

HANA ADVISORY COMMITTEE
TO THE MAUI PLANNING COMMISSION
REGULAR MINUTES
JUNE 9, 2022

A. CALL TO ORDER

The meeting of the Hana Advisory Committee to the Maui Planning Commission was called to order by Chairperson Ward Mardfin 4:49 p.m., Thursday, June 9, 2022, in the Planning Department Conference Room, 250 South High Street, Wailuku, Maui, Hawaii 96793 and via BlueJeans Meeting ID: 287168898.

Chair Mardfin conducted a roll call of the Committee Members and a quorum was present. (See Record of Attendance.)

Chair Mardfin: The Hana Advisory Committee to the Maui Planning Commission will be called to order. We do have a quorum and according to the -- we're up to roll call, and now I'm on this yellow thing, which says, "Public testimony will be taken when each agenda item is discussed." And so --

Mr. Kunkel: Chair, this is Dan Kunkel, speaking, Corp -- Corporation Counsel. I would just recommend that when you do a roll call today that each member definitely say, 'cause I think everybody's appearing remotely, each member should say where they are and who is in the room with them. It's perfectly fine if someone is in the room for them, but they just need to disclose who is in the room with them, and that's under State law.

Chair Mardfin: Okay. Then I'll redo the attendance. Becky Lind?

Ms. Lind: Aloha. My name is Becky Lind. I am at my house at 70 Wainapanapa Road, in Honokalani, Hana, Maui, and there is one other person in the room with me, his name is Skyler Green, and he's cooking dinner.

Chair Mardfin: Next would be Clayton Carvalho, Jr.

Mr. Carvalho: Working from 4345 remote -- 4345 Hana Highway remotely. No one else in the room. Aloha, Ward.

Chair Mardfin: Thank you. Has Scott Crawford made it in? Not hearing. Mary Ann Kahana? Mary Ann, could you unmute yourself and say where you are?

Ms. Kahana: Okay. Sorry. Took a while to unmute my -- and no one is here, out here with me.

Chair Mardfin: And you're at your home?

Ms. Kahana: That's correct.

Chair Mardfin: Thank you. Lipoa Kahaleuahi?

Ms. Kahaleuahi: Mahalo, Ward. Mahalo, Chair. Aloha, Lipoa Kahaleuahi tuning in from Makaalae, at home, and no one is in the room with me. Mahalo.

Chair Mardfin: Thank you. Dean Wariner?

Mr. Wariner: I'm -- I'm here, I'm at my residence, and my wife is in and out of the room doing other work.

Chair Mardfin: And I am the Chair, Ward Mardfin, I'm at my home, 4196 Hana Highway, and there is nobody in with me. So, now I will call the meeting -- the meeting has been called to order.

B. INTRODUCTION OF NEW COMMITTEE MEMBER - CLAYTON CARVALHO, JR.

Chair Mardfin: First thing on the agenda is introduction of our new committee member, Clayton Cravalho Jr. Clayton, would you want to say something on your behalf? I'm guessing not since he's disappeared from picture from the screen, so I'm going to go on.

C. UNFINISHED BUSINESS

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

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

The Public Hearing on this item was held on October 29, 2018. The Hana Advisory Committee deferred this item at its October 29, 2018 meeting.

Chair Mardfin: And item C. is Unfinished Business dealing with Mr. Gary Stice is requesting a special management area. I will take public testimony on that. It's limited to a maximum of three minutes, with 30 seconds to conclude. Suzie, I do not have a watch or anything, so can somebody keep time for me?

Mr. Wariner: I will.

Chair Mardfin: Okay. Lipoa, you have your hand up.

Ms. Kahaleuahi: Yes, before we dive in, I just wanted to ask Corp. Counsel for a clarification, please, regarding the testimony provided by a fellow member of our Committee and the confirmation that that's in line and in compliance with what is expected of us as -- as Committee members.

Mr. Kunkel: Yeah, it ...(inaudible)... I discussed this with Michele McLean. I guess one of your members has expressed support in her individual capacity, I believe, for this development that you're reviewing today. Is that -- is that what you're talking about?

Ms. Kahaleuahi: Correct.

Mr. Kunek: Yeah. And it's -- it's -- it's not necessarily by itself disqualifying. I was reviewing the ethics rules that are reviewed by the Board of Ethics and the type of conflict of interest that would be more likely to cause reason for someone to recuse themselves would be if a member had a financial interest in this -- this development that you are reviewing today. If one of you had a financial interest in it, if you were an investor, or you owned any part of the land that's at issue, then I think you would have the duty to disclose that to your fellow members and recuse yourself because, of course, you know, you have something to gain by this going forward. But I believe that -- that -- that your member merely expressing approval in -- in her individual capacity does not disqualify her, it's just simply, you know, her opinion, which she's entitled to express, you know, under free speech, First Amendment, but it's -- it was not a -- it was not a communication on behalf of your entire board, right? The board, your entire Committee did not tell her to say it on behalf of all of you, it was just her individual opinion, and I -- I think it does not disqualify her from participating today.

Chair Mardfin: Would receiving money from the applicant make a difference?

Mr. Kunkel: Yes. If there's a financial interest tied to this at all, then that's something that a member should disclose to everyone and then that member should recuse themselves; that -- that the ethics rules definitely do address. They don't address all ethical issues, just certain ones, and one of the main ones is if a member of a committee, such as yours, has a financial interest in the -- the -- the issue that you're discussing, then that does need

to be disclosed. You know, financial interests, that's -- that's a big one. So, yeah, the answer to the question you just asked is yes.

Chair Mardfin: What if it's not the -- Daniel?

Mr. Kunkel: Yes?

Chair Mardfin: What if -- what if it's not the project itself that creates a financial interest but the applicant through donation?

Mr. Kunkel: Yeah, okay. Donations. Donations to what, like what kind of donations?

Chair Mardfin: To the place of employment.

Mr. Kunkel: The place of employment of the -- the member of your Committee?

Chair Mardfin: Yes.

Mr. Kunkel: Let's see. I think that would be worthy of something that the member should disclose. You know, I would -- I think the -- the most relevant part of that issue would be was the donation related to this development, you know, was it in support of getting it approved, and then that -- that I think would be disqualifying, but if it was completely unrelated, you know, to the development, then I think it would not be disqualifying. So, yeah, so I guess only the member herself would -- would know this at this point, but it's - - it's an issue worthy of -- of looking at, but it's usually a financial interest one way or the other in the issue that you're discussing that becomes disqualifying. That's a big one. But if there's no -- no direct financial interest in it, then -- then I don't think it's an issue for disqualification.

Chair Mardfin: Thank you. I will note, for the record, that Scott Crawford has arrived. Scott, can you tell us where you're calling from and if there's anybody else in the room with you?

Mr. Crawford: Thank you, Chair. Please forgive my tardiness, I apologize, and I am at home and there is no one else here with me.

Chair Mardfin: Thank you very much. I'm going to go, unless a member wants to say something, I'm going to go on and ask for testimony on this item.

Ms. Kahaleuahi: So, mahalo, Chair. Just for the record, we are trusting that our member is not disclosing information 'cause there is no information to share. Okay. Mahalo.

Chair Mardfin: I don't know what to say. Okay, is there anybody in the public that would like to give testimony? You have up to three minutes with 30 seconds to conclude.

Ms. Esmeralda: Hi Ward, this is Suzie. I have a list as people have signed up on the chat.

Chair Mardfin: Okay. Would you please call them?

Ms. Esmeralda: Okay, the first person is Claudia Kalaola. Kalaola.

Mr. Yoshida: Oh, excuse me, Mr. Chair, this is Clayton Yoshida, with the Planning Department. I was wondering if we would hear from the staff planner first. Jim.

Mr. Mardfin: So, do the basic presentation first and then ask for public testimony?

Mr. Buika: Ward, this is Jim.

Chair Mardfin: Yeah?

Mr. Buika: Aloha. Yeah, we could -- we could -- I am willing to talk a little bit about the special management area, just a couple of slides to -- to frame that for the Hana Advisory Committee. And also, we could at least give an overview of the project for everyone, so including the public, at the beginning and then take testimony, or we can do it whichever way you prefer, but I'm prepared to present a framework of the SMA rules, as well as a summary of the project along with the applicant, and we could do that first or later, prior to your deliberations.

Chair Mardfin: And then -- and that would be a full presentation or we'd go back to you after the public testimony?

Mr. Buika: May I share a slide? A suggested proceedings with you to clarify? Is that okay?

Chair Mardfin: Sure. Go ahead.

Mr. Buika: Yeah, okay. Okay. So, suggested proceedings here is -- whoops. Okay. Well, basically we have some opening comments. I could introduce people from the Planning Department and the applicant and the purpose of today's meetings, review of the special management area environmental criteria, and a brief project overview for the audience and the Advisory Committee, and a summary of the proposed project, the applicant prepared to do that, within the environmental review from the special management area, and then, from there, I would turn it back over to you and we could do

the public testimony within that framework, and then it would be for your questions, discussion, deliberations. And, finally, at the end, yes, the Planning Department would come back with a recommendation and we can consider the conditions in the Planning Department report and that would be -- then we could conclude with the HAC decision on its recommendation to the Maui Planning Commission. So, that's one suggested outline however the Chair would like to proceed.

Chair Mardfin: Let me -- can you clear that off? Is there anybody, any member of the Committee who would have a -- have -- prefer that or would you prefer to do public testimony first? Hearing no great clamor for doing something else, let's at least tentatively go along with your procedure, Jim. Why don't you give it a start.

Mr. Buika: Okay. Okay. And unless there is somebody who cannot stay for a while who might need to give testimony now also, don't want to preclude anyone from not testifying. But I can reshare my screen, share my screen and --

Ms. Caires: Interrupt them. Interrupt them.

Mr. Caires: Excuse me, we'd like to provide testimony, if it's possible, just from the timing standpoint, it feels that this might be a very lengthy meeting.

Mr. Carvalho: Yeah, maybe we should leave it open to anybody who wants to jump in and just provide testimony real quick --

Chair Mardfin: Okay.

Mr. Carvalho: Before we jump in.

Chair Mardfin: I'm going -- I'm going to recognize Leo Caires to give public testimony.

Mr. Caires: Aloha, Chair. Thank you. And along with me, I have four other members of the community interested in doing the same. My name is Leo Caires. I am testifying today to deny recommending this project. I'm not going to go into too much detail of my review of Jim Buika's Planning Department report, but I have a few important comments, and I've also submitted my testimony via email and it is available to the -- the Committee to review. In my opinion, the applicant's aumakua is money. My aumakua is not money. A quick update since the last Hana Advisory Committee meeting, we took the first step to provide another offer to Mr. Stice, and to the Mayor Victorino's credit, he did go through this process another time and offered over a million dollars of our Maui County, our people's money to Mr. Stice, and Mr. Stice rejected our people's money, and it wasn't good enough. I am a lineal descendant of this fishpond complex and the Hokuula Fishpond, it is adjacent to the property. Remember, the County of Maui and its community

developed this SMA process so the people don't get runned over by development in Hana. This land needs to be preserved for the keiki of this moku. And today, remember, the sky is not going to fall if this project is denied. In fact, if it is denied, we would like to continue on the journey in the process to acquire this property for future preservation. And my first testimony in Hana, I started with an oli, an individual giggled at me after the event, and they eventually asked me if I was going to do the same oli at this next meeting in a sarcastic way. I don't need to oli again today. My grandma's name was Maryann. She died in the 1946 tidal wave on this land. Another name, Julia Alapai Kauwaa, who was originally awarded her Land Commission Award from Kamehameha III also had a collateral relative, her name was Lipoa. Today I am not going oli. The septic tank permits were rescinded. This project, I believe, is so dangerous to the public health when the keiki and the marine life will be exposed to nitrogen filled with effluent from the Stice's leaching field sending feces, urine, chemical waste to move under the ground water and into the fishpond. I received a letter, dated November 10, 2021, addressed to Mr. Stice, which neither Jim Buika or Mr. Stice disclosed in this latest docket, that the permits have been rescinded. The purpose of this rescission was also initiated because the State Department of Health had no knowledge that this project was next to an active Hawaiian fishpond and was not aware it was subject to a SMA permit. Jim Buika has failed us and avoided to comply and enforce the objective, policies, and guidelines of Chapter 205A. The applicants here today are from another mukupuni and don't understand this moku. Our concerns have not been fully addressed; in fact, they've been trivialized as time has gone on. On October 29, 2018, at the last meeting, on the recorded minutes, the Stices were quoted as saying, "I hope I'll be able to finish this so I can go and watch the second half of the Pats and Bills games. Right now, the Pats are winning." Followed by, "I said let's finish this so I can go watch the second half." Close quote. This has been a horrible experience for all of us on this sacred site, this sacred burial site, and -- made it -- he made it feel less than watching a sports game. The problem with this project, under 20A, is the state -- the law states that no project shall be approved except as such adverse effects is minimized to the extent practicable. The problem here is Mr. Jim Buika cannot minimize the project enough to the extent practicable, no matter how hard he's been cleverly trying. It is okay to have disagreements with a planner, but it is not acceptable to produce an invalid document implementing unethical means and methods to deceive the public. Mr. Buka told me that the Stice's project does not deserve to be in this process, sympathizing with them. Just that statement alone disqualifies him from being a planner of this project because he is unable to maintain an objective view of the project --

Ms. Esmeralda: Three minutes.

Mr. Caires: And that raises further questions on his involvement on this project. I will close that under this SMA process, there are standard conditions within the SMA recommendation, and this is it. It allows for this kind of methods and means to go unwatched and can steer this project to the benefit of the applicant because under the

standard conditions, there's a condition that stays under -- on the docket, Page 41, Condition d., that the applicant has a duty to defend and hold harmless the County, its officers, employees against any loss, liability for personal injury in connection with the County's permit review and approval process, absolving Mr. Buika in his connection by limiting his liability with this standard condition; that's something we had caught in this process. I'd like to turn it over to the next testifier. Mahalo. This is Sharon Mynar to testify now. Thank you.

Ms. Mynar: Aloha kakou. I have prayed to my kupunas already to make you all understand why I'm here. I want to share something with you folks. Don't cut me down and tell me it's three minutes. God does not offer that. If we speak three minutes, we don't win. This is the genealogy of our royal family. All the Hawaiian names down here, the kings, the queens, they're all in our genealogy. This is what I'm going to share with you. Hundred years ago, okay, hundred years ago, here's my proof. Juliana, okay, Juliana Alapai Kaua, yeah, she died on my birthday. Hundred years later, I came back, born on the day she left us. She died in 1849. I was born August 2, 1949. Today, last night I prayed to God, He went to her in our spiritual way and asked her to come to me. I am not who I am. I am who she is. Today, I got so fed up what you guys planning to do with the land. This pictures I got from 1929. I want to share it with you folks. I'm tired of hearing and telling you guys okay to build there. Here's the -- over here, you're going to see from Koki before the tidal wave had hit us. I had prayed to God bring that water back and cover that land. He will answer me because I am strong Hawaiian. Okay, it doesn't matter if I have haole blood in me. I try to help both cultures. I don't get help from that culture, so I stick with my culture. Now I'm on this subject. Our culture, Hawaiians, stick to Hawaiians, help Hawaiians. Don't jump on the other side with those that have the moolah because our ancestors are not happy with what's going on because that rich man gives them money, they want to do what they can do, don't know what the land is about. This is the place I lost three of my brothers, my grandmother. Okay. So, I live with their spirit. I'm there almost every month to help the spirits. Don't talk to me. I don't want to hear it. Here is what it looks like with the beautiful pool. I mean, loko. Here's the houses over here. Here's another heiau behind here. We had two, Kahuwakahoku Heiau and the other one was Hokuula, and that's why I'm afraid what you guys are doing today. Okay. I'm telling you guys. Here's the other one with the house that shows you all the heiau. It was 30-by-115 feet. That's how big the heiau was. Kahuwakahoku Heiau. It goes all the way up to Ka Iwi O Pele Hill, the family use, our family. Koki Beach is part of our family. Look what's happening with that place today. All those flags are up. That is not what supposed to be there. It's breaking the rules of our people. Don't live with the government rule as a Hawaiian. And I'm telling you folks all this. I don't care what I say. I am 72 years old. I don't care anymore. How long are we going to wait for the next meeting, the next meeting, the next meeting? That land is not to be used to build anything on it. It's on a heiau. If this house is on a heiau, that family on this heiau is my family, they were asked to put that home up there to protect the land from people on the outer

side coming in. Okay. Then I'm going to show you my grandfather. This is my -- hush up. This is my grandfather that used to live there. Okay. Here's my grandmother that used to live there. Here's David Bray. He used to live there, and we have family sitting inside there. They understand what I'm saying. And then, this is my great tutu Duson right here. Okay. Now, today, I told myself I wasn't going to show you guys. Why am I hiding? Here's the beautiful land, the graves all over here, that's the one I taking care of. Here's more of the property. Here's the mountain over Ka Iwi O Pele Hill, all that side, yeah. Here's the other heiau right here with the fishpond here. No water here. That was all the land of that place over there. I'm not lying to you folks.

Mr. Wariner: It's time.

Ms. Mynar: I pray one day something would go wrong. Here's all the loko over here. It's shrinking because every time the water comes in, it shrinks it down. Okay, if you guys wanna to see the real one.

Chair Mardfin: Sharon?

Ms. Myar: Here's the loko what it was right here if you folks want to look at the picture. If you look at it real good, that's Hawaiians placed in here. The spirits are here. It's going to get worse when you guys put -- think you can put anything on that land. Okay, I'm telling you guys that. Here's a cousin of mine that helped me do a lot of things, Kekula Bray. He's always with me. He helps me. This is one of my best and favorite cousins right here, besides my nephew over here, this is the one help me with the lot. She cares, okay? But what I'm going to tell you guys, in your future, I hope everything turns out to be okay. All these trees was hand-planted to protect the graves, protect the heiau, protect everything that you see around these trees. Today, what I see down there, the land is kapulu. Kapulu. No more respect for our people. Even though we don't own it anymore, show some darn respect. Party over there every time. Somebody from Hana is calling me up on the phone saying there's weddings over there, parties on the land. Come on, who's doing that? I think I know who's doing that. And if he's or her, she's there, watch what should you guys do. It's going to come at hit you guys. You don't know who my family is, yeah. We have power. I have power. Okay, I'll slam this back to you ... (Inaudible)... I'm telling you guys I'm fed up with what you guys do with our property. You know what? I ask God every day when I say my rosary attack, destroy because our people are not protecting us as Hawaiian people. And I pray to my Lord Jesus Christ, okay, I pray to him for my family and my protection. Nobody else.

Mr. Caires: Thank you. We'd like to have Patricia Atay.

Ms. Atay: Aloha. My name is Patricia Atay-Caires. I was born and raised in Hana, and I'm kind of disappointed, you know, as to what is going on over there. I mean, I'm totally

against the project. It's a cultural area. And going back to the days when we were little, you know, we spent a lot of time at the loko. Every Sunday we went fishing. All we ate was what we caught from the loko. This project goes forward, you know, we don't want it to go forward at all, but the point is that it's going to destroy our loko, it's going to destroy the reason why it was given to us, you know, destroy the reason why our grandchildren want to go there. Basically, it's disgusting to even think about somebody trying to build something there. Why don't we just come together, let it go, come together and try preserve it for the Hawaiian people, not only our family, but for all the Hawaiian keiki in Hana. There's so many cute little people, you know, running around, you know, and they could use that as a really a good basis for learning, and our family, you know, we're willing to be part of that, to teach the keiki fishing, you know, diving, and all that good stuff. But again, you know, I'm totally against the project. Totally, totally. And I look at my grandchildren every day and I say, you know, we reminisce about the times we were growing up. So, I'm totally against the project and I just hope that the people that are looking forward to support it look into their hearts and say you know what? It's not happening. You know, the Hawaiian people in Hana gotta stick together. The Hawaiian people gotta stick together and be appreciative of what we got from our people, our family, our parents. A lot of them now is only thinking about the money, and I'm not afraid to say from the white man. I'm Caucasian, but my god, I look at the Caucasian people and say, you know what? I'm going to help them, and I'm going to help the Hawaiian people. So, mahalo for your time.

Mr. Caires: We have last -- last testifier Elai Caires. You can go ahead, Elai. You know, just wait till they can see you. Okay into the mike.

Mr. Caires: Aloha, o Elai Joseph Kamakani Caires ko inoa. I -- I just don't like the idea of this project being in our family fishpond. I -- I would not like to see my future generation children have to deal with this problem in the future. Mahalo.

Chair Mardfin: Thank you very much.

Mr. Caires: That's -- that's all we have for our testimony. Mahalo for allowing us to have our testimony. We appreciate all of you. Mahalo you guys.

Chair Mardfin: Thank you, Leo. Is there anybody else who wants to go early or are we ready to have Jim Buika's presentation?

Mr. Carvalho: We -- we have at least one more in the chat through Aunty Mavis.

Mr. Crawford: Ward, I also -- I have a couple of questions for those testifiers. Is it appropriate to ask those now or --

Chair Mardfin: Yes, it is. Now is the right time to ask if you have questions to ask them. Please, go ahead, Scott.

Mr. Crawford: Okay, thank you. Okay, thank you for -- for -- first off, getting some feedback so. For Leo, you mentioned that you had had discussion with the Mayor about making an offer to acquire the property using the open space funds of the County designated for protecting conservation lands and coastal lands, and I'm wondering if, you said that a million dollars was offered and that was denied, I'm wondering if there was any -- ever any conversation between you and Mr. Stice and the County about having an appraisal done to establish a valuation for the land upon which an offer could be made.

Mr. Cairns: Thank you for the question, Mr. Scott. Mahalo. Yes, I can provide and shine a little light on the background of that conversation. As I said in my testimony, I did initiate and reach out to Mr. Stice because I felt that just how contentious this project was -- was generating all this contention, in good faith, I approached Mr. Stice and I approached Mayor Victorino, and I asked if they could have a dialogue about pursuing this because Mr. Stice had previously stated that he offered it to the County and prior and offered it to the Maui Coastal Land Trust prior, and that did not work out. And here -- here's what what it turned out to be as far as the reason. As far as the Maui Coastal Land Trust is concerned, the way their approach is to acquiring these lands is the -- the -- they cannot acquire the property more than a fair market valuation, and what happened was Mr. Stice, to his own desire, acquired his own appraisal, and his appraisal came higher than what the appraisal was set forth by the County, and when you look at the two appraisals, Mr. Stice's was much more generous in nature and the appraisal from the County was fair in nature, so in both situations, there was two parties willing to acquire the property, and Mr. Stice had an opportunity to accept one or the other, and he did not accept neither one of them. So, going forward, you know, there still is an opportunity to restructure the acquisition and that's why I, you know, I'll stop there, but there is an opportunity to acquire the project through another structure and that's what we, you know, are eager to do for the community and for preservation purposes of the children in this location, in this district moku. Yes.

Mr. Crawford: Thank you. Would you -- would you mind sharing what those numbers were? The County's appraisal and Mr. Stice's own appraisal?

Mr. Cairns: Yes, there was a -- there was a separation by the order of magnitude of over three, maybe two or three hundred thousand in a delta between the County appraisal and Mr. Stice's appraisal. I believe it was -- it was an asking price of approximately, and Mr. Stice could speak to this as well, I have no hesitation about that, his asking price at the time was one-six, and the County offered somewhere in the neighborhood of one-two to one-three, in -- in that neighborhood, and it wasn't that far off, and I got really confused as, you know, that's a -- a fair opportunity, but I can't make Mr. Stice make his decision

for him. But, it -- it -- there was that opportunity, I hope, is still there, and I know that, you know, we, in the community, would be willing to invest the time and - and post-COVID to make this happen and allow all the children of Hana to enjoy this place.

Chair Mardfin: Leo, what year was that?

Mr. Caires: This was pre-COVID. It -- it occurred -- these discussions occurred shortly after the Hana Advisory Committee meeting in Hana that we all attended in person. This was somewhere maybe post October.

Chair Mardfin:(inaudible)... at the school cafeteria.

Mr. Caires: That's -- that's correct.

Chair Mardfin: Thank you.

Mr. Crawford: Yeah, I remember, at the end of that, the discussion about -- Stice made the statement about willing to consider a offer to acquire the land, so I'm glad that you followed up on that ...(inaudible)...

Mr. Caires: Yeah, that is correct. That's correct. Yes, I didn't wanna -- I didn't want anybody to feel that, you know, those conversations were just empty. You know, there was, you know, good effort and good willingness to come to the table and I hope Mr. Stice, after today, is still willing to make this consideration for the rest of the community and those onboard.

Mr. Crawford: Okay. Thank you, Leo.

Chair Mardfin: Scott, you have any other questions?

Mr. Crawford: My other question is for Sharon, in her mentioning of the archaeological sites and the heiau, I'm not quite clear exactly where she's referring to, but I noticed in the archaeological section of the report that -- that she -- that you are listed, Sharon, as a -- as an informant, and I just wanted to ask you if you thought that the archaeological report that's provided as part of this application is accurate or if it's missing information that should be included, and I'd also maybe ask, I know the County Archaeologist, Janet Six, is on the call, and maybe ask her to weigh on this, weigh in on this, if there's some information that Sharon has that somehow hasn't been included in archeological reports, then I think that would be important to know.

Ms. Mynar-Atay: Same for me. There's something after he tells you -- let me start with the house. The -- the place that he bought, the land, it's 30 by 150 feet is the

Kahuwakahoku Heiau. Okay, I told you guys that. Behind that heiau, you see the ocean straight to Alau Island. Okay. Mr. Stice know, he did survey that area, but to tell us how much more of the property we own. The one too was the loko. They're still trashing it. You go as far out to the point of the Alau Island, that's our property. Today, that property is bad. You cannot walk out 25 feet and have the water up to your waistline. Okay. This is what I'm concerned about is the heiau. If you guys are going to leave that land as an open land, like the kids say, I mean, my family said here, let the kids enjoy it. When I say that, I want them to carry, just carry all this legend, the history of our people. Our people don't like it when people come in and get lands to any place in Hawaii, hotel, whatever, they push everything back; that's why everything is happening today. I've seen, I have pictures when it first ...(inaudible)... whatever we talking about, I'm talking about, I see the holes they did, they dug over there. I see the holes they dug in the front the grave site. Oh, by the way, how come they were surveying the property and putting one of those pins right on the grave site? I'm against that. The other one I'm also saying is the ten-foot buffer zone is not only by that grave, there's the head of the King Kamehameha the Great, that stone, if you guys wanna know what that is, there's a burial over there, but that represents the King, okay? Because I talk to the King every time I'm there. You folks understand? Certain times of the year, I see his face on that stone. I speak to him a lot. If people in that group where you're at don't believe what I say, God forgive them because God had given us this gift, and I try to do my work as Julia. She's with me, it's not me. I want to tell you folks this, okay? The land itself, you guys are less than two - what is that? Two feet under -- the water coming out. Cannot.

Mr. Caires: You want me talk, Aunty? Aunty had communicated this to me in anticipation of a question like yours, Scott, regarding the -- the archeological component of it, and just to be clear, when Mr. Stice and his eight, you know, representatives approached Aunty Sharon, the representation made to them was that this project was going to be legally subdivided whereas just, you know, legal subdivision means just changing the legal status of the lot. There was no representation that there was going to be all these structures doing -- during that time, and this was many years ago, and that was something of concern for her because she feel that you -- you asked me for my -- my support, okay, we support your legal subdivision, but you never stated that you were going to build all these projects on the property, so that's the concern. The second one is, believe it or not, I reached out on behalf of Aunty Sharon that the Haneoo Complex extends into Mr. Stice's property, and I actually -- I actually tracked down Mr. Hammon, the doctor, he's in his 70s in the mainland, and he -- he stated that his task in the '70s was to capture places worth of preservation, and we ran into a big conflict with a State agency here and -- and, you know, archeological discussions that wanted to basically cut apart the Haneoo Fishpond Complex. So, those were two areas of big concern and has -- is yet outstanding to my Aunty. Thank you.

Mr. Crawford: Okay. Thank you, Sharon and Leo.

Ms. Stice: Pardon me. Is it appropriate at this time for Gary Stice to rebut the claims or is it inappropriate at this time? Gary Stice would like to state --

Chair Mardfin: We're not following the order ...(inaudible)...

Mr. Crawford: Yeah, I would say -- I would say let us question the testifiers and hear their responses and then, later on, you can offer your -- I mean, this is my recommendation to the Chair. Let's not get into a back and forth right here.

Ms. Stice: Okay. That's fine.

Mr. Crawford: I'm asking the testifiers and hearing their responses, and then he'll have the chance to respond later on ...(Inaudible)...

Ms. Stice: Yes, he would like to please.

Chair Mardfin: I think that -- that's a good idea.

Ms. Stice: Thank you.

Chair Mardfin: And, Leo, I wanted to say one thing. I read your written testimony with -- quite closely, and you said one thing factually, I -- I think is that --

Mr. Caires: I lost you, Ward.

Chair Mardfin: ...(inaudible)....

Mr. Caires: If you don't mind, start again, Ward.

Chair Mardfin: Yes.

Mr. Crawford: Our internet all just went out so--

Chair Mardfin: Okay. Can you hear me now? Leo, can you hear me?

Mr. Caires: Yes, sir. Yes, sir.

Chair Mardfin: Okay. Okay. You said in your thing that state DOH had rescinded the septic tank, and they had, but they said the only reason they rescinded it was because they have to have the SMA first before they can examine it to grant it. So, and if you look

at Page 27 of the docket, it's -- it's reasonably clear there, but I can see why you would have been concerned 'cause there was a letter of -- that rescinded it.

Mr. Caires: What is the date of that letter?

Chair Mardfin: From DOH?

Mr. Caires: Yes.

Chair Mardfin: I think it was 2021.

Mr. Caires: What -- what was the month and date?

Chair Mardfin: Give me one second.

Mr. Caires: And I don't have the docket in front of me. I'm unable to reference to that page but --

Chair Mardfin: I understand. And I can ...(inaudible)...

Mr. Caires: It's a -- I think it's like a 400-page document. Pretty big.

Chair Mardfin: I understand ...(inaudible)... it was in there in there buried, but I did find it. I'm not going to be able to find it this big stack but --

Mr. Caires: I understand your effort. It's hard to find.

Mr. Crawford: On Page 9.

Chair Mardfin: ...(Inaudible)... know that they didn't have the SMA. They said they had granted the -- the first two approvals, they thought the SMA was already acquired and it isn't.

Mr. Caires: That's correct, sir.

Chair Mardfin: And then they rescinded it. They'll reconsider it ...(inaudible)...

Mr. Caires: That's correct. That's correct. And I think -- I think the frustration was, you know, it's the responsibility of the planner assigned to this project to understand the relationship between DOH and the SMA rules, and, you know, the public should have faith that, you know, the assigned planner is aware of these relationships in processing

and if we -- nobody had spoken up or inquired directly to the DOH, these kinds of situations would have been overlooked.

Chair Mardfin: You may be correct. Thank you very much, Leo. Scott, you have any further questions?

Mr. Crawford: Can I just -- I just wanted to follow up on that last question about the archeology, just to clarify one more time, that your position is that the archaeological reports provided in the application are either not accurate ...(inaudible)... and don't actually reflect the archeological there in the -- in the site?

Mr. Caires: Yes, that's correct. The frustration was for a number of State letters from the -- the SHPD also called out for a -- a what they called a protection plan for the fishpond, and then only the recent archaeologists decided to just arbitrarily remove that requirement that was asked for -- that was required as part of the component to this whole process, and then it just somehow arbitrarily just, you know, got removed. And then the other component of that was, as I mentioned, the trying to -- trying to segment out into little pieces the Haneoo Fishpond Complex, which is a very large rectangle, if you may, and it's in the docket that shows a big triangle that doctor -- Mr. Hammon had established in the '70s as part of his contract, I believe, with Bishop Estate and other Hawaiian entities and the SHPD to capture the importance of these, you know, historical sites, and he did just that, and then the most recent archaeologist decided that that was invalid, and so you cannot -- you just cannot do that without, you know, strong basis or a foundation of knowledge to just arbitrarily remove that, that line, and start parsing out the burials, so it's going from the complex to a little small sliver of pieces; you know, that's not what the intent of the original study is and we were asking to hold as valid.

Mr. Crawford: Okay. Thank you for clarifying that.

Chair Mardfin: Do any other members of the Committee have any questions of these testifiers?

Mr. Carvalho: We -- we have -- we have three more to -- to testify that are -- that are in the chat.

Chair Mardfin: Okay. Suzie, do you have somebody else ready to testify?

Mr. Carvalho: I guess I can -- I can filter through the chat and maybe -- maybe start with Aunty -- Aunty Claudia.

Ms. Kalaloe: Okay. Can you hear me?

Chair Mardfin: Go --

Mr. Carvalho: Yes.

Mr. Mardfin: Go ahead, Claudia.

Ms. Kalaola: Okay. Yeah, my name Claudia Kalaola, and I was born, raised and live in Hana. Although I'm retired, I am a kupuna laiwaia and a cultural practitioner. I'm a founding director of the nonprofit Na Mamo Moolea and also a founding former po`o and founding director of the Maui Nui Makai Network. Mahalo for this opportunity to speak on this subject. I am opposed to the building of these two homes at the doorstep of Kanaloa's realm. I testified against this SMA in 2018. I felt it was arrogant and the worst display of entitlement I have ever seen. And today, I feel the same way. The Stice family owns homes right down the road. Why on earth would they need more? But again, as I said, this is the worst display of entitlement, and it's driven by greed and money. The worst thing about this whole charade is that the Stices built a pavilion for the use -- certain families in Hana, and the aina is offered up for use by families for painas, kukakula, hoolewa, lahanau, lahoomanao. All good deeds, or seemingly so. But, in reality, it's just a veil to make our people feel ingratiated into supporting this SMA. But guess what, Hana? These houses get built and you will never have a paina on that land again. Luxury mansion -- mansion on one side, and State on the other. No ways. Do not support this SMA is my request to the Hana advisory council. And I ask. where's the consideration of the Hawaii Public Land Public Trust Doctrine in this process? It is the government and its entities, like this Committee, that has the responsibility and the role of a trustee to this document. You must act with the diligence and the care of a fiduciary and assuring that, "those bona fide trust purposes, such as traditional and customary Hawaiian rights, wildlife, maintenance of ecological balance and scenic beauty, and the preservation and enhancement of water for various uses in the public interest," and that has to be paramount. It has to be protected when deciding what constitutes maximum beneficial use of the aina. So, as you vote tonight, consider all of this. Once it's gone, it's gone, and it's such a tragedy. It's a travesty and a tragedy to our ike kupuna, our ike Hawaii, our traditions and our culture. Thank you.

Chair Mardfin: Thank you, Claudia. Does any Committee Member have any questions for Claudia?

Mr. Carvalho: Next is Hauoli.

Chair Mardfin: Can people -- can people hear me?

Mr. Carvalho: Yes. We can hear you, Chair.

Chair Mardfin: Okay ...(inaudible)...

Mr. Caires: Yes, sir. Loud and clear.

Chair Mardfin: Okay. Thank you.

Mr. Carvalho: Hauoli is next to testify. Hauoli Kahaleuahi.

Chair Mardfin: Okay. Hauoli, you're recognized.

Ms. Kahaleuahi: Aloha. Mahalo nui. Please stop me if you can't hear me for any reason. Aloha mai kakou. O Hauoli Kahaleuahi kou inoa, noho wau ma Haneoo, Hana. My name is Hauoli Kahaleuahi and I live in Haneoo, Hana. My ohana Kahaleuahi, Mamoa, Helekahi, to name a few, come from East Maui areas of Pukuilua, Koali, and Kipahulu. My mother and father moved to Haneoo before I was born in 1994. I am writing or speaking, I also sent this via email, in opposition to the Stice and Hana Beachfront Associates' request for an SMA in order to build two single-family residences on this aina in Haneoo Village. The following points offer the reasoning behind my opposition. I would also like to state that I appreciate all the mana`o shared before me, and I agree with all of that as well. So, number one, this isn't in a particular ranking order, but I'll just go from the top, it is stated that the project area is located in a VE flood hazard zone and the parcel is located in the sea-level rise exposure area for 3.2 feet of sea level rise that could occur as soon as the year 2100. Whether the dwellings are elevated or not, there are bound to be impacts as the parcel becomes submerged by water due to sea-level rise and the climate crisis. Items such as, but definitely not limited to, supplies and vehicles could contribute to otherwise preventable pollution to this culturally significant and environmentally sensitive area and surrounding areas along the coastline. Number two, it is stated that continued local shoreline access will be in effect if this project goes through. Specifically, what does that mean and look like to Stice and Hana Beachfront Associates? Does their plan conflict with historical and cultural community-based subsistence and recreational access practices as defined by generational Hana and greater East Maui ohana? As it is stated, continued local shoreline access is too broad. The statement does not ensure that reduced access won't follow during the construction phases and after the project is complete. And I will just reiterate, I'm asking questions, however, my opposition remains strong. To name a few cultural subsistence practices can include fishing and crabbing during evening, nighttime hours, and early morning hours. Would there be restrictions to specific access such as this? It is not clear whether Stice and Hana Beachfront Associates are educated on these practices and if they have thought through a detailed access plan ...(inaudible)... with a foundation of community input? Number three, it is stated that the single family -- the single-family residence is a two-bedroom, single-family residence designated for a local Hana resident. If the project goes through, how do we ensure this remains in perpetuity and Stice and Hana

Beachfront Associates do not put plans into place to create yet another short-term rental in our community? I read, whether it was in the report or I -- I -- communication from other community members, that there could be up to 16 vacation rentals under Hana Beachfront Associates. That's ridiculous. Like other people have said, I don't understand why you would need another residence. What is considered an affordable renting price to Stice and Hana Beachfront Associates for the second single-family residence? Would the rental price for the second single-family residence be truly affordable for local Hana residents, primarily, our Native Hawaiian ohana with generational ties to this place? Again, it is not clear whether Stice and Hana Beachfront Associates are educated on the displacement of Hana ohana due to unaffordable rent, house, and land. It says I'm having network issues. Did I cut out?

Mr. Carvalho: Just for a second. Just for a half-second. You're okay.

Ms. Kahaleuahi: Okay. Number four, it is stated that the total estimated project valuation is one million sixty-two thousand five-hundred dollars and ground altering activities will be conducted to include footings, utility -- utility lines, driveway grading, and installation of an aerobic septic system. With this projected valuation, I believe a formal environmental impact statement is required. I have not seen proof of a formal EIS in the submitted exhibits. Are there plans for that to be conducted? I posed questions throughout my testimony, clearly. I'm curious to hear responses, however. I want to make it known that my opposition is strong and I agree with other testimonies that have been shared in opposition this evening. Mahalo nui for your time.

Chair Mardfin: Suzie, Is there anybody else in line for testimony?

Mr. Carvalho: We have -- we have one more who signed up, John.

Mr. Blumer-Buell: I'd like to testify too. I've gotta take off.

Chair Mardfin: Who's that? Who just spoke?

Mr. Blumer-Buell: It's John Blumer-Buell. I'll wait until the --

Chair Mardfin: ...(inaudible)...

Mr. Blumer-Buell: I've been waiting and I've gotta take off pretty quick.

Ms. Esmeralda: There was John-Bull --

Mr. Blumer-Buell: Blumer-Buell.

Mr. Carvalho: Yeah, he -- John -- John-Bull English is -- is in Councilman Sinenci's window right now.

Chair Mardfin: John, if you -- Mr. Blumer-Buell?

Mr. Blumer-Buell: Yes?

Chair Mardfin: If you have to leave soon, why don't you give testimony now?

Mr. Blumer-Buell: If -- if it's okay with --

Mr. English: I have to go to work so if I could, I'd like to --

Chair Mardfin: Yes.

Mr. English: Testify real quick.

Chair Mardfin: Go ahead. Three minutes.

Mr. English: Thank you. Aloha, Chairman, Members of the board. Mahalo for this opportunity. My name is John-Bull English, and I'm from Haneoo. I'm testifying to ask that you deny passing an SMA permit for this project. I work for a company called Holani Hana. We are mostly known for building traditional Hawaiian haies, but most people don't know that we also restore ancient Hawaiian fishponds. We are currently working on Pa`aiu Fishpond in Pearl Harbor, Waikalua Pond in Kaneohe, Loko Ea in Haleiwa, and Pahonu in Waimanalo, all of which is located on the island of Oahu. For years, I've been flying back and forth every week to work. Our family also owns and maintains a fully functional fish pond here in Haneoo. For the ponds on Oahu, raising fish to feed their community is always the main goal for every organization that hires us to restore their pond, and based on our experience, we know that restoring ponds on Oahu for that reason is highly unlikely. Success of a healthy fishpond that consistently produces fish is based on one key element, the pond salinity level, which is the ratio between fresh and saltwater. Without the flow of freshwater springs flowing into a pond, a pond cannot attract the amount of fish or the type of fish that can thrive in a pond. Fish will not spawn in the same area they live, so for a pond to continually produce fish after each season, usually in November, the fish from a pond needs to be released into the ocean to spawn. After spawning, they will always return to the very same pond. Disruption from septic tanks, structure foundations, utility lines, ground wells, etcetera, dug into the ground is the reason for the lack and disappearance of freshwater flow into the ponds on Oahu. The closer springs flow from the mountains down to the ocean, the closer the spring gets to the surface of the land, therefore, a structure built so close to the pond can seriously jeopardize the integrity and functionality of a pond and its surrounding areas. Loko Nui

is a pond next to the proposed development. People might think that Loko Nui Fishpond is without a wall or it has a partial wall completely exposing it to the ocean, and, therefore, it's not technically a fishpond and who cares if freshwater is disrupted. Well, the only reason a pond has walls is because it keeps the predators out, which keeps the fish yield high for harvesting. With freshwater flow, an exposed pond will still regularly attract fish. Recent study was done by the group Ke Ao Hali`i, in Hana, to test the salinity levels around Hana, and it showed that Haneoo has the highest salinity level. I can only speak for Haneoo, but our ponds do not experience the same problems as Oahu. Our ponds and surrounding areas consistently and constantly produce an abundant amount of fish. We do feed our community. Hana has one of the highest unemployment rates in Hawaii. Ponds and its surrounding areas provide subsistence for so many families. I don't know if you or I will be around to see this -- if this development so close to the Loko Nui will have a negative impact or not, but we cannot afford to take that chance. We need to practice prevention and protect the sensitive areas. Mahalo. Any questions?

Chair Mardfin: Does any -- do any Committee members have questions for John Blumer-Buell -- for John-Bull English?

Mr. Crawford: I do have one question. You know, just on the subject. Thank you for your testimony, John. And as far as the, you know, harvesting from the fishpond, can you just share a little bit more about -- about how, you know, how it is -- how fish is harvested from the pond and like is there any active management of it going on or, you know, is it just sort of individuals harvesting and then my mahale in community or is there any organized community efforts around it, that kind of thing? I'd be interested in just hearing more about that.

Mr. English: Sure. So, there's two different methods. The one for our pond is going to be completely different from the one Loko Nui. Loko Nui, and especially the area in front where the proposed development is happening, it's easily accessible, meaning that most of the area in Haneoo, including on Hamoa, it's hard to get to that shoreline; when you do, it's very rugged and rough and dangerous, but these areas are very simple and -- and the water levels are fairly low, so you can walk out and be at most knee deep in some areas, and so most people, you know, they throw net or they'll dive, and some of them use fishing poles. And -- and -- and again, there's a good amount, a healthy amount of fish in the area and it is because, without exception, the flow of freshwater streams that go into it, and -- and, you know, all freshwater coming down from the mountain usually ends up in the -- in peninsulas, which is why, you know, we have fishponds in Waikalooa, we also have it in Haneoo because they're both peninsulas. And so, you know, that's sort of -- now I don't think it's important to mention how we harvest fish but -- but that's how the areas that are -- that we're talking about, that's how they harvest fish. I'm sure there's other ways that I'm not familiar with or I'm just not thinking of, but that's the most common at least. Yeah. I mean, they do use nets to surround, legally, I'm sure.

Mr. Crawford: Okay. Thank you.

Chair Mardfin: I have -- I have a question.

Mr. English: Yes?

Chair Mardfin: John, I remember maybe two or three decades ago, Uncle Jacky Kahula got a bunch of kids and they rebuilt that Loko Nui Fishpond. Do you -- do you recall that at all or --

Mr. English: I was 11 years old when that happened, and that actually wasn't Loko Nui, that was our fish pond, and some people refer to it as Loko Iki, or Small Fishpond.

Chair Mardfin: Okay.

Mr. English: And that was a local government, actually Federal Government as well. There was a lot of entities that were involved in that restoration project.

Chair Mardfin: Okay. Does Loko Nui need any repair work like that?

Mr. English: Loko Nui is the big fishpond. I mean, yeah, it could use, you know, repair work if the families want to do it. But our fish pond needs -- is fully functional and it needs no repair right now. It just needs to be maintained after big storms that's all.

Mr. Crawford: For the Loko Nui, has there been conversations among the families of wanting to restore the wall? I know that, you know, the wall was knocked off, the top of the wall was knocked off in the -- in the tsunami of '46, and what I understand is that the wave actually came inland and then went out through the fishpond and knocked the top of the wall off into the outside, but I'm -- I'm wondering, has there been conversations about restoring it and that's something that there's a desire, I know it's a big project, but is there some desire in the families or in the community to actually do that?

Ms. Caires: Excuse -- excuse us?

Ms. Mynar: Excuse me, this is Sharon Mynar, from the Loko Nui, yeah. What I'm saying is --

Mr. English: And I wanna -- I wanna ...(inaudible)... what she's saying, it's actually none of my business.

Ms. Mynar: No, no, no. I wanna share something with you, sweetie, 'cause I know your family. You got an awesome family. I just wanted to share with you that I have a picture of the fishpond in 1929, I have a picture, and it shows the same thing we see of the loko, nothing has been thrown over anything. It's the same level. But the water is higher because of the two side, you know where the fish come in and fish go out, that one had down -- drop little bit, but the stones you see by the loko, you know, all the brown stones, those came from the two heiaus and that's why people are wondering where all the stones coming from. So, I just want share with you the land itself is dropping. If you walk on the land, there's one area that's already dropped, that's the one going underneath with the water, I guess with the sea, okay? So, what you folks see, it doesn't look the same thing as my picture. The tidal wave had destroyed the house. The two houses. The two graves are still there, one drop, but there's a total nine graves there. The rest is buried underground, and this is the information I got from Kekula Bray. Okay, this was coming from her great-grandfather, if I'm not mistaken, who was Tutu Bray, so he's been giving stories to the family. She picked it up. I have her six months of the story she gave me about that whole area there, where the family is from, the kings, the queens, the chief, the high chief, all that. But the loko, that's why I wanna share with you, sweetie, it's 1929, I have the picture, and it's the same thing. My son Danny is the one that go there and holo in the pond.

Ms. Caires: And, I just wanna add, this is Patricia, I just wanna add that we have not really discussed anything about repairing the fishpond at this time. Our siblings are all separated, we're all -- some on the mainland and some are here, so when we get together, maybe we'll talk about it, but at this point in time, we don't want to touch it. Right now, there's too many memories, even though, you know, our brothers died many, many years ago, as a family, we still go there and, to us, it's very sacred that we don't touch anything right now. And when the time is right, or if there is a time, then we will discuss that. Mahalo.

Ms. Mynar: Thank you.

Chair Mardfin: I think -- I think we're ...(inaudible) we're getting a little off track here.

Mr. Crawford: Thank you. That -- that answered my question.

Mr. English: But I can say that we ...(inaudible)...

Chair Mardfin: People stop ...(inaudible)...

Mr. Carvalho: That's -- that's --

Chair Mardfin: ...(inaudible)... questions for John-Bull?

Mr. English: Yes? Ward?

Chair Mardfin: What Committee member has a question for John-Bull English? Seeing none --

Mr. English: Thank you.

Chair Mardfin: I think we can go to John -- John Blumer-Buell for testimony.

Mr. English: Thank you.

Mr. Blumer-Buell: Can you hear me, Chair?

Chair Mardfin: I can hear you.

Mr. Blumer-Buell: Okay, thank you. Aloha, Chair Mardfin and Committee Members. My name's John Blumer-Buell. I'm a resident of Moolea. In the past, I have served on the Hana Advisory Committee to the Maui Planning Commission, three terms, and appreciate your important community service. I also served as one of 25 members of the Maui General Plan Advisory Committee. The proposed project is contrary to many aspects of the Maui General Plan and Hana Community Plan. I have participated and interacted with Mr. Stice's proposal from the first proposal years ago. At one point, I and others filed complaints regarding Mr. Stice's illegal vacation rental, which was located close by to the proposed project. Unfortunately, the Planning Department made no effort, none, to enforce the complaints and laws. If you decide to make a decision today, please vote to deny. No to this project. Very good testimony I've heard already is already overwhelming reason to vote no. However, my recommendations today are, one, to defer the matter to allow yourselves and the public the adequate time to study the very lengthy document, and the testimony today has already revealed a number of flaws in the -- in the report. Please require a site visit and require an actual two-by-four or safe-size lumber or bamboo mockup of the actual dimensions on the site of the inappropriate buildings. Three, defer the matter to the Maui Burial Council for study and a public hearing before you make a final decision. Four, refer the matter to the Maui Cultural Resource Commission for study and public hearing before you make a final decision. These would both be really good and I think would shine some real light on a much larger problem on Maui. Five, please ask the Planning Department now if a contested case hearing is allowed for this proposal. If so, what is the timetable for making a request? If required, I make that request today. For a final request today, please request alternate and optional plans for the proposed project. Alternate should consider, one, Mr. Stice making a tax-deductible sale or contribution to Hana -- to the Hana community and appropriate non-profit or the reinstated nation of Hawaii at no financial lost to him; two, a trade for another piece or parcel

of land; and, three, a possible trade for development rights. I really appreciate your careful consideration, and, you know, I've already -- I have one thing. You shouldn't -- a Committee member that testifies in favor of something shouldn't be allowed to consider. The testimony today has been overwhelming. How can somebody on the Committee support it before they even heard the facts? So, you know, I just think that -- I didn't even hear who it was but they shouldn't be voting on this project at all. There's too much important information. A contested case hearing will reveal all this. But if you're going to do it today, deny it.

Mr. Wariner: It's time.

Mr. Blumer-Buell: ...(inaudible)... okay. And I want to finally just say mahalo and I really appreciate the hard work that Mr. Cairns has done on this and that I'm glad to hear that Mayor Victorino was behind purchasing this property for the best interest of the community; that's what's important I think. Thank you so much. I'm also glad that Mr. Stice really wants to sell it. Thank you. So, thanks, Chair and Committee Members. Thank you so much.

Chair Mardfin: Do any -- thank you, John. Do any Committee members have questions for John?

Mr. Crawford: I do have a quick question and that's just -- if I could ask John to repeat what his recommendation was for conditions. I didn't catch them all as he kind of went through them a little quickly, and if he wouldn't mind repeating the first four.

Mr. Blumer-Buell: Yeah, I was trying to make my three minutes, Scott. Sorry.

Mr. Crawford: I realize that ...(inaudible)...

Mr. Blumer-Buell: Yeah ...(inaudible)...

Mr. Crawford: I've been taking notes while you were going but --

Mr. Blumer-Buell: Yeah, my recommendation today: One, to defer the matter to allow yourselves and the public adequate time to study the very lengthy and I would say now inaccurate documents; two, please require a site visit at Haneoo and require an actual two-by-four or a safe-size lumber or bamboo mockup of the actual dimensions of the site inappropriate buildings; three, refer the matter to the Maui Burial Council for a study and public hearing before you make your final decision. There are so many important burial issues that have implications for all the ohanas that are here. Four, refer the matter to the Maui Cultural Resources Commission for his study and a public hearing before you make your final decision. Please ask the Planning Department now if a contested case

hearing is allowed for this proposal. If so, what is the timeline for making a request? If required, I make the request today. Final request today, please request alternate and optional plans for the proposed projects. Alternate should consider, one, Mr. Stice making a tax deductible sale or contribution to the Hana community and appropriate nonprofit, or the re-instated nation of Hawaii, at no financial loss to him; two, trade for another piece of land or parcel; and, three, a possible trade for development rights. Thank you for the question.

Mr. Crawford: Okay, thank you. I got 'em this time.

Mr. Blumer-Buell: Good.

Mr. Crawford: Sorry I had to make you repeat that. I apologize ...(inaudible)...

Chair Mardfin: Are there any other -- does the Committee have any other questions for John. I do. John, you were on the Committee that did the Hana Community Plan, did you not?

Mr. Blumer-Buell: The last community plan, I was on the Hana Advisory Committee to the Maui Planning Commission. I participated in all the public hearings and public hearings, but I didn't -- wasn't hands on with it until -- I'm sorry.

Chair Mardfin: Can you see the screen?

Mr. Blumer-Buell: Yes.

Chair Mardfin: Can you -- can you see what I'm holding up, the green cover, the Hana Community Plan?

Mr. Blumer-Buell: Yeah, I'm having a little trouble. I don't see what you have, Ward. I don't --

Mr. Crawford: Ward, we can't see you. For me, your -- your camera one says poor network and there's no image. I don't know if it's the same for everybody.

Chair Mardfin: Okay, I'm getting the same thing. I'm getting just a fog. Okay, John, you know the Hana Community Plan that was done about 1994 or something like that?

Mr. Blumer-Buell: Yes.

Chair Mardfin: Do you have that? Do you have your copy fairly near you?

Mr. Blumer-Buell: I do not but I -- I can -- I'd be happy to review it for ...(inaudible)...

Chair Mardfin: Well, I have mine --

Mr. Blumer-Buell: Good.

Chair Mardfin: And I'm -- I'm looking down at where this property is, and it looks like it's put in the OS zoning, not rural zoning, and OS is supposed to be open space.

Mr. Blumer-Buell: Right. May I make a comment, Chair?

Chair Mardfin: Can you confirm that?

Mr. Blumer-Buell: I can't confirm it but if it has a -- a open space designation in the community plan, and they want to build on rural, that would require a change of community plan and a community plan amendment, that's a requirement of law. Secondly, on the same point, Ward, if they intend to somehow subdivide the rural to -- to deal with all the heiau and so forth, that would require a change in zoning and that would require an environmental impact statement too.

Chair Mardfin: Okay.

Mr. Blumer-Buell: So, there's -- I think this is part of flaws in the current report. It really doesn't look at what has been discussed today at all and what the legal implications are. So, you know, that's why I would like -- the only -- I don't like contested case hearings, the only reason I would like one, I would -- you wouldn't need one if they have an environmental impact statement process or EA process, but sometimes when people can only speak for three minutes, you have these court battles, and you have contested case hearing because the Committee never heard the truth in the first place. So, I appreciate your careful attention to this and --

Chair Mardfin: Alright. Thank you very much, John.

Mr. Blumer-Buell: Yeah.

Chair Mardfin: Are there any other questions? Are there any other testifiers?

Mr. Kahookele: Testify.

Chair Mardfin: I'm sorry?

Mr. Kahookele: Yes. This is Russell Kahookele. I'm waiting to testify.

Chair Mardfin: Okay, Russell, go ahead. You have your three minutes.

Mr. Kahookele: Thank you for the three minutes. Aloha kakou. Yeah, this is -- my name is Russell Kahookele, I'm democratic elected representative for reinstated lawful Hawaiian government, and in 2008, the lawful Hawaiian government had laid claim to the lands down at Hamoa. We had a meeting with the community down there. I know my cousin Mavis and her husband was there. We invited all of the residents to come to participate and hear what we had to say. We didn't know at the time that the section out there that's in question today was privately owned by Gary Stice. But prior to finding out, Gary had admit with me over the phone and told me that he supports the Hawaiian people in the reinstatement. Then when I found out he -- he owned that property, moreso he said he would support us. He asked what he can do. I said build us a pavilion. So, that is the reason why he built the pavilion because I had requested it for the use of our community as well as outside members because we didn't discriminate a hundred years ago, and we're not discriminating today. I understand where Aunty Sharon Atay is coming from because, yeah, there was a dreadful wrong that happened. You guys know the history. All of you know the history. I hear you guys quoting law, rules. Well, the State of Hawaii passed Act 359, a bill relating to sovereignty, admitting that we, the Hawaiian people, have the right to be part of a sovereign government whereby we reinstated the lawful government. Okay, now, there's been attacks on Gary Stice for some of the things that I authorized. And, you know, I try to defend him and admit to it but the State of Hawaii refuse to come after me. They take it out on Gary. Gary has been supportive of our community and our culture. He wanted to restore the Hawaiian fishpond. I spoke to the Aunty Eko. She said absolutely not. I spoke to Danny Mynar. He told me absolutely not. But I hear the family talking about this active loko. That's not. Then I hear they say that we put rubbish on the land. Well, maybe Uncle Terry Mynar, and who -- a man I really respect and admire a lot, and he tells me that there's a tahuna tree that was put out there on his property, and that was my fault because I misunderstood where the boundary line was, but I know that between Gary Stice's property, that somebody in the Atay family sold, yeah, I mean, if they never sold this land in the first place for what is that, money, Sharon? Then they could have prevented all of this from happening in the first place. They could have malama that land and they could have took care of the land. But, you know, that's -- that's beside the point. Somewhere along the line, our culture and our Hawaiian people was wronged. When we going make this thing right? I claim that the business people had conspired to take over our country. But, two wrongs don't make a right. So, I want to work with business people and Gary Stice wanted to work with us to support our community, to keep our cultural practices going. He brought John Delire out to teach us how to make paus, how to make all kinds of arts and crafts, things that are people can learn that we could, not only keep our cultural practices alive, but also have an economic base where we could sell it. Why? Because, whether we like it or not, capitalism is here to stay. That's the reason why people go into business. Yeah, Gary

Stice made no secrets about he has a business, but he did supply work for a lot of people, not only here in Hana, but throughout Hawaii, okay, but he wants to give back. He wanted to do the fishpond. When the family tells me absolutely not because they're having visions from some spirit, I have no control over that, and I cannot deny that. I respect the family. But I sleep good at night. There's nobody haunting me, okay? And, when we first took over that property, that land in the back, people was going back there camping and shitting all over the ground, and nobody cared then. But when we went back there and cleaned it up and brought hale luas, now, all of a sudden, it's a disrespect to the graves that's buried there, and Gary respected the graves, he marked it off, he let the family come and, you know, malama their ohanas. Not once did he say they cannot come, but if he was to sell it to somebody else, they could possibly put one big wall and say no trespassing, private property; that's how America role, right? As soon as they buy something, no trespassing, private property, keep out. Well, Gary opened up to the community, he wants to do the fishponds, he wants to do cultural things, he wants to work with our Hana community, and he -- he's proved it. Okay, yeah, so he wants to build a house. I pray for the rest of the people who live in Hamoa that Sharon's God no answer her prayer and send one tsunami because everybody going get wiped out. Okay. And the family had one house there once before --

Ms. Kim: Three minutes.

Mr. Kahookele: How come he cannot have now? So, thank you guys very much for giving me this opportunity. But, I'm in -- I'm in support because we need support with business people and Gary is a businessman who wants to support the reinstatement of the kingdom. Thank you very much. Aloha.

Chair Mardfin: Thank you, Russell. Do any Committee members --

Mr. Kahookele: Also, with me here today, on my -- my side is ready to testify is Shavonne Eason and Leeann Paman.

Chair Mardfin: Thank you, Russell, for your testimony. Does any Committee members have questions for Russell? Hearing none, Russell, you said you somebody else there ready to testify?

Mr. Kahookele: Yes, sir.

Chair Mardfin: Who's that?

Mr. Kahookele: Leeann Paman.

Ms. Paman: Aloha. My name is Leeann Paman. I live right here in Hana Town, I am Russell's sister, and I do support the project that Gary Stice would like to build. If he cannot build two houses, can -- can he at least build one? Because they do support this community. They have supported it. It's not a charade. It's -- there's no avail. There's no hidden agenda. He -- he did have a vacation rental here called, "Hale Kilohana," it's now a long-term rental, but before, heck, a lot of us rented that house. I know, I know a lot of people in Hana who booked that house for parties, for their families so that there -- they could attend other parties. It -- it was just a community thing where you help find a place for somebody to stay. Of course, it's a long-term rental now, so there's no partying at Hale Kilohana. The -- the County has so many rules and regulations for the rental of Helene Hall and that area down at Hana Bay and so, of course, the locals look for another venue and they have it because Uncle Gary is so generous, he lets them make a celebration of life, birthday parties, weddings, etcetera, etcetera, even camping, family reunions, and he charges no fees at all. In fact, when he had electricity there, he ran electricity free for them, for anybody in this community. And I -- I -- there's no veil here. I can't say that if he puts up a house, all of that good stuff will go away because I -- believe me, if Gary is there, that good stuff will be there. Thank you for listening.

Chair Mardfin: Thank you and does anybody on the Committee have any questions for her? Is there somebody, Russell, is there somebody else in line there that wants to speak?

Mr. Kahookele: Yes, Mr. Chair, it's Miss Shavonn Eason.

Ms. Eason: Aloha. I'm -- I'm gonna, first of all, read the letter from my mother, Patricia.

Chair Mardfin: Who is this, please? Who is this, please?

Ms. Eason: This is Shavonn Eason.

Chair Mardfin: Okay. Thank you.

Ms. Eason: And I'm reading a letter from my mother, Patricia Eason. It says: I am in favor of approval of the SMA permit. I have known Gary and Apo for a little over 50 years. They have been very gracious over the past several decades in sharing the property with our community at the same -- at the same time maintaining it and providing a pavilion available for use for public weddings, for the public, for weddings, anniversaries, graduations and many special occasions. Shoot. Sorry, I lost my place. They have also allowed use of the property for fundraisers and educational events, especially those promoting cultural awareness. If they are not allowed to put two modest homes that fit in with the neighborhood on the half acre lot, they will be forced to sell to someone else. New owners will most likely want to build luxurious houses and restrict access through

their property to the beach. Sharing of the property with fishermen, beachgoers and other members of the community will probably not be allowed. This proposal is the best solution in preventing the cultural significance of this special property. Much aloha, Patricia Eason. And I wrote -- I emailed a letter to James and what is his? Buika. And so, he has my letter. I'm probably close to the three minutes, so I think that you folks have my letter there. I'm not sure. He -- he emailed me saying that he had it.

Ms. Kahaleuahi: We have it.

Ms. Eason: Okay. And that -- okay. So, am I out of time? Hi, Lipoa. Am I out of time?

Chair Mardfin: I'm allowing you to use your mother's letter as your first part. You have time for yourself if you'd like.

Ms. Eason: Okay, well, you guys have a copy of my letter.

Mr. Wariner: Another minute-and-a-half.

Ms. Eason: Okay. This is from Lisa, my -- sister Lisa. No sense I read you guys my letter 'cause you guys have it. We hereby support the project, which is proposed by the Stice ohana, to build a three-bedroom house similar to the one already located, the other -- his other place, which would blend in with the present homes in the neighborhood, so it's not a big, huge monstrosity. Although the one-and-a-half-acre lot permits up to six houses, Uncle Gary's, the Stice ohana doesn't want to do that, they just want to put two, and they want to limit the dwellings to two separate houses. The second house is to provide housing for a local Hana resident who will act as a custodian of the property. The Stice ohana has, over the past two decades, supported many functions on their property, such as fundraisers, birthdays, anniversaries, everything we talked about before. Sustain Hana and other organizations have used the property to sponsor workshops focusing on Hawaiian cultural studies. We feel that they will continue to offer this to our community in the future. Aloha nui loa, Lisa Kalalau. Yeah, you know, I think there's a huge misunderstanding here because it's -- it's made out and I'm -- and I feel all the people that had testimony, I know all of them, and I have a great respect for all of them, it's just, to me, it's a huge, missed -- misunderstanding about who Dr. Gary Stice is. I call him, "Uncle Gary," 'cause I've known him for a long time but --

Mr. Wariner: Times up.

Ms. Eason: Okay. At least I don't go on and on, yeah?

Chair Buchanan: Do any Committee members have questions?

Ms. Kahaleuahi: Quick question.

Mr. Crawford: Ward, I -- I do have -- Oh, go ahead.

Ms. Kahaleuahi: I just have a quick question and it might be for any one of you guys, and mahalo nui for your testimony.

Ms. Eason: Thank you.

Ms. Kahaleuahi: Just that I think we've seen a lot of reference to the hopes and ideas to continue, you know, helping -- utilizing his previous, Dr. Stice's previous examples of helping the community, and we've seen some reference in the report, but have -- has anyone seen written confirmation of that plan to be set out into action once approval has been --

Ms. Eason: Yeah, I don't -- I don't think that there's anything written, but you can ask Dr. Stice and I'm -- yeah --

Mr. Kahookele: Thank you. Thank you for your question, Lipoa. No. I have not seen anything in writing, but what I did see in writing was State Law Act 359 where the State of Hawaii admitted to participating in one illegal act. U.S. Public Law 103-150, where the U.S. admitted to participating in one illegal act. Yet, everybody continues to uphold the rule and the law. What I did get from this man was one verbal commitment and, you know, yesterday, according to God, in the beginning was the word, the word was with God, the word was God. And when a man gave his word, his word was as good as gold. Gary gave his word. His wife is from Hawaii and his actions speak louder than words, and his actions proved to me 'cause when he built the pavilion, the question arose: What happen if we hit iwi? And I said it's stopping 'cause we not going to disrespect any iwi, and he said okay, and we dug and we hit nothing but papa. No iwis was disturbed, and he followed through with his word. He got us little gazebos that he had erected for our community to use and then he got threatened with fines from the County because he didn't have a permit to put up those gazebos, but nothing in writing. But, his word is good enough for me, Lipoa. Thank you.

Chair Mardfin: Excuse me, I have a question. There was a letter -- there was a letter a minute ago read to us and it said something about the second house would be used for a custodian?

Ms. Eason: Yeah. Yeah.

Chair Mardfin: Could you read that part again?

Ms. Eason: And that -- not -- not -- it would be -- it would be for a Hana resident that could like be there and because, you know, that area, there's a lot of stuff that goes on. We put up a chain so there wouldn't be any -- any drug deals, drug deals and stuff, so it would be somebody that, you know, a well-trusted and loved community member that could live there and manage that to make sure that these illegal types of things weren't happening. And -- and, you know, Gary Stice can answer that far better than me. So, yeah.

Chair Mardfin: Okay. Thank you. Scott, did you have a question?

Mr. Crawford: Yeah, I did have -- I had a couple questions for maybe for Russell or but whoever would like to answer is the first one is, as I'm looking at the project site map, the location of dwelling number one in relationship to the pavilion, it appears to me that it's sort of like halfway into the area where the large -- for some of the events that, you know, I've -- I've enjoyed events there myself, at the pavilion and -- and in the space behind the pavilion, where there has been a -- a nice large open space there for a large tent to be placed, but it appears to me that the dwelling would basically cut right through the middle of that space and that it would no longer be usable for that purpose. Is that your understanding and that, you know, some of the uses, some of the community uses of the property would have to be changed because the house would be in the middle of that space now? Is that your understanding?

Mr. Kahookele: Yeah, Scott, that is my understanding. However, the -- the house have to be in that area because of the setback rules that Gary has to follow. That setback --

Mr. Crawford: Right.

Mr. Kahookele: That 60-foot setback would be plenty, most of the tents is 20 by 30, so that would be plenty enough room for people to still put up. Plus, he also wants to construct some Hawaiian hales to do like canoe cultural practices, so that is all in his plans to do, and there's some -- a lot of positives, but, you know, I hear people talk about restoring the fishpond. I'm willing to bet that all of those people restoring the fishpond not doing them for free. Yeah, they doing 'em 'cause they getting paid, okay, but we doing a lot what we doing because we care and Gary allows the community to use his property. He even paid some fines for a fundraiser that was done over there.

Chair Mardfin: Russell, so --

Ms. Atay: I'd like to make a comment in regards to Russell Kahookele. I think this man is very, very disrespectful. This is Patricia Atay from Hana.

Chair Mardfin: Patricia?

Ms. Atay: I believe --

Chair Mardfin: Patricia?

Ms. Atay: Yes?

Chair Mardfin: I'm going to cut you off.

Ms. Atay: No problem. I'm just upset to what he's saying. Excuse me.

Ms. Mynar-Atay: Work for your people.

Ms. Atay: Sorry, Chair.

Chair Mardfin: To put up additional structures beyond these two dwellings. Russell?

Mr. Crawford: Ward, can I follow up with my second question?

Chair Mardfin: Oh sure, go ahead. I guess you're not going to answer my question about additional structures.

Mr. Crawford: I think everybody was off. I think we were all offline there for -- for a minute, so I don't think anybody heard your question.

Chair Mardfin: Oh, go ahead. You can ask yours.

Mr. Crawford: Okay. My -- my second question for Russell is -- is if for some reason the -- there was a way to work out a way to acquire the property for open space that Mr. Stice would agree with using open space funds or other means for either the County or a local nonprofit, is that something that you would support, and if so, would you be willing, you know, and would the Reinstated Hawaiian Government be willing to be, you know, active in the management of the property as a community resource and open space continuing in that -- if it was in that form? Oh-oh, maybe Russell's not hearing.

Chair Mardfin: I don't see Russell on the line.

Mr. Carvalho: He might have been disconnected.

Mr. Crawford: He might have been disconnected. Okay. Maybe if he comes back on, I'll have that chance to ask him that question but that -- so, okay. Never mind.

Chair Mardfin: Is there somebody else in line to give testimony?

Mr. Carvalho: Yes, through -- Aunty Mavis has in Shane Sinenci's window.

Chair Mardfin: Oh. Mavis, did you want to give testimony?

Ms. Kahula: Aloha. My name is Mice Kahula, and I'm giving testimony right now.

Chair Mardfin: Okay, Mice, go ahead.

Ms. Kahula: Hi. So, I sent in a testimony earlier today, and I'll be short. My name is Mice Kahula, and I'm here on behalf of my family, Kahula ohana, that lives on 350 Haneoo Road. And, we oppose and we do not support this project. And I appreciate all the testifiers that are opposing with their research and their information that they brought to the table. My dad, Jacky Kahula, was opposed to this many years ago. I testified in 2018 and was still opposed for this project, and today I am here on my family's behalf. We have shared ownership in that Loko Nui. I live right across from the fishpond and living there on a daily basis. I guess people were saying he's nice and he's giving the property to our locals for use but I think that if this thing does get approved, which I do -- I do not hope it does, that they shed some light on what the consequences are when we have these activities down there, like fireworks that go off way in the morning, the loud noise that happens on that -- that road, but I'm here just merely to follow my father's footsteps that the fishpond is number one to him, and it always has been, that fishpond was there, and it's still there for use for our community, and I hope that -- because nobody can say guarantee that whatever that he's going to build over there, that it's going to not affect the marine life in and around that Loki Nui. It's prime fishing ground. People are welcome to go in there. All the kids go in the loko, they learn how for fish, spear fish, they learn how for throw net, you know, they go cup opae in the fishpond, and I know all of us, the whole community, uses that fishpond, and we live right across there. People come, they like go in for graduation, for holoholo. It's open. But, that's my father's vision to keep that open, along with the other owners, Sharon, you know, Leo. Yes, there was discussion, but nobody said anything about rebuilding that, but it was just brought up, but that's -- there's owners there that needs to be like -- like it needs to be talked about, you know, and there's feelings, there's history in there, so that's why nothing has been done with that but ... (inaudible)... Ward, you can hear?

Chair Mardfin: I've been cut off.

Mr. Crawford: I think we're back now.

Ms. Kahula: Okay. So, I just --

Chair Mardfin: You can hear me?

Ms. Kahula: I just going end by saying that we are opposed to this project.

Chair Mardfin: Okay.

Ms. Kahula: Thank you.

Chair Mardfin: Does anybody have any questions for Mice? Any Committee members have any questions for Mice?

Ms. Kahaleuahi: I -- I do have a question. Aloha, Aunty Mice. This is Lipoa. We've heard about the practices that are -- that continue to be active down there by using the loko. Are there some practices of old that you'd like to see return that you wouldn't mind sharing if it -- if we were able to restore the loko or any other, yeah, any other practices that we haven't shed light on today?

Ms. Kahula: I'm -- I'm open to it but, again, there's other owners that are involved in the decision making in -- in moving in that direction. Yes.

Ms. Lipoa: For sure.

Chair Mardfin: Mice, you were speaking about the Loko Nui. We're here to discuss building two dwellings, actually giving an SMA, but to potentially put two dwellings on the Stice property. How would that adversely affect the use of Loko Nui?

Ms. Kahula: Well, to me, I think if you're going to build a septic tank up there, there's no guarantee that is going to affect the marine life over there, like John-Bull shed some light on how the marine life works in the fishpond, so that's my -- why I'm here and why my dad was here years ago, and so I'm just concerned about that and also --

Chair Mardfin: So, you're --

Ms. Kahula: You know, nobody -- nobody knows if there's going to be access. Again, I hear about writing and is this in writing or has Stice have put this in writing that there will be access or not? I don't know. So, that's my --

Chair Mardfin: So, your -- your concern is the wastewater system and septic leaking into the Loko Nui and harming it?

Ms. Kahula: Yeah, there's -- there's -- there's no guarantee. They're -- they're right there on the sea -- sea level rises, it's coming up on the -- on the road so I don't know how would that be possible out there where they're going to be at when someone just

researched and said by 20 ...(inaudible)... the sea-level rise is going to be higher than what it is now. So, I don't know if all of that was taken in consideration when they're proposing for this build out there.

Chair Mardfin: Okay. Thank you very much. Are there any other questions from the Committee members?

Ms. Kahaleuahi: I guess just to explain the reasoning for my question, even though it was very specific to the loko, is that, based on Native Hawaiian Law, we can reinstate our rights to certain practices, even those that are no longer, if we wanted to see them return, so that's why I wanted to try to open light or shed light to that. Mahalo.

Chair Mardfin: Thank you, Lipoa. Are there anybody else that wishes to testify?

Ms. Kahula: Thank you.

Chair Mardfin: Okay, if --

Ms. Olivera-Medeiros: Dennis Buckley is next.

Chair Mardfin: I'm going to close public testimony on this at this point.

Mr. Carvalho: Wait. We have a few more in -- that in the chat that were from Councilman Sinenci's window.

Chair Mardfin: Okay. Go for it. Who's up?

Mr. Buckley: Aloha kakahiaka. My name is Dennis Buckley, and I'm blessed to be a resident of the Hamoa community, Haneoo, and have for the last ten years.

Chair Mardfin: I'm sorry, would you repeat your name again, please?

Mr. Buckley: Dennis Buckley.

Chair Mardfin: Dennis Buckley. Okay. Go ahead.

Mr. Buckley: Are we on?

Chair Mardfin: Yes.

Mr. Buckley: So, I know most of my neighbors. I'm here to support my neighbors. But, more importantly, I have walked up and down that road between Hamoa and Koki many

times, drive it all the time. I would obviously not like to see buildings built on that point, but this is not in my ...(inaudible)... kind of a point. That's a -- that's a -- it has been said so let me reemphasize that it is culturally and environmentally a very, very special place. Doris and I have been to painas many times ...(inaudible)... lifes, and marriages, weddings ...(inaudible)... lots of things, it's always been a very special ...(inaudible)... the community ...(inaudible)... make that impossible. I also have concerns that if you open the door and offer a building on open spaces on the makai side, that, in order to be consistent, would also have grant the right to ...(inaudible)... you know, when I -- when we first moved there, I was ...(inaudible)... I saw the real estate, and there was all real estate sign tacked on a coconut tree, for sale sign, and it was all -- it was barely readable and it continued to be there for five years or so ...(inaudible)... and a very beautiful spot like that but probably not marketable because of sensitive environmentally and cultural. Someone saw an opportunity, bought it, the owner presently, but it was an opportunity to buy some land. I heard that the County of Maui was going to buy it back for a million. They're willing to sell it for a million or million-two for it. I was stunned. That's all of our money and I don't know why you folks just can't put this thing to bed forever. You just don't develop ...(inaudible)... it's real. I know that. So, yeah, that's my mana`o on this. I would hope you would leave it alone. Mahalo.

Chair Mardfin: Do any -- do any Committee members have any questions for Denny? Seeing none, I think I saw a note from Lipoa that she wanted a -- what did you want, Lipoa?

Ms. Kahaleuahi: It was just a request for a short recess once this round of testimony is complete, maybe after Doris, have a few more in Councilman's office or window.

Chair Mardfin: Okay. Is there anybody else who would like to give testimony?

Mr. Carvalho: Yes, it looks like --

Ms. Buckley: Doris.

Mr. Carvalho: What -- what -- more in the Councilman's window.

Chair Mardfin: Who?

Ms. Buckley: Aloha mai. Doris Buckley. I live at 510 Haneoo. There are seven of us in this room now after giving testimonies. Mine will be very short. I'm very concerned should this project goes through, at the size of it. I'm concerned about the possibility of them more vacation rentals, already up to 15 houses on this -- on the street, six of them have some ...(inaudible)... I love that place and I think it should be for the people. I think it would be a real problem regulating the septic and I think reefs would suffer.

Chair Mardfin: Does any Committee member have any questions for Doris? Seeing none, Clayton, where are we? Do we have a lot more or are we almost finished or what?

Mr. Carvalho: I believe we still have at least three more in Councilman Sinenci's window.

Chair Mardfin: Lipoa, can you handle three more? Okay, I got a thumbs-up from her. Who wants to give testimony next from Councilman's office?

Ms. Oliveira-Medeiros: It's me, Mavis.

Chair Mardfin: Mavis, you're recognized.

Ms. Oliveira-Medeiros: Okay. Thank you. Aloha, Hana advisory board and other dignitaries, planning commission. My name is Mavis Oliveira-Medeiros, and I live in Haneoo. We live at 445 Haneoo Road, just down the road from the Stice property, and I oppose this project. For us who live in this tiny Hamoa Village, this project is like bringing in a McDonald's or a Burger King to Hana. It's huge and the impact would be great. I don't know what the size of the biggest house down there is, but even ours is only like nine hundred square feet. We used to hold events at our property down the road also, and we stopped because our neighbors didn't like it. Our neighbors complained that it was too loud; it was too many weekends; there were noise every weekend. Some people went down the road and threw their trash on top of the ...(inaudible)... in the -- in the pasture or in Kalani's yard. He would wake up and find bottles of whiskey and other drug paraphernalia. And so, we listened. We stopped having the big get-togethers because we care about our neighbors. I wish that we could tell you guys how important this is to us and also to let you know that probably, I'm not sure, I didn't get a chance to look at all the people who sent in written testimony, but I would almost guarantee you that probably none of them live there, I haven't seen it, but -- and that, for me, is -- is kind of sad because they don't have to live with -- with what we have to live with. We live there. We're the residents of the area. And so, with that, I want to say, you know, a lot -- some of them, they don't actually make money on the property but right next to the property. You know, they're making money over there. So, a lot of the people who wrote in, they have a -- they have, you know, a motive for wanting to -- to pass this, this building. For me, even though I went -- I went through a little bit of the -- the SMA, the book that they sent, 300 pages or whatever, and it looks like they covered a lot of ground from the past meetings that we went to because there was, you know, worry about the septic, there was worry about the graves, and I saw that the house goes like right up just ten feet away from the graves and that is like -- that is just so awful to me. I don't think that that should be allowed. I also saw that Stice had to apply for -- for access through the State, I believe it was DLNR, because the airport goes through next to his property and my -- my question is why did they have to make the driveway and they actually had to pay the DLNR ten or

twenty thousand to make that driveway and I'm thinking why would you want to make the driveway right next to the graves if there's other possible areas that you could put the driveway without harming, you know, disturbing the iwi kupuna that's -- that's there, so that's, really, that is a really bad to me, that was a bad sign. So, there was little things on -- on the paperwork that kind of threw me off, like I think on the application itself, this is from 2002, I don't know if you guys realize how long ago the applications were done, there was one -- one of the paperwork that was signed by the owners in like three years before the notary -- notary public signed it like three years later, and I was like, you know, I was a notary and you have to sign, you have to sign the paperwork right in front of the notary and the notary has to --

Mr. Wariner: Time.

Ms. Oliveira-Medeiros: Fill it out right there. Okay, can I close?

Chair Mardfin: Please.

Ms. Oliveira-Medeiros: So, I was watching an old meeting from 2019 and, in it, they addressed how Planning is not up to par with what should be considered an oceanfront property in a SMA zone. The Mayor actually signed the proclamation saying, "I, Mayor Arakawa, Mayor of the County of Maui, do hereby direct the Planning Department to propose revisions for the Maui, Molokai, and Lanai Planning Commission to consider amending their shoreline rules to incorporate sea-level rise into the determination of shoreline setbacks." In this same meeting, one of the Planning Department employees, James or Jim Buika, he -- he admitted that -- that the Planning Department is very reactive when it comes to sea-level rise and people applying for permits in sea-level rise areas, and he said that needs to change. They need to be more proactive instead of reactive. So, I'm -- I'm thinking that it's been so long since they applied, almost 20 years, I really feel like maybe a new survey should be conducted and that survey may almost might almost most definitely show that some of the property has been lost in that time, in the past 20 years, and then their house might have to move further back. You know what I mean? So, that was what I wanted to say and yeah.

Chair Mardfin: Thank you, Mavis.

Ms. Oliveira-Medeiros: Make it a park, please. Mahalo.

Chair Mardfin: Do any of the Committee members and we have questions for Mavis?

Ms. Oliveira-Medeiros: Oh. Questions?

Chair Mardfin: Seeing none, please --

Mr. Crawford: Actually, I do have a question, Mavis. I'm interested in that proclamation that you mentioned about the Mayor asking for changes to the planning process regarding shoreline setbacks. Can -- would -- would we be able to like -- can you cite a date or -- or do we have a link or can you send a -- a -- can we get a copy of that?

Ms. Oliveira-Medeiros: Definitely. It was February 12, I believe, 2019. And if you go back into the -- it was actually a County Council meeting on February 12, 2019, so that was three years ago. Yeah, has anything been done? I don't know.

Mr. Crawford: Okay. Thank you. Helpful to know.

Chair Mardfin: Any other questions? Do we have another speaker?

Mr. Carvalho: Yes.

Ms. Oliveira-Medeiros: I'm sorry. Can I ask -- can I say one more thing?

Chair Mardfin: Please.

Ms. Oliveira-Medeiros: 'Cause we were all in all the past meetings and there was something after the last meeting that OHA stopped the building because of something, and I don't know what it was, but I don't find that report, and I was wondering if any of you might have found the report from OHA and why was it -- what was it about. Thank you.

Chair Mardfin: Thank you. And our next speaker is?

Mr. Medeiros: Earl Medeiros. My name is --

Chair Mardfin: Earl.

Mr. Medeiros: Hello, everybody. Wait, I kinda -- kinda stuck here. But, I totally object to what is happening here. I'm not on same page. Basically, everybody said more or less, you know, almost everything on this, this same thing, but I going take one other approach of this. I was born and raised down Hamoa. Okay. You know when I was younger? Hokuula, the point in front, my father fisherman, I go there three times, you know, five times a month, sometimes even more. When the hole is running, my father is there fishing, you know, and if you ask the old-time fishermen, you ask like Andrew Park and you ask all these guys, they tell you that -- that -- that's true. You know, I was there when my father was teaching Andrew Park, he was a young man then. Andrew Park retired how long? You know, Hauoli, you know -- you know how old he is. He old. Already in his 80s. But -- but, you know ...(inaudible)... is the fishpond. The fishpond, you know,

no more that -- eh, that place, I fisherman too, you know, just like my dad. I went learn, you know. We dive. We throw net. We -- that's my area. I mean, you know, I fish all over Hana. I mean ...(inaudible)... the Linds, so we all go together and we fish. So -- so, you know, take that out of the equation. That is the most, to me, one of the richest grounds, that fishpond, that area over there behind my house, down Mokae, down Aleula, all over there, you go further down, that's some of the richest grounds around. And what John brought up, I think is very crucial that -- that you change the water table over there and it'll make a darn big difference on the fishpond, and also the graves, and also where the road is, like Mavis just went mention about the road and -- and -- and stuff too close, yeah. Eh, when I was down there, never have electric. You know, never have electric. I was walking on a dirt road. I ride my bike on a dirt road. I mean, I can -- I can go that far back. I mean, you know -- you know, I'm from over there. And -- and you know that steps over there, I used to play on that steps over there, Sharon. Maybe you can tell me what that steps. I never did ask my father what that steps it is, but as came from that whole house over there and -- and from their family house but -- and I rope in more fish than anybody else in Hana. I can claim that. I know that, you know. I tell you one story too. I used to go school and sometimes I offer lunch, I take home lunch, and nobody like eat my lunch, you why? I get fish, that's what I -- that's what I live on, that's what I was brought up on. You know, that's the way it was. You know, that was a nice touch, yeah, what they said, that I read -- I read that -- that -- that booklet, that 300-page booklet or whatever, I read some of it and, you know, we like bring our grandkids in, our kids, and we want to make that and -- but, you know, let me tell you something, Russell, you should know this. You, as one Hawaiian, should know this. Eh, you know a lot of things, they hoomalimali till they get 'em, no matter what means it takes, they hoomalimali us till they get 'em. No think that -- that's one front that they just giving aloha. We giving aloha because we live here long, and the Hawaiian people deserve a lot more than that. We from here. We the original people from here. You know, and all these kupunas on this wall can tell you the same thing too, and I know at least 95 percent of these kupunas that on this wall over here. So, you know, I really think that will -- you know the parties and everything, it's all good, but it's the setup. It's a setup. If we never learn from past practices, they gonna -- they gonna do what they gotta do to get what they want. You know this guy get money. It's not like us. We cannot go -- go make party. You know what I mean? They not like us. You know, if we wanna keep Hana Hana, I say, you know, burials over there, no fool with mother nature. You know, the water rising, you know, take this into consideration. No fool with -- if the County -- I rather the kids get 'em, the thing rise, well, you know, fine. No homes over there. But I not gonna buy that because I've seen too much of it happen. Hoomalimali us till they get what they want. Sorry, Gary. I'm sorry. I no like bring family in because I'm a family man and I love my aina, and I love their aina too. You can ask Mice over here. When I was a young boy, Auntie Eko know me as a young boy. She can tell you all about my -- my parents and she can tell you all about me too.

Chair Mardfin: Earl, are you getting ready to finish up?

Mr. Medeiros: Okay. What's that? Okay. Okay, in closing, yeah, in closing, I thought and thought about this. I like do something a little bit different. So, I kinda went make one proverb on my own. I like you guys take -- I not no Maryann Pukui, you know, I not one scholar, I not -- I just want one regular ordinary man. Wear my kamaas, okay, in other words ...(inaudible)... wear my shoes, wear my kamaas as long as I have and then maybe you guys can begin to know where I coming from. I came from here, man. I came from right that very place and I pass -- I see everything that going on over there. But, oh, you know, that's all I have to say. Thank you. Any questions?

Chair Mardfin: Thank you. Do any Committee Members have questions? Earl, is my understanding is that you're concerned about the fishing, and I heard you say earlier on that what you're concerned with is this development of putting the two houses here with a wastewater system on it may hurt the fishing because it'll hurt the Loko Nui. Is that what --

Mr. Medeiros: Not only that, like -- like John said, if you dig out and you exclude that water, you divert 'em, been going for years the water, yeah ...(inaudible)...

Chair Mardfin: Okay, thank you.

Mr. Medeiros: Yeah, okay. Okay, thank you very much. Make one wise decision, yeah. The Hawaiians been getting the short end of the stick for a long time. It's time that the Hawaiians get what, you know, get a little something back, yeah.

Chair Mardfin: Okay. Is there anybody else that was wanting to testify?

Mr. Carvalho: Yeah, there's I believe one more.

Ms. Oliveira-Medeiros: Otto -- Otto changed his mind.

Chair Mardfin: One more? One more did you say?

Ms. Oliveira-Medeiros: He said cannot ...(inaudible)... that wasn't already covered so Otto -- Otto --

Chair Mardfin: I'm sorry. I'm having a hard time following what's going on. Is --

Mr. Carvalho: I think -- I think -- I think your last -- the last person that was supposed to testify is withdrawing his testimony, so that is the last of the testimony with Councilman Sinenci's office.

Chair Mardfin: Is there anybody else? Not hearing anybody --

Ms. Oliveira-Medeiros: No. We don't have anybody.

Chair Mardfin: Not hearing anybody, I'm going to close testimony, and it's been requested that we have a break, and I've got something like 7:00, so how about -- is ten minutes sufficient? We'll meet back here --

Mr. Crawford: Ward, I -- I have a -- I have a question too before for, I guess for Counsel David or whoever that I put in the chat that I believe that we need to have a majority of the Committee with cameras on to qualify as having a quorum, and right now there's only three of us with cameras on, so --

Chair Mardfin: There are at least four, five, and I don't know why I'm not on there. So, I see --

Mr. Kunkel: Okay. Good point.

Chair Mardfin: I see Mary Ann, Scott, Clayton, Dean, and Lipoa, and --

Mr. Crawford: Now -- now we're back. We were down to three there for a minute so --

Mr. Kunkel: Yeah, good point.

Mr. Crawford: Thank you, Becky and Clayton.

Chair Mardfin: And I don't know why I can't get on. I just got, a while ago, I got kicked off, and do any of you see my face anywhere?

Mr. Crawford: No.

Chair Mardfin: I don't know why I'm not on. My camera is supposedly on.

Mr. Crawford: Maybe we can work on that over the recess.

Mr. Kunkel: If -- and if we have four, we're good.

Mr. Crawford: Yeah, we were down to three there for a -- for a bit so --

Chair Mardfin: Okay. So, I'm declaring a ten-minute recess. We'll meet back here about 7:11.

Ms. Kahaleuahi: Mahalo.

Chair Mardfin: I may log off and log back on; that might be a better deal for me.

CHAIR MARDFIN CALLED A RECESS AT 7:03 P.M. AND RECONVENED THE MEETING AT 7:16 P.M.

Mr. Kunkel: Yes, I am here. Yes.

Chair Mardfin: Okay. We are back in session. The people here are myself, Becky -- as Chair, Becky Lind as Vice-Chair, Clayton Carvalho, Scott Crawford, Mary Ann Kahana, Lipoa Kahaleuahi, and we're waiting for -- we're not going to wait but Dean Wariner I'm hoping will be coming back. So, that whole idea of doing the presentation first didn't last very long, but I think we're here to accommodate the people that want to give testimony, which is very important, and my understanding is that no -- everybody that wanted to give testimony has given testimony. Is there any change to that? Then, Jim? Oh, I mentioned it earlier but Michele McLean, the Director of the Department of Planning, is also with us sitting silently in the background. I knew she was coming. She had sent me an email earlier. So --

Ms. McLean: Aloha, Chair. I'm -- I'm here. I'm just -- I have been in the background. After testimony and the presentation, I'll certainly be available for questions.

Chair Mardfin: Okay. We started with testimony, and then Jim suggested we give the presentation first, but then people said they had to leave so we -- we did the testimony, and I just closed testimony after about two hours, maybe two-and-a-half, two-and-a-quarter. I am back. I had to reset my thing. I was -- I wasn't -- reception in Hana is not perfect. We get problems. I had problems when I was on with the Charter Commission. Jim, you're here. We -- we didn't follow your ordering. We did the -- we did this testimony first, but I -- if you're ready --

Mr. Buika: Chair, I'm here. Can you hear me, Chair? And, I think we're having a moment of lapse here. Wait till the Chair comes back.

Chair Mardfin: Did anybody -- Shideler, I see you on my screen. What is your role here? Yes?

Mr. Carvalho: He's muted.

Chair Mardfin: David, you're muted. Does anybody know who he is?

Mr. Shideler: Archaeologist to speak to cultural resources and historic properties.

Chair Mardfin: Thank you very much.

Mr. Schidler: If you have any questions.

Chair Mardfin: You can mute yourself until we need you, but it's nice to know you're here. Thank you.

Mr. Buika: Thank you.

Chair Mardfin: Dean Wariner hasn't come back but I think we ought to start. Jim, are you -- are you ready to start or are you --

Mr. Buika: Yes, I am. I've been ready to start for the last two hours, but I learned, I learned a lot, and I appreciate --

Chair Mardfin: You know -- you know what people are looking for. Most -- this is not --

Mr. Buika: Well --

Chair Mardfin: New to the Hana community nor to the members of this Committee so --

Mr. Buika: Yeah, I -- I think what they're -- who they're looking for is the infamous Jim Buika, who's behind all of this here so -- causing all this trouble in Hana. So, here I am.

Chair Mardfin: Okay.

Mr. Buika: I'll introduce myself, and I do have some slides. I do have some resources. It has been a long project. I am the shoreline planner. I have been with the County of Maui for 15 years. I'm a resident of Wailuku. I married a Polynesian lady and had the opportunity to move to Hawaii 20 years ago, and I'm sure I will never leave. I live and breathe Maui and want to do the best I can for its environment at all times. I do have a - - a constraint. I have a land use planning law that I must follow as a planner with the Planning Department, and I did check, the property was designated in the Hana Community Plan as rural so it can be developed and was, I guess, intended to be developed, but that's just a side note. Just some opening comments. I really thank you all for your collective input, your ideas, your concerns. The Department fully understands how culturally and environmentally sensitive --

Chair Mardfin: Welcome, Dean.

Mr. Buika: This -- this parcel is. The project, as noted by Mavis and others, has a long, long history, and Mr. Stice and Marvin Dye, the applicant, have listened to the community and are attempting to make the project the best with two real goals in mind, it's really to preserve the -- the cultural assets, the cultural sites on the site to preserve the culture and to have no impact whatsoever on the -- the shoreline and the marine environment there. So, those are really the way we've been moving towards, you know, our paramount interests are the environment and the cultural resources, and we learned a lot from all of you and your concerns today. So, you know, the SMA process, the reason we're here today, the special management area process does allow for public input, the social public input is vital, and all of you are excellent community members and here we are, late on an important holiday evening, going at it here, so I appreciate all of your -- your attention.

So, my job as a shoreline planner, land use planner is to make the project the best that it can be, right? We get applications all the time. Usually, I'm up against lawyers or I'm up against developers who want to overstep their bounds to impact our environment. It's the opposite here. You guys are pushing the Planning Department to even do more to protect the environment, and I appreciate that. So, it's in a good -- it's in a good -- good way for a change for me, even though I feel personally attacked by some of the comments, that's not important. I -- I -- I appreciate all of you, and I love you, and I love all of you for what you're doing. I hope you understand that my role is as a land use planner and my -- and so I would like to share the screen. We can -- we can look at the parcel from Exhibit 1. I know some of you have looked at the content of the report, and I apologize for being so long, but I attempted to be as thorough as possible, and I always am thorough in my presentation. So, with the Chair's permission, I will -- I'd like just the share screen and I'll talk over the slides and ask the Chair --

Chair Mardfin: Please do.

Mr. Buika: Thanks. Ask the Chair if our procedure is okay, Chair, so --

Chair Mardfin: Go for it.

Mr. Buika: Okay, thanks, Ward. I know Ward Mardfin. I have the greatest respect for Ward and I -- and all he does for the island of Maui and -- and the Hana side. He's been with the Maui Planning Commission, he knows his stuff, and you guys are blessed to have someone like Chair Mardfin running the show. He understands the SMA, the special management area process. And, let me go back to the first slide, I don't know why it's not coming up, but there we go. So here we are. This is a -- a project that was actually applied for in -- in 2013. Maybe you can see my cursor moving around. It is -- this project is Unfinished Business on the Hana Advisory Committee. Most of you on the Advisory Committee were not here for the last meeting, maybe some of you were, some of you probably were in the audience, but it was deferred from October 29, 2018, three-and-a-

half years ago. We had COVID and all that kinda stuff in between. So, it is to, you can see at the bottom, it is to obtain a special management area use permit for two single-family residences and then various improvements on approximately 1.478 acres of land at 175 Haneoo Road, Hana, Maui, Hawaii TMK: 2-4-008-001.

So, we have some -- the Planning Department has some comments, myself. I'll do some introductions and the purpose of today's meeting, and -- and then go into the review of the special management area environmental criteria and brief project overview so that, I know you haven't had formal training, the Hana Advisory Committee, but this is a little mini, mini, mini, just few slide overview of what the -- what the environmental criteria are that the Planning Department is held responsible, under the Coastal Zone Management Act, to follow when we evaluate a project. So, it's kind of our guideline. And then, I'll ask that the summary of the proposed project be presented by the applicant, Marvin Dye, representing Mr. Stice. If there's any more public testimony, certainly we can do that. But so this next part will give you a good overview of exactly what is in the report, and thanks for reading the report, but for the general public, and then I'll turn it back over to Chair Mardfin to -- for the Advisory Committee to ask questions, discussions, deliberate, and then we can, if you get close to providing a decision on a recommendation, the Planning Department can provide our recommendation, and there are 16 conditions that we would like to add in the SMA use permit, which is just the beginning, there are other permits required, but that would condition the project so that it would be as culturally and environmentally sensitive as the Planning Department thinks we can make it considering many other experts.

So, I'd first like just to introduce our resources for the Hana Advisory Committee. We do have Gary Stice, who is the applicant and owner, Marvin Dye, who is the applicant's representative, we have Tom Tanaka, who is a project partner, and I thought we had Hal Hammett, but I guess we have another archaeologist representing Gary Stice, who has done -- who, from Cultural Surveys Hawaii, who has done -- familiar with the work that is done out there. There's myself, I'm a coastal resource planner in the Planning Department. I do mostly shoreline projects. I thought we had Darrell Lum, from the Department of Health Clean Water Branch, but I -- he was on earlier, I don't know if he's still there, and we don't have Mark. I had invited him. I know others to introduce. I know we have Janet Six, who is our County Archaeologist, you can write down her name, S-I-X, and we do have Michele McLean, our Planning Director, and I don't know if anyone else wants to speak up if there are other resources here in terms of personnel that can be questioned for comments later on. So, the Department report is also a resource to you, and there are exhibits, there are 20 exhibits with it, tried to be as thorough as possible, and I will go over Exhibit 1. I'll pick up Exhibit 1, that's got the aerials, it's got the site plans, the location maps, some renderings of the -- the two houses, basic plans, and then some visuals, so we'll do that. And then, also, in that report, what kind of makes it long is Exhibit 20 are the October 29, 2018 minutes for completeness of record for all

of the Hana Advisory Committee Members. Now, they'll be able to reflect on in your decision making. And then, of course, there is testimony. There is a -- there has been a lot of good written testimony this week beginning on June 3rd, and then we heard the oral testimony for the last two hours here. So, thanks all of the Committee and again, thanks to all the Committee for all you do. And also, thanks for everybody for your testimony today. Very much appreciated.

So quickly, the purpose of today's meeting is it is on our docket as unfinished business from the October 29, 2018 meeting, and so what I would like to do with the applicant is to ensure that -- demonstrate to the Hana Advisory Committee that environmental mitigation is in place, according to criteria, in Section 12-202-12, letter E, from the Special Management Area Rules for the Maui Planning Commission, and I do have one slide on that so I'll go through that as my little -- my little training to show you how this project is evaluated from the special management area perspective, and also certainly to consider the public testimony that is written and what we heard today. And then, we can, if we keep going, review the project mitigation and conditions proposed by various reviewing agencies through the years and the Planning Department, and if the HAC recommends approval, it can add or edit the conditions to mitigate impacts from the project. So, the idea is, if you are on the fence, if there is one or two things that you really need that -- that could be done for this project that would -- would -- where you could approve the project, and it requires something else, we can consider that, the Planning Department, as a condition and that would -- that could -- that condition can go with the project and it could be a condition that would be recommended to the Maui Planning Commission.

So, the Maui Planning Commission will vote on this project eventually with input from you today. So, bottom line, we would love to get a recommendation to the Maui Planning Commission, and you have four options, and those options are, they're at the very back of the report, deferral, one. The Hana Advisory Committee may defer to another meeting date in order to obtain additional information that will assist in their recommendation on the request. Okay, do you not have enough information? Second, is recommend approval with no conditions. Third, is recommend approval with conditions. The Hana Advisory Committee may recommend to the Maui Planning Commission approval of the permit request with any number of conditions that you would like to put on the project, or recommend denial. You have that option to deny the permit request. So, those are four options. I can bring this slide up at the end. Hopefully, we'll get there and -- if I go short and sweet and allow Marvin to speak real quickly about the project.

So, just your authority is as an -- in an advisory role to the Maui, I had circled Maui Island here, we have three, under our Maui County Charter, we have three planning commissions, okay, so they are place based, but certainly Hana is a unique place to its own so we have our advisory committee and your responsibilities are to advise the Maui Planning Commission on matters related to East Maui, Kailua to Kaupo, and carries out

duties that delegated to it by the Maui Planning Commission. And, the -- the broad framework for this is the State law, which the Coastal Zone Management Act authorizes counties to develop and administer SMA or the Special Management Area Rules and Shoreline Rules for the Maui Planning Commission, and those are available online, and some of you are familiar with them. This project really has no development in the shoreline setback area, which is 60 feet, as mentioned earlier, from the State certified shoreline, so there's no major activity set right near the ocean, it's outside of the shoreline setback area. So, really, our SMA rules are governing in this case.

One slide on the Coastal Zone Management Act, Hawaii Revised Statutes 205A, as amended. The statute was enacted 45 years ago almost for Hawaii as a national, state and then -- so it's our State resource management umbrella and environmental policy. It is the Maui Planning Commission and -- and you guys, as the Hana Advisory Committee, are our environmental stewards. The buck stops with you guys. It stops with the Maui Planning Commission. It doesn't go through County Council. It doesn't go to the State. So, it is home rule down to the Maui Island with your input, and the Coastal Zone Management Act law manages all the Hawaiian Islands, and again, how that is done from the policy level, at the State level, down to our level here in Hana and along the shoreline, we have developed special management area permit system and review criteria. And, yes, we are attempting to, as Mavis was asking, to revise our shoreline rules and our SMA rules, and we've been working hard at that with our -- with our Planning Director and hope to get that done this year.

So, what is the special management area that we keep talking about? It's a subset of the coastal zone delineated by the County authority. And here it is. We look at Hana side, there ain't much there. It's the -- it's the highway. So, it's the upper highway above Haneoo Road, in this case, we come down to the coastal plain, Haneoo Road, where we are down there, so all of that area, all your homes along Haneoo Road are in this special management area. So, this is my last slide. Then I will, with the Chair's permission, ask the applicant's representative, Marvin Dye, to do a few slides just to -- an overview of the project. So, this is how we would like to proceed and answer these questions here.

Under the rules, a proposed action may have a significant effect on the environment when the proposed action, one, involves irrevocable loss of natural or cultural resources, there are many examples of that, but filling in a wetland is an example, right, where we couldn't return it, or building across a culturally sensitive site. So, that's a key one we want to address, significantly curtails the range of and official uses of the environment. We've talked about cutting off shoreline access, that's a -- that's one example of loss of a critical beneficial use of the environment. Conflicts with State and County's long-term environmental policies and goals. Certainly, one of our State policies is to eliminate cesspools by 2050, as an example, so that's a long term, but the State and County does have long-term environmental goals, so we looked at that in the report. These next three,

substantially affects the economic and social welfare of a community. Does it substantially do that? We heard some that there potentially could be social welfare impacts. We want to minimize those. And, five, involve substantial secondary impacts and increase the effects on infrastructure. Do we need to build, because of this project or any other project, do we need to build a new road? Do we need a new wastewater -- a new water system? Do we need a new elementary school? Those are impacts that projects can have on a community, secondary. Is part of a cumulative effect or involves commitment of a larger action. Is this just the beginning of a larger development, or does it stand alone? That's one example there. Seven, eight, and nine, substantially affects a rare, threatened, and endangered species of animal or plant or its habitat. Are we building a road across a -- a vital habitat zone or something like that, as an example. Is contrary to the State Plan, County's General Plan, appropriate community plans, zoning and subdivision ordinances. So, this is all the land use from the State, to the County, down to the Hana Community Plan, to our zoning code, to subdivision ordinances. So, this project must align with all of our land use planning. Another key one, detrimentally affects air or water quality or ambient noise. Noise, water quality, and air must be considered. Does it detrimentally affect those things? Everything has some effect. What is detrimental? Ten and eleven, affects environmentally sensitive area, which this is, such as a floodplain, shoreline, tsunami zone, erosion prone area, coastal waters, fresh waters. We are certainly on a coastal property so we need to look at this as a very environmentally sensitive area and how are we mitigating to minimize any environmental impacts in our decision making. Eleven, substantially alters natural landforms and existing public views to and along the shoreline. Certainly a 200-foot long four-foot or four-story apartment or condo -- condo along Piilani Highway in Kihei that is obstructing our coastal views is -- is a major impact. So, how are the landforms changing and public views? So, I'm trying to give examples here. And then, finally, contrary to the objectives and policies of the Coastal Zone Management Act, and those are all -- those are -- those are positive policies against which these SMA assessment criteria, which are looking at impacts, so we're trying to define the impacts through these 11 above it here. So, these are how I ask the applicant to look at the project, first overview of the project, and I'll -- I'll run through some -- some pictures in the report, and then -- then I'll have Marvin Dye and Gary Stice and Tom Tanaka talk about the project they're doing, with the Chair's permission.

So, thanks for that little extra time, but I think that's important to frame the project. So, I'll -- I'll turn off my mike and ask Marvin Dye to pick up here. Marvin, can you unmute and I'll keep sharing. Can you see the slides here, Marvin?

Chair Mardfin: Marvin, you're muted.

Mr. Buika: Unmute.

Chair Mardfin: Do you have a -- okay.

Ms. Stice: He's on. He was on. He was on earlier.

Mr. Stice: He can't unmute like we could.

Ms. Stice: ...(inaudible)...

Chair Mardfin: I can you hear you ...(inaudible)...

Mr. Buika: Go ahead, unmute, Marvin, and -- and I'll try to mute myself.

Ms. Stice: See Marvin is over here, you know. One of these is Marvin. Call him. Oh no, you can't call him 'cause if you call him, then ...(inaudible)...

Mr. Buika: Marvin, do you know where the -- the mute button is? Sometimes you gotta like move your cursor around to have it present on your screen.

Ms. Stice: It's -- it's the microphone that has a slash mark on it.

Chair Mardfin: Does he have a video?

Mr. Buika: No, I don't believe his video is working.

Ms. Stice: Oh shoot. Can -- can Tom Tanaka take over?

Mr. Buika: I mean, I can read these -- these few. This is just a summary of the proposed project. Gary, would you like me to go over these? I don't know what happened to Marvin. Marvin?

Mr. Stice: Yes. How do I get --

Ms. Stice: Okay. You're on.

Mr. Stice: Hi, Tom?

Mr. Buika: I apologize to everyone.

Mr. Stice: I'd suggest that Jim ...(inaudible)...

Mr. Buika: Chair, why don't I start in Marvin Dye's absence at this point.

Mr. Stice: ...(inaudible)... okay.

Ms. Stice: That's great.

Mr. Buika: Yeah, okay. Yeah, sorry for the delay. So, the slide before you, everyone can see it still, huh? That's good. So, this -- I have three slides on a summary just written just to talk about the project here, and then I'll show you -- I can pull up Exhibit 1 from the report, show you some of the site maps. So, yes, the project is -- Marvin? I heard him for a second. So, anyway --

Mr. Stice: Jim's going to cover for you so just a minute.

Mr. Buika: Oh, well, can Marvin talk? He really should present it.

Ms. Stice: ...(inaudible)... square, your little rectangle, there's a -- there's a mike --

Mr. Buika: Hello? Hello?

Mr. Crawford: I think Mrs. Stice is trying to provide some tech support for Marvin.

Mr. Buika: Yeah. Well, this -- Chair, can you hear me?

Chair Mardfin: I can hear you.

Mr. Buika: Just -- just to keep the -- the meeting going. This is pretty straightforward. This is just a summary of the proposed project, so I don't want to hold up anyone any more than we have to. So, as we are all aware, most of you know where the parcel is, I'll show it in a second, but, environmentally, it's an environmentally and culturally sensitive parcel along the shoreline, it is contiguous with Koki Beach on the north side, and adjacent to the Loko Nui Fishpond, but the fishpond from the Stice property is separated by a buffer of land. It's a flat lot. Rocky shoreline. There's no sandy beach. It's five to six-and-a-half feet above sea level, most of the flat parcel. It's a substantial parcel, 6400 square feet, which is about 1.478 acres, and there are two identified preservation sites that will be protected, and there are maps, Exhibit 1, that I'll show in a second. The construction of -two -- the -- the proposed project is for the construction of two single-family residences with a minimal footprint, elevated on columns, designed similar to other local residences, as some people have brought up. Both residences are allowed via the Maui interim zoning, which is the County zoning on the parcel, the State rural land use, and the Hana Community Plan, which is also rural, and it is -- there is no State conservation designated district on the -- on the parcel. The Planning Department confirmed that recently.

So, one, the larger house, is a three-bedroom, it's really an 18 -- 1,850-square-foot house with a loft and a covered lanai equaling 650 square feet, so between the square footage

and the lanai, the elevated footprint is 2500 square feet. The second bedroom is 1200 square -- second two-bedroom residence is 1200-square-foot house with a loft and a covered lanai at 550 square feet, equaling 1,750 square feet. Project valuation between the two is 625,000, 475,000, just over a million. These are new figures with the cost of construction these days. Second, both structures will be -- will be single-story, elevated one foot above the base flood elevation, which is 15 feet above sea level to follow the FEMA flood rules. It's located outside the 60-foot setback area all along the -- the three sides of the peninsula-type shape parcel. Both dwelling structures are authorized to be constructed at a height 35 feet above grade because, at the time of the building -- the building code did allow for 35 feet, it's now 30 feet in the interim district, there's a letter authorizing that, so it's an additional five feet high, but there will be ten feet below, underneath, that the home will be on stilts. There are additional appurtenant utilities to include underground waterline septic and irrigation lines, and landscaping, and minor grading for a driveway, potentially include small retention basins to minimize any runoff that might be -- occur because of the house. And finally, the homes will not be used for short-term rentals, and the second home significantly will be used, the two-bedroom, will be for a single-family residence designated for a local Hana resident. Mr. Stice can talk about how he will use the -- the other -- the other home for himself.

There is in -- on Page 7 and 8, there are the environmental setting is in the report. I can forego some of that due to time, although maybe I'll just read one little section that came -- I'll just read this, this is on Page 7, of the the -- the -- the report, it's a sight description that's derived directly from the pedestrian biological survey that was prepared by Ian Masterson, that's Exhibit 8: The parcel lies within the zero to 6.75-foot elevation range above mean sea level, and the average rainfall in Hana is 70 to 80 inches per year. In general, the area comprises a coastal floodplain situated atop a rocky point associated with the cinder cone to the north, Ka Iwi O Pele. The terrain is somewhat level but undulating with an accumulated topsoil of sandy loam, volcanic cinder, and cobble interspersed with occasional basalt outcroppings protruding from the subsurface matrix. A depression in the land occurs just east of the main outcroppings behind the storm berm that exist along the ocean's edge of the property. The soils in the project area belong to the Hana series that are developed in volcanic ash. The volcanic ash overlies bedrock of a`a type lava that is dominant in the Hana area, specific to the project area is the soil type designated as Hana silty clay loam between 2.5 to 3 feet deep and a variant of maximum 3 percent. Topography of the subject property slopes approximately 7 percent in the east to west direction. So, I will forego other environmental -- and what I'll do is I'll stop screen sharing here, but I will go, and then I'll conclude - hold on here - oh, stop sharing. Thank you. Okay, I'm going to -- but I am going to reshare. See if I can do this quickly. Okay, just I'll scroll through. I just did -- I did find the -- this is the zoning and flood confirmation, and here you can see the County plan, it's rural, County zoning is interim, State land use is rural ... (inaudible)...

Chair Mardfin: You can put rural in there but the map still shows the community plan is open space.

Mr. Buika: Okay. Well, we can investigate that further. Thanks, Ward. But what I will do is --

Chair Mardfin: Well, just look at the -- just look at the map, you know, we don't have to deal with it now, but that's shown as OS --

Mr. Buika: Right.

Chair Mardfin: On the Hana --

Mr. Buika: Right.

Chair Mardfin: Now -- now my camera's working so you can see this. This is my document, and in the map at the back, it shows that little thing as OS, the little triangle.

Mr. Buika: Okay. Okay, so, Chair, I'll just share Exhibit 1. I'll just scroll through it. I didn't -- there's no way I could make slides for each of these things, it would take -- but I think you get the idea. Most of you know where the -- know, here's the Loko Nui, the ocean, this is the Stice parcel right here on an old, old map, right, Haneoo Road, have more pictures so this is an aerial zooming out a little bit. Here's our on Hanaa Highway, Haneoo Road, hopefully, you can see my -- my hand cursor there. Circled is the parcel here. The triangular parcel. Additional homes and plots along here. These big land -- land pieces are the wetlands low lying area, which is Department of Land and Natural Resources, mostly conservation land, Loko Nui here, Koki Beach here for reference. This is an important map. This was done by Cultural Surveys Hawaii. This shows the parcel. You can see the parcel boundary here as much as possible, if I can get out of one screen.

Chair Mardfin: Jim, can you hold at --

Mr. Buika: Yes?

Chair Mardfin: The ones there?

Mr. Buika: Sure.

Chair Mardfin: You -- you have SIHP 04233. Is that the burial site?

Mr. Buika: Yes, this is the burial site, and the one down here, 04669, is the preservation site. There are, I think, two significant finds here. The -- the pond itself is -- it's not on the -- well, it's designated for 1483, okay, the Loko Nui.

Chair Mardfin: Going -- going back to the burial site. How -- it's impossible for me to tell how wide that is and how deep. What are the dimensions of that?

Mr. Buika: The dimensions, there is a scale on here, there's a ten scale is -- you got this right here, so, what, that's one inch, maybe ten meters or say 30 feet, right there, let's go 30 feet. It may be 50 to 60 feet long dimension. This -- the yellow around it is a ten-foot buffer, so that's ten feet. So, if you figure this is, what, maybe 40 feet across, maybe 60 feet in this direction, generally. Does that answer your question?

Chair Mardfin: Yeah.

Mr. Buika: Yeah, and -- and here this would be 30 by 20 with a ten-foot buffer.

Chair Mardfin: No, I just thought that there had to be a ten-foot buffer on the burial site and I just --

Mr. Buika: Yes.

Chair Mardfin: Wanted ensure that ...(inaudible)...

Mr. Buika: Yeah, so the yellow -- inner yellow line is the burial site and with the buffer nicely displayed on the -- this map. You can see the boundary of the fishpond along the top of the bank, and here's the property so that, what I had mentioned, there is -- there is a land bank on another parcel that separates the Stice parcel from the fishpond boundary. And then, so here's dwelling one, the larger one, 1875 square feet, in that flat area that I think Dennis was talking about, and then this, the -- the smaller second dwelling here, this would be the aerial footprint, the 1200-square-foot and six -- 550-foot lanai, and then the hatcher here is the -- is these, this would be the septic system and this would be the septic absorption field required, 820 square feet. This is the location. Yes, Chair? Keep going? Hopefully, you can all still hear me. This is the pavilion, the existing pavilion that I think you know, most of you know, location, there's a wellhouse here, and there's Haneo Road, and there is a 6800-square-foot easement that was purchased. Evidently, after the tsunami, the State rebuilt the road, from my understanding in the deed, the State rebuilt the road in the wrong place, or it wasn't connected somehow to the parcel, so they did get -- the State did authorize a small easement for the driveway off of the road to come to the property. So that was purchased. So that's part of the parcel also. So, the top of the bank is about where the State certified shoreline is. We had a State certified shoreline done in 2006, one done in 2016, however, second one was not certified. I

asked the applicant to do it because to see if the sea level had changed it, and there are -- there is an exhibit in there that compares and contrast. It's pretty much the same at this point. Looks like here's the 2005 waterline out here. So, that's a good map for reference. Any questions on that? Cultural Surveys Hawaii, we do have a rep here who could talk about it.

This, again, is the -- is -- this is -- this -- this is sheet one from the project in 2013. The dashed line here is the 60-foot setback everywhere from the property line. The shoreline is out here, so you can see the -- the -- the buildings and everything comply with our shoreline setback of 60 feet, which is -- which, for record, is an average lot depth calculation, not an erosion rate. So, this is the gravesite, Chair, 4233, and the preservation site in this location, the existing. So that's, again, the lay of the land. Another map. These are --

Ms. Kahaleuahi: Does that grave site show in that, yes, and that map include, I mean, I'm assuming it would include the ten feet in this case?

Mr. Buika: No. I do not believe so. So, that yellow buffer that you saw before I think goes on around it, ten feet outside, so nothing -- I don't think anything will be that close or ten feet. This driveway, there was a good comment about the location of the driveway, so something that I noted as a potential change. So that's a --

Ms. Kahaleuahi: Okay.

Mr. Buika: Gravel driveway, 20 feet right here, so we need to make sure it stays out of that buffer, and I'm sure it will or --

Ms. Kahaleuahi: And regarding the gravel driveway, at least, and you might be getting there, there's another map --

Mr. Buika: Yeah, I had the -- I can show you the landscape plan if you like and --

Chair Mardfin: Lipoa, did you want to ask questions about the -- the driveway on this diagram?

Ms. Kahaleuahi: It's not on this one. No. So we can ...(inaudible)...

Chair Mardfin: Okay.

Mr. Buika: I'll make sure to show it. So, I'll conclude with that slide. Any questions on this? Any other questions? Again, you guys, so this is the siting of what would happen on the parcel, Koki Beach, Haneoo Road, little closer, fishpond, it's just my annotation.

So, here's the parcel outlined with the -- some existing vegetation, topography. I think ten-foot is here, ten-foot, eight, six, four, two, I may be off one, ten, eight, or ten, eight, six, four, two feet, something like that, down to sea level here. Hokuvalu, I guess Alu Island moku is correct. So, zooming in a little bit, here's Haneoo Road. You can see an automobile here. See the pavilion. I think the -- the gravesite is here. So, we're zoomed in to most of the parcel ...(inaudible)...

Chair Mardfin: What -- what's that red thing?

Mr. Buika: The red thing. This?

Chair Mardfin: What's that in the middle of the screen? Little red square right in the middle? No. Further down. Yeah, there. Now -- now you passed it. I see a red square. Maybe I'm just -- no. To your right.

Mr. Carvalho: Right to the right, right in the middle.

Mr. Buika: I'm -- I'm -- I'll tell you, I will tell you I --

Dr. Six: It's just a marker for the TMK.

Mr. Buika: The TMK?

Dr. Six: To the right of the TMK.

Mr. Buika: Oh, right here.

Dr. Six: There.

Mr. Buika: Oh, okay. I'm -- I must confess, I'm color blind as all hell, and red is not my primary color to pick up, especially on a map, but I see it there. I have no idea what -- I think it's an artifact of -- of the Google Map. I don't -- I don't think it's --

Ms. McLean: Chair, this is -- Chair, this is Michele. That's a marker from when you're trying to locate a property, that's the indicator from the map. It's not a feature on the property. It's not part of the proposed project. It's just from the map.

Chair Mardfin: Thank you, Michele.

Mr. Buika: Always good to have my Planning Director to bail me out in a time of need, so I appreciate that, Michele. So, yeah, so --

Dr. Six: Jim, this is Janet Six. I also have --

Mr. Buika: Yes, Janet.

Dr. Six: I also have the HICRIS Map that shows the SHPD location, but it shows the burial ground, the cemetery on the other side, same as you were showing on the plan. So, just saying that there's nothing there. I'm checking out HICRIS on that.

Mr. Buika: Oh, right here. I gotcha. I gotcha. Yeah.

Dr. Six: Just to backup Michele. Because they do show -- they do show the cultural sites on there in red, but it's not that one.

Mr. Buika: Right. Thank you, Janet, who is the County Archaeologist, who knows this area quite well. Okay, this is a zoom out. Here's the Hana Highway, Haneoo. Where's this? Oh, Koki is over -- this is Koki Beach, right? Koki here? Yeah.

Chair Mardfin: No. Koki is --

Mr. Buika: No. I'm sorry. Over here.

Chair Mardfin: ...(inaudible)... to the right.

Mr. Buika: Oh, right here. Here's Koki. Here's the parcel. Yeah, here's the parcel. Alu Island. So, a little zoom out. Just another perspective of the coastline for everyone, and maybe one more zoom in.

Ms. Stice: ...(inaudible)...

Mr. Stice: ...(inaudible)...

Mr. Buika: And I do have the parcel here, and I do have a projection of 3.2 feet of sea-level rise out to the year 2060 or 2100 is what this comes out on, so you can see the outline of the parcel. I think this is a loop on Koki Beach, correct? Maybe. And this is the bend --

Chair Mardfin: No.

Mr. Buika: So --

Chair Mardfin: No.

Mr. Buika: Fishpond over --

Chair Mardfin: Where -- where your hand is -- put -- put your hand up a little bit. You mark it right there to the -- half-inch to the right is right in the middle of the property.

Mr. Buika: Oh right, okay.

Chair Mardfin: So --

Mr. Buika: Okay.

Chair Mardfin: So, with 3.2 feet, that blue blob of water is going to be right under the Stice number one house. I think that's right where the house is.

Mr. Buika: Yeah. Right. Most likely.

Mr. Stice: We're over six feet above.

Mr. Buika: Right. Well, they are -- they are building ten feet above but, you know, over time, most likely, there will be a lot of adaptation going on on our shorelines to manage this sea-level rise, but this is the extreme, okay. I mean, it's sea level will keep on rising past 3.2 feet, but this is a projection.

Chair Mardfin: And it depends on --

Mr. Buika: As early as 2060. Oh, yeah, go ahead. Sorry.

Chair Mardfin: What it does is it's also where you have your --

Mr. Stice: Oops. What happened?

Mr. Buika: Say that again, Chair, you ...(inaudible)... blanked out.

Chair Mardfin: And maybe have, maybe, not promising it will, have serious adverse effects on Loko Nui, on the fishpond because as sea level rises on a buried wastewater system, there's going to be pressures to make that not work very well and to flush out into the pond.

Mr. Buika: Correct. So, I think these systems, certainly, because of sea-level rise, I mean, I'm speculating, but they will be perfected and improve over the decades with technology most likely, and there are alternatives.

Chair Mardfin: They -- they can't be underground with sea level rising from underneath, you know, and you're burying the wastewater treatment, it can only make the wastewater treatment not work unless you're going to raise the wastewater treatment above sea level.

Mr. Stice: We can.

Mr. Buika: Okay, well, thank you. I -- I don't know all the details, but we did have Department of Health on the line, but I don't see Darryl, or if that's a question, but this is, Chair, if I may go on, that's about it. Sorry, these are sideways, but if you all turn your head 90 degrees, get a little exercise, stretch out in your chair, this is the -- I can only scroll north, maybe I can scroll out ...(inaudible)...

Chair Mardfin: Where it says -- where it says, Jim, where it says, "Open." What does that mean? Under the house.

Mr. Buika: That's under the house. This will be open. This -- so this is elevated.

Chair Mardfin: What do you mean by "open?"

Mr. Buika: Open air. Birds can fly through it. People can walk through it. Pillars.

Chair Mardfin: Okay.

Mr. Buika: Pillars.

Chair Mardfin: Okay. Not -- not -- not -- to be sure, it's not going to have wooden slats or coverage in there at all?

Mr. Stice: Not to ...(inaudible)...

Mr. Buika: No. No.

Chair Mardfin: That needs to be a condition.

Mr. Buika: But this is the -- right. So, this is a north elevation looking towards Loko Nui, you can see it's -- looks like a Hana-style house, lanai, lanai, pitched roof, elevated, three-bedroom. Okay, I'll keep going?

Chair Mardfin: Where will light -- no. Where will lights be located? Will the lanai be lighted?

Mr. Buika: Over here.

Chair Mardfin: Well, that one and the other one at the bottom.

Mr. Buika: I don't -- I don't think there's any detail like that, but there are conditions to limit lights towards the shoreline. There is a condition that we could propose. Good question.

Chair Mardfin: I mean, if -- unless the mauka side -- I'm sorry, the makai side doesn't have any windows at all, there's going to be light intrusion out to sea from the inside of the house.

Mr. Buika: That may be true.

Mr. Stice: We have plants to --

Mr. Buika: Unless you turn off the lights, then, you know, we won't have any light.

Chair Mardfin: No, you could do away with windows. Okay. We can go on.

Mr. Buika: Alright. Go on? I think same, this is floor plan three. I mean, same, this is the, you know, they're just a sketch, lanai, lanai, one floor, three bedrooms, kitchen, etcetera. Any questions there? And this would be the roof overhang. And, slowly scroll, this is the second home.

Chair Mardfin: And then, underneath, those are all open too?

Mr. Buika: Yes. Elevated. So, there will potentially be a -- a preserved view of the shoreline underneath the building, so this will be -- it'll only be 35 feet high from grade level here. So, this is the smaller house, looks like the other one, 1200 square feet with two lanais.

Chair Mardfin: But underneath the house, it's all open?

Mr. Buika: Yes. It's open. Simple floorplan. May I go on, Chair? Yeah? Good?

Chair Mardfin: Yup.

Mr. Buika: This is a rendering of the property and you can see the view plain towards the ocean of the -- of the house sideways, again, sorry.

Mr. Stice: He's turning it?

Ms. Stice: No. It's turned.

Mr. Stice: I know but is he straightening it or is it just --

Ms. Stice: No.

Mr. Buika: This would be --

Ms. Kahaleuahi: ...(inaudible)... renderings to -- I mean, you try your best, right, to hold them side by side, but it -- it is hard to have them separate and really judge how much view, like how much it's impeding, just wanting to state that observation as I was going through that portion.

Mr. Buika: Right. Right, but you do have those in your booklet, correct? So --

Ms. Kahaleuahi: Oh, yeah, yeah, yeah. So, all I'm saying, like even when I was reviewing it in person, trying to, you know, put them side by side, fold them in such a way --

Mr. Buika: Right.

Ms. Kahaleuahi: Where you could get kind of a realistic like, okay, this is what you could really try to envision it.

Mr. Buika: Right. So, and that's it. So, and then what I will do, there are -- oh, this is the landscape planting plan. I think the question on the driveway, maybe this is the -- this is the map that I thought you were -- one the Committee members was referring to.

Chair Mardfin: Lipoa --

Ms. Kahaleuahi: Correct.

Chair Mardfin: That's the one you were -- you were concerned about?

Ms. Kahaleuahi: Oh, just, you know, it does look like, on this one, that the driveway is pulled back a little bit more from the grave site than the last. And then, just a question regarding driving over the aerobic septic system, if that's how I'm seeing it correctly, to the first -- the main house.

Mr. Buika: Yeah, I think it would be right in this area. Correct? Not to interrupt you. Yes? Yeah.

Ms. Kahaleuahi: Yeah, I believe --

Mr. Buika: That -- I saw that was in one of the comment letters that was received. It's interesting. I -- it's a good point to note to -- I'm not a septic expert, but, from the site plan, it does look like the driveway does go over the septic leach field in that area there so --

Chair Mardfin: The required absorption area.

Mr. Buika: Yeah, the absorption area. Yeah. Absorption area. Obviously, it's not plotted on here, but that is a good thing to note. So, maybe Gary or -- or Marvin can address that. So, this is -- so, along the shoreline, the report, you know, there are these Heliotropes, False Kamani -- Kamani trees. They do -- in the setback area, which is the stashed line, if you can see my hand there again, there will be no develop -- no landscaping whatsoever to impede any shoreline traffic or walking from Koki Beach side. If the Hana Advisory Committee or Maui Planning Commission is interested in a welcome to this portion of the shoreline, some sort of a signage, Mr. Stice is willing to, you know, have that from Koki Beach and allow people to traverse the property over towards the -- towards the Loko Nui Fishpond area.

Chair Mardfin: You put the -- you put the sign in the report.

Mr. Buika: Yeah, there is a copy of a sample sign that I asked the applicant to make. So, I'll -- I'll stop sharing there and --

Dr. Six: Jim, excuse me.

Mr. Buika: Yes?

Dr. Six: It's Janet Six again and I --

Mr. Buika: Yes?

Dr. Six: I had my hand up, you might not have seen it.

Mr. Buika: I can't see that.

Dr. Six: Where -- where it says, "wellhouse," is that a -- where they're getting a source of freshwater? Or, what's that?

Mr. Buika: Yes, I believe so.

Dr. Six: Okay, so one of my concerns, if I may speak, is that all this area, as John-Bull mentioned about the loko i`a, is you have this fresh saltwater interface, right? So just

think of this only in your area, I lived there for four years, as just being honeycombed with lava tubes. You can see the water boiling out in front of the Kahulas place at low tide. We know that there is this subterranean water. The burial ground at the Bray Cemetery, some of those burials are sinking, whether that's coffin collapse or if that's actually marking a family lava tube. The Brays do have ties to Kalakaua, and having a leach field or absorption field right in front of that, I just wondered if you did any ground penetrating radar or magnetometer to look if there's any kind of subsurface anomalies, because also my concern is, you know, obviously the loko i`a, subsistence fishing, all that kind, and to answer Mavis's question earlier, I don't know if she's still on, about OHA, OHA was concerned about the, as you know, Jim, the lack of the wall being built around the Bray Cemetery, but it's kind of the chicken and the egg, and you've been working with Michele because you have to get the SMA permit to -- to put that wall up. So, there is going to be a wall, a buffer, but those are just some of my concerns, and also that we look at this as a larger cultural landscape, I'm working with Councilmember Sinenci's office on creating a cultural overlay, and this has a lot of significance. Kaula invented fishing here, you know, Pele is purportedly interned at Ka Iwi O Pele, so you have a mythological layer, you have a precontact layer, there's five heiau, as documented by Kolb in the '90s, there's iwi coming out at Hamoa, you have Muolea during the historic period of Kalakaua, you have adjacent Piilani Heiau, so we need to really think of this as a really, if I was going to do the cultural overlay, this would take a lot of boxes as far as related to important personages, important events, having cultural significance to the Hawaiian people, and I just want to say one more thing it's Alau Island.

Mr. Buika: Right.

Dr. Six: So, that's all. And so, I just wanted to kind of put that out there because I'm very familiar with the area and my concern is not so much the construction as it is the absorption field, could be right in line with a lava tube, which could have other iwi in it.

Mr. Stice: Good. I want to address that. Could you put that down.

Dr. Six: Maybe you guys should ...(inaudible)...

Ms. Stice: Alright. Jim, can Gary talk now? Jim, is it time for Gary to say something? Can Gary speak now? Marvin? Marvin?

Mr. Buika: Yeah, well, I -- I --

Ms. Kahana: I gave a question for Jim.

Mr. Buika: Well, okay, sure.

Ms. Stice: Because he can answer a lot of the questions that --

Mr. Buika: Question for Jim. You wanna keep the picture up?

Ms. Stice: Oh, Gary cannot --

Mr. Crawford: Ward, you need to direct this.

Mr. Buika: Yeah, well, I --

Ms. Stice: No?

Chair Mardfin: Jim was doing a presentation. I don't know if Jim is finished. He was giving it in behalf of Marvin Dye, and Marvin Dye doesn't seem to be involved in this.

Mr. Buika: Well --

Chair Mardfin: I don't know whether Jim is finished or not.

Mr. Buika: Well, we were going to address the -- yeah, I'm not finished.

Mr. Stice: Okay, finish.

Ms. Stice: Okay.

Chair Mardfin: Gary and Apolonia wanna speak.

Mr. Buika: Sure. I --

Ms. Stice: He just wanted to address some of the questions that were already posed but when Jim is finished ...(inaudible)...

Chair Mardfin: I -- I can't make out what you're saying. Would people quiet down so we have one person at a time speaking, please. Apolonia, what did you wanna say?

Ms. Stice: I just wanted to say that my husband wanted to address some of the questions that have already been posed, such as the lava tubes and the septic tank, but if this is not the appropriate time, we will wait.

Chair Mardfin: No, if you wanna answer that, be my guest.

Ms. Stice: Okay. Here's my husband, Gary. Gary Stice.

Mr. Stice: Okay. Hi, I'm Gary Stacy. I appreciate everybody putting all this time and effort into our application here, but I am a geologist and oceanographer, and I am very much aware of all the conservation rules and impacts. So, first of all, we did an archaeological survey that -- and we made a grid pattern. You'll see that on the archaeological report. We did not find any lava tubes or lava rock. All the substrate is layers of sand and rubble. So, that is one thing I wanted to point out, and that is very much -- David can verify that, but that is in the archaeological report. There is no underlying lava flow on that point down to below sea level. Okay. Second thing is --

Ms. Stice: Sea-level rise.

Mr. Stice: Regarding the septic tank and the driveway, it is -- it is legal to have a roadway over a leach field and --

Ms. Stice: Sea-level rise.

Mr. Stice: And the sea-level rise is, really, the numbers that are being thrown out there really are not definite or they're -- they're predictions, but the average sea-level rise is 3.2 millimeters per year, and, yes, things could increase. We don't know these things. Sea level could also go the other way. We could have a cooling period, like we did in the '60s. So, you know, to speculate all of this at this time, I think is not really -- we don't have data for the future like that. So, I just wanted to make those points that were brought up at this time so --

Ms. Stice: The fishpond pollution.

Mr. Stice: I'll be able to comment on the fishpond pollution later, but, Jim, go ahead and finish your presentation and we can address those questions.

Chair Mardfin: As long as you're -- as long as you're speaking, Mr. Stice, is it a septic tank you're planning to put in there or an individual wastewater system?

Mr. Stice: Yes.

Chair Mardfin: Which?

Mr. Stice: It's a -- it's a, no, it's a septic -- septic tank, which is approved by the Department of Health, and that is to be done when we get our building permit, that will be addressed and we'll be in compliance with the rules, and we're going to put in the most sophisticated system that we can.

Chair Mardfin: I understand what you're saying, but with the septic tank, that's the same as an individual wastewater system?

Mr. Stice: Yes.

Chair Mardfin: And what happens to the liquid that -- and sediments that come out of it? Do they -- they go down ...(inaudible)...

Mr. Stice: ...(inaudible)... it goes into a leach field, which is then going to follow the groundwater into the ocean. Now --

Chair Mardfin: Or follow the groundwater into Loko Nui.

Mr. Stice: No.

Ms. Stice: No.

Mr. Stice: I don't think it can because, first of all, we -- the -- the water is going to go down grade, it's not going to go sideways. And by the way, I would like to point out, and I have in the report here, all the houses along Haneoo Road have cesspools. They are all draining into Loko Nui. You can feel the cold water when you -- when you swim in there, that is groundwater coming past those septic -- cesspools in the Haneoo Road properties. They are providing way more potential pollution to the pond than our system can possibly do. And, let's remember that oceans and any kind of agriculture requires fertilizers and nutrients, nitrate, phosphates, potassium are all in ...(inaudible)... that the Loko Nui Fishpond, we are being told, is in very good condition, is even being enhanced by the nutrients being provided by the cesspool. It is not good necessarily to have a sterile ocean. We need certain amounts of additives to increase the plankton productivity, which brings the fish. Many of our sewer outfalls in the State have a great accumulation of fish and life, so we should not assume that this is pollution. The pasture behind us, with all the cattle, is going to provide way more pollution as that water goes under the road, along the groundwater system, and into the ocean than our septic system could possibly have.

Chair Mardfin: Thank you. I notice that Janet Six has her hand up there. Janet, you can be recognized.

Dr. Six: Thank you so much, Ward. I'm not trying to be a pain. I'm just trying to understand. So, just so people understand, I come from an academic background, this is the realm of the Piilani chiefly line. Their aumakua is the mo`o, which is a half dragon, half woman, very powerful deity and chthonic deity that traverses through the islands, through lava tubes, and comes out in fishponds. So, in addition to these being subsistence ponds that produce fish, especially if they had for the royalty, for the Piilani

chiefly lines, they also probably contained burials. I did two-and-a-half years at Moku`ula, I'm very familiar with traditional burial practices of the Piilani chiefly line, so that's a concern. Also, we just lost a case, I think, at the Supreme Court on injection wells so --

Ms. Stice: Okay.

Dr. Six: So, effluent -- effluent isn't always the best thing for a fishpond, it can cause a nitrogen bloom, it can cause problems, so I don't think that's the best argument. And also, we're in the Anthropocene. We've entered a different time. Climate change is impacted by human interaction, so all projections that I've been seeing working with our beach vulnerability studies and different branches of the County, we're seeing an accelerated sea-level rise. I'm dealing with Puamana. We closed down Puamana Park because of iwi coming out. So, it's just something to consider. Freshwater floats on saltwater, it's lighter, and it's just something to think about given its proximity to these fishponds. So, that's all. Thank you.

Chair Mardfin: I went to SOEST, at UH Manoa, and some of their recent studies and it - - yes, it's right, we could have a meteor crash in here and it wouldn't -- I mean, everything would be gone, but we're not planning on that sort of a thing. I think Anthropocene -- sea -- sea-level rise is caused by human activity. It's virtually inevitable, and I think we're understating it. Some of the -- we're using 3.2 as -- in that diagram but some people think it's going to be as much as 6 feet, not 3.2 feet.

Dr. Six: Yeah, Anthropocene basically means manmade climate or human made climate, and we're seeing something that -- it's just at a different rate then -- and I just was on a sustainability panel, a few weeks ago, a month ago with the County, and we were looking at some of the issues with the beaches and the coastal erosion and some of the stuff that we're dealing with and, yeah, it's -- it's much accelerated, what they thought was 25 years, that is now 5 years out --

Chair Mardfin: Right.

Dr. Six: According to the experts, so it's just something to think about. It's just something to think about in this area. You know, there's already -- we know the water comes over the road during the King Tides, and it's just something to take into consideration. And also just -- it's important to look at the larger cultural landscape and understand, you know, why there's pushback, why people feel the way they do. I think that's important.

Chair Mardfin: Yeah.

Dr. Six: So, that's all. Thank you.

Mr. Stice: Can I ...(inaudible)...

Ms. Stice: Okay. Okay.

Chair Mardfin: Where are we doing it? Is it going to be Gary or is it going to be Jim?

Ms. Kanaha: I have a question.

Mr. Stice: I just wanted --

Ms. Kanaha: I'd like to inject, Ward, if I can.

Chair Mardfin: Go ahead, Mary Ann.

Ms. Kanaha: Thank you. This question is for Gary Stice because I thought, in 2018, you were considering of having another type of septic tank besides an underground septic tank, and I could be -- I could be wrong. And then, my other question is for Jim Buika. You mentioned that the property will not be for short-term rental. How is it considered binding? Do you put a disclosure on your property tax or is this is just written and there's nothing binding to it?

Chair Mardfin: We could put ...(inaudible)...

Ms. Stice: Mary Ann?

Mr. Stice: Can I answer that?

Ms. Stice: Can you -- can you repeat your first question to Gary, please? I'm sorry. We didn't get -- we didn't hear that first question, Mary Ann, please?

Ms. Kanaha: Yes, Gary. You know, in back in 2018, I thought you were going to come up with another type of septic tank, and it was not going to be underground, but I could be wrong.

Mr. Stice: Okay. It is -- it is possible, if as Ward suggest the sea level rises and the leach field is unable to leach, there are septic tanks that do not have leach fields and we just recycle the water. It's -- it's actually out there but I do think that as long as the water is able to leach through the field, it's a much preferable system, and, like I say, with that fishpond, the way it is with all the quote unquote pollution from those cesspools and Haneoo Road, it -- it shows that we are not getting too much in the way of pollution in that pond and probably, beneficially, we are adding nutrients that are enhancing the growth in the pond.

Ms. Stice: Thank you, Mary Ann.

Chair Mardfin: Mary Ann, you -- your -- your camera went out. I don't know if you can hear or not. Mary Ann? Mary Ann, can you hear? Mary Ann?

Ms. Kanaha: Go ahead. We keep getting cut out.

Chair Mardfin: Mary Ann, with regard to your second question.

Mr. Dye: Can anybody hear me? Oh.

Ms. Stice: Oh, there Marvin. Hi, Marvin.

Mr. Dye: Okay, we're on --

Chair Mardfin: Mary Ann, the one thing we can do is, under conditions, you can put a condition that, for the life of the property, there can be no short-term rentals as a condition.

Ms. Kahana: Okay.

Chair Mardfin: Marvin, did you want to speak?

Mr. Stice: May I interject? May I just say --

Chair Mardfin: Okay, Mr. Stice.

Mr. Stice: As short-term rentals go, Maui County does not allow vacation rentals without a permit. Nobody should be allowed to do vacation rentals without a permit. I would have to go through all the application, go through the community, and they would all have to agree that I can make -- do vacation rentals there. So, that seems that it's kind of already said and done. There cannot be vacation rentals out there without a permit.

Chair Mardfin: Well, if you have conditions on, you don't have to worry about being able to get a permit. Mr. Dye, did you want to speak?

Mr. Dye: Okay, if -- if anybody has any questions for me, I seem to have a microphone. I'm speaking over the telephone. I -- I would like to say that -- that the leach field is a hundred and thirty feet from the water.

Chair Mardfin: Okay.

Mr. Dye: So, I -- I am available for questions now if anybody has any questions.

Chair Mardfin: I think we're ready to go back Jim, but I could be wrong.

Mr. Buika: Yeah, well --

Ms. Kahaleuahi: Well, I kinda wanna view my maps to verify that but --

Chair Mardfin: Okay.

Ms. Kanaha: I don't know what that means. I -- the question -- the feedback that I would have for him is that I don't know what hundred forty feet means to me.

Chair Mardfin: Well, I mean, if -- if it's underwater and the sea level is rising, then water that came out of the leach field could -- could --

Ms. Stice: Oops.

Mr. Stice: We lose him too?

Ms. Stice: Yeah.

Chair Mardfin: The point about cattle on the land mauka.

Mr. Buika: We lost you, Chair. You'd have to say that all over. You have -- I don't think anybody heard you. You -- you went down.

Mr. Crawford: You know, unfortunately, Hana's internet gets worse and worse as the evening goes along, and everybody's like trying to stream their movies, and this is just going to be a very difficult situation for us to try to have an actual, meaningful discussion around the many issues that still need to be discussed. I have lots of questions and lots of points that I want to raise, but like it's not going to be a functional conversation if every two minutes we're all blinking in and out. So, I'm inclined, at this point, almost to request the Chair that we defer and try to come back when we have time because, you know, we've got an hour or two ahead of us still, at least, and --

Ms. Kahaleuahi: As we go out again.

Mr. Buika: I -- I have three more slides.

Mr. Crawford: I would like to -- to let Jim finish his slides, and then I would like to make a motion that we recess and come back when we have another -- when we have more time and a better connection.

Ms. Stice: Better connection. I agree.

Chair Mardfin: Okay. Okay, Jim, you wanna share your last three slides?

Mr. Buika: Yes, please. Thank you. I'll share my screen again. So, remember my little mini training I did. Can you see summary slide, one of three here?

Chair Mardfin: Yup.

Ms. Stice: Yes.

Mr. Buika: Yeah? Okay. So, what I will do is I'll go through, since Marvin was going to do this, but he -- he's only on his phone. So, if we look at the SMA criteria, the 1 through 10 or 11, with listed mitigation in place and there is --

Mr. Dye: Jim, can you hear me on the phone?

Mr. Buika: Yeah, I can hear you.

Mr. Dye: Oh, okay.

Mr. Buika: Can you see it, Marvin? Can you see the slide or you want to go through it?

Mr. Dye: Yes. Hang on for just one second if you would.

Mr. Buika: Okay. Okay. Yeah, let's defer to the applicant. Summary, one of three, go through those three slides. If you have a hard copy, you can address these points, and I -- and everyone can see the --

Mr. Dye: That's what I'm looking for.

Chair Mardfin: Jim? Jim, may I make a suggestion?

Mr. Dye: Oh, yes. Okay. There -- there we are. Number one, it -- it involves irrevocable loss of natural and cultural resources, and, A., the archeological inventory survey completed to identify the cultural resources. All known cultural resources will be preserved. They are preserved. They're -- they're in a -- they're in preservation zones and -- and archaeological zones, and -- and they're going to be completely preserved.

The burial site is protected with a buffer. The first action is to construct a short protective wall. Well, we -- we intended to do this all along as soon as our SMA is approved. If our SMA is approved, of course, we -- it's in the SMA burial treatment plan that we have to do this. We're going to do it. The archaeological monitoring plan accepted and in place for all grading activities. The monitoring plan is in place. I believe it was in the -- was in the -- it was in the report. The -- the property is not connected to Loko Nui. The property line between Gary's property and Loko Nui, there's about -- there's about 30 feet of land before you get to the water, and the high watermark is what we go by. To the satisfaction of SHPD, multiple years of consultation have been completed and the SMA permit may move forward with conditions. Well, I hope it does. Criterion E, consultations over a two-year period have been completed. Criterion E means that we have discussed, through emails and over the phone, with the people of the community and -- and OHA has written a letter that Criterion E has been satisfied. The pedestrian biological survey is completed with no evidence of endangered flora or fauna on the parcel. We had a biologic -- we had an expert to come out do a biological survey of the property, and he found no endangered species were threatened, whether -- whether they be flora or fauna.

Mr. Stice: We didn't do it ...(inaudible)... we used Ian Masterson.

Ms. Stice: Oh.

Mr. Dye: Okay, now we go to two. Does not significantly curtail range of beneficial uses of the environment. All coastal accesses will be preserved. It is written and it will be written into the SMA that we maintain a corridor, and we have maintained a corridor between Koki Beach and the fishpond, and that will never be closed, and it is written into the SMA that that remains open. Fishermen, crabbers, whatever, they can -- they can all come through that property. They can do their fishing in front of the property. Not a problem. No planting at the shoreline to obstruct -- no planting at the shoreline to obstruct shoreline access. If you look at the -- at the landscaping plan, all of the green along the shoreline is existing, is existing planting. Nowhere on the perimeter, whether on the Loko Nui side, the Koki Beach side, or the oceanside is any new planting going to be done. Signage from the Koki Beach side. Yes, it is in the SMA. It will be written into the SMA that we provide a sign opening that corridor and allowing people to use it. All proposed structures are permitted by State and County zoning and consistent with the Maui long-range plans and the Hana Community Plan. Yes, they are. We are -- the -- the structures are designed to -- to go along with the County and zoning, otherwise, we wouldn't get a building permit.

Number three, there's no substantial negative impact on the economy or community or infrastructure. There is none. There is no negative impact. Access to the property via an easement from the State. Yes. There is -- there is an easement from the State. No short-term rentals are allowed. This is going to be written into the SMA that no short-term

rentals will be allowed. Never, ever, ever. Positive impact of rental to a local family. Alright, it has already been said that we intend for dwelling number two to be for a local Hana family who can act as a caretaker for the -- the property needs a caretaker. It needs a caretaker. When it was first purchased by Stice and the Hana Beachfront Association, it was so overgrown that it was useless to anybody. You couldn't see it. You could not see the ocean from the -- from Haneoo Road. It was completely overgrown. The -- over the -- over the years, we've cleaned it up, we've made it look nice. Now it's -- now it's looking nice. But, if we're denied, if -- if this -- if the project is denied, well, it's likely to get overgrown again.

Number four, not part of a planned larger action. No subdivisions proposed. Originally, way back, way back at the beginning, they had thought about a subdivision. It was -- it was denied. The -- the subdivision was denied so we went on. Okay, no subdivision so we'll put -- we'll put a -- the two houses on an acre-and-a-half where it's -- it's allowed to put six houses, but we're doing two houses.

It does not involve substantial secondary impacts or increase effects on infrastructure. It just does not. It does not involve substantial and secondary impacts.

Number six, is does not contribute to cumulative effects or involve community or larger action. It's -- this has already been gone over with the Planning Department that it's -- it's not going to contribute to cumulative effects. That's part -- that's part of the SMA.

Number seven, does not substantially affect a rare, threatened, or endangered species of animal or plant or its habitat. Again, we go back to the biological survey. It -- it was shown that it does not affect any of that.

Number eight, is not contrary to the State Plan, County's General Plan, appropriate community plans, zoning or subdivision ordinances. It is not. It's not contrary to any of these.

Chair Mardfin: It might be in violation of the community plan.

Mr. Dye: What's -- what's that?

Chair Mardfin: I said it might be in violation of the community plan.

Mr. Buika: I don't think so, Ward.

Mr. Dye: I have read the community. I did not see any violation to the community plan.

Mr. Buika: That open spaces that --

Chair Mardfin: ...(inaudible)...

Mr. Buika: ...(inaudible)... at Loko Nui of land, the little buffer. It's -- it's rural. Anyway, we'll double check it for you.

Chair Mardfin: Good.

Ms. Kahaleuahi: Obviously, not unbiased.

Mr. Dye: What's that?

Mr. Buika: Well --

Ms. Kahaleuahi: Those are not unbiased comments.

Mr. Buika: No. They're factual so -- but --

Mr. Dye: Okay. Should I go on?

Chair Mardfin: Go on.

Mr. Buika: Yes, I have the -- the last slide.

Mr. Dye: Number nine?

Mr. Buika: Nine. Yes.

Mr. Dye: Will not detrimentally affect -- affect air or water quality. The state -- state of the art septic system will be reviewed for implemental -- implementation by the director of health. The -- the IWS is a State Health Department issue, and when we open up our building permits again, if the -- if the SMA is approved and we open up our building permits again, we need to deal with the Health Department, and an engineer, and they will -- they will be the determining factors on what best system we can -- we can use, but we -- we will not get a building permit unless we comply with the Health Department. Number B, building permits follow after SMA review process. Alright. After the SMA review process, if the SMA is approved, then the building permits would follow. Wastewater system approval is not under the Planning Department's authority. Wastewater systems will be located away from the -- I think I just said that the leach field is a hundred and thirty feet away from the water, and the burial site, it says fifty-five feet, but it's really 45 feet, but it's down slope and that is very important. The leach field is down slope from the burial sites. The parcel is flat and drains in sheet flows, absorption added by existing vegetation cover

and porous cinder soils provide the necessary capacity to absorb runoff in times of heavy rain. This was pointed out by our -- our engineer, the septic engineer actually.

Number ten, it will not affect environmentally sensitive areas such as floodplains, shoreline, tsunami zone, erosion-prone area, and coastal waters and freshwaters. Okay, both houses are going to be elevated to mitigate any flood or tsunami hazards. The shoreline setback is 60 feet. No construction makai of that setback. There is no construction makai. We use that 60 feet. In fact -- in fact, dwelling number two is well over 60 feet. Number three, the shoreline area will not be affected. Coastal waters and freshwaters is not affected. They are not. The --the shoreline will not be affected. The coastal waters will not be affected.

Number 11, does not substantially alter the natural land and existing public views to the shoreline. Alright, we have -- we count it out and there is about a -- on that acre-and-a-half, about 30 percent would be seen as houses; the rest of it is open to the shoreline. Number one, from that, is minimal land grading with potentially some small retention basins to improve drainage. Well, there's -- there's minimal land grading for the footings because -- because they're not solid slabs or anything, they're -- they are footings for the concrete block. The houses are elevated and orientated to preserve view plains from Haneoo Road shoreline. I think we've gone over that. That is -- that they are -- they are ten feet in the air, you can see under them, they're opened underneath.

And number 12, is not contrary to the objectives of the policies of the Coastal Zone Management Act. I -- we are not contrary to any of the policies of the Coastal Zone Management Act. Hang on just one second. Now, can I -- Mr. Chairman, would Tom Tanaka, one of the partners, be able to speak now?

Chair Mardfin: Sure.

Mr. Dye: Okay, Tom, are you there? He was on earlier. Tom, are you still available?

Chair Mardfin: Jim? Jim, can you please take the presentation off the screen? I'm counting. I have to have four people to keep the meeting going. Scott, Dean, Lipoa, and myself, so I guess we're still legal. Okay. Jim, did you want to say anything? And Clayton? Did you want to say anything? Jim?

Mr. Buika: No. That concludes Marvin's analysis. If you're talking to me, Jim Buika, yeah? Yeah. I have nothing left -- nothing else to say.

Mr. Tomomitsu: Hello, council member. Council -- Chair? This is Mark Tomomitsu, of the Department of Health.

Mr. Buika: Oh, hey, Mark.

Mr. Tomomitsu: Can -- yeah, you know --

Chair Mardfin: Mark, go ahead.

Mr. Tomomitsu: I -- spent all this time and a lot of discussion was being made about wastewater. I just wanted to make some clarifications before we end.

Chair Mardfin: Okay.

Mr. Tomomitsu: So, the wastewater --

Chair Mardfin: Before we -- before we defer.

Mr. Tomomitsu: Yeah

Chair Mardfin: Go ahead.

Mr. Tomomitsu: 'Cause I don't know if I want to participate in another long meeting like this so I'll share our involvement with the project.

Chair Mardfin: Okay.

Mr. Tomomitsu: The individual wastewater system, there was a plan approved, and we rescinded the approval, it was for --

Chair Mardfin: Yes.

Mr. Tomomitsu: A aerobic treatment unit with a absorption bed. I -- I just want to make that point clear because the use of a septic system and the continued use of a septic system for the project is not what was involved, it was an aerobic treatment unit, and the difference between that aerobic treatment unit and a septic system is that a aerobic treatment unit provides more treatment. It brings down the biological loading in the wastewater. The septic would only remove physical qualities of the wastewater, take away the floatable and soluble while the aerobic treatment unit would break it down more and oxidize the wastewater to a higher level of effluent quality. The other point I wanted to bring up was, in Jim's presentation, he mentioned about the three-bedroom house and was going to include a loft. In our review, a loft is considered a bedroom-type room, so we will look at that as a four-bedroom house. And the same for the two-bedroom house with a loft, the loft will be considered our bedroom, and so that will be a three-bedroom house. So, you're looking at seven bedrooms from our review of, say, if a building permit

was to come in, and a wastewater system, individual wastewater system can only be permitted for five bedrooms.

Ms. Esmeralda: Sorry, Mark. This is Suzie, from the Planning Department. I need to check if all my members are still on.

Mr. Crawford: I think we're back.

Mr. Tomomitsu: Okay, so the thing too is the plan that was submitted for the wastewater system that was plan approved and rescinded, it was for a four-bedroom house and a one-bedroom house, and I don't believe it included lofts, and this is a different proposal. This is the first I'm hearing about the lofts in both of those houses. Another concern is about the, you know, they talking about distance from the shore. From our point of view, it's the distance from the groundwater level at the project site. So, if there's not a minimum of three feet separation from the groundwater, and there's concern about rising sea water, that would have to be met too in terms of a wastewater system. So, I know it's hard to say, anticipate what the sea-level rise would be, but it's something that would need to be considered, especially on your level if you're going to approve this project in the shoreline area. And so, one other thing too is, as Mr. Dye was going over the criteria, it seems like it's all subjective and not objective in terms of evaluating it, so I just wanted to put that comment out there that, you know, I find it hard to just say that, no it's not doing that, or I know it's not going to happen as satisfying. It's not even quantified. So, that's all I wanted to add. Thank you.

Chair Mardfin: Mark?

Mr. Crawford: Chair?

Chair Mardfin: Mark, this is -- this the Chairman. I wanted to thank you for that. I missed some of it, the whole screen went blank for a lot of us, and so we missed some, but I would -- I don't know your last name but it's -- it's Mark what?

Mr. Tomomitsu: Tomomitsu. T-O-M-O-M-I-T-S-U. Jim had it on his slide regarding --

Chair Mardfin: Okay.

Mr. Tomomitsu: I guess our attendance.

Chair Mardfin: I remember that resources. I want to thank you very much for that. That clarified a lot of things, and I missed some of it, I know, 'cause I was offscreen, but you - - you raised some interesting things. This is -- so this is not a septic tank they're talking about, it's an aerobic thing and rising sea is, what understand, is rising sea level, I don't

know how far down the groundwater is, we need to get that information, and depending on what it is with rising sea water, that ground level will be going -- going vertically up and could result in making the system uneffect -- ineffective.

Mr. Tomomitsu: That's the -- that's correct. That's a legitimate concern. And so part of the part to design the wastewater system is you do a site evaluation, and one part to address is the depths to groundwater.

Chair Mardfin: Okay.

Mr. Tomomitsu: And so, knowing there's a concern about sea level, we would probably request that that site evaluation be done when high, high tide levels are occurring to see what is the depth at the site.

Chair Mardfin: Okay. And tidal forces will affect that too, won't it?

Mr. Tomomitsu: Right. That's why we would suggest that the site evaluation be done during high, high tide level.

Chair Mardfin: High tide. Okay.

Mr. Dye: Ward?

Chair Mardfin: Yes?

Mr. Dye: The report showed in the excavations that the groundwater was pretty close to the surface. They had -- they had --

Mr. Tomomitsu: No, but I believe Jim --

Mr. Dye: Top -- top surface sand --

Mr. Tomomitsu: Jim commented five to six feet.

Mr. Dye: And water under that.

Chair Mardfin: Okay. Mark, I really want to thank you for contributing on -- on that score. And I understand the rescission was because you had done approvals, your department had done approvals thinking that they already had the SMA or didn't need an SMA, and my reading of the letter from your department was that it was rescinded when they found out that they did need an SMA and that you wouldn't even look at it until the SMA were approved, and that hasn't happened yet.

Mr. Tomomitsu: Yes, that's correct. That's our view on the -- that plan approval.

Chair Mardfin: Okay. Thank you very much. I very much appreciate your contribution.

Mr. Tomomitsu: Thank you, sir.

Mr. Crawford: Chair, I have an -- a related -- a question related to that, which --

Chair Mardfin: Please. Go ahead, Scott.

Mr. Crawford: Isn't so much for Mark, it's really more for Jim and the Planning Department, which is that, you know, in the exhibit, kinda confusing the exhibit numbers, but the Exhibit 14, I believe, has copies of the previous letters that were -- it says -- it says, on Page 9, "The project has had past review and approval for an individual wastewater system," and then it refers to Exhibit 14 and it has the letters showing those past approval, but -- and then it -- it kind of implies that maybe that was rescinded, but it doesn't mention anything in this report that those letters were rescinded, and we wouldn't even know about that letter if it hadn't been it provided to us by Mr. Caires, and it seems really like at least it presents the appearance of bias and providing incomplete information. Why would you put letters in here that had been rescinded as part of the package and not provide the letter showing that they had been rescinded?

Mr. Buika: I was unaware of that recension letter until after this report came out. Actually, it -- we had been in discussion with DOH in emails, and I think Mark's boss, Sina Pruder, did send that letter, so I just --

Mr. Crawford: So that letter was -- was sent to Mr. Stice on 20 -- in 2021, so, apparently, the applicant failed to provide that to you, the Planning Department.

Mr. Buika: Right. Well, I was unaware of it, maybe it was my fault but --

Mr. Crawford: Yeah, so either -- either the applicant and Mr. Dye failed to provide you with that letter or somehow he provided it and then you failed to provide it to us, but it doesn't look good.

Mr. Buika: Right. Well, it is part of the record and I can -- I can make it part of the record for sure, and it was -- it was rescinded because the SMA has not been granted. Right?

Mr. Crawford: I understand the reason for it.

Mr. Buika: Right.

Mr. Crawford: The point is that letter should have been in there showing that and explaining that, and I hope Michele is taking note of this because that doesn't --

Mr. Buika: So noted.

Mr. Crawford: It has the ...(inaudible)...

Mr. Buika: So noted.

Mr. Crawford: Of -- of impropriety.

Ms. Kahaleuahi: And, I'd like to piggyback off of Scott regarding the OHA letter as well, even though that was submitted, Janet Six also brought up, you know, information that we otherwise wouldn't have known regarding, or at least I -- maybe, and I failed to skim over it, but OHA's concerns regarding lack of wall around the cemetery but they -- I mean, now that we're kind of on that point, they referred to having other comments, even though in the end, you know, they were -- they're -- they were satisfied at this point. Mahalo.

Mr. Buika: ...(inaudible)...

Ms. Kahaleuahi: Sorry.

Ms. McLean: Chair, you're muted.

Mr. Carvalho: Network issues here.

Chair Mardfin: Scott, I really think I did see it in there somewhere but I, for the life of me, I can't find it now, but that being neither here nor there, I think we -- I think it should have been more highlighted that it was -- it -- it struck me that it was just for a technical reason that just the ordering of what they do. It -- it wasn't like they were saying -- it wasn't like they were saying --

Mr. Crawford: I understand that but they ...(inaudible)...

Chair Mardfin: ...(inaudible)... system.

Mr. Crawford: I understand that but then why even include the original letters that essentially --

Chair Mardfin: Well, that's -- that's a good point.

Mr. Crawford: ...(inaudible)... I mean, just it's giving us incomplete information, so just leave them out all the -- all the way if they've been rescinded or include the rescinded letter with them. So, anyway, I made my point on that, and I would like to suggest that we've been at this for four-and-a-half hours now, we're having continued connection problems, and so, with the Chair's permission, unless there's some other pertinent thing that we really need to discuss, I would like to make a motion to defer this meeting to another -- till we can pick it up at another time.

Mr. Wariner: Second.

Ms. Kahana: I'd -- I'd like to inject right here. I just -- I just have a comment for Jim Buika if I can.

Chair Mardfin: Go ahead, Mary Ann.

Ms. Kahana: Earlier in your presentation, you had mentioned, when you showed us the house, that it's a Hana style house, and really, it's not.

Chair Mardfin: No, it isn't.

Ms. Kahana: This house will stand out.

Mr. Wariner: Mr. Chairman, you have this motion on the floor, with a second.

Ms. Kahana: The homes there is like ...(inaudible)... square feet.

Chair Mardfin: Was this --

Ms. Kahana: You know, if it was a Hana-style house, my nieces and nephews probably wouldn't be sleeping in their garages.

Mr. Buika: Okay, so noted, and I apologize for that misnomer ...(inaudible)...

Mr. Wariner: Point of order, Mr. Chairman.

Chair Mardfin: Scott -- Scott made a motion to defer. I want to check with Daniel Kunkel to see if we adjourn this meeting and then just call a new one or whether we -- well, there's a way of -- there's a way of deferring it without having to do a new notice to everybody, I think.

Mr. Kunkel: No. I think a new --

Ms. McLean: Chair?

Mr. Kunkel: A new notice will be necessary if -- for your next meeting, yeah, regardless, but it just needs to be issued six days ahead of the meeting.

Ms. McLean: But, Chair, if you choose to recess, and choose a specific date and time where the meeting will resume, you can also do that. That would mean that you pick up where you left off and not take testimony again. So, those are two options that you have. You would have to pick a date and time tonight --

Chair Mardfin: If we're going to recess.

Ms. McLean: For when you resume the meeting, so you'd need -- all the members would need to be able to indicate when they're available, or you could adjourn the meeting, and then post a new agenda for a future date, and then we'd start again with public testimony at the beginning.

Chair Mardfin: Mr. Kunkel, do you have any suggestions for us among the two options?

Mr. Kunkel: Yeah, perhaps it'd be a good idea to -- to, right now, decide on the date of the next meeting and then, yeah, and then -- then you wouldn't need to -- there wouldn't be a need to redo public testimony, you would simply pick up where you left off, like -- like Ms. McLean was suggesting.

Chair Mardfin: Scott, you were the one that made the motion, do you have any preferences?

Mr. Crawford: I don't have a strong preference as far as that is concerned. I -- I would like to bring up the possibility of a site visit as well, which is something that was, looking back through the -- through the transcript of the 2018 meeting, that was discussed at the end of that meeting, and I think that there was some intention to plan a site visit, and then the application was essentially sort of temporarily withdrawn while some more things were worked out and that site visit was never arranged, but I think that the, you know, that I -- I would like to recommend that we have a site visit, so I guess part of the conversation is do we want to -- the site -- the site visit can either be, I was reading the testimony and before, it can either be a sort of an investigative committee that can just go on their own to site visit or it can be an actual Hana Advisory Committee meeting, and I would like it to be an actual meeting so that we can all go, and we can have some experts there with us, and it would be an open meeting that community could attend, we could have maybe the corners of the building flagged off, the -- the locations, and some poles indicating the height and things like that, so we could really visualize what -- what these buildings will look like. And so, you know, whether we -- if we're going -- if -- if it makes sense to

schedule a -- to do a site visit before we reconvene another meeting like this, or if it makes sense to sort of pick up where we left off and then plan to do a site visit after that, you know, I am open to suggestions, but, you know, I'd like to suggest --

Chair Mardfin: My --

Mr. Crawford: I would like to voice my -- my sentiment in favor of doing a site visit.

Chair Mardfin: My view of this is I have no problem with a site visit. I think it's an -- I'm not sure the Planning Department will be thrilled because Jim would have to drive all the way out here, but -- and Suzie too probably, somebody to keep track of what we say because we'll be together in a group and we have to, because of Sunshine laws, we have to be very careful about not making decisions.

Mr. Crawford: Right.

Chair Mardfin: And there are some other concerns. I've been on a couple of Planning Department site visits and they're -- they're kind of tricky to do, but I do think there's some value in it, and I got a side note that Janet Six could make it and would participate in a site visit. That would be, I think, very helpful. If we do --

Mr. Carvalho: Chair?

Chair Mardfin: If we start to go down that route, I would suggest we adjourn not --

Mr. Carvalho: Chair?

Chair Mardfin: Not make it a recess. It would just make it clean, adjourn, then schedule a site visit, and then schedule a meeting like this where we make decisions because we can't make decisions on the site visit.

Mr. Crawford: Yeah, I agree with that.

Chair Mardfin: Michele --

Ms. McLean: Chair, I -- I'm sorry, Dan. Go ahead.

Chair Mardfin: No, I was going to ask --

Mr. Kunkel: ...(inaudible)... go ahead ...(inaudible)...

Ms. McLean: I would agree, Chair, that it's cleaner. If you do want -- if the -- if the Committee does want to do a site visit, to adjourn this meeting, and then Suzie can poll members for when we can have the site visit. We could even look at, if members are comfortable, meeting in person, doing a site visit in the mid-afternoon and then the meeting that same day in person since we'll all be there. But, we can poll -- we can poll members for that.

Chair Mardfin: I see Mr. Stice is waving his hand.

Mr. Carvalho: Mr. Stice.

Mr. Kunkel: I would just suggest that if you -- if you do do a site visit with all members of the Committee, that'll need to be an open meeting in and of itself.

Mr. Crawford: Yeah.

Mr. Kunkel: You could do with cell phones, though, right? Remotely with cell phones on. It could be open that way.

Ms. Stice: Go ahead talk.

Mr. Stice: May -- may I suggest that, if we do that, that we -- we had two hours of testimony, can we do the meeting without further testimony?

Chair Mardfin: I don't believe so. If it's -- if it's a newly scheduled meeting, I think testimony has to be done.

Mr. Stice: Okay. Alright.

Chair Mardfin: Public testimony has to be opened.

Ms. McLean: That's correct.

Chair Mardfin: I believe.

Mr. Crawford: I -- and, well, I -- I don't necessarily want people to just go over and say the same thing they already have said. I think it's good --

Ms. Stice: Yeah.

Mr. Crawford: To have an opportunity for people to go on a site visit and then maybe they have something new that they want to share that comes out at a site visit, additional

information, so it's worth allowing more testimony. I mean, I don't want to -- I'm -- I'm not, you know, I don't want to drag this out unnecessarily. I know the Stices have been -- have been working on this for many years and, you know, and -- and --

Ms. Stice: Twenty-five years.

Mr. Crawford: Try to drag it out unnecessarily, but I think that, obviously, there's a lot of opposition to this project, a lot of people right immediate neighbors are opposed to this project, and, you know, I wouldn't feel like we could really move forward with a decision without -- I think having a -- doing our due diligence, having a site visit makes sense as part of the process.

Chair Mardfin: Okay. One -- there are a couple of things we can do. I -- I know you have a motion on the floor, but I'm making some suggestions here. I think a site visit's a good idea. We -- is Clayton still on? We --

Mr. Carvalho: Yup. I'm here.

Chair Mardfin: No, not you, Clayton. Clayton Yoshida.

Mr. Carvalho: Oh, Yoshida. Okay.

Chair Mardfin: The -- the Planning Department Clayton. 'Cause we are -- today was our quarterly meeting, you know, we could wait for another quarter, but most of us are still living in Hana. We could schedule it almost any time. We could schedule it a week from now or two weeks from now. We'll have to discuss it. But I don't know what the Planning Department's constraints are. We were going to have this meeting couple of weeks ago, and the Planning Department couldn't do it, and Jim would have to be out here for it, I'm pretty sure.

Ms. McLean: Right. Yeah, Chair, I don't -- I don't see any major impediments to us being able to do it as soon as Committee members are available.

Chair Mardfin: Okay. Do I -- let me suggest some things. Mary Ann, you work. So, what's the earliest you could do a site visit? Oh, we could do it on -- can we do it on the weekends? I'm having Lipoa look at ...(inaudible)...

Mr. Carvalho: I may be at -- there may be activity at the site on the weekends.

Chair Mardfin: Well, that would be interesting to see.

Ms. Kahana: I'm good on Mondays and Tuesdays, if anybody is available.

Chair Mardfin: Okay. Is -- Clayton, what's your job schedule? Are you available on a Monday or Tuesday?

Mr. Carvalho: I'm available all days after 3 p.m. Yeah.

Chair Mardfin: Okay, 'cause I'm -- I'm teaching Econ 120 starting Monday, and it's six weeks, and it's 10:30 to 11:45, but I could do something after 3:00. Scott?

Dr. Six: I'm -- excuse me, Ward. I think it's -- I think Michele mentioned we do some kind of a poll and get an idea of all the different people that can participate.

Mr. Carvalho: I would -- I would --

Dr. Six: I have to make sure I can be out here.

Ms. McLean: Janet? Janet, we're -- the Chair is working on it and trying to poll members now. Thank you.

Dr. Six: Sorry. Sorry.

Mr. Carvalho: Chair? Chair? Chair, I would just suggest maybe two weeks from -- or like a round number, like two weeks or three weeks from today.

Mr. Crawford: But Mary said Mondays and Tuesdays are better for her.

Mr. Carvalho: Okay. I mean, a Tuesday, two weeks from now, you know, it's fine.

Mr. Crawford: I mean, the Tuesday, the 21st, or Tuesday, the 28th, in the afternoon, would work for me.

Mr. Stice: ...(inaudible)... on the 28th.

Ms. Stice: But we're not going ...(inaudible)...

Mr. Chair: Are we back?

Mr. Carvalho: I'm back.

Mr. Crawford: I don't know if you heard me say that Tuesday the 21st or 28th would work for me in the afternoon.

Mr. Stice: I'm not here on the 28th, Scott.

Chair Mardfin: And the 21st?

Mr. Stice: 23rd is fine.

Chair Mardfin: 21st

Ms. Kahana: I'm good for 21.

Mr. Stice: Oh. Can I say something?

Ms. Stice: Yeah.

Mr. Crawford: Lipoa and I ...(inaudible)... are over in Kahului ...(inaudible)...

Ms. Kahaleuahi: Yeah, I'm not available.

Chair Mardfin: ...(inaudible)... Ke Au Halii.

Ms. Stice: Ward, can Gary say something?

Chair Mardfin: Please.

Ms. Stice: Okay, go ahead.

Mr. Stice: The 28th is going to be very difficult for me, but the 21st we could do, or later ...(inaudible)...

Chair Mardfin: Yeah, but the 21st I've got -- I've got four that have meetings for Ke Au Halii, they're on their board.

Mr. Crawford: No, no.

Ms. Stice: Okay.

Mr. Crawford: It's not a Ke Au Halii meeting on the 21st, it's we -- we may have to go to Kahului to sign some closing documents so --

Chair Mardfin: How about Monday? Monday the 20th? Lipoa's shaking her head no. Lipoa, you can't do Monday the 20th?

Ms. Kahaleuahi: No. Mondays are difficult for me.

Chair Mardfin: Tuesdays are good?

Ms. Kahaleuahi: Selective Tuesdays are good.

Chair Mardfin: Selective Tuesdays. Well, three weeks out. Tuesday, three weeks from now.

Mr. Wariner: I can go on the 21st.

Ms. McLean: That would be July 5th.

Ms. Wariner: They don't know who you are. You have to say this is ...(inaudible)...

Chair Mardfin: July 5th is ...(inaudible)...

Mr. Carvalho: July 5th.

Chair Mardfin: Who won't be here?

Mr. Crawford: I won't be here. I'm leaving on the fourth for about three weeks so July is ...(inaudible)...

Mr. Carvalho: That --

Chair Mardfin: I want -- I want ...(inaudible)... to be there.

Mr. Carvalho: I don't know if that's possible, Chair.

Chair Mardfin: It's always possible, it might be Christmas, but it's possible.

Mr. Crawford: July 26?

Chair Mardfin: What -- what day of the week is that?

Mr. Crawford: Tuesday. Looking for Tuesdays for Mary? That seems to be what works for Mary Ann and Lipoa is Tuesday afternoon so and -- and --

Chair Mardfin: July 26? Lipoa, July 26? Yes. Dean, July 26?

Mr. Wariner: Yes, July 26.

Chair Mardfin: That's okay? Mary Ann got her thumb up. Clayton, July 26?

Mr. Carvalho: Yes, as long -- as long this agenda stays fresh in our minds, I'm good for it.

Mr. Crawford: Make some notes.

Chair Mardfin: I can't promise that, but I'm 78 so if it's -- if it's not going to be fresh in somebody's mind, it will be not fresh in my mind. I got 45 or 50 years on you. Okay, so we're -- we're talking -- are we good for --

Mr. Crawford: Ward, are we talking about like 3 -- 3:00 in the afternoon for this visit and then potentially having a -- hearing after that?

Mr. Carvalho: Chair? Chair? Chair, I -- Chair, I would suggest either we do that meeting that night -- that day or exactly one week from the date following so everyone has a clear idea of, you know, attending testimony-wise.

Chair Mardfin: Okay, July 26, 3 p.m., and did I see everybody could make it? Did -- does anybody know if Becky can make it? She seems to have -- one, two, three, four, five, six. We have six out of seven here. July 26, 3 p.m., sounds good at the Stice residence property. Michele can -- Jim, can you make that?

Mr. Buika: Yes, I'm available.

Chair Mardfin: Okay. Janet, can you make it?

Dr. Six: Yeah, I should be able to be there.

Chair Mardfin: Okay. Michele, you're not going to drive over. You've got too many things to do on your side of the island, but you're certainly welcome.

Ms. McLean: I would. It's a regular meeting date of the Maui Planning Commission, so I'll have to see what's on the agenda.

Chair Mardfin: Yeah.

Ms. McLean: But I could come out for the meeting.

Chair Mardfin: Okay, we need to talk about that. Do we want to do a site visit for maybe two hours and then get Hana School to do our -- our meeting?

Mr. Kunkel: Just -- just so you're aware, this is Dan Kunkel speaking.

Chair Mardfin: Yes.

Mr. Kunkel: When you get together for the site visit, that is going to be a meeting, so it's -- it's gotta be -- there's got to be a meeting aspect to it. Anytime you get a quorum of you together, that -- that is a meeting by law.

Ms. McLean: Yes, we would -- we would we would post onsite inspection agenda. We would take summary minutes. The Chair would have to reconvene. We -- we have procedures to do that. You're absolutely correct. And then --

Chair Mardfin: ...(inaudible)...

Mr. Carvalho: Chair?

Ms. McLean: Public testimony will be taken at the site, and then at the meeting, later on, it would be a separate agenda where testimony would also be taken.

Mr. Carvalho: Chair? Chair? Chair, I would suggest either a tighter time for a site visit or a later time for a follow-up meeting.

Chair Mardfin: You mean by later time you mean a different day?

Mr. Carvalho: Well, I'm good with either/or, but I don't think like, logistically, if we start that site visit at 3:00, and we give us two hours for it, and then we have to reconvene with a recess later and have the council set up.

Mr. Crawford: We have to eat somewhere in there.

Mr. Carvalho: Yeah, we're going to get into the same situation we're here, we're at right now, as just suggesting.

Chair Mardfin: Yeah, what about ...(inaudible)...

Mr. Crawford: What August 4th, if we didn't want to try to do 'em on the same day, we could look at August 4th as other virtual meeting for the -- for the regular none site visit meeting.

Chair Mardfin: We could do it two days later on Thursday, virtual. Site visit Tuesday the 26th, and Thursday the 28th when it's still all fresh in our minds.

Mr. Crawford: That probably conflicts with Ke Au Halii.

Ms. Kahaleuahi: Yeah, if we -- especially if we have our ...(inaudible)...

Mr. Crawford: Yeah, we have a big event two days later that we'll be planning for so --

Mr. Carvalho: If -- if you --

Chair Mardfin: ...(inaudible)...

Mr. Carvalho: If we have a -- if we have a tighter time on that site visit, we could get it all done in one -- one day.

Mr. Crawford: I mean, can we keep the site visit to an hour?

Mr. Carvalho: I believe so.

Chair Mardfin: It depends on whether there's a lot of public testimony or not.

Ms. Kahaleuahi: Did August 2nd not work with people?

Chair Mardfin: I'm sorry?

Mr. Crawford: August 2nd doesn't work for me. August 4th would work if we wanted to do it on a Thursday.

Ms. Kahaleuahi: Just checking.

Ms. Kahana: I'm sorry, but I just wanted to -- I have a question for Gary Stice so I don't know how long we're going to take to come up with a date and time, but I want to capture Gary Stice and ...(inaudible)... because I have a question for him, if it's appropriate.

Chair Mardfin: It isn't until we get this resolved, I don't think. Clayton, what do think?

Mr. Stice: Did she have a question?

Chair Mardfin: Clayton, what do you think? Meet at -- Mary -- Mary Ann, can you make it at -- at three?

Ms. Kanaha: Yes.

Chair Mardfin: Clayton, what do you think, go from three to four for the site visit? And then go back to Hana School maybe for -- from 4:30 to --

Ms. McLean: Clayton, you're muted.

Mr. Carvalho: Are you speaking to Clayton -- Clayton Yoshida or Clayton me?

Chair Mardfin: Well, Clayton -- I don't think Clayton Yoshida is here anymore.

Mr. Carvalho: Okay. I think that's fine if we can -- we've done site visits like that and got it done in the same day before, so I think an hour is -- leaves us enough time.

Chair Mardfin: Okay. And then from 4:30 --

Mr. Carvalho: And, correct me if I'm wrong, we can -- we can do testimony at these -- the follow-up meeting at the school, right? We can pause --

Ms. McLean: You have to. Yeah.

Chair Mardfin: If it's the same -- if it's the same day, I don't see why we couldn't.

Mr. Crawford: You have to. I mean, it's two separate meetings so --

Ms. McLean: Yes.

Mr. Crawford: You'd have to have public testimony at both meetings if anybody wants to.

Chair Mardfin: Okay.

Mr. Crawford: You have to at least provide the opportunity.

Chair Mardfin: Okay.

Ms. McLean: But what, Chair, what you can do, and I've seen this happen with the County Council and other bodies, at the site visit, you can say testimony has to be directed to features on the site that you're supposed to be looking at --

Chair Mardfin: Okay.

Ms. McLean: Like don't talk about the project, don't talk about bigger issues, you can offer testimony about the site, and let folks know there's going to be an opportunity to

testify later, so if they can keep their testimony concise and narrowed down to the site itself, then that should assist with -- with keeping the site visit shorter.

Chair Mardfin: ... (inaudible) ... and then meet at the -- should we go to -- go to our homes and go back on -- on BlueJeans or should we go to Hana School Cafeteria and work out of there?

Ms. Crawford: It is a requirement that you have a virtual option so that the County would have to set that up, but I would prefer to have -- to try to have a physical meeting and then have it be online for people to attend but for us to try to have a physical meeting at the cafeteria or whatever.

Mr. Carvalho: Agreed.

Ms. McLean: Actually, I don't think, and Dan can chime in on this, I don't think it's a requirement to have a hybrid meeting. If you want to provide a hybrid meeting, you have to have a physical location as well.

Mr. Crawford: Oh, not the other way.

Ms. McLean: But, if you have -- if you have just a physical location with everybody there, you do not have to provide the video conference option.

Mr. Kunkel: Yeah, that's my understanding, too. Yeah.

Chair Mardfin: Okay. That may, by the way, that may change in the fall depending on what the Maui voters do. We have some very interesting Charter Commission proposals coming up that will deal with that sort of stuff, but that -- that -- we will have the election by then, and they may not pass any one of those. Okay, so that sounds --

Ms. Stice: Can Gary say something, Ward?

Mr. Stice: Ward?

Ms. Stice: Can Gary say something?

Mr. Stice: Somebody was trying to ask me a question. I just wondered if they could repeat that question.

Mr. Crawford: Well, it's --

Ms. Kahana: That's what --

Mr. Crawford: Point of --

Ms. Kahana: That was me after we're one.

Mr. Crawford: The point of order -- the point of order, we still have actually a motion on the floor to adjourn.

Chair Mardfin: Yes.

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

Chair Mardfin: Mr. Stice, we have to deal with the next meeting first --

Mr. Stice: Alright. Okay.

Chair Mardfin: And then we can deal with questions. Okay.

Ms. Stice: Well, somebody asked him --

Mr. Crawford: Make a note of your question, Mary, and bring it up next -- next time.

Chair Mardfin: No, don't do that. You'll forget it.

Ms. Kahana: Well, I didn't wanna miss the opportunity to speak with Gary Stice.

Chair Mardfin: Right.

Ms. Kahana: And then, you know, nobody been looking at my hand when I had it up earlier for a while and yeah --

Chair Mardfin: As I understand it --

Ms. Kahana: ...(inaudible)... with the meeting.

Chair Mardfin: Okay, my -- as I understand it, the motion on the floor is that we have a site visit on Tuesday, July 26, at 3 p.m., 3 to 4 p.m., with only public testimony that specifically deals with things in front of us, not how good Mr. Stice has been to everybody in the community, not for -- how -- how much we like to fish in the fishpond. And this 3 to 4 meeting will be followed by a 4:30 meeting that will be held at, assuming we can make the arrangement --

Mr. Crawford: Can we make it 5:00? I mean, we need to eat somewhere in there, too, so --

Chair Mardfin: Okay. Maybe we can get Earl catch us some fish. Five -- 5:00 meeting at Hana School Cafeteria, and if we're all there, well, Michele and I will have to -- or Jim will have to figure out if we have to have technology there. We will be needing Corp Counsel, I'm pretty sure. Is Mr. Kunkle able to join us at both places?

Mr. Kunkle: Yes. Yes.

Chair Mardfin: That's good. And Jim will be there and Michele will be sitting back in Kahului saying have a nice time, guys. Okay, that's the motion on the floor.

Ms. McLean: I'll be there ...(inaudible)...

Mr. Carvalho: Okay, I'm --

Ms. McLean: I'll attend whatever I can. I would suggest that the -- that the motion not include the location of the meeting in case we need to --

Chair Mardfin: Okay.

Ms. McLean: Have a different ...(inaudible)... but we'll find a place.

Chair Mardfin: Okay.

Mr. Crawford: Yeah, and -- and just to clarify like -- let me just withdraw my motion because I made a motion to adjourn and then we had this whole conversation, so I withdraw my motion to adjourn. Mary can ask a question of Mr. Stice if she wants to. Now that we've worked out the details on the meeting, one of us can make a new motion to adjourn.

Chair Mardfin: Please. Oh, wait. Wait, we're not going to have a motion to adjourn yet. We have a motion to who is making the motion to have the site visit followed by a --

Mr. Crawford: I'll make a new motion to, yeah, have a site visit on, as you said.

Chair Mardfin: Tuesday the 26th.

Mr. Crawford: Twenty-six --

Mr. Carvalho: I will second.

Mr. Crawford: At 3:00 and then a regular meeting on the same day at 5:00.

Chair Mardfin: Okay.

Mr. Carvalho: I will second at a place to be determined.

Chair Mardfin: Clayton -- Clayton seconded the motion. Are there any discussion? I'm gonna --

Mr. Carvalho: Just -- just that -- just that the community really was pushing for an in -- in-person meeting. There was a groundswell of, as you saw, testimony and sentiment just in the last couple of days so it's -- I think it would be beneficial for us to meet in person and encourage people to be there in person.

Chair Mardfin: Okay. I'm going to do -- Scott?

Mr. Crawford: Now we're back.

Ms. Stice: Okay.

Chair Mardfin: Clayton, did you vote yes or no?

Mr. Carvalho: I voted yes. Sorry, got cut off. Let's meet in person.

Chair Mardfin: Clayton yes. Scott yes. Mary Ann?

Ms. Kanaha: Yes.

Chair Mardfin: Lipoa?

Ms. Kahaleuahi: Yes.

Chair Mardfin: That thumbs up means aye. Dean Wariner?

Mr. Wariner: Yes.

Chair Mardfin: Dean yes. And the Chair votes yes, so that's -- that is well more than four so the motion passes.

It was moved by Committee Member Scott Crawford, seconded by Committee Member Clayton Carvalho, then unanimously

VOTED: to have a site visit on July 26, 2022, at 3:00 p.m., and then a regular meeting on the same day at 5:00 p.m. at a place to be determined.

(Assenting: C. Carvalho; S. Crawford; M. Kahana; L. Kahaleuahi; W. Mardfin;
D. Wariner)
(Excused: B. Lind)

Chair Mardfin: Scott, before you make your motion to adjourn, could we allow Mary Ann to ask her question?

Mr. Crawford: Yeah.

Chair Mardfin: Mary Ann, what's your question?

Ms. Kanaha: Yes, thanks, Gary Stice, for, you know, staying on the meeting this long, and I wanted to take this opportunity to ask this question because I was at the 2018 meeting, and when I reflect back, we had asked you if in the case you would sell the property, you know, what the figure would be, and I recall you mentioned one, one point two, and then Leo Caires had said you may have upped the price, one point six, so I don't know if that option is on the table.

Mr. Stice: Okay. At that 2018 meeting, the -- the HAC asked me to explore offering the property to the County. I pursued that right after the meeting. On December 10th, I sent off the form that the department, which department is that? Sent to me, and I sent it back, and I made the offer and I received, on December 11th, stating that they recognize the exception to that offer and that negotiations would be ongoing. I have not heard anything from them since. I called Guy several times and he said that there was no action on the part of the County, so we were unable to negotiate anything because the County would not respond.

Chair Mardfin: ...(inaudible)...

Mr. Stice: But I am willing to do that, but I can't make them talk to me.

Mr. Crawford: So, you're still open to that possibility to be ...(inaudible)...

Mr. Stice: I'm open to the possibility, and I don't know where this 1.2 million comes from, but we went through this before, back probably in 2009 or something like that, and at that time, we had an appraisal for 2.3 million, the County came up with an appraisal of 1.2 million, and we did not feel that we could afford to take that kind of a loss on the property.

So, of course, values have changed a lot since then, but I'm still willing to negotiate but the County has not responded after accepting my request. So, somebody should ask them to respond. I've called, followed up several calls. No response. Would somebody there be able to push something?

Chair Mardfin: ...(inaudible)...

Mr. Crawford: Yeah, we -- we can talk about that, but thank you for -- for being willing to continue to explore that option and we can -- we can, you know, pursue that line of questioning.

Ms. Kanaha: Yes. Thank you.

Mr. Stice: Yeah.

Ms. Stice: You're welcome.

Chair Mardfin: Was it the Mayor that you were dealing with?

Mr. Stice: Guy or wait. I'll get the name.

Mr. Buika: Guy Hiranaga?

Mr. Stice: Hiranaga. Yes.

Mr. Buika: Yeah.

Ms. McLean: Yeah. He's with the Finance Department.

Mr. Stice: Yes.

Ms. McLean: He's involved with managing --

Mr. Stice: That's the department that couldn't --

Ms. McLean: County leases.

Mr. Stice: I could remember that.

Ms. McLean: He would be the --

Chair Mardfin: Michele, would you say that again?

Mr. Stice: Okay.

Ms. McLean: Guy Hironaka is with the County Finance Department. He handles all County land acquisitions, leases, etcetera. So, he would be the right one.

Mr. Stice: Yes, and we're in comunicado.

Ms. Stice: ...(inaudible)... it was signed by Agsalog ...(inaudible)... this letter was 2017.

Mr. Stice: There's a letter -- we have a letter signed by --

Ms. Stice: Dan Agsalog.

Mr. Stice: Agsalog.

Ms. Stice: But this was way back in 2017.

Mr. Stice: But --

Ms. McLean: Yeah, he was the Finance Director back then, Danny Agsalog.

Mr. Stice: ...(inaudible)... that with the change of administration that the new administration was going to take the tack that they weren't going to pursue it. It's just that way ...(inaudible)...

E. ADJOURNMENT

Chair Mardfin: Okay, we are losing people like bad so, Scott, you want to make your offer to adjourn?

Mr. Crawford: Yeah, thanks for asking that question, Mary. I'm glad that you stuck that in at the end, and if there's nobody else has anything else, I will move to adjourn.

Chair Mardfin: Is there a second?

Ms. Stice: Nine-fifty. Nine-forty-nine.

Chair Mardfin: Who second it?

Ms. Kahana: I second.

Chair Mardfin: Thank you, Mary. All in favor?

Mr. Carvalho: Aye. Aye.

It was moved by Committee Member Scott Crawford, seconded by Committee Member Mary Ann Kahana, then unanimously

VOTED: to adjourn the meeting.

(Assenting: C. Carvalho; S. Crawford; M. Kahana; L. Kahaleuahi; W. Mardfin;
D. Wariner)
(Excused: B. Lind)

Chair Mardfin: Motion carries. Meeting is adjourned. Thank you, Suzie. Thank you, Daniel. Thank you, Michele.

Chair Mardfin adjourned the meeting at 9:51 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Ward Mardfin, Chairperson
Becky Lind, Vice-Chairperson (Excused at 7:52 p.m.)
Clayton Carvalho, Jr.
Scott Crawford
Mary Ann Kahana
Lipoa Kahaleuahi
Dean Wariner

Others:

Michele McLean, Planning Director, Department of Planning
Clayton Yoshida, Planner, Current Division, Department of Planning
Jim Buika, Planner, Current Division, Department of Planning
Daniel Kunkel, Deputy Corporation Counsel, Department of the Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions II, Current Division, Department of Planning