

Aloha Committee Chair Cochran and Committee Members.

Thank you for having this hearing regarding the Banyan Tree and allowing the community to give input.

As for me I am giving input from first hand experience I would like to begin by saying when it comes to the Banyan tree Parkthe system is broken and has been broken and mis managed for quite some time

According to the Executive Order that governs this Parcel of land it was stipulated that the land was to be used for "Public Access" Also according to the guidelines that were set up to govern the Banyan Tree by Mike Foley (acting Planning Director at the time) it was clearly stipulated and I quote:

That the LTAC and LAS do not have exclusive rights to permits granted for Banyan Tree Park.

That being said I believe that exclusive rights have been granted and other Non profit groups have been excluded. I say this because of my first hand experience in the process.

I would be happy to share that experience with you in detail.... However it would exceed the 3 minute timeline that is before me today.

On May 13th of this year I e mailed each and every Council Member Requesting an Investagation of the Parks Dept and the goings on under the Banyan Tree at that time I also submitted supporting documents. One of the documents submitted was an appeal letter to the Parks Director(Kaala) after we had received the letter of denial denying our permit. This letter briefly sums up our experience.The letter reads as follows:

"READ LETTER"

IN CLOSING:

RECEIVED AT 1 EM MEETING ON 9-17-18

From: Jo Anne J Winer <mynaboyd@icloud.com>
Subject: Appeal for reconsideration of West Maui Hospital Foundation application for use of Banyan Tree Park
Date: February 26, 2018 at 10:39:02 AM HST
To: Kaala Buenconsejo <kaala.buenconsejo@co.maui.hi.us>
Cc: Lisa Almeida <lisa.almeida@co.maui.hi.us>, Grace Ishii <grace.ishii@co.maui.hi.us>, Alan Arakawa <alan.arakawa@co.maui.hi.us>

Dear Director Buenconsejo -

Thank you so much for speaking to me on Thursday to discuss our options regarding our Banyan Tree permit application following receipt of your January 23rd letter. Per our conversation we are filing an appeal, consistent with our right to due process and to allow reconsideration of our application for the Banyan Tree based on the following:

- 1) Our application was submitted on November 17th, 2017 pursuant to the request of both Parks Department personnel and the Cultural Resources Commission. We are not requesting any changes or additional use so our application should be processed as promised.
- 2) We were advised by Parks that ours was the only application being processed and no others were filed. To deny our request while others are permitted to be given preferential treatment with no applications on file is discriminatory.
- 3) We were advised by the CRC that once our application was approved by Parks the calendar for the Banyan Tree would be reconsidered to accommodate our request. There was nothing posted on the CRC agenda specific to the Banyan Tree or the approval of the Banyan Tree Calendar on their January 4th 2018 agenda. The CRC however gave approval of the Banyan Tree Calendar through June of 2018. The CRC should be subject to the Sunshine Law and as such no action should have been taken on an agenda item that was not posted. This is a violation of both the Sunshine Law and our right to due process.
- 4) It has been more than three months since our application was filed and since we are not requesting an expansion of activities under the Banyan Tree, only equal access to a public park pursuant to the intent of the Executive Orders No. 80 and 2053, timely processing of our application is part of due process.
- 5) Pursuant to a Department of Planning Memorandum dated August 11, 2004 it is clearly stated on page 3 that LTAC and LAS (Lahaina Town Action Committee and Lahaina Arts Society) do not have exclusive rights to permits granted for Banyan Tree Park. West Maui Hospital Foundation is seeking a legal permit for "equal access" which is affirmed by the original executive order. We believe a denial or delay in responding to our request is a violation of our civil rights.

6) By allowing certain non-profits to continue their "exclusive" use of the Banyan Tree Park and Maui County's failure to apply the same standards and requirements to "ALL" is in direct conflict with the "Public Use" stipulations in the Executive Orders granting Maui County control of the property.

Thank you for considering our appeal and justification as to why we should be granted equal access and fair treatment with regard to our permit request for the Banyan Tree Park area. If there is anything further that is required please advise us.

Sincerely,

Jo Anne Johnson Winer
50 PuuAnoano St. #508
Lahaina, HI 96761
808-463-7158

After submitting our Appeal Letter we heard no further communication from the Parks Dept,

Instead we got word from other sources that the Parks Dept. Had contacted Theo Morrison of the Lahaina Restoration Foundation and asked her to put in a 10 year lease for the Banyan Tree.(which she did) The Parks Director then submitted a 42 page document to the BLNR On Oahu it had many stipulations such as you could only contest this item if you were physically at the meeting on Oahu. It was also stipulated that only the groups that were currently under the tree be the only ones allowed to operate. I find this in direct conflict with the rights of the people of Maui and the Executive Order that was set forth.

I humbly ask that you form a committee to gather information and further investigate the matter of the Banyan Tree Park. And further move it through the body of the County Council a body that is elected by the people and for the people.

Thank you for your time and consideration.