

## PSLU Committee

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**From:** John and Christel Blumer-Buell <blubu@hawaii.rr.com>  
**Sent:** Tuesday, February 2, 2021 7:01 AM  
**To:** PSLU Committee  
**Cc:** Mayor Victorino; BFED Committee; Teresa Allred; Moke Bergau; John Blumer-Buell; Ellen Kahookele; Jean Mary Kahookele; Sharon Kahookele; Terry Kristiansen; Jeffrey C. Paisner; Irene Pavao  
**Subject:** PSLU-32. Please confirm receipt. Mahalo!!  
**Attachments:** List of Items PSLU-32.pdf

***INTERVENORS TERESA ALLRED, MOKE BERGAU, JOHN BLUMER-BUELL,  
ELLEN KAHOOKELE, JAMES KAHOOKELE III, JEANMARY KAHOOKELE,  
SHARON KAHOOKELE, TERRY KRISTIENSEN, MAX MATTSON,  
JEFFREY PAISNER and IRENE PAVAO***

Groundhog Day, February 2, 2021

Maui County Council Planning and Sustainable Land Use Committee, Tamara Paltin, Chair, Sent Via <PSLU.Committee@mauicounty.us> with request for confirmation of receipt. Cc: Mayor Victorino [mayors.Office@co.maui.hi.us](mailto:mayors.Office@co.maui.hi.us)  
[BFED.committee@mauicounty.us](mailto:BFED.committee@mauicounty.us)

**Subject; “Items in Committee”, PSLU-32 COMMUNITY PLAN AMENDMENT, DISTRICT BOUNDARY AMENDMENT, AND CHANGE IN ZONING FOR THE NAHIKU COMMUNITY CENTER (HANA).**

*ALOHA* Chair Paltin and Committee Members,

Congratulations on your recent election and our sincere Best Wishes for your 2021-2022 terms of service. The challenges we all face are serious and profound.

We are writing to respectfully request the PSLU Committee to;

**1) File PSLU-32.**

During the last meeting of the PSLU Committee regarding PSLU-32, it appeared the committee was prepared to file the item based on informed public testimony, your stated study of the longstanding documented issues and the actual facts. It appeared clear and unambiguous the committee finally understood; A. The Nahiku Community does not support the proposal. B. The proposed location is inappropriate for numerous documented reasons. C. The Hana Advisory Committee (HAC) to the Maui Planning Commission advised an Environmental Impact Statement (EIS) process to examine all relevant information, including alternatives. Sadly, the intentionally mislead and uninformed Maui Planning Commission ignored the unanimous and community informed HAC recommendation. D. The Nahiku Community Association does not represent the Nahiku community. E. There have been numerous questionable legal, ethical and political actions throughout this process that have hurt the community.

**2) Require and budget for fiscal year 2021-2022 a “Comprehensive and Independent Investigation”, a “Forensic Financial Audit” and a “Forensic Performance Audit” of every aspect of PSLU-32.**

There is no valid reason to continue to waste more taxpayer money since there are already fatal flaws that have been discovered and publicly documented over nearly ten years of controversy with the actual community and unethical and illegal actions by the County of Maui and others.

The actual publicly documented costs to date are at least \$246,000 of taxpayer money. That does **not** include the actual costs of the State of Hawai’i, the actual costs of the Maui County Planning Department, the actual costs of the Maui County Council and Council Committees, the actual costs of the Maui County Corporation Council, the actual costs of the Maui County Administration, the actual costs of the 2017 premature, inaccurate and misleading 414 page (four hundred and fourteen) “Application for Special Management Area Permit” by Munekiyo Hiraga, the actual costs of the unresolved lawsuit COUNTY OF MAUI VERSUS MAUI KUPONO BUILDERS LLC, ET AL., CIVIL 15-1-0421(1), the actual costs of our 47 page and unresolved “Intervention” and the actual costs of the abuse the community has had to endure **for more than ten years**.

All these costs, most unnecessary, were for a project initially and fraudulently represented in the previous expired SMA “Exemption” as costing “only” \$450,000. This low amount was strictly to avoid the responsibility of a Special Management Area Permit which would have been triggered at \$500,000. In addition, scrutiny of the actual costs of the million to two million dollar+ project were fraudulently exempted from the legally required Environmental Impact Statement legal due process by a County of Maui declared “Declaration of Exemption”. A change in zoning **requires** an EIS process. Sadly, the required EIS process has been a disputed issue since day one....check the earliest and all subsequent written records. Sadly, the Maui Planning Department and the Maui Corporation Council knew this from the outset.....accountability is overdue.

Now, we are all attempting to deal with Covid-19, too. Do you really want to invite every visitor and resident to gather in the remote and unique Lower Nahiku at a “community center”? That permitted use is what the rules and non discrimination practices mandate. The community never wanted the negative

community and environmental impacts that were obvious to most from day one. The community repeatedly suggested alternatives and more important priorities for spending taxpayers money. All suggestions were mysteriously and rudely ignored. All the suggestions and issues would have been addressed in the legally required EIS process ten years ago. Now, no need. Auwe!

Apparently, the Maui County Planning Department forgot to read or consider the spirit of *ALOHA* as stated in the 1994 Hana Community Plan Ordinance. The ordinance states, “Encourage community-based dialogue regarding proposed land use changes in order to avoid unwarranted conflict”.

It was revealed at the October 26, 2017, HAC meeting in Hana the County of Maui Department of Planning issued a “Memorandum” dated May 11, 2012, which confirmed that the preparation of an Environmental Assessment is not triggered for community plan amendments initiated by the the County, whether by Council or Administration, per the direction from the State of Hawaii Office of Environmental Quality Control (OEQC). The content, intent and legality of the “Memorandum” and the correspondence and protocol between the OEQC and the Maui County Planning Department need to be examined as part of the requested audits. The Planning Department “interpretation” could have profound negative impacts on land use and communities. The important issues should rightly be publicly considered in this Committee. The Planning Department report states in part on page 4 under *Community Plan Amendment*: “Hawaii Revised Statutes states that an Environmental Assessment (EA) or Environmental Impact Statement (EIS) **shall** be submitted along with the application for a community plan amendment”. We are requesting comprehensive audits, transparency and accountability of the Maui County Planning Department and other enablers of PSLU-32.

This entire situation has damaged the credibility of the County of Maui and is contrary to good government, the 1994 Hana Community Plan Ordinance, the Maui Island Plan, General Plan 2030 Ordinance, community well being and *ALOHA*.

We reluctantly intervened to protect Nahiku, our 'Ohana, our rights as citizens, the laws and legal due process for the community and taxpayers. At this point, after more than ten years of trying for legal due process and justice, we are having to seriously reconsider all our legal options. This remains an unpleasant dilemma for us as caring and responsible citizens.

Please carefully consider and grant our two requests in the best interests of the Maui Country Government, the taxpayers, the community and *ALOHA*.

Malama Pono!

Sincerely yours,

*Teresa Allred, Moke Bergau, John Blumer-Buell, Ellen Kahookele,  
James Kahookle III, Jean Mary Kahookele, Sharon Kahookele,  
Terry Kristiansen, Max Mattson, Jeffrey C. Paisner, Irene Pavao*

Email contacts;

Teresa Allred <TeresaAllred@mac.com>, Moke Bergau <mauiapr@yaho.com>, John Blumer-Buell <blubu@hawaii.rr.com>, Ellen Kahookele <ek2nahiku@gmail.com>, Jean Mary Kahookele <JMKNahiku@gmail.com>, Sharon Kahookele <sarkele@aol.com>, Terry Kristiansen <greentoes@alohaservices.net>, Jeffrey C. Paisner <jeffreypaisner@mac.com>, Irene Pavao <iphana@yahoo.com>

Phone contact for all petitioners;

John Blumer-Buell @ 248-8972 and Terry Kristiansen @ 248-7600