investors that's involved. Cargo made it on to the list of the worst environmental offenders for its 2000 violations of occupational safety and health laws, it. . .since 1987. They also disposed 40,000 gallons of phosphoric solution, hog waste into Florida's river in 1988, killing 53,000 fish. This 49 billion dollar company is able to operate in secrecy because it's privately held. It is also one of the top two emitters of toxics in its industry according to the EPA. So are these companies really going to care about the 400 --

MS. NAKATA: Five minutes.

MS. EWBANK: --year old Wiliwili trees that are out there? They're not here to care about the beauty of Maui. Okay. I'm sorry. I'm sorry.

CHAIR MOLINA: Okay. Ms. Ewbanks [*sic*], I have to stop your testimony. Thank you. Committee Members, questions for the testifier? Member Anderson?

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COUNCILMEMBER ANDERSON: Ms. Ewbanks [*sic*], thank you very much for being here. First, I'd like you to leave your testimony if you could for us.

MS. EWBANK: I have some literature too that, about the forest that they burned to clear out for their plantations.

COUNCILMEMBER ANDERSON: That would be helpful if you would leave that. You did say that widening Piilani to four lanes each way. That is not a viable mitigation because there isn't right—of-way for that. DOT has told us that Piilani will remain a four-lane highway. And hopefully we'll get Federal funds someday to restripe it to Federal Highway Standards. Right now it's substandard. So you live down there and you travel that highway, would you say that it's pretty much at capacity right now?

MS. EWBANK: Oh, yeah. And as Mr. Morioka said from the DOT, he said that Piilani is already at its max capacity. You know, it's, it's, I think that if this project gets approved it's going to take us 45 minutes to get to our favorite beach in Makena. And, you know, like I think that all of this development out there is our responsibility. Like, we are the next generation and like, you know, we camp out there and that's where all of us grew up. You know, Makena Beach Park is Big Beach. I mean that's like where we go. Last day of school, we all celebrate. We camp out there with our ohanas on holidays, you know, and it has like a real sentimental value. Like it's our responsibility to make sure that Makena stays the way it is. And I don't think that any of these people care about maintaining the beauty because I want my kids' kids to celebrate and enjoy Big Beach, you know, and that entire Makena area as it is. You know, it's our responsibility. You know, we are the next generation and our kids' kids' kids. Why do we want, you know, why do we want a wastewater treatment facility right across the street from Big Beach? You know, it's going to be on the southeast end corner. That's right across the street from third entrance.

CHAIR MOLINA: Ms. Ewbanks [*sic*], I think you answered Member Anderson's question. Member Anderson, do you have another question?

COUNCILMEMBER ANDERSON: Just one more question. You're familiar with Big Beach. Would you say that it's at capacity right now? At full capacity?

MS. EWBANK: Oh, yeah, def..., I think the entire Makena, the entire Makena and Wailea is already at its max capacity. You know, and, I just don't think that it's a smart idea. And there's indigenous flowers and plants out there. I mean White Rock is a good example. I don't know if any of you guys know where White Rock is, but White Rock is right by Kea Lani on the back part. And that entire mauka side of the beach is like developed. There's people that can sit outside of their balconies and look at us. No more even privacy, you know, at White Rock when we go to the beach. It's like all houses, all million dollar houses. It's, it's more, you guys got to think like here, you know, think about how beauty like, it's the diversity of our cultures, and the people that are here it's all about aloha spirit and ohana. You know, and if you guys are going to develop

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this area, it's, it's not even, people are going to be so, it's already segregated as it is. You know, Wailea and Kihei residents are already segregated. We don't need that anymore.

COUNCILMEMBER ANDERSON: Thank you for coming, Ms. Ewbanks [*sic*].

MS. EWBank: Thanks.

COUNCILMEMBER ANDERSON: Please leave your testimony.

CHAIR MOLINA: Okay. Committee Members, any other questions for the testifier? Seeing none. Thank you. Next to testify, we have Bob Hansen followed by Elden Liu. Bob Hansen. Okay. Last call for Mr. Hansen. Seeing none. Elden Liu followed by Wayne Bachman.

MR. LIU: Council Chair, Land Use Committee Council. I'm sorry. Council Chair, Land Use and Council Members, and for everyone that's in attendance, aloha.

COUNCILMEMBER VICTORINO: Aloha.

MR. LIU: My name is Elden Kapena Liu and I presently live, you know, I have been living here on Maui most of my adult life. My ancestors lived before me. My questions are surrounding the issue of land ownership. And I heard some testimony the other day that a Quitclaim is a deed that conveys the granter's complete interest or claim in a certain real property, but that neither warrants nor professes that the title is valid. An Allodial title, and mind you I'm wanting to refresh the memory because this is what I'm going to cover, an Allodial title is held in absolute ownership pertaining to an allodium. An allodium, an estate held in fee simple absolute, fee simple absolute in a state of indefinite and infinite duration. And anyway that's in Black's Law's descriptions.

My ancestor was given a title in the Ahupua`a of Honua`ula Keauhou. And I'm unfamiliar with the display of the maps that was exposed outside yesterday. It did not really show precisely where this area was and I was concerned as to where the metes and bounds are of the, the petitioner. Because I want to see, it might be encroaching into this land claim or this royal patent award that my ancestor was given by King Kamehameha III. And this award was dated February 4, 1848. My ancestor's name is Hoomanawanui Wahine and Kamehameha Kaiikeaouli III was the one that she got the award from. My concern is more of a question and wanting to be able to see a bona fide claim. I do possess a bona fide claim. It's stamped by archivist of the State of Hawaii, Susan Shaner. And it also shows you the claim here that Hoomanawanui received in the Ahupua`a of Honua`ula Keauhou.

Now, there are also three other awards that was given in that ahupua`a. So I'm rather very interested in knowing where the metes and bounds are to describe this. I don't know if it's going to be encroachment or what have you. So my interest lies in that area. My, this claim was also stamped with the State Seal so they're putting their credibility on the line. And I guess in sort of,

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I also want to say that I'm an appellant in the Hale Mua case. I've sent my appeals to the State, Hawaii State Supreme Court --

MS. NAKATA: Three minutes.

MR. LIU: --awaiting to hear of an overturn of the summary judgment that was given during the time. I did ask Councilman Kane at the time that I wished they would take care of the ownership issues and questions. And he said that the petitioner would do that. After I asked that question a week later then the project was passed. So now if there's an overturn I don't know where that liability is going to be with regards to the Council Member. Also I want you to take notice of that in case you do not touch upon the ownership issues and it comes to question. Maybe we'll have another appeal sometime. So please I would want to request that you take careful steps on that. In closing, I want to know who will be liable and what will you do when the owners come home?

AUDIENCE APPLAUDING

CHAIR MOLINA: Hang on, folks. Is that, is that it, Mr. Liu?

MR. LIU: Also, excuse me, sir.

CHAIR MOLINA: Yeah. Go ahead.

MR. LIU: This is the Mahele book of 1848.

MS. NAKATA: Four minutes.

MR. LIU: This is done all in the Hawaiian language by Kamehameha III, Kauikeaouli. And, excuse me, and in doing this all the awardees are on the right side of the pages and Kamehameha's interest is on the left side of the pages. So when he conducts the summary with you he will sign on your side, and then you sign on his side so you both understand where your properties are. This is available at the archives, public information. And also my sealed stamp of approval from the State archivist Susan Shaner is also public record. So that could be gotten in that area. It costs me a plane ticket and some time and a day's wages to go over there and recover that.

MS. NAKATA: Five minutes.

CHAIR MOLINA: Okay. Mr. Liu, I have to stop it here. Yeah. Thank you. Committee Members, questions for the testifier? Member Anderson?

COUNCILMEMBER ANDERSON: Mr. Liu, you weren't able to identify the actual location on the map that was displayed yesterday. Is that correct?

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MR. LIU: Well, I believe the map was similar to what you have across there. Now it had a little sticky saying that the project will be in the area. But I would like to see something that is more precise right down to that area so then I could maybe, well. . .

COUNCILMEMBER ANDERSON: Sir?

MR. LIU: See, all the stick, all the stickies are here but I don't care about those stickies. I want the project we're talking about, that's what I want to see. And I want to see --

COUNCILMEMBER ANDERSON: Okay.

MR. LIU: --their markers where they claim to own. That's my question.

COUNCILMEMBER ANDERSON: Okay. So, if you want to visit my office I'd say in the next half hour I'll make sure that my office gives you a copy of the title report that has the metes and bounds. And you can also see a map that shows the overlay of the actual parcels.

MR. LIU: Parcels. An ahupua`a does not have parcels.

COUNCILMEMBER ANDERSON: . . . (*chuckled*) . . . I realize that.

MR. LIU: I have, I have, I want to say one more other thing. I would really like to thank Mr. Jencks for bringing this issue to, to where it is these days so we can all have input. Everybody can pick up the paper and see housing is very well needed. I don't question the merits of that. People need jobs. They need to feed their families. All I'm asking is to please clarify the ownership issues. And a, and a royal patent award, like I said, it's, it's allodial, allodium. It's, it's forever.

CHAIR MOLINA: Committee Members, any other questions for Mr. Liu? Seeing none. Thank you, Mr. Liu.

MR. LIU: Thank you very much for listening.

CHAIR MOLINA: Thank you. Next to testify, we have Wayne Bachman followed by Soren Jensen.

MR. BACHMAN: Good afternoon, Council Chair and Council Members. My name, my name is Wayne Bachman. I live in Maui Meadows. I'm appearing this afternoon to present my concerns regarding the proposed extraction of up to two and a half million gallons per day of brackish Kamaole Aquifer water for development needs of the Wailea 670 group. I hold a Master's Degree in Geology from San Diego State University and I have 20 years of applied field experience.

I've been researching this aquifer now for about four months. We've just really begun to scratch the surface. I've been to the Maui County Department of Water Supply, talked with the folks at the Commission on Water Resource Management in Honolulu as well as the USGS Offices there

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and in Menlo Park, California. I've also been in communication with the Department of Water Supply for the State of Washington on the mainland, too. Right now, this document by the USGS is a comprehensive study of the Kamaole Aquifer, what we know about it. And it's the best we've got right now. It's dated 2006, so it's quite a bit more recent than a lot of the information we have. But what's interesting is a lot of what we have in this new 2006 version mirrors what we, what we know from earlier in 1968. The young lady referred to a 1968 report, some of those figures are verified here today.

So anyway, let me move forward because I don't have much time and I'm just going to have to gloss over some things. For the Council Members I have, I've given you a copy of my testimony as well as a geologic summary of the Kamaole Aquifer for your use at another time. My position is public presentations of the potable water supply for the project imply that the water source issues are resolved, the water is there. It's my opinion as a Geologist and the opinion of the geologists and hydrologists I've discussed this with during the past four months that the jury is still out on whether the Kamaole Aquifer can sustain a supply for the water needs of this project.

The point I would like to leave you with today is that our understanding of the aquifer is inadequate at present and it needs more study. We don't . . . *(change tape, start 1B)* . . . water can safely be extracted, we just don't know, and what the ramifications of the proposed extraction volumes will have on the aquifer, down gradient wells, and wetlands that lie below. Following are some highlights of the present research. The Kamaole Aquifer currently produces and again the young lady that preceded me mentioned three and a half million gallons a day. Let me just specify, I think what she was referring to, currently three and a half million gallons per day are being produced from the Kamaole Aquifer for irrigation uses down at the resorts and the condominiums in Kihei and the Wailea area. The estimated capacity of, of this aquifer --

MS. NAKATA: Three minutes.

MR. BACHMAN: --along a three-mile section of coast is four and a half million gallons per day. The projected two and a half million gallons of production will over-ramp that limit by 33 percent. The result of that is salted wells, and directly below the wells in question, the four wells proposed for the project lie at least 36 wells that we know of that are in service that are already marginal and are in jeopardy. And my recommendation is that baselines for all those well owners need to be established today. They need to get the, the head levels of the water today, they need to get the salinity counts for those wells today. There will be impacts on those wells and they're going to need that data because this is going to end up in another place at another time. That's all I have to say today.

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

COUNCILMEMBER ANDERSON: Mr. Bachman, thank you very much for being here today. You mentioned the existing wells; those are all brackish wells, correct?

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MR. BACHMAN: Four wells are proposed for this project, two currently exist and I believe two are currently possibly being drilled. They have applications at the Commission on file and it's possible that they're being drilled right now. But two of the wells were put in place in 1991 and 1992. The first well in 1991 was a non-potable well. It had salinity levels of about 320 parts per million. It's irrigation grade water; it's brackish. The second well that was put in a year later is 300 feet away and I don't have the, the well report in front of me but I think it's 210 parts per million or some such number or 182 something like that which puts it in the marginally potable range. Now let me just say these wells normally go through a four-day pump test at which point the characteristics of the water dramatically change. The well that went up to 320 gave levels of 100 and some parts per million for the first day it was pumped. On day two it jumped to 210 and it stayed there for almost three days. And on the fourth day of the pump test it jumped to its current level of 320. What I'm trying to say is that wells have to be put on and they have to be pumped for a time to get dynamic, accurate numbers because the water that's moving past is a dynamic situation and you upset it when you withdraw these kinds of volumes of water. It's very, very disturbing to the aquifer.

COUNCILMEMBER ANDERSON: Thank you for that, Mr. Bachman. I was referencing all the wells in this Kamaole Aquifer. So far they're all brackish wells, is that correct?

MR. BACHMAN: All the wells I encountered so far have been brackish, brackish wells in the Kamaole Aquifer. Councilwoman Anderson, if I could just comment on the most recent exploratory well that was drilled last year right up above Maui Meadows?

COUNCILMEMBER ANDERSON: Yes. That's what I'm getting to if I can find the map.

MR. BACHMAN: Okay. Well, I'll go ahead and if you have something more specific you feel free to ask. But last year in the middle of 2006 the Division of Land and Natural Resources Department with their exploration well program decided to drill an exploration well at an elevation of approximately 750 feet above sea level above the northeast corner of Maui Meadows. It's probably 500 yards above Maui Meadows. Again it's at 700 and approximately 50 feet, which puts it about 175 feet above the current wells that are proposed for this project. Theoretically it should mean fresher resources. The well was pumped for over two weeks. It was an incredibly long pump test that they sustained on that well. It was a vigorous well program because they drilled a 21-inch hole and they cased it with a 14-inch casing which meant that they were attempting to get a production well, if possible, and at that point should it have panned out probably more or less had thoughts of turning it over to the County. It's within the County enclave where the storage tank above Maui Meadows is located.

Unfortunately, the well was, what you'd call in the oil industry, a dry hole. They attempted to pump it at 200 million gallons a day but it, the levels plummeted in the well and to sustain pumping they had to drop it to 100 gallons a day and that translates to about 140,000 gallons per day of production at that level. And their chloride levels went up to about 210 and when they quit the pump testing the curve was slightly rising, but it did terminate at about 210 which means its slightly potable below the 250 mark.

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COUNCILMEMBER ANDERSON: So, Mr. Bachman, with your background and knowledge, research that you've done on the wells in this area--and I know this concerns you because you live down there--would you say that it would be only prudent that the developers do their own exploratory well to prove to us that there is a sustainable and reliable supply of water down there?

MR. BACHMAN: I believe in the handout that I gave to you I have a, I have a sample proposed test. It would go along the lines that, that one, one would do for a hydrologic study for a massive withdrawal project. I don't have that with me but more or less what you need to do to determine what this aquifer's capable of producing for this project is when all four wells are completed the wells need to be put on, on the pump at the levels that they are requesting to withdraw which is to say 1 million gallons a day from the 670 site and one and a half million gallons per day from the Haleakala Ranch site. Those two sites are about a mile and a half across from one another at the same horizon above sea level. Those wells then need to be pumped simultaneously for at least four days for up to a month. Four days is the minimum to begin to start to see trends develop. And you will begin to see trends develop after four days. You monitor those wells consistently throughout and you begin to graph your data.

After, after a week, four days or a week you should begin to see trends in salinity and you should begin to see trends in drawdown. And I believe to say right now it's premature that the wells on 670 can produce 1 million gallons a day. Individually, they produce a half million gallons per day but together they will affect one another. They need to be pumped together at the estimated withdrawal rates proposed for the project. And you can begin to get graphs and after a week of, of doing the sustained pumping you can extrapolate trends and, and go from there. But, yes, you absolutely need to do some, do some of that. The other thing I would suggest and this is normally done on the mainland for evaluations of aquifers. Monitor wells, at each of those two sites I would recommend a minimum of three monitor wells. Maybe one at 200 yards down gradient from the site, 400 yards down gradient and perhaps 800 yards down gradient. During that four to five, six day pump period you'll begin to see how soon the effect moves down gradient. Because it will have an effect and you can monitor those wells as well again establishing your data. And you can extrapolate possibly when the effects will reach the Wailea area. So I hope that answers your question.

COUNCILMEMBER ANDERSON: Yeah. Especially since this exploratory well that you mentioned that DLNR did, we did, my office did contact DLNR and they said that the well does not produce enough water and the chloride levels are too high to pursue its use.

MR. BACHMAN: Well, that, that, that was my conclusion when I saw it. It wasn't pumped hard enough to, to establish a true salinity level. The levels that you, you need are, are considerably higher than 140,000 gallons a day. And I think that's what they're eluding to is that they weren't able to establish what might be the, the final chloride level from that well. It just wasn't, they weren't able to pump it hard enough.

COUNCILMEMBER ANDERSON: Okay. Thank you very much, Mr. Bachman.

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MR. BACHMAN: You're welcome.

CHAIR MOLINA: Committee Members, any other questions for the testifier? Thank you. Mr. Bachman, just one quick question. Can you provide the Committee at a later point with, I guess the, you know, with all your data that you found and, you know, that you. . .(inaudible). . .

MR. BACHMAN: Yeah. Yeah. Chairman Molina, yeah, I'll, I'll be happy to do that.

CHAIR MOLINA: Thank you.

MR. BACHMAN: No problem. Thank you. Thank you for your time, Council Members.

CHAIR MOLINA: Thank you. Next we have Soren Jensen followed by Kapono Nahooikaika. And folks, as a reminder please turn off all your cell phones and pagers so as not to disrupt our proceedings today.

MR. JENSEN: Hello, my name is Soren Jensen. I reside at 3544 Lanihou Place in Kihei, Maui Meadows. I am a direct neighbor to this project. First thing I want to say is that buffer zone between Maui Meadows and the development should be no less than 300 feet. For that size of a development I, I think that's not too much to ask for. And when I talk buffer zone I believe that there shouldn't be a road in it, there shouldn't be lights in it. It should be a buffer zone.

The other thing, I don't know if laws on that wind screens, dust screens, whatever you want to call them should not be put on the property line of Maui Meadows for the next 20 years but be around where they actually are developing if that happens. The other thing, I'm not an expert on this but I want to talk a little bit about cultural. There has been very little cultural review done on these lands.

CHAIR MOLINA: Excuse me, Mr. Jensen, can you speak closer to the microphone please, so I can hear your voice.

MR. JENSEN: Sure.

CHAIR MOLINA: Thank you.

MR. JENSEN: This is Wailea 670's cultural review. This is another project next to it that was done earlier, 500 acres and I think there's a real discrepancy between what's, what's coming out of this. Only 28 sites has been recorded, only one in the north end of the property. I've taken a few photos I have shared with you guys. It should be in your records. And I would say there's a lot to look at it and I would say have it been missed? There has been three studies done on, on this: the first they found nothing, the second one they found one, and the third time they, they found 28. I hope you can do another two or three, maybe you'll find a lot. Aki _____(?) was the person in charge. I think we need to have another person take a look at this.

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I would say when you look at the photos you will show, show the presence [*sic*], past and present owners has had not very much interest in preserving the culture sites from the look of it. Old walls running west and east are not being talked about. I believe they're from the early ranch time but I'm sure the walls are all historical sites, too. Sites needs to be made available to people with a right-of-way so all can understand the rich history we share. We do not want a site in the middle of golf courses, that would make the cultural sites unavail..., unavailable for viewing and/or care. You have to understand the land the developer is talking about setting aside is not a park but the land he estimates is going to be lost because of cultural sites. The bad thing about this is that most of them are going to be designed into the golf course, something for a very few select people. In all reality the developer is not going to set much land aside.

MS. NAKATA: Three minutes.

MR. JENSEN: And to top it off the developer is asking that only the direct descendants are able to ask for time with the manager to be able to visit the site. I think the Council should insist on a better archeological review and update environmental impact statement before making further decisions on Wailea 670. Thank you.

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

COUNCILMEMBER ANDERSON: Mr. Jensen, did you say that the developer said only lineal descendants would be allowed to visit the historic sites?

MR. JENSEN: In, in, in this ____ (?). Yes.

COUNCILMEMBER ANDERSON: Well, I don't think that comports with State law.

MR. JENSEN: Well, that's what --

COUNCILMEMBER ANDERSON: That's what they say.

MR. JENSEN: --that's what they say. I mean it's amazing when you look at. . .what really kind of got me concerned, well, in 1993 had this project been allowed everything would have been bulldozed. It's, it's, the Department of Historical has already signed their name to it. It's pretty scary.

COUNCILMEMBER ANDERSON: Yeah. We don't have much faith in State Historic Preservation. Thank you very much for being here.

MR. JENSEN: Thank you.

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CHAIR MOLINA: Okay. Committee Members, any other questions? Seeing none. Thank you, Mr. Jensen. Next to testify, we have Kapono Nahooikaika followed by James Williamson.

MR. NAHOOIKAIKA: Aloha, Council Members, people of Maui. My name is Kapono Nahooikaika. I'm speaking on behalf of myself and future descendents of Maui and the Kihei/Wailea community. Kihei/Wailea is the only place in Hawaii that has the most rapid growth development in the State. It seems that the County approves every plan in Kihei/Wailea. Why is that? When will it stop? It won't stop as long as the developers' pockets stay full with money. It will keep growing and growing while the pockets get bigger and bigger. We, as the future descendents, don't see a purpose of a golf course. I ain't no Tiger Woods. But how will it benefit the community? The local people? My family? It will only benefit the developers.

My ancestors left this island the way it was for us to have and show others of what Hawaii was like back than before development. I live in Maui Meadows for 30 years now and I have seen and grown through development in the Kihei/Wailea community. You hear how important this project is because it's going to have affordable housing. You hear the developer say that they can't build this affordable housing unless they also build a private golf course, luxury homes, and million dollar condos that no one from Maui can buy. Not even the constructors working building this project can afford these homes.

Sometimes what is really going on may be hidden. The land has Hawaiian plants and Hawaiian cultural sites. But is it open today for Hawaiians to practice traditional and customary rights? Is the Council being told one thing and the investors another about protection of Hawaiian access, plants, and sites? As native Hawaiian rights the legality of traditional gathering rights of native Hawaiians that could be exercised on the property or other native Hawaiian rights that could impact the property was not considered. This projects assumes that the traditional gathering rights or any other rights of native Hawaiians will not be exercised on the property or properties. If native Hawaiian rights exists on the properties and not the comparable properties it could have a negative effect on the value of the property. This is my first time speaking to the Council and it won't be my last. The future of Wailea 670 is in your hands. *Ua mau ke ea o ka aina I ka pono.* Mahalo.

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

COUNCILMEMBER ANDERSON: Kapono, you're, are you, I'm hoping that you are aware that you have the right, right now to access for gathering and actually for mountain access. And on the deed of this property there is an exclusion to the deed that states that any native Hawaiian rights for access and gathering are excluded on the deed. So right now even though you may not have open and free access to that land you have a right to access it for gathering.

MR. NAHOOIKAIKA: Okay.

COUNCILMEMBER ANDERSON: I just want to make sure that you know that.

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MR. NAHOOIKAIKA: Alright. Thank you.

COUNCILMEMBER ANDERSON: Thank you for coming.

CHAIR MOLINA: Committee Members, any other questions? Seeing none. Thank you. Next to testify, we have James Williamson followed by Lisa Kasprzycki.

MR. WILLIAMSON: Aloha.

COUNCIL MEMBERS: Aloha.

MR. WILLIAMSON: My name is Jim Williamson. I'm the President of the Maui Meadows Homeowners Association and I'm testifying on behalf of that organization. I'm a graduate civil engineer with some 45 years of experience in water resources projects. Also our Association has been tracking this Wailea 670 project for some 15 years. The proposed development abuts on the entire length of the principal artery in our Association subdivision Kumulani Drive. And it lies precisely adjacent to many of the building lots of our subdivision owners.

We have a number of serious concerns but today I will speak about water. The developer plans to supply potable water from local groundwater wells. However, in my experience, insufficient testing has been performed for the project of this size. Before Land Use approval by the County Council I strongly recommend that the long-term availability of an adequate water supply must be verified. This concept integrates water resources into the planning of real estate development and is long past due on Maui. Accordingly, if Wailea 670 proposes using local water, well water the wells should be proven up on a long term basis and I believe they should be dedicated to the County in accordance with the public trust doctrine. Maui Meadow residents are most concerned that if, if a sufficient quantity of good quality water is not available from these Kamaole wells that the developer is going to be tempted to mix it with Iao water, Iao Aquifer which is our water.

The latest USGS and County water data show the average available demand on the aquifer--that's Iao--is about 18 million gallons per day. And this is the safe yield. A further increase in draft on Iao could result in irreversible saltwater intrusion. A parallel situation occurred five years ago, which promoted our Association to file a petition to designate the aquifer for State control as a groundwater management area.

MS. NAKATA: Three minutes.

MR. WILLIAMSON: We were successful in 2003 in achieving this designation goal and are determined to continue with the protection this provides our water supply. In short, no Iao water for Wailea 670 period. Please deny this application at least until the above water supply requirements are satisfied. Mahalo.

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

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COUNCILMEMBER ANDERSON: Thank you, Chair. Mr. Williamson, thank you for being here. I think all of Maui owes you a debt of gratitude for filing the petition with the State Commission on Water Resource Management to get Iao designated and to, hopefully, save that aquifer for all of us. Unfortunately, the chloride levels are still rising.

MR. WILLIAMSON: True.

COUNCILMEMBER ANDERSON: I'm just wondering if. . .I guess you know then, you've seen the recent hydrological study from USGS showing that?

MR. WILLIAMSON: Yes. But the well, several wells that are, I monitored that are indicative of what's happening in the Iao Aquifer, and one of those has just been going up and down without any real substance to it. I, I would say that there's not a real great change in the chlorides although I admit that there is some chloride in..., concentration increase. And, and to answer you, Michelle, I am not too concerned about that because it hasn't been of a great substance as far as making the water non-potable, making the aquifer non-potable.

COUNCILMEMBER ANDERSON: Well, if it continues it will. We've already had to close Mokuau because of the chlorides.

MR. WILLIAMSON: Yeah.

COUNCILMEMBER ANDERSON: Okay. Thank you very much for being here.

MR. WILLIAMSON: You're welcome.

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

MR. WILLIAMSON: You're welcome.

CHAIR MOLINA: Next to testify, we have Lisa Kasprzycki followed by Travis Thompson. Lisa Kasprzycki. There you are.

MS. KASPRZYCKI: Good afternoon. My name is Lisa Kasprzycki and I came to Maui when I was eight years old. Already I'm going to cry. And we lived a pretty quiet, simple life on a boat in the cannery building in Lahaina. And then later up top of Olinda in an old cabin. And, I'm sorry, I wrote this whole thing, I'm not saying it. I've done most of my growing up here even though I always told myself that buying land and having a family were probably financially and maybe, I'm sorry, ethically out of the question. I cannot afford to live where I was born, which is a changed place with the same problems of space only for the wealthy. I am here to count myself as one of the many, many people who oppose the Wailea 670 development. I'm sorry. I implore all of you County Council Members to vote against it at all costs.

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And I know this is a sensitive issue with many perspectives, but I think that we're being dangerously unimaginative and that there are solutions for everybody to be considered. I want to say that one of the perspectives, perspectives is that I think people who are in charge of the development tend to block out the fact that the land has anything to offer besides a place to put the development. It's not empty land as many people here have said already but it's a treasure. Because of, for a lack of a better word, the ambience that it gives the rest of the area. I mean you can't stand on the beach there and feel what you feel now if the mountain is all mucked up, and if there is a sewage treatment system across the way. And one thing as an artist that I do very well I think is visualize, I'm able to really imagine this and also to juxtapose one thing against the other and compare and contrast. So if you take this place, which has so much to offer and is itself, has incredible character, you take that and then you take, you know, 1,100 luxury homes, you want to put that on that? You take a golf course; you want to put that with that? You know, these things don't fit. It's, this, this, it's not a place for these things. So . . .(sigh). . . what this place needs is the continued appreciation and the works of Maui's young people who are so inspired as well as the dedication of those people educated in the culture it has inspired and supported --

MS. NAKATA: Three minutes.

MS. KASPRZYCKI: --the dedication of those educated in the biological sciences who bring to the greater community knowledge of the intricacies and intelligence of the life of a place such as Honua`ula. Last but not least, there are people who belong to the area. It is a place weighted with meaning and importance especially in this day and age. If you think of the entire world that there's, this is a treasure. County Council Members, and those who support the Wailea 670 development, when you go there if you cannot feel that weight please find a way to get educated by the people who could show you another perspective than the one you may be currently holding in your mind and heart. So, 'cause we protect what we know. Quickly.

MS. NAKATA: Four minutes.

MS. KASPRZYCKI: One more?

CHAIR MOLINA: Yeah. Go ahead. Continue, please.

MS. KASPRZYCKI: By now we should know better to not be shortsighted, not be hasty, and not be lured and then take the bait of people who do not care about the wellbeing of others or places.

CHAIR MOLINA: Okay. Thank you.

MS. KASPRZYCKI: Aloha.

CHAIR MOLINA: Committee Members, questions for the testifier? Seeing none. Thank you very much for your testimony. Next to testify, we have Travis Thompson followed by Somerset and I

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apologize I cannot read your writing for your last name but it's Somerset from Kihei. Good afternoon, Mr. Thompson.

MR. THOMPSON: Good afternoon, Mr. Molina. I am speaking for myself and I am speaking in favor of the project. I think a key element in this project is the advent of the affordable housing. I happened to be involved as, with the State with our Public Housing Authority. And in the State we currently have approximately 18,000 people signed up and waiting for affordable rentals. We have a large number here on Maui. I think Jesse Spencer, I talked to him earlier, he had 4- to 5,000 applications of people who had all, who lived here at least two years all seeking affordable housing. This project takes a major step, which is very, very much needed in that direction. It's been exciting to listen to the testimony over yesterday, or two days ago and today. We really are fortunate to be in a democracy. We have all sides and I do not envy the Council in hearing the different testimony and, and having to make a decision. Everything, kind of there's some trade offs. My trade off is here is a beautiful piece of property, here is a great place for people to live, and I think we can move forward with this project and make a major step forward for the County of Maui. Thank you very much.

CHAIR MOLINA: Thank you, Mr. Thompson. Committee Members, questions for the testifier? Mr. Thompson just for clarification you mentioned 4- to 5,000 applications. Was that just for homeownership or is that for rentals as well?

MR. THOMPSON: The applications that, for Mr. Spencer's project he had 4- to 5,000 applications for, for homes, 4,000 of those were for the affordable piece of that.

CHAIR MOLINA: Okay. Thank you.

MR. THOMPSON: Okay.

CHAIR MOLINA: Okay. Thank you very much for your testimony.

MR. THOMPSON: Thank you.

CHAIR MOLINA: Next to testify, we have Somerset followed by Gene Weaver. Somerset from Kihei? Okay. We will move on. Next we have Gene Weaver to be followed by Charlie Jencks.

MR. WEAVER: Aloha, Council Chairman, Council Members, and fellow community members. My name is Gene Weaver, excuse me, get my breath here, and thanks for letting me share my concerns with you. I've been a resident of the State. . . (*change tape, start 2A*). . . 30 years and 12 years on Maui. I'm a home. . . , homeowner in Maui Meadows and I've, I've been part of creating a sustainable farm in Huelo for about ten years. We have such a special environment here in South Maui. I've been visiting these beaches for 12 years I've been on the State and it's just, it's the highlight of my life is coming to the beach here every week. I think Wailea 670 with its 1,400 units and golf course and shops must be stopped now. The water issue, we're already

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sucking too hard on our already over taxed aquifers. The unproven wells, I say show me the water.

The traffic on an over-dense sub-standard Piilani Highway even now spells danger. Beach parking, the parking lots at South Maui beaches are already over full and hard to find a spot. I have to use my parking angel just to get a spot on the beach in the parking lot. The native plants, over a 100 acres of native plants and trees in Wailea 670 to be bulldozed, traded for another golf course? Will I ever get to see these native wiliwilis? I've never seen one. This sounds *lolo* to me. And the cultural sites including one of the best examples of a Hawaiian makai/mauka trail, will I ever get to see this trail with its paving stones and walk this trail? Or will you let them bulldoze this? Let's think before these are gone forever. The health of our reefs is at risk. I was just snorkeling this morning it was so delightful. I'm just beginning my adventure in this part of the island. You know, I've been out here for a couple years; I've been in Huelo most of the time on Maui. And I'm in love with it and, and I'm afraid for it.

There is an inadequate EIS that's 20 years old. Is this good enough for you? Noise and dust for Maui Meadows' residents and surrounding communities for 20 years? Oh, thanks a lot. They're not, they're not even considering giving their neighbors in Maui Meadows a decent buffer zone between 670 and Maui Meadows like they told us they would. They want to put a road in with loud vehicles going up a steep grade in our backyards in what the developer called a buffer zone. In my vocabulary a buffer zone is not a road.

MS. NAKATA: Three minutes.

MR. WEAVER: Well, my recommendation if this development were, would be to go through would be that there, there would be requirements of household water reclamation, and solar panels, and hot water panels on every roof. It's scary, we only have a year's worth, I mean a week's worth of food in the stores. You know, we're at critical mass on our planet already with our resources. I believe we, and you urgently need to reconsider and stop this growth pattern now while we can before we've ruined what we have now. In closing, I will quote John. F. Kennedy, "It is our task in our time and in our generation to hand down, undiminished to those who come before us as was handed down to us by those who went before the natural wealth and beauty which is ours." Mahalo for your time and for hearing my concerns and for you taking this at heart. Thank you.

CHAIR MOLINA: Thank you, Mr. Weaver. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have Charlie Jencks followed by Mark Spencer. And, Members, as a request from the Chair I can imagine you may have several questions for Mr. Jencks. However, we do have 131 signups, we're at with Mr. Jencks 66. Out of consideration for the others who want to testify on this project I would ask that you keep your questions at this point to a minimum number. Because trust me, when we do get a chance to finally deliberate on this matter you will have all the opportunity to ask Mr. Jencks as many questions as you want. So the Chair would ask for your indulgence on that. Mr. Jencks, proceed.

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MR. C. JENCKS: Thank you, Mr. Chair. My name is Charlie Jencks. I'm the owner's representative for the owners of the property, WCPT/GW Land Associates, which is a partnership of five entities including Cargo Corporation, Trimark Homes of Southern California, Woodridge Capital, Lehman Brothers as well as Mr. Steven Goodfellow. And I don't want to take up the time because I know you want to get through all the testimony, which I think is very important, because people have to express their concerns with regard to the project and I appreciate that. So I'm not going to take up much time. And like you said, Mr. Chair, we can get to the questions later if necessary.

I do want to though clarify some things that were said two days ago in, in this room. There was, there was talk about the project not providing information to the Council, not providing information that was requested. As of this date, Mr. Chair, I'm not aware of any item that this Council Committee did not request of me that I have not provided on a timely basis, whether it was water quality information, whether it was water supply information, whether it was well information. Land Use information has been provided in the timely manner. It's in my interest to provide to you every piece of information you've requested. So I can honestly say, Mr. Chair, I'm not aware of any request from this, from this Committee by any Member that I haven't responded to in a timely manner. Now I did get a request from Ms. Anderson in the lobby of this building, the day before the hearing, Wednesday. And I responded to that to you to her in a letter, which she'll, she'll get perhaps today. That's the only information I'm, I'm aware of that came to me in a personal request from Ms. Anderson. Everything else has been requested and provided to this Committee.

We did provide water usage data. We did an in-depth study on the amount of water used by DU whether it's a single-family home or a multi-family home. That was provided. I provided information on the wells. The affordable housing component for this project has been something of a discussion in this Chambers for the last, today and, and two days ago. And there was some concern about the pricing of affordable homes. As I understand this bill that this Council worked very hard on, nearly two years, and I spent a lot of time in this Chamber as well, the actual pricing of these homes, whether they're at 100 percent or less, or 120 percent or less will be decided as a part of the housing agreement with the County of Maui. So that doesn't mean to say that all the houses at 100 percent or less are going to be \$250,000, they could be less than that. And I will also say to you as a part of this affordable housing proposal for this project we would like to build apartments in South Maui for, for people that need apartments at 60 percent or less of the County median which is in big demand and needed today for the people who need housing here.

This project, as I've said before, is completely consistent with the community plan in every respect. We went back out to the community, spent years talking about the issues, exchanging issues in the project to make it comport with the community plan, otherwise, there's no point in proceeding. It is completely compliant with the community plan; it implements that document which this body voted for twice.

MS. NAKATA: Three minutes.

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MR. C. JENCKS: I have a question. That question is, if affordable housing is so important in this County and it indeed is, thousands of units are needed, why is it that I to accomplish that and address that need have to get out of the box and develop a private water system? I would suggest to you, Mr. Chair, and Members of the Committee, instead of relying on me to develop my own potable water system for the project which involves wells, why can't the County provide water for the affordable section of this project so it can proceed? That would be a real huge leap in policy.

CHAIR MOLINA: Okay, folks.

MR. C. JENCKS: I want to implement the community plan. I want to build a project that has housing for everybody and I'm here to answer any questions you may have. And let, I'll also let the other folks have their say.

CHAIR MOLINA: Thank you, Mr. Jencks. Committee Members, any questions from . . .him right now? Member Anderson?

COUNCILMEMBER ANDERSON: Thanks for your indulgence, Chair. Since he did mention me I think I have a right to ask him a question. Mr. Jencks, you know, the, the question that I asked you two days ago in the lobby was to produce water quality and quantity data that you promised back in March of '06, which we still haven't got. So is, is your response letter, I mean all I got was, you know, initial chloride levels. You say that you have been pumping these tests on a monthly basis. You told this Council back in March of '06 that the existing wells on the project are tested on a monthly basis. But we haven't seen any tests. The only information we have is the information from the Commission which, which is based on the preliminary testing when the wells were first drilled. So I have a letter here for you asking for that.

Also asking for the development agreement that you have with Ulupalakua Ranch. I know you said, or you told this body it was proprietary. But your, your, your agreement with, with Haleakala Ranch is to develop a public resource and that agreement really is what this whole project hinges on. And so in order for us to make an informed decision we have to see what that agreement says. And whatever proprietary information you may think are in that, is in that agreement you could certainly redact it. But we want to know, you're talking about net 1.5 million gallons a day from, from the wells on the Haleakala Ranch property. But you don't tell us what the gross amount will be, we don't know how much Haleakala Ranch is going to get. Although we do know that they get whatever is in excess. So are you still . . .um. . . feel that we, that you can't show us this information?

MR. C. JENCKS: Mr. Chair, if I may? If that's a formal request for that document I will certainly do my best to provide you the document.

COUNCILMEMBER ANDERSON: Thank you very much. We would appreciate that. We were, are trying to making an informed decision.

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MR. C. JENCKS: If I may with regard to the water quality question, may I respond?

CHAIR MOLINA: Proceed.

MR. C. JENCKS: You have a letter in your file that I reviewed with you the other day in the lobby that told you what we came up with updated chloride counts. And I mentioned specifically that one of the tests was specific conductivity, I think that's the term that's used. And you replied to me that, that was not a test for chloride and indeed. . .

COUNCILMEMBER ANDERSON: No. I did not. I said that conductivity is a test for chlorides without doing an actual chloride test. What we want to know, Mr. Jencks, is --

MR. C. JENCKS: Let me finish.

COUNCILMEMBER ANDERSON: --the gallons per minute, or the gallons per day that you can produce. And if these wells have been there for some time it's my understanding they're never pumped at the same time at full volume. So we want to know the volume of water that these wells are producing.

CHAIR MOLINA: Mr. Jencks.

MR. C. JENCKS: The letter I provided to the Chair will give you that answer, gallons per day. The. . .and today the pumps in the wells are 500 gallon per minute pumps --

COUNCILMEMBER ANDERSON: Right.

MR. C. JENCKS: --and they will pump at that rate.

COUNCILMEMBER ANDERSON: Right.

MR. C. JENCKS: The chloride level information I provided to you, I gave you the actual titrate test for chloride and the specific conductivity. They both say the same thing --

COUNCILMEMBER ANDERSON: Right.

MR. C. JENCKS: --come to the same conclusion and I don't, I think there's like 200 milligrams per liter, somewhere in that range. Now I do have, I just, just got updated and I'm going to forward that to the Chair as well so you'll get that as well on chlorides.

COUNCILMEMBER ANDERSON: And so can you explain to this body and to the Commission on Water Resource Management, because they have not received any pumping tests, any quality tests from you since back, since these wells were first drilled in '91 - '92?

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MR. C. JENCKS: The tests we are doing are maintenance tests to keep the pumps activated. And they don't require a report. We're, we. . .

COUNCILMEMBER ANDERSON: So you're not pumping for usage you're just doing a maintenance?

MR. C. JENCKS: That's correct. We circulate the water in the well, start the pumps up, circulate the water in the well, make it, make it fresh to make sure the pumps still operate.

COUNCILMEMBER ANDERSON: Well the reason I ask, Mr. Jencks, is because, you know, I've looked at a lot of water tests and I've never seen chlorides decrease. And the original pump test when these wells were drilled showed higher chloride levels than you're showing now. So is there an explanation for that?

MR. C. JENCKS: I do not have an explanation for that. I would tell you that it is, and I've said it in this Chambers a number of times, that we would expect the chloride levels in all the wells we're going to take and use to have chloride levels that would increase over time. But I also told this Committee a number of times, that it is our intention, which is being done right now in South Maui quite effectively as a matter of fact, to use reverse osmosis to treat the water to get and achieve potable standard which is something around 150 milligrams per liter.

COUNCILMEMBER ANDERSON: And so in order, you know, we would like to see something about this desalinization program that you have because everything I've read regarding reverse osmosis desalinization says you need two to three times the raw water necessary to produce one gallon of potable water. So when you're, that's why we want to see the agreement. Because if you're saying you're going to produce 1.5 million gallons of potable water that tells me you're going to need to draw 4 million gallons minimum out of those wells in order to produce potable water through the desalinization plant.

MR. C. JENCKS: The maximum draw will be a function of the quality of water coming out of the well. The return, the residual return on reverse osmosis based upon a 300 milligram per liter level is about 25 percent. And it's very effective, and, and that also is driven by other elements in the water. Is there silica in the water? Is it, is it very hard water? Is there a lot of magnesium? Those kinds of things also influence the return and the residual amount that you get. We feel very strongly based upon what's happening right now in South Maui, as, I mean there's, there's a plant that will be implemented in providing domestic water for a project using the same water from the same aquifer at the same elevation that we're drilling right now below, below 600 feet. That water will be, it's coming out of the ground at about 300 milli..., milligrams per liter. They're also mixing with the No. 2 well and, and creating potable standards. So it's, it's, it's easy to do, you can end up with a very low residual amount which is easy to handle and you can then mix that residual with other water for irrigation purposes. So, and I'd be happy to provide that information to you.

COUNCILMEMBER ANDERSON: Thank you. And then in regards to that. . .

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CHAIR MOLINA: Member Anderson, please, last question please.

COUNCILMEMBER ANDERSON: Okay. My last question then. I'm just going to skip to the, you know, that you have an agreement on the deed of this land with Ulupalakua Ranch and I was able to get a copy of that document from the Bureau of Conveyances. And it says that you will, you and Ulupalakua Ranch will have the sole access of a roadway easement between Ulupalakua Ranch and your property. And that the roadway will be only used by Ulupalakua Ranch, its employees and designees and the owners of Wailea 670, their designees and their community association members. Could you give me some idea exactly what this roadway is?

MR. C. JENCKS: That is an access from. . .well, first of all, let me explain, the parcel that splits this Wailea 670 diagonally is the old right-of-way, the proposed right-of-way for the Kihei/Upcountry connector road. A portion of that is owned by the State, approximately 1,000 feet in from the current terminus of Piilani Highway. The balance of it is owned by Ulupalakua Ranch. We negotiated and received from Ulupalakua Ranch an agreement to utilize that roadway parcel for a utility access and roadway improvement purposes as well. In exchange for that we offered and Ulupalakua Ranch accepted access for a mauka/makai direction from their mauka boundary through the property to the Piilani Highway. And that's what that agreement that you just referenced addresses. There's also another agreement that you, that I, I think is recorded that addresses the use of that residual piece, the Piilani Highway extension that you might want to look at as well.

COUNCILMEMBER ANDERSON: And so this, yeah, I am going to look further into this. But this does not, well, let me put it this way, the government road between Ulupalakua Ranch and coming down through Wailea 670's property, is that not part of this easement agreement?

MR. C. JENCKS: I, I can't answer that. I could find out for you.

COUNCILMEMBER ANDERSON: We'd appreciate that.

MR. C. JENCKS: I, I think the road that you're talking about is the one that we would designate to be a new road. That's what I recall.

COUNCILMEMBER ANDERSON: Say that again, sir.

MR. C. JENCKS: The road, this easement that you're talking about or this right that Ulupalakua Ranch has would be in a new road that we would develop and provide access is what I recall.

COUNCILMEMBER ANDERSON: Okay. Because it, the way it reads to me and I haven't, you know, I haven't been able to actually ascertain yet what exactly they're referencing as far as the roadway easement. But it, the way it reads it sounds like it's a mauka/makai road.

MR. C. JENCKS: It, it is.

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COUNCILMEMBER ANDERSON: So it's the, is it the current government road that's listed on our maps?

MR. C. JENCKS: My recollection is, is that it would be a new road that we would build for the Ranch to use.

COUNCILMEMBER ANDERSON: Okay. So . . .

MR. C. JENCKS: For cattle, for, you know, for their cattle operations and such.

COUNCILMEMBER ANDERSON: Would you have any, would you have any disagreement in allowing public access for mountain/makai access through the property as required by the State Statutes?

MR. C. JENCKS: Well, I mean, no, I don't have any problem with that. In fact, the open space system that we've put in the project would provide for that.

COUNCILMEMBER ANDERSON: Great. Thank you very much.

CHAIR MOLINA: Thank you, Mr. Jencks.

MR. C. JENCKS: It can only go as far as Ulupalakua, but. . .

CHAIR MOLINA: Okay. Committee Members, okay, thank you. I believe you will withhold your questions for a later point when and if we do get to deliberation here.

COUNCILMEMBER MATEO: Chairman.

CHAIR MOLINA: Mr. Mateo?

COUNCILMEMBER MATEO: Thank you. Request, request a few minutes for a recess, please.

CHAIR MOLINA: Your timing is good. That was on the Chair's mind. Members, we're going to go into recess. It is 2:55. Let's return to the Chambers at 3:05. . . .(gavel). . .

RECESS: 2:55 p.m.

RECONVENE: 3:10 p.m.

CHAIR MOLINA: . . .(gavel). . . The Land Use Committee meeting, recessed meeting of July 25, 2007 is now reconvened. It is July 27th, Friday, and ten minutes after 3 o'clock. We will continue with our public testimony for Land Use Item No. 38, the Wailea 670 application. Next to testify, we have Mark Spencer to be followed by Valentino Ceria. Mark Spencer? Okay. Seeing no

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Mr. Spencer we shall move on. We have Valentino Ceria followed by Richard Michaels. Valentino Ceria.

MR. CERIA (*from the audience*): Coming.

CHAIR MOLINA: Okay, on his way. As the testifier makes his way to the front I just want to thank, thank all of you in the Chambers today for keeping cool--I know this is a very sensitive issue--and showing a lot of respect for our testifiers today. And of course we all have our opinions so the Chair would like to thank all of you for maintaining your composure and showing respect. Go, go ahead, sir.

MR. CERIA: Good afternoon, Chairman Molina, Members of the Committee. My name is Valentino Ceria, field agent for the Plumbers and Fitters Union, Local 675. I am speaking on behalf of our members who work and live here on Maui. Our members, many of whom were born and raised here, do not wish to move anywhere else. We feel that Maui County needs good development like the Honua`ula planned community. Good affordable housing is what our members need but they are not available or hard to find. It is a way of life here in Hawaii that our wives and spouses must also work and still it's next to impossible to own our own home. It isn't fair for, that only the wealthy can enjoy only home here in Maui. We want to live here, play here on Maui. We want our own wives and spouses to stay home and raise our children. This project will go a long way in making it possible to own a home that we can afford. Therefore, we ask you that this project to move forward and give us hope that we can continue to live here. Thank you.

CHAIR MOLINA: Thank you, Mr. Ceria. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify we have Richard Michaels followed by Vernon Ta`a.

MR. MICHAELS: Good afternoon, Chairman Molina, Members of the Committee. My name is Richard Michaels. I live in Makena. I just have a few observations this, this afternoon. I'd like to say first I am not an expert about water. I really don't know a lot about all of the technical things that have been mentioned. But I live at Makena Surf and five years ago, because we were, the price of water was going up so much and people started talking about whether or not it's going to be available in the future, we decided to drill a well for irrigation of our landscape. And what happened is that it is too brackish for the landscape because it was killing the landscape, so we now mix it with regular County water. So I don't know whether that's going to happen in Wailea 670 but that's what's happening at Makena Surf.

Most of you know that I was a contributor and supporter of the Residential Workforce Housing Bill and I'm a major supporter of affordable housing. I would like just to go over the, the rule that exists for the 50 percent, because I'm beginning to hear different interpretations of what 50 percent is. So, if a developer, developer "A" says I'm going to build 1,000 units and I'm going to build the affordable homes inside the project then obviously he needs to build at least 500 affordable homes and 500 market-priced homes. If builder "B" says I'm going to build my 1,000 units but there are going to be no affordable homes inside the project, I want to build my

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500 units outside the project that's no longer 50 percent. Because the way the rule reads, and I have it here: "when 50 percent or more of the dwelling units and/or new lots in the development are offered for sale for \$600,000 or more, 50 percent of the total number of units and/or lots shall be sold or rented to residents within the income qualified groups established by this ordinance."

So now I'm hearing some interpretations that maybe some of the affordable homes will be in the project and some will be out, out of the project. How do we determine how many affordable homes is owed? Well, it's a very simple mathematical rule. The number of affordable homes in any of these projects whether they're inside or out must be at least as many as, as the market-priced homes. So I've heard for instance that of the 700 homes we're talking about perhaps they want to build maybe 200 inside the project and 500 somewhere else. My question is where, what happens to the land where those 500 homes were going to be? Is they, do they now have room for another 100 market-priced homes? So the rule of thumb is they must be equal. Okay.

I've heard a lot about the impacts that the project may have. We bought our place in 1987 so we're real familiar with what it was like in 1988 when the EIS was done.

MS. NAKATA: Three minutes.

MR. MICHAELS: Was that three minutes?

CHAIR MOLINA: You get another minute. Proceed.

MR. MICHAELS: There was no Grand Wailea Hotel in 1988. There was no Four Seasons. There was no Kea Lani. In fact, there was a dirt road that got to Big Beach. And most of the tourists couldn't find it anyway so it was really, really quiet there. Kihei had no Safeway, no Azeka I, no Azeka II, just had Bill Azeka's old market where the Post Office is now. There was no Maui Coast Hotel; there were no thousands of Kihei condominiums. Kihei was in fact a very quiet, little beach town. There wasn't much more than Azeka's ribs and the Paradise Fruit Stand. And in that environment they did the EIS in 1988. There were no traffic lights --

MS. NAKATA: Four minutes.

MR. MICHAELS: --in South Maui. No curbs, no sidewalks. So my suggestion to the Council is that they slow down, take another look at what the impacts will be given what the property looks like now, what South Maui is like now and do a supplement to the environmental impact statement.

CHAIR MOLINA: Okay. Thank you, Mr. Michaels.

MR. MICHAELS: Thank you.

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

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COUNCILMEMBER ANDERSON: Mr. Michaels, thank you for bringing up the EIS because I don't think, well, I know, well, I don't think any Member on this Council except myself has seen a copy of the EIS. Because I myself had to go dig it up. So in the EIS the, there was a supposition that the mauka roadway through the property up to Ulupalakua, actually, the extension of the Piilani Highway was going to be built. And so the EIS in, in its traffic analysis took that into consideration. Being that you live down there, would you like to have a mauka route in order to evacuate should there be any kind of emergency down there?

MR. MICHAELS: Absolutely. I mean one of the things that is really, really clear to those of us, the further south you go into this cul-de-sac because there's no other way out is perhaps a tragedy waiting to happen. You know, kind of like New Orleans where they warned them and warned them, not that if it was going to breach, but when it was going to breach and what was going to happen. If there is an emergency and people are asked to evacuate, well, for instance every, every resident knows that when there's an accident on Piilani Highway now, well the only roads out are the Piilani Highway and South Kihei Road and they are just jammed. And that's a situation when only a fraction of people are in their cars. Most people are working or they're, tourists are at the beach or at their pools or their home or whatever, and only a fraction of people are actually moving. So what would happen if everybody, all the residents, all the tourists, all the workers, all the hotel workers, all the landscape people, everybody was told to leave at once? It's going to be impossible and if it's a fast moving fire or a tsunami, you know, I don't have to draw you the picture. So, yes, we would like to have some kind of an evacuation route and Piilani extension up to the, Upcountry, yes, that would be one acceptable way.

COUNCILMEMBER ANDERSON: And then one other quick question. The, since you live down there and especially that you live beyond the Maui Meadows area you're traversing through Wailea on a daily basis in order to make your commute in and out. And if the, the section of Piilani from Kilohana to Wailea Iki is two lanes and I'm sure you're aware during commuter time it is bumper to bumper and creeps along at a very slow pace. People in Maui Meadows can't even get out onto the highway unless someone shares aloha and let's them in. But my concern is that there is black rock, blue rock in two sections of that portion of the highway that will have to be blasted out and it should take some time to do that. And so when they are expanding or extending that section of Piilani to four lanes all the traffic will be routed through Wailea, I'm assuming through Wailea to Kilohana. So can you imagine all of that hotel traffic going. . .(change tape, start 2B). . .but Wailea Nui, I believe it is, the lower Wailea road.

MR. MICHAELS: Right. That's the extension of Wailea Alanui.

COUNCILMEMBER ANDERSON: Right.

MR. MICHAELS: It goes through . . .um. . . what's, I forgot the name of the project, but it continues straight, it curves through --

COUNCILMEMBER ANDERSON: Right.

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MR. MICHAELS: --the Palms --

COUNCILMEMBER ANDERSON: Right.

MR. MICHAELS: --condominium. Well, we had a, a preview of that a few months ago when they did a new blacktop on that section of the road. And when they were working on the most northern section you could get on to Piilani Highway but at Miikoi [*sic*] they sent up to the stop sign that's just, you know, a few hundred yards up. And then you had to go all the way down till you get to Mapu and come back down again. But we, Judith and I, would have to take exactly the route that you are talking about when that was going on because they got down to one lane when they were doing the blacktop, and it was, you know, it was impossible. But even when it's, when it's not under construction in certain times of the day when the, when the shifts are changing, or 3:30, that traffic going north backs up from the light at Kilohana practically all the way to Ike Drive and it takes light after light after light to get through.

COUNCILMEMBER ANDERSON: Okay. Thank you very much.

CHAIR MOLINA: Okay. Committee Members, any other questions for the testifier? Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Chair. Mr. Michaels, we've heard a lot of information about on water, which is a concern. And you reside at Makena Surf, what elevation--is your well on the property?

MR. MICHAELS: Yes.

COUNCILMEMBER MEDEIROS: And what elevation are you at Makena Surf from sea level?

MR. MICHAELS: It's not very high above sea level. The well itself is just off Makena Alanui Road.

COUNCILMEMBER MEDEIROS: Okay. Are you --

MR. MICHAELS: It's at the gate.

COUNCILMEMBER MEDEIROS: --three hundred feet? Two hundred feet?

MR. MICHAELS: It, I don't know, I can't, I can't tell you exactly but it's probably something like that.

COUNCILMEMBER MEDEIROS: Okay.

MR. MICHAELS: It's, it's the same, basically the same elevation of Makena Alanui Road that runs, you know, from Wailea to the Maui Prince.

COUNCILMEMBER MEDEIROS: Okay. And my other question is, are you on the same aquifer?

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MR. MICHAELS: Yes.

COUNCILMEMBER MEDEIROS: Kamaole Aquifer?

MR. MICHAELS: Yes.

COUNCILMEMBER MEDEIROS: Okay. Thank you for the information. Thank you, Chair.

CHAIR MOLINA: Thank you, Member Medeiros. Any other questions for the testifier? Seeing none. Thank you, Mr. Michaels.

MR. MICHAELS: Thank you.

CHAIR MOLINA: Next to testify, we have Vernon Ta`a to be followed by Lance Holter. And folks again as a friendly reminder please turn off all your cell phones and pagers.

MR. TA`A: Chair Molina and Members of the Committee, thank you for allowing us to testify on this very important issue. My name is Vernon Ta`a. I`m speaking on behalf of Mr. Herbert S.K. Kaopua Sr., business manager and financial secretary of the Plumbers and Pipe Fitters Union Local 675. We are in strong support of this project. Our organization represents over 2,000 active and retired members in the plumbing industry. By State law each member is required to spend no less than five years in classroom and hands-on training and earn no less than 10,000 hours in the field as an apprentice in order to become a journeyman. Our members are specialists in the areas of plumbing, air conditioning, and refrigeration, fire sprinkler fitting, and steam fitter welding.

Wednesday when I, when I came to testify here, I got a phone call from my youngest son who is in the apprenticeship program to be an electrician. Our oldest boy after ten years just got his, his journeyman license last month, and our youngest boy just got his, just passed the journeyman test last week Friday and he called me Wednesday when I was here to tell me that he passed the test with 90 percent, passing. I was really excited. Now I think my boys can afford a house, I hope, as a journeyman. I, they don`t know, my sons are not too clear but I, my roots come from, from Maui and Molokai. My great, great grandfather is probably on the list of that, that list of the, of the land that was given during the Mahele. He got about what amounts to about 30 acres. He gave that land to his brother. His brother made a loan for \$250 to a company here at that time and couldn`t make the payment. He lost that 30 acres. Some of you may be living on that land, I don`t know. But anyhow my parents told me no use crying because when I went to check in the Bureau of Conveyances we lost that land according to the law that exists now.

So they told me no use crying, you just got to go work hard and get your own land. I left Hawaii for approximately 20, 15 years. It took me ten years to get out of college, got my degree in, in finance, came back here and worked in Hawaii. Raised my children and I got my sons here and they finally got their journeyman`s license. Took my boys five years of schooling and they had

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to work with, 10,000, they had to get 10,000 hours just to qualify to take the test. They qualified. They didn't ask anybody --

MS. NAKATA: Three minutes.

MR. TA'A: --they didn't go to anybody and ask, ask anybody. But they now qualify to get an affordable housing. I have a house. I'm glad I didn't have to ask anybody, earn the, I earned the money to get my own house. And I tell you if I had that land today there is no way, if there was a choice between a wiliwili tree and feeding my children that is a no brainier. I'm going feed my children. I don't care about no animal on that land. I'm going to feed my children and take care of my family. Thousand years my family lived here and they survived, we're still here. This is one Hawaiian who does not want to go back to no damn grass shack. The damn thing leaks. This is the best place. Everybody who says they want the land here, their, they got their property, they don't want anybody else on it, I can tell you we feel the same way you do.

MS. NAKATA: Four minutes.

MR. TA'A: We just want love at home, two cars in the garage, and a trip to Las Vegas once in a while.

CHAIR MOLINA: Thank you, Mr. Ta`a. Committee Members, questions for the testifier? Seeing none. Thank you. Lance Holter followed by LaJon Weaver. Lance Holter? Okay. Not here. LaJon Weaver? LaJon Weaver? Okay. We do have, okay. After LaJon will be Mary Groode.

MS. WEAVER: Aloha, Council Members. Thank you so much for coming and listening to all of us. I'm LaJon Weaver, a Maui resident for 26 years and a homeowner in Maui Meadows. I was touched at the hearing on Wednesday when I heard a couple of boys or men saying that they were from the Carpenters Union and that they came here to testify against the development, I mean for the development. And after they heard the testimonies that they decided not to testify because at that point they changed their mind and they were against the development. So that was very encouraging, inspiring that they cared more about, you know, the water and other issues than they did about the jobs. My sister called me this morning from Kauai, she works at the Hyatt in Poipu and they have had a similar project going in, it's going in right now in Poipu and it's devastated the area. There's screens along the roads. There's huge amount of noise and dirt and traffic. And her clients are just telling her they just can't even stand to be there. It's, so if anyone wants to see what Makena may be like, just go check out Poipu, what's happening there. The noise is unbearable. Number one, I'm so concerned about the aquifer, which is already being over-tapped. I was at a Board meeting with the DLNR a few years ago and they were discussing that the aquifer was down one quarter and that it was really serious and that it should never be that low. And now I'm hearing it's almost a half, so what are they saying now?

This is an obvious problem even to me who knows nothing about this issue really. To back up my observation though by someone who is knowledgeable on the matter I found this article in *The Maui News* July 8th, just two weeks ago. Water, oh, it's on page 81, Water Director Jeff Ing expressed concerns about the continued high use in the Central Maui system that the supply is

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exceeding the sustainable yield of the groundwater sources based on hydrological estimates. This is an expert. The project says they will have their own water but this once again, key fact, is not a proven source. The fact is brackish wells become more brackish with use. The potential danger is that should the project water supply fail during buildout there's the very real possibility the County will be approached for assistance in supplying potable water to the project.

The other wells that are already being burdened can adversely be affected by these new wells also. The current wells that are barely keeping their salinity levels safe can potentially need --

MS. NAKATA: Three minutes.

MS. WEAVER: --approach the County as well. If it ever got past this water issue which I hope and pray it doesn't, I'm concerned about the deception that a road being put in the area that is already agreed upon the project, the road they're putting in the buffer zone. I have a letter from Ed Kennedy, previous President of the Maui Meadows Association that he wrote to Charlie Jencks that at the July 25, 2000 meeting, you referenced, you assured us that a 150-foot wide buffer zone would be constructed along your northern boundary. You agreed it would be landscaped with shrubs, not trees, and that it would include a part of your trail system and have walking path connections to Maui Meadows. Now, we understand that you plan to put a road in the middle of that buffer strip which will turn it --

MS. NAKATA: Four minutes.

MS. WEAVER: --into a collector road for your project. Why can't you keep your word, Mr. Jencks? A collector road is not a buffer strip. And, thank you --

CHAIR MOLINA: Okay. Ms. . . .

MS. WEAVER: --and I really request that we, especially for the newer Members of the Council, Gladys, Mike, and Bill, that we have this meeting in Kihei so you can hear from some of the working mothers and working people, people of Kihei who can't get to this meeting. Especially, 'cause I know there was a meeting before for the other Members.

CHAIR MOLINA: Committee Members, I'm sorry. Yeah. Committee Members, you have questions for the testifier?

COUNCILMEMBER BAISA: No.

CHAIR MOLINA: Okay. Seeing none. Thank you for your testimony. Next to testify we have Mary Groode followed by Carl Chase. Mary Groode? Mary, not here? Okay. Carl Chase to be followed by Judith Michaels. Carl Chase? Carl Chase? Not here? Okay. We have Judith Michaels.

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MS. MICHAELS: Chairman, I have a friend who is taking off work and has to leave. Could she take my place and I can take hers later? Is that allowable?

CHAIR MOLINA: I'd prefer you to speak in your place, out of consideration for the others who waited. After Ms. Michaels is done with her testimony we have next to speak Lolo Mon. If you're out there.

MS. MICHAELS: Good afternoon, Mr. Chairman, and Council Members. There are so many people here who were here on Wednesday who can't come back today because they've, they took off work and unfortunately I have many, many people who are telling me their friends couldn't come back, and so I do appeal to you to have a meeting in South Maui scheduled so that these people who can't afford to take off work a second day might have an opportunity to speak. Mr. Spencer spoke to you earlier, actually, I'm a little nervous first, I don't particularly like to speak. But I feel very strongly about this. And I want to tell you why. My husband and I are retired. I live in Makena and though this isn't my backyard I live in a nice home and I feel very privileged that I can live here in Maui and that we have the money to live in a nice home. We bought a home in 1987 and what we've noticed since being here over the last 20 years is that Maui started to be a place of have and have-nots.

My husband and I don't want to live in a community of have and have-nots, the very, very wealthy and the very, very poor. The middle class is disappearing on this island. Our friends who have children here who grew up and many of them are college educated, they can't afford to live here. They're moving off this island. The people who work in our project, our friends can't afford to buy homes here. It's too expensive. So my husband and I decided about five years ago that we were going to make our goal to try to get an affordable housing law passed. So we did a lot of research and we presented that to some Council Members and we presented that to Alice Lee, who was working for the Mayor at that time in, in affordable housing. And we said this is our research, we need an affordable housing policy and nothing happened. So about two years ago we came to Danny Mateo, who was the head of the, of the Housing and Human Services Committee and we said this is some of our homework, we, we have to have an affordable housing policy.

So he took that project on and so we made that our project for the last three years. That was our number one goal. We worked on that day and night. And I'm happy to tell you that about 75 percent of what we presented ended up in that project. And that's important to us. Excuse me, I dropped my glasses, getting older, I can't see so well anymore without my glasses. So when I hear people say that, that Maui Tomorrow, of which I have been a member for the last five years, doesn't care about people who, who have, can't afford homes and affordable housing that is not true. We care very much. In fact, what we would like to see is this project 100 percent affordable. That's what we're fighting for, 100 percent affordable.

MS. NAKATA: Three minutes.

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MS. MICHAELS: That's what the people on this island deserve. We don't need any more luxury homes. We don't need a private golf course. There were two golf courses initially in this project. One was public and one was private. What happened to the public golf course? If we need another golf course let's make it public so that, and make it affordable, make it really affordable so locals can play. So I'm telling you that Maui Tomorrow supports affordable housing. Charmaine Tavares made a statement recently in, in a publication and she said that to understand the public frustration with the state of development on Maui pull up next to a Kahului home at night and count the cars parked out in front. Extended families are living in one unit, sometimes 15 and 16 people. The underlying frustrate is, frustration community members have is the same frustration that's driving anti-development movement all over Maui, locals can't afford to live on Maui anymore.

MS. NAKATA: Four minutes.

MS. MICHAELS: In the past, development on Maui has often favored sell off-shore investment over the local community she says. It was the Maui for sale mentality, that's what we have to change.

CHAIR MOLINA: Ms. Michaels, you need to conclude please.

MS. MICHAELS: Yes. Mr. Chairman, I'd like to know, since I signed up before the beginning of the first . . .um. . . testifier, if I can have a three minute extension at the end of all other testifiers?

CHAIR MOLINA: The, the, the Chair is not offering that option.

MS. MICHAELS: Okay. Thank you very much. I just want to wrap up with, that, that I think that those of us who are watching what is going on in Maui are outraged by the lack of planning for the overall community here. And I am asking this Council to look at allowing the General Plan Committee that is now in the process of doing that --

MS. NAKATA: Five minutes.

MS. MICHAELS: --to do their work first--

CHAIR MOLINA: Ms. Michaels, I'm sorry, I have to --

MS. MICHAELS: --before you make a final decision on this project. Thank you.

CHAIR MOLINA: --I have to cut off your testimony. Thank you. Hang on there. Committee Members, you have questions for the testifier? Seeing none. Thank you for your testimony.

MS. MICHAELS: Thank you very much.

CHAIR MOLINA: Okay. Next to testify, Lolo Mon followed by Lucienne deNaie.

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MR. ACQUINTAS: Alright. Aloha, everybody from Maui. Very hard for me to come up here because this hits my heart. My funnel(?), my family, they call me Lolo Mon, not because of my, the meaning of stupid or crazy, because the way I feel. And the way I feel about this, I just, Maui is crying out to me. And you know what, who my people are, my people come from all over this place just to live in paradise. And what you guys going to do just take that away from them? They might not be Hawaiian but the heart is Hawaiian, the aloha is Hawaiian. Brah us, we've been growing up from people, I remember going to school with you. I remember uncles over here seeing them, telling us, brah, fight for our land, fight for our rights. And then you guys going to tell us, oh, just give it all away, sell 'em all away. I no like go tell my kids, eh, you know what, I grew up having to walk through golf courses for hiking. I go fishing on the beach 'cause get big homes on the beach telling me, the police officer, eh, excuse me, you cannot be fishing here. What are, what are you doing here? What do you mean what I am doing here? I live here; I'm Hawaiian. You going take that away from me? Brah, all this construction people, it's beautiful to build homes for people but why you gotta take away my Hana, my Hana is Kihei. I love that place. Wailea, I love that place, brah, I'd die for that place. Why you guys gotta do that? Go build in the cane fields, you know what, how, how, sorry, I'm, I'm really, really upset about this.

CHAIR MOLINA: It's okay.

MR. ACQUINTAS: And, you know what, you guys like make mainland over here? All this construction, you like make mainland over here? Go to the mainland. Go to the mainland. No live over here, you know what I mean? Brah, my mom saying, my father is Hawaiian/Fijian but my mom would never let me meet my father because of the bad side of that family. I met lots of my family. She haole and her saying is she got one bumper sticker, goes for everybody, if you do not like Hawaiians why the "f" did you move here? You know what I mean? We, we, we from, we're cultural people, we're Polynesia. You know, we came up from stories, from our ancestors, from listening to, all the, all what happened in the past. Captain Cook ate the haole for a reason. He was trying to take over. Money and greed. Money and greed. I cannot even go fishing --

CHAIR MOLINA: Alright, folks.

MR. ACQUINTAS: --do stuff without, without people giving me problems. I'm not the one littering. Our people aren't the one doing littering. The, the, the pollution is coming from people, more people coming here. The tourists are bringing their mentality, their littering, they think they have a great place, they pay all this money so they can just let the people that live here pick up after them. You know, if you going to do drugs, smoke drugs, you're not one Hawaiian to me. You is one haole just like every developer that wants to take over and ruin the people, and the people we stand for. You know what I mean? Our queen was put away, I feel like I getting put away. I walk through Wailea; people look at me like I Shrek, brah, I not Shrek, brah. You know what I mean? They give me, give me problems. And you know what our aloha is, you know what, one thing that bothering me is that last meeting I came here, and you know what, you guys, oh there's nice people here for the, for the developing. If you so nice why you get plate lunches for half

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side? We all in this building together, we all live here. You so nice give everybody lunches. If I had money --

MS. NAKATA: Three minutes.

MR. ACQUINTAS: --I'd go Costco buy pizza for everybody. All I saying is please just respect the fact that all, every one of the shirts that are older than me, you guys going die soon, get your money, you're out. I live here, my kids live here, we want to be able to live in Hawaii, the way it should be. Thank you.

UNIDENTIFIED SPEAKER: Okay. Wait you're not done.

CHAIR MOLINA: Okay. Excuse me. Hang on. Hang on. Hang on. Can, can you just state your name for the record before we go. . .

MR. ACQUINTAS: Lorien Acquintas.

CHAIR MOLINA: Okay. Hang on. You have a question. Member Anderson?

COUNCILMEMBER ANDERSON: Thank you for being here and you did fine. You did great. Who told you, you couldn't fish on a beach and what beach was it?

MR. ACQUINTAS: I almost got arrested at Big Beach for saying I'm going to continue watching the sunset. I've got tickets from the game warden for fishing at Big Beach. They said, we found out, oh, you can, the only way you can fish there you cannot have any sleeping gear. You have to walk from the coastline and then no sleeping gear; you can have fishing poles. But then they come and tell you, oh, we changed that. Now the, the, the coast has changed, the parks close, like Chang's Beach, you're not really supposed to be fishing 'cause they closed all that. Baldwin Park, pretty much every place we go to there's someone that complains about the fishing. Even during the day, we by the rocks, all the way by the rocks, someone always has to come, the Wailea patrol, somebody has to come. Mana Kai I drive my truck every time right to the showers and what the cop say, I tell 'em, what you know you going arrest me, go ahead. But, you know what, we're going to keep on, you know, fishing and doing things. We're not hurting nobody we're just fishing on the side. And people always come and say, oh, you, you gotta, you gotta pack up your stuff there's, there's people here. You know what, if you that stupid to go where a fishing pole is on the rocks away from the beach that's your own fault. They're complaining about hooks and this and that. You know, we clean up everything. We not the ones making problems.

COUNCILMEMBER ANDERSON: You have a right to go fishing on any shoreline in this State.

MR. ACQUINTAS: Yeah, well, you know what, there's a lot of problems that us fishermen go through all the time. All the time and we never leave the beaches empty. I had, you know, actually I had a three day rager, three day rager. Taguma came down. He even said, we had Inna Vision

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playing, Selah, Jah Melodie, we had four kegs, there was no violence. There was trash, there was the trashcans, there was the recycling, and you know what, they said because everything was going so smooth, so well, they let it go. The cops kept saying, you know what, the, the loud is going on but, you know what, you guys are having a good time and taking care, we're going to let it go. Three days, three days at Chang's Beach.

CHAIR MOLINA: Okay. Committee Members, any other questions for the testifier? Seeing none. Mahalo for your testimony.

MR. ACQUINTAS: But, for sometimes. . .

CHAIR MOLINA: Next to testify, we have Lucienne deNaie followed by Jeff Faulkner.

MS. deNAIE: Aloha. My name is Lucienne deNaie. I'm testifying today as a private citizen. Greetings, Mr. Molina, thanks for sitting through, and Committee Members. I do hope that this Committee would take seriously the idea of allowing other folks to share their mana`o, too. This is an important issue. This is a watershed issue. I mean I wish it weren't. I wish we weren't in the situation we are now where people are desperate for themselves and their kids and their grandkids to have a place to live. I applaud the work Mr. Mateo and his, and his Committee and this Council has done to move us forward where at least we have a tool. So this project is coming forward and it's the first one to see how affordable housing thing works. Well, I wish it was a little bit more clear, I wish that I knew as a citizen, I mean I don't know nothing, I have no real estate background.

I barely was able to figure out, you know, how to scrape up some money to buy something in the middle of nowhere when you could afford something in the middle of nowhere. But it's like, it's public record. This land cost, what \$17.2 million, that's \$26,000 an acre. Isn't there any way that we could have more affordable housing on it? Is there someone that's not in this room that's calling the shots on what happens on this land? You know, are, are there people that expect a certain level of profit and that's what's deciding like how much affordable housing goes here? I mean there just needs to be a way, we all need to find a way where houses can come in under 200,000. Would that ruin the real estate market for other people? I mean I don't know, I'm naive, but I think we should be asking these questions. Because the people that I know, they need to start looking for houses that cost like, between like 185,000 and 225,000. And that's where they need to look, and these are hardworking people. And maybe I know the wrong people, but anyway I just think we need a way, I hear, you know, so many people are praising the smart growth and everything. It's great that it's being proposed to have like bike paths and that there's going to be, you know, help for the drainage and so forth and so on. But the first thing that occurred to me is Maui Meadows where you have taxpayers for 30 years that have helped this County out has no park. When people want to go to a park in Maui Meadows, they have to use a street for a community event and, and close it off. And all their kids have to drive Kihei to go Little League or wherever. So if smart growth and it was up to me and I paid \$26,000 an acre for land, the first thing I'd do to get on my neighbors' good side is put a big park between the two communities and link them. Not a 50-foot wide planted strip, but a big park, something that

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is like a community could be built around on both sides. And then kids could have fields there and then every kid that wants to play doesn't have to go down to the generously funded new Little League fields. But it's like, can't there be both? Can't there be more? Have we, you know, do we have enough? And what if God forbid our workforce housing policy is attacked by the Land Use Foundation or others who --

MS. NAKATA: Three minutes.

MS. deNAIE: --talked about this at the hearings? What if it's invalidated? What happens to this project? Does it go back to 20 percent affordable housing? After all of you have put your hopes and, and, and blessings on it, like happened in Wailea. We have no workers' housing in Wailea. There was a big chunk put aside and workers came out here and testified for that. And it never happened. So I'm asking you how much is enough? You know, we've traded away our ocean views in Wailea, so there could be affordable housing. And Wailea resorts has been built and millions have been made. But, you know, did we get enough affordable housing? And we took all the water that Iao has and we sent it over to South Maui and we emptied even the, the sacred springs that don't flow anymore. And we built hotels and condos so we'd have a tax base to really keep things going. But is it enough? And we sacrificed whole Hawaiian villages, Keauhou and Waipao that just don't exist anymore and we replaced them with condos where nice people live and they give us taxes and everything.

MS. NAKATA: Four minutes.

MS. deNAIE: We even dug up the burials of, of people and just moved them someplace else. But when will it be enough? Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. deNaie. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have Jeff Faulkner followed by Reverend Robert Nelson. Jeff Faulkner? Not here? Okay. Moving on. Reverend Robert Nelson followed by Mercer "Chubby" Vicens. Mr. Nelson, Reverend Nelson, yes, please, come forward.

MR. NELSON: My name is Bob Nelson. I want to thank you for listening so patiently to all of us. My, I don't know about you but my tailbone gets really sore. I am an Episcopal priest. I served in Alaska for 40 years. I retired a number of years ago and my wife and I moved here in order to be here with our Hawaiian family. We are active members of Keawalai Congregational Church in Makena. For many years, I witnessed the cultural sites that were sacred to Alaskan native peoples and villages being wiped out by commercial practices and by governmental policies. And in fact, I watched some of our, the people in our congregations even be a part of it or at least they turned a cultural blind eye. I would hope that things might be different here and now. You remember there was a survey of Wailea 670 done in 2001, and the sites that were identified at that time are now, just now being excavated. . . .(change tape, start 3A). . .that terrain is really difficult and it's overgrown, which means quite frankly that there are probably a whole lot more sites that have not yet even been uncovered. One of my concerns is whether a good faith effort is really being made here. I would like to see you as our Council insist that the owner get

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independent studies from other consultants. The Kihei/Makena Community Plan called for a historic or cultural district overlay to protect archeological, historical, and cultural resources. And it's my understanding that that has not been done as yet. So I would urge you to be sure to get complete information about these large cultural landscapes before you go granting entitlement that may not be appropriate.

Already in Makena earlier entitlements have allowed sites to be bulldozed or coned off so that no one can get to them. I've asked to be allowed to visit sites and I was told that I could not. I would be trespassing on private property.

MS. NAKATA: Three minutes.

MR. NELSON: But, you know, neglecting sites, bulldozing them, turning them into golf courses, not allowing access to them, is not really protecting them. It's my hope that before you do anything that you would look for broad community involvement. That's open to every one who has an interest in helping to plan the future of that area. In particular, its cultural sites. I think a really good model is the one that happened at Honokowai Valley. The Kaanapali Development Company invited the community in first before they went for changes to the entitlement. Everyone was welcomed, not just a select few, hundreds of people came that first year and began to take care of the cultural sites --

MR. NELSON: Four minutes.

MR. NELSON: --and native plants. And as they removed the alien species then more sites were identified.

CHAIR MOLINA: Reverend Nelson, you need to conclude please.

MR. NELSON: Well, that was 1999 and since than thousands of people have helped care for those sites. Wailea 670 acquired their lands in 2001 is my understanding and their sites are not being cared for. They're overgrown and they're not being stabilized.

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

COUNCILMEMBER ANDERSON: Thank you, Chair. Thank you very much for being here, Reverend Nelson. I'd like to know what sites you asked to visit and who denied you access.

MR. NELSON: I was told that I could not crossover on to, on to golf course property unless I went, because it was private property, unless I went and signed up and paid as a golfer. I'm not a golfer, I'm sorry.

COUNCILMEMBER ANDERSON: So you were told you couldn't visit the sites on the golf course unless you paid a fee to golf?

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MR. NELSON: Yes. They're surrounded on, surrounded by a golf course.

COUNCILMEMBER ANDERSON: And were there any other sites particularly in Makena where you were denied access?

MR. NELSON: No.

COUNCILMEMBER ANDERSON: Or did you try to get access?

MR. NELSON: To those on the golf course?

COUNCILMEMBER ANDERSON: Other sites. No. Other sites. I'm just wondering if there's other sites where you were, where you requested access and were denied.

MR. NELSON: No. I have had access to other sites.

COUNCILMEMBER ANDERSON: I appreciate you being here because our State Historic Preservation Office is in total disarray and they have all the reigns, except for the reigns that sit here in this Chambers tonight. And so I'm hoping this Council will step forward on behalf of the native Hawaiian archeological sites that we still have a chance to save and preserve for the education of the native Hawaiian children yet unborn.

MR. NELSON: You know, I want to know, how do you in fact respect a culture?

COUNCILMEMBER ANDERSON: Not by bulldozing it away. Thank you.

CHAIR MOLINA: Thank you. Committee Members, any other questions? Seeing none. Thank you. Next to testify, Mercer "Chubby" Vicens followed by George Aikala. Chubby Vicens? Not here. George Aikala? Okay. Following Mr. Aikala we have Andrew Kaina.

MR. AIKALA: Good afternoon, Mr. Chairman.

CHAIR MOLINA: Good afternoon.

MR. AIKALA: Members of Maui County Council. My name is George Aikala. I'm a member of Local 368, Laborers Union. I'm also the Field Representative for the Island of Maui. I represent 500-plus labors here on the Island of Maui. And because I represent these 500-plus members on the Island of Maui I have to make sure that they all have work. Okay. Because they have to pay their mortgages, they have to pay their bills. They have, they also have to feed their kids that are locals here too on the islands. Majority of my workers are from the Island of Maui. We don't, we have some people that migrated over here from the mainland, yeah, and they should, they should come over here. And we open up our doors to 'em. But majority of them live here and the ones that migrate over are here for a little while but they go back to the mainland also. Those

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are the ones that I'm speaking for today, these members that I represent for the Island of Maui because they also have to pay their rents. They also have to pay their mortgages; they also have to feed their families.

I listened to a young man come up here they partied for three days. I hope he's working. You know, I really am. Believe me, one day, I was young, I partied, you know, but I took care about what's happening with our land over here also. You know, Bruddah Al came up here talking about the ahupua`a, Sister, what you call, Acosta talked about the ahupua`a. That's great, you know, fine. If these people built on their ahupua`a one day they're going to have a lot of renters on their land. Okay. So we got to look forward to down the road but we need construction today for our members and our trades. Not only for the Carpenters Union, not only for the Plumbers, not only for the Electricians, or the Masons that are here on the island because that's our job. You guys are in a building that was built by the trades, labors, carpenters, masons. If, if they knew that this, we needed 400 seats instead of just 150 seats we'd probably have a bigger Chamber today because then some of you guys don't have to be sitting and standing around. But that's what it's all about, our trade. This is what we're looking for. I mean I understand about the impact of the water, the highways. I hearing people say, well, you know, the highway a lot of our people getting killed. It's not the highway that's doing it. Okay. We got laws out there, you guys are the City and Council people, you guys detect the law, what's going on? We, they have to slow 'em down, I read the paper, hey they're out there giving tickets, speeding tickets, slowing these people down. You know, that's great.

MS. NAKATA: Three minutes.

MR. AIKALA: But I, the reason why I'm really here is because of my 500-plus members, making sure that they can pay their rent and they can feed their kids. That's all I have to say.

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

COUNCILMEMBER ANDERSON: Yeah. Mr. Aikala, thank you for being here. And we all want to make sure that people have viable employment. But we have experienced an accelerated growth rate here in Maui County and specifically in the South Maui region over the last six, seven years . . . an unprecedented rate of growth. Do you think that we can sustain that? I know you have 500 members, but I know that we have plenty of, of people coming from Oahu to work on Maui because there's more work than local construction trade can sustain. So my question to you is in order to keep your 500 laborers and other locals employed would you expect us to keep this accelerated growth rate going from now into perpetuity? Is there ever a time when we need to level off and let our infrastructure catch up?

MR. AIKALA: Well. . .

COUNCILMEMBER ANDERSON: Because infrastructure also takes labor jobs.

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MR. AIKALA: Councilwoman Anderson, we can't stop the planes from coming and they're going to still come here. And there's still people that's going to come here and live on the islands. And regardless of the growth that is happening now it will, it will, it will extend later on in the future believe it or not. I know I, I listened to about water impact, I listened about highways, I even heard a person talk about parking down at Makena Beach. These things will come. I mean we have, we have members that are, well, we have engineers that if we give 'em the chance and probably even the money, you know, we can get water, not only from the west side, probably be even from the east side to supply some of the south side. I mean we're, you know, we, don't shut door. . .(*inaudible*) . . .

COUNCILMEMBER ANDERSON: I'm just trying to keep you on point to the question.

MR. AIKALA: Oh, on the, on the point on that one. Yes. I understand.

COUNCILMEMBER ANDERSON: And let me, let me be a little bit more specific. Would your union members make the same amount of money building schools, roads, and possibly water infrastructure? A hospital? Would they make the same amount of money building those things as they would making, building million dollar homes? Isn't there hourly wage?

MR. AIKALA: Well, all I can say, Coun..., Councilwoman, is that they do make a lot of money working in this trade. I mean it's not where they can become med..., medium income. A lot of these guys, what do you call, are living from check to check. But at least they're able to meet their mortgage or they're able to meet their rent, or they're able to send their kids to school with nice looking clothes and pay for their cars. This is what I'm looking for, you know, the amount of money that they get from these million dollar homes and stuff like that, that the contractors build and stuff and if they share it with the, the trades people, I'm all for that. I'm all for that.

COUNCILMEMBER ANDERSON: Thank you for being here.

MR. AIKALA: You're welcome.

CHAIR MOLINA: Okay. Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Aikala. Next we have Andrew Kaina followed by Janos Padilla. Andrew Kaina? Not here? Okay. Moving on to, was it James, or Janos Padilla? Forgive me if I messed up your first name, Mr. Padilla. Okay. Please come up.

MR. J. PADILLA: Aloha. Thank you for letting me speak. First of all I know, I'm, I'm lucky to be here today, to be able to speak to you guys. Because I know a lot of people who really would like to speak but they're busy, they got, they get jobs and responsibilities and stuff. You know, and it's kind of hard to show up at like 1:30 in the middle of the day and speak. So, first of all I'd like, I hope that we're going to have another one of these meetings and since this subdivision is directly affecting Kihei and the South Maui, maybe we can have it in Kihei and maybe like at night or on the weekend or something.

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I don't know, like this bruddah was saying, a lot of people depend, depend on constructions and, and I depend on it, my family depends on it. But I mean it's not like we're saying stop building and stop building houses and stuff. We're just saying, stop building here, you know. You see these guys coming in and all, they see this beautiful, these beautiful places, yeah, I want to live there, I want to build there, look at that land, that's got to be worth a lot of money. A lot of rich people are going to want to buy that, you know, we could build those luxury homes over there. You know, what I mean, but that's not what it's about, I mean it's, it's really important where you build, you know what I'm saying. So I think that's like, I see where all, all the construction workers are coming from, you know, it's not like, it's not like we don't see that. It's just that they, they, they always want to build in these, these most beautiful spots and the sacred spots. You know, Honolua Bay. . .*(inaudible)*. . . sorry, excuse me.

COUNCILMEMBER ANDERSON: Bleep.

MR. J. PADILLA: You know, Olowalu and like Makena. But there's other places to build. They don't necessarily have to build there. I mean, it'll keep going and it's not like, like, like you were saying there's a lot, our, our economy is really good right now. It's not like there's no jobs, there's a lot of jobs. People are coming from the mainland, all over the place and they're getting jobs, they're getting work. So it's not, I don't really think the job issues. . .has a whole lot to do with it. I mean they could build other places. And, and these companies that are, that are coming from the mainland and, and building over here, brah, these guys are the devils. They, I, I hear, keep hearing worse and worse things about 'em. We're letting these guys into our home, our, our land. I went, I, I went down to Fiji like, about ten years ago and I went out to this reef and I went diving at this reef with these local fishermen. And it was beautiful, there was fish everywhere, it was more, more, the fish supported whole, whole tribes, whole villages and, and there was more fish than I could see in, in like all of Kihei. It was unreal. And I recently went back last year and they had, this same company had taken, taken the earth, they had taken dirt from the mainland and they had covered the reefs, they had covered this one section of reef and they, without, like we have a constitution so we could do something about it. They can't do that here, but these people, they don't have a constitution and, and the company didn't care, they put the dirt all over this, the, the one section of reef, you know, not only did it destroy that one section of reef it destroyed within the mile, a whole like, three, four mile radius all the reef around it. I saw, I went back I was like yeah we go dive at the one spot, they was like, yeah, wow, there's, there's no more fish over there. I went out there, I went in the water, brah, all dead, all silt all over the reef. The, the, the reef cannot --

MS. NAKATA: Three minutes.

MR. J. PADILLA: --survive with all that over it. It cannot, the, when the silt comes over the reef it, it dies and these guys didn't do anything to, to check up on what kind of effect putting dirt in the water would have. That's the kind of companies that we're, that we're letting come over here. That's the kind of people from the mainland. That's the kind of people they are, they don't, they don't care. They're, they're saying, they're trying to convince us that we need another golf course in, in Wailea. You know what I mean? A place that's considered almost a desert, you

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know. What's, what's another golf course going to do for the people of, people of Hawaii? What for the people of Maui? What, what consequences, you know? What, what, what good will that do us? It's just going to make the land more expensive, the houses are going to be more expensive because they're near a golf course, you know what I mean? That's not right. And they know that, they know that they can charge more for the, for the, for the property 'cause these rich guys come from the mainland, oh, it's right next to a golf course, alright, let's go golf. You know what I mean? I don't know any Hawaiians who golf. We go, we fish, we dive, we, we, we, we live in the island --

MS. NAKATA: Four minutes.

MR. J. PADILLA: --and, and it's, and it's beautiful. So let's just, it's just naïve the way, the way these guys work and. . .

CHAIR MOLINA: Okay. Mr. Padilla, you need to finish, yeah.

MR. J. PADILLA: I'm sorry, I'm sorry.

CHAIR MOLINA: Okay. I'm sorry.

MR. J. PADILLA: Yeah. No, I, I just don't trust them and I hope everybody realizes the kind of people they are and yeah, thank you very much.

CHAIR MOLINA: All right. Thank you. Committee Members, questions for the testifier? Seeing none. Thank you for your testimony. Mr. Padilla, can you state your full name for the record.

MR. J. PADILLA: My name is Janos Padilla.

CHAIR MOLINA: Janos. Thank you. And my apologies for mispronouncing your first name. Next to testify, we have Volker Weiss followed by Helen Anne Schonwalter. Volker Weiss. Okay.

MR. WEISS: Good afternoon, everybody. Thank you very much for letting me talk here this afternoon. I'm not a very good speaker but I'm, and I'm not from here. I don't want to say I'm sorry but I'm absolutely happy that I get to live here. I'm here almost 20 years now. I love this place, I was born in Germany and I have seen developments over there. And there is a lot of culture that is there too in that land and people build on top of it because the population is growing that fast and that radical. It's really lucky that this is not happening here. But developers over there, they don't care, I have never seen something like this where someone comes in and takes that amount of money, that amount of time, and that kind of, I don't even know how to say this, but that kind of energy to actually setup a project like this Wailea 670. I have seen a lot of things happening around here but never something like this. So I do support this project. I live in Kihei, I came to open the Grand Wailea, I've seen a lot of changes and I think that this is a great project. And this would certainly help the future.

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Also, there is a big emphasis, you know, of the group here all around with kids, having kids and they have kids and everyone wants to, everybody wants to go to those beautiful beaches. But if you realize that these kids have kids, there's this population growing. That is very natural so all these kids have to go to these beaches and that's not going to be like it is today. That is very natural, too. So they have to go somewhere.

By profession, I'm a realtor and I want to point this out too, there's a lot of realtors here but I met through this time, me, myself being a realtor a lot of people that just don't want to be a realtor, they have other trades and they do other jobs and they do them for 20 and 30 years. But when you talk to them, and I have done this over and over again you find out that their private life is a realtor, they don't have that as a profession but most of their money is made with the property values on this island. They do make money in a trade; they have done that 20 to 30 years, that's fine. But most of their money is made with the property values on this island and I don't think that shall be underestimated either. Thank you very much for letting me speak. Aloha.

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

COUNCILMEMBER MEDEIROS: Not for the testifier. Just the name again, please.

CHAIR MOLINA: Oh. Yes. I'm sorry. Mr. Weiss, can you state your full name for the record.

MR. WEISS: It's a weird name. First name is V-O-L-K-E-R, Volker.

CHAIR MOLINA: And Weiss.

MR. WEISS: Thank you. Weiss, yes.

CHAIR MOLINA: Volker Weiss, W-E-I-S-S.

MR. WEISS: Thank you.

CHAIR MOLINA: Thank you. Okay. Seeing no other questions from the Members. Thank you, Mr. Weiss.

MR. WEISS: Thank you.

CHAIR MOLINA: Thank you. Next to testify, we have Helen Anne Schonwalter to be followed by M. Todd MacFarlane. Okay. Helen Schonwalter? Okay. No show. We have M. Todd MacFarlane followed by Anthony Carter.

MR. MacFARLANE: Good afternoon.

CHAIR MOLINA: Good afternoon.

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MR. MacFARLANE: It is a pleasure to be here. My name is Todd MacFarlane. And I'm here speaking in support of this project for myself and my wife and my 27-year-old son. Excuse me. Our suggestion to the Council is to control and limit growth. Allow good, well-planned projects but please do not attempt to stop all growth. This development has been modified to adapt to the islands' needs and wishes. It's a good model for future subdivision. Most communities can only hope for a 20 percent match for affordable housing if that. The commitment of this project to be the first to step to the plate with a 50 percent match is a great accomplishment for this Council and for the new ordinance that has been passed. It is one of the good projects which this island truly needs and should be approved. And I'm going to be very brief and that is all I have to say.

CHAIR MOLINA: Okay. Thank you, Mr. MacFarlane. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have Anthony Carto [*sic*], Carter to be followed by Paz Padilla. Anthony Carter? Okay. Seeing none. Paz Padilla? Okay. After Paz Padilla we have Ken Jencks.

MR. P. PADILLA: Aloha and thanks for listening. My name is Paz Hoku Padilla. I've lived here on Maui all my life. And the destruction I've seen done to this land in the last 23 years is enough to bring tears to anyone with the heart and the eyes to see it.

CHAIR MOLINA: Sir, can you speak directly into the mic? Thank you.

MR. P. PADILLA: Sure. It's obvious that we need change to the direction that society is headed. You got to start giving back to the land instead of taking from it. This project, called Wailea 670 will only ravage the land further. It is certainly a step in the wrong direction. I have here one of your guys shirts that says "yes" to the project, given to me by one of my friends who had a change of heart. They seen the light, I believe. And it says here, say *Yes to affordable housing, more jobs, parks for our kids, a sustainable community, a future for Maui*. I, I agree with all this, but I think the affordable housing should be built in the cane fields over here which is like taking away money from our community right now. Along with some agriculture and, you know, we could hire the local community to build these houses and to farm these lands. And this will give the community jobs which will make it sustainable. It will also create a better future for Maui.

Like I, I see like a lot of million dollar homes around here, I work, I work in them a lot. I do artwork for them. And I see that, like the majority of 'em have no one living there for 11 months out of the year. And all they're doing is taking up water and land for these people who come here couple weeks out of the year and don't really appreciate it. I don't think they deserve it either. You've got to, you've got to stop letting money govern our lives and dictate our decisions or it will destroy our future. We need to remember we are setting examples for the youth to live by. We need to show them the path by first walking it ourselves. Together we can create a better tomorrow but it starts with us. I hope we can make the right decision. Thanks.

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CHAIR MOLINA: Okay. Thank you, Mr. Padilla. Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Padilla. Next to testify we have Ken Jencks followed by David Bergau.

MR. K. JENCKS: Good afternoon, Chair, Chairman, and Members of the Land Use Committee. My name is Ken Jencks and I am speaking as an individual. I'm not a very good speaker so I am going to read from something I have prepared. I have come here today to speak in favor of the project before you. I am taking time off from my job without pay to be here and I did so on Wednesday as well. And I will be working this weekend to make up those hours and I didn't even have lunch today yet, either. I'm hungry. And I'm, I'm nervous, too, sorry. I have over 20 years experience in the planning field and I feel that this new community will benefit Maui for many years to come. I would like to speak to some of the issues on the land plan, which is my area of expertise. It implements the traditional neighborhood design concept. And by traditional neighborhoods they are deliberately designed around an attractive public realm such as principle neighborhood amenity. Honua`ula implements smart growth aspects, smart growth emphasizes the concept of developing livable communities, cities, excuse me, cities and towns. Livability suggests that the form and quality of the built environment and the integrity of the natural environment directly affect our quality of life. This development creates a balanced mixed of land uses and transportation system that provides mobility for pedestrians, bicyclist, and automobiles. It contains open space areas, off road bike and pedestrian pathways; neighborhood and commercial districts serving the residents; combination of residential densities and types, single family and multi-family; recreational opportunities in parks and open space areas.

This project will provide what so many residents here on Maui are asking for. Seven hundred affordable housing units, improvements to Piilani Highway, resources to the County for parks, contributions to the much needed schools, employment for residents involved in the construction industry as well as the professional design industry. And what I mean by that is, it's not only just the architects and the presidents of the companies that are making good money. You have staff people, clerical people, people that aren't making the big dollars but they need to have housing too. And these are the people that make businesses work. I want to thank you also for having the meeting, last year I believe it was, was it January, the Land Use Committee meeting in Kihei at Lokelani Intermediate. I attended that meeting and testified there as well. And I appreciate you for doing that. I ask that you approve this project and create a model for Maui's future. Thank you.

CHAIR MOLINA: Thank you, Mr. Jencks. Committee Members, questions for the testifier? Seeing none. Thank you, Mr. Jencks. Next to testify, David Bergau to be followed by Samson from Kihei.

MR. BERGAU: Aloha. Good afternoon. Thank you for having me. My name is David Bergau and I'm with the Operating Engineers Local Union No. 3. I'm the business rep and I represent my family also. Just yesterday I was in Makawao looking at the subdivision that I was in that my friend lives in and seeing the kids play. Nice sidewalk but this Honua`ula 670 there's going to be like an extra road on each side. So there's going to be lots of space for kids to play. I like the sense

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of affordable housing in the same area and not in cane fields...where, where somebody said. We're Hawaiians, we, we like to play amongst everybody as together as one. It will afford us to have jobs for our family to survive. I have one member living in his truck as of now. And he goes work everyday, but I asked him why don't you go rent? He said he doesn't want to live in, in anybody else's home but his. I said why don't you buy? He said I can't afford it. I said I agree because I'm in the same boat as you are. My wife works and I work so that's basically how we can survive out there is if both of us works. And we still yet got to save for college for our three kids. I support this project because my small five year old can go play in the regional park when he becomes of age and he'll, he'll represent Maui in the World Series one of these days. I guarantee you that. My wife is 6'1" and I'm only 5'6" so go figure. But this project is well thought out, I mean it's common sense. Please support this project and let us go on. Thank you.

CHAIR MOLINA: Thank you, Mr. Bergau. Committee Members. . .*(change tape, start 3B)*. . . Thank you.

MR. BERGAU: Thank you.

CHAIR MOLINA: Next to testify we have Samson from Kihei. Samson if you're there? Okay. Followed by Bob Cella.

MR. HARP: Aloha. My name is Samson Harp. And this is very hard for me, I'm not a talker. Our resources are depleting *[sic]*, land is being consumed, water is becoming very scarce. Those things held sacred to these people of this island are disappearing. Fourteen hundred units and a golf course our most significant benefit to the, replace what will be taken, used and discarded. Jobs created from this so called development will not benefit the greater social and financial needs of the island in comparison to what this proposed plan takes away. What good is affordable house without long term planning to truly make that house a home? Unknowingly, forced to take your neighbors water from the other side of the island and you wonder why we mad. I'm not from Kihei. I'm from Wailuku.

It's difficult for me to speak out against this because most of my friends and my ohana they work in the construction development. And if this doesn't go through for them, it will be, it will affect them one way or another. But I remind myself I'm not here for myself and I'm not here for my friends or my families or my neighbors. I speak on behalf of those that came generations before us and those that will come generations after us. *E kala mai au*. In ten years my oldest child will be 18 years old, I don't think our legacy should be in what we took away from their future, the price we paid for a home but in what we can help preserve for them, our resources, our land is their future. We shouldn't let Maui be another Los Angeles, the city that was built in a desert...sustaining its life by pumping life away from another. The life I speak of is "wai", the water. Growing up my playground was simply known as ponds in Happy Valley in Iao. We swam there almost everyday. This is something I feel our children will never experience. These sources of enjoyment, these providers of life are quickly fading before our own eyes. They are running dry --

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MS. NAKATA: Three minutes.

MR. HARP: --they are being diverted to provide for someone else's business plan to make sure the grass really stays greener on the other side of the golf course. Auwae, cuz. Words given to me by our elders to speak on their behalf in olelo Hawaii. . . .*(spoke in Hawaiian)*. . . Simply meaning to the people of this land stand up be righteous! Everyone say no to 670. In conclusion, the developer's sales pitch is an insult to the intelligence of the people of Maui County. Mahalo for giving me this opportunity to speak to the developers. Aloha ma kou.

CHAIR MOLINA: Mahalo, Samson. Committee Members, questions for the testifier? Thank you. Samson, can, can you state your last name for the record again?

MR. HARP: My name is Samson Harp.

CHAIR MOLINA: Mahalo. Thank you. Next to testify, Bob Cella to be followed by David Morin.

MR. CELLA: Hello. My name is Bob Cella. I also am not a great speaker. There's other things I can think that I'd rather be doing than standing up here. But I have been a Maui resident for 30 years. I'm, I'm a homeowner in Makena. I raised four children here. And I think it's great to see everyone come out and share their thoughts because we all have to live together. I think that the bill you passed of 50 percent affordable is outstanding. I don't think you'll appreciate what you have done until years to come but today is the beginning of tomorrow of what you've created. A lot of developers will stop developing on Maui. It can't be done. The units are not big enough for a developer to make a profit here. They will disappear. This year you'll see a few disappear, tomorrow you'll see more, three years from now, four years from now you will be heroes in all of our eyes. We all are here for the same reason, no one wants to destroy Maui but you need a balance, it's a fire, you need to feed the fire enough to keep the workers working here.

I, I am in support of this project. I, I, I think, I think we need to look at a different direction. I don't think that we should be penalized, the 150,000 of us who live on Maui in lieu of the tourist. There's 2.6 million tourists to the island, we shouldn't be penalized, they should be penalized. If they want a land and enjoy our island you should, you should pay a fee. You should pay \$20, \$40, or \$100, okay. You pay \$20 every time somebody lands on this island, it's 2.6 million visitors, it's \$54 million a year that we could take and give back to the community. We got to start thinking outside of the box. We need to get some creative business minds thinking of how to make this island better without abusing the local community. The plumbers, we need 'em, the gardeners, we need 'em, the house cleaners, we need 'em, the painters, we need 'em. We need 'em all but don't penalize them. This is an opportunity to give back 700 homes to people that live here. This is an opportunity that you should not pass up, take advantage of what you have created and you will look like heroes down the road. Trust me, I, I, I know this for a fact. Penalize the people that are abusing our streets. The 700 homes for. . .

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MS. NAKATA: Three minutes.

MR. CELLA: The 700 homes that, that are not for the homeowners, they're absentee owners, they're absentee owners. Keep in mind that this 700 homes is over a 20-year period. That's 30 . . . 30 homes a year, that's not bad. And we need that money from property taxes. I think it's a great, a great project. You're not going to have opportunities like this again because you, you, you've scared the developers away and I applaud you for that. Thank you.

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

COUNCILMEMBER ANDERSON: Thank you. Mr. Cella, are you a realtor? A broker?

MR. CELLA: Yes. Yes.

COUNCILMEMBER ANDERSON: And you sell lots of shore front property down in Wailea/Makena, I see your signs everywhere.

MR. CELLA: Yes.

COUNCILMEMBER ANDERSON: And so. . .

MR. CELLA: Twenty-two years.

COUNCILMEMBER ANDERSON: And so most of the people that you sell to are they people from the mainland?

MR. CELLA: Yes.

COUNCILMEMBER ANDERSON: Okay. Thank you very much.

MR. CELLA: Sure.

CHAIR MOLINA: Any other questions for the testifier, Members? Seeing none. We have David Morin followed by Andrew Morales. David Morin? Seeing none. Andrew Morales? Andrew Morales?

MS. KIBBEE (from the audience): . . .*(inaudible)*. . .

CHAIR MOLINA: You need to sign up. I can't permit that unless you have signed up. Okay.

MS. KIBBEE (from the audience): . . .*(inaudible)*. . .

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CHAIR MOLINA: Okay. Hang on. Are you the parent? Members, any objection to having the parent speak on behalf of the children? Okay.

COUNCIL MEMBERS: No objection.

CHAIR MOLINA: Proceed. Please sign up after you've completed your testimony, Ms. Morales.

MS. KIBBEE: Hello. My name is Annabelle Kibbee. Thank you for allowing me to speak. I am born and raised on Maui and there has been a lot of development that's happened as we all know, obviously. What I don't understand is why we need to put another golf course in. I don't understand why we need to put a resort right across the street from Makena. It seems like there's plenty of places for the tourists to stay. Look at Black Rock Beach, at the hotels right in front of there. That's what Makena's going to look like. They're not going to put parking in for us, it's going to be private parking for the hotels and we're going to have park on the road and walk to the beach. And that's not even all that it's about. Think about the fish, the marine life, right off of the shore in Makena. You jump in the water with your mask on and right away you see the fish but not very many right now because of the destruction that has already happened. And just think about our resources. These people are coming and they're saying I have a good idea, let's put a hotel on top of this land, let's take away this fertile soil and pollute it so that if we realize it's a bad idea we can't erase it, we can't take it away. We're stuck with it. What about tomorrow?

This is just a dot on somebody's map, some corporation, some president that gets to go and look at his map with all of his colleagues and say I have a golf course right there and screw all those other people that are suffering. What, what land? What fish? What? What? It's important, it's the eco-system, it's the world. People want to say what is the greenhouse effect; it's us, and our decision that we make. It starts with us; it starts with our decisions. There's plenty of places for the tourists to stay. And for all the construction workers there's plenty of work for them if we build houses for the people and then when we're done building we can find another job. You can go to school, you can learn how to do trade. And so all of you people over there on the yes side, what really are the reasons --

MS. NAKATA: Three minutes.

MS. KIMBEE: --that you're saying yes? Is it 'cause you've been promised a house? Is it because you'll be selling these million dollar houses? We have good communities and also this is going to widen the gap between the haves and the have-nots. There is a huge gap between the rich and the poor and it's being widened, it's being perpetuated and through this project it will grow stronger. And those kids that get to play in those brand new neighborhoods, they're, they're going to have friends that are in the ghetto and these friends get to come over to these rich neighborhoods and play but then they have to go back home. We all need to really evaluate what is our motivation? Thank you.

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CHAIR MOLINA: Thank you for your testimony. Committee Members, questions for the testifier? Seeing none. Excuse me, ma'am. Can you please sign up with the Committee Secretary? Mahalo. Next to testify, we have Martin Williams followed by Bettina Jones. Martin Williams? Okay.

MR. WILLIAMS: Hello. My name is Martin Williams. I am a resident of South Maui. And I don't know how I'm going to speak for a whole three minutes up here. I just wanted to come and show my support for the project. All I think I can do is just be myself when I'm talking to you guys. I spent three years in the Peace Corps. in Bolivia with economic development. I've seen what happens when a society quits growing, it implodes on itself and there's a kind of a macro-poverty that goes over everybody. Anyway, society is like an organism, it has to keep growing. If it doesn't, if it stops growing it will implode on itself and all the systems that are in place will reverse. That's one of the biggest reasons why I'm for this project. I think that it's taken into consideration a lot of things that prior projects haven't. Once again, I'm not a very good public speaker but that's what I want to share with you guys. Support this project. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Williams. Committee Members, questions for the testifier? Seeing none. Thank you. Bettina Jones followed by Christine Rose. And after Christine Rose has concluded with her testimony, Members, we'll take a break. Bettina Jones? Not here? Okay. Members, we shall move on. Christine Rose? Christine Rose? Okay. Lahela Augustin? Lahela Augustin? Not here? Okay. Jeana Medeiros? Jeana Medeiros? Okay. Not here. Jennifer Jensen? Jennifer Jensen? Okay. Nathaniel Mickelson? Nathaniel Mickelson? No show. John Belles? Okay.

MR. BELLES: Aloha, everybody. I am the sovereign John Belles. And I'm against this project for many, many reasons. First thing I would like to say is we forgive those who trespass against us but deliver us from evil. Now that's where the problem comes in. Because what happened in here is we having consistent trespassing on the royal patents owners. We have consistent human rights violations on every single project conspiring to oppress the Hawaii people using the police as a military force to drive the owners off the land. The true standing of the State of Hawaii is a private corporation contracting out of the United States. All the law we have here is contract law. Hawaii Revised Statutes 1-1 confirms and promises that Hawaii common law supersedes all State, corporate, and foreign law. So my question to all this people promoting this developments, the people who supporting 'em -- how much more trespassing? How much more pillaging? I mean look at Kaanapali for Christ's sake. Look at Lahaina, look at Lahaina. I don't think . . . I mean, Jesus, no more water. Western ways does not work in Hawaii. If we no can learn this by now then, you know, who's representing us? Who's really representing us? Who up here is fighting for the people?

The Council Member in public, I talked to, I'm not going to say his name, hey, we fighting for you guys, and I, I turn around and I watch him on TV, he not fighting for us, he fighting for the corporation. He lying to us instead. So my question is where's the public authority? Corp. Counsel, where's, where's the, where's the proof of jurisdiction that you have the right to

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override the owners of the land when Hawaii common law supersedes all State, foreign, and corporate law. Right off the bat, Hawaii Revised Statutes 1-1. The United States Constitution separates the Hawaii people from the American people. The constitution stops 200 miles off the coast of California. America oversees maritime law; this is all maritime law and contract law. Where's the rights? Where's the proof? Where's the proof especially of the jurisdiction? I think that, you know, somebody up here should provide some kind of documentation --

MR. NAKATA: Three minutes.

MR. BELLES: --of jurisdiction. So they get all their private agents. The State is stockholder, shareholder, trustee, so where's the public servant? Again, I think they lying to us about public servant because all the law enforcement is all private security guards for the private corporation and they all running us over with the gun. And for the people of Maui and for the people who love Maui we need to stick together and we need to stop the rampage that these animals, I'm sorry to say, are doing to everybody here. And if, I think that the ahupua`a system would be the way to go. And if we had the ahupua`a system here, we wouldn't run out of water right now. And also stop locking up the beaches like this guy own 'em, and that guy own 'em, we know they no more royal patents. Stop lying to everybody, please, man, I think we all had enough out here. I think we tired of it. Enough is enough.

MS. NAKATA: Four minutes.

MR. BELLES: And also what about the violations? Where's the prosecution? Where's the prosecution? Huh? How many violations? And Chair, I heard the union guys say to you that you made promises, you made promises, what else promises you got to the union? What promises did you make? We want to know right now.

CHAIR MOLINA: Mr. Belles, you need to conclude your testimony. As a matter of fact you've exceeded the four minutes.

MR. BELEES: Okay. Thank you.

CHAIR MOLINA: Okay. Committee Members, you have questions for the testifier? Okay. Thank you. Next to testify, we have Tom Blackburn-Rodriguez followed by Puanani Lindsey. Tom Blackburn-Rodriguez?

COUNCILMEMBER ANDERSON: Then a break, Chair?

CHAIR MOLINA: Yeah. Right after Mr. Rodriguez. . .

MR. BLACKBURN-RODRIGUEZ: Thank you, Mr. Chairman --

CHAIR MOLINA: . . .and Ms. Lindsey.

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MR. BLACKBURN-RODRIGUEZ: --Members of the Committee. My name is Tom Blackburn-Rodriguez and I'm here to testify in favor of Wailea 670. I'm here to testify in favor not because I think it's a perfect project nor because I think that the job was already done before this project came before this Committee. In fact I think this Committee is doing an outstanding job and I think the County has tried over the years to constantly refine this project and make it better than when it first came out. And I believe that this process that is now ongoing will in fact lead to that conclusion. I hope I'm part of that and I hope I make a positive contribution.

We're in a tough spot, County policy set years ago and continued by this body and through its passage of the Residential Workforce Housing Bill has been on a path in which it is decided that affordable housing would be created through a partnership with a private sector in which the affordable housing would be subsidized by the market priced housing. That is a policy decision that was made that was reaffirmed in the work, in the Residential Workforce Housing Bill and those of us who worked very hard on that, my friend Richard Michaels and others spent years working on this. We recognize that at some point in time there would be a project that would come before the Council and when it came before the Council it would be the first one for the Residential Workforce Housing Bill. Much of what is happening in discussion today on Wailea 670 has to do with literally decades and decades of neglect. The Council Members and my representative have very accurately pointed out the lack of infrastructure, the way the water was not developed, the way the roads were not developed. As a matter of fact, in listening to the comments today I'm wondering how we ever built Maui Meadows -- the traffic, the lack of water, the destruction to the dry land forest; the fact that so many people were unable to buy there who were local people. But somehow or other we worked it out, we built a community, people have raised their families and it's a thriving, dynamic area where I, nearby where I live.

I support this project because we need affordable housing in Maui County. It is not an easy decision. It is not easy to create housing. It is very difficult to move from advocacy to turning dirt and building. It is extremely difficult. You have a huge challenge in front of you. I respect you tremendously of how to solve these problems. And I know that you'll come up with the best decision and I know that you'll listen to everyone. And I deeply appreciate the opportunity to work with the Members of the Council to try and achieve affordable housing, the members of this Administration. And I hope on behalf of the working families of this County we're able to come to --

MR. NAKATA: Three minutes.

MR. BLACKBURN-RODRIGUEZ: --a mutual decision, a compromise that benefits us all and leaves us friends and not deciding which side of the room we have to sit on. Thank you.

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

COUNCILMEMBER ANDERSON: Thank you, Tom, for being here.

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MR. BLACKBURN-RODRIGUEZ: Thank you, Member Anderson.

COUNCILMEMBER ANDERSON: You know, you said that the workforce housing policy or ordinance that we adopted is the affordable housing policy of the County. And that is one policy but we also have another policy, affordable housing policy that's still on the books and that policy involves a revolving loan fund. It's still on the books, the, the County still has the legal prerogative to institute this revolving loan fund. And in the late 80's, early 90's the County Administration built 100 percent affordable housing projects in every district on this island using that revolving loan fund. And, so I just want to let you know that, that is still a viable option that we don't need to build multi-million dollar homes for people who are only here one month out of the year in order to house the working people of Maui County.

MR. BLACKBURN-RODRIGUEZ: Agreed.

COUNCILMEMBER ANDERSON: We have that prerogative. We can, and I think --

MR. BLACKBURN-RODRIGUEZ: You're absolutely correct.

COUNCILMEMBER ANDERSON: --I think being . . .uh. . . yeah, what did we pass, a \$5½ million budget for one year. So we're not paupers in this County and we can certainly institute that policy and revig..., reinvigorate it.

MR. BLACKBURN-RODRIGUEZ: We can do much more.

COUNCILMEMBER ANDERSON: Exactly. Thank you very much.

MR. BLACKBURN-RODRIGUEZ: And thank you very much for all of your work, Member Anderson.

COUNCILMEMBER ANDERSON: Thank you, Tom.

CHAIR MOLINA: Okay.

MR. BLACKBURN-RODRIGUEZ: Aloha.

CHAIR MOLINA: Committee Members, any other questions for the testifier? Okay. Members, we've reached that point for a break. When we come back we'll have Ms. Puanani Lindsey followed by Suzanne Lahl. And before we break, Members, a question was asked of the Chair about any promises. No promises were made, only a commitment to hold a meeting in which everyone can testify and say what they feel about this application. Meeting in recess till five. . . .(gavel). . .

RECESS: 4:50 p.m.

RECONVENE: 5:09 p.m.

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CHAIR MOLINA: . . .(*gavel*). . . The recessed Land Use Committee meeting of July 25, 2007 is now back in session. It is July 27th, Friday, nine minutes after five o'clock. We have more testimony. To lead off this portion of the meeting we have Puanani Lindsey followed by Suzanne Lahl.

MS. LINDSEY: Aloha --

COUNCILMEMBER BAISA: Aloha.

MS. LINDSEY: --and thank you for the break. Now that we have gotten something to drink and eat I know we're ready to go forward for this last leg. And of course Maui, beautiful island, known throughout the world not only for the sand and the surf but also for our natural resources. So, affordable housing that was my main concern. I listened to a few people on, the other day and I was really taken by a lot of the discussion. Affordable housing for who? For whom? Now there's got to be some research, I don't know who's going to do it but we found out, now this project I understand is the first 700 units that will be kept in affordable housing for the next 25 years. We talk about affordable housing and there are lots of affordable housing being built right now, right outside of Wailuku. The median, that 340,000 and above I understand it was built as all affordable but they're having a hard time finding people to qualify for it. In Lahaina there was a project that was set out towards the Napili end that was for affordable units. Of course, plenty jobs, but they still couldn't get people to qualify for it. So what happens?

Now this, I don't know enough but this is what I found out and I want somebody to do the research and you folks are here to determine the future of our young people who I am really thrilled to see have come out with their heart and soul talking from their *na`au* how they feel about this. But anyway first of all I understand that when that affordable unit becomes vacant, because they cannot find someone to qualify for it the first people who get inkling of an affordable unit not being sold are the real estate people. So they buy it, they hold it for a year and guess what after one year? It's being sold beyond affordable prices. Now something is wrong with this system. If there is a loophole something needs to be done. I also understand that some of our lending units are offshore, we have people who actually can qualify for the two, just 250,000 and below. But for some reason these lending units are holding off so that the 90 days come up, I'm sorry you don't qualify. So what happens to those units? They move up to the next bracket. So we. . .(*change tape, start 4A*). . .the 700 so called units, and I'm so happy I understand it's being built right in that 670 Wailea area.

MS. NAKATA: Three minutes.

MS. LINDSEY: I was really thrilled about that. Another reason, oh, so another reason I'm here I was really concerned with the water. So if the water, they'll, they'll put in the wells and they'll be salty so they're going to do reverse osmosis. Whose going to pay for it? This is not something that is cheaply done. So are the owners who are going to buy into the project going to be responsible for it or the developer? One hundred six acres of native forest, which doesn't include other archeological sites. The 106 acres to me should be saved, my opinion, should be saved. This is the last strand of the oldest Wiliwili trees in the State. This is the trouble we have, people

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do not understand, they haven't walked the land, they haven't seen these pictures and yet they want to destroy what little we have left.

MS. NAKATA: Four minutes.

MS. LINDSEY: This is our culture. We need to preserve what little we have left. The walls are still intact, I don't understand being plowed down. We need to have a better archeological report and the last EIS done in 1988, things have changed over the years tremendously. We need an update, we need an update on the archeological report. For the last person who did it there was some questionable findings of, of the results that he came out with.

CHAIR MOLINA: Ms. Lindsey.

MS. LINDSEY: So let's do it right.

CHAIR MOLINA: Okay. Thank you.

MS. LINDSEY: Thank you very much.

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

COUNCILMEMBER ANDERSON: Puanani, thanks very much for being here. I know you were here the other day and we appreciate you coming back. You're, you're talking about the affordable housing that's currently being built and that within 90 days it's being sold at a higher level and then flipped within a year.

MS. LINDSEY: That's what I hear. Yes.

COUNCILMEMBER ANDERSON: And so are you saying that the reason people can't qualify is because the affordable housing is too expensive for their income?

MS. LINDSEY: No. My understanding is some of these lending units are holding off for the 90-day time limit and by the time they, they let these people know I'm sorry you don't qualify and the 90 days are up. So they have that opportunity to move it up to the next scale so these people who actually can qualify they're being left out.

COUNCILMEMBER ANDERSON: So when you say lending units, do you mean mortgage companies?

MS. LINDSEY: I understand there's some mortgage companies that are offshore and those are the ones that, I don't know if there's some kind of political scene going on. But it doesn't sound right and it sounds like somebody needs to do a thorough check and make sure that this is not hearsay and

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it's, it's actually happening and we need to make a stop to this 'cause this is the future of our people, our children.

COUNCILMEMBER ANDERSON: Okay. Thank you very much, Puanani. I'll be in touch with you to get more details.

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

COUNCILMEMBER VICTORINO: Yes, Mr. Chair.

CHAIR MOLINA: Mr. Victorino? Excuse me, Ms. Lindsey. Sorry, we have one more question.

COUNCILMEMBER VICTORINO: You no pau yet. I haven't asked any questions all day so you made me very interested.

MS. LINDSEY: Oh. I'm so glad you're awake. Thank you.

COUNCILMEMBER VICTORINO: Yeah. Yeah. I'll fall asleep down this side. Thank you. You just, you said these people are not qualified. What are the reasons? What are the reasons they've being given for not qualifying? Forget the 90 days.

MS. LINDSEY: Uh-huh.

COUNCILMEMBER VICTORINO: I want to know the reason that you've heard they're not qualifying.

MS. LINDSEY: Well that's, that was one of the only reasons I heard. The, the income they had, the amount of money that they could qualify for the, the lower.

COUNCILMEMBER VICTORINO: Yeah. Yeah. Yeah. The income.

MS. LINDSEY: That was, it was good. But somehow they were turned down.

COUNCILMEMBER VICTORINO: Okay. Not only Ms. Anderson will be contacting you. I'll be contacting, because I am very curious to find out why that our people are not qualifying. And I don't care what, what the, the, the, the status, why are they not qualifying? Not 90-days, why. . .are they not qualifying? If there is something that is not proper we need to know that and we need to know that right away. But thank you, Ms. Lindsey, for bringing that to our attention.

CHAIR MOLINA: Okay.

COUNCILMEMBER ANDERSON: Chair.

CHAIR MOLINA: Member Anderson?

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COUNCILMEMBER ANDERSON: You know, Puanani, just one second. I'm going to, because I think Mike and I both are still not understanding. But if what you're saying, let me see if I understand it, that, that someone is applying for, to be qualified for a loan for a house at say, let's just say 200,000, and the lending company is waiting 90 days to give them their approval. So then at the end of the 90 days the seller has the option because it hasn't sold yet to bump that \$200,000 house up to 280-say thousand dollar house. And then the person who has, has requested the mortgage no longer qualifies for the \$280,000. Is that what you're saying?

MS. LINDSEY: That's correct.

COUNCILMEMBER ANDERSON: Thank you.

CHAIR MOLINA: Okay.

COUNCILMEMBER VICTORINO: Okay. So that's a whole different, a whole different issue now.

CHAIR MOLINA: Seeing no other questions.

COUNCILMEMBER ANDERSON: In other words, they're not getting qual..., they're not getting their, their yes or no answer within the 90 day period. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Lindsey. Next to testify, we have Suzanne Lahl followed Unmani Cynthia Groves. Suzanne Lahl? Okay. Not here. Moving on. Unmani Cynthia Groves followed by Kimokeo Kapahulehua.

MS. GROVES: Aloha, Council Members.

COUNCILMEMBER VICTORINO: Aloha.

MS. GROVES: Chairman.

COUNCILMEMBER BAISA: Aloha.

MS. GROVES: Aloha. I first came to Maui in 1987 and I came because I felt the soul of this island and the people of this land. And it was my soul, and I belong here. And I am looking to merge with others who belong here, not who come to use the land but who belong here. It is, their kuleana, their, their love for this, for what we are here. And I became very concerned when I read Chandrika McLaughlin's article, let's see it was a letter on savemakena.org that said that some of the developers were some of the worst environmental offenders in the United States as well as had committed fraud. Now this concerns me when there are corporations that have bought on Maui who are applying for zoning, zoning...what do you call it? Applications? Yeah. And there's nothing in place right now that would disqualify someone who has committed fraud. And

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in terms of actually, they could actually be able to get a zoning permit. You know, I'm concerned about the spirit of the island and what's perpetuated here.

So I'd, I'd like to say a few things and just read what I've written. I'd like to send a message to developers and corporations that we are in alignment with what is, what is spoken of in Hawaiian anthem by our ancestors to preserve our land in righteousness. This means right spirit. It is our kuleana to preserve and to sustain the spirit of *mana* in the body of Hawaii and through our actions. This message has a bottomline and it relates to who gets approval and the go ahead on the Wailea 6 [sic] project or any other project. I am proposing a requirement protected and instituted by the County, by the Maui County Council or other appropriate governing body that background checks be filed on proposed and existing development or owners and developers, major contract holders that impact public services and the public good as a condition for filing applications or gaining approval in going forward on applications --

CHAIR MOLINA: Excuse, ma'am.

MS. GROVES: --regarding developments.

CHAIR MOLINA: Can I ask you to just hang on a sec? Folks, please hold down the conversations in the gallery please, otherwise you will be escorted out. Thank you. Please continue with your --

MS. GROVES: Okay.

CHAIR MOLINA: --testimony.

MS. GROVES: Do I need to repeat any of that? Did that get in the way of hearing it?

CHAIR MOLINA: It's okay. Just continue with --

MS. GROVES: Okay.

CHAIR MOLINA: --your testimony.

MS. GROVES. This particularly will apply regarding zoning changes, big contracts, involving water rights, sewer, and other public services and certain types of permits. Okay.

CHAIR MOLINA: You have another minute.

MS. GROVES: And should there be legal discovery of a history or record of environmental offenses or criminal background such as fraud, money laundering, or undisclosed findings of such on these checks related to owner developments, developers or corporations of either one such proposed or like a Wailea 670, or existing approved developments such as this. The project shall not be allowed to go forward until replacements, buyouts create that ability to move forward with

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integrity of new owners, developers, contract holders who have clear status. So really the concern here is that we not, that we put a, send a message --

MS. NAKATA: Four minutes.

MS. GROVES: --to the developers that we want responsible, sustainable development. And people who will, and developers and, and owners who will follow through on the commitments. This is, in the ideal form there's a lot of beauty with this project.

CHAIR MOLINA: Okay. Thank you.

MS. GROVES: You know wonderful. But --

CHAIR MOLINA: Thank you for. . .

MS. GROVES: --who is doing it?

CHAIR MOLINA: I have to cut you off, I'm sorry.

MS. GROVES: And can they follow through on the commitments? And let's hold the line.

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

COUNCILMEMBER ANDERSON: Could you leave that language with our Staff, please?

MS. GROVES: Thank you.

COUNCILMEMBER ANDERSON: Thank you.

CHAIR MOLINA: Okay. Alright. Seeing no other questions. Thank you for your testimony. Next to testify we have Kimokeo Kapahulehua followed by Robin Knox.

MR. KAPAHULEHUA: Good afternoon, Chairman Molina, and Council Members. My name is Kimokeo Kapahulehua. We've been before you about this project, people call it Wailea 670, it's called Honua`ula. I want to just reiterate on some things and, that you need to help us and make this decision-making. First, the archeological sites they talk about. The State of Hawaii have a law about archeological sites. The developer must follow this law. And now even if this present archeological person is not doing the right job, I want to tell you there's 10 years and 20 years and as much as 100 years later people are finding archeological sites on the same place. And, you know of projects today, right on Maui that has had a stop work because they have found archeological sites. And these are properties that may be 20 years ago and some 10 years ago. So our archeological work does not stop with this developer, it will continue on. If in the event that there's a new archeological site find there is a way of monitoring and stop work.

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So we still have a protective measure on all archeological sites. And I want to remind you, if the developers didn't develop this area or we didn't have the fire on Maui, you know would never see any archeological sites, because you wouldn't go there. So if they developing this area this is the opportunity we get to see our sites and protect our sites. You have the CRC in our own Administration that has a process of Cultural Resource Committee and you also have a Burial Council that has a protection on the iwi in the burial sites. Secondly, the native plants. Just a few miles away we've been developing Hawaiian Homes up in Waihuli and Keokea. We developing in Leialii. We developing in Waiko. We've never had any of this kind of situation. This is the same *`aina, moko puni o Maui*. Why is it the law pertains to one particular section and it doesn't pertain to the other?

I just wanted to bring you back because just a few miles away the same native plant exists there. You should be told that this area is a Koolau area; it's a dry area. It ain't the Kona area, not like Hana, not like Keanae. Yes, the plants are there. We know, today nobody can tell you about an endangered plant in that area. Because USA Fish and Wildlife, you should know, has all the endangered plants. And if you don't, just call University of Hawaii. They can tell you what endangered plants or plants to be endangered in that area. We talk about our Wiliwili. Our Wiliwili has been attacked by the wasps. There's not a Wiliwili tree on this island haven't been eaten up by the wasps. And we have a difficult time going, collecting seeds to make sure this continue. We shouldn't be talking about what's disappearing from our land. We should talking about the resolution, reforestation, restoration. Today, we talk about the Kalo. Our good friend -

MS. NAKATA: Three minutes.

MR. KAPAHULEHUA: --that we don't like Betsill Brothers they right now growing taro, called cellular growth. Taking the cells and grow the taro. I'll add this up in summary to my Council Members. The water issue, they cannot take the water from Iao Valley, don't mislead the public. They got to find their own water. If they find the water, the water good, then it's going happen. Secondly on housing, Hawaiian Homes went through this problem and you need to sit back because our children and our people need to be managed financially to get qualified to get one house. And like Hawaiian Homes and like Michelle you said, hey, you can do it, go get the land for our people so we can build a house under 200,000 in perpetuity for our people. And that's very difficult. You guys, the County and the State charge the developer between 100,000 for infrastructure that pass on to all of us. So part of that system we need to be educated or. . . (*inaudible*). . . I think you're doing a great job because. . .

MS. NAKATA: Four minutes.

MR. KAPAHULEHUA: I thank you for the time. Mahalo.

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

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COUNCILMEMBER ANDERSON: Thank you. Kimokeo, thank you for being here.

MR. KAPAHULEHUA: Mahalo.

COUNCILMEMBER ANDERSON: You know that, you started off on the archeological sites saying that they have to follow the law, there's a State law. Well, you know, we also have a County law in our Change in Zoning application requirement it recall, it requires should there be sites found in the preliminary review that are worthy of saving that, that there should be a preservation plan included in the application. Mr. Aki Sinoto has been working on this site for many years, didn't complete a survey of the southern part until it was brought to the, his attention by State Historic. And that interestingly enough is where all the archeological sites are. Not to mention the Wiliwili which are not being eaten by gull wasp. And he has yet to provide a preservation plan. I asked him last year, please give us at least a draft of your preservation plan so we can see what it is, what your intention is. And he at that meeting said he would be happy to do that and instead what we got was an outline, not a plan, not anything close to a plan. In fact, many of the sites on the plan, many of the sites that are, the stepping stones, stepping stone trail, the remnant of a stepping stone trail isn't even on the map, isn't even in the outline that he gave us. So if you talk about following the law, that starts right here, on home base. And if they're sincere about preserving the archeological sites and. . .

CHAIR MOLINA: Excuse me, Member Anderson, can you ask the testifier a question please?

COUNCILMEMBER ANDERSON: . . .*(chuckles)*. . . Okay.

MR. KAPAHULEHUA: It was, it was what my, it was my question.

COUNCILMEMBER ANDERSON: The question is here's a question. If, if this, if the developer is sincere about preserving the archeo..., archeological sites why is it after all these years they have not presented us a preservation plan?

MR. KAPAHULEHUA: Well, I think, Council, Councilwoman Anderson, I think you as a Council Member you set the conditions, if they don't live up to the conditions then you need to make a decision. You need to set conditions and this is. . .

COUNCILMEMBER ANDERSON: No. No. No. You're not answering my question.

MR. KAPAHULEHUA: Well, I cannot answer, I cannot, I. . .

COUNCILMEMBER ANDERSON: Why haven't, I mean you must be involved in this.

CHAIR MOLINA: Hang on. Hang on folks.

MR. KAPAHULEHUA: I cannot answer --

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CHAIR MOLINA: . . .*(inaudible)*. . .

MR. KAPAHULEHUA: --for the archeological person. Aki Sinoto need to answer this question that's you directed to him.

COUNCILMEMBER ANDERSON: Because the thing is, after we have already approved it it's too late for our review. It's too late for us to set conditions. And if we had a preservation plan right now we could determine whether or not we need to set, set aside a conservation easement. So that the archeological sites are adequately preserved and, and restored and opened up for access by native Hawaiians and others who want to be educated from this site.

MR. KAPAHULEHUA: I agree totally with you. I think that with condition. I agree what you say.

COUNCILMEMBER ANDERSON: Thank you very much.

CHAIR MOLINA: Any other questions for the testifier? Seeing none. Thank you, Mr. Kapahulehua.

MR. KAPAHULEHUA: I just want to let the Council Members know that I do support Honua`ula. The project called Honua`ula. Mahalo for your time.

CHAIR MOLINA: Thank you. Next to testify, we have Robin Knox followed by Renee Riley.

MS. KNOX: Aloha, honorable Chair, and esteemed Members of the Committee. I believe that most of you already are acquainted with me, but for the record I'll state that my name is Robin Knox. And I've been blessed to be a resident of Kihei, Maui for the past year. I am a water quality professional with more than 25 years experience in water quality management, water pollution control, and eco-system restoration. I'm speaking on behalf of myself. When I got on the elevator to come into today there were some gentlemen on the elevator with me, I believe they're in the construction trades. And they looked at me and they said which side are you on? Because I'm not wearing a t-shirt that says yes or no. I like to keep you guessing.

But to clarify things I'm here today to testify on the side of water quality and on the, and I am for good planning and good government. I would like to say in starting out before I get to my more technical and regulatory points that what hurts me more than the potential loss of our natural resources and our open spaces is seeing how these issues pit us once, one against each other in our community. And I ask you all to remember that the water resource is one resource and whatever we do with it impacts everybody else. And that we are all one and whatever each of us does, whether it's a harmful thought or emotion that it hurts someone, it does harm. So don't oppose each other, don't resist, look at each other and say with compassion here's another person before me with needs just like mine. And let's find a way that we can all come together to solve these problems.

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I want to speak to you specifically today about the County responsibility to protect and restore water quality and how it pertains to the decisions such as the one before you today. Protection of water resources is a public trust and it is your kuleana to manage it for the benefit of the people. I didn't look up the definition but I think that means all the people and the ones that are living here right now as residents of the State of Hawaii. The County of Maui is a public trustee with responsibility for protection of water resources through decision making that is consistent and compliant with local, State, and Federal resource protection laws, regulations, and policies. Failure to fully implement resource protection laws and regulations in County decision making creates liability for the County in terms of both potential loss of natural resources and financial penalties as was seen in many recent cases including the Montana beach house case and one other one in Lahaina. In these cases no one wins, not the landowner or developer, not the County, not, not the public. These public trust obligations of the County apply not only to water supply but to protection of water quality and aquatic eco-systems. A recent Hawaii Supreme Court ruling, July 28th of last year --

MS. NAKATA: Three minutes.

MS. KNOX: --found that the County of Hawaii and Department of Health did not act prudently because they didn't do water quality assessments in their decision making for developers. It's my professional opinion that the County of Maui is at high risk for similar litigation and may be in an indefensible decision because there is no adequate assessment of water quality impacts in your decision-making or if it's being done it's not being adequately documented. I would urge the Council Members, Commissioners, and County Administration in this and every decision to consider how your decision upholds the legal mandates and how well the County record of decision would support that contingent in a court of law. I don't believe that you can fulfill the requirement to protect water quality without doing more water quality assessment and planning. Specifically having documented implementation procedures that assure adequate water quality assessment of individual projects as well as an overall framework --

MS. NAKATA: Four minutes.

MS. KNOX: --for water quality management and planning that would allow for assessment of cumulative impacts. I have three pages of specific suggestions, which I did submit to the record for your consideration.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Ms. Knox. Committee Members, questions for the testifier? Member Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chair. Ms. Knox, thank you very much for being here.

MS. KNOX: You're welcome.

COUNCILMEMBER ANDERSON: I think Maui County is lucky to have someone with your expertise willing to come forward and share her knowledge with us. I'm sure you're aware that you're

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talking about water quality assessment, I'm sure you're aware of, of the, the South Maui coastline that is on the Section 303 list as an impaired water body. And these waters are right below and also south of this proposed development. So what would your suggestion be without going through that whole list of what we could do to not only protect but restore the water quality in the near shore waters of South Maui in conjunction with this development?

MS. KNOX: I think that the immediate thing that can be done is to ask the right questions and document the answers. And I did put some specifics in my submittal. The larger picture thing that would be done would be this framework for water quality management. This would bring about a new paradigm, a market based incentive. If we really understood our carrying capacity and another way to think about it is our capacity to develop. That is a scarce resource just like our natural resources are and it is dependant on those natural resources. If we create this new paradigm, this framework for management, we could actually reward projects that have water quality benefits. We could look at this limited development capacity and say which projects are coming to us offering the most benefit to the environment.

The Department of Agriculture has decided to do this in their subsidy programs because they are having less and less money to give out every year. And they have these mandates to protect water quality and they finally woke up and said hey wait a minute, we're going to make these guys compete on the basis of water quality benefit. If you want to build, if you want ag funding, whatever the carrot is that you have to hold out, just say to the regulated community, you know, we're going to ask for competition on the basis of benefits to the people. And, and the projects that have the best benefits get the scarce resources of permits that are available.

COUNCILMEMBER ANDERSON: So thank you for that. You're going to be leaving that with us?

MS. KNOX: Yes, ma'am.

COUNCILMEMBER ANDERSON: I agree with you. I mean we, we are a finite hunk of land with finite resources and there is a capacity that we're going to hit and we should know what that is before we hit it.

MS. KNOX: And, and giving out those allocations we should be optimizing benefit and we should be rewarding the business people who do the most for the community.

COUNCILMEMBER ANDERSON: Thank you, Robin.

MS. KNOX: You're welcome.

CHAIR MOLINA: Okay. Any other questions for the testifier? Seeing none. Thank you, Ms. Knox. Next to testify, we have Renee Riley followed by Ray Skelton.

MS. RILEY: Thank you, Chairman Molina, Council Members and testifiers for your time. My name is Renee Riley. Since 1985 I've been teaching English at MCC, living in Kihei and of course

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voting. I'm like all of us here today I love Maui and like most of us here today, or many anyway, I'm concerned about the water, the increased traffic, the environmental impact of development and the further erosion of a sustainable island community. I understand the need for people to have jobs and the lure of a 20-year project promising good pay and at least some of the needed affordable houses in a lovely place on an island where the developer is promising \$40 million for County improvements. That seems wonderful. The, the developer says there's water and on its website, Wailea 670 promises to build drainage filters that will make the ocean even cleaner than it is now. Why shouldn't we believe them? If there's trouble later, couldn't we just handle it then? But do those of us who live here now need another gated community of mainly multi-million dollar homes? Or another private golf course? And although Upcountry residents are experiencing water shortages now, shouldn't the Council just give its blessing and if there's trouble later find water then?

Although the 670 proponents have some seemingly good arguments especially for the short-term I'm against building on this land that has cultural and ecological significance, not only for Hawaiians but also in the long term for all of us. As an English teacher, I look for answers in books so I have a book that everyone here should read. It's Jared Diamond's "COLLAPSE, HOW SOCIETIES CHOOSE TO FAIL OR SUCCEED." He won a Pulitzer Prize for his earlier book "Guns, Germs, and Steel" but this is the, the current one and it's 550-some pages long. And I had a terrible time reading most of it because he documents very clearly the demise of many great societies throughout history through greed, war, wasting of resources. So, you know, what are we doing? At the end of the book though he offers hope. He, he says there is hope if wherever we are we make wise decisions now. He says that two types of choices have been crucial in tipping past societies outcomes toward success. Long-term planning --

MS. NAKATA: Three minutes.

MS. RILEY: --and a willingness to reconsider core values. Each of us and because of their impact, especially the, our Council Members here have a great responsibility in creating a sustainable future for Maui. Diamond says the possibility of sustainability depends on quote, "The courage to practice long term thinking and to make bold, courageous, anticipatory decisions at a time when problems have become perceptible but before they have reached crisis proportions." We know already we have water problems on Maui, we know our ocean reefs are in trouble because of human impact, we know it's important to preserve what remains of our rich host culture. We know we need jobs for people who live here but couldn't we build on already compromised land housing for people who live here? A Kihei high school? Another hospital? We don't need high end mansions for those who don't even live on Maui.

MS. NAKATA: Four minutes.

MS. RILEY: Please have the courage to. . .(*change tape, start 4B*). . .and to other non-sustainable uses of our land. If we all act wisely, and, Chairman Molina, your bill to get rid of plastic bags is an excellent example, Maui could become a sustainable island community. Please act for the benefit of our future generations.

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

MS. RILEY: I, I do have copies of the last chapter of the book and, and the table of contents so you can see what societies they considered.

CHAIR MOLINA: We'll have Staff provide you assistance to get it out. Thank you. Sounds like a very challenging book and coming from an English Professor I'm sure. Thank you.

MS. RILEY: It's well documented.

CHAIR MOLINA: Thank you.

MS. RILEY: Thank you.

CHAIR MOLINA: Next to testify, Ray Skelton followed by Tom Tezak.

MR. SKELTON: Good evening, Council, or Committee Members and Chairman. My name is Ray Skelton. I am speaking as an individual asking your support for the application. As the last two days we've listened to issues of traffic through the roads, water, very large topic, housing and parks. I'm going to talk about the latter two of those issues starting with housing. You folks worked a very long time on the work housing bill, I think that's a very good start. This is the first project that is in front of you as the fellow testifiers have brought to your table. It is very nice to see the community support expressing their concerns about this. Housing is a critical issue, as you folks now. We need to start with a project. There's not one clear answer here. The County can't do, the private sector cannot do it but together there will be an answer. The lower end of those housing, 70 percent, 60 percent is needed desperately for all the industries. And if we don't start with some way we're not going to make it.

And 25, in 25 years, excuse me, there is a need of 6,000 affordable houses in South Maui. If we don't start now how are we going to get there? One of the other fellow testifiers talked about we're dealing with a lot of stuff in the past and that is correct. We need to start making a change now. The other thing is in the parks and, in yesterday's paper was another article besides the first day of testimony here that the Parks Department received a planning approval for the South Maui park. Which is great, man, we really need that and as the fellow testifier talked about. The one difficulty is, is they only have 4.8 million of the \$13 million needed to get this project started for Phase I. And ultimate, the design is 40 million. Well, you know, those come from tax dollars. If this project with its affordable component could get its approval there would be significant funding along with that \$4.8 million to start Phase I.

On a side note, I respect the people that talk about saving the native species, specifically and additional the Wiliwili trees. A lot of people don't know about it, don't know of the native species out there but in its current state right now, God forbid if there is a fire running through

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there, how do you protect those species? Some of 'em it is a healthy deal, we all understand fire, it restarts the growth cycle again. However, if you've never been in the middle of a fire trying to pick your way through to save a endangered old growth tree whether it's an imported one or it is a natural one, you will move fairly fast. Because that is what you want to do, you want to find a way to save those trees or species. Incorporate them into the design so by introducing a green belt, whatever way that it may be, a pathway, a park. God forbid a golf course. But anyway, an area that can help take care of that. That is a way that you can save those. Right now in their current state they're just out there in the wind.

MS. NAKATA: Three minutes.

MR. SKELTON: Again, I would ask you folks to approve this project and have a wonderful evening. Thank you for your time.

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

COUNCILMEMBER ANDERSON: Mr. Skelton, they may be out there in the wind but they've survived for hundreds of years quite nicely on their own.

MR. SKELTON: I would agree, the ones that we can see, the ones that haven't burnt.

COUNCILMEMBER ANDERSON: You know, I appreciate the comments you made about the regional park in South Maui 'cause we definitely need it and it's long overdue. But the build-out for this project is going to be 100 units per year over the next 20 years, probably 14 years, depending on how long it takes to get the infrastructure up and going. And, and so the, the park assessment will be paid yearly based on the units they develop. And we certainly can't count on that for our regional park because we can't wait 20 years for our regional park. So I appreciate you bringing that up but I, I don't think that, that is really, I'd rather see a park, a really useable park in this development so that all the keiki in the affordable homes that are going to be in that project have a place to play. Don't you think that's a better idea?

MR. SKELTON: Chairman, Council Member, I do agree. As my understanding of the situation is, is when the application, excuse me, when the subdivision in this example is approved that initial funding comes in. So whether that is over 14 years as you've talked about and that might be a few million dollars a year or hundreds of thousands of dollars a year, nevertheless we're moving towards our goal. Right now alone just on the current tax rolls it's almost an impossible dream that we will not see. With your comment of having something on site I think that is definitely a way to augment or help with the regional park. So, yes, I think it's a two-step process: one, having a site on-site that can be built with those houses definitely is an important part. To go back, it looks a little complex there, so I'll go back up and it will clear my thought. If when the project is approved and then the subdivision is approved there is the park assessment fees. That goes into the kitty with the right now perceived 4.8 million. We're closer getting that goal then,

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than we are right now just dealing with the current tax income that comes in for all the other items you folks have to deal with, with the budget. So I do agree with you.

COUNCILMEMBER ANDERSON: Yeah. And, you know, we, building a regional park we, we shouldn't have to depend on park assessment fees to do it. The County is very capable of getting a bond, Keopuolani Park was built with bond funds and so we're hoping that in the next year or so as this proceeds the Council will be able to fund it so that we don't have to wait for the build out of 670 for our regional park.

MR. SKELTON: That, that's absolutely wonderful. I was a part of the Keopuolani Park and I do agree with you that is a great idea and we need to do more of those park projects to get what the community needs.

COUNCILMEMBER ANDERSON: Thank you, Mr. Skelton.

MR. SKELTON: Have a wonderful evening.

CHAIR MOLINA: Thank you, Mr. Skelton. Next to testify, we have Tom Tezak followed by Paanaakala Baybayan. Tom Tezak? Tom Tezak? Not here. Okay. Moving on. Paana..., Paanaakala Baybayan? Here she comes. Okay. Followed by Nohea Farmer.

MS. BAYBAYAN: Aloha mai ka kou. My name is Paanaakala Baybayan. I'm a native daughter of this land here in the islands. I'm born island, you know, island style and that's how I was brought up. I wasn't born in the city or raised in that reality and I understand that people do, are raised in different realities and that will affect the way that they live their lives and the views that they share. Because I was raised from this island and my ancestors are from this island that is what I want to preserve for my future generations, and not just the next generation, seven generations ahead. Just as the Iroquois Indians did to live, you know, environmentally friendly and think about our future posterity. I realize that one of the problems that have been raised is about through sustaining like our water supply and what not. Well, if we cannot sustain ourselves as we are right now, how can we sustain another community or city or town? It's irresponsible and if we overlook that then we're being ignorant. I'm not challenging you folks, I'm not challenging you County Council, I would just like for you folks to take into consideration that, you know, the lives of ourselves and as well as your future generations that will be coming, that will be your successors as I am.

I have just returned from a trip, from a trip in Japan aboard the Hokulea, and I, I thank God for that experience which has encultured me so much more and taught me so much. Because *ana wa`a* and if you're not familiar with the term *wa`a*; *wa`a* is a canoe. It's what my ancestors used to travel here to these islands and travel through the Pacific. *Ana wa`a* it's, you face such a close reality that at anytime your resources can be exhausted and when your resources are exhausted and you compromise the lives of everyone else on the canoe. So not only does it go from sustaining ourselves too, or maintaining our water supply, or our food supply, we also have to maintain our *wa`a*, our *aina*, our land where we are right now. Not only that, but we have to be

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able to work together as a community. If, my father always told me that when we leave on a sail at the end of the sail we come back better as better friends than we were before. And I think that is such an important *mana`o*. We need to be able to come together as a community, as our brothers and sisters on Molokai are. Come together as a community to stop the bigger developments from coming through and preserve what we have for our future generations.

I would also like to say that when referring to our State motto, *Ua Mau Ke Ea O Ka Aina I Ka Pono*, remember that, the life of our land is perpetuated in our righteousness. We need to be the ones that are conscious and recognize the choices that we make are going to affect our future generations. Now, I understand that we cannot stop development and that it will continue. I understand that, I, it's just the way that things are. But we can move forward responsibly and we can consider, we can consider the people that will be affected before us, and not just what's happening right now at this moment. We can, we can prepare and perpetuate them so that when they. . .

MS. NAKATA: Three minutes.

MS. BAYBAYAN: So that our future children will be able to swim in the rivers. There will still be rivers flowing for us to, we can still go over there and catch opae and do the things that, that we hold so dear that our ancestors did. So I thank you, County Council, for hearing me and hearing what I have to say. I just hope that what I have to say will just better your decisions and maybe make more conscious decisions that will affect all of us and our future generations, seven generations ahead. Mahalo.

CHAIR MOLINA: Mahalo. Thank you, Ms. Baybayan. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, Nohea Farmer followed by Jason Medeiros. Nohea Farmer? Okay.

MS. FARMER: Aloha. Aloha, Council Members. My name is Nohea Farmer. I was born and raised here in Maui. My sister Kala put it very well and I was fortunate enough to be on the, part of a sail within the islands and you do see how we are reliant on your resources. So she made a really good point. There's a few points that I want to make. Uncle over here, he's falling asleep, but he mentioned earlier that, you know, is it Wiliwili or feeding his kids? When my dad wanted to feed us he would take us fishing. I could introduce you to some of my friends that can take you fishing. It's, you, we can sustain ourselves by, you know, fishing and cultural things. So by taking away the things that are, you know, important to us is an insult to build golf courses and supposed affordable homes, you know. It's insulting to say that there's no cultural significance there because this is our culture, it's what we pride ourselves on, which is why I ask that you guys find an independent archeol..., archeologist for this, the destruction of Wailea 670, not the development, the destruction.

Let's see, also the EIS I read the EIS online, just kind of stumbled upon it. It's clearly outdated, 1988. That's another one of my concerns; our infrastructure by saying that we can widen roads is like saying we can cure obesity by widening the belt. That's one point. Also my dad was a

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part of the Carpenter's Union. He passed away in 2001 fishing, doing what he loved. He would camp in Makena landing so that he could commute to work. He helped build the hotels and condos there that he couldn't afford. But he would camp on the beach so that he can commute to work without having to fight traffic to be there on time so that he can support us. We grew up in Wailuku. So that means a lot to me that he would do that. So again he, that's how he fed us, he lived on the beach, he, you know, if you want to feed your kids go in the *loi*. Teach them how to survive. So that's pretty much, also again one of my concerns which should also be one of your concerns is that the cultural significance that, you know, that is the *iwi* that's there, the *mana*. It, it is all significant, whether they find something, whether they bring it to you or not, it's all significant. And it's what we have left, the very few of 'em we have left. Mahalo.

CHAIR MOLINA: Okay. Thank you, Nohea. Committee Members, questions for the testifier? Seeing none. Mahalo. Next to testify, Jason Medeiros followed by Todd Craine.

MR. MEDEIROS: Aloha, everyone. My name is Jason Medeiros. I'm a resident of Kihei. And I'm speaking in favor of Wailea 670. . .my t-shirt says yes. Okay. The reason I'm in favor for this is because it's, I'm, I'm part of the working family group, okay. And we need a break...seven hundred houses that, you know, is attainable, I can't say affordable but it's attainable. You know, when I take a look at the alternative of 650,000 for a 40-year-old house I'm just going, this looks pretty nice. You know, when I look at the amount of employment that is going to come out of this to give people a shot at attaining houses in this price range, I say let's have more for it and more of it, you know. I just think that maybe we need a break too. And that's all I got.

CHAIR MOLINA: Okay. Thank you, Mr. Medeiros. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, we have Todd Craine followed by Stephen West.

MR. CRAINE: Aloha, I'm Todd Craine. Mr. Chair, and distinguished Council Members, we truly appreciate your time and attention here this week giving our community members a fair say on a touchy yet important issue. Mahalo. I support this project because I'm tired of seeing good decent people working hard to raise their families move away to Nevada or elsewhere taking their skills away to other lands. I've been blessed and lucky enough to be able to buy a home for my family here even in the midst of all the crazy real estate speculation we all witnessed. We work hard and are proud to be a Maui family enjoying the fruits of our labor here in paradise. But all should have the right to enjoy in the economic prosperity in our islands.

So I support this project for the affordable housing units it brings to our hardworking Maui families and the good jobs it brings to our people. We can't be so unrealistic as to think a no growth or all development is bad approach will help our island economy or house our people. By taking part in the process all along the way, you the community, have helped decide what Maui's future holds for us all. Thank you for your time.

CHAIR MOLINA: Thank you, Mr. Craine. Committee Members, questions for the testier? Seeing none. Thank you. Next to testify, we have Stephen West followed by Larry Feinberg. Stephen

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West? Okay. Larry Feinberg followed by Meenakshi Honig. Larry Feinberg? Oh, there you are. Okay.

MR. FEINBERG: Good evening. I came here two days ago to testify and when I told my daughter that I was going to testify she told me, no, you're not. So like Uncle Vernon said, you know, the children are the most important thing. So in lieu of my testimony because I've been sitting here for two days and I do have the County Council in front of me at this or most of the County Council in front of me, I'd like to commend you on your bill about the bags, that's a great thing. And, Gladys, on giving you guys all a raise because you're working harder than everybody else. We'd also like to see, I'm, I'm an Upcountry resident, and I'd also like to see another reservoir. Because every single year we go through this drought, or when during the drought, and we don't have enough water for our Upcountry residents more or less you guys want to dig and do what you want to do to the South side. Personally, I'd try to avoid it. And the other thing is, please make this year the County Fair a non-smoking fair. That would be a great thing for our children. So this is what you get after sitting here for two days.

Everybody has their own opinion on what's going on here. They talk about affordable housing. If you take 1,000 square foot house and it's \$200 a square foot that's what, 200 grand but then you have to buy the land. Where do you come off with affordable housing? If you look in the multiple listing service the cheapest houses anywhere on this island are 400 - \$450,000. Rice Camp, you know downtown Wailuku, places that, you know, your families have bought and sold over the years for, you know, they moved in...\$10,000, \$20,000. How much did it cost to, to move into Dream City? The prices today are just off the wall. And when you guys talk about affordable housing, I don't know where the word affordable comes into that. No matter how hard people work, and who's going to pay for it but the developers. That's who's going to, they have subsidize the affordable housing. So everybody says, oh, affordable housing but meanwhile you beat up on the developers but the developers are going to have to come up with the balance of the money to pay for these houses. And all the workers that come and say well we want to build, we want to do, all the electricians, I don't see, the reason they're in unions is because they're tight and what they do is over the years, anytime they had a contract come up they get what, I don't get \$25, \$35, \$45 an hour to, to do my work. And it's, it's an amazing thing. I don't see everybody rolling back all the --

MS. NAKATA: Three minutes.

MR. FEINBERG: --all the unions. Well let them roll back, you know, their money and then we can have some affordable housing. But the price of land is very expensive. But thank you very much for all your hard work and just remember, no smoking on the County Fair. That's my big thing.

CHAIR MOLINA: Thank you, Mr. Feinberg.

MR. FEINBERG: It's for the keiki.

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CHAIR MOLINA: Very good. Good thought. Committee Members, questions for the testifier? Seeing none. Thank you.

MR. FEINBERG: You guys didn't ask me a question I tell you.

CHAIR MOLINA: Next we have Meenakshi Honig followed by Lanakila Librando. Meenakshi Honig? Not here? Okay. Lanakila Librando? Lanakila Librando? Okay. Next. Dwayne Betsill? Dwayne Betsill? Okay. Chris Tackett? Chris Tackett? Okay. Following Chris will be Leila Kalani Larson.

MR. TACKETT: Good evening and thank you for your time. I'm in favor of 670. My name is Christian Tackett. I, I was raised in Wailuku. I went to Wailuku Elementary, I went to Iao, I went to Baldwin. And I was, I haven't been there for as many generations as, as many of you have been here but being a first generation on this island I didn't have uncles or aunties that were my own, my uncles and aunties were everybody else's uncles and aunties. And, and I graduated high school and, and a lot of my friends went to college. Me, I wanted to surf so, so I stayed here and, and I joined the Carpenters Union and I thought back at that time which was the 90s that, that at that pay rate that I could afford a place to live and I could continue to surf and I could continue to teach my children to surf and we could have Saturday and Sunday off at the beach. And I could put in 40 hours a week and I could make it. Well, every year that went by, I got a raise like the gentlemen said and the house price went up. And I got a raise and the house price went up. And I chased it all the way. I chased it from 150, to 250, to 350, to 450. Every time, next year I think I can get a house, you know, if I can just make this next raise I can afford it and next year it costs a little bit more and I couldn't afford it again.

So, finally, I went in with my mom, I went in with my brother, my wife works and all of us came together and we bought in at about a half a million bucks, you know. And we all get to stay on Maui if we all put our money together and we all pay this huge mortgage, it's about four grand a month to stay there. And so I'm in favor of this project because here I sit now in my half a million dollar house which is an old neighborhood built in the 70s. It's not, it's not a million dollar house. And, and I'm, I'm paying the half a million dollar mortgage but, but my aunties and my uncles and my friends and all the people that I went to school with they're all gone. They're in Vegas, they're in, in the Mid-West, in Tennessee, all because they wanted to have their own house or they, they didn't happen to, to, to get a job that paid as well as mine. Although even with my fairly well paying job I still need my mom to help me and I still need my wife to help me and my brother to help me who is about 18 years old. So I'm, I'm in favor because when I look around the room and I see the young people come up and they, they talk about --

MS. NAKATA: Three minutes.

MR. TACKETT: --how they cannot afford everything or anything and, and how this is not affordable. They're right; it's not really affordable. What I bought I couldn't afford. But I achieved it and, and if this project goes through 700, this is the best chance anybody's gotten, there is no chances

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like this for the last 15 years. I got no chances like this. I would have loved to have a chance like this. And so I'm just hoping for the young people that, that graduated in Maui that, that you guys can stay over here and, and you guys are going to have to work hard and you're going to have to have two incomes. But that, that with programs like this you will have something so that all the people in Hawaii don't end up being new people brought in. And some of the people that were actually born and raised here or people like me that were just raised here, I wasn't born here I was about four when I came, can, can stay here. And to me Wailea is all really rich people right now and --

MS. NAKATA: Four minutes.

MR. TACKETT: --it would make me happy to see some local people in Wailea for a change. Thank you.

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

MR. TACKETT: Thank you, Mr. Chair.

CHAIR MOLINA: Thank you. Leila Larson? Leila Larson? Oh, there you are, come on up. After Ms. Larson completes her testimony the Chair is going to call for a brief recess.

MS. LARSON: Aloha. My name is Leila Kalani Larson. Born and raised here on the Island of Maui. I've lived here my whole life. I've never lived anywhere else so this is all I know. My skin is light but I was raised Hawaiian, raised up by all my families, you know, dark skin Hawaiian, they're my blood so people would always trip out seeing me as a little white girl with all my local family. But anyways I hear a lot of everybody here for affordable housing which is true we do need affordable housing. I totally agree with that. But I think that this project is wrong the way that it's going. And my question is, is that the affordable housing, let's say I have good credit and I go and I apply for this house and this guy from the mainland moves here two weeks ago and he applies for it too and he has good credit. Who gets the house? Like, is it because he has \$100,000 more to put down than I do or I mean is there some law that's going to state that only Hawaiian people, only local people can get these houses? Because if not then, you know what I mean, like who says any of you local people with your "yes" shirts are going to get this house. You know what I mean? You guys all sit up there with your "yes" shirts like, are you going to get this house? Unless you got some secret little contract signed that I don't know about. And please let me know, but I don't understand like, you're so sure that you guys are going to get it. Because my daddy is a general contractor. He owns his own company and he's been fine for over 20 something years in this island working his . . . his butt off. And, you know, I, I was raised with my dad doing construction. He wake up 4:30 in the morning, come home at ten o'clock at night. The only time I got to spend with my dad was going to the construction site, working my butt off to be with my father. So I know all about working construction and being for that. A couple of the guys with the "yes" shirts on said that their boss told them for come here. And after they heard my fiancé Lolo speak they all left and took their shirts off because

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they said they weren't for it. I mean I totally agree about affordable housing but this is not the right way.

I mean I'm three and a half months pregnant right now and I want my child to be able to grow up how I did. And already so much has changed, like South Kihei Road I remember part of it was dirt, Maui Meadows was like the Waileas. All the rich people, I mean still is all the rich people but it's like that was the rich people. And that guy Bob that came up, he's a real estate agent, he sold all that land right by White Rock. He's got a what \$200,000 car? Of course he wants this land to be, you know what I mean, made up and built 'cause he like sell 'em to the tourist too. So I don't understand all this is going on. I mean of course everybody does want affordable housing but, I mean I do, I would love to have a house for my fiancé and I and my baby coming and my, more kids for the future. But it's not right. And then I know Uncle Bully came up, I remember I was six years old, Uncle Bully was teaching me about the land and, you know, how you got to stay strong and fight for it and now my other uncle tell me my Uncle Bully one fake Hawaiian. . .(*change tape, start 5A*). . . You know, as teachers you guys, people always talked to us about protecting the land, you know, growing strong, and, you know, the Hawaiian culture. I remember learning all the Hawaiian culture in school. I was raised up with that.

MS. NAKATA: Three minutes.

MS. LARSON: And it's just, it seems like there is none anymore. The only Hawaiian friends I have, have either moved or the people that have been trying to come up. And the last thing I've got to say is I am the younger generation and my mommy and daddy aren't up here speaking for me, I'm speaking for myself and my child. And all the, you know, tutus and uncles and aunties came up here and talked about for their kids. Where are your kids? I don't see 'em here speaking. I took two days off from work for this and I'm pregnant and I got to support myself. You know what I mean, so I don't understand you talk for your kids and I'm here, I am the younger generation. All those kanaka maole's up there, they are the younger generation and they're all up here telling you we don't want this. Thank you.

CHAIR MOLINA: Okay. Thank you, Leila. Committee Members, questions for the testifier? Seeing none. Thank you for your, your comments. Okay. Members, it's 6:15, the Chair's going to call for a short recess. . .(*gavel*). . .

RECESS: 6:15 p.m.

RECONVENE: 6:24 p.m.

CHAIR MOLINA: . . .(*gavel*). . . Land Use Committee meeting for, or recessed Committee meeting of July 25, 2007 is now back in session. It is Friday, July 27th, 6:25 p.m. We have a few more testifiers to go. Members, hang in there. Next to testify, we have Kuilani Elaban followed by Karen Oleson. Kuilani Elaban?

UNIDENTIFIED SPEAKER (*speaking from the audience*): She had to fly to Oahu.

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CHAIR MOLINA: Okay. Thank you. Okay. Karen Oleson? Karen Oleson? Okay. Following Karen Oleson will be Sylvia Cabral.

MS. OLESON: Hi.

CHAIR MOLINA: Hi.

MS. OLESON: Hopefully I can do this. I'm really nervous so hopefully the --

CHAIR MOLINA: It's okay.

MS. OLESON: --I'm not a good speaker, I hope I don't choke. But thank you for your time. And my main job in life is I'm a mommy. From the first time my oldest son kicked in my womb all I could think of is to take care of my kids and make sure that everything's okay for them. And I became a single mom so everything I had to keep thinking of was keeping a roof over their head and milk on the table. So the thought of my kids being able, they, they went to schools here, my kids graduated from King K. One of 'em was Homecoming King. So, hopefully everybody really liked him because they're very, very nice, loving kids. And my oldest son is now 27 and he's worked ever since he got out of high school. Very, very hard, worked, you know, very hard when he was in the high school, too. He was able to buy a \$50,000 condo at Harbor Lights and work very hard to make it, you know, worth a little bit more money and then he sold that and he bought a house that you could literally see the dirt underneath through the flooring. Worked very hard to be able to sell that, buy another piece of land and build houses so that his brothers now live with him. So he's helping to take care of them at this point. I'd like to see my youngest two sons also be able to have houses that they can live in. I'm very grateful that we're all here on Maui and I'd like my kids to be able to stay here 'cause my middle son now has two kids so I have two grand kids. And I'd like to be able to keep seeing them around me.

I finished up growing up in Kekaha in Kauai and I like being on the warm side of the island where the climate is kind of like Wailea side. Prices in Kekaha, in Wailea, in Kihei and everywhere is really expensive. I'd like my kids to be able to have an option to live where they'd like. The windward side is really, really windy. Upcountry is cold and it gets rainy and for them to be able to have an option to purchase a home, an affordable house on a side of an island that they might want to live on to me is a very big deal. So I'm in, I'm, I say yes for 670 just for the fact that I'd like to be able to see my kids have a place to live. I grew up, my major in college was cultural anthropology. We did a lot of studies of different things, and like the lady brought out about that book, one of the main downfalls of most empires is the family. The, the huge strong Roman Empire fell because of within the family life. So if we could provide homes for our families and allegedly one family having a home goes down several generations. They all eventually would be able to have homes. So I'm just hoping my kids can grow up, stay on Maui, be nice loving children like they are so for and hopefully remain that way.

MS. NAKATA: Three minutes.

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MS. OLESON: And be able to have a home. Thank you very much.

CHAIR MOLINA: Thank you, Ms. Oleson. Committee Members, questions for the testifier? Seeing none. Thank you for your thoughts. Next to testify, Sylvia Cabral followed by Roy Stillwell.

MS. CABRAL: Aloha.

COUNCILMEMBER BAISA: Aloha.

MS. CABRAL: Well. . .

CHAIR MOLINA: Excuse me, Ms. Cabral, can you bring the mic closer to, to you? Thank you.

MS. CABRAL: Okay. More then talking to you today I want to talk to the kids because I want the kids to live there. And this project is a mile away from the ocean. It's not even near Big Beach. People may oppose this project on water issues but it's the only excuse that's left. Let Wailea 670 deal with the water problems. If they only have enough water for 100 homes then, then that's all they can build. The County can easily monitor that. People complain about a sewage plant, Maui Meadows I'm told is all on cesspool, that's all raw sewage going into the beaches. Where's the environmentalist? The County is responsible that each lot should have a septic tank on those lots to protect the oceans. That would protect the oceans. As a founding member of Na Hale O Maui I want all Hawaiians and local people to sign up for a home on Maui to live wherever they want. They should be living next to the historic sites. They should be caring for those sites not asking for new people to make new assessments. The Hawaiian people should be there, counting the flowers, building the walls to protect the plants, the heiaus, whatever needs to be done. The kids say they don't want to live there. They don't understand. Their parents want them to live there. My kids once in a while they, they get all hoo hoo about surfing and they say, oh, I don't want to live there; they're messing up the beach. They don't understand, they're just, they're, they're too young.

CHAIR MOLINA: Excuse me.

MS. CABRAL: And stop bashing the money flow, if it wasn't for all the red tape, developers wouldn't have to go to the mainland to get more and more money. . .

COUNCILMEMBER ANDERSON: Mr. Chair, excuse me. Point of order.

CHAIR MOLINA: . . .*(inaudible)*. . .

COUNCILMEMBER ANDERSON: The testifier should be testifying to us and not to the gallery.

CHAIR MOLINA: Okay. Ms. Cabral, please face the Council Members.

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MS. CABRAL: As a sub-teacher I'm sorry I, I talk to children all the time so, and they're not children. No they're not children, but anyway, sorry. And than delays cost more and more cost so then we have to have bigger corporations and if we don't start the program now when are we going to start it? Not in our lifetime. It will never get done. This is a chance for they, these kids, these people, the locals, the Hawaiians to stop being regulated, relegated to the back of the bus. They don't understand it's before their time. Thank you.

CHAIR MOLINA: Thank you, Ms. Cabral. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, Roy Stillwell followed by Stephen Jiran. Roy Stillwell? Not here? Okay. Stephen Jiran? Stephen Jiran? Dustin Nakasone? Dustin Nakasone? Kamuela Davis? Kamuela Davis? Oh, excuse me, Kaniela Davis, forgive me. Kani..., Kani..., Kaniela Davis? Did I get it right? Okay. Roy Nakihei? Roy Nakihei? George Manaois? George Manaois? Okay. I believe this is Davelyn Pasco? Or Darilyn Pasco? Pasco? Okay. Bud Pikrone? Okay. After Mr. Pikrone we have Marcia Godinez.

MR. PIKRONE: Good evening, Chair. Council Members. My name is Bud Pikrone, you know me as General Manager of the Wailea Community Association, which Wailea 670 is not part of in case you are confused that, that name is just the first name they use. However I'm not speaking on behalf of the association. You have heard me many times speak for the association and have documentation on that. I'm speaking as a, a citizen of South Maui. I have some observations from the last few days and it kind of reminds me of a few years ago at a Kihei Community Association meeting and there was a project and developer there, they had maps. And I overheard a couple people talking, and the one person was saying, you know, well, this is going to get developed, this is going to get developed, and then the other person who was asking questions wasn't sure what was happening. And I thought I'd help out, I was familiar with, with the project, reading about it, and I told them, do you understand that this up here is what was being talked about, not the other sections. And that what they were trying to do was conform to the community plan which at the time the Planning Director and Council had declared as law. And I said that's what they were trying to do, and the person turned to me and said well then it's time we change the community plan. And I see something like that happening here.

Over the years, the public has given their input and the developer listened. This has been going on for a long time. The County asks for more and they got it. Then this Council adopts a housing bill that surely the opponents thought would finally put an end to it. But lo and behold they stood up and said we'll do it. So now the opposition comes in saying that the Council doesn't know what they're doing. This isn't going to work. We can't trust the bill. We can't trust the developer. How do you feel about that? I mean as a citizen who has worked with others on different projects to make this project better and worked with the County on different things. I feel a slap in the face. I mean, aren't, aren't we going to be the custodians of this? Hey, I'll volunteer to start a task force to make sure that whatever gets done up there follows what you have dictated but let's do something about it. I have never heard any alternatives to any of this. I hear people coming up and saying, oh, no, we can't do this, we can't do that, we can't let them build the affordable housing. We need roads; we need infrastructure.

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MS. NAKATA: Three minutes.

MR. PIKRONE: They're offering to do that. I haven't heard anything. I mean I was at a STIP meeting, DOT STIP meeting the other day. How many people showed up? Four. Thank you for all your support in getting more infrastructure. How are we going to get the housing? Subsidize through taxes? We need help from everybody to get this done and we have somebody standing up here saying they're going to do it. You know, we had a young woman come up the other day and say she had a suggestion, first one I'd heard, she said financial assistance to help the young people learn how to afford a house. Well, I have three suggestions. I'll finish up with these three suggestions. If you want to help employee housing in South Maui here's three suggestions. One, quit delaying, build the homes now, we need them now.

MS. NAKATA: Four minutes.

MR. PIKRONE: Fix the education system, help the kids find better jobs in the future, provide them with the education and the knowledge to avoid the pitfalls of financial debt. And three, get the extension of Piilani Highway Upcountry so that the people who want to live up there and work down here, who like living up there can get here without using so much gas and get here in a timely manner.

CHAIR MOLINA: Okay. Mr. Pikrone. Alright. Thank you. Committee Members, questions for the testifier? Seeing none. Thank you. Next to testify, Marcia Godinez followed by Jacob Pokipala.

MS. GODINEZ: Hi, I'm Marcia Godinez. Thank you for staying long enough to hear our testimony. The for and against, the complexity of this issue over the years coming before the Council and Committees how many times on how many projects, and I think the community has a healthy skepticism. There have been broken promises, there have been many times that housing has been promised back then it was employee housing now it's affordable housing. Developers were supposed to produce, it didn't happen. So the community I think has a justifiable skepticism. I'm very, I feel a tremendous hope after hearing the passion and the just sort of down to earth observations of the younger people. And I'm very heartened by their testimonies.

Now for the for and against, I have a lot of reservations about this project. I like the spirit of a well-planned project but I do have many reservations. So I'm just going to read what I came up with. I am for local people being able to either rent or, or own a decent home that offers stability and safe haven. I am against people being put into a position where they are working two or three jobs because rents or mortgages are out of balance with wages. I am against the public policy or lack of policy that allows creation of housing and also allows housing prices to be driven up by speculators who buy and flip with impunity. Last year I attended a party and was subjected to the bragging of a mainland investor who bought and sold four properties on Maui during a six month period, did not occupy any of them and netted nearly a half million dollars. He said his timing was just right. I am for policy and controls that place regulation on markets as needed rather than just adding more development projects to a market.

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I am for a substantial taxation or other mechanism that discourages real estate prices from being driven up and available affording housing to be driven down by so called realtors and other speculators who are delighted to make their money while creating hardship for others. I am against allowing a major development when it is uncertain if there will be enough water to supply that community's needs without negatively impacting other existing communities or water systems. I am against building yet another golf course in the middle of a desert on an island that is already having great difficulty meeting its water needs. I am for developers who create infrastructure that prevents harmful impacts to surrounding eco-systems. I am against developers whose infrastructure fails to contain runoff that kills the reef, which in turn kills the small fish, which in turn means the larger fish --

MS. NAKATA: Three minutes.

MS. GODINEZ: --have a diminished food supply which in turn threatens our fisheries and our own food supply. Because I don't have enough time I did submit this in written testimony. I am for construction workers, plumbers, electricians, and everyone in the trades having enough work and earning good wages. I am for well-planned communities that are developed along a well thought out timeline. I am against an explosion of growth that creates so many jobs there aren't enough workers on the island and then workers come over from the mainland and they need to buy or rent a home which in turns creates a housing scarcity which in turn drives prices up. The over abundance of workers then makes jobs scarce when there's a lull in construction. I'm going to skip ahead. I'm for a developer who supports a unique and indigenous culture by preserving archeological sites, floral, and fauna that pertain to that culture.

MS. NAKATA: Four minutes.

MS. GODINEZ: I'm against the developer who slaps a Hawaiian name on a project with one hand and destroys rare and unique Hawaiian archeological sites and habitats with the other hand. I am against the developer who spends hundreds of thousands of dollars on putting Hawaiian names and graphics on their PR materials to make themselves look local or Hawaiian and who then proceeds to destroy the very things that distinguish Hawaii as Hawaii.

CHAIR MOLINA: Ms. Godinez, you need to end.

MS. GODINEZ: Yes.

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

MS. GODINEZ: Thank you.

CHAIR MOLINA: Next to testify, Jacob Pokipala followed by Iona Rahu [sic].

UNIDENTIFIED SPEAKER (*speaking from the audience*): . . .(*inaudible*). . .

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CHAIR MOLINA: Okay. He's out. Okay. Next, Ilona Rahu [*sic*] followed by Kandace Pruet.

MS. RAHN: Aloha. My name is Ilona Rahn. I'm 27 years old and I'm born and raised here on this island. Honua`ula has been a part of my family for many years and my grandfather while he was still alive he was a well, well respected archeologist on this island by the name of Charlie Keau. He used to take us up towards that area on a regular basis, tell us stories, talk to us about our family, where we come from. And I hear all these people that talk about they for the project. Most of the people that is for the project there was only here 20, 30, 40 years. Our family was here for hundreds of years and that place stayed that way for a reason. You know, Maui is Maui not because, you know, of the buildings and affordable housing. Maui is Maui because of the land. As us as *kanaka mauolis* we like keep the land the way it is. You know, I go home to Molokai where I get other family and just the way of life there is so different. That's how we used to be 50 years ago.

But nobody, they no care about that kind of stuff anymore, you guys only talking about affordable housing. Affordable housing for who? Talking about the jobs. How long the jobs going last? Not going last as long as that family, you know, my family had ties to this land. Not going come close, not going touch 'em. You know, I get brothers and sisters sitting down over here that they no really understand 'cause they real young. But, you know what, we not going have anything for our kids. What somebody else going come off island, you know, from off island come buy what, you know, you guys like make like it's for us. And then what?

You guys going like build someplace else, and then someplace else and then someplace else? Plenty of you guys that went move here for live here, you guys running away from the pollution from where you guys came from, from the over-development where you guys came from. And now you guys changing our home to what you guys never like where you guys came from. And we no like that. You know, my concern is not so much for the locals; it's for the *kanaka mauoli* of this land. We get the ties to the land. We the one carry the aloha, we the one carry the *mana*. We the one who care about keeping the culture and nobody else seem for, you know, have anything else for say except, oh, we like parks for the kids, oh, golf courses for make money. Plenty Hawaiians now-a-days money no mean nothing 'cause when our island is gone we not going have nothing. Mahalo.

COUNCILMEMBER ANDERSON: Elaine. Elaine.

CHAIR MOLINA: Thank you, Ilona.

COUNCILMEMBER ANDERSON: Elaine.

CHAIR MOLINA: Ilona.

COUNCILMEMBER ANDERSON: Hui.

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CHAIR MOLINA: Hang on. Ilona.

COUNCILMEMBER ANDERSON: Ilona.

CHAIR MOLINA: Excuse me, Ms. Rahn, come we got a question for you.

COUNCILMEMBER ANDERSON: Ilona, I saw you standing up in the corner there all this time patiently waiting. Thank you for staying. I was hanai aloha, too, tutu Inez MacPhee Ashdown who is Maui County Historian Emeritus. Your grandfather Charlie Keau worked with her, her on identifying and preserving many historic sites on Maui.

MS. RAHN: I know this.

COUNCILMEMBER ANDERSON: And she told me, and I want you to confirm that Honua`lua [sic] is a sacred place name.

MS. RAHN: It is.

COUNCILMEMBER ANDERSON: And, and can you tell us more about that?

MS. RAHN: Off the top of my head right now I cannot. You know, I, I came here today to support family members and friends that I knew was going, you know, give testimony. Before the first break, you know, after listening to everybody say what they had to say I thought about my grandfather 'cause I know he went fight for save Maalaea and stuff like that. And my grandfather did do a lot of, you know, things for this island that people never even know about.

COUNCILMEMBER ANDERSON: He did an awful lot.

MS. RAHN: You know, so I went sign after like the second break for come up here and testify 'cause I felt like, you know, I get one duty for stand up and for talk for my younger brothers and sisters, the ones that I feel, I, I no like taking them down towards Honua`ula and, you know, down to Big Beach and stuff like that, and try take them to places my grandfather took me and my other sisters. But I tell, oh, I cannot take you over there because now they stay developing all over there. What had over there, no more already. And then what going happen 50 years from now when that whole site stay developed? Not going have nothing. We going be looking at what all affordable housing and million dollar homes and we going go knocking on people's doors, oh, you know, in your backyard used to have one heiau over here? That's not right. You know, this is our home and like I said, you know, for some people they no, they not kanaka mauoli so they no more that, that feeling. You know what I mean? Us Hawaiian, brah, we is, you know, the nature, the land, the everything that we get is a part of us. And for lose that, you know, you, you lose everything. And I, I, I cannot have that happen. I cannot see that happen 'cause like I said once everything is gone we no more nothing.

COUNCILMEMBER ANDERSON: That's right. Thank you.

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CHAIR MOLINA: Okay. Thank you. Thank you for your thoughts, Ilona. And my apologies for mispronouncing your last name. Ilona Rahn. Okay. Next to testify Kandace Pruet followed by Pat Villiarimo-Cockett.

MS. PRUET: Hello.

CHAIR MOLINA: Hi.

MS. PRUET: My name is Kandace and I don't really know what to say. But I do know that I think that this is not what we need in Maui right now. I think that Maui has so much other things that you guys can change and can like make a difference in than just building a whole nother, we have so much divisions already being built. We don't need a whole new one to bring in more people. Like, and then what we're going to have to extend more highways, and build more shopping malls to accommodate people because they like certain things, you know. And like what we have here is not good enough for them so they're going to want to bring in more and more and more and then what? It's never going to stop. I think if this goes through, that's like the beginning of everything just falling apart. And I really think that you guys should consider us, and the land 'cause it needs to be saved. Somebody needs to save it that's why I'm standing right here. And, yep, that's all I have to say.

CHAIR MOLINA: Okay. Thank you, Kandace. Committee Members, questions for the testifier? Seeing none. Thank you. Pat Villiarimo-Cockett and Pat is the last person to have signed up. You have one last opportunity to, the rest of you, anyone else who has not spoken Wednesday or today you have an opportunity to speak. Okay. Proceed.

MS. VILLIARIMO-COCKETT: Lava. Enough already. Some 40-plus years ago I grew up in Kihei. I don't go back there now, I cry when I do. So I avoid Kihei. I went to high school in Kaneohe. I watched the development there. I watched the development kill Kaneohe Bay. Over the many years development on Maui is ridiculous. You talk affordable housing -- for who? My children cannot afford it. I have seven, my oldest 30. My youngest right there. They will never be able to afford a \$250,000 house. My son is in construction. He makes stonewall without cement in the old way. So construction is available but do it in the old way. This man, I'm looking at a title here that is a sorry so called title 'cause it's not a title it's a Quitclaim deed. Black's Law dictionary says Quitclaim deed is not a valid deed; it's fraudulent. The only ones that have any say in that *`aina* are family, heirs to that *`aina*. Kanehoa, Kekua Nohe(?), I believe that was one of the names. I only quickly read it. Did you read it? It is not their land.

Affordable housing is going on the *`aina*; build your own house. Those heirs, if you know the families to that land go back to that land, \$50,000 house, gee, you can easily build that without that developer making the money. That's affordable housing. Last but not least I live in Hana now, one of the last undeveloped places and it's going through its own problems of development. And I watch the rivers not run, they are dry. This is Hana where we have the most water on Maui. Our rivers are dry. My son who lives in Ulaino and lives off of that river is at my house

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most of the time because he can't live down in Ulaino because the river does not flow. Why? Because most of that water comes to this side. Enough already. We already are at maximum. We are changing the face of Maui looks like --

MS. NAKATA: Three minutes.

MS. VILLIARIMO-COCKETT: --right now. 'Cause when I was in school I was a handful of haole kids in that school. Today Maui does not look like Maui used to look. We are changing the face of Maui and that affordable housing you are creating is for everybody from somewhere else. It is not for Maui, it is not for Maui's children. So think real hard about what you are doing. It's fraudulent.

CHAIR MOLINA: Thank you. Committee Members. . .*(change tape, start 5B)*. . .testimony. Okay. We do have. . .

MS. VILLIARIMO-COCKETT: Quick question.

CHAIR MOLINA: Do we have additional sign ups?

MS. VILLIARIMO-COCKETT: Is there already, a number of you already made up your mind?

CHAIR MOLINA: Excuse me.

MS. VILLIARIMO-COCKETT: Because. . .

CHAIR MOLINA: You're done. Please. Thank you. Okay. Next to testify we have Amanda Mizner followed by Joan Pawsat.

MS. MIZNER: Aloha. My name is Amanda. And I wasn't going to speak but coming towards the end I realized that I should speak on behalf of my three children at home. I don't own a home, I rent. To me having a home doesn't mean owning a house. This is my home. My home is actually on the east end in Nahiku and a house that I was brought up in is no longer there it got burnt down. But I don't let it keep me away from being there and calling it my home. When I go there the river, the trees, the ocean, that is my home, that is what I live off of. That's, that's it, that's it. That's all is what it is about, you know. Just because you have shelter around you is not everything. And that's all I have to say. Thank you.

CHAIR MOLINA: Okay. Thank you for your comments. Committee Members, questions? Seeing none. Thank you. Joan Pawsat?

MS. PAWSAT: Hi. I'm coming to speak as a community member. I just wanted to, to make a few comments on, there seems to be a misunderstanding of what infrastructure really is. Infrastructure is the land, it is water, it is air, it's all the essentials we really need to survive. So when you think about like for instance if Katrina were to hit here, particularly with overgrowth

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and over population, you know, what would one do? You know, does FEMA come and bail us out? And just as far as doing something in terms of building. In Mexico, part of their tourist development they're doing right now is they have all these wonderful Mayan ruins and so they're connecting them. They're making that a park and they're connecting it and that is going to be, and I would love to do that. You go through a park and you visit that. And so I want to know why something like this isn't implemented here? Why isn't there an infrastructural park that links all the *ahupua`as* together and the heiaus together and that becomes the infrastructure of development? Every good community starts with the infrastructure of a park. Not the infrastructure of a piece of concrete on the ground. And, you know, we can, and then you build along this park infrastructure. I think that's fairly simple. And that's really all I have to say. Thank you.

CHAIR MOLINA: Thank you, Ms. Pawsat. Committee Members, questions for the testifier? Seeing none. Thank you. Next, we have Ewalani Shim.

MS. SHIM: Aloha.

COUNCILMEMBER ANDERSON: Aloha.

MS. SHIM: I'm here for myself as an individual. I grew up on, in Maui, I'm born Lahaina. And my family raised ten children and my parents bought their first home in Lahaina and it costs about 10,000 for the land in, on Ainakea. And my family bought another home down Baby Beach when I grew up it was a plantation home and that one costs \$6,000. So it was a plantation home that they had to put together. And I graduated from Lahainaluna and I think I went away, went to business college, went to the mainland, got married there. And started out with five dollars an hour and worked my way up. And I'm so happy that affordable home is coming into the, came into the island right now. We do need affordable homes for our Hawaiian people. And I moved to the mainland and came back 1985, signed up on Hawaiian Homeland list, waited this long and I finally got a lot and Habitat is going to build my home and that's going to cost me 89,000. Now affordable home for our Hawaiian people I would say would run about 150,000 up to 200,000. But a lot of us on a Hawaiian home right now, the homes have gone up.

Our Hawaiian people are going to be paying 228,000 for a good home. The homes up in Kula is very high. Our people are paying, I know a kupuna sold her home in Pukalani and built a beautiful home in Kula in Waiohuli for 450,000. So everything has gone up. The job needs to go up, people here work two jobs, can't stay home and raise their children. I raised my children in the mainland. I raised nine children. They all got a home there. I just have one daughter raising four children with no home in a one bedroom. So I'm getting this home at Hawaiian Homeland to put her in there. That's going to be her home for her four children. So affordable home is so important. I'm so glad that Wailea is going to have an affordable home. But I'm looking at affordable about 150,000 to 200,000. I'm not looking for a 500,000 home. But our Hawaiian people --

MS. NAKATA: Three minutes.

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MS. SHIM: --are paying that much. My mom has a home in Ainakea that, no, it's the one down Baby Beach my brother sold over half a million. That home now is over a million. So all I, I, I'm going to say that I'm for this project but I'm not for golf courses. I'm for a high school in Kihei, I want to see a high school. I lived in Kihei ten years. I worked at Lokelani School. And then I'd, I'd sure like to see a high school in Kihei, if possible, around this affordable home that Mr. Jencks going to build but no golf course. Thank you.

CHAIR MOLINA: Okay. Mahalo for your testimony. Committee Members, questions for the testifier? Seeing none. Next to testify we have Ku`uikaikapu`ali`okekai Kawai. I hope I pronounced that right.

MR. KAWAI: That's not bad, not that bad.

CHAIR MOLINA: Okay. Thank you. I had to try.

MR. KAWAI: That's Ku`uikaikapu`ali`okekai Kawai. I lost my speech so I'm going make 'em quick and short. Pretty much I no like you guys build over there 'cause there's native Hawaiian plants been there for years before us. And if you guys got to build for the bruddahs can make some money, gotta be somewhere else, not in that area...maybe the cane fields or somewhere else, the other side. And then, yeah, I mean if you no do that, you got to go home, bruddah, developer. If not we going make like Molokai and you no like make like Molokai. That going get too deep. And that's all I got to say.

CHAIR MOLINA: Okay. Thank you for your testimony. Questions for the testifier? Seeing none. Okay. Mr. Kawai was our last testifier. If there's no one else to testify the Chair will close public testimony on LU-38. Oh, we do have one? Okay. Come on up, Mr. U`u. You can sign up after your testimony.

MR. U`U: Good evening, Council Members, Council Chair. I wasn't planning on testifying but I decided to share my manao. I'm speaking as a individual. I'm speaking of a father. Currently I'm raising five kids. I have one grandchild on the way and we are cluttered in a small house. My hope is to have them own a home. And I'm going to tell 'em to apply at every possible time they can when there is affordable housing presents itself. Go apply. Don't let the guys coming from someplace else take your home that is yours. Don't let it, apply, show up, apply, apply again. Keep applying until you get something 'cause that's perseverance. Just like my kids who went to Kamehameha School, they had the hardest time getting in to that school. I am Hawaiian. The hardest time and I was thinking, wow, only the select get in. And I always thought that only the special people got in to that school, comes to find out it was perseverance because I never have the smartest child. I had one that wouldn't give up. So I'm saying to the people who don't own a home, don't give up. 'Cause I want my, my, my kids to live here, I want them to be raised here. I understand the young Hawaiians out there 'cause I was there with you guys, angry. Angry at everything. And I going tell you guys this, some education about parks, per unit they'll be paying \$13,000 to parks fee per unit. After three you pay 13,000. It costs 68,000 for

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infrastructure per unit. Okay. Then you got to buy the land, then you got to build a house. What is affordable? Honestly, almost nothing but you got to make the effort. I want you guys to own a home, I like you guys stay here. In fact I just had lunch at Ruby's and one of my long time friends, family friends moving and I was so hurt. I moving, I going Vegas and, you know, we all heard it, everybody moving Vegas. But she wasn't, she hadn't had the knowledge that there is affordable homes. And so what I tell the young Hawaiians, don't let those guys coming from the outside take it. There is an ordinance in place right now, you got to be a resident of this island to get on that list. You cannot come from somewhere else unless you work here and that is in place right now as we speak. So times have changed, yeah, we been burnt before, we've been burnt before. But you got to let this Council decide what is right --

MS. NAKATA: Three minutes.

MR. U`U: --for our generation and for us. I've been there with you guys, eh, I support you guys in fact. I support you guys but what we going do without one home? Where the Hawaiians going be? Vegas? I like you guys be home, I like you guys be my neighbor. Thank you.

CHAIR MOLINA: Okay. Thank you. Mr. U`u, can you state your full name for the record?

MR. U`U: My name is Bruce U`u.

CHAIR MOLINA: Okay. Committee Members, questions for the testifier? Seeing none. Thank you. Mr. U`u is the last person to have signed up. Seeing no one else approaching. If there are no objections the Chair will close public testimony for Land Use Item 38.

COUNCIL MEMBERS: No objections.

...END OF PUBLIC TESTIMONY...

CHAIR MOLINA: Thank you, Members. For the record, ladies and gentlemen, 144 sign ups over two days. It is 7:05. The Chair will make a recommendation now as to when the Council or this Committee will now proceed on the deliberation of this matter. I've given consideration to have this next meeting in Kihei, however, based on the time, the timeframe that we have, with the latest we have up until is August 1st. The Chair's intent is to have this meeting here. I did check with Kihei Community Center, which is the largest venue in Kihei. They are booked for that night. So we will begin the deliberations of this item August 1st, Wednesday at 4:00 p.m. And we are at the point now the public expects us to work and deliberate on this item. I'd like to thank everyone on both sides of this issue for your comments but now the work will begin. So this Land Use Committee meeting is in recess until Wednesday, August 1st, 4:00 p.m. in the Maui County Council Chambers. This meeting is in recess. . . .(gavel). . .

RECESS: 7:08 p.m.

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APPROVED:


MICHAEL J. MOLINA, Chair
Land Use Committee

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Transcribed by: Daniel K. Schoenbeck

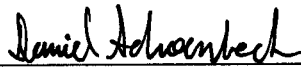
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CERTIFICATE

I, Daniel Schoenbeck, 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 the 13th day of August, 2007, in Pukalani, Hawaii



Daniel Schoenbeck