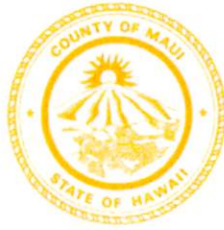


MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU-MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



RECEIVED

2019 MAR 11 AM 10:00

OFFICE OF THE MAYOR

OFFICE OF THE
COUNTY CLERK

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

March 11, 2019

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 3/12/19
Mayor Date

For Transmittal to:

Honorable Kelly T. King, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair King and Members:

SUBJECT: COMMUNITY PLAN AMENDMENT (CPA) FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC, STATE LAND USE DISTRICT BOUNDARY AMENDMENT (DBA) FROM AGRICULTURAL TO RURAL, CHANGE OF ZONING (CIZ) FROM AGRICULTURAL TO PUBLIC/QUASI-PUBLIC AND SPECIAL MANAGEMENT AREA USE PERMIT (SM1 2017/0002) FOR THE NAHIKU COMMUNITY CENTER ON 1.9 ACRES AT 0 NAHIKU ROAD, TAX MAP KEY (TMK) (2) 1-2-002:023, HANA, MAUI, HAWAII

The Department of Planning (Department) is transmitting for your review and action the above-referenced matter filed by William Spence, (former) Planning Director, County of Maui Department of Planning on behalf of the County of Maui, Department of Parks and Recreation.

A summary of the application is as follows:

APPLICATION SUMMARY	
Applications	CPA, DBA, CIZ action (Action on the SMA permit will occur after the land use entitlements are acted on by the Council).
Applicant	Mr. Will Spence, former Planning Director
Tax Map Key	TMK: (2) 1-2-002:023
Address	0 Nahiku Road, Hana
Area	~1.9 acres

COUNTY COMMUNICATION NO. 19-145

Honorable Michael P. Victorino, Mayor
 For Transmittal to:
 Honorable Kelly T. King, Chair
 March 11, 2019
 Page 2

Land Use Designations	State: Agricultural Hana Community Plan: Agricultural Title 19 Zoning: Agricultural
Brief Description	Community Plan Amendment from Ag to P/QP, State Land Use District Boundary Amendment from Ag to Rural, Change of Zoning from Ag to P/QP
Public Hearing	Hana Advisory Committee on October 26, 2017; MPC on August 14, 2018 Maui Planning Commission (MPC) vote was 6-0 favorable.
Testimony	Seven favorable, three opposed
Recommendation	Department recommends approval; Commission referred to Council with no recommendations

As Maui County Council (Council) approval is required for the land use applications, the Department respectfully transmits the subject applications and supporting documentation for Council consideration. Accordingly, attached for your review are the following documents:

1. Proposed bill entitled: "A BILL FOR AN ORDINANCE TO AMEND THE HANA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII, TAX MAP KEY (2) 1-2-002:023;
2. Proposed bill entitled: "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII, TAX MAP KEY (2) 1-2-002:023;
3. Proposed bill entitled: "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL TO P-1 PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII, TAX MAP KEY (2) 1-2-002:023;
4. Land Description and Community Plan Map No. 304;
5. Land Description and State Land Use District Map No. 305;
6. Land Description and Land Zoning Map No. L-1619;
7. Department's Report to the Hana Advisory Committee, October 26, 2017;
8. Department's Recommendation to the Hana Advisory Committee, October 26, 2017;
9. Minutes of the Hana Advisory Committee meeting of October 26, 2017;

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Kelly T. King, Chair
March 11, 2019
Page 3

10. Minutes of the MPC meeting of August 14, 2018; and
11. Letter from Gale Notestone, Chair, Hana Advisory Committee to Keaka Robinson, Chair, MPC, dated July, 23, 2018; and
12. "Petition to Intervene" from petitioners: Terry Kristiansen, Irene Pavao and John Blummer-Buell, dated 10-8-2017.

Thank you for your attention to this matter. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the office of the Mayor.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)
Maui Planning Commission Members
Project File

MCM:PFF:lk

K:\WP_DOCS\PLANNING\SM1\2017\0002_NahikuCommunityCtr\CounciTrans1.doc

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO AMEND THE HANA COMMUNITY PLAN
AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC
FOR PROPERTY SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII,
TAX MAP KEY (2) 1-2-002:023

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Hana Community Plan and Land Use Map is hereby amended from Agriculture to Public/Quasi-Public for that certain parcel of land situated at Hana, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 1-2-002:023, comprised of approximately 1.9 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map No. 304, attached hereto as Exhibit "B" and made part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
LF 2018-1703
2018-11-29 Ordinance CPA

DESCRIPTION

NAHIKU COMMUNITY CENTER

Being a portion of Government Land of Makapipi (formerly Nahiku School Lot) situated at Makapipi, Nahiku, Hana, Island and County of Maui, State of Hawaii.

Beginning at the South corner of the parcel on the Northeasterly side of Nahiku Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OPIKOULA" being:

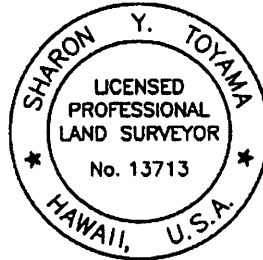
1,204.2 feet South

2,090.6 feet West

and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|-------|---|
| 1. | 126° 45' | 145.0 | feet along the Northeasterly side of Nahiku Road; |
| 2. | 146° 50' | 200.3 | feet along same; |
| 3. | 152° 15' | 102.5 | feet along same; |
| 3. | 172° 10' | 96.5 | feet along the Easterly side of Nahiku Road; |
| 3. | 295° 30' | 157.5 | feet along the Southwesterly side of a government road; |
| 3. | 292° 00' | 122.5 | feet along the Southerly side of a government road; |
| 3. | 276° 20' | 142.5 | feet along same; |
| 4. | 19° 35' | 330.5 | feet along Grant S-13,938 to David K. Kahookele, Jr., being also Lot 52-B of Nahiku Homesteads to the point of beginning and containing an area of 1.9 Acres. |

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

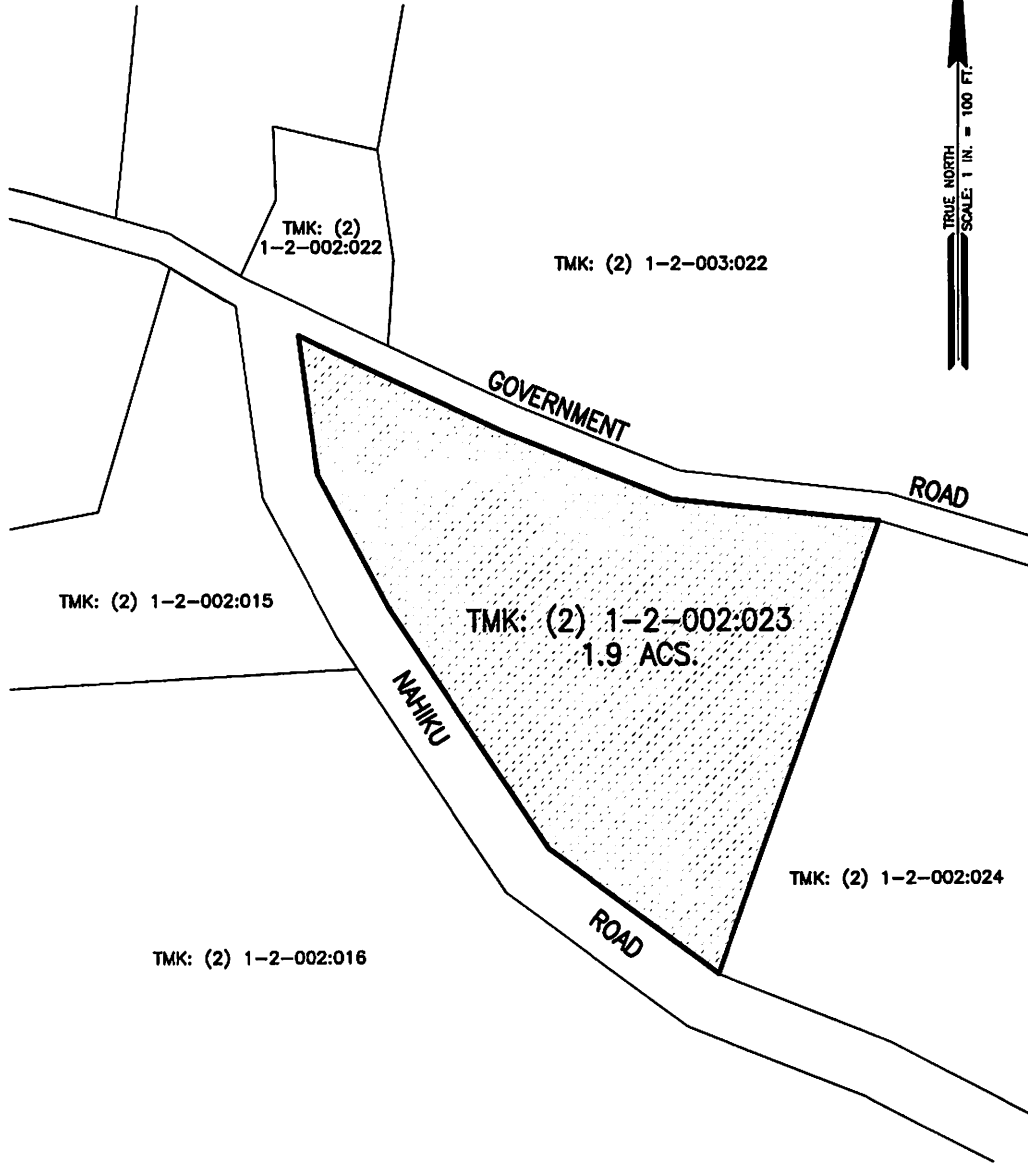
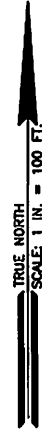
Sharon Y. Toyama

Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/20

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
November 9, 2018

RSK:11

VICINITY MAP



TAX MAP KEY

T.M.K.: (2) 1-2-02: 23

AREA

1.9 ACRES

COMMUNITY PLAN MAP NO. 304

COMMUNITY PLAN AMENDMENT – MAKAPIPI, NAHIKU, HANA, MAUI, HAWAII
FROM AGRICULTURE TO P/QP PUBLIC/QUASI-PUBLIC

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII, TAX MAP KEY (2) 1-2-002:023

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from Agricultural to Rural for that certain parcel of land situated at Hana, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 1-2-002:023, comprised of approximately 1.9 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in State Land Use District Boundary Amendment Map No. 305, attached hereto as Exhibit "B" and made part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
LF 2018-1703
2019-02-13 Ordinance DBA

DESCRIPTION

NAHIKU COMMUNITY CENTER

Being a portion of Government Land of Makapipi (formerly Nahiku School Lot) situated at Makapipi, Nahiku, Hana, Island and County of Maui, State of Hawaii.

Beginning at the South corner of the parcel on the Northeasterly side of Nahiku Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OPIKOULA" being:

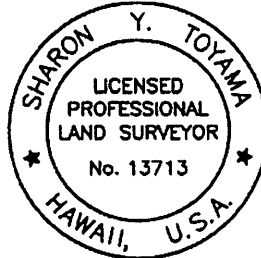
1,204.2 feet South

2,090.6 feet West

and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|-------|---|
| 1. | 126° 45' | 145.0 | feet along the Northeasterly side of Nahiku Road; |
| 2. | 146° 50' | 200.3 | feet along same; |
| 3. | 152° 15' | 102.5 | feet along same; |
| 3. | 172° 10' | 96.5 | feet along the Easterly side of Nahiku Road; |
| 3. | 295° 30' | 157.5 | feet along the Southwesterly side of a government road; |
| 3. | 292° 00' | 122.5 | feet along the Southerly side of a government road; |
| 3. | 276° 20' | 142.5 | feet along same; |
| 4. | 19° 35' | 330.5 | feet along Grant S-13,938 to David K. Kahookele, Jr., being also Lot 52-B of Nahiku Homesteads to the point of beginning and containing an area of 1.9 Acres. |

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

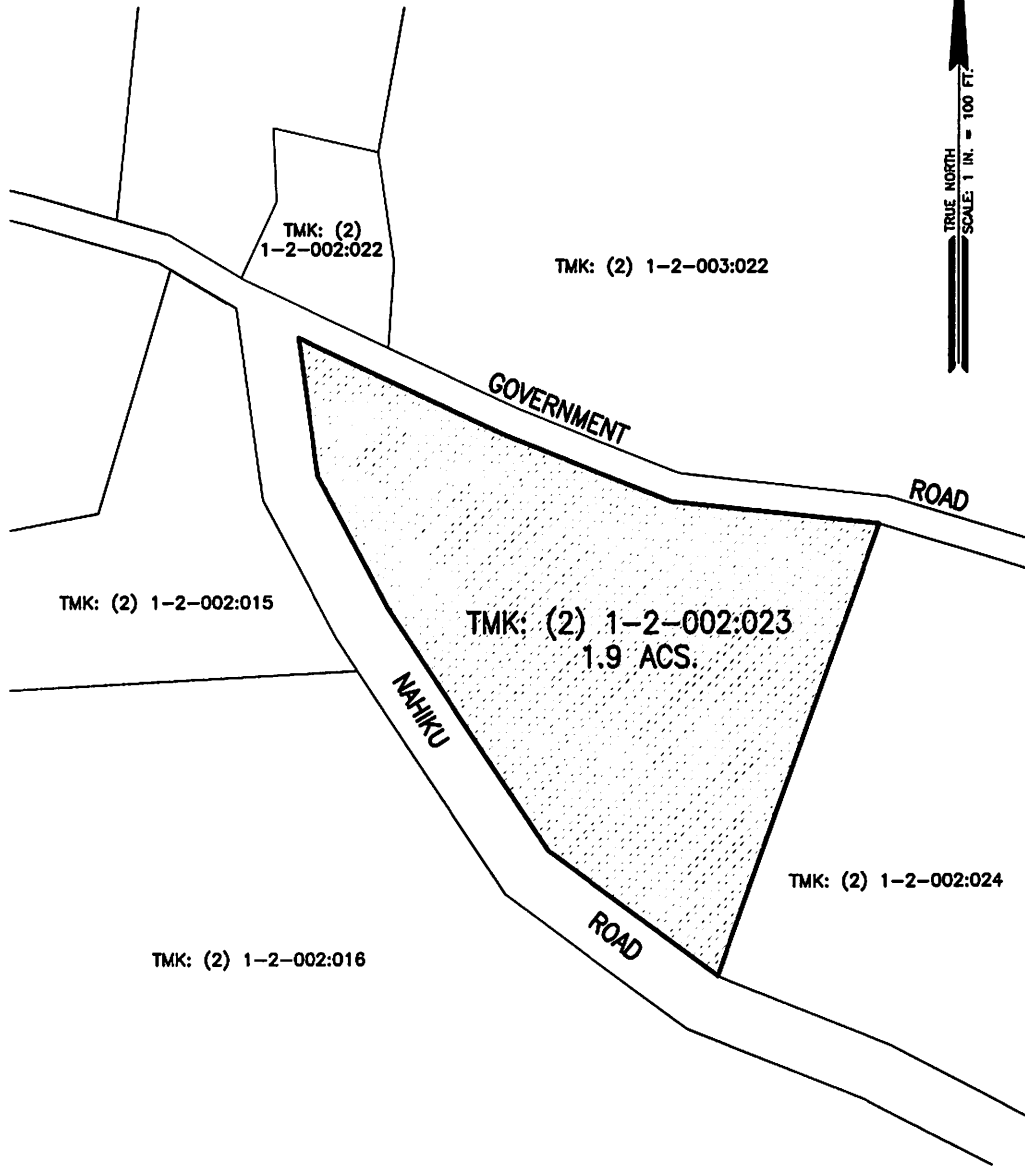
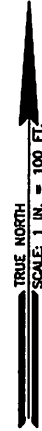
Sharon Y. Toyama

Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/20

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
November 9, 2018

RSK11

VICINITY MAP



TAX MAP KEY

T.M.K.: (2) 1-2-02: 23

AREA

1.9 ACRES

STATE LAND USE DISTRICT MAP NO. 305

STATE LAND USE DISTRICT BOUNDARY AMENDMENT
MAKAPIPI, NAHIKU, HANA, MAUI, HAWAII
FROM AGRICULTURAL TO RURAL

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
AGRICULTURAL TO P-1 PUBLIC/QUASI-PUBLIC FOR PROPERTY
SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII,
TAX MAP KEY (2) 1-2-002:023

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.38 and 19.510, Maui County Code, a change in zoning from Agricultural to P-1 Public/Quasi-Public (Conditional Zoning) is hereby granted for that certain parcel of land situated at Hana, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 1-2-002:023, comprised of approximately 1.9 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-1619, attached hereto as Exhibit "B" and made part hereof.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
LF 2018-1703
2019-02-13 Ordinance CIZ

DESCRIPTION

NAHIKU COMMUNITY CENTER

Being a portion of Government Land of Makapipi (formerly Nahiku School Lot) situated at Makapipi, Nahiku, Hana, Island and County of Maui, State of Hawaii.

Beginning at the South corner of the parcel on the Northeasterly side of Nahiku Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OPIKOULA" being:

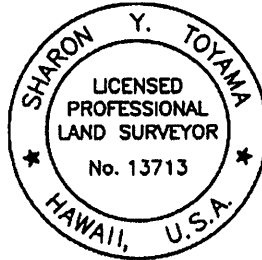
1,204.2 feet South

2,090.6 feet West

and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|-------|---|
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This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

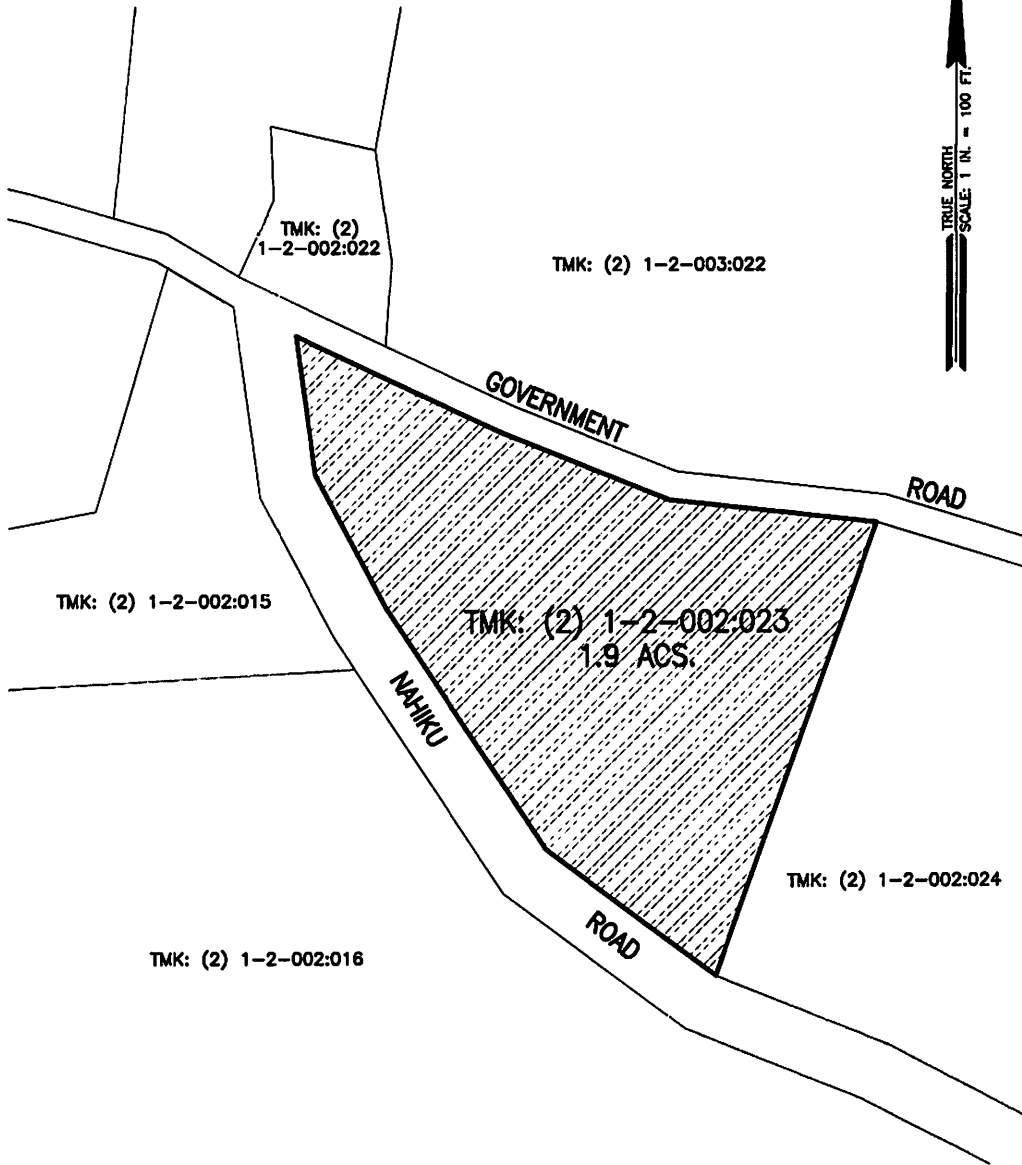
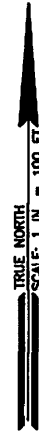
Sharon Y. Toyama

Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/20

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
November 9, 2018

RSK/1

VICINITY MAP



TAX MAP KEY

T.M.K.: (2) 1-2-02: 23

AREA

1.9 ACRES

LAND ZONING MAP NO. L-1619

CHANGE IN ZONING - MAKAPIPI, NAHIKU, HANA, MAUI, HAWAII
FROM AGRICULTURAL TO P-1 PUBLIC/QUASI-PUBLIC

BEFORE THE HANA ADVISORY COMMITTEE

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of

NAHIKU COMMUNITY CENTER

**To obtain the following land use entitlements:
Community Plan Amendment from Ag to P/QP,
State Land Use District Boundary Amendment
from Ag to Rural, Change of Zoning from Ag to
P/QP and Special Management Area Use
Permit for the Nahiku Community Center on 1.9
acres at 0 Nahiku Road, Tax Map Key (2) 1-2-
002:023, Hana, Maui, Hawaii**

**DOCKET NOs: CPA 2017/0002
DBA 2017/0002
CIZ 2017/0002
SM1 2017/0002**

**William Spence, Planning Director,
County of Maui Department of Planning
on behalf of the County of Maui,
Department of Parks and Recreation**

(PFF)

**MAUI COUNTY PLANNING DEPARTMENT'S REPORT
TO THE HANA ADVISORY COMMITTEE
October 26, 2017 MEETING**

**DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI. 96793**

**Community Plan Amendment, State Land Use District Boundary Amendment, Change of Zoning, and Special Management Area Use
Permit
K:\WP_DOCS\PLANNING\SM1\2017\0002_NahikuCommunityCtr\Report1.docx**

BEFORE THE HANA ADVISORY COMMITTEE

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of

NAHIKU COMMUNITY CENTER

To obtain the following land use entitlements:
Community Plan Amendment from Ag to P/QP,
State Land Use District Boundary Amendment
from Ag to Rural, Change of Zoning from Ag to
P/QP and Special Management Area Use
Permit to establish uses and development
standards for the Nahiku Community Center on
1.9 acres at 0 Nahiku Road, Tax Map Key (2)
1-2-002:023, Hana, Maui, Hawaii

DOCKET NOs: CPA 2017/0002
DBA 2017/0002
CIZ 2017/0002
SM1 2017/0002

William Spence, Planning Director,
County of Maui Department of Planning
on behalf of the County of Maui,
Department of Parks and Recreation

(PFF)

DESCRIPTION OF THE PROJECT

William Spence, Director of Planning is initiating the necessary land use entitlement applications for a Community Plan Amendment, District Boundary Amendment and Change of Zoning, in order for the County of Maui Department of Parks and Recreation (Applicant) to develop the Nahiku Community Center on 1.9 acres of land on at 0 Nahiku Road, Hana, TMK (2) 1-2-002:023 The Department of Parks and Recreation has also submitted a Special Management Area Use Permit application for the proposed project.

The proposed Community Center building is approximately 72' x 34' = 2,448 s.f. with a maximum height of 16' 2". (The old structure was 1,696 s.f.) Maximum capacity is 217 and includes a social hall, kitchen, storage areas, restrooms, and a covered entry lanai. Other related improvements include site work, including grading and clearing an approximately 0.4 acre portion of the project site, 627 cubic yards of fill, 31 cubic yards of excavation, and removal/relocation of existing trees; a paved parking lot and driveway; installation of an individual wastewater system; and connection to nearby utilities infrastructure. The proposed action would provide a public facility that will serve as a gathering space for the East Maui community.

The current estimated construction cost is \$1.5 million and projected to take approximately 10 months. See Exhibit 7

APPLICATION BACKGROUND

The proposed project is located at the site of the previous Nāhiku Grammar School. The school served as a community center until it was burned down by arson 2005. The property was previously owned by the State of Hawai'i and was encumbered to Mr. Donald A. Wallace from December 1, 1972 to October 31, 1984 and then to Mr. James Sagawinit from January 1, 1985 to April 20, 2007. The property was transferred from the State of Hawai'i to the County of Maui for community center purposes on March 24, 2008. .

In 2012, the County of Maui, Department of Parks and Recreation (DPR) issued a Chapter 343 HRS, Environmental Assessment Exemption to replace the structure that burned down. DPR also obtained a Special Management Area Minor Permit (SM2 2012/0069) and building permits for the replacement structure.

Under County of Maui Ordinance No. 4055, Section 1, in 2013, the facility was named the David Kanaloa Kaho'okele Jr. Nāhiku Community Center. Mr. Kaho'okele's father was the previous owner of the property and the Kaho'okele family also worked hard to secure funding for the construction of the new center.

Construction was never initiated due to litigation related to the construction contract for the project. The SMA Minor Permit has since expired and the existing building permit is being withdrawn by the Department of Parks and Recreation because the deadline to complete construction is by March 2018. A new building permit application will be submitted in the future. Furthermore, construction bids for the project exceeded the \$500,000.00 threshold for a SMA Minor Permit. Therefore, the DPR is applying for a SMA Use Permit for the project.

A letter to the Department of Planning, dated March 2, 2017, was submitted to request for determination on the proposed Nāhiku Community Center. By letter dated May 5, 2017, the Department of Planning determined that the proposed action is a public use and is not currently permitted or grandfathered as allowable by the existing land use entitlements. As such, the Planning Director initiated a State Land Use District Boundary Amendment (DBA) to "Rural", Community Plan Amendment (CPA) to "Public/Quasi-Public (P)", and a Change of Zoning (CIZ) to "Public/Quasi-Public". These entitlements will allow for the proposed community center use. Final action on the SMA Use Permit by the Maui Planning Commission will be deferred until the DBA, CPA, and CIZ process is completed and approved.

DESCRIPTION OF THE PROPERTY

The parcel is 1.9 acres and is zoned accordingly:

State Land Use District	Agricultural
Hana Community Plan	Agriculture
County Zoning	Agricultural
Maui Island Plan	Outside Growth Boundaries

Immediate Surrounding Uses:

North Nahiku Church, residences, vacant land
East Vacant land
West Few residences, vacant land
South Few residences, vacant land; approx. 800' from shoreline

The surrounding area is mostly undeveloped, except for a few rural residences and the Nāhiku Church on Lower Nāhiku Road. The Nāhiku Church property includes a small cemetery.

APPLICABLE GOVERNMENT REGULATIONS

Chapter 343, HRS: The use of county funds and county land are triggers for Chapter 343 HRS relating to environmental assessments. In 2012, the Department of Parks and Recreation issued a Declaration of Exemption from the preparation of an Environmental Assessment.

Proposed Land Use Amendments: The following table show the required land use amendments that are being initiated by the Director Planning as follows:

	Land Use Entitlement	From	To
1.	Community Plan Amendment	Agriculture	P/QP, Public/Quasi-Public
2.	State Land Use District Boundary Amendment	Agricultural	Rural
3.	Change of County Zoning	Agricultural	P-1, Public/Quasi-Public
4.	Special Management Area Use Permit	SM1 processed after land use entitlements acted upon.	

Community Plan Amendment

A Community Plan Amendment (CPA) is reviewed pursuant to Title 2, Administration and Personnel, Chapter 2.80B General Plan and Community Plans; Section 2.80B.110 Non-decennial amendments to community plans proposed by a person, Maui County Code, 1980, as amended. Applications shall follow the procedures set out in sections 19.510.010 and 19.510.020 of Maui County Code, as amended. Although Chapter 343, 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, the County of Maui, Department of Planning issued a memorandum dated May 11, 2012 which confirmed that the preparation of an EA is not triggered for community plan amendments initiated by the County, whether by Council or Administration, per the direction from the State of Hawaii OEQC.

The Planning Director is initiating a CPA from Agriculture to P/QP Public/Quasi-Public.

State Land Use Commission District Boundary Amendment

Chapter 205, Hawai'i Revised Statutes (HRS), relating to the Land Use Commission, establishes the four (4) major land use districts in which all lands in the State are placed: "Urban", "Rural", "Agricultural" and "Conservation". As the project site is located within the "Agricultural" district and a community center is not a permitted use in Ag-District, the Planning Director must initiate a State Land Use District Boundary Amendment (DBA) from Agricultural to Urban to allow this to happen.

Pursuant to Hawaii Revised Statutes, Section 205-3.1, DBA's involving land areas of fifteen acres or less - except in Conservation District - shall be determined by the appropriate county land use decision making authority which in this case, is the Maui County Council.

Actions by the Maui County Council:

Pursuant to Maui County Code, Title 19 Zoning, Chapter 19.68, State Land Use District Boundaries, certain responsibilities for the administration of boundary amendments are delegated to the Maui Planning Commission. The Planning Commission is delegated to making a *recommendation* to the County Council.

Pursuant to Section 19.68.040 the county council prior to the enactment of an ordinance affecting any reclassification/boundary change, may impose conditions upon the Applicant's use of the property, fulfillment of such conditions to be prerequisite to the adoption of such ordinance or applicable part thereof. Such conditions shall have already been performed prior to council action on the reclassification/change of boundary or be enforceable by the county after council action. Conditions shall be fulfilled within the time limitation established by the council, or, if no time limitations is established, within a reasonable time. Such conditions, if any, shall run with the land and be recorded in the bureau of conveyances or filed with the assistant registrar of the land court. Conditions shall be imposed only if the council finds such to be necessary to prevent adverse effects upon public health, safety and welfare, and shall be reasonably conceived to fulfill needs arising directly out of proposed land use in the following respects:

- 1. Protection of the public from the potentially deleterious effects of the proposed use; or*
- 2. Fulfillment of the needs for public service demands created by the proposed use.*

Change of Zoning

Pursuant to Title 19, Chapter 19.510, Section 19.510.040 Change of Zoning of the Maui County Code, the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The County Council may grant a change in zoning if all the following criteria are met:

- 1. The proposed request meets the intent of the general plan and the objectives and policies*

of the community plans of the county;

2. *The proposed request is consistent with the applicable community plan land use map of the county;*
3. *The proposed request meets the intent and purpose of the district being requested;*
4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements;*
5. *The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and*
6. *If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the United States Soil and Conservation Service.*

The Planning Director is initiating a Change of Zoning from Agricultural to P-1, Public/Quasi-Public.

Special Management Area Use Permit (SM1)

NOTE: Action on the SM1 Permit shall commence upon the approval by the County Council of all land use entitlements. It is referenced here for future use.

Standards for reviewing a Special Management Area (SMA) application are found under HRS 205A-26 and § 12-202-10 and § 12-202-11 of Chapter 202, Special Management Area (SMA) Rules of the Maui Planning Commission.

In evaluating an action the following factors, but not limited to same, may constitute a significant adverse effect on the environment:

- (A) *Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;*
- (B) *Significantly curtails the range of beneficial uses of the environment;*
- (C) *Conflicts with the County's or the State's long-term environmental policies or goals;*
- (D) *Substantially affects the economic or social welfare and activities of the community, County or State;*

- (E) Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways;**
- (F) In itself has no significant adverse effect but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;**
- (G) Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat;**
- (H) Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances;**
- (I) Detrimentally affects air or water quality or ambient noise levels;**
- (J) Affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters or coastal waters;**
- (K) Substantially alters natural land forms and existing public views to and along the shoreline; or**
- (L) Is contrary to the objectives and policies of Chapter 205A, HRS.**

The following guidelines shall be used by the Authority (MPC) in reviewing developments within the special management area:

- (1) All development in the special management area shall be subject to reasonable terms and conditions set forth by the authority to ensure:**
 - (A) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;**
 - (B) Adequate and properly located public recreation areas and wildlife preserves are reserved;**
 - (C) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and,**
 - (D) Alterations to existing land forms and vegetation, except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, wind damage, storm surge, landslides, erosion, siltation, or failure in the event of earthquake.**
- (2) No development shall be approved unless the Authority has first found that:**
 - (A) The development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect, and the elimination of planning options;**

- (B) *The development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guidelines enacted by the legislature; and*
 - (C) *That the development is consistent with the county general plan and zoning. Such a finding of consistency does not preclude concurrent processing when a general plan or zoning amendment may also be required.*
- (3) *The Authority shall seek to minimize, where reasonable:*
- (A) *Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon;*
 - (B) *Any development which would reduce the size of any beach or other area usable for public recreation;*
 - (C) *Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management areas and the mean high tide line where there is no beach;*
 - (D) *Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast; and*
 - (E) *Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.*

PROCEDURAL MATTERS

1. On September 7, 2017, the Maui Planning Department emailed a notice to the applicant and appropriate state and county agencies notifying them of the scheduled public hearing. (CPA, DBA, CIZ, SM1)
2. On July 20, 2017, the Parks Dept. published a Special Management Area Use Permit "Notice of Application" with a location map in the Maui News.
3. On September 25, 2017 the Department published a Notice of Public Hearing in the Star-Advertiser, The Garden Isle, West Hawaii Today, and the Hawaii Tribune-Herald.

REVIEWING AGENCIES

Notes: Applicant's response immediately follows the exhibit.
 "NR" = No Response

County:	Comment	Exhibit
Department of Environmental Management	Yes	2
Department of Public Works	Yes	1
Department Water Supply	Yes	4

Police Department	No	3
Department of Fire and Public Safety	NR	

State:	Comment	Exhibit
Department of Health	Yes	5
Office of Hawaiian Affairs	NR	
Department of Land and Natural Resources (DLNR)	NR	

Other:	Comment	Exhibit
Urban Design Review Board	Yes	6 & 7
Dept. of Parks & Rec. - Declaration of Exemption		8

ANALYSIS

LAND USE

Hawaii State Plan, Chapter 226, HRS

The proposed Nahiku Community Center conforms to the following goals of the Hawaii State Plan:

- *A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii's present and future generations.*
- *A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.*
- *Physical, social, and economic well-being for individuals and families in Hawaii that nourishes a sense of community responsibility, of caring and of participation in community life.*

Analysis: The proposed project will uphold the State's goals in maintaining a clean, beautiful, unique environment that enhances the emotional and physical well-being of the community. As in other districts, the proposed project will provide a central meeting location to have various activities and meetings that encourage community involvement and a sense of being a "complete-neighborhood" amongst neighbors.

Chapter 226-11 Objectives and policies for the physical environment – – land based, shoreline, and marine resources.

- (3) *Take into account the physical attributes of areas when planning and designing activities and facilities.*

Analysis: The planning and design of the proposed Nāhiku Community Center have and will continue to consider the physical attributes of the surrounding area. On, September 19,

2017, the Urban Design Review Board approved the design and attributes of the proposed project, deeming it appropriate. See Exhibit 6.

State Land Use Designation

The Proposed project requires a State Land Use District Boundary Amendment from the State Agriculture District to the Urban District. The proposed use is consistent with an Urban District designation. The proposed reclassification of the 1.9 acre project site from Agricultural to Rural district has been analyzed with respect to the following criteria, as discussed below.

Chapter 226-12 Objective and policies for the physical environment – scenic, natural beauty, and historic resources.

- (1) *Promote the preservation and restoration of significant natural and historic resources.*
- (4) *Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.*

Analysis: The proposed project consists of improvements to a site that was historically used for educational, community, and recreational purposes. The newly proposed project will allow the community to continue to use the property in a similar manner. It is not anticipated to have an adverse effect on the scenic, natural beauty, and multi-cultural/historical resources of the State.

Chapter 226-13 Objectives and policies for the physical environment – land, air, and water quality.

- (5) *Reduce the threat to life and property from erosion, flooding, tsunamis, hurricanes, earthquakes, volcanic eruptions, and other natural or man-induced hazards and disasters.*
- (6) *Encourage design and construction practices that enhance the physical qualities of Hawaii's communities.*

Analysis: The proposed project is located within Flood Zone X, an area outside of the 100-year flooding with no development restrictions. It is also within the tsunami safe zone, reducing any potential threats to life and property due to flooding and tsunamis. The proposed action is not anticipated to have any adverse long term or permanent effects on Hawaii's land, air, and water resources.

Chapter 226-15 Objectives and policies for facility systems – solid and liquid waste.

Chapter 226-16 Objective and policies for facility systems – water.

Analysis: There is a 5/8" county water meter servicing the property which historically, was sufficient to meet demand. The facility is not a high water use facility. An Individual Wastewater System will be installed to handle wastewater and solid waste will be collected by the County.

Chapter 226-23 Objective and policies for socio-cultural advancement – leisure.

- (3) *Enhance the enjoyment of recreational experiences through safety and security measures, educational opportunities, and improved facility design and maintenance.*
- (5) *Ensure opportunities for everyone to use and enjoy Hawaii's recreational resources.*
- (6) *Assure the availability of sufficient resources to provide for future cultural, artistic, and recreational needs.*

Analysis: The proposed facility will serve as a central meeting place for all community uses for residents of Nāhiku and greater East Maui areas.

Chapter 226-25 Objective and policies for socio-cultural advancement – culture.

- (2) *Support activities and conditions that promote cultural values, customs, and arts that enrich the lifestyles of Hawaii's people and which are sensitive and responsive to family and community needs.*

Analysis: The proposed project will support a variety of activities including cultural heritage events significant to the Nāhiku and the greater East Maui community.

Chapter 226-27 Objectives and policies for socio-cultural advancement – government.

- (1) *Provide for necessary public goods and services not assumed by the private sector.*
- (2) *Pursue an openness and responsiveness in government that permits the flow of public information, interaction, and response.*

Analysis: The proposed project will provide a meeting place for the Nāhiku and greater East Maui community to discuss issues and concerns in an open forum in regards to the many public meetings required by existing State and County land use regulations and future proposed land use regulations i.e., Hana Community Plan update, etc.

Maui County General Plan

As indicated by the Maui County Charter, the purpose of the general plan shall be to:

... indicate desired population and physical development patterns for each island and region within the County; shall address the unique problems and needs of each island and region; shall explain opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density; land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.

Chapter 2.80B of the Maui County Code, relating to the General Plan and Community Plans, implements the foregoing Charter provision through enabling legislation which calls for a

Countywide Policy Plan and a Maui Island Plan. The Countywide Policy Plan was adopted as Ordinance No. 3732 on March 24, 2010, while the Maui Island Plan, which delineates areas for future urban and rural growth as part of a Directed Growth Strategy, was adopted as Ordinance No. 4004 on December 28, 2012.

The following sections identify pertinent objectives, policies, implementing actions and related provisions set forth in the Countywide Policy Plan and the Maui Island Plan. It is recognized that both documents are comprehensive in nature and address a number of functional planning areas which apply to all programs, plans, and projects. However, for purposes of addressing General Plan compliance requirements, policy considerations which are deemed most relevant in terms of compatibility and consistency are addressed in this report section.

Countywide Policy Plan

The Countywide Policy Plan was adopted in March 2010 and is a comprehensive policy document for the islands of Maui County to the year 2030. The plan replaces the General Plan of the County of Maui 1990 Update and provides the policy framework for the development of the forthcoming Maui Island Plan as well as for updating the nine detailed Community Plans.

The Countywide Policy Plan provides broad goals, objectives, policies and implementing actions that portray the desired direction of the County's future. Goals are intended to describe a desirable condition of the County by the year 2030 and are intentionally general. Objectives tend to be more specific and may be regarded as milestones to achieve the larger goals. Policies are not intended as regulations, but instead provide a general guideline for County decision makers, departments, and collaborating organizations toward the attainment of goals and objectives. Implementing actions are specific tasks, procedures, programs, or techniques that carry out policy.

With regard to the Countywide Policy Plan, Section 2.80B.030 of the Maui County Code states the following.

The countywide policy plan shall provide broad policies and objectives which portray the desired direction of the County's future. The countywide policy plan shall include:

- 1. A vision for the County;*
- 2. A statement of core themes or principles for the County; and*
- 3. A list of countywide objectives and policies for population, land use, the environment, the economy, and housing.*

Core principles set forth in the Countywide Policy Plan are listed as follows:

- 1. Excellence in the stewardship of the natural environment and cultural resources;*
- 2. Compassion for and understanding of others;*
- 3. Respect for diversity;*
- 4. Engagement and empowerment of Maui County residents;*

5. *Honor for all cultural traditions and histories;*
6. *Consideration of the contributions of past generations as well as the needs of future generations;*
7. *Commitment to self-sufficiency;*
8. *Wisdom and balance in decision making;*
9. *Thoughtful, island appropriate innovation; and*
10. *Nurturance of the health and well-being of our families and our communities.*

Congruent with these core principles, the Countywide Policy Plan identifies goals objectives, policies and implementing actions for pertinent functional planning categories, which are identified as follows:

1. *Natural environment*
2. *Local cultures and traditions*
3. *Education*
4. *Social and healthcare services*
5. *Housing opportunities for residents*
6. *Local economy*
7. *Parks and public facilities*
8. *Transportation options*
9. *Physical infrastructure*
10. *Sustainable land use and growth management*
11. *Good governance*

With respect to the proposed Nahiku Community Center, the following goals, objectives, policies and implementing actions are illustrative of the project's compliance with the Countywide Policy Plan:

7. *Parks and Public Facilities*

Objectives:

- (d) *Expand venue options for recreation and performances that enrich the lifestyles of Maui County's people.*
- (g) *Promote the development and enhancement of community centers, civic spaces, and gathering places throughout our communities*
- (2) *Improve the quality and adequacy of community facilities.*
 - (b) *Provide and maintain community facilities that are appropriately designed to reflect the traditions and customs of local cultures.*
 - (c) *Ensure that parks and public facilities are safe and adequately equipped for the needs of all ages and physical abilities to the extent reasonable.*
 - (d) *Maintain, enhance, expand, and provide new active and passive recreational facilities in ways that preserve the natural beauty of their*

locations.

- (3) *Enhance the funding, management, and planning of public facilities and park lands.*
 - (c) *Provide public-recreational facilities that are clean and well-maintained*
 - (d) *Identify, acquire, and develop lands for parks, civic spaces, and public uses.*

Analysis: The proposed project is consistent with the above stated objectives.

10. Sustainable Land Use and Growth Management

- (j) *Support the dedication of land for public uses.*

Analysis: Although the project is located on agricultural land, the project site has been used for school, community, and recreational uses for nearly 100 years and does not have a history of agricultural use. The proposed action directly supports the above objective. The Planning Director is initiating land use entitlements to benefit the entire East Maui Community. In order to achieve this, the Planning Director must initiate the appropriate land use amendments so the use conforms to the right zoning designations.

11. Strive for Good Governance

- (2) *Promote civic engagement.*
- (a) *Foster consensus building through in-depth, innovative, and accessible public participatory processes.*
- (b) *Promote and ensure public participation and equal access to government among all citizens.*
- (e) *Support community-based decision making.*
- (g) *Expand opportunities for all members of the public to participate in public meetings and forums.*
- (f) *Review discretionary permits for compliance with the Countywide Policy Plan.*

Analysis: The Nāhiku Community Association held several community meetings in Nahiku regarding this matter. The Planning Department and Department of the Corporation Counsel have also responded to many various information requests related to the project.

In the past, the former grammar school building was used as a local polling station for the residents during elections. The new Nāhiku Community Center would provide an opportunity to re-establish this polling station function in the future for the benefit of all residents.

Maui Island Plan

The Maui Island Plan (MIP), is applicable to the island of Maui only, providing more specific policy-based strategies for population, land use, transportation, public and community facilities, water

and sewage systems, visitor destinations, urban design, and other matters related to future growth.

It is noted that the Ordinance No. 4004 does not address the component relating to the implementation program. Chapter 2.80B of the Maui County Code, relating to the General Plan, was amended by Ordinance No. 3979, effective October 5, 2012, to provide that the implementation program component be adopted no later than one (1) year following the effective date of Ordinance No. 4004. In December 2013 and March 2014, the Council approved time extensions for adopting the implementation program component of the MIP. The implementation program component was adopted by Ordinance No. 4126 on May 19, 2014.

As provided by Chapter 2.80B, the MIP shall include the following components:

1. *An island-wide land use strategy, including a managed and directed growth plan*
2. *A water element assessing supply, demand and quality parameters*
3. *A near shore ecosystem element assessing near shore waters and requirements for preservation and restoration*
4. *An implementation program which addresses the County's 20-year capital improvement requirements, financial program for implementation, and action implementation schedule*
5. *Milestone indicators designed to measure implementation progress of the MIP*

The MIP addresses a number of planning categories with detailed policy analysis and recommendations which are framed in terms of goals, objectives, policies and implementing actions. These planning categories address the following areas:

- 1
- 2 1. *Population*
- 3 2. *Heritage Resources*
- 4 3. *Natural Hazards*
- 5 4. *Economic Development*
- 6 5. *Housing*
- 7 6. *Infrastructure and Public Facilities*
- 8 7. *Land Use*

Analysis: An essential element of the MIP is its directed growth plan which provides a management framework for future growth in a manner that is fiscally, environmentally, and culturally prudent. Among the directed growth management tools developed through the MIP process are maps delineating urban growth boundaries (UGB), small town boundaries (STB) and rural growth boundaries (RGB). The respective boundaries identify areas appropriate for future growth and their corresponding intent with respect to development character. The proposed project is not located within the UGB, STB, or RGB.

In addition, the proposed project has been reviewed with respect to pertinent goals, objectives,

policies and implementing actions of the MIP. A summary of policy statements pertinent to the project are:

1. POPULATION

Goal:

- 1.1 Maui's people, values, and lifestyles thrive through strong, healthy, and vibrant island communities.*

Objective:

- 1.1.1 Greater retention and return of island residents by providing viable work, education, and lifestyle options.*

Policy:

- 1.1.1.a Expand programs that enable the community to meet the education, employment, housing, and social goals of youth and young adults.*

2. HERITAGE RESOURCES

Goal:

- 2.1 Our community respects and protects archaeological and cultural resources while perpetuating diverse cultural identities and traditions.*

Objective:

- 2.3 Enhance the island's historic, archaeological, and cultural resources.*

Policy:

- 2.1.3.d Promote the rehabilitation and adaptive reuse of historic sites, buildings, and structures.*

6. INFRASTRUCTURE AND PUBLIC FACILITIES

Goal:

- 6.6 Maui will have a diverse range of active and passive recreational parks, wilderness areas, and other natural-resource areas linked, where feasible, by a network of greenways, bikeways, pathways, and roads that are accessible to all.*

Objective:

6.6.2 Achieve parks and recreation opportunities to meet the diverse needs of our community.

Policies:

6.6.2.b Identify and acquire parks and recreational facilities that address existing park inadequacies and complement and enhance neighborhoods, communities, and natural-land features.

6.6.2.h Incorporate community input to determine the appropriate location, design, and long-term stewardship of parks and recreation facilities.

Implementing Actions;

6.6.2 – Action 2 Identify and acquire appropriate park sites in accordance with a parks and recreation functional plan.

Analysis: The proposed action meets the numerous goals, objectives, policies and implementing actions listed above. This facility will allow the community to gather under one roof to collectively share and discuss various issues and concerns that may affect the community. On other occasions, such diverse events as various cultural or educational or informational meetings and events could take place for the benefit of the entire community.

HANA COMMUNITY PLAN

The proposed project site is designated by the Hana Community Plan for “Agriculture” use. As such, the Planning Director has initiated a Community Plan Amendment to “Public/Quasi-Public (P)” which allows the use of schools, libraries, fire/police stations, government buildings, public utilities, hospitals, churches, cemeteries and community centers. . In addition, the proposed project is consistent with the following Problems and Opportunities, Goals, Objectives, Policies, and Implementing Actions of the Hana Community Plan:

GOVERNMENT SERVICES. (Problem), A greater level of resource commitment is required in the region to satisfy the community's social, educational, recreational and emergency service needs. While the region's geographic isolation from the more urbanized areas of the island is acknowledged as a reason for the existing level of government service, it is necessary to provide a level of service which will ensure the health, safety and well-being of Hana's residents. Areas of concern with regard to government services include the lack of vocational educational programs, inadequate services for the care of the elderly and disabled, substandard fire protection service, and the turnover in government personnel serving the region.

LAND USE

Goal:

An efficient distribution of urban, rural and agricultural land uses in order to provide for the social and economic well-being of residents in the Hana Community Plan region. Identification, preservation, protection, and where appropriate, restoration of significant cultural resources and practices, that provide a sense of history and identity for the Hana region.

Objectives and Policies:

1. *Explore the alternative land use and overlay zoning designations that recognize and preserve the unique natural and cultural characteristics of each community within the Hana region.*

SOCIAL INFRASTRUCTURE

Goal:

An efficient and responsive system of people-oriented public services which enable residents to live a safe, healthy and enjoyable lifestyle, and offer the youth and adults of the region opportunities and choices for self and community improvement.

8. Establish and maintain passive parks and regional recreation parks to meet the residential needs of remote communities throughout the Hana region

Analysis: The proposed action meets the problems and opportunities, the goals, objectives, and policies as listed above. This facility will allow the community to gather under one roof to collectively share and discuss various issues and concerns that may affect the community. On other occasions, such diverse events as various cultural or educational or informational meetings and events could take place for the benefit of the entire community. The proposed use will be historically similar to what was being used as in the past, with the exception of the formal "school" element.

This facility will also serve as an emergency shelter for the public and could be used as a staging area for "1st Responders" in the event of emergencies

The Community Plan Amendment (CPA) change to "Public/Quasi-Public (P)" is a significant advantage and benefit to the Hana Community both socially and culturally, and it will retain its past historical use as a community gathering place. The CPA will put this small parcel of land to its "highest and best use" for the overall safety and welfare of the entire Hana community.

ZONING

Zoning permitted uses and development standards are set forth by Title 19 of the Maui County Code. The proposed project site is zoned "Agricultural". By letter dated May 5, 2017, the Department of Planning determined that the proposed action is a public use and is not permitted or grandfathered. As such, the Planning Director initiated a Change of Zoning from "Agricultural" to "P-1 Public/Quasi-Public".

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

Existing Conditions (Reprinted from Applicants report)

An Archaeological Inventory Survey (AIS) including subsurface testing, was completed by Cultural Surveys Hawai'i, Inc. (CSH) in January 2017. A 100 percent pedestrian survey and five (5) backhoe test excavations were utilized to assess subsurface conditions at the project site.

The AIS Report noted that the project site is part of the district of Nāhiku, which is bordered by the larger land district of Ko'olau. The area was a fertile growing area, with irrigated taro and a hala forest along the shoreline. The AIS noted that the district was densely populated as evidenced by at least ten (10) Land Court Awards (LCA) located within a quarter-mile radius of the project site. Most of the LCAs appeared to be used for loi (irrigated terraces), kalo (taro agricultural area), and kula (dryland agricultural area) lands.

Historical records indicate that in 1898, Johnny Wilson and L.M. Whitehouse were given a contract to build a small landing and access road at Nāhiku. As construction commenced in 1899, the Pacific Commercial Advertiser reported that Johnny Wilson's construction contract at Nāhiku had "stimulated business at two stores, a restaurant, a church and a schoolhouse." (The Pacific Commercial Advertiser, 1899). In the late 1890's sugar was grown in the Nāhiku region however, work was stopped by 1900. Rubber plantations were additional agricultural ventures in the region, starting in the early 1900's. While the rubber plantations closed by 1915, during World War II, the existing trees provided rubber to support the war efforts.

The AIS noted that the Nāhiku School was opened in 1906 when the school had 41 students and one (1) teacher. It was closed in 1958 and the nine (9) students attending the school at that time were transferred to the Hana High and Elementary School.

In research conducted in the AIS, there were four (4) previous archaeological studies conducted in the vicinity of the project site. The prior studies noted that there were previous surface pre-Contact sites including agricultural enclosures, terraces and walls, habitation areas, burial caves and ceremonial structures. The project area is also located adjacent to the Nāhiku District (SIHP #-1517) which was nominated to the Hawai'i Register of Historic Places in 1974.

The AIS identified three (3) historic properties, which were interpreted as being associated with the Nāhiku School grounds, including two (2) modified outcrops that are believed to have functioned as agriculture and landscaping areas for the Nāhiku School yard and a buried trash pit near the northeastern end of the project area, where the leach field is proposed. Artifacts collected from the trash pit include manufacture dates ranging from the 1920s to the 1980s.

Potential Impacts and Mitigation Measures

As noted above, the AIS completed by CSH identified three (3) historic properties, which were interpreted as being associated with the Nāhiku School grounds. All three (3) sites were identified as significant under Criterion "d", have yielded, or is likely to yield, information important for research on prehistory or history. The sites were documented in the AIS and historic site numbers were requested from the State Historic Preservation Division (SHPD). The AIS did not recommend any further mitigation for the three (3) historic properties. Given the foregoing, the proposed action is not anticipated to present significant adverse impacts on archaeological resources.

INFRASTRUCTURE, PUBLIC FACILITIES AND SERVICES

Water

Existing Conditions

The Hāna region is serviced in part by the County of Maui, Department of Water Supply, which includes two wells located in Hāmoa and Wākiu. There is an existing 5/8-inch water meter onsite.

Analysis: The proposed project does not involve modifications or improvements to the existing water infrastructure system in the area. Domestic and fire flow requirements were reviewed and approved as part of the building permit process in 2012. It was determined that the existing 5/8-inch water meter will meet the required demand. Project implementation is not anticipated to adversely impact the County of Maui's water service capacity in the vicinity of the project site.

Wastewater

Existing Conditions

There are no County wastewater collection or treatment facilities currently servicing the Hāna region. Individual properties are generally serviced by individual wastewater systems (IWS) which include leach fields, septic tanks and cesspools.

Analysis: An IWS with a septic tank and leach field is proposed as part of the project. The engineered IWS will meet Department of Health Wastewater Branch standards. The proposed project is not anticipated to adversely impact wastewater systems or services in the East Maui region.

Drainage

Existing Conditions

Storm water drainage in the vicinity of the project site generally follows natural contours, sheet flowing across the property and ponding in the lower lying areas. The Preliminary Drainage Report prepared for the proposed project estimates the existing 50-year, 1-hour storm runoff from the project site is approximately 1.530 cubic feet per second (cfs), corresponding to a runoff volume of approximately 1,101 cubic feet.

Analysis: Post-development runoff is estimated to be 4.351 cfs, resulting in an associated runoff volume of 2,350 cubic feet, an increase of 1,249 cubic feet for the 50-year, 1-hour storm. Catch basins are proposed within the paved parking areas, which will route runoff to a subsurface drainage system, comprised of 60 feet of 48-inch perforated high-density polyethylene perforated pipe with a storage volume of 1,314 cubic feet. The proposed drainage system, which would accommodate the increase in runoff resulting from development, meets applicable County drainage standards and rules. As such, adverse impacts to drainage conditions are not anticipated as a result of project implementation.

Roadways

Existing Conditions

Hāna Highway is a two-way, two-lane State Highway, serving as the main transportation arterial with rural collector road status for the Hāna region. The Hāna Highway is noted for its scenic beauty and historic nature, which includes 59 bridges and eight culverts, all of which are over 50 years old.

Access to the project site is provided via Nāhiku Road, which generally runs in a north-south direction from Hāna Highway toward the ocean near Kipakaone Bay. Nāhiku Road is a two lane county roadway.

Analysis: Adverse impacts to existing roadways in the vicinity of the project site are not anticipated as a result of project implementation. During construction, access will be maintained on Nāhiku Road and neighbors will be notified of construction activities. In the short term, coordination will be undertaken with the State of Hawai'i, Department of Transportation, as needed, to ensure that construction-related traffic impacts are appropriately mitigated.

In the long term, minimal amounts of traffic may be generated due to events and gatherings at the site. However, it is not anticipated that traffic generated by the Nāhiku Community Center would significantly differ from that generated by the former Nāhiku Grammar School building and Community Center functions that the project is proposing to replace. There will be 13 parking stalls.

Solid Waste

Existing Conditions

Solid waste in the vicinity of the project is collected by the County of Maui, Department of Public Works (DPW), Highways Division, and transported to the Hāna Landfill.

Single-family solid waste collection service is provided by the County of Maui on a once-a-week basis. The Hāna Landfill also accepts commercial waste generated by the region's limited business/commercial activity.

The Department of Environmental Management will not allow the Hana Landfill to accept construction waste from the proposed project so DPR will transport the construction waste material to the Central Maui Landfill. No adverse impacts to the Hana Landfill is anticipated as a result of project implementation.

Public Services: Police and Fire Protection

Existing Conditions

The Hāna patrol division covers the area from Kailua to Kaupō, and is based out of the Hāna Police Station, located near the intersection of Hāna Highway and Uakea Road, southeast of the project site.

Fire prevention, suppression, and protection services are provided for the County of Maui by the Department of Fire and Public Safety. The department maintains a fire station in Hāna which is located on the same property as the Police Station.

Analysis: The proposed project is not anticipated to adversely impact the existing level of police and fire protection services in the Hāna area. As in the past, the new facility would also serve as an emergency shelter when needed.

OTHER GOVERNMENTAL APPROVALS

The CPA, DBA, and CIZ requires the Maui Planning Commission to transmit its recommendations to the County Council for final action.

The HAC will make a recommendation to the Maui Planning Commission on the Special Management Area Use (SMA) Permit. However, final action by the Maui Planning Commission on the SMA Permit will be deferred until all the land use entitlements are completed by the Maui County Council. The matter will then return to the Planning Commission for final action on the SMA Permit.

TESTIMONY

As of October 11, 2017, the Planning Department has received several emails from the same individual with attached correspondence. It is also noted that a Petition to Intervene was filed on October 10, 2017.

ALTERNATIVES: CPA, DBA, CIZ

1. **Deferral.** The Committee may defer action to another meeting date in order to obtain additional information that will assist in their deliberations on the applications.
2. **Recommend Approval with No Conditions.** The Committee can take action to recommend approval of the applications without imposing any conditions.
3. **Recommend Approval with Conditions.** The Committee can take action to recommend approval of the applications with conditions.
4. **Recommend Denial.** The Committee can take action to recommend denial of the applications.

APPROVED:


WILLIAM SPENCE
Planning Director

17/4347

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

JOHN R. SMITH, P.E., ACTING
Highways Division

2017 JUL -2 A 11: 20

July 31, 2017

COUNTY OF MAUI
DEPT OF PLANNING - CURRENT

AUG 03 2017

RECEIVED

MEMO TO: WILLIAM R. SPENCE, PLANNING DIRECTOR

FROM: DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS

SUBJECT: APPLICATION FOR SPECIAL MANAGEMENT AREA USE PERMIT
FOR NAHIKU COMMUNITY CENTER; TMK: (2) 1-2-002:023
SM1 2017/0002; DBA 2017/0002; CPA 2017/0002; CIZ 2017/0002

We reviewed the subject application and have the following comment:

Comment from the Development Services Administration (DSA), Building
Inspection Section:

1. Building Permit B2013/0828 will expire on August 8, 2018.

If you have any questions regarding this memorandum, please call Rowena M.
Dagdag-Andaya at 270-7845.

DCG:RMDA:da

xc: Highways Division
Engineering Division

S:\DSA\Engr\CZM\Draft Comments\12002023_nahiku_community_cnr_sm1_dba_cpa_ciz rtf

EXHIBIT 1

17/9/17



MUNEKIYO HIRAGA

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT

SEP 19 2017
RECEIVED

Michael T. Munekiyo
PRESIDENT
Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

September 18, 2017

Rowena Dagdag-Andaya, Deputy Director
County of Maui
Department of Public Works
200 South High Street, Room 434
Wailuku, Hawaii 96793

SUBJECT: Special Management Area Use Permit (SM1 2017/0002) for Nāhiku
Community Center, Nāhiku, Maui, Hawai'i, TMK No. (2)1-2-002:023

Dear Ms. Dagdag-Andaya:

Thank you for your letter dated July 31, 2017 providing comments on the Special Management Area Use Permit application for the subject project. On behalf of the applicant, the County of Maui, Department of Parks and Recreation (DPR), we offer the following response to your comment:

- 1. It is our understanding that the applicant will be withdrawing Building Permit B2013/0828 and will be applying for a new Building Permit.

We appreciate your feedback on the project. Should you have any questions, please feel free to contact me at 244-2015.

Very truly yours,

Marisa Fujimoto
Senior Associate

MF:Ih

cc: Paul Fasi, County of Maui, Department of Planning
Robert Agapay, County of Maui, Department of Parks and Recreation
Anthony Riecke-Gonzalez, Riecke Sunnland Kono Architects, Ltd.

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REPLY TO
EXHIBIT 1

AGENCY TRANSMITTAL RESPONSE e-FORM
FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI
8/4/2017

AGENCY NAME	Department of Environmental Mgmt.	PHONE	270-8230
PROJECT:	Nahiku Community Center		
APPLICANT:	Dept. of Parks & Rec., County of Maui		
PERMIT NO:	SM1 2017/0002, DBA 2017/0002, CPA 2017/0002, CIZ 2017/0002		
TMK:	(2) 1-2-002.023		
STREET ADDRESS:	0 Nahiku Rd., Hana		
PROJECT DESCRIPTION:	Replacement of Old Grammar School bldg. & new community center		
SECURITY CODE:			
<input checked="" type="checkbox"/> COMMENTS/RECOMMENDATIONS <input type="checkbox"/> NO COMMENTS			
WASTEWATER RECLAMATION DIVISION COMMENTS			
<p>1. Kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.)</p> <p>a. Provide Appendix H sizing calculation.</p> <p>b. Provide vent at inlet and outlet of the grease interceptor.</p> <p>c. Recommend that a fiber glass type grease interceptor be installed due to the project's location, in lieu of a concrete type grease interceptor since it typically deteriorates over a 10 to 15 year period, or even quicker if not serviced regularly. Zurn makes a fiber glass grease interceptor named Green Turtle, which is lighter in weight and carries a 30 year warranty, however, other similar or equal products can be considered.</p>			
<input checked="" type="checkbox"/> COMMENTS/RECOMMENDATIONS <input type="checkbox"/> NO COMMENTS			
SOLID WASTE DIVISION COMMENTS			
<p>Hana Landfill cannot accept construction and/or demolition waste from the Replacement of Old Grammar School building and construction of the new Nahiku Community Center. The contractor shall apply to the Central Maui Landfill for the disposal of waste generated by this project.</p>			
Signed:			
Print Name:	Michael M. Miyamoto, Deputy Director	Date	

September 18, 2017

Michael Miyamoto, Deputy Director
County of Maui
Department of Environmental Management
2050 Main Street, Suite 2B
Wailuku, Hawai'i 96793

SUBJECT: Special Management Area Use Permit (SM1 2017/0002) for Nāhiku
Community Center, Nāhiku, Maui, Hawai'i, TMK No. (2)1-2-002:023

Dear Mr. Miyamoto:

Thank you for your letter dated August 4, 2017 providing comments on the Special Management Area Use Permit application for the subject project. On behalf of the applicant, the County of Maui, Department of Parks and Recreation, we offer the following responses in the order of your comments:

1. Wastewater Reclamation Division Comments

The proposed kitchen will comply with pretreatment requirements.

- a. Uniform Plumbing Code Appendix H Interceptor sizing is attached as Exhibit "1".
- b. Vents are provided at inlets and outlets of the grease interceptor.
- c. After researching the cost and useful life of the concrete and fiberglass grease interceptors, the mechanical engineer recommends going with the concrete grease interceptor.

2. Solid Waste Division Comments

It is noted that Hāna Landfill cannot accept construction and/or demolition waste from the project. The contractor will be advised to apply to the Central Maui Landfill for waste disposal for the project.

Michael Miyamoto, Deputy Director
September 18, 2017
Page 2

We appreciate your comments on the project. Should you have any questions, please feel free to contact me at 244-2015.

Very truly yours,



Marisa Fujimoto
Senior Associate

MF:lh

cc: Paul Fasi, County of Maui, Department of Planning
Robert Agapay, County of Maui, Department of Parks and Recreation
Anthony Riecke-Gonzalez, Riecke Sunnland Kono Architects, Ltd.
Douglas Gomes, Engineering Dynamics Corporation

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Uniform Plumbing Code Appendix H
Interceptor Sizing

Sizing criteria for restaurant grease interceptor:

- (a) Parameters - The parameters for sizing a grease interceptor are hydraulic loading and grease storage capacity, for one or more fixtures.
- (b) Sizing Formula - The size of the interceptor shall be determined by the following formula:

Number of meals per peak hour (1)	X	Waste Flow Rate (2)	X	Retention Time (3)	X	Storage Factor (4)	=	Interceptor Size (liquid capacity in gallons)
100	X	2	X	1.5	X	1.5	=	450

(1) Number of meals served per peak hour - or maximum seating capacity

(2) Waste Flow Rate - per device

- a. With dishwashing machine connected (Not normally allowed) 6 gallon flow
- b. Without dishwashing machine connected 5 gallon flow
- c. Single Service Kitchen (Paper plates and utensils only) 2 gallon flow
- d. Food waste disposer 1 gallon flow

(3) Retention Time

- a. Commercial Kitchen 2.5 hours
- b. Single Service Kitchen 1.5 hours

(4) Storage Factors

- Fully equipped commercial kitchen
 - a. 8 hour operation 1
 - b. 16 hour operation 2
 - c. 24 hour operation 3
- Single Service Kitchen 1.5

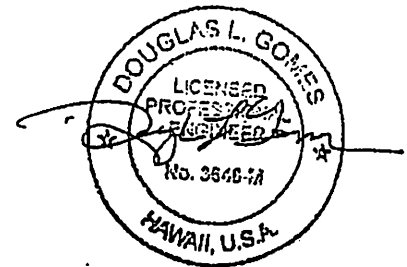
Facility Name: Nahiku Community Center

TMK: (2) 1-2-002:023

Facility Address: Nahiku Road, Nahiku, Maui

Date: May 11, 2017

Engineer: Douglas L. Gomes, Engineering Dynamics Corp.



17/4414



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

August 3, 2017

COUNTY OF MAUI
DEPT OF PLANNING - CURRENT

AUG 07 2017

RECEIVED

MEMORANDUM

TO : PAUL F. FASI, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : TIVOLI S. FAAUMU, CHIEF OF POLICE

SUBJECT : PERMIT NO. : SM1 2017/0002, DBA 2017/0002,
CPA 2017/0002, CIZ 2017/0002
TMK : (2) 1-2-002:023
Project : Nahiku Community Center
Applicant : Department of Parks & Recreation,
County of Maui

No comments or recommendations to offer at this time.

Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.



Assistant Chief John Jakubczak
For: TIVOLI S. FAAUMU
Chief of Police

EXHIBIT 3

ALAN M. ARAKAWA
Mayor



DAVID TAYLOR P E
Director

GLADYS C BAISA
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU MAUI HAWAII 96793 2155
www.mauiwater.org

July 31, 2017

Mr. Paul Fasi, Staff Planner
Department of Planning
2200 Main Street
Wailuku, Hawaii 96793

Re: TMK: (2) 1-2-002:023
Nahiku Community Center
SM1 2017/0002; DBA 2017/0002; CPA 2017/0002; CIZ 2017/0002

Dear Mr. Fasi:

The Department of Water Supply (DWS) thanks you for the opportunity to comment on the change in zoning for the new Nahiku Community Center.

System Infrastructure and Consumption

DWS has an existing one-inch to four-inch water line serving Nahiku Road adjacent to the project. A 5/8-inch meter exists on the property. Installation of a backflow preventer will be required in the building permit process if not previously installed.

According to Hawaii State Water System Standards 2002, estimated water usage is 3,230 gallons per day. DWS notes that water use for irrigation is not anticipated. We also note plans for the installation of an Individual Wastewater System (Septic System) are included in the project.

Pollution Prevention Best Management Practices (BMPs)

The project overlies the Kuhiwa aquifer. In order to protect groundwater resources and the aquifer, BMPs should be implemented during construction. The mitigation measures below will alleviate adverse impacts on water quality during construction:

- Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the ground. Remove all construction debris and toxic substances daily to prevent entry into the ocean.
- Maintain vehicles and equipment to prevent oil or other fluids from leaking. Concrete trucks and tools used for construction should be rinsed off-site.
- Properly install and maintain erosion control barriers such as silt fencing or straw bales.
- Disturb the smallest area possible.
- Retain ground cover until the last possible date. Stabilize denuded areas by sodding or planting as soon as possible. Use high seeding rates to ensure rapid stand

"By Water All Things Find Life"

EXHIBIT 4

establishment. Apply biocides only during dry periods of low rainfall to minimize chemical run-off.

- Keep run-off on site.

Septic System BMPs

Septic systems are designed to have effluent discharge into a drainage field where it undergoes some decomposition by micro-organisms in the soil as it works its way down to the groundwater. If the system is not pumped out frequently enough, solid materials can leave the tank and enter the drainage field. Any substances poured down drains also will enter that drainage field and eventually, the groundwater.

To prevent ground-water contamination from septic systems:

- Have septic system inspected annually and pumped out regularly.
- No chemical or other additive can be a substitute for regular pumping. Septic System chemicals can prevent the septic system from functioning properly.
- Use caution about what you put into the system. Substances like coffee grounds, cigarette butts, sanitary items, or fats do not break down easily in septic systems. Prevent strong chemicals like paints, solvents, oil, and pesticides from entering the system and entering the groundwater.
- Practice water conservation to increase system life span. Limit the amount of water entering the system by using water-saving fixtures and appliances.
- Keep roof drains and storm water runoff away from the drain field area.
- Keep leaching area free of vehicles, buildings, trees and shrubs.
- Keep accurate records of on-site maintenance activities.
- Keep an accurate map of the location of all system components.

Indoor Conservation BMPs

DWS recommends the following indoor conservation measures be implemented:

- Use EPA WaterSense labeled plumbing fixtures.
- Install flow reducers and faucet aerators in all plumbing fixtures wherever possible.
- Install dual flush toilets with high efficiency models that use 1.28 gallons per flush or less.
- Install showerheads with a flow rate of 1.5 gallons per minute (gpm) at 60 pounds per square inch (psi).

Should you have any questions, contact Audrey Dack at (808) 463-3109 or audrey.dack@mauicounty.gov.

Dave Taylor, P.E.
Director
apd





Michael T. Munekiyo
PRESIDENT
Kariynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

September 18, 2017

Dave Taylor, P.E., Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Special Management Area Use Permit (SM1 2017/0002) for Nāhiku
Community Center, Nāhiku, Maui, Hawai'i, TMK No. (2)1-2-002:023

Dear Mr. Taylor:

Thank you for your letter dated July 31, 2017 providing comments on the Special Management Area Use Permit application for the subject project. On behalf of the applicant, the County of Maui, Department of Parks and Recreation (DPR), we offer the following responses in the order of your comments:

1. Thank you for confirming the water system infrastructure servicing the property. It is noted that installation of a backflow preventer will be required in the building permit process if not already installed.
2. Pollution Prevention Best Management Practices (BMPs) are included on the project plans.
3. The Septic System BMPs you provided will be shared with the wastewater engineer for consideration in final design.
4. The indoor conservation measures you recommended will be shared with the DPR for consideration.

REPLY TO
EXHIBIT 4

Dave Taylor, P.E., Director
September 18, 2017
Page 2

We appreciate your feedback on the project. Should you have any questions, please feel free to contact me at 244-2015.

Very truly yours,



Marisa Fujimoto
Senior Associate

MF:lh

cc: Paul Fasi, County of Maui, Department of Planning
Robert Agapay, County of Maui, Department of Parks and Recreation
Anthony Riecke-Gonzalez, Riecke Sunnland Kono Architects, Ltd.
Stacy Otomo, Otomo Engineering, Inc.
Douglas Gomes, Engineering Dynamics Corporation

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7,4276

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, HAWAII 96793-3378

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT

July 27, 2017

JUL 27 2017
RECEIVED

Mr. William R. Spence
Director
Department of Planning
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

Attn: Paul F. Fasi

Dear Mr. Spence:

Subject: NAHIKU COMMUNITY CENTER
Applicant: Department of Parks & Recreation, County of Maui
Permit No.: SM1 2017/0002, DBA 2017/0002, CPA 2017/0002, CIZ 2017/0002
TMK: (2) 1-2-002:023
Location: 0 Nahiku Road, Hana, Maui, Hawaii
Description: Replacement of Old Grammar School Building & New Community Center

Thank you for the opportunity to review this project. We have the following comments to offer:

1. Project must comply with Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems." If you have any questions, please call Roland Tejano, Environmental Engineer, at 808 984-8232.
2. Project must comply with Hawaii Administrative Rules, Chapter 11-50, "Food Safety Code" if considering to be classified as a food establishment.
3. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor & Radiological Health Branch at 808 586-4700.

EXHIBIT 5

Mr. William R. Spence
July 27, 2017
Page 2

It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please contact me at 808 984-8230 or email me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

A handwritten signature in black ink that reads "Patti Kitkowski". The signature is written in a cursive, flowing style.

Patti Kitkowski
District Environmental Health Program Chief

c EPO



Michael T. Munekiyo
PRESIDENT
Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

September 18, 2017

Patti Kitkowski
District Environmental Health Program Chief
State of Hawai'i
Department of Health
Maui District Health Office
54 High Street
Wailuku, Hawaii 96793

SUBJECT: Special Management Area Use Permit (SM1 2017/0002) for Nāhiku
Community Center, Nāhiku, Maui, Hawai'i, TMK No. (2)1-2-002:023

Dear Ms. Kitkowski:

Thank you for your letter dated July 27, 2017 providing comments on the Special Management Area Use Permit application for the subject project. On behalf of the applicant, the County of Maui, Department of Parks and Recreation (DPR), we offer the following responses in the order of your comments:

1. The project is designed in accordance with Hawai'i Administrative Rules (HAR), Chapter 11-62, "Wastewater Systems".
2. The kitchen is designed as a commercial kitchen complying with HAR Chapter 11-50.
3. The Applicant will coordinate with the Indoor & Radiological Health Branch regarding noise permit coverage for this project, as applicable.
4. The Standard Comments on the Department's website will be considered for the project, as applicable.

Patti Kitkowski
September 18, 2017
Page 2

We appreciate your feedback on the project. Should you have any questions, please feel free to contact me at 244-2015.

Very truly yours,



Marisa Fujimoto
Senior Associate

MF:lh

cc: Paul Fasi, County of Maui, Department of Planning
Robert Agapay, County of Maui, Department of Parks and Recreation
Anthony Riecke-Gonzalez, Riecke Sunnland Kono Architects, Ltd.
Douglas Gomes, Engineering Dynamics Corporation

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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 19, 2017

Ms. Sandra Duvauchelle, Chair
and Members of the Maui Planning Commission
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Dear Chair Duvauchelle and Members:

**SUBJECT: SPECIAL MANAGEMENT AREA (SMA) PERMIT APPLICATION
FOR THE NAHIKU COMMUNITY CENTER, 0 NAHIKU ROAD,
ISLAND OF MAUI, HAWAII; TMK: (2) 1-2-002:023
(SM1 2017/0002)**

At its regular meeting on **September 5, 2017**, the Maui Urban Design Review Board (UDRB) reviewed the design, landscaping, architectural plans, and related aspects of the proposed project referenced above and voted to recommend approval with the following suggested recommendation:

- Consider installing the utilities underground.

The UDRB respectfully recommends its decision be incorporated into the Maui Planning Commission's deliberations on this application.

If additional clarification is required, please contact Staff Planner Paul Fasi by email at paul.fasi@mauicounty.gov or by phone at (808) 270-7814.

Sincerely,

A handwritten signature in black ink, appearing to read "Hunton Conrad".

HUNTON CONRAD, Chair
Maui Urban Design Review Board

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)
Leilani Ramoran-Quemado, Secretary to Boards and Commissions (PDF)
Marisa Fujimoto, Munekiyo Hiraga
Project File
General File

HC:PFF:ela

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EXHIBIT 6

Proposed Nāhiku Community Center

Urban Design Review Board
Meeting
September 5, 2017



Project Team

Applicant. Robert Agapay,
County of Maui,
Department of Parks and Recreation

Architecture. Anthony Riecke-Gonzales,
Riecke Sunnland Kono Architects, Ltd.

Civil Engineering. Stacy Otomo
Otomo Engineering, Inc.

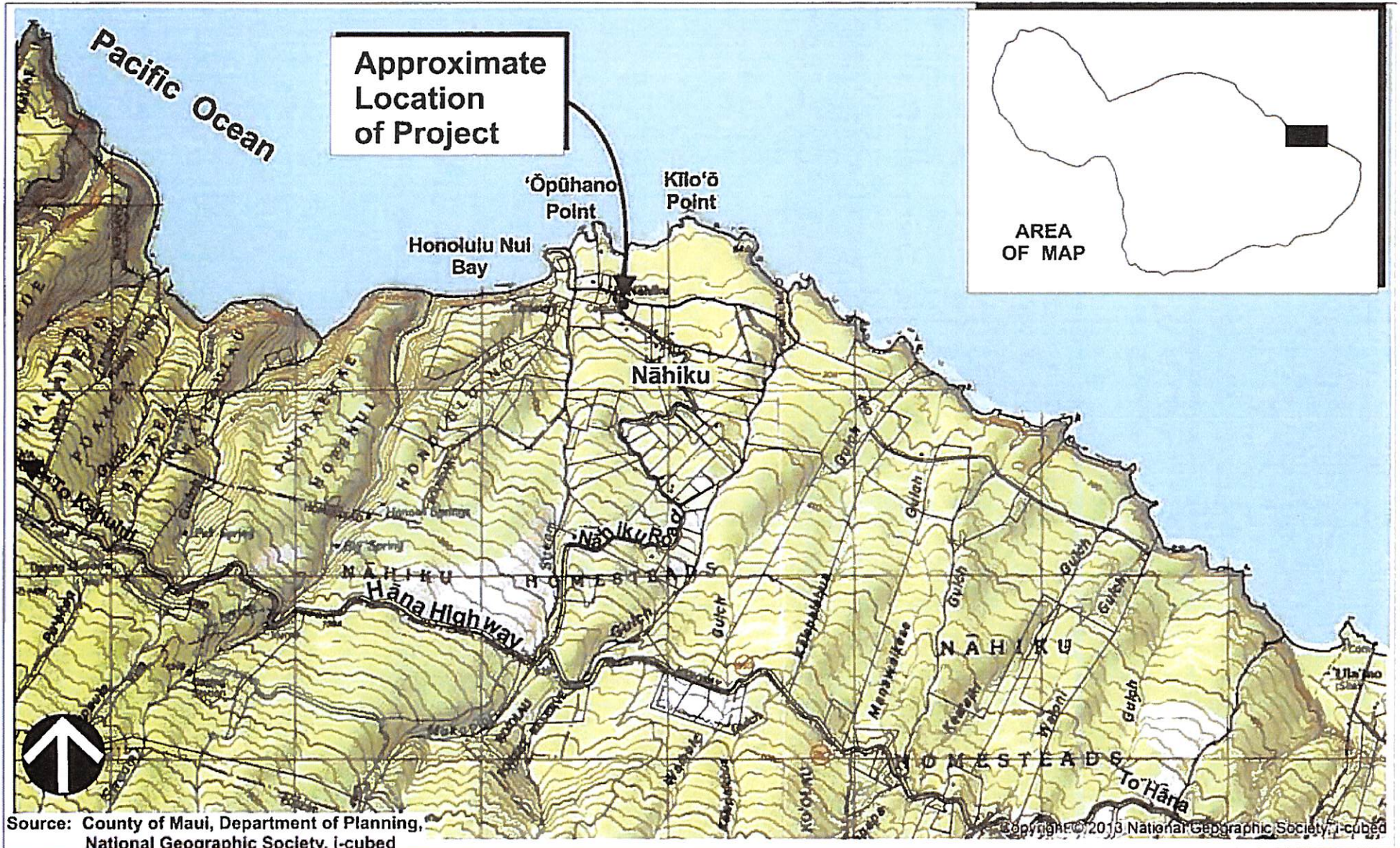
Mechanical Engineering. Doug Gomes,
Engineering Dynamics Corp.

Planners Marisa Fujimoto and Karlynn Fukuda,
Munekiyo Hiraga

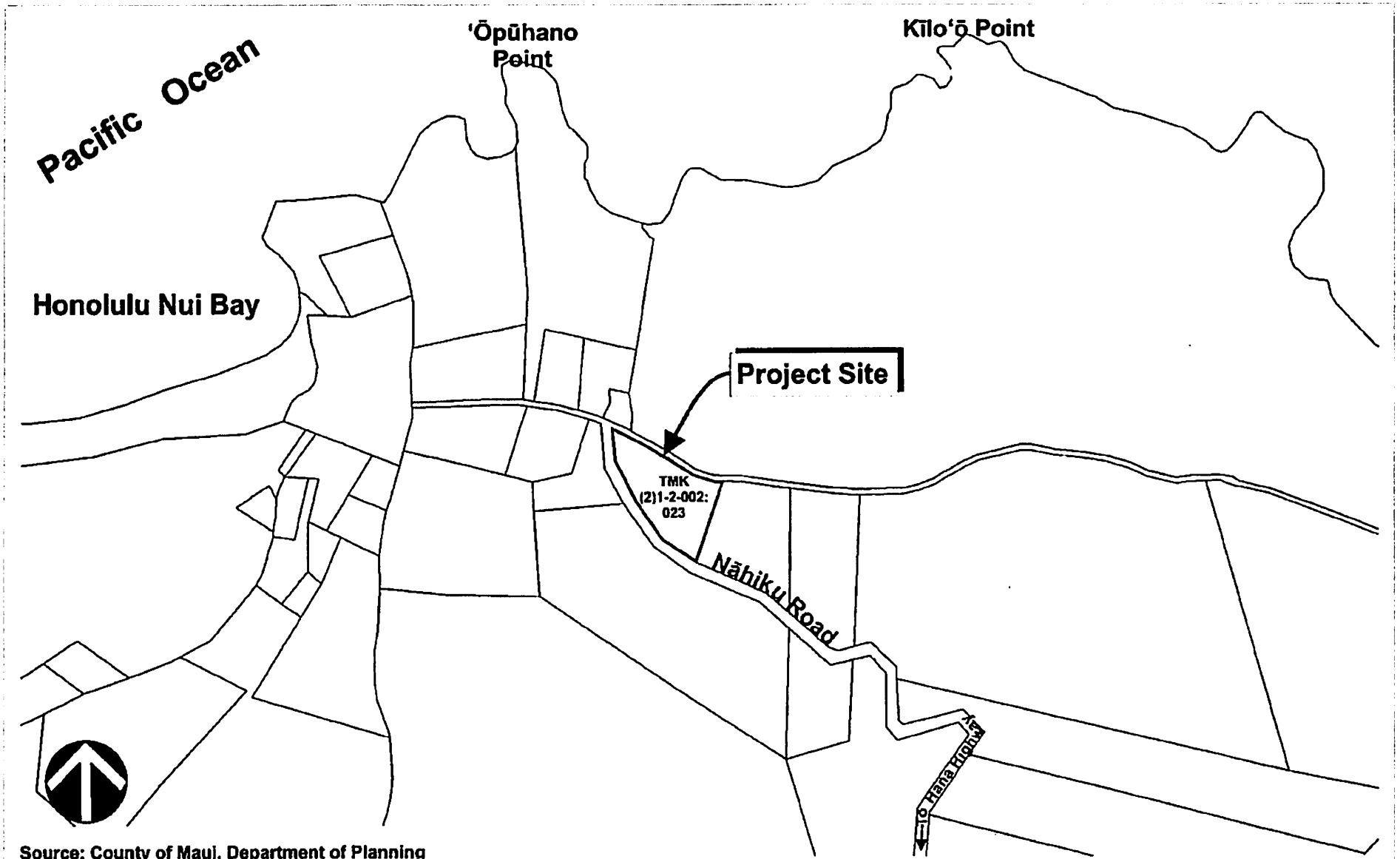
Presentation Objectives

- Provide design information on the proposed Nāhiku Community Center project
- Request recommendations for the Hāna Advisory Committee and Maui Planning Commission pursuant to SMA Rules

Location Map



TMK Map



Source: County of Maui, Department of Planning

Site Photographs

Proposed Community Center Location

Reference Map

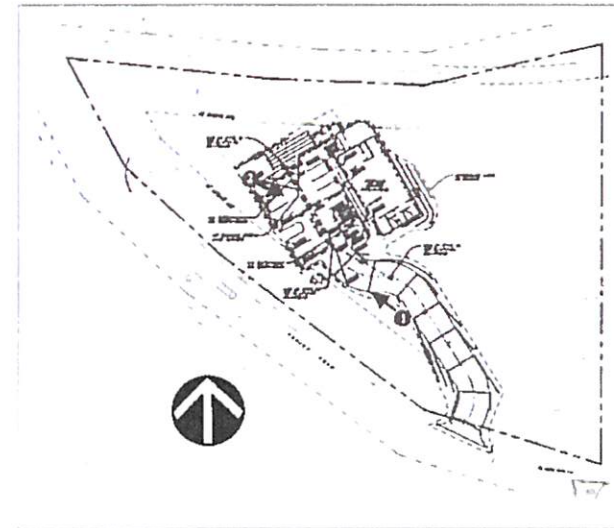


Photo No. 1: Northwest View Toward Future Nāhiku Community Center Building



Photo No. 2: Southeast View Toward Future Nāhiku Community Center Building

Site Photographs

Proposed Parking Area

Reference Map

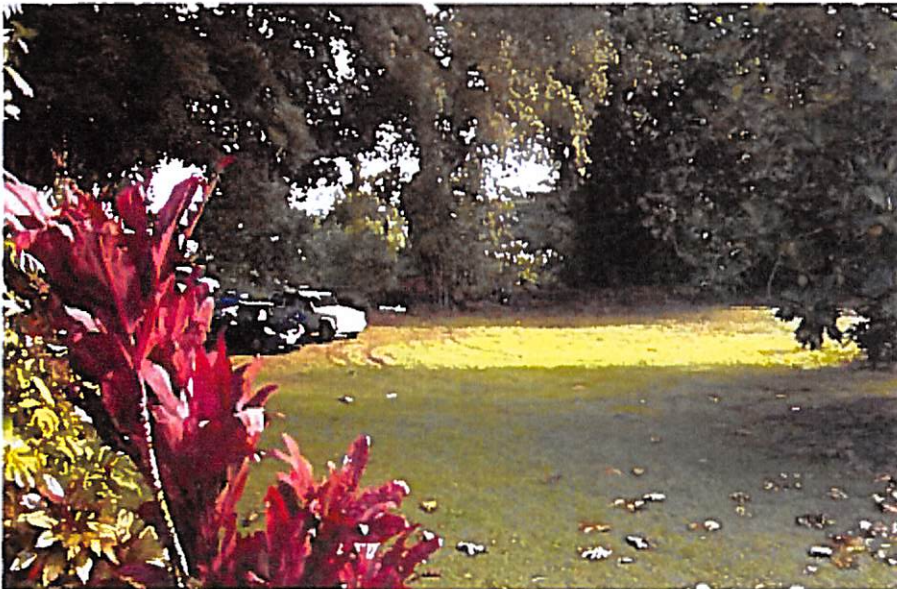
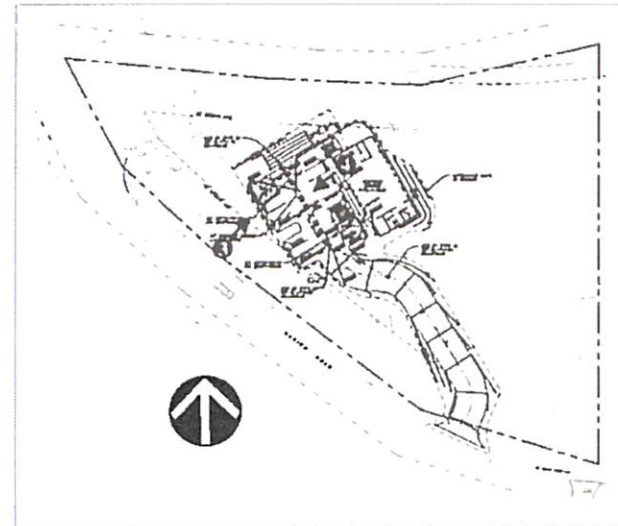


Photo No. 3: Northeast View of Proposed Parking Area from Nāhiku Road



Photo No. 4: Southwest View of Future Parking

Site Photographs

Nāhiku Road

Reference Map

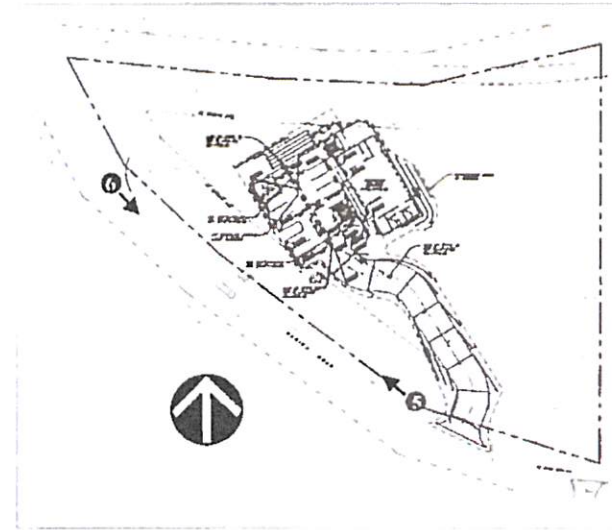


Photo No. 5: Northwest View of Project Area



Photo No. 6: Southeast View Along Nāhiku Road, East of Project Site

Site Photographs

Lower Nāhiku Road

Reference Map

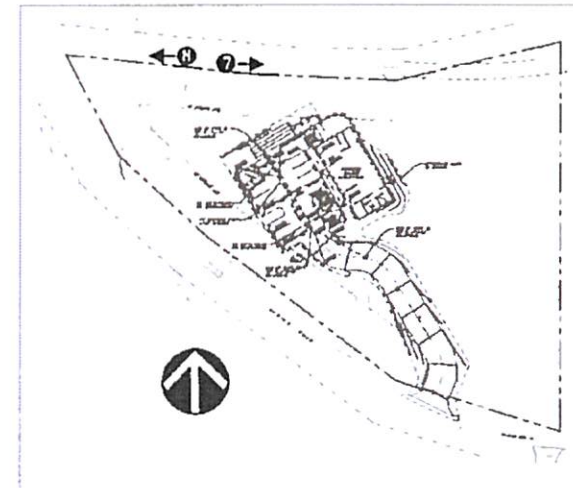


Photo No. 7: East View of Lower Nāhiku Road,
North of Project Site



Photo No. 8: West View of Lower Nāhiku Road
Toward Nāhiku Church

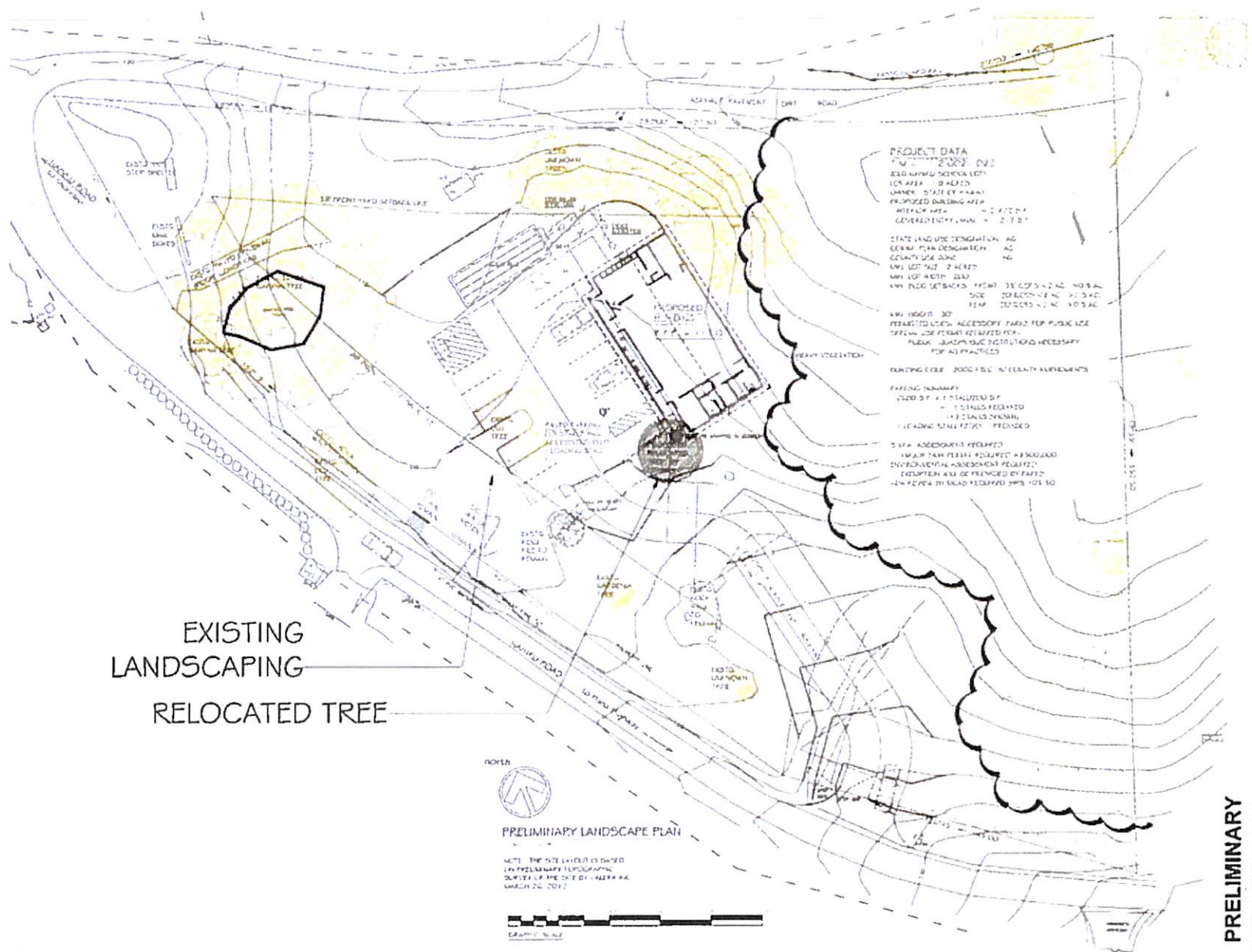
Land Use Designations

Designation	Current	Proposed
State Land Use District	Agricultural	Rural
Maui Island Plan	Not within growth boundary	No change
Hana Community Plan	Agriculture	Public/Quasi-Public
Maui County Zoning	Agricultural	Public/Quasi-Public

Project Overview

- Construction of a Community Center building (approximately 2,689 square feet)
 - Social Hall
 - Kitchen
 - Restrooms
 - Storage
 - Covered entry lanai
- Related Improvements
 - Parking lot and driveway
 - Individual wastewater system
 - Utility connections
 - Site work

Site Plan with Landscaping



**RIECKE
SUNNLAND
ARCHITECTS
KONO**

1000 KONO RD
 KONO, HI 96751
 TEL: 808-233-1234
 FAX: 808-233-1235
 WWW: WWW.SUNNLAND.COM

NAHIKU COMMUNITY CENTER
 County of Maui - Department of Parks & Recreation

NAHIKU ROAD, NAHIKU MAUI, HAWAII
 JOB NO: P11/025 - TMK (2) 1-2-022-027

PRELIMINARY LANDSCAPE PLAN

PRELIMINARY

SK-3d

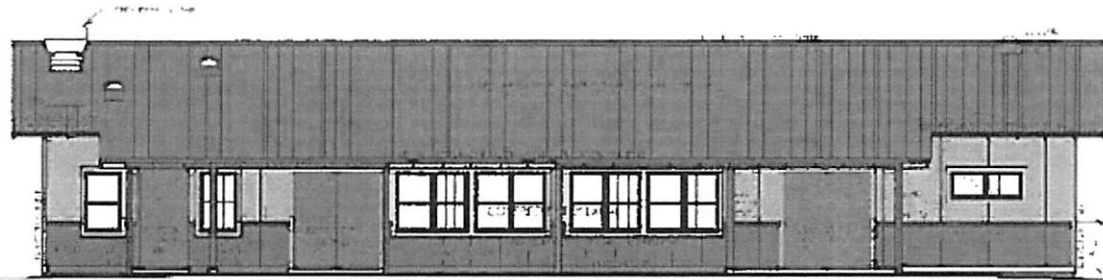
DATE: 03/20/12

SCALE: 1" = 10'

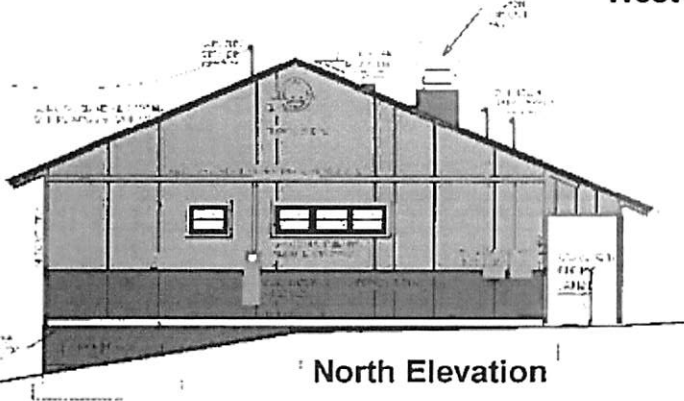
PROJECT NO: P11/025

DATE: 03/20/12

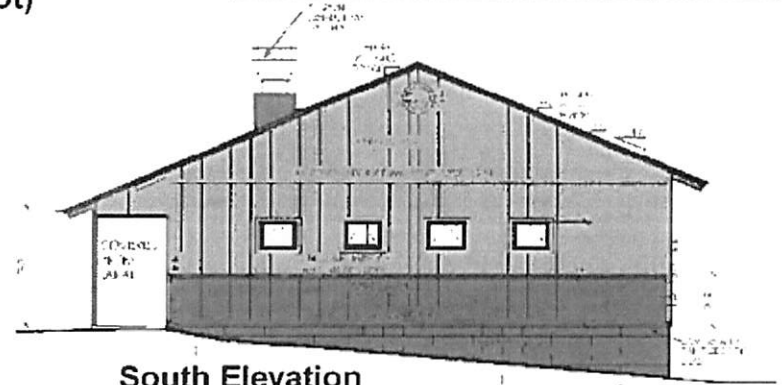
Elevations



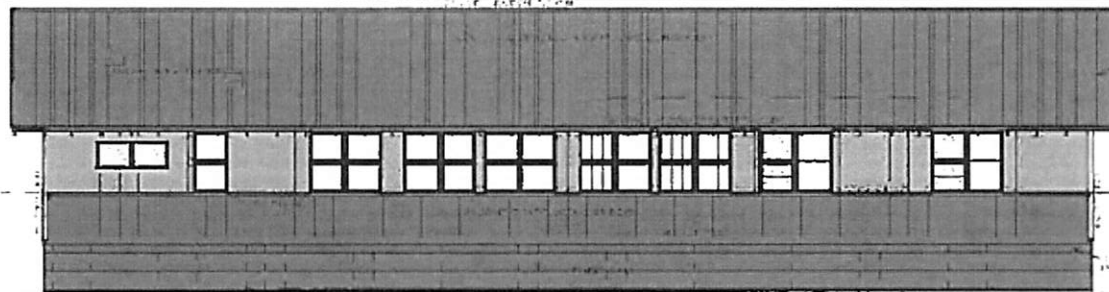
West Elevation (At Parking Lot)



North Elevation

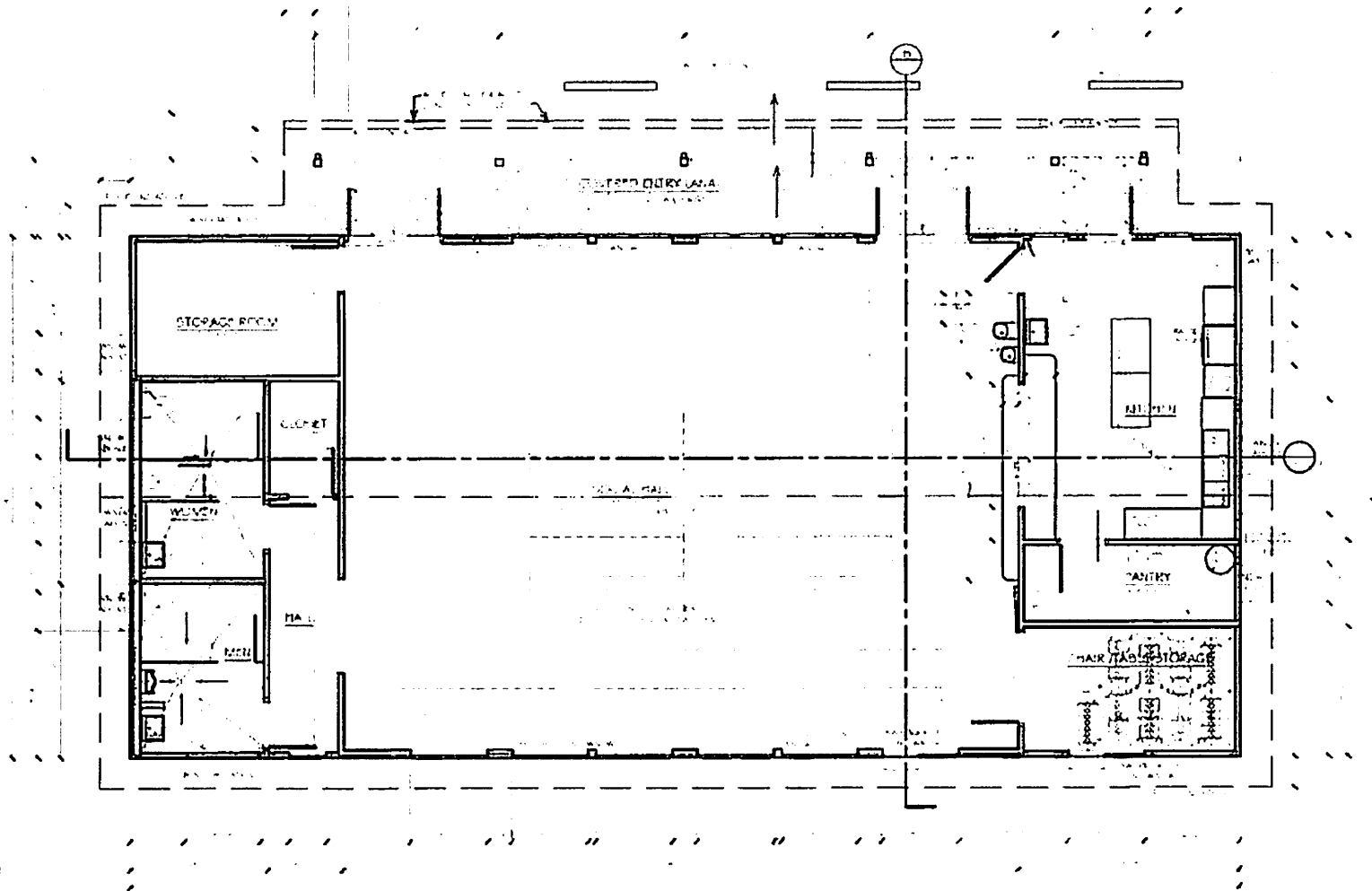


South Elevation



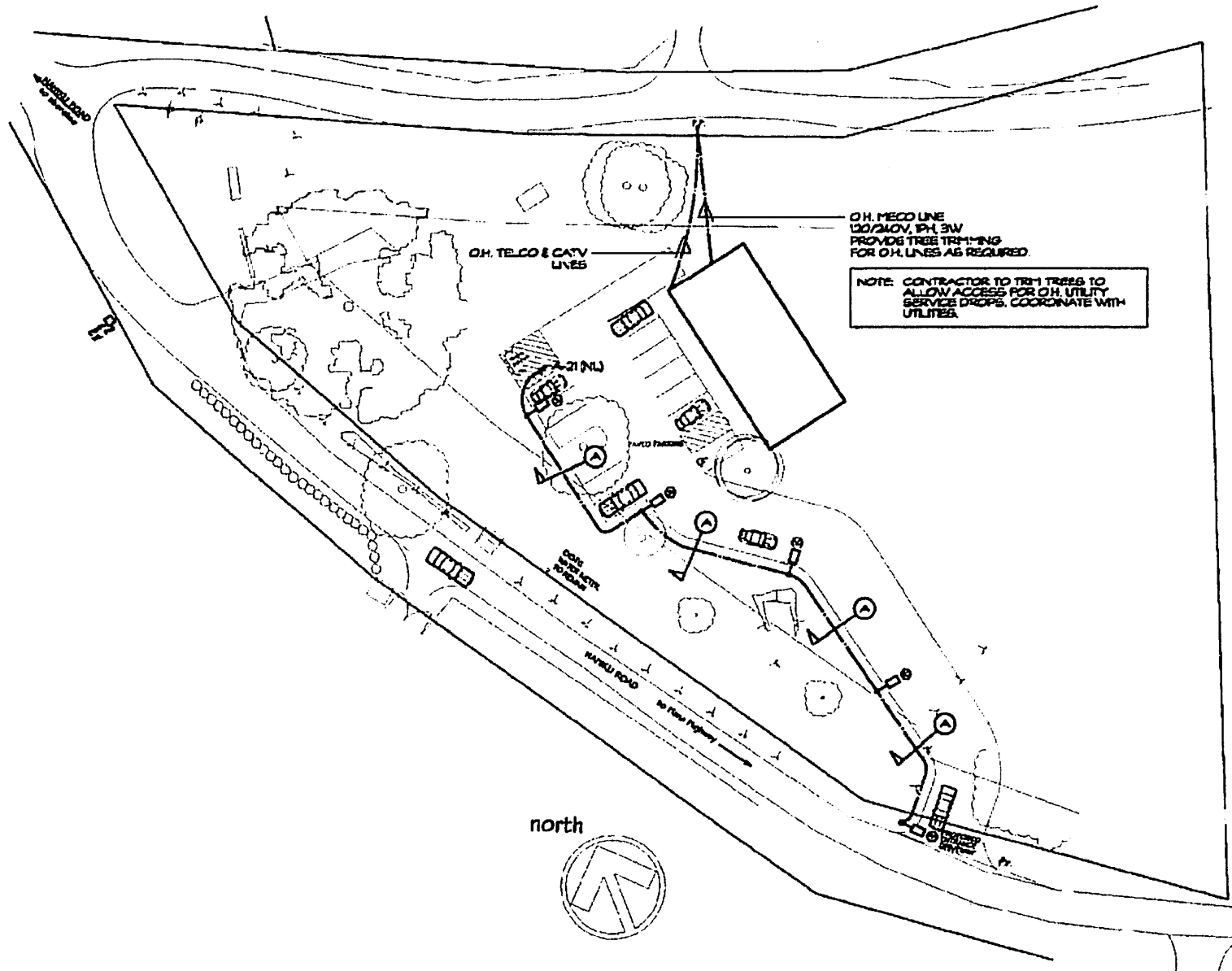
East Elevation

Floor Plan



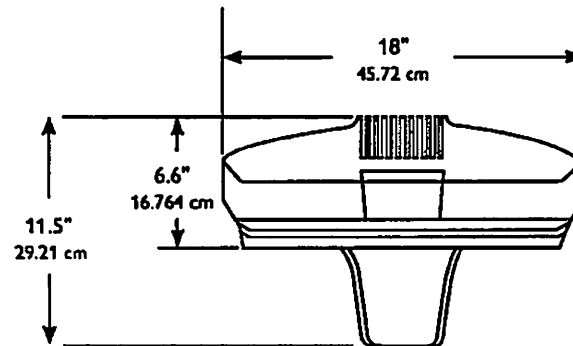
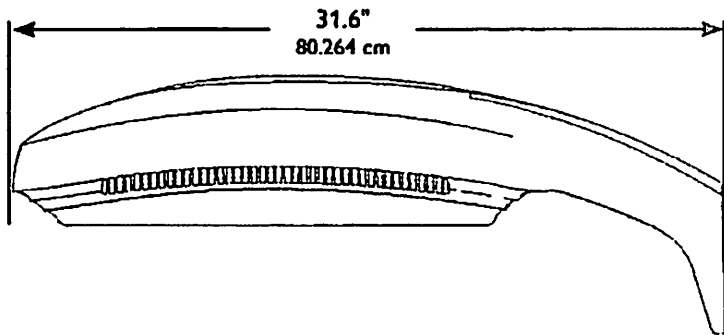
Source: Riecke Sunland Kono Architects, Ltd.

Lighting Concept Plan



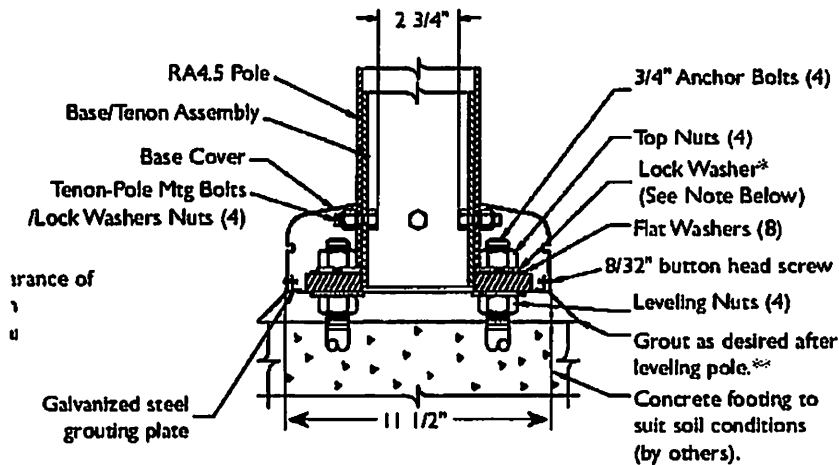
Lighting Details

18-Foot LED Pole Light Fixtures - Parking Areas



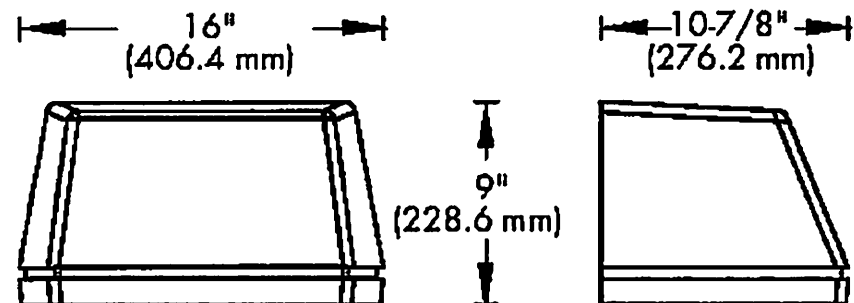
EPA Data		
1	2	3-4
1.2 ft ²	2.4 ft ²	3.2 ft ²
.12 m ²	.24 m ²	.30 m ²
Approximate Weight Single Luminaire		

40 lbs / 18.144 kg



4.5" Straight Round Aluminum Pole Base Details

Wall-Mounted LED Light Fixtures - Building



Drainage Improvements

- Installation of catch basins within the paved parking areas
- Drainage system is designed to accommodate the increase in runoff due to the improvement from a 50-year, 1 hour storm
- Meets the requirement of County Storm Drainage Rules and Storm Water Treatment Best Management Practices

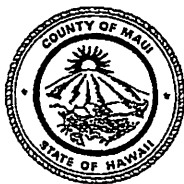
Project Summary

- Replaces the former Nāhiku Grammar School building, which served as a community center since the school closed in 1958 until the building was burned down in 2005
- Involves construction of a community center building including a social hall, kitchen, restrooms, restrooms, storage, and covered entry lanai
- Related improvements include a parking lot and driveway, individual wastewater system, utility connections, and site work

Summary of Request

Respectfully request recommendations from the Urban Design Review Board on the Nāhiku Community Center Project for the Hāna Advisory Committee and Maui Planning Commission.

ALAN M ARAKAWA
Mayor



GLENN T CORREA
Director

PATRICK T MATSUI
Deputy Director

(808) 270-7230
FAX (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793

DECLARATION OF EXEMPTION

From the preparation of an environmental assessment,
under the authority of Chapter 343, HRS, Chapter 11-200 HAR

Project Name: **NAHIKU COMMUNITY CENTER**
TMK: (2) 1-2-002:023

Job Number: **P11/025**

Project Description: Replacement structure of former Lower Nahiku Grammar School.

Exemption List for the County of Maui

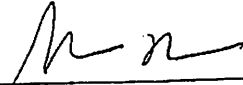
Exemption Class: 2 Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, and density, height and dimensions as the structure replaced.

This exemption class includes agency actions intended to meet the agency's goals and objectives by replacement in whole or in part, the following, provided there is little or no increase in capacity.

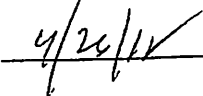
Exempt Item: (6) All Parks and Recreation buildings, structures, athletic fields, athletic courts, botanical gardens, plant nurseries, and skate parks.

Date of Agency Exemption List: January 10, 2007

I have considered the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR. I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

Signature of Director: 

Glenn T. Correa

Date: 

Original: Agency File

Copy: Project File
Riecke, Sunnland Kono Architects, Ltd

BEFORE THE HANA ADVISORY COMMITTEE

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of

NAHIKU COMMUNITY CENTER

**To obtain the following land use entitlements:
Community Plan Amendment from Ag to P/QP,
State Land Use District Boundary Amendment
from Ag to Rural, Change of Zoning from Ag to
P/QP and Special Management Area Use
Permit to establish uses and development
standards for the Nahiku Community Center on
1.9 acres at 0 Nahiku Road, Tax Map Key (2)
1-2-002:023, Hana, Maui, Hawaii**

**DOCKET NOS: CPA 2017/0002
DBA 2017/0002
CIZ 2017/0002
SM1 2017/0002**

**William Spence, Planning Director,
County of Maui Department of Planning
on behalf of the County of Maui,
Department of Parks and Recreation**

(PFF)

**MAUI COUNTY PLANNING DEPARTMENT'S RECOMMENDATION
TO THE HANA ADVISORY COMMITTEE
October 26, 2017 MEETING**

**DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 Main Street, Suite 315
WAILUKU, MAUI, HI. 96793**

**Community Plan Amendment, State Land Use District Boundary Amendment, Change of Zoning, Special Management Area Permit
K:\WP_DOCS\PLANNING\SM1\2017\0002_NahikuCommunityCtr\Recommendation1.doc**

BEFORE THE HANA ADVISORY COMMITTEE

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of

NAHIKU COMMUNITY CENTER

To obtain the following land use entitlements:
Community Plan Amendment from Ag to P/QP,
State Land Use District Boundary Amendment
from Ag to Rural, Change of Zoning from Ag to
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DOCKET NOs: CPA 2017/0002
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William Spence, Planning Director,
County of Maui Department of Planning
on behalf of the County of Maui,
Department of Parks and Recreation

(PFF)

CONCLUSIONS OF LAW

Community Plan Amendment (CPA)

A CPA is reviewed pursuant to: Maui County Code (MCC) Title 2, Chapter 2.80B, Section 2.80B.100, Non-decennial amendments to community plans proposed by the planning director or the council. Applications shall follow the procedures set forth out in sections 19.510.010 and 19.510.020 of the MCC, as amended.

2.80B.100 - Nondecennial amendments to community plans proposed by the planning director or the council.

- A. Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.*
- B. Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.*

C. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.

Conclusion: The Community Plan Amendment is to reclassify the project area's community plan designation in the Hana Community Plan Map from Agriculture to Public/Quasi-Public. This is consistent with Chapter 2.80B, Section 2.80B.100, MCC.

State Land Use Commission District Boundary Amendment (DBA)

Chapter 205, Hawai'i Revised Statutes (HRS), relating to the Land Use Commission, establishes the four (4) major land use districts in which all lands in the State are placed. These districts are designated "Urban", "Rural", "Agricultural", and "Conservation". The project site is located within the "Agricultural" district. The Planning Director is initiating a State Land Use DBA to "Rural".

Standards for reviewing a State Land Use Commission District Boundary Amendment from Agricultural to Rural are found under Title 15, Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 2, §15-15-21 of the Hawaii Administrative Rules as follows:

§15-15-21 Standards for determining "R" rural district boundaries. Except as otherwise provided in this chapter, in determining the boundaries for the "R" rural district, the following standards shall apply: (1) Areas consisting of small farms; provided that the areas need not be included in this district if their inclusion will alter the 19 general characteristics of the areas; (2) Activities or uses as characterized by low-density residential lots of not less than one-half acre and a density of not more than one single family dwelling per one-half acre in areas where "city-like" concentrations of people, structures, streets, and urban levels of services are absent, and where small farms are intermixed with the low-density residential lots; and 3) It may also include parcels of land which are surrounded by, or contiguous to this district, and are not suited to low-density residential uses for small farm or agricultural uses.

Conclusion: The State Land Use Commission District Boundary Amendment (DBA) will change the land use designation from "Agricultural" to "Rural." The proposed action is consistent with the above criteria for a DBA Agricultural to Rural.

Maui Planning Commission and County Council

The DBA is also processed at the county level: At the county level, Maui County Code (MCC)

Title 19 Zoning, Chapter 19.68.040, State Land Use District Boundaries, states:

Upon receipt of the appropriate planning commission's report and recommendations, the county council shall consider the application and may adopt the findings and recommendations, in whole or in part, or otherwise act upon the report and transcript or summary, and, in the council's discretion, hold further hearings and take further evidence and testimony in connection therewith, before taking final action.

Further, pursuant to Section 19.68.040 the county council prior to the enactment of an ordinance affecting any reclassification/boundary change, may impose conditions upon the applicant's use of the property, fulfillment of such conditions to be prerequisite to the adoption of such ordinance or applicable part thereof. Such conditions shall have already been performed prior to council action on the reclassification/change of boundary or be enforceable by the county after council action. Conditions shall be fulfilled within the time limitation established by the council, or, if no time limitations is established, within a reasonable time. Such conditions, if any, shall run with the land and be recorded in the bureau of conveyances or filed with the assistant registrar of the land court. Conditions shall be imposed only if the council finds such to be necessary to prevent adverse effects upon public health, safety and welfare, and shall be reasonably conceived to fulfill needs arising directly out of the proposed land use in the following respects:

1. *Protection of the public from the potentially deleterious effects of the proposed use; or*
2. *Fulfillment of the needs for public service demands created by the proposed use.*

Conclusion: The proposed action is consistent with the above listed criteria of a DBA pursuant to Chapter 19.68, MCC, State Land Use District Boundaries and there are no anticipated potential deleterious effects from the proposed use and therefore, the Department is making no recommendation on any further conditions.

Change of Zoning (CIZ)

A Change of Zoning is reviewed pursuant to: Maui County Code (MCC), Title, 19, Chapter 19.510, Section 19.510.040, Change of Zoning, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a Change of Zoning if the following criteria are met: The Final Environmental Assessment (EA) in accordance with Chapter 343, Hawaii Revised Statutes, was submitted with the application for a CIZ. The county council may grant a Change of Zoning if the following criteria are met:

1. *The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;*
2. *The proposed request is consistent with the applicable community plan land use map of the county;*

3. *The proposed request meets the intent and purpose of the district being requested;*
4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;*
5. *The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and,*
6. *If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.*

Conclusion: The Title 19 Change of Zoning will change the zoning designation from "Agricultural" to "P-1, Public/Quasi-Public." The Department's proposed action is consistent with and is supported by the above listed criteria for a CIZ pursuant to Title 19, Chapter 19.510, Section 19.510.040, Change of Zoning, MCC as stated in the accompanying Department's Report.

Special Management Area Use Permit:

SMA Use Permit is also required pursuant to Chapter 202 of the Special Management Area Rules for the Maui Planning Commission.

Conclusion: The proposed use is compliant with requirements of Chapter 202, provided that the Community Plan Amendment, State Land Use District Boundary Amendment and the County Change of Zoning approvals are obtained. The Department is recommending *deferral* on the SMA Permit until the all land use entitlements are obtained.

In consideration of the foregoing, the Planning Department recommends that the Hana Advisory Committee for the Maui Planning Commission adopt the Planning Department's Report and Recommendation Report prepared for the October 26, 2017, meeting as its Findings of Fact, Conclusions of Law, Decision and Order and authorize the Director of Planning to transmit said recommendation to the Maui Planning Commission.

RECOMMENDATION

Community Plan Amendment

The Planning Department recommends to the Hana Advisory Council that it recommend an "approval" to the Maui Planning Commission for the Community Plan Amendment from Agricultural to Public/Quasi-Public.

State Land Use Commission District Boundary Amendment

The Planning Department recommends to the Hana Advisory Council that it recommend an "approval" to the Maui Planning Commission for the Community Plan Amendment from Agricultural to Rural.

Change of Zoning

The Planning Department recommends to the Hana Advisory Council that it recommend an "approval" to the Maui Planning Commission for the Change of Zoning from Agricultural to P-1 Public/Quasi-Public.

Special Management Area Use Permit

The Planning Department recommends to the Hana Advisory Council that it recommend an "approval" to the Maui Planning Commission for the SMA Use Permit with the understanding that the Planning Commission shall defer the SMA Permit approval contingent upon all land use entitlements being approved by the County Council. Recommended conditions are:

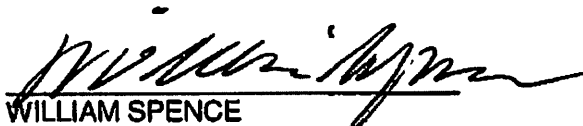
1. That, to the satisfaction of the Department of Planning (Department), construction of the proposed project shall be initiated by January 1, 2025. Initiation of construction shall be determined as construction of onsite and/or offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Evidence of the initiation of construction shall be submitted to the Department prior to the date listed immediately above. Failure to comply by that date will automatically terminate this Special Management Area (SMA) Use Permit unless a time-extension is requested, which should be submitted no later than ninety (90) days prior to said date. A time-extension shall be processed in accordance with the provisions of Section 12-202-17 of the Special Management Area Rules for the Maui Planning Commission (SMA Rules).
2. That, to the satisfaction of the Department, the construction of the project shall be completed within 10 years after the date of its initiation. Evidence of the date of the completion of construction shall be submitted to the Department. Any request for a time-extension should be submitted no later than ninety (90) days prior to the completion deadline. A time-extension shall be processed in accordance with the provisions of

Section 12-202-17 of the SMA Rules. Failure to complete construction of this project within this time period will require unfinished portions of the project to obtain a new SMA Use Permit.

3. That, to the satisfaction of the Commission or the Department, the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the SMA Use Permit. Failure to so develop the property may result in the revocation of the permit and/or other enforcement.
4. That the applicant shall submit to the Department a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. Two (2) hard copies and one digital copy shall be submitted. A preliminary compliance report shall be reviewed and approved by the Department prior to issuance of the building permits. Plans regarding the location of any construction related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase shall be submitted to the Department for review and approval prior to or along with the preliminary compliance report. A final compliance report shall be submitted to the Department for review and approval prior to issuance of a (final certificate of occupancy

In consideration of the foregoing, the Planning Department recommends that the Hana Advisory Committee recommend approval of the Community Plan Amendment, State Land Use District Boundary Amendment and Change of Zoning requests and adopt the Department of Planning's Report and Recommendation statements prepared for the October 26, 2017, meeting and authorize the Planning Director to transmit said Report and Recommendation statements to the Maui Planning Commission. Final review and action on the SMA permit by the Maui Planning Commission will be deferred until the County Council acts upon the legislative matters above.

APPROVED:


WILLIAM SPENCE
Planning Director

**HANA ADVISORY COMMITTEE TO THE
MAUI PLANNING COMMISSION
REGULAR MINUTES - OCTOBER 26, 2017**

** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 2200 Main St., Suite 315, Wailuku, Maui, Hawaii. ***

A. CALL TO ORDER

The meeting of the Hana Advisory Committee (Committee) was called to order by Vice-Chairperson David Kawika Kaina, at approximately 4:07 p.m., Thursday, October 26, 2017, at Helene Hall, 150 Keawa Place, Hana Bay, Maui, Hawaii.

A quorum of the Committee was present (see Record of Attendance).

Vice-Chair Kawika Kaina: Call this meeting to order. I'm sorry for the delay. Alrighty. Everybody seated? Okay, I apologize for the delay, we were expecting Gale but he got caught in an emergency, so bear with us.

- B. PUBLIC TESTIMONY** - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

Vice-Chair Kaina: Alrighty. So the first line item on the agenda, we're looking at public testimony, however, since we only have the Nahiku Community Center on the agenda, we would like to ask if everyone could wait and have you testify on both the issues, and if this means you -- you what to have the six minutes instead of the three minutes, that's fine. Any comment on that? Also, we're going to ask everyone to testify during the public hearing portion. Alright, so we're at public hearing.

Vice-Chair Kaina read the following agenda items into the record:

C. PUBLIC HEARINGS (Action to be taken after public hearing.)

1. **WILLIAM SPENCE, Planning Director, transmitting the following requests for the proposed Nahiku Community Center to be located on approximately 1.9 acres of land at 0 Nahiku Road, TMK: (2) 1-2-002:023, Nahiku, Hana, Island of Maui (P. Fasi):**
 - a. **Community Plan Amendment from Agriculture to Public/ Quasi-Public, (CPA 2017/0002);**
 - b. **State Land Use District Boundary Amendment from State Agriculture District to State Rural District, (DBA 2017/0002);**
 - c. **Change of Zoning from Agriculture to P-1 Public\Quasi-Public, (CIZ 2017/0002);**

2. **KAALA BUENCONSEJO, Director, DEPARTMENT OF PARKS AND RECREATION requesting a Special Management Area Use Permit for the Nahiku Community Center Project and related improvements located at 0 Nahiku Road, TMK: (2) 1-2-002: 023, Nahiku, Hana, Island of Maui. (SM1 2017/0002) (P. Fasi)**

The proposed action includes the replacement of the former grammar school building site with a community center building of approximately 2,472 square feet in size and related improvements, including a paved parking lot and driveway and installation of an individual wastewater system. The proposed community center includes a social hall, kitchen, storage areas, restrooms, and a covered entry lanai.

TERRY KRISTIANSEN, IRENE PAVAO, and JOHN BLUMER BUELL submitted a Petition to Intervene on the applications for the Nahiku Community Center in Public Hearing No. 1 (agenda item C.1) and Public Hearing No. 2 (agenda item C.2) on October 10, 2017. They represent themselves and MOKE BERGAU, ELLEN KAHOOKELE, JEAN MARY KAHOOKELE, JEFFREY C. PAISNER, MAX MATTSON, JAMES KAHOOKELE III, TERESA ALLRED, and SHARON KAHOOKELE. The Maui Planning Commission will act on this Petition to Intervene at the meeting when it reviews the Hana Advisory Committee's recommendations on the items in Public Hearing No. 1 and Public Hearing No. 2.

Unidentified Speaker: Excuse me, we got a quick correction. It's 1.09 acres, not 1.9 acres.

Vice-Chair Kaina: 1.09 acres, so not 1.9, 1.09 for the record. So before we start the public hearing, we are in receipt, as of yesterday, a letter from Mr. Blumer-Buell, John Blumer-Buell, alleging conflicts of interest regarding Dawn Lono, Lehua Cosma, Scott Crawford, and a recusal from Linda Clark. Counsel, can read the rule for us, please?

Ms. Jennifer Oana: Thank you, Chair. Section 12-201-25, of the Maui Planning Commission Rules, Disclosure of conflict, reads:

Whenever a conflict of interest or other ethical question is raised by anyone regarding any member of the commission, the affected member shall promptly make a full disclosure of the circumstances of the commission. If a commissioner member has a financial interest in any matter that may be affected by an action of the commission, that member shall be disqualified from voting in all actions relating to such matters.

Vice-Chair Kaina: Miss -- well seeing as Ms. Cosma and Mr. Crawford are not here, Ms. Lono, would you like to address the allegations?

Ms. Dawn Lono: I have no conflict of interest financially or otherwise.

Vice-Chair Kaina: Any Member on this Committee have any concerns regarding Ms. Lono? Okay. Moving along, Ms. Clark, would you like to address the allegations?

Ms. Linda Clark: Thank you, Chair. I have no conflict of interest and no financial interest.

Ms. Oana: With regard to the allegations in the letter, can you address that?

Ms. Clark: Yes. My application was submitted and my residency of Kaupo has been met because it was 90 days prior of the application.

Vice-Chair Kaina: Any Members on this council -- okay, we're going to go ahead and move on. Let's see here, before we open it up, so for the record, we are in receipt of the Petition to Intervene filed by Terry Kristiansen, Irene Pavao, and John Blumer-Buell. This Petition to Intervene, let's see, was submitted in regards to the Nahiku Community Center and Public Hearing No. 1, agenda item C.1., and the Public Hearing No. 2, agenda item C.2, on October 10, 2017. They represent themselves and Moke Bergau, Ellen Kahookele, Jean Mary Kahookele, Jeffrey Paisner, Max Mattson, James Kahookele, III, Teresa Allred, and Sharon Kahookele. The Hana Advisory Commission will not be determining this intervention. This request is going to be decided by the Maui Planning Commission, however, we do recognize receipt of this Petition. So moving on, I think we have the applicant has a quick presentation for us.

Mr. Paul Fasi: Good afternoon, Committee, and members of the Hana community. My name is Paul Fasi, I'm a staff -- Senior Staff Planner with the County of Maui. So with me today is Jennifer Oana, from Corporation Counsel; Mr. Clayton Yoshida, who is the Administrator for the Current Planning Division; and Suzette Esmeralda, who is the Secretary to the -- several boards and commissions. We also have the consultant here today, Munekiyo Hiraga, and their representatives Marisa Fujimoto and Karlynn Kawahara. We also have several engineers here, Doug Gomes and Stacy Otomo.

So this is about the Nahiku Community Center. William Spence, the Director of Planning, is initiating the necessary land use entitlements, and they are the community plan amendment, district boundary amendment, change in zoning, in order for the County of Maui, Department of Parks and Recreation to develop the Nahiku Community Center on approximately 1 acre of land. So the Director is initiating the land use entitlement applications.

The Department of Parks and Recreation is submitting the SMA, the special management area application. They are the applicant for the SMA.

This is a necessary step as a community center is not a -- it's not an allowed use in the ag district, so these land use entitlements need to be shifted into the proper category in order for that to happen, so that's what we're here doing right now. This is the public hearing on these items, it will go before the Planning Commission, but this is the public hearing for these items.

So there was mention of an environmental assessment and the trigger, there is a trigger, a trigger is an event or something that makes the Chapter 343, Hawaii Revised Statutes, where this project will fall into that category, and that trigger was the County use of funds and County use of land. Now there's a class of exemptions for Chapter 343, and so the exemption on this particular project was, I believe, Class 2, which is a replacement or a reconstruction of existing structures and facilities. Okay, so it falls into that exemption category pretty clear and concise.

So after careful review and analysis by the Department of Planning staff, we can definitively conclude that there are no -- we have concluded that there are no negative impacts anticipated with this project including traffic, water, archaeological, socio-economic, or environmental - I see John smirking back there - that would preclude the development of this project. It's a community center. It's not the Grand Wailea.

So this -- this particular project has been in the work for some time. It had permits, development permits that expired because, apparently, there were some litigation over the contract that was in place at the time, so that contract has since been pulled back, and the costs have escalated beyond the SMA, what we call the "minor permit," which is a \$500,000 threshold; once it goes beyond that, it throws it into a special management area use permit category, which is why the Parks Department had to file a special management area use permit application, and that's why we're here now in addition to the land use entitlement applications.

So I'm not going to get into too much detail and specifics on the zoning, that's in the application's presentation, I don't want to be redundant, so I'm going to turn it over to Marisa Fujimoto, she's going to give a presentation and some background on this project, and I think it'll answer a lot of your questions. Marisa.

Ms. Marisa Fujimoto: Good afternoon, Members of the Hana Advisory Committee, and everyone who came out to join us for today's meeting. Thank you for your time today. My name is Marisa Fujimoto, and I'm a planner with Munekiyo Hiraga, and I'm here with other members of our project team. Here today representing the Department of Parks

and Recreation, who's the applicant for the SMA use permit, is Robert Agapay. Also here today is the architect, Anthony Riecke-Gonzales, from Riecke Sunnland Kono Architects; civil engineers Stacy Otomo and Ashley Otomo, from Otomo Engineering; our mechanical engineer, Douglas Gomes, from Engineering Dynamics Corporation; and Karlynn Fukuda, who is also a planner with Muneakiyo Hiraga.

We are here today to present you with information on the proposed Nahiku Community Center project. Since the project is within the special management area, and the construction estimates for the project are above \$500,000, as Paul mentioned, an SMA use permit application was filed with the Planning Department in June of this year. In accordance with the Maui Planning Commission SMA rules related to SMA use permit procedures, we kindly request your consideration of and recommendations on the project for the Maui Planning Commission.

The general location of the project is north of the Hana Highway intersection with Nahiku Road, which provides access to the project site. I'm not sure if you guys can see the screen, but it's right here. The TMK map on this slide shows where the property is situated relative to the shoreline, roads, and adjacent properties, including the Nahiku Church property just west of the project area.

The Nahiku Community Center is proposed at the former Nahiku Grammar School site. From what we understand, the old grammar school building functioned as a community center from the time the school closed in 1958 until it was burned down by arson in 2005. It was used for public and community purposes including serving as a polling place for elections, an emergency shelter, and recreational facility. The proposed Nahiku Community Center building would essentially replace the grammar school building that was burned down.

Here's the general timeline which provides some background about the project. As mentioned, the Nahiku Grammar School closed in 1958 and was burned down in 2005. In 2008, the property was transferred by Executive Order from the State of Hawaii to the County of Maui. The Executive Order specified that it was being transferred for community center purposes. In 2012, a Chapter 343 EA exemption was issued by the Department of Parks and Recreation being that they were proposing replacement of the structure that had been burned down. An SMA minor permit was also issued in 2012 based on the estimated construction being below \$500,000 at that time. In 2013, the facility was named "The David Kanaloa Kaho`okele, Jr. Nahiku Community Center" under Ordinance No. 4055, Section 1. The building permit was issued and there was a ground-breaking ceremony and blessing for the project. Due to issues with the contractor, which I understand is currently involved in litigation with the County, the facility was never constructed. In June of this year, an SMA use permit was filed with the Department of Planning, and the Planning Director initiated a State land use district boundary

amendment, community plan amendment, and change of zoning to accommodate the proposed use. Last month, the project design was reviewed by the Maui Urban Design Review Board as part of the SMA permitting process.

Unfortunately, the site visit for earlier this afternoon was canceled, but we have some photographs of the project site. So here are some photographs looking toward the location of the proposed community center building. There's a reference map on the upper right of the screen showing the view of the property to give you an idea of where the photos were taken from. Okay, so the photo on the left is the northwest view, and the photo on the right is the southeast view. Again, this is where the community center building is being proposed. Here are photographs of the proposed parking area, so on the left is the northeast view and on the right is the southwest view. Here are photographs of Nahiku Road, which runs around -- which runs along the southwest property -- southwest boundary of the property. On the left is the northwest view of the property, which you would see from the road if you are coming down from Hana Highway, and the photo on the right is the view coming from the makai side of the property. These are photographs of Lower Nahiku Road, which runs along the makai or north side of the property, on the left is the east view, and on the right is the west view towards the church and the bus shelter.

Here's a little bit of information about the current and Planning Director initiated changes to the land use designations for the property. The project area is currently designated agricultural by the State Land Use Commission, it is not within a Maui Island Plan growth boundary, and is also designated for agricultural use by the Hana Community Plan and Maui County zoning. The Planning Director has initiated a State land use district boundary amendment to change the State land use district to rural, and a community plan amendment and change of zoning to public/quasi-public to accommodate the proposed use.

So as mentioned previously, the proposed project consist of improvements to the old Nahiku Grammar School site. The Nahiku Grammar School building will be replaced with a community center building just under 2700 square feet in size. It includes a social hall, kitchen, storage, restrooms, and a covered entry lanai, and related improvements include a driveway, a 13-stall parking lot with loading area, an individual wastewater system, utility connections, and site work.

At this time, I'd like to hand it over to Anthony to go over the site plan and some of the design details.

Mr. Anthony Riecke-Gonzales: My name is Anthony Riecke-Gonzales, with RSK Architects, we're the architects for the building portion of the project. This is the landscape plan. The landscape that's proposed is pretty much to leave it as is and relocate just a

single tree, so this tree, I think it's somewhere in this area right now, gets relocated to the front right-hand side of the community center; otherwise, all the banyan trees and other existing trees remain on the property.

This is the proposed building. It's similar in design to the old school that was there except for it is a slab on grade, the old school was a post and pier building, and so it basically - let's see here - has a front porch area that's the entrance to the building, and the colors are the standard Maui Parks colorations. This is the proposed building and, as someone mentioned earlier, it has a kitchen area, storage area, men's and women's bathrooms, and a multi-purpose hall.

I'll now turn it over to the civil engineer, Stacy Otomo, and he can discuss the drainage improvements for the project.

Mr. Stacy Otomo: Good afternoon, Chair, Members of the board, and members of the community. My name is Stacy Otomo, from Otomo Engineering. We're the civil engineers for the project. The whole concept behind the grading and drainage is to minimize the amount of work that we do. We anticipate a grading area of about half-an-acre, and the drainage concept would be to have all the runoff come into the parking lot, and in the parking lot itself, we have a couple of catch basins with a subsurface drainage system that would be designed to meet all the County drainage standards, so it's a pretty simplistic project for us. Thank you.

Ms. Fujimoto: So regarding utilities, there's an existing 5/8-inch water meter, which previously served the grammar school that can provide potable water to the proposed project, an individual wastewater system is proposed as there's no existing sewer or wastewater infrastructure in the project area, and electrical and telephone service will be extended from the existing service lines on Lower Nahiku Road.

Regarding historic and cultural resources, an archaeological inventory survey was completed for the project in January of this year. It identified three historic properties - two modified agricultural or landscaping outcrops, and a buried trash pit - all of which were associated with the old Nahiku Grammar School. The State Historic Preservation Division determined that the sites were properly documented and did not require any further archaeological investigation or mitigation.

In accordance with the Hawaii Revised Statutes, Section 205A-26, and the Maui Planning Commission SMA Rules, all development within the SMA shall be subject to reasonable terms and conditions to ensure that the criteria are met. The criteria are included in the Planning Department's staff report, but they are also summarized in the following tables for your reference. So related to criteria A, the project does not impede access to publicly owned beaches, recreation areas, or natural reserves. For criteria B, this is an adequate

location for the Nahiku Community Center as it's proposed to replace the former grammar school building, which functioned as a community center. For criteria C, an individual wastewater system is proposed for the community center since there's no existing wastewater system or infrastructure available. And for criteria D, minimal alterations to existing land forms and vegetation are proposed with the project. Grading and grubbing is proposed on .4 acres, which is less than 25% of the subject property, with some fill and very minimal excavation anticipated.

Additionally, no development shall be approved unless the authority has found that the following criteria have been met: Regarding criteria A, no substantial adverse environmental or ecological effects are anticipated as a result of the proposed project. The project is essentially proposing to replace the former building that was burned down to continue the public and community use that occurred since the grammar school closed in 1958 until the building was burned down in 2005; regarding criteria B, the proposed project is consistent with the objectives, policies, and special management area guidelines; and related to criteria C, it's noted that the Planning Director initiated a community plan amendment and change of zoning to maintain consistency with the County General Plan and zoning and that these entitlements are being processed concurrent with the SMA use permit. The Maui Planning Commission will defer final action on the SMA use permit until the community plan amendment and change of zoning are approved by the Maui County Council.

And continuing with the SMA criteria review, the authority shall seek to minimize, where reasonable, the following: Related to criteria A, no dredging, filling, or altering of any bay, estuary, salt marsh, river mouth, slough or lagoon is proposed; related to criteria B, the proposed project would not reduce the size of any beach or other public recreation area; criteria C, the proposed project would not reduce or impose restrictions upon public access to any of the types of areas listed; and related to criteria D, the proposed project would not substantially interfere with or detract from the view from Hana Highway; and related to criteria E, the proposed community center is not anticipated to adversely affect water quality or any of the other types of areas listed.

So in terms of next steps, the comments you provide on the project today will be provided to the Maui Planning Commission for consideration, however, final action on the SMA use permit will be held in abeyance until the Council takes action on the State land use district boundary amendment, community plan amendment, and change of zoning.

So to summarize what we've discussed, the proposed community center would replace the former Nahiku Grammar School building. The project involves construction of a community center building less than 2700 square feet including a social hall, kitchen, restrooms, storage, and a covered entry lanai, and related improvements including a parking lot and driveway, individual wastewater system, utility connections, and site work.

It will provide a County facility for East Maui residents, which, as it has in the past, can be utilized as an emergency shelter, election polling place, and general gathering space. The project meets the SMA review criteria.

As part of the SMA use permit application review process, we respectfully request recommendations from the Hana Advisory Committee for consideration by the Maui Planning Commission. Thank you very much for your time and consideration.

Vice-Chair Kaina: Okay, thank you. We'd like to begin and go ahead and open up the floor to public testimony. Sorry, public hearing. So the first person I have is going to be John Blumer-Buell.

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Vice-Chair Kaina: We're in the public hearing portion so I believe there'll be a spot where you can ask that question or during the hearing.

Mr. John Blumer-Buell: Hello. Yeah, aloha, Hana Advisory Committee, and thank you for your service. There are some -- couple quick corrections. I didn't ask Scott Crawford or Linda to recuse themselves. I asked for public disclosure and that's all. I did ask for Lehua and Dawn to recuse themselves, they won't do that, so that's in the record. That will be considered later. The last thing is that there are 11 interveners, it's not me and Terry Kristiansen and Irene Pavao, there are 11 petitioners, almost all of them are from kama'aina families in Nahiku and all of them lineal descendants. It's very important. Now, I'm here to support this petition, and there's hundreds of people that have signed this. I demand all proposed approvals for the project be denied until the County of Maui agrees to and completes a legal comprehensive and honest environmental assessment process as required by Hawaii State Law, Hawaii Revised Statutes, Chapter 343, and that's all that we are asking for right now. We are asking for legal due process for this community, we're not saying don't build it at this point, we're saying let's get the community talking in our petition. This is one of the most important statements in the Hana Community Plan. It says, "Encourage community-based dialogue regarding proposed land use changes in order to avoid unwarranted conflict." That is what we're trying to do. And when we -- the County as a -- so I'm asking you to support this, denying everything until the County performs an environmental assessment, which they're required to do for both the community plan amendment and, two, for the SMA permit. They're required. They ...(Inaudible)... they're requirements. Now, it turns out that they -- this is new information. In the report, they review that in 2012, they issued a moratorium, this is on page 4 of the report, on May 11, 2012, they, Planning Department, issued a moratorium to get out of doing an environmental assessment for the community plan amendment, and then later, a few weeks later, Mr. Glenn Correa, who was then Parks Director, issued a Declaration of Exemption as well. Now, as a little background, Chapter 343, the environmental impact

statement, is one of the most basic rules in this State, and the -- I served the entire term on the General Plan Advisory Committee, I've served three terms on this Committee, I served 25 years on the Hana Community Association Board, elected, and we always supported full disclosure whether you're for or against it, and let me give you a good example, everybody here knows this, around 2000-2001, Mr. Kato, from Japan, wanted to put in a golf course and country club in Hana.

Vice-Chair Kaina: John, that was three minutes, but continue, please.

Mr. Blumer-Buell: Okay, I'm speaking to both. And to his credit, Mr. Kato performed a required environmental assessment, and that document was about four-inches thick. Now, from that -- from that document, the County Council was able to identify what he said, and then as a result of the environmental assessment, they put 21 conditions on the PK-4 zoning, 21 conditions, and he could not meet the conditions. And so I'm stressing the importance of an environmental assessment to this whole process. You don't -- you don't waive that. The County shouldn't be waiving this. The most important thing that came up in the General Plan Advisory Committee is that the communities should be listened to. We should have community input. That's the bases of democracy is the laws. And for the County to be giving themselves a pass on the most important document to this whole process is just -- I just have to say it's a lie, and I can speak to both of the permits, the memorandum, and the one that they issued with Mr. Correa, which I rebutted in six or eight pages in 2012. So I'm just asking you to please do what the community wants you to do, which is to say no. Please do the environmental assessment first. You don't know it last. They want to avoid doing it. They don't even want to do an SMA for the -- I mean an environmental assessment for the SMA, and I want to say that there's a 414-page report on the SMA that's not on the agenda. They're not handing it out. It's -- they presented it in June of this year, 414 pages. They're still trying to use the exemption from 2012 to get out it.

Okay, final thoughts is just -- this is -- we really want the community to be heard, and right after that, I'll just say I'm happy to answer any questions. There are already two questions that could kill this project right away and --

Vice-Chair Kaina: Six minutes, John. I'll let you finish up real quick.

Mr. Blumer-Buell: Okay, I'll finish. There's two pages of questions in the intervention. One, the members of the Kahookole family, a few, are claiming they still have title to the property. Well, if that's true, then why are we even here? God bless them if they still own the property, and they might, I don't doubt that they do own it, but if they do, there's no business for us to even be processing this. Second, the County has not shown they have legal access from the Hana Highway to the ocean or even to the bridge site.

Vice-Chair Kaina: Alright, John, we're going beyond seven minutes.

Mr. Blumer-Buell: Okay, fine. Last thing. If they can't prove those two things in an environmental assessment, then this project should be -- we shouldn't even be here until they can prove that. And, finally, last sentence, Kawika, thank you everyone for your patience, you know, this is really unfortunate. We have 11 intervenors, good people, lineal descendants, we're going to have to end up in court, I mean how terrible, because all we're asking for is an environmental assessment, it's in our intervention, that's all we're asking for --

Vice-Chair Kaina: Okay.

Mr. Blumer-Buell: Is an environmental assessment.

Vice-Chair Kaina: Okay, thank you.

Mr. Blumer-Buell: Okay, mahalo. Mahalo.

Vice-Chair Kaina: Thank you, John.

Mr. Blumer-Buell: And thank you for chairing.

Vice-Chair Kaina: Okay. Sorry, she's moving the mike, but I have Joyclynn? Jayclynn?

Ms. Joyclynn Costa: I first wanna make myself right as I come to this meeting. My last trip here was in August for my son-in-law's memorial, Ziggy Mizner.

Vice-Chair Kaina: Sorry, can you state your name for the record, please?

Ms. Costa: My name is Joyclynn Costa, lineal descendant of Nahiku. I just wanna keep space for just a little while because we didn't open this meeting in pule, and in respect as, you know, for everyone in this room instead, you know, you can do your own individual, but I'd like to just hold space just for a moment. And we inhale the good air from Hana, and we exhale all the eha. We inhale truth and goodness, and we exhale anything that can harm us. Mahalo.

I wanted to start off, I guess I'm -- I didn't know we was only going to do three minutes, I was typing up some things and if I go over, I apologize, and I wanna clear myself if I insult or if I offend anyone that it is not my intention but I'm here to speak truth. One of the corrections I would like to make is that the school lot my father had leased from the State of Hawaii is actually deemed Kalakaua Land Grant of No. 21, one of the beginnings of his giving for the educational purpose of the Hawaiian people, and it went around the east

end, they've lost a lot of the schools, but that particular building was one of the school lots, and I don't remember it ever being deemed a community center. It was a building that was for educational purposes, and there are reverter clause within the Kingdom law that states when it is not for its purpose, which was normally given for churches or for educational purposes, then it reverts back to the original, which would have been Kalakaua. James Sagawinit lived in the school and took great care. There was a dedication of which an original teacher was invited to the partaking and rededication, Mrs. Wilhelm. There were several people of the community that were students of the school and had come to remiss -- reminisce the experience growing up in wartime. James and Alice Sagawinit transported lumber, roofing material, and other things to bring the building back to its original state. The grounds are being also cleared. The reason Mr. Sagawinit is no longer on that property was because of a complaint filed by -- to Mr. Peter Young, who was in charge of DLNR back in the day. He was accused -- he was accused of abusing the property and using it for capital gains.

After Mr. Sagawinit fixed up the school, he continued down to the landing, which started along the -- which was started along with the late Gerry Matson and the late James Kahookele, to cut back overgrown hao and vegetation; then they planted a line of coconut trees, which Mr. Matson had propagated for his retirement project. It became a desirable area for fishing, camping, and picnicking. Although Mr. Sagawinit had no young children in his home, he, along with the community, the late Marianne Nakama, and Mr. and Mrs. Pavao, came together to provide a bus stop for the children. Across the street of the school, the Hawaiian Protestant Church, the late Kahu Cynthia Alan Castro wanted to repair the bell tower and roof of the church. Mr. Sagawinit called his construction friends and told them it was not going to be a paid job but they came willingly and happily just to sit in his place and have something to eat. Any work done in lower Nahiku by either the State or County would be met with a hot lunch at his place. Dry land taro in the back yard also provided Hana residents with enough taro leaf for events and fundraising.

Vice-Chair Kaina: Sorry, we're at five minutes so just -- you have one more minute. I just wanted to advise you.

Ms. Costa: Okay, I'm going to speak on the two. Is that okay? Mister -- I traveled all the way out from town and brought my father here. We were the last residents within that -- that community center. This is the first time we're speaking on this and we took the time out so if we could please have that time.

Vice-Chair Kaina: Kala mai. I understand. The rule is I guess three minutes per issue.

Ms. Costa: Okay. So I wanna bring you to page 11, it says Chapter 226 and 225, I guess, support activities and condition that promotes cultural value -- values, customs, arts, enriches lifestyle and are sensitive and responsive to family and community, but what had

happened was Mr. Sagawinit was accused of things from actually the chair of the Nahiku Community Association, Ms. Sili, that he was utilizing that place and abuse and for capital gains, which he wasn't. There was a meeting done by the association and, at first, the first complaint to Mr. Peter Young was made and so the DLNR land agent picked him up from his home, took him into Nahiku to do the investigation and found it to be false. The place was taken care of. Years later, there as another complaint made that there should be a community center instead, and Ms. Sili had asked Mele Carroll to intervene, so she had another community meeting down in Nahiku. At that point, the meeting was stopped because Representative Carroll did not know that Mr. Sagawinit still had the lease to the school house, so because she was taken aback, she said let's have the kupuna of the place talk first. So the three kupuna, which was the late Gerry Matson, the late Jimmy Kahookele, and my father, went across the road, Ms. Sili wanted to go and also partake of that conversation but her son, Mapu, told her, mom, you sit here and you wait and let them talk, and when they come back, that's the decision we'll make. The three kupuna came back and said we don't want the community center, let Jimmy stay in the lease, and that was the end of it. Next thing we know, he's getting an eviction notice that he needs to vacate the property, he had already paid a one-year lease, he had paid a one million dollar insurance policy to make sure that the place was covered, and he had no recourse. Now, before that, the building was burnt down. Young kids they play around, okay, so that happened. The prosecutor forgot that a wrong was done. Now, this place had to be investigated, not just by the State, not just by the County, but also the Feds because it was a registered school. This is an actual landmark. This is not just a piece of property. East to the property is a known registered heiau, historical heiau, with burials. People were doing grave robbing in these -- in these places. So I don't understand how the archaeological inventory can be just swept under the rug. In walking distance from this property is a registered heiau. This is Kalawaianui property, whether it goes under a TMK, it's a Kalawaianui property. Now with that --

Vice-Chair Kaina: Sorry. Sorry. Sorry.

Ms. Costa: Also there's an impact 'cause we lived in this place. In you report you say there's -- there's no flooding.

Vice-Chair Kaina: I'll give you 15 seconds to finish up.

Ms. Costa: Thank you. That place floods. I witnessed it. The kids could use their boogie boards in the front yard. So when you talk about all of these -- these impacts that there is none, you need to speak to the people who actually lived on that property and experienced it. The rain is so heavy you can hear it coming in the distance before it actually hits.

Vice-Chair Kaina: Okay, I'm sorry. We're going to have to move on. I gave you an extra three minutes 'cause I didn't explain the rule through the first one so --

Ms. Costa: I appreciate that. I appreciate that, but if you have any more questions, Mr. Sagawinit's here and he's going to be here to testify as well, be gentle with him because of his heart condition, but he's passionate. We are lineal descendants of the place recognized by the State of Hawaii. We're registered with the State. Thank you.

Vice-Chair Kaina: Thank you.

Ms. Costa: Oh, I also have you know that transfer of the land, I have a copy for you, and it says that this land is supposed to be given for a community center and if non-use within a year, it's to transfer back to the State, so it's been from 2008 and now it's 2017, the plans were being done in 2012, but there was a non-use for that many years already so I'm sorry.

Ms. Lono: So you mentioned the heiau. Is that heiau on the community center property or is it a separate lot?

Ms. Costa: Thank you for the question. It's bordering. It's right on the -- it's not on the school lot, but then again --

Ms. Lono: Thank you.

Ms. Costa: We're inundated by western boundaries.

(Chair Gale Notestone entered the meeting at approximately 4:52 p.m.)

Vice-Chair Kaina: Moving on, I have Mr. Paul -- I can't really read the last name. Borner? Bodnar. Bodnar.

Mr. Paul Bodnar: Aloha, everybody. Can you hear me? Thank you. It's good to hear my voice for a change, but aloha to all of you. I came to -- I am for the community center. It's a place of --

Vice-Chair Kaina: Sorry, Uncle, can you state your name for the record?

Mr. Bodnar: Oh, excuse me. Kala mai. Paul Robert Bodnar, Nahiku resident. Been there long time. But I want to see the center in the hopes that someday -- e kala mai ... (inaudible)... but a chance to gather with the neighbors and get together and love one another as we should do as well as we are meant. We are all pretty much family there.

Chair Gale Notestone: Excuse me, Paul, could you speak more into the microphone?
Thank you.

Mr. Bodnar: Okay.

Chair Notestone: Thank you.

Mr. Bodnar: The Nahiku people, we are pretty much the originals, like myself. We are family related so it goes. So when one hurts, it hurts the other. Sometimes we forget to think about this until we become painful, and then we realize it's not right. There's always ways we can get it together and at least speak our heart to each other. The center, that's the same for all of us. It gives us opportunity to gather, ho'olaulea, and chance to exercise, a chance to have dinner and lunch together, chance to laugh and pray together, a chance to talk old time stories to keep ourselves strong and die together in a community such as ours, an opportunity to better ourselves by having supplies for us in case of time of need whether it be something from supplies such as bed linen, generator, blankets, food, water. The center can supply these things when we get together and talk story. But you take one step at a time. Mahalo for your time. Aloha.

Vice-Chair Kaina: Mahalo. No questions. Moving on, Auntie JoAnn Carreira. And for those testifying, if you can remember to state your name for the record, please.

Ms. JoAnn Carreira: Okay, aloha. JoAnn Carreira, I live in Kaeleku, and I wanna deny, go on record to say that I deny the proposal until all is required is met, but I also wanted to share that about five administrations ago, we had a Hana -- Mayor's Hana Advisory Committee and we had members from Keanae to Kaupo, and in that meeting, there was the late Mary Ann Nakama, and she was the one that we questioned, Nahiku Community Center, and, you know, I don't remember the year, but it was long time ago, it was when Linda Lingle was Mayor, and at that time, when that the Advisory had put in the request, there was lots of requests, there was also a request for a second pavilion here in the Hana Bay, there was something else in Keanae, a baseball field, but almost everything that the Hana -- the Mayor's Hana Advisory Committee requested was researched and submitted to the County Council, and it was actually approved. So now I'm hearing dates but if it was approved long, long ago, far, far away, and there was no -- no requirements what they doing now, so can it be that it be grandfathered in so that you don't need to change the zoning because changing the zoning brings up lots of red flags, like I live Kaeleku, just off of Ulaino, and Lower Ulaino, when my mom was alive, was part of Nahiku, so does the changes go across and pretty soon just keep going and going and going and erasing our agriculture to public use, like so now we wanna change to public use for a community center, but what's next? What's next, and next, and next? But agriculture is the lifestyle for Hana and that's what they thrive on, and when you have flower farms or cattle or whatever, it doesn't change the environment as much as if you

have different developments that come across and then don't make it and then we get all this sore eyes that we gotta look at. But try to think back five administrations ago, and I'm sure it was five directors ago, you know, for the County Council, but there was -- there was a request for a Hana -- I mean for a Nahiku Community Center, and there was no requirements for anything, and especially the question I asked is why did it take so long that 450 to 2 million dollars, that's nonsense. I don't know because back five administrations ago, I don't even think it was \$450,000. So just food for thought. I don't want to see somebody come up at Ulaino and -- 'cause there's lots of properties for sale now from Nahiku all the way over to where I live, and who's going to buy it and what are their intentions, and if they got the finance, they can go and put in requests and permits and do everything that we cannot do. I just ask to consider that and if it has to be, then deny it and have this environmental assessment. Thank you. Okay.

Ms. Lono: JoAnn? JoAnn, I just have a quick question. Could that -- could you be remembering a time back before the school actually burnt down?

Ms. Carreira: Yeah.

Ms. Lono: 'Cause that's what changed everything was when the school burnt down and there's no longer a facility there.

Ms. Carreira: But that's 2005.

Ms. Lono: Right, so when you're talking about when it was requested before, was it possibly before the school burnt down?

Ms. Carreira: Probably because ...(inaudible)... me, I forgot the date, but --

Ms. Lono: 'Cause that's where -- that's when things changed a lot when you're not like repairing a building but replacing one, so I just wanted to clarify that. Mahalo.

Ms. Carreira: Yeah, but, you know, even though the unfortunate of burning it down, it might have been the community center, you know, at that time, but it's still yet important to feel what we're going through and to -- it's a hard seat to be sitting in your chair because whatever you recommend to the Planning Committee, that's our destiny, so, anyway, thank you.

Vice-Chair Kaina: Thank you, Aunty. Moving on. I have Aunty Joyce Phillips? Okay, moving on, I have Charlotte Hain. Is there a Charlotte Hain? Okay, moving on, Kaz Oliveira. Okay, moving on, Uncle Moke Bergau.

Mr. Moke Bergau: Moke Bergau, from Lower Nahiku, long-time resident. Mahalo, legal counsel -- oh, legal counsel. Excuse me for insulting you folks. Excuse me, Hana Advisory Committee. My name is Moke Bergau, and I am from Nahiku. Now my main concern is the State boundary land use. Mirror image, Honokalani. Mirror image. They have a public domain in the middle of their community with no public access to it. They are going through -- excuse me, they have a history, and --

Vice-Chair Kaina: Sorry.

Mr. Bergau: Not a very comfortable history.

Vice-Chair Kaina: Uncle, I sorry. You can speak into the mike so that she have it on record.

Mr. Bergau: Oh, that's why it's here. Okay, sorry about that. Honokalani has a history, has a history of abuse from -- by the public domain, okay. They the ones hold the burdens. They carry the burden. Mirror image in Nahiku. This proposal is attempting to establish a public domain in the middle of Lower Nahiku with no public access. How is that possible with today's building codes? But somehow it's being pushed. Somewhere it's coming from -- I have no clue about this. It's so confusing. This whole project is filled with contradictions as built -- it's built on contradictions and it's covered with controversy. There is no life in it. There is no meaning. There is no meaningful in this project. Hana Advisory Committee, as Mrs. Carreira just mentioned, our destiny is in your hands today. The decision that is made here affects ours for a lifetime, generations, as how Honokalani is experiencing it, and it's not a good position to be living in or passing it on to your generations. It's my responsibility to stop this and what this -- excuse me, Mr. Fasi has mentioned, there is no impact on traffic. Well, I tell you clear, he has no idea what he's talking about. The existing traffic today. The road does not exist for the tour buses. They're already is not allowed in Nahiku. We are taking care of that. No tour buses allowed down there. But now the County is pushing. The County is pushing something that is devastating. It's devastating an existing community, and I am not willing to stand by and watch it. I beg you, close it right now, Hana Advisory Committee. This is worthless. Whatever presentation was held, it's all taken from a rule book, a plan book. That drainage system, it fits in Lahaina. It fits in Kihei. It does not belong in Nahiku. It has no -- that design is useless by the amount of rain we have. We have the experience. These guys have the knowledge and the plans, and they're injecting it into our community. They're infecting us. Now I beg you again, Hana Advisory Committee, please reject it and all other subjects that County concerning Nahiku until they come see us, not on a public auction block. Do you all agree? Thank you.

Vice-Chair Kaina: Thank you. Moving on, Uncle Gerald Lono? I have Miss, sorry, Teresa Allred? Oh gosh, Zeoc Mosheyev.

Mr. Zeoc Mosheyev: Aloha. I'm Zeoc Mosheyev, resident of Lower Nahiku. I agree very much with what's being said about Nahiku being agricultural. I've seen the changes happen in the time that I've been here the last 16 years. I don't think that the community can accept more traffic than is coming right now. Again, with the land use and all of the environmental assessment needs, you guys haven't seen it rain down there. When I first came, we were getting 250 inches of rain a year every year, it's gone down in recent years, but, you know, when a neighbor bulldozes a little bit around you, above you, you see the trails, the rivers that come the next time it rains hard, so I think that area is definitely a flood zone. I think there's a lot of problems with the idea. When we first came, the first meetings, 12-something years ago, basically, the Nahiku people that I spoke to, they said, hey, you know, agricultural gathering place would be nice, maybe one little hale, maybe someplace for the kids to gather, playground or something, everyone was talking small kine agricultural, and then when the big building started to come up, people started to get scared, like Moke was just saying, what's going to happen? How are we going to -- how are all the people going to come here on weekends and come fish there and come take our opihi and take what we love and we stay year round to experience in Nahiku? We're going to have weekend warriors coming in and it's going to be -- it's going to be an impact, and I think we fear, the generations to come, we're going to be really sorry we did this to Nahiku and, you know, and look at Hana and say -- and we also, some of us, I remember getting beaten down pretty good in the conversation by saying, hey, this is a lot of money that could help Nahiku if it were put in Hana because everyone from Keanae to Kaupo can appreciate what will be done there. So I think Nahiku is a very special place but it cannot absorb this type of community center. It's a big -- it's a big deal, and anyone who's done any type of renovations or any type of building knows that it's always a bigger deal than you make it out to be, so caution I think is very important. Mahalo.

Vice-Chair Kaina: Thank you for your testimony. Moving on, I have Kenyon Becklund? I have a James Sagawinit?

Mr. James Sagawinit: I am James Sagawinit . . . I'm from Nahiku. I lived in the school house for 27 years. Before anything happened to the school house, I cleaned the yard. I brought a huli huli machine, I huli huli one pig, I called Keanae, I called Hana, and the Nahiku residents to sit down with me because I wanted them to explain -- I want them to hear me explain what Nahiku was all about. When they sat down, I told them that when I do the school, if the community would help me, the community center would be there because Nahiku School is a one school room and that not big enough to house whatever. All of them had a chance to get their own community center, but when the time for the work came, nobody was there. This Nahiku School, I have -- I'm no stranger to this place. I've been in Nahiku in the '40s. I don't know how many guys was in Nahiku in the '40s, but we had no electric light. I could have stayed out where there was light, where there

was restaurants, where there was movies, right in my community in Haiku, but yet, as a small little kid, I used to come back to this place with only kukui hele po. Now, living inside Nahiku, I went down to the landing and I thought what a beautiful place you could be. So I took over grass knives and started to clean the Nahiku Landing. Maybe it was foolish of me because there was no -- no money involved, just labor of love. I cleaned the Nahiku Landing and planted coconut trees, I picked up rocks, and, finally, I had my lawn mower to lawn mower the landing. I knew that Nahiku had plenty rain. I don't have any kids in Nahiku, but somehow the County got a hold of me and we talked about it, and they gave me material to build a bus stop for the kids. In November, December, January, February, that place is dark. That place -- and kids stand around in the rain. With that, I build it up. Somewhere along the line, even at all of that and when people needed help with their houses, because I'm a carpenter, I did it. When I started with the Nahiku School House, you couldn't go in the building because there was no steps, and the roof was leaking, the floors was all puka, the windows nothing, nothing, nothing. I brought a tent in the school building so that I could sleep and work the school building. With all of that, if by any chance you guys could get a hold of the County in Hana, the workers in Hana, they would tell you that if the County workers would come down and just stay for a week to maintain Nahiku, I would offer to give them one day lunch. Everybody, all you guys, lunch can stay home. I would do that with no -- nobody have to put up a penny. I wasn't there so I could gouge anybody. My first wife died. I got married, but my second wife was sickly and I couldn't take her to the hospital, so I built a house in Haiku so that I could go to the hospital easier. By doing that, the building would be empty, so some people think that I renting out the building and making a lot of money. Well, the people staying in there, on one section, I stayed in the other section, I told them I would pay the light, the water, television, everything. All what you gotta do is give me \$400.00. All what you do is clean the yard. Four hundred dollars.

Chair Notestone: Excuse me, Mr. Sagawinit? Could you wrap things up? You've gone past your three minutes by a long shot.

Ms. Lono: He gets six.

Chair Notestone: Oh, you get six? Oh, excuse me. Sorry. Sorry. I missed the introduction. Sorry. Continue.

Mr. Sagawinit: This thing here I never relinquish my lease. I never relinquish my lease. This Nahiku here, I had half-a-million dollars-worth of insurance if anybody come and get hurt. I paid for that. But yet when the kids burned down the school building, the school building was two houses -- two houses, two kitchen, two bathrooms, two of everything. I had people come in from Kauai, I don't know them, but they're from a friend to a friend to a friend coming to Nahiku. It was -- this was a place that almost every island in Hawaii people came and I would charge them nothing. Nothing. But yet I got a letter from DLNR

saying that I gotta evacuate the place because they want it, but the same person who did all of that forgot when I told them that this would be the community center if only if you guys help me. The kids that burned down my place I knew that they didn't have money to pay my lawyer so I didn't bring a lawyer because who's going to pay for my lawyer, but yet this so called justice and justice for all, they didn't give me one penny. The things that I loss in there cannot be replaced, but yet justice for all. I don't know. I never go -- I never sass anybody. I knew that if you do the crime, you do the time. I wanna go back to the Nahiku School. If by any chance the community center does come up, I think it would be foolish if by any chance without fixing the bridge to the landing. The bridge to the landing is the only place where the whole Nahiku can come, you don't have to pay a penny, and you can be relaxed down there -- but if a community center, how much you gotta pay?

Vice-Chair Kaina: Sorry, Uncle, you can finish up for me?

Mr. Sagawinit: I thank you guys. I thank you.

Vice-Chair Kaina: Thank you very much for your testimony. I have Shy?

Ms. Shy Rodriguez: Hello. My name is Shy Rodriguez. I am testifying and I'm saying that I oppose the community center because, like everyone else, we don't want it a public road. We want our icebox, you know, be our food for gathering, not welcoming to public where everybody else can access our food that we need. We need it for us and our future families. And, like Uncle Moke said, it's in your guys' hands, our future, our kids' future is your guys' hands. Just think about it. Like what you guys do if we was your kids? You know what I mean? In your guys' situation. Would you guys want them like building stuff that no need really? If you guys going build something, fix the bridge. That's all we need. We just need a fixed bridge where we can go down to the landing, pa`ina, like we used to, and I have a question about the water waste tank thing. Where would it go? And I'm asking because I live right across the street, and I no need my family smelling shit, pretty much, when we wake up. You know what I mean? So just think about that. Thank you.

Vice-Chair Kaina: Thank you. I have Dolores Bergau. Loli?

Ms. Dolores Soler-Bergau: Hello. Loli Soler-Bergau. Dolores, legal name.

Unidentified Speaker: We can't hear you.

Ms. Soler-Bergau: You can't hear me? Oh, speak into the microphone. Thank you. So I demand that all proposed approvals for the project please be denied until the County of Maui agrees to and completes a legal comprehensive and honest environmental assessment process, as required by the Hawaii laws, Chapter 343. On August 8, 2017, the County of Maui proposed a development of -- for the second time, originally it was

2012, the 2012 special management area, SMA permit values was at \$450, and now that permit, as we know, has expired, and we're talking about 2 million dollars. I thought our County was broke. But anyways, an EA for the new special management area permit proposal is required by law, so please let's get this going. And the County did not previously propose a Hana Community Plan amendment, a change of zoning, and a State land use district boundary amendment, as required by law. Now the County is attempting to do this without an environmental assessment. I don't want any zone changing. I live in Hana. I've been a resident there for 20 years. I own property. That's nothing. I'm a caretaker of the land and I want to see it protected. Please deny this. Do not approve it. Thank you.

Vice-Chair Kaina: Thank you. Up next, I have Max Mattson?

Mr. Max Mattson: Hey board. Thank you. My name is Max Mattson. I'm a resident of Nahiku. My family, on my dad's side, have lived in the Nahiku area for about 150 years or so. We live about -- my mom's house is about 100 feet from the proposed site. In all due respects to Auntie Lena, Lower Nahiku is not the place to build a community center. It's -- I wanna know from these consultants, is the proposed site within the tsunami evacuation? And is that the most recent assessment?

Chair Notestone: Excuse me, Max. Max? Excuse me, Max. You can't ask the representative questions.

Mr. Mattson: Oh. Okay.

Chair Notestone: You can ask us questions.

Mr. Mattson: I think we should build for now -- a good place to build the community center is on the main highway, Upper Nahiku, you know. And they cannot build for historical reasons, you know. What we have learned over the past ten years is we do not build evacuation buildings out of wood. The purpose is to save the people. Right? You do not build down there. I think, we got a road, we share a road, and it's a straight shot, about 300 yards from the ocean all the way up to the community center, and I think that's pretty close, you know. You can never say never. Right? And I think it will be a lack of due diligence if they continue and push this on. Right? We do not build a wooden building down there because we cannot get fire insurance. Would the County build a building down there knowing that they cannot get fire insurance? I'm pretty -- is that right, Gale or? That's a maybe?

Chair Notestone: What fire insurance ...(inaudible)...

Mr. Mattson: Fire insurance.

Chair Notestone: Difficult the further you are away from the fire station.

Mr. Mattson: And I wanna know, the 2 million dollars, is it just for the school building, or does that support all the infrastructures, like the road, the drainage? We got property just makai of that, okay, and they said they're going to build a dry slump or something? That's cap rock underneath there. They would have known if they came on the site inspection today, yeah. And I look at the pictures they took, it was advantageous. There is a big banyan tree that's probably spanning more than a quarter-acre of that property, yeah. So they're going to build a parking lot under the banyan tree, yeah? I'm not a botanist or something, but I think if you cover the road, I think the roots are going to die. I not sure. I don't know. And I heard that they're gonna widen the road. They cannot. Not for 2 million dollars for the whole project. The school building will be the cheapest part if they do, you know. And I think if the County pushes the project through, they're not doing their due diligence and we will sue some people for it. Thank you, everybody.

Vice-Chair Kaina: Thank you for your testimony. Moving on, I have I think this is Kawehi Kahookele? Oh, sorry, Kumu Kamalu Kahookele.

Kumu Kamalu Kahookele: I'm going to push it to the end.

Vice-Chair Kaina: Okay. Mr. Ward Mardfin.

Mr. Ward Mardfin: Good evening. Thank you, Hana Advisory Committee to the Maui Planning Commission. First of all, I'm not here to speak either for or against the project. My name is Ward Mardfin. I'm not here to speak for or against the project because I don't like in Nahiku. I live in Hana. I think projects like this should be up to the community that it is within, so I think it's up to the Nahiku community to decide. Secondly, I do have a small connection to this building. Last night I showed an old movie I'd made in 1964 and '65, and it reminded me that, in fall 1964, when I was 20 years old, I took the Boy Scouts from Hana on a hike down Nahiku and we wound up being on the porch of the old Hana School that had been shut about six years earlier, and the kids were roller skating on it. I think we -- my recollection is we slept on the porch, it's possible we slept inside, but it had been shut for about six years. My -- I do want to make a very manini point. During the slide presentation, it said they could use this building for an election place, polling place. That is just not very reasonable. We used to have polling places there, and in Keanae, and in Kipahulu, and in Kaupo. All those have been shut down over the years. The last one to be shutdown was Keanae. Keanae people now either have to go to Hana or go to Haiku. So to say that this could be used for polling places is just boloney. Disingenuous. And I was going to stop there but Matt made a very good point, they also said, I think it was the same slide, if I recall, that it would be used for emergency and shelter, and that sort of thing. If he's, I don't know, but if he's right that it's within a tsunami zone, then the

very time you need protection and shelter from a tsunami, you can't use it. It'll be wiped away. So I think there are a lot of things for you to think about and I would urge you very much to listen to the people of Nahiku. Aloha.

Vice-Chair Kaina: Thank you, Mr. Mardfin. The last person I have on the list is Kumu Kahookele.

Kumu Kahookele: Aloha ohana. Aloha ahiahi ia okou pakahi apau. I don't like to place my back to anyone so please kala mai ia`u. As I sat and I listened to some of testimonies that was said, the mana`o --

Vice-Chair Kaina: Sorry, Aunty, can you state your name for the record, please?

Kumu Kahookele: Oh, okay. Ladies and gentlemen, I have here -- I'm sorry. I'm Kumu Kamalu Kahookele. Better known to all those of Nahiku, the old-timers, as Lena. We're talking about this building called the "Old Nahiku Grammar School." I was the last graduate of the Lower Nahiku Grammar School. These are the last students of the Nahiku Grammar School. Okay? I brought with me things that I think would be very interesting for all of you to know. For example, whatever pertains to the Lower Nahiku Grammar School lot of 1.9 acres is all recorded in this original Royal Patent Deeds. Also, there is an Executive Order signed, sealed, and delivered by the State of Hawaii. You're welcome to look at it if you want to. Secondly, this here is from the Occupational Lands down to my grandfather whose name is David Kanaloa Kahookele; from Occupational to Republic; from Republic to Territory of Hawaii. It's all here folks, and I'm willing to share it with you if you wish.

Here, I brought the original petition that was signed in 2006 -- 2006, and majority of you sitting there signed it, not counting other petitions that were signed also, which I do have in this book here, and we went through a lot of heartache going through this because we have, of course, the school lot here; 52-A was a homestead belonging to David Kanaloa Kahookele, Senior and Junior; 52-B is on the side where the school lot is above, all the way to Kramer, okay. As a kupuna of Lower Nahiku that have been there enough years to know the history of it, this have of course a church lot, and these are petitions, signed, sealed, and delivered, okay. There's even more. Attendance of the meetings at the Nahiku Church, Protestant Church, I might add, hale, signed by those that attended.

Here, these are some photos of what has been done to the school lot, which is trespassing, number one. Number two, all of this on the school lot. Number three - kala mai ia`u, kala mai ia`u - when we had the groundbreaking, which was done, and I'm sure you recognize a lot of faces in here, one of whom, sad to say, we just lost, Uncle Stephen Cabral. Also, what was being happening on the school lot fishing, scaling fish without permission; hunting pig from the mountain --

Unidentified Speaker: Are you serious? You're going to go there? Nobody even use it ... (inaudible - not speaking into the microphone)...

Vice-Chair Kaina: Sorry, I gotta call this order.

Kumu Kahookele: I have the floor right now, honey.

Vice-Chair Kaina: This is -- this is a public hearing.

Unidentified Speaker: I don't give a shit if you get the floor.

Kumu Kahookele: Okay?

Vice-Chair Kaina: This is --

Unidentified Speaker: That's my fucken pictures ... (inaudible - not speaking into the microphone)...

Vice-Chair Kaina: This is a public hearing, please.

Kumu Kahookele: Honey, that came from camera.

Unidentified Speaker: ... (inaudible - not speaking into the microphone)...

Vice-Chair Kaina: Please stop and control yourselves.

Unidentified Speaker: ... (inaudible - not speaking into the microphone)... my pictures.

Kumu Kahookele: Just cool it, Shyana, okay.

Unidentified Speaker: ... (inaudible - not speaking into the microphone)... sue you.

Kumu Kahookele: ... (inaudible)...

Vice-Chair Kaina: ... (inaudible)... taking a recess right now. We're taking a ten-minute recess, please.

(A recess was called at 5:43 p.m., and the meeting was reconvened at 5:56 p.m.)

Vice-Chair Kaina: I'd like to call this meeting back to order, please. If everyone can be seated. Hang on. Hang on, Aunty. Hang on, Aunty, please. So, as everybody's getting

seated, I'd just like to reiterate real quickly that this is a public hearing and everybody's been given an equal chance to speak so we won't tolerate any more outburst when somebody's having a hearing. Please keep your comments to yourself and try to stay controlled. With that, we'll continue Aunty's testimony.

Kumu Kahookele: Mahalo. Mahalo kakou. Before I close, I would like to say mahalo for letting me share. Forgive me if there was anything that I shared that did touch a nerve. I would like to thank the Hana Advisory Committee and everyone else that is here. I would like to share also to say that the community center for Lower Nahiku is a very important necessity. If we are going to talk about traffic, right now as I speak, we have more traffic coming down Lower Nahiku Road than ever. You know how I know? I count them coming down, okay? And all -- we have all these buses, County trucks, big stuff that come down that road. If anything that is a disaster down there is the road infrastructure, number one, and, of course, the turn.

Vice-Chair Kaina: Aunty? Aunty, I can make a request?

Kumu Kahookele: Yeah.

Vice-Chair Kaina: If you can face the council?

Kumu Kaookele: So I would like to say mahalo again. Mahalo. Mahalo nui loa. Mahalo. God bless all of you.

Vice-Chair Kaina: Sorry, I have a question here.

Ms. Maya Ross: Aunty, I have a question for you. You were sharing all the paperwork in your binders and some of them was for petitions and for meeting attendance, what were the petitions for exactly?

Kumu Kahookele: For support.

Ms. Ross: For support.

Kumu Kahookele: In support of the community center.

Ms. Ross: Okay, thank you.

Kumu Kahookele: Any other questions? And I don't want to sell out my age, but right now, as I speak, I'm the oldest kupuna of Lower Nahiku.

Vice-Chair Kaina: So we'll just, as a council, we'll acknowledge receipt of this. Moving forward, is there anyone else who would like to offer public testimony?

Ms. Cheryl Kekahuna: Aloha. You need me to sign the paper? Okay. My name is Cheryl Kaohe Kekahuna, resident of Lower Nahiku. E kala mai for the disrespect that was displayed for our kupunas, the generations have truly changed, and to have to witness that. In 1860, under the reign of King David Kalakaua, the konohikis of 11 ahupuaas on the eastside of Maui was ordered to designate land parcels for the use of education and religion and/or both. The last konohiki for Lower Nahiku, at that time, was David Kanaloa Kahookele, Sr. Our district was known, at the time, as Koolau 18. In 1909, David Kanaloa Kahookele, Jr. signed the Disposition from Royal Patent to Land Patent. Let me take a moment to share about who David Kanaloa Kahookele, Jr. is, for whom the community center would be named after.

He was a kahuna haipule, moololo kahiku, cultural practitioner, ike of laau lapaau, haku waa builder, and the haku hookele just to name a few. Fast forward to 2006, we have issued to you copies of signatures from members of the community in support of the community center, and also in 2010. Today, in 2017, there is a petition to intervene regarding an environmental assessment. If I may speak on some of the questions asked, and not focus on false accusations, number one, will current property taxes be affected from the construction of the community center? No. FYICIP. Number two, will a two-lane road be constructed because the community center? No. Noise impacts. There has been current complaints this year about loud music in the community. Again, issues prior to the community center. Increased public use of the road, as mentioned. Currently, there are 60 to 70 vehicles that travel down to Lower Nahiku in a given day. Again, something that already exist, existed for decades and fear will be worse with the construction of the Kahului Airport. Number five, numerous health and safety issues. Earlier this year, we had a drug bust. Just this past Saturday, a man was spotted in Lower Nahiku that had warrants out for his arrest, which isn't the first time. It said that just one person is an advocate for a police substation. Well, I join that person. If police presence will keep illegal drugs away and criminals from our community for not only myself but future generations, I'm all in. We could have had a meeting place for the current rat lungworm disease epidemic. Cultural impacts. This one is personal for me being of Hawaiian ancestry, who currently, in Nahiku, is cultural practitioners for the preservation and perpetuation of the Hawaiian culture for this generation and future generations. Number seven, history of flooding. The school stood for more than 100 years on the proposed site and, mind you, survived the tsunami of 1946. Number eight, environmental impacts. It was mentioned about trees. One of our kupunas, as mentioned, Kupuna Stephen Cabral, who recently passed, he attended the 2013 Nahiku Community Center groundbreaking ceremony, pointed out to the two banyan trees and said, "Those trees no good. Just pull 'em. Get rid of 'em." People already come down for our resources. That's

been going down for a long time. And they sell 'em. They take 'em, and they take it outside, and they sell 'em. So that is already being done.

I have a paper, I think all of you have it, Glen Correa signed the Declaration of Exemption. I agree a thousand percent. The initiative is to replace a building for a building. It is questioned who does the NCA represent, which is irrelevant at today's proceedings, however, for the record, the NCA started back in 2006 and has represented all members of the community and will continue to preserve, perpetuate, and holomua in honor of our living and past kupunas and future generations. The protocol for the community center was done by seeking the manao of not only the community, but our kupunas, which is a process that was done back in the day, nothing was brought to councils or advisories. No disrespect. We will honor those kupunas who are still with us and have gone.

I would like to issue a mahalo to Uncle Raymond Kahookele, Sr., who was one of the David Kanaloa Kahookele Jr.'s last adopted -- one of his last adopted living sons, who passed in September, for his yard maintenance to the school lot, the Nahiku Hawaiian Protestant Church, and the Nahiku Landing. We honor our kupunas who are still with us and continue to be the driving force. In closing, I leave you with this: The community center won't divide the community; contrary, I believe just the opposite. It's the people that will divide a community. Mahalo for listening, and I hope I provided information for the board to be able to make an informed decision. Mahalo.

Vice-Chair Kaina: Mahalo. Go ahead.

Isaiah Kahuhu: My name is Isaiah Kahuhu. Just so you know, that is the oldest living kupuna down in Nahiku, not her. Secondly, I live across the -- that school lot, okay. I, personally, have pictures of pulling vehicles off of the road because they went fall off, okay? Now, every time rain, get two to three lots below the -- the school yard that all the runoff goes to, that man's yard, the lady back there, her yard, okay, and their neighbor's yard, who she only owns the property in there, she doesn't live in there, okay. I own one of the biggest trucks that drive that road every day, up and down. I work for one company that owns property down there that has the biggest truck that goes down that road, bigger than the fire truck, okay. When I take that truck down that road, everybody gotta move into somebody's driveway or they gotta go and reverse until they find somebody's driveway because I coming down. I cannot move, okay. She said that nothing going change. They not going make one two-lane road for that. So if you not going make one two-lane road, how that road going sustain that much more cars coming down? Okay.

There's a lot of things that they said not going happen, and a lot of things they said going happen, okay. I own dogs. I own one pig farm. Okay, so if you guys change the zone, what going happen to me? What I going do with my pigs? Okay. And the only other thing I get is if this community center comes up, yeah, I already, like I said, I've been

pulling cars out from inside off the road, okay, not only me, he has too, he get one backhoe he can pull 'em out, I gotta pull 'em out with my pickup truck because they blocking the road, so now if this community center come in, have people coming inside Nahiku for drink, what going happen when they leave? It's bad enough if you don't know the road, you don't know what going happen. Now if you drunk, that's even worse. Thank you for your guys' time.

Vice-Chair Kaina: Sorry, bruddah, you can come sign the paper for me up here? You can come sign for us, please? Aunty? Aunty?

Ms. Sharon Kahookele: My name is Sharon Kahookele. I live across the street from the proposed community center, and I have some questions and statements. The land is ag. Most of the residents have vegetable gardens, flowers, ti leaves, and other plants as well as animals - chickens, ducks, birds, cows, pigs - what's going to happen to that if they change the zoning? To change the land designation would hurt many of the residents and to make them change their way of life that many have lived for several generations and would like to pass down to their children and their children.

The proposed land is also one-quarter mile from the ocean, so when we get winds and water, it would be accounted for. The road is a one-lane narrow road, no shoulders, no turnarounds, steep drop-offs, three to five feet on one or both sides of the road, rocks, trees, and running water on the road during and after rain. No passing in parking spots. The bridge is out. And when somebody gets hurt at the landing, the ambulance parks at the bridge, and then the boys have to run, and that's not good for the person injured. Vehicles do not have room to reach all of the homes, and tourists on the road, the number has increased, makes it hard for people going up and down because of no passing spots.

The school yard was set aside for Nahiku School children who could walk or ride bikes to school, not for outsiders to come in and stay. Children need a playground where they could play, not a community center where they would be told no, you're not welcome here. You go home. The yard floods with water up to a foot deep during rain storms, and I have pictures here, as well as Isaiah was saying about cars, here he's pictured pulling cars out of the road where they fell off of the road. There's no sewer system, no water system, no electricity, no parking area, and clearing the land area could destroy a hundred year old tree that would be blocking your parking area. Water comes from a small pipe through a small -- from a small tank at the top of Nahiku Road, pipes that often break or leak. Amounts of water in the tank is sometimes not enough for residents and to add water for a community center to use would reduce water for the residents and fire hydrants. The very narrow road -- very narrow roads is hard for the fire trucks and rescue vehicles. The water hydrant must be checked often to be sure that there's water. The emergency vehicles cannot cross the bridge to reach homes or the landing.

My worries are too much traffic. Children and adults walk to the bus stop to visit neighbors, to go swimming, to check mail, and with the speeding cars and cars going everywhere; cars parking on private property or at the bus station. Too many strangers. Uncontrolled parties. With alcohol, empty cans, bottles, trash, drugs, noise, loud music, talking, fights at all hours. I have family members and children that have to be ready for work and school at 6 a.m. as well as an infant and me that noise from the proposed community center would disturb. People wandering on private property, disturbing people and animals, taking flowers, ti leaves, and other plants. Those were my worries.

The suggested location for a community center would be along the Hana Highway at upper Nahiku. The reasons: It's easily located on the main road, easy to get to, accessible to all, especially those trapped by closed roads, emergency, storms. It's also flat, it's away from the tsunami area, and not a flood area. There is food booths around there where people could buy food if the emergency lasted, and this would be -- the people would not have to worry about rocks and trees blocking the road as is probable and possible on Lower Nahiku Road.

And I have a question. On 4-26-17, on page 12 of the booklet, Declaration of Exemption signed by Glen T. Correa, he considers the potential effect of the above-listed property, meaning Nahiku Community Center: I declare that this property will probably have minimal or no significant effect on the environment and is, therefore, exempt from the preparation of an environmental assessment. If he has not been to Lower Nahiku and talked to residents affected, how does he know that it will have minimal or no significant effect on the environment? Thank you. I have pictures here if you would like to see them, the pictures. Thank you.

Vice-Chair Kaina: Thank you. Do we have anymore testimony? Anyone else would like to step forward and give testimony?

Mr. Bruce Stoner: Yeah, I'd like to say something. Never spoke into a mike before. I guess I have to address you folks.

Vice-Chair Kaina: Bruce, can you state your name for us, please?

Mr. Stoner: Yeah, well, anyway I feel a little uncomfortable being here and having being in this position, but I just have to speak.

Chair Notestone: Bruce, you have to give your name.

Mr. Stoner: My what?

Chair Notestone: You have to give your name into the microphone.

Mr. Stoner: If I can remember my name. I can't hear very well, but I can make noise. My name is Bruce Stoner. I live in Nahiku. I moved there in 1971. And when I moved there in 1971, there was very few people there. The road wasn't paved. There's a little small water pipe going down the whole road serving everybody, and I loved it. I love that kind of a community. It was wonderful. It's just how I felt. It was wonderful. Okay, when I got up this morning, I wasn't going to come to this meeting because I feel very strongly about this issue here of building this community center, it's not needed, nobody wants it, just a few people want it, all the talking, all the -- everything about it, to me, it's just a bunch of BS because I don't know why anybody came up with this idea in the first place. We don't need a community center down there. There aren't enough people there to require a community center for the "keiki," as they say, or anything. You don't really need it. This community of ours exist fine just by itself. Everybody has kind of a secular lifestyle. They live their own life. They work. They support themselves. They get by. They don't have time to really hangout with their neighbors. They just wave on their way to work or whatever they're doing for their business. It's just fine, and we don't need this.

This thing cost a couple million dollars? We've been trying to get our bridge fixed for five years or something. Everybody's tossing it back and forth; don't want to spend the money. I've watched them fix that bridge two times since I've been there. They paved the road twice. I didn't even want it paved, personally, although I appreciate the smooth pavement. But now, the bridge, nobody can use the bridge, people have property on the other side of the bridge, they can't even access it, my son lives over there, he has to carry everything into his place, and everybody just passes the buck, and yet they wanna make a two million dollar community center that nobody wants. To me, it doesn't make any sense.

I wrote down my feelings this morning. I guess I'll just speak on them. I don't know why the people who want this thing want it so badly. I don't want it at all. For one thing, I live on the road. Lena lives on the road. She might be counting the cars, I'm not counting the cars. I wave at it. I'm friendly to whoever comes by. God bless them all. But the road isn't meant to handle extra traffic. As I understand it, this thing's supposed to handle, like, you know, couple hundred people at a time or something. We don't need that kind of traffic on a one-lane road. As it is, some people drive too darn fast on it. I gotta be on my toes so I don't get run into, you know. Kids play in the road. People drive too fast. To change that road will cost millions of dollars. It goes through about six or seven people's property. It goes through my property. I live about -- lose about 8,000 square feet of property where the road goes through. I don't care the road goes through. It's alright. But the thing is we don't need more traffic. Why in the world does anybody think we need a two million dollar facility down there? I can't imagine why. I just -- I just cannot imagine why. I'm so against it. Does the County have money to just throw away on a thing like this? There's about I don't know how many issues. There's about six or eight

real issues that make this thing illegal. For one thing, I'm not sure who really owns it. I'm not sure anybody is. Probably one of Lena's relatives. I don't care who owns it. We don't need it. And if that's not clear, how can you spend all this taxpayer money on something that's not clear who even owns the darn thing? The main thing is it don't belong there. If you put that thing there in the middle of our community, this is one of the last little vestiges of this kinda communities left on Maui, maybe there's Kaupo where nobody, you know, whatever, but it's not even like the same kinda thing. It's a tiny little community down there of people that 99% get along. Nobody has any problems with anybody else. Everybody gets along fine. It's a small, friend, nice, little community. You put a -- you put a focal point, like a community center down there, you get people from wherever, God bless them all, they're going to be coming down there for whatever, there's plenty of places to have a community center. I've heard people say, oh, in case we have a flood, or a storm, or somebody gets lost on the highway, they can come down there. Yeah, if they can find it. And not only that, it's in the tsunami zone. That's no place to make a shelter for any kind of an emergency. All it -- to me, and that's just my opinion and about a hundred people agree with me, there's about six or eight people that think they want it there, but everybody else knows darn well we don't need, nobody wants it. Everybody feels strongly about it. I feel really strongly about it. I love that place. I came almost 50 years. I'm about, besides Arnold, I'm probably the oldest guy down there, and besides - - I don't even know if Arnold lived down there when I moved down there. I wasn't born in Hawaii, but I, not this life, but I love Lower Nahiku, I really, really do, and I don't want to see it messed up. If you put this thing, this community center down there, environmental impact, it's going to destroy what's there right now as a small little community. It's going to become something else. I really, really, really do not want that to happen. I don't want humbug with anybody, everybody hating me 'cause I love that place, but I'll stand up and say it. I'm really against it. I have no power except my voice to say that. I was going to ready my letter but I'd feel pretty silly doing that. I just wrote this to myself to just clarify how I feel about it. I feel awful about it. I missed some of the early meeting here. I guess there's some kind of huhu going on.

And about this Lower Nahiku Community Center, just as an aside, I mean not Center, Association, this started out everybody's going nobody wants that. I was there. Nobody wanted it, but, well, God, what's going to happen. I guess we better be there to see what's going on. What went on is I've never seen people be so rude before. The person running that meeting was so rude, even said, well, you can just go home, and stuff like that. All this crap of how people should never behave. I've never seen anybody behave like that. I've been, well, other than all over the world, but I've been around a lot of it, everybody's nice. What I witnessed there was so rude, everybody went the hell with that, and left. Left one family ... (inaudible)... the Nahiku Community Association --

Vice-Chair Kaina: Bruce, can you finish up, please?

Mr. Stone: Everybody member on that has the same last name.

Vice-Chair Kaina: Bruce, can you finish up for me?

Mr. Stone: So what's going on with this? Anyway, I'll say it one more time. Please, whoever has the power, don't let this happen unless you just wanna to destroy what we have down there right now, you know, or unless you wanna double the road to make it safe, you know. I had to grab my grandchildren off the road 'cause people drive too fast anyway. Sure, trucks can go up and down the road, that's okay, they can, everybody's careful, but not if you're going to double and triple the traffic, and the crux of the matter is why? What in the world does anybody wanna do that? I just -- it defies logical thinking, in my mind, so excuse me but --

Vice-Chair Kaina: Thank you, Bruce. Thank you very much.

Mr. Stone: God bless Nahiku. Thank you.

Vice-Chair Kaina: Anyone else would like to offer up testimony?

Ms. Ellen Kahookele: Hi. My name is Ellen Kahookele. I am now very nervous. I hear a lot of what people say, and I think about it, and something that occurs to me is that we are asking for you to be our voice, to hear the full community - good, bad, pigs in the sky. Sorry. But we are asking you to hear us. I have here over a 130 petitions asking for one simple thing, an environmental assessment. That's all we are asking for. That's all this is about, and I have them right here, and I'm going to present them to you.

Chair Notestone: We'll take note of this for the record.

Ms. Kahookele: And I know that there are some people who wanted to present them themselves, so I will invite them to present their petition at this time as well while I try not to ... (inaudible)... I know that there's a lot of things going on, but one thing I do know is that I was raised there, I grew up playing the streets, like all of the other kids, running up and down yelling hi aunty, hi uncle, I going cousins house, and I want to see that continue, so that's why we're asking for this environmental assessment. We're asking you, who were chosen to be our voice, like I said, good, bad, pigs in the sky, please, hear all of us and grant this environmental assessment. It will answer everything. That full disclosure, I think, will help to straighten everything out to get it going. I know I have my own opinions, I have my own preferences, but this is about the environmental assessment. That's I guess what I have to say. Thank you.

Ms. Lono: Excuse me, Ellen, I have a question. I'm sorry. If the issue is to have an environmental assessment, what I'm hearing everybody say is they just don't want the

community center, so why would we spend money to do an environmental assessment when the goal would be to not build the center because the community doesn't seem to want it?

Unidentified Speaker: ... (inaudible - not speaking into the microphone)...

Ms. Lono: Excuse me. I'm speaking to someone. This is a formal meeting. Thank you.

Ms. Kahookele: The environmental assessment is, from what I have seen, the linchpin. This will answer all the questions. I mean if it's going to be there, then prove it with the environmental assessment. Make -- the answers should be right in front of you. You can open it; you can look at this paper; you can look at this document and see every answer to all the questions. We want to see that document. If it turns out that another location serves a better purpose for a wider community, then that's wonderful if it serves -- but this document has not been done. It should have been done in the first place. We want to see this document.

Ms. Lono: Okay. Thank you.

Ms. Kahookele: And one thing I would like to add is -- never mind. I will -- never mind.

Vice-Chair Kaina: Thank you. Hi, Ryan.

Mr. Ryan Uchiyama: Hi. My name is Ryan Uchiyama. I'm here to represent my ohana from Lower Nahiku who have lived in the area for a while. I listened to everything tonight. My thing is it's not the community center, it's the zoning change. If you change the zoning to residential, can I be residential too 'cause I wanna build, you know, vacation rentals, bigger houses, maybe then sell my place, the next guy come in can build all that stuff, okay, and that's it, you know, on the zoning. As far as, you know, they talking about our fishing, they come in any way to take it, no they're not. Our bridge is out. Three years. You should see all the fish that come back, see all the opihi we got because nobody can get to the landing; they have to walk; they don't want to carry their stuff, okay. So, you know, and last, I live at the end of the road so you know where all the tourist comes. I can't get home some days. They park on the road. So I just leave my car there, you know. They want to get out, yeah, when I'm ready, but, you know, at the end of the road, every day, every day. The sign at the top of the road don't mean nothing. The sign by the church don't mean nothing to tourist, okay. Gale knows, last three weeks, we had a rescue there; today, it's a bad one. Somebody passed away. So, you know, the fish is coming back, and the bridge, that's another matter. My thing is just the zoning, okay. No, keep everything ag. We don't need that down there. Keep it ag. Thank you.

Vice-Chair Kaina: Thank you. Any further -- more testimony? At this time, we'd like to go ahead and close the floor to public hearing. Dawn moved.

Ms. Clark: Sorry, thank you. I'll second.

Vice-Chair Kaina: Linda second. We'll go ahead and close public hearing.

It was moved by Committee Member Lono, seconded by Committee Member Clark, then

VOTED: to close the public hearing.

**(Assenting - L. Clark; D. Lono; M. Ross; K. Kaina; G. Notestone)
(Excused - L. Cosma; S. Crawford)**

Vice-Chair Kaina: Alright, it's carried. I would like acknowledge that during public hearing our Chair has returned, Gale, and I'd like to do ahead and hand over this meeting to him.

Chair Notestone: Thank you, Vice-Chair. Mr. Fasi, would you like to address some of the issues you heard tonight?

Mr. Fasi: I'd like to put everyone at ease a little bit. Let me clarify a few points. There's some dollar figures being thrown around at 2 million, it's not 2 million. It's actually estimated at 1.5. I don't know where the 2 million dollar figure came from. The other point I want to -- point of clarification is you do realize this structure can fit in this room. It's 72 feet by 34 feet, I believe. Third, this proposal has a long way to go. There's no decision being made tonight, okay. There's definitive decision being made tonight. This is purely a recommendation to the Maui Planning Commission. After the Maui Planning Commission meeting, that's another public hearing where you will have -- well, not a formal public hearing, but you will have an opportunity to testify in front of the Maui Planning Commission, if you choose to do so. So this recommendation goes to the Maui Planning Commission; the Maui Planning Commission then makes the recommendation to the County Council; it goes and sits at the County Council; they have a first reading; if it passes, they have a second and final reading, and that's just for the land entitlement permits - the change in zoning, the district boundary amendment, and the community plan amendment, okay. So after that gets approved, if it gets approved, they have to go through the special management area hoop, okay, and that's a whole other ballgame. Then it starts all over again. So this particular proposal has a long way to go. There's nothing that's going to be definitively decided tonight, okay, so that's where we're at.

Chair Notestone: Questions from the council? Ms. Lono.

Ms. Lono: Mr. Fasi, I heard several people talk about change in zoning and if this property's zoning is changed, will it affect the zoning on anybody else's property or agricultural use or pig farming, or flower growing --

Mr. Fasi: No. It will not.

Ms. Lono: Or anything on anybody else's property?

Mr. Fasi: No. It will not.

Ms. Lono: Okay, that seems to be very important. So the zoning change is specifically to the school lot, and then my understanding is that the part that's going to be public/quasi-public is only the part that the school is -- or that the community center is going to be on, and the balance of the property will remain in agriculture. Is that correct?

Mr. Fasi: The zoning change only applies to the TMK, no other TMK, tax map key.

Ms. Lono: No, but the question was, the public/quasi/public, is that just where the school is and the rest of the lot stays ag?

Mr. Fasi: No. The entire TMK changes.

Ms. Lono: The entire TMK. Okay.

Mr. Fasi: Yes.

Ms. Lono: I'm just trying to clarify misinformation that I've heard, so I just want to understand that. And then once this property is rezoned according to this proposal, will it affect the property taxes of the surrounding properties in any way?

Mr. Fasi: I can't definitely say. It will probably not affect them. I don't think -- it's --

Ms. Lono: Who would be the person to talk to?

Mr. Fasi: It's public/quasi-public.

Ms. Lono: Right.

Mr. Fasi: So it's -- you know, you're not going to be opening up an agricultural business there, so it actually devalues the property.

Ms. Lono: Okay, 'cause that -- that I know is a concern of the community so that's something we need to get a really clear answer to and if there's somebody here that could answer that question or if we should direct it to someone else, that's something that we need to get answered for on the community's behalf.

Mr. Fasi: You're talking about -- you're talking about the real property tax --

Ms. Lono: Yes.

Mr. Fasi: Situation? I'm 99% sure it's not going to affect it but that's a real property --

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Ms. Lono: That's alright. That's alright.

Mr. Fasi: That's a real property tax question.

Ms. Lono: Okay.

Mr. Fasi: It's a real property tax question that should be answered by that department.

Ms. Lono: Okay. Well, we can -- we can get that from the Real Property Tax Department. Mahalo.

Chair Notestone: Any other questions from our board?

Ms. Ross: Oh, I'm sorry, I have a question on the State land use district boundary amendment. Two times in this document it is mentioned that we are changing from agricultural to urban, and my understanding, based on the presentation, the slides that were provided, and other places in the document, it's agricultural to rural, so can we please clarify --

Mr. Fasi: It's agricultural to rural.

Ms. Ross: Okay. So can those two -- can I make note of where those two places where we say we're going to change it from agricultural to urban, can that be revised because those are huge differences is my understanding as --

Mr. Fasi: That will be revised.

Chair Notestone: I have a couple questions, Mr. Fasi. I missed your presentation, I'm sorry I missed it, but I do recall that you said that this was going to be a shelter for the community. Am I correct?

Mr. Fasi: That's not -- it could be used as a shelter. It could be used for very many -- for many purposes.

Chair Notestone: Well, it was brought up that the shelter was going -- I mean the shelter -- the structure was going to be made out of wood and certainly a shelter, I know the fire station is a shelter and that's a brick house, and certainly I would expect that in a "shelter" for a community. I did hear questions about ownership of the land. Is that an issue?

Mr. Fasi: The County does not get concerned with the ownership of land. We don't get involved.

Chair Notestone: So I mean it's an issue when we, as individuals, build.

Mr. Fasi: I can't comment on that.

Chair Notestone: Okay.

Mr. Fasi: You know, I'm not -- I'm not trained in that area.

Chair Notestone: And another question is you mentioned these hoops that -- that have to happen before any final decision is made, is that correct? You said there's quite a process from this point forward.

Mr. Fasi: Well, this is scratching the surface.

Chair Notestone: Copy that. So these hoops will -- I mean the amount of time it takes to get to the final, the money allotted for this project would that expire like it had in the past?

Mr. Fasi: It'll be like the Honolulu Rail, it probably won't be enough. We're, folks, we're probably a year, maybe two years out on this.

Ms. Lono: It's not appropriated yet.

Chair Notestone: Dawn Lono, could you take the mike on that?

Ms. Lono: I don't believe the money has actually been appropriated yet for the center. It's not at that place, I don't think. And then the property is actually owned, according to what, you know, we've been told, discounting whatever history and everything that's out

there, it's actually owned by the State, and by Executive Order, is being utilized by the County for a specific purpose, for the community center, so that's -- that's my understanding of it over the years and the meetings and, you know, everything we've been through, so I don't know anything beyond the State ownership, but that -- that's my understanding and I think that's what we have reflected here as well. Gale, did you get that?

Chair Notestone: No, I'm sorry. I was being ...(inaudible)...

Ms. Lono: The land is owned by the State and, by Executive Order, being used by the County to build a community center.

Chair Notestone: Alright. Copy that. Are there any other questions from the -- from the council? No more questions? Any discussions? We have somebody in the audience who wants to speak. We have already closed public testimony. Do we have any questions for the consultant and that's --

Ms. Lono: Mr. Chair, I do have a question.

Chair Notestone: Oh, go ahead, Dawn Lono.

Ms. Lono: Relevant to the parking lot area, and the drainage and so on and so forth, I'm assuming that they're considering doing asphalt paving for the parking lot, is that correct?

Mr. Riecke: Yes, my understanding is there's also a ...(inaudible)...

Chair Notestone: Could you go to the microphone, please?

Mr. Riecke: This is Anthony, with Riecke Sunnland and Kono. Yes, it's an asphalt parking, and there's also a drainage system that takes some of the water to a retention holding underneath the parking lot.

Ms. Lono: Was any consideration given to the possibility of doing a grass-block parking lot that wouldn't -- that would allow some of the natural drainage to take place and not gather a lot of water that would need to be dealt with?

Mr. Riecke: I wouldn't say "grass." I mean we could consider doing a permeable paving lot. The difficulty with that in Nahiku is you need to vacuum it occasionally, you don't have the equipment out here to do that, so the better solution is actually the catch basins and then holding the water underground until it percolates into the -- into the ground, and with that -- yeah.

Ms. Lono: But with the overall picture in mind, maybe some consideration should be given to an alternative to asphalt and drainage basins. That's just my suggestion. Mahalo.

Mr. Riecke: Alright.

Chair Notestone: I have another question for you, Sir. So with the design of this community center --

Mr. Riecke: Yes.

Chair Notestone: I noticed that the restrooms are inside the building.

Mr. Riecke: That's correct.

Chair Notestone: I lived down in Nahiku part-time and while I really think that's needed for, not only the landing, but -- I mean it's a heavily visited area and there's no restrooms available for the public that go down, and I have, personally, witnessed lots of tissue in the bushes. It's disgusting. My question is: If this was built, I mean those restrooms, you have to inside the building to get to them, so I anticipate the community center will mainly be locked. Who's going to maintain this structure? Who's going to have the keys to this structure? Can you answer those questions?

Mr. Riecke: No, I can't. That would have to be someone from Parks, and it is an operational thing, right, 'cause it's always a security issue with restrooms.

Ms. Lono: I'd just like to say my understanding from previous meetings was that this facility will be a County Parks facility --

Mr. Riecke: Correct.

Ms. Lono: It will be run by the Parks Department, and all of the protocol that is in place now for every other park facility in the County would be -- would apply to this community center.

Mr. Riecke: That is correct.

Ms. Lono: So you would have to go get a permit if you wanted to use it, you know. It would be the same process as it is for any other -- if you want to use Helene Hall, if you want to use the pavilion, if you want to use anything else, so it's run by the Parks Department. Parks Department would have the keys.

Chair Notestone: Last question.

Mr. Riecke: Sure.

Chair Notestone: I think it's going to be my last question. It's about the water supply. It was brought up in the public testimony, I know it's an issue there, and do you have plans to improve the water supply to the community center?

Mr. Riecke: Only from the property line in, so not on the main line in the main road, and we've -- well, we actually had a permit that was issued before with that, and going through it the second time, it's looking like, you know, we'd probably have to get some very low-flow fixtures that we can meet the 5/8-inch water meter fixture flow, which is very low in Maui County.

Chair Notestone: And my last concern is -- sorry, it's not my last.

Mr. Riecke: That's alright.

Chair Notestone: There's been -- it's been very vocal about the request for an EIS for this property and to my understanding that because it's under 343, well, I think it's the code, but why is there not an EIS being done for this?

Mr. Riecke: I think you mean probably an environmental assessment, which is an EA, and I would have to defer to Parks 'cause they're the one who gave the exemption for it. I can tell you from experience that environmental assessments are very expensive and they take a very long time to do.

Chair Notestone: Well, we're talking a two million -- well, okay, 1.5 million dollars, and being that what I'm witnessing tonight is a split community, I would feel that whatever the cost of an EIS would be money well spent for the future of this community, this jewel that is called "Nahiku." So who do I bring that up to if it's not you?

Mr. Riecke: Well, I think that's something for you commissioners to discuss among yourselves. It can be, you know, a recommendation.

Chair Notestone: I just wanted to see if you had an answer for that. That's all I have. Thank you. Anybody else?

Ms. Ross: I just have one question. The last exhibit that we have in our document states that the Maui Urban Design Review Board reviewed all of this and their only recommendation was to consider installing the utilities underground.

Mr. Riecke: Yes.

Ms. Ross: Wouldn't this greatly change the overall proposal in moving the utilities underground and what do we -- what is the response to that kind of recommendation?

Mr. Riecke: So we did look into that and it's not a -- they weren't talking about from Hana Highway all the way down, they were talking about from the public way to the building, and so right now there's a pole that's about 40 feet away from the building, and we pull a wire from that over to the building. We estimated it would cost an additional \$20,000 to put it underground and Parks has decided that they'd rather not do that. To me, as an architect, actually keeping it overhead is more in character with, you know, what's there in the area. Most of the people probably already get their power from overhead; that's why the overhead, you know, lines come down on the pole, you know, it's not a new subdivision out there with everything underground. There are advantages to having things underground as people in Puerto Rico probably would tell you right now, but it is very expensive to do usually and it's not common out there. And from what I've heard from the community, they wanna keep that character, they wanna keep it rural and country, and that does mean occasionally there's inconveniences when you get a rain storm with lightning.

Ms. Ross: I do have one more question. I was just kidding. The -- and I don't know if you're the right person to ask, but in regards to the kitchen facilities --

Mr. Riecke: Yes.

Ms. Ross: There was comments and a recommendation of a fiberglass type grease interceptor over the concrete one because of the lifespan of it. Why then was it -- the only statement was after researching the cost and useful life that the concrete was still the way to go.

Mr. Riecke: Yes. I'd have to defer to the mechanical engineer on that. That is not my expertise. Though concrete's more environmentally friendly.

Chair Notestone: Thank you.

Mr. Douglas Gomes: My name is Douglas Gomes. I'm with Engineering Dynamics. I'm the mechanical engineer on the project. Yeah, you do have different types of material for the grease interceptor. The concrete tank is a very substantial system to contain the grease and, naturally, even the septic system for the sewage could be -- could utilize concrete or plastic. There's some issues with the plastic from the standpoint that structurally, when you pump the system out, you know, it's an empty vessel, external pressure sometimes result in the collapse of those tanks. So in terms of the corrosion,

you know, the plastic always seems better, but the concrete tanks can be protected with waterproof coatings that prevent the internal and external -- internal contents and external rain from attacking the reinforcing within the tank and, you know, it preserves the life of the tank, so the concrete would be the preferred in this case.

Chair Notestone: I'm sorry, sir, the public testimony has been closed. Sorry.

Mr. Sagawinit: ...(inaudible - not speaking into the microphone)... if you're going to make that drain ...(inaudible)...

Chair Notestone: Please, we have to -- we have to stick to the formalities of this meeting. Sorry, sir. Any further discussion from our panel?

Mr. Kaina: So this is more opinion, but I sit here today for -- I think we've been here for the last two hours and I think one of our fellow commissioners or someone said we hear a division in the community, and that could actually be said for government and politics too if we look at that these days. A lot of voices out there speaking, a lot of voices out there speaking for communities, yet no ears listening to communities, and this can be seen all over, up and down, from the highest authority down to the bottom. I hear a lot of good points, and a lot of points that don't pertain to what we're here for. I hear a lot of good reasons to, and a lot of good reasons not to approve this project. But there are several things that bother me. The first thing that bothers me is that I hear a community's outcry for something as simple as an environmental assessment, and I kinda hear it being ignored, which hurts. And I will say that I can see a lot of good in this community center for your community, but that's not a determination for me to make, but I can also see it dividing you right now, and that, in itself, is not right also.

Now in 2012, I see an exemption that was given, I believe this was by Correa, and I believe this was for 343, if I'm not mistaken, and I did a little looking into 343 and at 343-1, the findings and purpose, and sorry if I'm rambling, but the legislature finds that the quality of humanity's environment is critical to humanity's well-being; that humanity's activities have broad and profound effects upon the interrelations of all components of the environment and that an environmental review process will integrate the review of environmental concerns with existing planning process, and that's just the nutshell, that's not everything. In some case notes I saw, and this is all cases that were tried here, the proper inquiry for determining the necessity of an environmental impact statement, based on that language in 343-5(c) is whether the proposed action will likely have a significant effect on the environmental, and it defines "significant effect" includes irrevocable commitment of natural resources, and that also rang a bell. After I go deeper and look into 343-5, applicability and requirements, and this says "shall be required," an environmental assessment shall be required, the purpose, the use of State or County lands or the use of State or County funds. Again, I find myself questioning my judgment.

Now I'm looking at no. 6 in this, and it says, "Propose any amendments to existing County General Plan where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new County General Plan or amendment to any existing County General Plan initiated by the County." I don't know if you can all kinda grasp that language.

So I'm looking in this proposal and I see, in 2012, the EA was exempted, but what I see in 2017 is that an SMA use permit was applied for in June of 2017, and what I also see is we're looking at it going from agriculture to rural in the State land use district, we're looking at going agriculture to public/quasi-public in the community plan, and we're asking to go agriculture to public/quasi in the County zoning of which all of this could be considered a trigger factor for an EA, however, when I go back and look, I see that this EA was exempted before any of these applications were brought to the table. Now, that being said, I couldn't in the right conscience mind say an EA is not needed being a member of the community.

Now I also understand the County side of this in that there are lots of time and money that went into planning this, there were lots of hands that went into planning this, and as much as people wanna say there's a lot of negative that went into it, there's a lot of positive that went into this too. There are two sides to this coin. I will attribute this to, and I think I spoke to someone earlier, the one model I used was the Superferry where there was a good uses for it, there were a lot of bad uses for it too, there were a lot of people who were for it, but the reason it folded in the end was because of process, was because an exemption was made for this very thing that we are looking at, and it caused it to fail, and that is something I don't want to see in our rural communities. Our communities are fragile, which means a failure like that could be catastrophic to Nahiku. It could be catastrophic to Hana. It could be catastrophic to the entire district. So again, when we're looking at all of this, we're seeing the project is not moving forward. We're stuck at the land use designations right now. This will go from an advisory from us up to the Maui Planning Commission, who will make the actual determination.

As a Member of this board, I would like to go ahead to make a motion on item no. 1, William Spence, Planning Director, transmitting the following request for the proposed Nahiku Community Center to be located on approximately 1.9 acres of land at 0 Nahiku Road, Tax Map Key 1-2-002:023, Nahiku, Hana, that the community plan amendment for agriculture to public/quasi, the State land use boundary amendment to, sorry, to State rural -- from State ag to State rural, the change of zoning from ag to public/quasi be deferred -- I ask that this be deferred until an EA can be provided or circumstances provided for an EA. I also ask that item 2, the Director of Department of Parks and Recreation requesting a special management area use permit for the Nahiku Community Center project and related improvements located at 0 Nahiku Road, TMK 1-2-002:023,

Nahiku, Hana, Island of Maui, I ask also that this be deferred on the basis of 343 -- I'm sorry, I'll just say HRS 343-1.

Ms. Oana: Excuse me. Would you wanna change that to a motion to recommend deferral to the Maui Planning Commission?

Mr. Kaina: Sorry. What she said. So a motion to recommend deferral pending an EA.

Chair Notestone: Do we have a second?

Ms. Ross: I second.

Chair Notestone: Any discussion? We'll vote.

It was moved by Committee Member Kaina, seconded by Committee Member Ross, then

VOTED: to recommend to the Maui Planning Commission the deferral of agenda items C.1.a., b., and c. until an EA can be provided or circumstances are provided for an EA, and the deferral of item C.2. on the basis of HRS 343-1.

**(Assenting - L. Clark; D. Lono; M. Ross; K. Kaina; G. Notestone)
(Excused - L. Cosma; S. Crawford)**

Chair Notestone: Unanimous. We're going to move on to the next item of the agenda, which is the Director's Report. Thank you, ladies and gentlemen, for attending.

Mr. Yoshida: Okay, thank you, Mr. Chair. I guess we have -- so the commission -- I mean the Committee dealt with items -- public hearing items 1 and 2, is that correct, in the motion? Oh, did the Committee deal with public hearing no. 2 in the motion? Did you deal with public hearing item no. 2 in the motion?

Chair Notestone: Can we have order in the house? Order in the house. We'll take a five-minute recess, let the house settle down.

(A recess was called 7:01 p.m., and the meeting reconvened at 7:14 p.m.)

Chair Notestone: We're back. Back ready to go. Clayton, you have the floor.

D. DIRECTOR'S REPORT

1. Native Hawaiian Law Training - December 9, 2017

Mr. Yoshida: Okay, so I guess I got my answer to the question, so moving to Director's Report, as we know from our August meeting, the Council had earlier or late last year said that the Planning Commissions and the Hana Advisory shall attend the -- a Native Hawaiian Law Training conducted by the Ka Huli Ao Group, from the University Richardson Law School. Again, the only -- they're -- well, they teach during the week so the only day they could do it was on a Saturday, so the date was -- is December 9, and I guess they'll be conducting the training at the Council Chambers but Akaku will be broadcasting using the Council funds, who mandated this in the first place, it'll be broadcast throughout the County on Akaku, so you can watch it at home on Akaku if you get -- or stream it or whatever on Akaku. Yes?

Ms. Lono: Do I need to speak into the microphone? I don't have Akaku at home, so I'm still going to open up the Hana Council Office and watch it there, so if anybody wants to come and watch it together, we'll bring da kine pupus and stuff ladat, but I am going to open the Council Office so if anybody wants to watch it together, we can watch it together. Okay, mahalo.

- 2. Scheduling of other Hana Region Applications**
- 3. Discussion of Future Hana Advisory Committee Agendas**

Mr. Yoshida: So moving to the second item, Scheduling of Other Hana Region Applications, I guess, as you know, Gina Flammer left us at the end of June, and she was the Hana B&B and short-term rental home permit processor, so we have a bunch of these I believe ready to go to the Hana Advisory Committee for their review and comment. I think the earliest we could do it, at this point in time, probably would be mid-December or more likely early January, the first half of January, but we'll contact you about that, and I guess Council Member Carroll wanted to get comments from the advisory -- Hana Advisory Committee on a ag cluster housing proposal, which its intent is to promote affordable housing, so that probably would be on the same agenda as the -- some of these special permits or short-term rental home applications. The other application that we are processing is the Gary Stice SMA to build two houses, and we still have the Kawaipapa change in zoning that Bill Sides is coordinating but that's still waiting to be scheduled. So that's a short view of, you know, applications that the Department is current processing in the Hana region.

Again, we'd like to thank Jen Oana for serving the Hana Advisory Committee. As you know, James Giroux, who used to serve this body at one time, he retired from the County earlier this month, so that's causing the need for reassignments of committees within the Department of the Corporation Counsel, so another attorney will be serving the Hana Advisory Committee after today, which is David Galazin, but we'd like to thank Jennifer

for her work over the Hana Advisory Committee and then -- so I don't anticipate having a meeting before Thanksgiving, so I'd like to wish all of you a Happy Thanksgiving although we're still in the month of October but next week we're in the month November, so Happy Thanksgiving, and Merry Christmas if we don't have a meeting in December. And that's what we have to report.

Ms. Lono: Mr. Chair?

Chair Notestone: Yeah, Dawn Lono has a question.

Ms. Lono: I don't know if it's appropriate to ask this but I know it's getting toward the end of the year and some terms are going to expire next year, do we have like two terms expiring do you know 'cause we should start being looking for people to apply by the end of the year, correct?

Mr. Yoshida: Yes. I guess the -- some of the members or the boards and commission members have until March 31, 2018, so I believe the Mayor's office welcomes any applications for boards and commissions, which he probably would submit to the Council in late January as they have 60 days after he submits a nomination to act on it or it's automatically approved if Council doesn't act within 60 days, so if you know of folks that, you know, look through the roster see when the terms expire, who'd be interested in serving the various boards and commissions, if you could encourage them to apply to the Mayor's office, say before Christmas, so that they will be given full consideration when he submits his list to the Council in late January.

Ms. Lono: Thank you.

Chair Notestone: Thank you, Clayton, very much. Do we have any other questions?

E. ADJOURNMENT

Ms. Lono: Move we adjourn.

Chair Notestone: We have a motion to adjourn.

Mr. Kaina: Second.

Chair Notestone: And we have a second.

It was moved by Committee Member Lono, seconded by Committee Member Kaina, then

VOTED: to adjourn the meeting at approximately 7:22 p.m.

**(Assenting - L. Clark; D. Lono; M. Ross; K. Kaina; G. Notestone)
(Excused - L. Cosma; S. Crawford)**

Submitted by,

**SUZETTE L. ESMERALDA
Secretary to Boards & Commissions II**

RECORD OF ATTENDANCE:

Present:

Gale Notestone, Chairperson (Arrived at 4:52 p.m.)
David "Kawika" Kaina, Vice-Chairperson
Linda Clark
Dawn Lono
Maya Ross

Excused:

Lehua Cosma
Scott Crawford

Others:

Clayton Yoshida, Planning Program Administrator, Current Division
Paul Fasi, Staff Planner
Suzette Esmeralda, Secretary to Boards & Commissions
Jennifer Oana, Deputy Corporation Counsel

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MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEMS E.2A AND E.2B
AUGUST 14, 2018

Mr. Robinson: Thank you. All right, now we're back to Item E.2.a. Director.

Ms. McLean: Thank you Chair. Now you do have before you the Department initiated Change in Zoning, Community Plan Amendment and State Land Use District Boundary Amendment for the proposed Nahiku Community Center on approximately 1.9 acres of land at 0 Nahiku Road, TMK: 1-2-002: 023. And well we start with...Mr. Fasi did already make some introductory remarks. Did you have more presentation or would you like to turn that over to the applicant's consultant at this time?

2. MR. GALE NOTESTONE, Chair of the Hana Advisory Committee, transmitting its recommendations on the following:

a. **WILLIAM SPENCE, then-Planning Director, transmitting the following requests for the proposed Nahiku Community Center to be located on approximately 1.9 acres of land at 0 Nahiku Road, TMK: (2) 1-2-002:023, Nahiku, Hana, Island of Maui (P. Fasi) (Public hearing conducted on October 26, 2017)**

- 1) Community Plan Amendment from Agriculture to Public/Quasi-Public, (CPA 2017/0002);**
- 2) State Land Use District Boundary Amendment from State Agriculture District to State Rural District, (DBA 2017/0002);**
- 3) Change of Zoning from Agriculture to P-1 Public\Quasi-Public, (CIZ 2017/0002);**

(Discussion begins at 02:57:47 of the audio recording.)

Mr. Paul Fasi: Thank you Director. I'm gonna be real brief. I just want to get this on the record and I will turn it over to the consultant to make their presentation and that way I will not be repeating myself.

So in Conclusions of Law, a community plan amendment is reviewed pursuant to Maui County Code, Title 2, Chapter 2.8b, and the Community Plan Amendment is to reclassify the project's area in the Hana Community Plan from Ag to Public/Quasi-Public. This is consistent with Chapter 2.8b of the Maui County Code.

As far as the next request for land use entitlement and the district boundary amendments standards for reviewing a Land Use Commission District Boundary Amendment and this is going to be from Ag to Rural are found under Title 15, Subtitle 3 of the State Land Use Commission and the conclusion that the Department has reached is that this District Boundary Amendment will change the land use designation from Ag to Rural and the proposed action is consistent with the District Boundary Amendment requirements from Ag to Rural.

In the Change in Zoning the last land use entitlement, the Change in Zoning is reviewed pursuant to Maui County Code, Title 19.510, Change in Zoning and this is Change in Zoning designation

1 from Ag to P1, Public/Quasi-Public is consistent and is supported by the Title 19, Chapter 19.510,
2 Section 19.510.040 as stated in the Maui County Code and further supplemented by the
3 Department's report. So I just wanted to get that on the record for the three land use entitlement
4 requests and in order so I don't repeat myself, I'm going to turn this over to Karlynn Fukuda,
5 Munekiyo Hiraga. She's going to give you a presentation on the actual project and its details.

6
7 Ms. Karlynn Fukuda: Good afternoon Chair and Members of the Maui Planning Commission. My
8 name is Karlynn Fukuda of Munekiyo Hiraga. We are here today to present information regarding
9 the proposed Nahiku Community Center project. Joining me today are Brian Shimomura and
10 Robert Halverson from the Department of Parks and Recreation, the project's applicant. Mimi
11 Desjardin from the Parks Department's Corporation Counsel and Anthony Riecke Gonzales from
12 Riecke Sunnland Kono Architects, the project's architect.

13
14 The presentation will briefly touch upon the three requested land use entitlement actions which
15 were initiated by the former Planning Director as well as the Special Management Area Use
16 Permit application which was prepared by our office. We are requesting the Commission's
17 recommendations on the State District Boundary Amendment, Community Plan Amendment and
18 Change of Zoning. Following the County Council's final determination on the land use
19 entitlements as has been discussed in the previous proceedings the project would return to the
20 Planning Commission for final action on the SMA Use Permit application.

21
22 This is a regional location map to provide you with context on the location of the project site. We
23 have Hana Highway here. This is heading towards Keanae and Hana. This is back towards—

24
25 Unidentified Speaker from Audience: Keanae is the other way.

26
27 Ms. Fukuda: Sorry, to Kahului but the location is, the Nahiku Road is here. This is a tax map key
28 map which provides the project site located here at the corner of Nahiku Road and Lower Nahiku
29 Road, also across the street from the Nahiku Church site. The site is owned by the State of
30 Hawaii and transferred to the County of Maui with a Executive Order for community center
31 purposes.

32
33 The proposed Nahiku Community Center would replace the former Nahiku Grammar School
34 building which was burned by arson in 2005. The former school building served various
35 community purposes after the school was closed down including as an election polling place as
36 we understand and as a gathering space.

37
38 This next slide provides a brief history of the site and the legislative actions that have taken place
39 for the project. As you can see here, the school was closed in 1958 and from then on was utilized
40 for various community purposes. We note that the Department of Parks and Recreation filed an
41 SMA Assessment application for the project which was approved as an SMA Minor Permit back
42 in 2012. There was also an EA Exemption granted by the Department of Parks and Recreation
43 at that time.

44
45 A construction contract was awarded in 2012 and a Notice of Proceed was issued in 2013. We
46 note that there was also a legislative action by the County Council to officially name the community

1 center as the David Kanaloa Kahookole, Jr. Nahiku Community Center. However, as has been
2 mentioned previously there was a legal matter between the contractor and the County so work
3 was not initiated.

4
5 The proposed project plans are the same as what was prepared or proposed in 2012. However
6 the estimated cost of the project has increased over that time to \$1.5 million as previously
7 mentioned and as such the Planning Department determined that the SMA Use Permit would be
8 required. It was also determined by the Planning Department that the proposed use was not
9 consistent with the existing land use entitlements which we'll talk about in a minute and so the
10 Director initiated the District Boundary Amendment, the Community Plan Amendment and the
11 Change of Zoning. The project was reviewed by the Urban Design Review Board for the SMA
12 Permit and the Hana Advisory Committee in October of last year for both the land use entitlements
13 and the SMA application and as has been mentioned previously the meeting today is to review
14 the recommendations by the Hana Advisory Committee.

15
16 The next series of slides are photos of the project site. What you see here is the northwest and
17 southeast view of the future...of where the future community center building would be located and
18 we have a reference map for you up here. This next slide shows the northeast view and the
19 southwest view of the proposed parking area that would be adjacent to the community center
20 building. Next we have the northwest view of the project area and the southeast view along
21 Nahiku Road just located here. And then finally we have the east and west view of the project
22 site which is located here and on this side in these photos along the Lower Nahiku Road and you
23 can see the Nahiku Church you know at the top here which would located there.

24
25 This next chart provides a summary of the land use entitlements that are being sought for the
26 project site. As been mentioned previously the State Land Use District Boundary Amendment is
27 proposed from Agricultural to Rural. The Hana Community Plan is from Agricultural to
28 Public/Quasi-Public and the Maui County Zoning is from Agricultural to P-1, Public/Quasi-Public.
29 The project site is approximately 1.9 acres in size and these land use changes would only apply
30 to the particular TMK.

31
32 As Paul mentioned, you know the Planning Director initiated the land use entitlement changes
33 and the Planning Department went through their review of the proposed action and so on the
34 District Boundary Amendment they determined that the project will meet the standards for Rural
35 District. On the Community Plan Amendment they determined that the proposed request was
36 consistent with the Maui County Code relative to the General Plan and community plans. And for
37 the Change of Zoning the Department determined that the proposed request met the criteria that's
38 outlined within the Maui County Code relative to zoning.

39
40 I'd now like to provide you with information on the proposed community center improvements
41 which is submit to SMA Use Permit application. We understand that there will be no action on
42 that today but wanted to provide the Commission with just some information. We note that the
43 proposed center is approximately 600 square feet larger than the footprint of the original Nahiku
44 Grammar School building and the community center would be a Parks Department facility and
45 hours of operation for the center would be posted at the site. The community center building
46 would contain those various uses a social hall, a kitchen, restrooms, storage and a covered entry

1 lanai and related improvements we have a paved parking lot and driveway, individual wastewater
2 system as well as utility connections and site work.

3
4 This is copy of the proposed site plan again to provide you with some orientation this is Nahiku
5 Road and Lower Nahiku Road is here. So this is the community center building that would contain
6 the community hall, the kitchen, restrooms, et cetera, and this is the paved parking lot where there
7 would be I believe it's 13 parking stalls and one loading stall as required by County Code. Again,
8 the improved driveway up and down from Nahiku Road. The landscaping would generally stay
9 with what's there. As you saw in the photos is pretty lush. There is a tree that would need to be
10 relocated from the site and it would be relocated here.

11
12 Wanted to just provide some context for everyone in terms of the size and scale of the site. If
13 you're familiar with Helene Hall in Hana we just provided an overlay of...the outline that you see
14 here is the footprint of Helene Hall. So the proposed Nahiku Community Center would fit within
15 the footprint of Helene Hall.

16
17 These are elevations of the proposed building. You see the west elevation so this would be
18 looking from the parking lot looking back at the community center building. This would be looking
19 from the other side of the building and then you've got the north elevation and the south elevation.
20 We did as I mentioned go through Urban Design Review Board review and the colors don't
21 necessarily translate very well here in the slide but they are from the palette of approved colors
22 from the Parks Department requirements.

23
24 In addition to those improvements there will be drainage system improvements. We're proposing
25 installation of catch basins within the paved parking area and the drainage system is designed to
26 accommodate the increase in runoff due to the improvements of a 50-year, one-hour storm and
27 would meet the County Storm Drainage Rules and requirements.

28
29 Additionally we note that...so there is an existing water meter on the site that served the school's
30 building that was there previously. A new individual wastewater system is proposed and I assume
31 because you know the system that was there previously is probably no longer permitted, the
32 cesspool system. And the electrical and telephone services are available in the area.

33
34 We note that there was an archaeological inventory survey that was completed for the site in
35 January of 2017. The report recommended no mitigation for three historic properties that were
36 identified on the site which were associated with the Nahiku Grammar School. There were two
37 modified outcrops for agriculture purposes or landscaping and one buried trash pit.

38
39 As has been mentioned previously I think the Commission understands that you're making a
40 recommendation today to the Maui County Council for review and action and that final action on
41 the SMA Permit will be held...on hold until there is a final decision from the Council on those land
42 use entitlements.

43
44 Again, just to summarize, the proposed community center would replace the former Nahiku
45 Grammar School building which was utilized for community purposes previously and it would

1 provide another County facility in East Maui which, you know, residents could use for various
2 public purposes.

3
4 So today we're respectfully requesting your recommendation of support for the proposed District
5 Boundary Amendment, Community Plan Amendment and Change of Zoning to the Maui County
6 Council. This concludes our presentation and we're available to answer any questions you may
7 have. Thank you.

8
9 Mr. Robinson: Thank you, Karlynn.

10
11 **a) Public Hearing**

12
13 Mr. Robinson: At this time we're gonna open it up for public testimony. And if we can please,
14 please keep the questions to this item would be preferred. We've heard a lot, but you know just
15 as a...we do have to leave over here so don't lose quorum, but I do want to hear all the testifiers.
16 You guys all will be able to speak. First, Mr. Paisner. Would you like to speak on this item sir?
17 Please introduce yourself, you have three minutes.

18
19 Mr. Jeffrey Paisner: Jeffrey Paisner. I won't take three minutes.

20
21 Mr. Robinson: Jeffrey, please move the mic up. Thank you.

22
23 Mr. Paisner: Jeffrey Paisner. You showed some photographs could you go back to Photo
24 Number 1 of the site please?

25
26 Mr. Robinson: Jeffrey I'm sorry, it's maybe we can come back later but you—

27
28 Mr. Paisner: Okay, Photo Number 1 showed the site and I believe if I was looking at it correctly
29 it showed a lot of flooding on the site which is one of our big concerns that site often floods. This
30 photo, I believe that's water there pooling on the site in the lower left corner. Sunshine on water
31 I should say. There's been testimony from the intervenors that it is a site that does flood. Did you
32 consider the elevation of the site?

33
34 Mr. Robinson: Jeffrey, I apologize, it's just testimony and it's to the Commission. It's not to the
35 applicant, sorry.

36
37 Mr. Paisner: Oh, okay. She had asked for questions.

38
39 Mr. Robinson: No, no but that's from us.

40
41 Mr. Paisner: Oh okay.

42
43 Mr. Robinson: Yeah, but it's fine.

44
45 Mr. Paisner: My question is one of the reasons why this site should be considered is for use as
46 an emergency shelter and I question why we would consider that given the low elevation of the

1 property number one. And number two, the difficulty, you saw the road how it's a narrow one-
2 lane road of getting emergency vehicles in or out. So I want to know what the rational is to
3 consider that a site for an emergency shelter on the basis of that lack of infrastructure. Thank
4 you.

5
6 Mr. Robinson: You're welcome. Any questions for the testifier? Seeing none, John would you
7 like to testify on this item?

8
9 Mr. Blumer Buell: I would.

10
11 Mr. Robinson: Please introduce yourself and you have three minutes.

12
13 Mr. John Blumer Buell: Thank you Chair. John Blumer Buell and I would just like to say...plea
14 really for you to recognize the wisdom of the Hana Advisory Committee and they're simply asking
15 for an EA. And I think you could send it to the Council with the recommendation that an EA be
16 available to them. That's just information.

17
18 Now a couple things. When Mr. Correa declared an exemption and I think it's...if you go back
19 and look at that there's lot of misinformation intentional. So I call it fraudulent. It's not a
20 replacement of the old Nahiku School. The old Nahiku School had at the most eight students and
21 a teacher living there. There was no real impact. A new center is gonna be available to every
22 person on Maui and every visitor to use. It will be anybody can reserve it with a capacity of 150
23 and a certified kitchen. That's gonna be an enormous impact and that's...let me tell you there will
24 be regular use every weekend there's going to be 150 people down there having enormous
25 impact. And you know, Mr. Correa claimed that there was no significant change in use. I just laid
26 that out, there's a huge difference in use. It's not a replacement of the Nahiku School. And so all
27 I ask is for you to please recognize the Hana Advisory Committee recommendation to you to
28 request an EA.

29
30 Finally, I ask you to go back and look at the 2007 transfer from the State Land Board to the County
31 of Maui. It did not exempt the County from an EA at all. It says, the act of transference is not
32 subject to an EA. And it is clear that does not exempt the project from Chapter 343.

33
34 And so in closing, I just you know really beg you for the sake of the community and due process
35 to recommend that the County Council require an EA and that will be in everyone's best interest.
36 And that will be as you know an EA is a chance for everyone in the community to ask questions.
37 It's a back and forth dialogue and EA or EIS requires alternative to the project. One year ago,
38 more than a hundred people signed a petition wanting no money to be spent for this center. They
39 wanted the bridge to be replaced as a priority. So that would have to be looked at in an EA and
40 God Bless you. I hope you make a wise decision and thank you for your service.

41
42 Mr. Robinson: Thank you for your testimony John. Next up to testify is Lehua
43 Kehuna...Kekahuna, I'm sorry. Aloha, please introduce yourself and you have three minutes.

44
45 Ms. Lehua Kekahuna: Aloha mai kakou. My name is Lehua Kekahuna and I am a partial resident
46 besides my family also resides in Nahiku, Maui. I stand before you all just to hope and pray that

1 we can come to some kind of decision for this has been on the table since 2006. I am in fully in
2 support of this community center. I think it will hold a big asset to the community and the
3 communities on the east side of Maui. Now I've heard a lot of testimonies and we all have our
4 own mana`o but I hope and pray that we can come to a decision for it's a long awaited decision
5 to have been made. So with Ke Akua to guide you folks decision, I hope you can come to a
6 decision and put this project going forward. Mahalo nui.

7
8 Mr. Robinson: Aloha. Do we have any questions for the testifier? Lehua, could you please?
9 Commissioner Tackett.

10
11 Mr. Tackett: My question to you is how do you feel about what was said about the community
12 center being open to all the public and the amount of traffic that they're saying may or may not be
13 going on down there. Do you think that that would be problematic to have that community center
14 down there deep in Nahiku open to people that are maybe not necessarily from Nahiku?

15
16 Ms. Kekahuna: I don't think so because I think as a kuleana everybody that lives there pretty
17 much has the aloha and the understanding you know to share. I think it will be controlled. We
18 already have traffic there. Tourism is there. Due to the bridge being broken, it has stopped a lot
19 of traffic because they can no longer go all the way down to the landing, turn around, picnic, party,
20 et cetera. So in order to go to the landing you would have to walk it and then carry all your ukana
21 which is your stuff, you would have to carry it all the way down which I definitely don't want this to
22 be a head...talk about the bridge because this has nothing to do with the bridge. The community
23 center is way before the bridge. It's located right across the church.

24
25 The access of this community center will be for our generation to come, our keiki. I think our
26 kupunas that is no longer here that was it's all part of it, you know it's not only for disasters. It
27 should be for community events. It could be held for County people or State people to come
28 there, meet with the people, meet with the community. Hana has its own. Keanae we don't have
29 any more. YMCA is rented out to tourism and things like that. So a lot of functions can be utilized
30 with this community center. It doesn't have to only be for a disaster use whether it's a tsunami or
31 it could be road closures, trees, storms knocking out electricity, the roads, you know, where the
32 cliffs or all of that can be considered where it could be a safe haven for a lot of people, for
33 community members. A lot of people...how many of you have gone to Nahiku, have seen Nahiku?
34 Who here has gone to Nahiku I would like to surely know. Okay, so for the ones that have gone
35 down to Nahiku, you know, people love to go, visit and leave. So on this community center
36 whether we want to realize it or not will benefit the community and the communities on the east
37 side of the island. Unless you're a property buyer or you already own property there, you live
38 there, this is for the community. So you know, I respect everybody's testimony. I am not here to
39 bash anyone. I am not here to make anybody think any different, but in the long run I think the
40 community center is needed for the east side of the island. And so with that being said, I think
41 it's a good thing and I'm in full support.

42
43 Mr. Tackett: Thank you.

44
45 Mr. Robinson: Mahalo Lehua.

46

1 Ms. Kekahuna: Mahalo nui.

2

3 Mr. Robinson: Oh I'm sorry Lehua, Commissioner La Costa would like to ask you a question.

4

5 Ms. La Costa: Mahalo Chair. Mahalo nui for showing up and giving your testimony. So you're in
6 favor of a community center.

7

8 Ms. Kekahuna: Yes.

9

10 Ms. La Costa: Whether it's that place or would you be in favor if it were to be some place with,
11 with different roads and infrastructure?

12

13 Ms. Kekahuna: You know it's never been a problem when the school was there. I don't feel it
14 will be a problem if the community center is there. I would surely like to see something there that
15 will benefit the community. Whether it's Upper Nahiku or not a place where the land will be taken
16 cared of and a place that can benefit the community I think the place isn't the problem. People
17 will go anywhere to go there and do their function. In other words, kupunas there if they want to
18 gather to do a crocheting or a haku lei making guess what, they have a place to go. If a boy's
19 club or some kind of sport event wants to come there because Helene Hall isn't available
20 ... (inaudible)... they have a place to come. You know so I don't think it would be a problem. The
21 lower part of it, you know being close to the ocean when there was a tsunami years ago it never
22 even touch Nahiku. So we have to look at all of this other aspects of it and I wanna think that I'm
23 looking at it as a positive thing that will happen for the future not only for our generation right now.
24 We're fighting for our future. So I want to use this and hopefully pray that my ancestors, my
25 kupunas which this community center will be named after my great grandfather, great, great
26 grandfather. So this property was in our family and it was given and I'm hoping that it's used for
27 benefits of our community.

28

29 Mr. Robinson: Mahalo. Okay.

30

31 Ms. Kekahuna: Can I go?

32

33 Mr. Robinson: Yes.

34

35 Ms. Kekahuna: Thank you so much.

36

37 Mr. Robinson: Next we have Della Honokapu.

38

39 Ms. Zandra Amaral Crouse: Aloha Chair and Commissioners. The Kekahuna Family asked me
40 to testify because I do need to leave and they'll be testifying prior... I mean, after myself. My name
41 is Zandra Amaral Crouse. And I'm glad to see these people coming together and I thank the
42 intervenors Chair and I thank you for providing them opportunity to kuka kuka so that resolve can
43 be made. Because those of us who were born and raised here, who have family in Keanae,
44 Nahiku and Hana know that it's a very small and close knitted community and we should not let
45 things like this diversify and divide them and so I thank you for that.

46

1 As for the community center, I am totally in favor of that. We know that there is not much to
2 occupy our children, our keiki. Keiki o ka aina in our east part of the island. Thereby leaving them
3 with having to do things that's not what we think they should be doing. And we all know that when
4 we have a center to gravitate and gather at that our kupunas are blessed by taking care, and
5 meeting, and gathering with our keiki o ka aina.

6
7 As for the school in Nahiku that closed in 1958 if I recall correctly, that area was the gathering
8 place. My son-in-law's family, the great family of the Hoopais and the Hoopiis. My daughter-in-
9 law's family of the kalo patches in Keanae, the Nakoa Family. They gather there. That was a
10 place for...that provided an opportunity for families to gather. I remember we used to roll rocks
11 there. We used to play all kinds of Hawaiian games down there and I envision that to be a place
12 where East Maui will have their own area at least in the Keanae and the Nahiku part of East Maui.
13 Give them a place where the halaus can practice such as we have here in Wailuku and in other
14 areas in Maui Nui. Give them a place to learn how to dance, to learn how to weave with the
15 kupunas in our district, in their district. Give them a place to call their own and the only traffic
16 impact I see for this community center Chair, Commissioners, are the impacts of their very
17 community, their children going down there to play ball, meet friends, and meet family. They're
18 families going down there to put on a miniature luau or a big luau, but they'll have a place to do
19 it. So I see the impacts of traffic being the very families who are keiki o ka aina who has been
20 there over 100 years. These ahupuaas and these are theirs. Give their children. Have we not
21 displaced our families and our children for far too long? So I humbly ask you to support their
22 community center and I realize that there's much that needs to be done before it comes back to
23 you guys. But when it does –

24
25 Ms. Takayama-Corden: Three minutes.

26
27 Ms. Amaral Crouse: --give our citizens a place to gather in their own community. And mahalo
28 Chair and Commissioners, I really do thank you for the time and effort. Mahalo.

29
30 Mr. Robinson: Thank you Zandra.

31
32 Ms. Amaral Crouse: You're welcome.

33
34 Mr. Robinson: Is Della here? Della want to...you want to testify Della? Aloha please introduce
35 yourself and you have three minutes.

36
37 Ms. Della Honokaupu: Can give you one minute time. Hi I'm Della Honokaupu, and thank you
38 all for the input and everything. I agree. I also would like to say I'm with the community center.
39 And it's not only for disaster it's for the keiki, for the kids, like my niece was saying if they like learn
40 leis, going do the hula, you there's some place to go to. I'm not doing only for all of us, yet this is
41 all for all of us, for everybody, the community. But mine is for keiki. You look at this right now,
42 summer just when pau. What did the kids do down there at Nahiku? What did they do? The
43 other kids out here they play football. They get place to practice soccer. They have some place
44 to go to dance the hula. So this community for me I would say is for the keiki. For the future. For
45 the future that's what I'm saying. Maybe I not going be there. I'm 72 years old believe or not,
46 maybe I not going to be here to watch that, but it's for the keiki as what I'm saying. So I hope that

1 we can get together as one and try see if we can do something about this. I really do. Thank you
2 so much. Mahalo nui loa.

3
4 Mr. Robinson: Mahalo. Any questions? Della please, Commissioner Pali.

5
6 Ms. Pali: Hi, thank you for your testimony. I...we were handed a bunch of written testimony and
7 a petition that supported...I didn't count the number of supporters here, but at a glance and I
8 attempted to count it looks like a few hundred people also agree with you. Your testimony did
9 that encompass some of these people that were not here today as well?

10
11 Ms. Honokaupu: Yes, yes.

12
13 Ms. Pali: Thank you.

14
15 Ms. Honokaupu: Oh you're welcome. You're so pretty. Thank you. Any more questions?

16
17 Mr. Robinson: Ask you'll get a compliment.

18
19 Ms. Honokaupu: Yeah, yeah, no worry braddah you look good too. Thank you very much.

20
21 Mr. Robinson: Thank you. Aloha. Next Cheryl Kekahuna. Please introduce yourself and you
22 have three minutes.

23
24 Ms. Cheryl Kekahuna: Aloha.

25
26 Mr. Robinson: Aloha.

27
28 Ms. Kekahuna: My name is Cheryl Kekahuna aka Kaohe. I'm a resident of Lower Nahiku. E kala
29 mai I'm not trying to be disrespectful but I kinda made some memo bullet points so I try not to get
30 off track. A project that started for a very long time, a building to replace a building sounds like a
31 simple task but obviously not. A lot of unforeseen obstacles that you would never think. I've said
32 it in the past and I truly believe, I truly believe in this center simply because it seems like based
33 on the powerpoints that we viewed it's a center that actually compliments our community. It's a
34 simple, small community. I've never seen or I don't know if you folks know I pass, I commute five
35 days a week to and from work, I pass Haiku Community Center, I pass Paia Community Center,
36 I don't see how that impacted their communities in a negative way. It had said, it is mentioned
37 you know about property taxes being raised. That answer I think has been answered it's not.
38 And I just think that for generations now and generations moving forward it has been a very
39 tireless process. We continue to holomua for kupunas in memory and in honor of them that have
40 supported and have passed and are still with us. We holomua in that initiative which is a protocol
41 that was how we was born and raised into. We didn't really have planning commissions, we didn't
42 really have...we went to the kupunas, we solicited their mana`o. They knew what was right. They
43 know what's right for the ahū, what's right for your ahupuaa. If they didn't say, if they were
44 negative, it would be a negative, you know, then that wasn't good enough. But look at all this
45 process that you have to go through it seems like a lot of obstacles and red tape you have to go
46 through. The blessings came from the kupuna from this project. And with that being said, we're

1 gonna continue to move forward and I hope you folks make the right and the pono decision.
2 Again, this is something that's not gonna impact in a I think we hear the negative, we the EA and
3 it's something that's not only gonna help our generations now, our kupunas and future generations
4 but going ahead. It is something that will be, that we as a community should be proud of. Division
5 comes from the people of being misinformed, miseducated, holoholo olelo. They go around and
6 they talk, talk, talk and then before you know it's a big mess. You can support something and
7 then on the tip of a hat now you don't support something, I struggle with that. I struggle as an
8 individual, as a character now how am I going to look at you? How is your character? Do you
9 have the right intentions for the ahu? You're not even relevant and live in the ahu, but you have
10 a kuleana. Now you niele and you come here for our ahu but you not even relevant. I don't even
11 know where your roots are, but they get plenty to say. So with that being said, again we commute,
12 the road conditions they change at any time. It could be a final stop. I can go on and on of the
13 benefits of a community center. People say going get big parties. They will go through the same
14 regulations like any community center would. You know you apply, you go through the process
15 like everybody else. Look at something and be proud off because of all the challenges that you
16 need to make something an entity like that happen. And so I pray to you folks, I lift it up to Ke
17 Akua to give me the strength and the focus to say what's right and what's pono and I hope you
18 folks will make the right pono decision in this initiative for our community. Mahalo.

19
20 Mr. Robinson: Mahalo. Any questions for the testifier? Commissioner La Costa?

21
22 Ms. La Costa: Mahalo Chair. I will ask you the same question and again mahalo for being here
23 and testifying. Is it the actual building of a community center that is most important or is it the
24 position of that building of the community center that's most important?

25
26 Ms. Kekahuna: Well, it just makes sense. I guess it's a yes or no question. A community center
27 on the east side would be very...you know, it's something that would be neat. I think it would be
28 very instrumental, a fundamental for the community. If your question is the location it just made
29 sense. You know the school burned down that there's an open spot, boom...put a building there.
30 If another location that would be good too 'cause it would serve the east side community. Do you
31 want to go through the process? The money, it's talked about the money, the process of how it's
32 going to take. Do that all over again? So to me, it makes no difference, but where would that
33 second location be? Again, we've seen the power. You know, we've seen the power slides, it's
34 a little community. Smaller than Helene Hall that would be perfect for that 1.9 acres. It just makes
35 sense to me to replace a building with a building than having to explore a different area where
36 possibly more millions, probably 1.5, 2.5 million dollars would have to be spent for another
37 initiative. Does that help?

38
39 Ms. La Costa: That does. Mahalo.

40
41 Mr. Robinson: Thank you. Anyone else? Mahalo for your testimony.

42
43 Ms. Kekahuna: Mahalo.

44
45 Mr. Robinson: Next up I have Mapu Kekahuna.

46

1 Mr. Mapu Kekahuna: I'm going to let my kupuna go first. I want to speak last. Let the kupuna
2 go. Thank you.

3
4 Mr. Robinson: Sure. Next on the list is Louisa Alina.

5
6 Ms. Louise Alina: My name is Louise Alina. Aloha ka kou everyone.

7
8 Mr. Robinson: Aloha.

9
10 Ms. Alina: I came in from Honolulu for this meeting. I have come to Nahiku every year for this
11 project. So I really firmly believe in it and let me tell you why. My great grandfather worked with
12 or had the chance to pick two parcels to give according to our Kalakaua and so he picked the
13 church parcel and he picked the school parcel out of his...what he was in charge of to give to the
14 community. Now my grandfather really continued what Kalakaua wanted was to care for his
15 people and this is one of the things to take care of the church and to have a school for education
16 and they firmly believed in education. And all my grandfather, great grandfather that's what they
17 believed in. And so they used this school property to further education, to share whatever they
18 wanted to share with everyone. As a child I used to come there every year and I've seen the
19 school being used for school and for voting, for community things that they needed to take care
20 of. So for me it made sense, really made sense to make use of this property to put a community
21 center in place of a school which is too bad it burnt down. So why leave this property vacant for
22 what? So to continue my grandfather's passion of education, English education and the Hawaiian
23 culture, we think having the community center is a way to continue this process of I really, really
24 believe it will help the community. Yes, it is for the small community but there are many people
25 that come there, all of you when you come from town here and you go to the country side, you
26 will stop by maybe not, but you might do in some time. It's a beautiful, beautiful place. It's very
27 peaceful and yes, we may have difference of opinions there, but it's like that everywhere and we
28 can never satisfy everyone. We try our very best to do what we can to help further educating
29 people, giving our children, our grandchildren, grandchildren to come to have a place to share
30 with each other, to learn. Regarding traffic and all, no, we have the regular normal traffic of the
31 people that live there that go up and down. I see it 'cause I'm there. I see it up and down. It's our
32 own people. We have the normal little people that come to visit and that's fine and they are so
33 hungry. The people that come to Nahiku and any part of the east they're hungry for learning what
34 our culture is about. So we want to share that with them and we're there. I mean, the families
35 it's too bad that we used to be down on the landing, we can't go because of the bridge and the
36 locals used to just share what they know about the area and that encourage people to get
37 interested in the Lower Nahiku and what do you know, we have new people moving in. Fine,
38 that's great, we welcome all. I heard so many things today which really it hurts and it doesn't
39 make sense and I really don't know where they're coming from but Nahiku is a beautiful place. It
40 encourages everyone to come in and the community center will serve its purpose because we
41 have education there. We'll have Hawaiian culture there, whatever is needed. Civil Defense, we
42 need a place when the electricity and the water and whatever, telephone goes out, what if
43 somebody is hurt on the Hana Highway, someone gets stuck in between when there's flooding or
44 landslides where would they go? They're stuck in between if two sides are caught. So there's
45 many, many positive things where this community center will come in use for everyone. And I
46 hope we can all just work together and find some kind of solution that will work. But it's been a

1 really long time and I encourage this...my cousin them to call a meeting because it's very
2 discouraging. I come every month when we started this program and I'm coming from Honolulu.
3 I care and I'd like to see something done. Thank you.

4
5 Mr. Robinson: Mahalo. Any questions for the testifier? I have a question for you please. Kahu
6 Hill.

7
8 Kahu Hill: Mahalo for testifying and everyone. I just wanted to know, I haven't heard you guys
9 talking much about the flooding and just knowing about that in the past and Nahiku my kupuna
10 Kaalakea we came many times just for Nahiku for the flooding of that area and the homes. Could
11 you speak about your experience in this please?

12
13 Ms. Alina: Okay, my experience regarding the flooding I don't know where that flooding is coming
14 from. As a child my brothers, we all grew there. I've never saw flooding. Yes, we have rain that
15 come through every home there that was there and is now being built there have the same
16 problem because of the way they build the roads go down. But as for flooding, no I think that's a
17 little exaggeration for the cause whatever that might be. But no, I have not seen that. It's like the
18 puddles in there, that's normal and in no time if there's a little rainwater that kind of builds up just
19 a little bit in certain low areas it dissipates really fast. So it's not like it's a disaster, no it's not like
20 that.

21
22 Mr. Robinson: Okay, thank you so much. Next is Kumu Kamalu. You guys jun ken and poing?
23 Please introduce yourself, you got three minutes.

24
25 Mr. Paul Bordner: My name is Paul Bordner. Excuse me I have a hard time speaking. I'm a
26 resident of Nahiku. I live there a long time. E kala mai ia`u. I am emotional. Let me calm myself
27 down.

28
29 Mr. Robinson: Paul take your time. It's okay.

30
31 Mr. Bordner: I get like this all the time. Oh my goodness. Anyway I live there for so long. E kala
32 mai. Thank you so much. Mahalo. My grandma was school teacher in Nahiku. I remember,
33 reminisce back in the days of the old days when we all gathered at the school and it hurts me to
34 see people fight against each other because of the school. It is a place of gather, of learning of
35 hula, of chants, of speaking Hawaiian. All doing the things that is what we brought up as. So
36 when I see people from not from Nahiku, from not from our area, of you, it hurts me more and
37 wonder why. So I must overlook all this and think of my tutu and my parents, my mother and my
38 father, think of them and calm myself down and say and pray that all this things will come to a
39 close and decision where we great help from Akua and which is also among you people that we
40 are...we work very hard for many, many 12, 13 years already on this project and we know the
41 benefits of it but it's so hard to convince everyone. So when we propose all this and worked on it
42 we wasn't thinking about...we wasn't thinking about oh, you can come but you cannot come. We
43 were thinking about you all come. You all come ...(inaudible)...You all come to be with us. And
44 it's still like that in my heart. I still aloha them all. They are my...these are my family as well, they
45 are part of my blood, Bergau is relative, but he's on the other side. So it makes hard for us like
46 this. So I pray that we can all one day come to a head where we can agree that this community

1 is so important to us. We are...we need something for like when there's a Civil Defense for any
2 of the above matters, for fires, for floods, if there be any flood which Nahiku never had. Nahiku
3 never flood. The river we have two ...(inaudible)...wai's run between Nahiku that's where the
4 flood stay but never in us, in your homes or never at the school, maybe little bit water here and
5 there, but the water bumbye evaporate. So no more pilikea, no more trouble. So our King David
6 Kalakaua, my King he told all the Konohiki, he put one church and one school and all the ahupuaa
7 and he when he say that he didn't say for Maui he said all the Hawaiian islands and so all the
8 Konohikis did. And Kahookele is Konohiki and so he did. ...(inaudible)...us, here school, here
9 church and so respect that. And when we look at the church after the thing when demolish when
10 burn down we said, well maybe we could do something else with it. Maybe we could school and
11 bring back culture and so we try. We try, we try our best and we still try today and we will continue
12 on trying so. Knowing in that in our hearts that this is the right thing to do. We have many of our
13 kupunas older than...I'm only 75 I'm still a young man. There are many of the other kupunas
14 much older than me who have passed away already...(inaudible)... who wanted the center, who
15 came to meetings for the center, only think about the center, would dream about seeing their
16 ohanas coming to visit them at the center and I had the plan to go get MEO, bring all the Keanae,
17 the Hana, the Kipahulu, Kaupo, wherever they all from come down holoholo have dinner with us,
18 have lunch with us at our, at our ahupuaa. To gather, to continuously gather and to be among
19 our people. This is what we want, but we having hard time now. So we look upon you people to
20 make decisions for us to help us and I thank you all of you thank you very much.

21
22 Mr. Robinson: Mahalo, mahalo.

23
24 Mr. Bordner: Thank you.

25
26 Mr. Robinson: We have any questions for the testifier? Mahalo.

27
28 Mr. Bordner: Thank you.

29
30 Mr. Robinson: Thank you. Okay, Kumu and Kapu...Mapu, you guys when jun ken po? Who's
31 next? Please guys.

32
33 Mr. Mapu Kekahuna: Aloha mai ka kou.

34
35 Mr. Robinson: Aloha.

36
37 Mr. Kekahuna: Commissioners. Mahalo nui for having us today and thank you for hearing this
38 project today. Today we delivered a lot of issues—

39
40 Mr. Robinson: Mapu please introduce yourself.

41
42 Mr. Kekahuna: Oh yeah, my name is Mapu Kekahuna, I'm the sitting Vice-Chairman of the Nahiku
43 Community Association. It's the most heart wrenching for me to hear my kupuna talk amongst
44 my cousin, Moke Bergau who is also a Kanaka. I am a Kanaka and I'm very ha'aeo about that.
45 I will always be. I served eight terms on the association board. Prior to me Moke served as the
46 President also. My mother serves as the current President. I've been hearing all of this talk about

1 the history and all of this things. And I keep telling myself inside I says, Mapu you really stick with
2 your foundation, the roots, where you came from.

3
4 You know when the school was resurrected in 1898 it educated about a hundred somewhat
5 children my mother being the last graduate in 1955 before they closed the school not eight or ten.
6 Go look it up, public ... (inaudible)... Ordered by the King David Kalakaua at the time was a ruling
7 by his order that this aina is set apart for this things.

8
9 Today, 2018...in 2006 when this project was first geared its way out I wasn't even on the board
10 but I was a member. Everyone thought it was a good thing. People that were in support of it and
11 are against it. Today, I think we wouldn't be here today if the Council built it 2013. That's a fact.
12 So now the kuleana falls back here, you know, and along the way between 2013 and 2018 five
13 years after we're back at the same problem. Well, not even a problem...but now it's a problem.
14 2013 it would have been built. We never had intervenors in 2013. Maybe two, one of which is
15 no longer here.

16
17 So I just wanna say that I'm a Kanaka, proud to be. I stand forward in front of Ke Akua and my
18 kupuna and I made a vow and one of my kupunas passed, in fact two of them has passed since.
19 I have a 95 year old ... (inaudible)...in Honolulu that keeps asking the question when is the
20 community center gonna be pau. He no longer can travel here because of his age and it's a real
21 shame. So while all this bickering going on and I'm glad that the intervenors were granted that
22 thing so sit and kuka and discuss all their concerns, what have you. You know for time us is
23 minimal, I may not even be here when that building gets set forth. I'm in full support of it. But we
24 shall see where it all goes. Appreciate your time and we shall see how this whole thing pans out.
25 Thank you.

26
27 Mr. Robinson: Mahalo.

28
29 Mr. Kekahuna: Questions before I walk away?

30
31 Mr. Robinson: Mapu one second. Commissioner Pali.

32
33 Ms. Pali: Hi, thank you for your testimony. You mentioned that there were only two people that
34 may have been against the project prior to 2013 when it seemed to be approved and money
35 granted to build?

36
37 Mr. Kekahuna: In 2012 and Mr. Blumer Buell can recall this if he could there was...he couldn't
38 make that meeting and there was an individual that spoke on his behalf that individual is no longer
39 here. The partner of hers has since been deceased. Relevancy things such as lighting and the
40 banyan treeing be yanked out, all this misinterpretation of certain things that has already been
41 mitigated through the whole process. So my point that I'm trying to make is this thing was incepted
42 in 2006, a huge committee meeting in 2010, petitions signed by some of the intervenors by the
43 way, it's in front of you, okay these matters should have been brought up then not today in 2018.

44
45 Ms. Pali: So what you're saying is these issues that you're hearing recently were not brought up
46 back then based of your understanding?

1
2 Mr. Kekahuna: Honestly I don't recall none of it.
3
4 Ms. Pali: Yeah.
5
6 Mr. Kekahuna: Because if that was so we wouldn't have had a groundbreaking in 2013 and a
7 notice to proceed.
8
9 Ms. Pali: Okay, thank you.
10
11 Mr. Robinson: Mahalo. Any other questions? Mahalo Mapu.
12
13 Mr. Kekahuna: Thank you.
14
15 Mr. Robinson: Kumu are you ready?
16
17 Ms. Dorothy Kahookele: ...(Spoke in Hawaiian walking up to podium)...
18
19 Mr. Robinson: Aloha.
20
21 Ms. Kahookele: I'm Dorothy Marleen Lena Kamalu Kahookele aka Kumu Kamalu Kahookele of
22 Lower Nahiku, raised in Lower Nahiku since I was three years old. The last graduate of the Lower
23 Nahiku Grammar School. And I would like to say, mahalo ya oukou Cousin Moke, to all of you,
24 John Blumer Buell, Jeffrey, Theresa, mahalo kakou for all your mana`o. Mahalo.
25
26 And I would like to just share this with you dear panel. I am the oldest person standing in this
27 room right now. Born and raised lived through Nahiku, know the history of Nahiku like the back
28 of my hand. Raised with kupuna, kupuna kane ame kupuna wahi and yes, I do speak my
29 language fluently.
30
31 I am so pleased to be amongst all of you and I thank all of you for giving us this opportunity and
32 this blessing to be amongst you. I have been affiliated with the Nahiku Community Association
33 with the help of many great, great people on the State level and the County level and the
34 community level. And they have given me and taught me so many things. You know when you
35 graduate Nahiku School yeah, you only know so much. Now when you graduate Hana High
36 School you still only know so much. But irregardless I pray that all of you will be touched by Akua
37 ame kupuna and bring home what belongs and what should be for many, many reasons including
38 reasons that at this time is unforeseenable. Our future we're depending on that. When I say our
39 future I'm talking about the next generations to come and those that are already right here. They
40 will need the community center in Lower Nahiku because we go through a lot of things in Lower
41 Nahiku that people are not even aware of like being without electricity for about a week, almost
42 two weeks. We don't have a cell tower up at Makapipi that everybody where that. The true name
43 for that is Kapipiwai. But anyway telephone service down and out. Nobody have anywhere to
44 go. If landslides fall where do we go? How do we get ahold of the Police Department, et cetera,
45 et cetera? I know how. I got me an iPhone and ...(inaudible)...what they call the Wi-Fi. What a
46 lucky kid I am, wow. But anyway, I thank all of you. God bless all of you. And whatever will be

1 will be through God's wish not yours, not mine, not nobody. Akua will be the one to tell the story.
2 Aloha kakou, mahalo keia.

3
4 Mr. Robinson: Mahalo. Any questions for the testifier?

5
6 Mr. Tackett: I got a question.

7
8 Mr. Robinson: Kumu?

9
10 Ms. Kahookele: Kala mai ia`u.

11
12 Mr. Tackett: Thank you for your time. So there was some talk about this type of center being
13 built in a place that's easier to be reached perhaps off of the main road or something along that
14 lines. Since you have the most experience of anybody here in that area I would like your insight
15 as to whether or not you think a community center for Nahiku and you know Nahiku would be
16 better served next to the ocean or up next to the road?

17
18 Ms. Kahookele: The ocean, are you speaking of the landing, paena or are you speaking of pitiula?

19
20 Mr. Tackett: Or the fact that...so people were saying that that it would be better up by the top
21 road and my understanding of Nahiku which is not great, but my understanding of Nahiku is that
22 much of what happens in Nahiku revolved around the ocean and much of what was taught to the
23 children had to do with what was going on around the ocean. And if people from Nahiku are
24 gonna be using it would it...do you feel it would be better closer to the ocean where you can have
25 some of those kinds of activities going on or do you think it would be better up towards the road
26 where you could access it more easily off of a highway?

27
28 Ms. Kahookele: Okay, I'll answer that question sir.

29
30 Mr. Tackett: Thank you.

31
32 Ms. Kahookele: This is my honest answer. It would be better where it is designated to be 'cause
33 it has been chosen by the kupuna. So it's best sometimes to leave things alone the way it's
34 supposed to be and not change it 'cause kauna fall down. So where it's supposed to be is right
35 where the old grammar schools was. When I first looked into this situation sir, I wanted to see if
36 we could get back a grammar school. Why? Call that pride 'cause I was the last graduate et
37 cetera, yeah. But we didn't...we wouldn't have enough students 'cause they were all transported
38 back to Hana and for that reason it was suggested to me how about a community center so that
39 my ohana, and I'm gonna be honest with all of you, my ohana, my family I got so sick and tired of
40 them grumbling, fighting because of land. The only way this problem could be solved was no, no,
41 you no own 'em John, oh Mary own 'em, oh no, no, no my tutu own 'em, no, no, no, no. No. So
42 I said with the help of State representatives, senate, let's do a community center for everybody
43 whether they're in Kaupo, Kipahulu, Kaeleku, Honokalani, Waikoloa, Nahiku, Keanae, et cetera,
44 so on and so forth, it would be a place for all them. And if death occurred for example, we have
45 one church left, that land was very much... (inaudible)...with the school lot, it walked hand in hand.
46 The church lot is one acre, the school lot is 1.9 that they would have a place to go to feed the

1 family. They would have a place to come for meetings no matter what type of meeting. It would
2 be so maikai for everybody and everything. I hope I've answered your question. Did I?

3

4 Mr. Tackett: Yes you did.

5

6 Ms. Kahookele: Thank you.

7

8 Mr. Robinson: Would anybody else like to testify at this time?

9

10 Ms. Kahookele: Oh, I'm sorry any more questions?

11

12 Mr. Robinson: You already dropped the mic, you're good. You're good.

13

14 Ms. Kahookele: Am I good?

15

16 Mr. Robinson: You're good.

17

18 Ms. Kahookele: Mahalo sir.

19

20 Mr. Robinson: Aloha. Any other testifiers at this moment? Yes, you may if you want. Yes, it's a
21 different item. Yes, please. Please introduce yourself again.

22

23 Mr. Moke Bergau: Thank you Chair. My name is Moke Bergau. I'm from Lower Nahiku. I just
24 want to comment on the proposal here. My understanding of it is that if it gets passed it becomes
25 a public domain. And my experience with public domain in the middle of a community with no
26 access to the public is very detrimental. A mirror image Honokalani, Waianapanapa State Park.
27 It's a public domain that's situated in the middle of a community with no public access. And the
28 people are on that main highway, on that road is affected value. You know I get to...I know that.
29 And they've been going with the State, going head on with the State of that one particular matter
30 access. I appreciate the uses that was mentioned for a facility of that sort. And I do understand
31 that on the public domain created by the County Council...created by the Planning Commission
32 it has criteria that needs to be met. Now those criterias is not very suitable for the people in
33 Nahiku. For the evidence wise there's two facilities in Hana which is Hana Bay and the Old Hana
34 School. It's underutilized but it's a public domain. It's been set aside for that underutilized. This
35 proposal is proposing for "x" amount of millions of dollars yeah to create a public domain in the
36 middle of Nahiku that ladies and gentlemen it's a proposition that's very detrimental. There is no,
37 there is no check and balance here. There is none. Because of the EA that they...it was claimed
38 to be that they exempt from without any findings for the purpose of the exemption. What? It's
39 not recorded. There is none. And EA needs to be addressed, looked at and I would strongly
40 recommend that you press on that issue. Press it hard 'cause we've been told an exemption has
41 been served. The question is where did it come from? It did not come from the State. The State
42 don't do that. We asked. It came from one individual, a stroke of a pen that exemption
43 materialized. All my rights has been determined by the stroke of that pen. And that ladies and
44 gentlemen is not acceptable, it cannot be. So I would recommend again, take a really close look
45 at Waianapanapa State Park and if it's possible get it...start interviewing those people. For my
46 ohana that's on that road, ...(inaudible)...trampled, getting pushed. And I do realize that Nahiku

1 need, need a place, yeah. Before this even happened, before we even came to this Planning
2 Commission it was utilized, it was utilized. Today it's still being utilized by the people. It's still
3 being used. We don't need a elaborate with infrastructure...(inaudible)...we don't need, don't
4 need that because that area is not suitable for it. Our pipelines is all undercoated, our water
5 source, our power, our electrical, it's all undersourced, monthly you know we have blowouts every
6 time, water pipes which is coming. But again, council let's let's...I beg you to reconsider and
7 really push on the EA issue to the Council members. Mahalo for your time. And I really appreciate
8 you guys donating your time to us.

9
10 Mr. Robinson: Mahalo Moke. Questions? Commissioner Pali.

11
12 Ms. Pali: Yes, thank you for your testimony. So forgive me because I did not sign up for this on
13 my first day. So forgive my ignorance, but I always like to make sure I understand each side.
14 And so the only way I can do that is to ask questions. I also feel it's important to consider the
15 written testimony from many working families that cannot travel out of Nahiku or wherever they're
16 from to be here presently. And so I'm a little perplexed and I just need your help. Your testimonies
17 have all been important and very strong. But I don't see a lot of written testimony in opposition
18 and when I keep hearing the word, Nahiku I keep thinking of a group of people. It's clear that
19 there's a very large group of people that are in support of this very community and its very location.
20 And I see just a few of you standing here today. I want you to have an opportunity of commenting
21 on others like you that are against it so that when we make a decision we're making sure to
22 include all the facts.

23
24 Mr. Bergau: Yes, ma'am. Thank you. All the facts have started back 10 years ago.

25
26 Ms. Pali: And just to clarify the facts of how many people are truly opposed versus how many
27 people are for because you know when we make a decision everyone...you can't please
28 everyone. Unity is important but we do want to make sure that the groups are represented
29 properly with how many are for, how many are against that's sort of important as well I suppose.

30
31 Mr. Bergau: Yeah, I understand your question ma'am. Yes, October 26 at the hearing at Hana
32 Bay there were almost 200 petitions demanding that the County do an EA. It's recorded and I
33 see had seen them. It's available to the planning yeah, to you folks. There's a lot more. There's
34 a lot more people. I cannot bring it out right now, but it's available.

35
36 Ms. Pali: Okay, thank you.

37
38 Mr. Robinson: Any other questions? All right thank you.

39
40 Mr. Bergau: Mahalo.

41
42 Mr. Robinson: Anyone else would like to testify at this time? Seeing none, public testimony is
43 closed. We'll take a five-minute break. Thank you.

44
45 A recess was called at 3:00 p.m., and the meeting as reconvened at 3:07 p.m.

46

1 Mr. Robinson: Maui Planning Commission is now back in session. Commissioners now is time
2 for questions for Karlynn. Does anybody have questions for Karlynn? Commissioner La Costa.
3
4 Ms. La Costa: Mahalo. Can you please tell me how far is it from the current site to Hana Highway?
5
6 Ms. Fukuda: I'm getting some assistance from...but the architect, Anthony Riecke-Gonzalez is
7 saying it's about two, maybe two and a half miles.
8
9 Ms. La Costa: Yeah, there was no scale.
10
11 Mr. Robinson: I know, no scale yeah.
12
13 Ms. La Costa: There's no scale. That's why I wondered because I see how far the—
14
15 Mr. Robinson: I think the consensus is two and a half to three miles. Any other questions?
16 Commissioner Carnicelli.
17
18 Mr. Carnicelli: I was gonna let you just finish your notes. So the other part too that I didn't find in
19 here but has been talked about a couple of times is do we have a visual of the flood zone and
20 flood plain and also just because it's something that's already being considered other places in
21 relation to the sea level rise adaptation and vulnerability report like where does this particular site
22 fall within those two items?
23
24 Ms. Fukuda: Thank you Commissioner for you question. So let me just go to the project
25 assessment report that we had filed as part of the SMA application. Relative to the flood zone so
26 I do have a copy of the map that was included in our application, the flood zone, the FIRM map,
27 the Flood Insurance Rate Map. So the site is located in the Flood Zone X which is an area of low
28 risk, low flood risk and minimal flooding with no development restrictions. Secondly, we did have
29 a figure in here with the tsunami evacuation map and the site appears to be within the safe zone
30 for tsunami evacuation. And then relative to your question on the sea level rise, we did take a
31 look in our report with the UH Sea Grant College Program, Sea Level Rise and Coastal Land Use
32 which recommends using sea level rise benchmarks of one foot by year 2050 and three feet by
33 2100 for Hawaii and the project area is located between 98 to 135 feet above mean sea level. So
34 we did not anticipate that it would be affected by the projected sea level rise.
35
36 Mr. Robinson: Commissioners? So Commissioners is what we're doing right now is we have
37 the, is we have the three different type of recommendations that we're going to do and we're
38 gonna tie it all in one. I think if you're for one, you're for them all. If you recommend against all,
39 it's all intertwined it's just boundary exemptions, it's you know it's zoning and it's really intertwined
40 even though it's three different things. Do I have any apprehensions from the Commission about
41 bundling it that way? Okay, seeing none let's...let's make sure we proceed that way where we're
42 talking with all three. We've heard a lot of testimony and we do have Karlynn here. If somebody
43 decides, Karlynn if you'd like to ask a question to if you think that's gonna pertinent to your
44 decision making we can also make that available. Commissioner La Costa.
45

1 Ms. La Costa: Thank you Chair. So my question is and I'm not sure if you're able to ask this or
2 not there has been no building there for at least 13 years from my calculations from the time it
3 was closed in '58 and then it was burned down in 2005?
4

5 Ms. Fukuda: Yes. I'm not sure the exact date but the remains of the building got demolished, but
6 it was sometime after 2005 that...but it was inhabitable because it had burned down in 2005.
7

8 Ms. La Costa: So where was the place that people went to vote because I heard it was a polling
9 place? I don't know if that was prior to 2005 when it was burned down or where has the community
10 gathered from 2005 until 2018?
11

12 Ms. Fukuda: So in answer to the question I think as far as the polling place and where it was
13 used as kind of a community center use anyway it was the school building before it had burned
14 down. Since then I'm not sure. It seems that maybe some...you know the photos show the
15 grassy area that's there so perhaps the community is just using the grassy area that's there at
16 the site but I'm not certain as far as anything happening after 2005.
17

18 Ms. La Costa: Can we ask the community Chair? May I ask the community?
19

20 Mr. Robinson: The Nahiku Association? Is that what you're asking for?
21

22 Ms. La Costa: Yes. I just want a verification on what they're using now?
23

24 Mr. Robinson: Yes, Mapu being the Vice-President can you honor us with the question?
25

26 Mr. Kekahuna: But first the question?
27

28 Mr. Robinson: We'll repeat it for you. Commissioner La Costa.
29

30 Ms. La Costa: Being that there hasn't been a building or anything there since 2005 where has
31 the community gathered for meetings and hula and those kinds of things since then?
32

33 Mr. Kekahuna: Currently the association meetings are being held at our residence at 540 Lower
34 Nahiku Road since. We used to have the meetings at the church pavilion you know across the
35 street from the school, but they had been since the passing of the Kahu the association was
36 displaced. We're no longer allowed to use it as a community meeting place which is the little
37 pavilion next to the church. So since that time we've been using...voting now is done in Hana's
38 cafeteria at the Hana School. Currently since the property...since the building had been torn
39 down to the fire is you know, the community put their hands together including the intervenors,
40 well some of them, put their hands together to clean it up 'cause it was just a holy mess. It was
41 devoured with bushes, we made it pretty the way it looks today you seen in the pictures. So there
42 was a lot of community effort to keeping the property looking the way it is now. Now that it's under
43 the County's jurisdiction the County has been you know maintaining the mowing and stuff like
44 that. So as far as where the community is using now currently, nothing, nowhere.
45

1 Mr. Robinson: Thank you and I apologize Carolyn that was Mapu Kekahuna, I forgot to remind
2 him. Do we have any other questions? Is I have a question and it's my question is concerning
3 the slide that you showed and the roads that we saw that you had on those slides. I don't know
4 how that meets public access width if you could...if somebody from the County could please verify
5 or that they have plans for it. You know we've dealt with this before with gatherings, we dealt with
6 this before with people with tours and horticulture and all this type of stuff. If we're gonna have a
7 public place there has to be a certain right of width of a road to be access.

8
9 Ms. Fukuda: So I'm not certain that there's any information we have regarding what that existing
10 right of way width is for Lower Nahiku Road. That's something that certain we could follow up
11 with Public Works on to confirm that information. So I do know that there is some additional
12 information that Corp. Counsel had obtained relative to the roadway right of way because of the
13 testimony that had been presented earlier and that it appears again, you know that there is County
14 jurisdiction over that road. But I think that's probably better responded to by the Corp. Counsel.

15
16 Mr. Robinson: Okay. I have another question. You guys have a question? Please Commissioner
17 Castro.

18
19 Mr. Castro: Karlynn, they mentioned earlier the distance from the main road all the way down to
20 the site is roughly about two and a half miles or so. Where are the majority of the resident, where
21 do they live? All down on the lower side or are they all located all coming on all the way down to
22 the site?

23
24 Ms. Fukuda: So I'll share my limited experience with going to the Nahiku site and I'm not sure if
25 you know, you're open to hearing from the residents themselves who would probably be better,
26 better resource, but when we did drive down the road there were residences along the way from
27 what I remember on both sides of the road. I did not go beyond the project site that we're looking
28 at but in looking at the tax map key maps there appear to be residences both going towards the
29 church site and in the opposite direction. So basically it seems that there are residences you
30 know all along the way.

31
32 Mr. Castro: Thank you.

33
34 Mr. Robinson: Is...my question is is for community centers and for community centers on the
35 east side it's when people are making reservations to use that community center is it a online
36 reservation or is it a they have to come down to the county offices here in central?

37
38 Ms. Fukuda: I do see from the Parks Department Representative Mr. Halverson he is saying that
39 it can be...it could be available online. You know there's no center there yet so...

40
41 Mr. Robinson: Well, I mean is how is Hana dealt with the community center?

42
43 Ms. Fukuda: It's available on—

44
45 Mr. Robinson: Is it in person registration or is it online or both?

46

1 Ms. Fukuda: It appears from the Parks Department's response it's available online and I would
2 imagine yeah both that you could go to the center itself.

3
4 Mr. Robinson: And it's just a normal assumption that to be able to sign up for the Nahiku
5 Community Center in the future it would...people could do it online from anywhere as long as they
6 have internet?

7
8 Ms. Fukuda: That would...I would assume so...

9
10 Mr. Robinson: Fair assumption?

11
12 Ms. Fukuda: Yeah, it's a park...it will be a parks facility so...

13
14 Mr. Robinson: Okay, thank you. Commissioner Kahu Hill.

15
16 Kahu Hill: Aloha. I just wondered about the people of Nahiku and if anyone can rent this area
17 what you're looking at to charge this area or for them to be able to come to practice hula or teach
18 or to be able to utilize this center?

19
20 Ms. Fukuda: Yeah, so I will defer to the Parks Department. I don't know that they've come up
21 with a price scale yet or anything like that but I don't know if there's been thought or...I'll defer to
22 Robert Halverson from Parks Department.

23
24 Mr. Robert Halverson: Robert Halverson with the Parks Department. The fees...the rates and
25 fees are set by Council. Parks makes the recommendation but the actual fees are set by Council
26 and it's determined by the size of the facility and infrastructure there if it's air conditioned or what
27 different facilities are available at that community center.

28
29 Mr. Robinson: So Robert is it, is it all rates are considered on a straight standard form or does
30 the Council look at each individual area and assess rates that way? What I'm saying is the Paia
31 Community Center ...(inaudible)... charged per foot, per square foot or they say well Paia we're
32 gonna charge this, Haiku we're gonna charge this, Velma Santos we'll charge that.

33
34 Mr. Halverson: I think there's a distinguish between large and small community centers and it's
35 also different rates for different functions. Like community classes have one rate and birthday
36 parties have another rate.

37
38 Mr. Robinson: So what is the rate for a community class?

39
40 Mr. Halverson: I don't have that information. It's available.

41
42 Mr. Robinson: It's available.

43
44 Mr. Halverson: Publicly but I don't have it in my mind.

45

1 Mr. Robinson: Okay, all right. Thank you. Thank you for that. Guys any other questions? You
2 know it's, and Commissioners, you know going through this...listening to this, I mean does
3 anybody on this Commission think that there shouldn't be a community center? I think, I think
4 that's just trying to narrow it down. I think we're all in agreement that a community is a good thing
5 and needed. You know, and I don't know if a community center is what's needed. I know a center
6 is needed, right? Right, Hana has a ... (inaudible)...has a center from the State that they do that
7 but yet State, you know State has different needs. County it's different permitting process, it's
8 different uses, people can still use it, but when you turn something to a community center like I
9 said your internet it's everybody, it's exposable. And you know, and that's something that I, you
10 know when the State turned it over to the County then therefore uses changes. You know, the
11 State with the school, the school has a ability to rent to churches, rent to halaus, rent to all these
12 different type of people. Community center becomes auxiliary use with certain rates everybody
13 can sign up for with different things. You know so you know I think there's a, there's a need but
14 what is the use and whether you should be I think that's, you know I think that's what a lot of
15 people are struggling from. You know, and sorry, I brought that up guys, it complicates it more
16 'cause we're not here for that, we're here for the three other things. But I just wanted to, to share
17 that with you guys. Do we have any discussion? Do we have a motion? I'm sorry, we won't have
18 a motion yet because we still have discussion and we need the recommendation, I apologize.
19 But you have a question?

20
21 Mr. Tackett: Could what you spoke about, could that be part of the recommendation?

22
23 Mr. Robinson: Of course.

24
25 Mr. Tackett: I like those lines.

26
27 Mr. Robinson: Okay, I don't know if it's...we can say anything in the recommendation. We can
28 say they could have banyan trees, but you know I don't know of the legality and you know and
29 that type of stuff that we can move there because it was donated. It is the County of Maui's land
30 now. But just on that, you know, thought process. Kahu Hill.

31
32 Kahu Hill: Just part of the discussion. Very moved by everybody's testimony today. Very moved
33 and it's an honor, very humbling to be here and I remember when Uncle Harry Mitchell told Papa
34 Kaalakea we have to share the la`au lapa`au or it's going to die that part of our culture and it's
35 very also touching the kupuna coming out and the last student of this school in 1958 and to want
36 to share the culture and I just as we move forward hope that this is the way we're going for this
37 center or community center and it's right for this area that the people of Nahiku really will be able
38 to access this and be able to practice their culture to learn and to teach and to carry on for
39 generations to come. Mahalo.

40
41 Mr. Robinson: Commissioner Carnicelli.

42
43 Mr. Carnicelli: This is hard. This is hard. I have to say guys. Excuse me. When I think about
44 the Hana side, I think about the family that is that and to see you guys divided is a little hard. And
45 the other part of it is you know several of you talked about like we need a decision today and this
46 is the part that's hard too is there's not a decision today. We make a recommendation on these

1 three things and then you guys get to go relive this whole thing again up at County Council. And
2 if it goes from there then it comes back to us for a SMA and we get to relive this all over again.
3 And this is what...this is how the ball bounces and this is a community center and we wonder why
4 we can't build houses. I mean this is something that you know is we're splitting hairs to a certain
5 extent on what it is that we want and so, and I'll just share it's just part of what is hard for me today
6 is to see the kupuna come out and bare their hearts 'cause my 86-year-old father's oldest living
7 relative died this morning. So I'd like you guys all share your mana`o. I just hope you guys can
8 come together as a community. I really do. I don't know how it's going to happen. I don't know
9 what it's going to look like. I don't know what it's going to be, but if there's a part of this island
10 that can do it it's you guys. You guys know how to do that more than any of us. So as
11 Commissioner Pali said is, you know whatever we decide today somebody is not going to be
12 happy, but we don't make a decision, we make a recommendation. My heart goes out to you all
13 and hope that there can be a resolution that everyone can live with and as Barrack Obama once
14 said, don't let perfect get in the way of good. And that's all I have to say Chair. Thank you.

15
16 Mr. Robinson: Thank you Commissioner. Anybody else have anything else they like to share?
17 Commissioner La Costa.

18
19 Ms. La Costa: I am also in agreement with all of the other commissioners and it is, it is so hard
20 to hear both sides and be at each other and kind of for manini things. Yes, there does need to
21 be a place for gathering and for cultural exchange and for learning. And what I'm struggling with
22 is we're all one community. We may be in different places but we're all one. And is this you know,
23 if it is in this place because of the association with the church of the family property will it create
24 a problem or an issue for more cars because it is a community. Will it be an issue because you
25 won't be able to have emergency vehicles because of the small road because if you have more
26 people there then it opens you up to people falling and breaking their leg, et cetera? But having
27 said that only you folks can decide I think. We can, we can say yeah we make a recommendation
28 to the County, but again, it's your ohana, it's your home. It's the hale where your heart is. So you
29 know, it's...this one is not an easy one. Kinda like you spank your kid or do you make him sit in
30 the corner or do you take away his cellphone? You know it's a real tough thing. So understand
31 that we are struggling with both A and B sides of this because we see both sides. So mahalo nui
32 for all of you being here and mahalo Aunty for the mele.

33
34 Mr. Robinson: Anybody else? Can we hear the recommendation please Paul?

35
36 **b) Action**

37
38 Mr. Fasi: In consideration of the foregoing, the Planning Department recommends that the Maui
39 Planning Commission recommend approval of the Community Plan Amendment, State Land Use
40 District Boundary Amendment, Change of Zoning and adopt the Planning Department's report
41 and recommendation statements prepared for the October 26, 2017 meeting. This is was the
42 Hana Advisory Committee public hearing which is the report you have before you, and authorize
43 the Planning Director to transmit the report and recommendations to the Maui County Council.
44 Thank you.

45
46 Mr. Robinson: There's a little bit more?

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Ms. McLean: No.

Mr. Robinson: No, you're good?

Ms. McLean: Got it.

Mr. Robinson: You got it Paul. Commissioners, discussion? Okay, I'll start to try lead us and take a breath and then I'll bring you in. So we agree on community center or center is good. So recommendation is I assume is we don't want to deny a center but now we're ...(inaudible)...what type of center do we recommend? And I think that's what we're looking at. I think with the three things that we have in front of us and we'll stick to that is that do we approve of the land use and the amendments that's going forward in front of us. We still want to remember that the SMA part is still gonna come back to us. The intervenors still have their chance in that SMA part to still step in and do some things that are coherent, I mean, that may not, you know that may not ...(inaudible)... on certain things. My personal feelings is is this is a...the farther we keep it from Hana Highway the more Nahiku it stays. They move it up towards Hana Highway the more access it is, like anything you build it they will come. You build the center close to the roads, the roads will grow and people will be more accessible, they'll use it more and that's just my feelings. Is the location that it's at it's 98 feet I don't think, you know, I don't remember a tidal wave on record of hitting that so it's not that, but storms, other things we've heard from people about the rivers on both sides that's where the water flows, it's not that. There's always standing water, but as with the puddle, once the water hits that level then the water ...(inaudible)...over. So I think we want to, want to start moving on what I think we all are is at, we think a center is good. Now, County community, State community that's, that's gonna be down the road and that's gonna be for the Council. But as far as recommendations do we have a feeling of we want it, we want a certain thing or certain way in part of the recommendations and do you guys have any opinions on top of that and I think that's what we gotta, we wanna go now. And if you have, anybody has any feelings you know let's get at. Commissioner Carnicelli.

Mr. Carnicelli: So Chair the thing that sorta jumps out for me is the example of Waianapanapa that was brought up and the impacts on the community. You know this isn't gonna be cabins and things of that nature. This is a community center so it is a little bit different. But you know like the example at the beginning of the day however long ago that was now when it comes back or an SMA part of what an SMA is and does is we can impose conditions to mitigate impacts. You know so knowing that...I mean, I only have two and a half years left on the commission so who knows if it will come back by the time I'm still here or not, but I think that in knowing that this commission can put some mitigating factors into an SMA Permit to try to help the community in that way helps me think okay, at least we can lessen the impacts that are the concern. And again, that's not what we're doing today, we're just making recommendation and hopefully you know we're still here. It's this group that gets to make the recommendation on the SMA so we all know it, you know, everything that was shared today. So that's kinda where I guess I'm coming from is can we move forward on a community center like you said, and yet do everything we can to mitigate the impacts on the local community.

1 Mr. Robinson: Anyone else? And you know it was mentioned earlier that the EA was exempt
2 you know and a signature was made and I agree that happened, but I also agree that we vote
3 people in office, we put people in positions to make decisions. We may not agree with the
4 decisions, we may not like the decisions, it affects people differently and hopefully our laws and
5 our SMA will protect that signature that happened and hopefully everything can be pono, but
6 there's always somebody that's gonna be able to, you know to do things unless, unless we have
7 an SMA. But the SMA does...EAs, EAs take a long time, EAs are good, but SMAs are stronger.
8 SMAs are stronger than the EAs. EAs are just a report. SMAs we find out what in that report that
9 we can pull out that we can mitigate things for. And I'm being here I'm very confident in that fact
10 and I just wanted to share that with you guys. So Commissioners how do we feel? We want...we
11 feel on the recommendation please, Commissioner Tackett.

12
13 Mr. Tackett: I feel like it's a community center. I don't know if it was initially intended to be a
14 community center. It was initially intended to be a school. When it was a school I believe that
15 they were...I don't know what the fee schedule was like to use the school. I don't know if there
16 was any fee schedule to use the school. I'm definitely in favor of the community center. I'm in
17 favor of anything that allows the people of Nahiku to have a nice place to gather at minimal
18 expense and I don't know if the name has to be a community center of it has to be a cultural
19 resource center or what it has to do to create a place that gives these people the facilities without
20 giving them a facility that one, they cannot afford or one that they gotta make a reservation to
21 where it's already been reserved or one that somebody else comes in and reserves when they
22 need it. So those are the things that I'm leery of. I'm definitely in favor of it in whatever form best
23 suits that community.

24
25 Mr. Robinson: Anyone else? Do we have a motion? Director.

26
27 Ms. McLean: Thank you Chair. Commissioner Carnicelli is correct that with SMA Permits the
28 commission can place conditions and typically those conditions are related to the Special
29 Management Area or impacts to the coastal zone, the coastal environment and that includes the
30 socio economic environment. The land use entitlements in front of you today that are going to
31 the Council those can also have conditions placed on them. It's most typically on a change in
32 zoning. And at this point you may not have language in your minds of what kinds of conditions
33 you're thinking of and if you do those can be discussed and you can decide whether that's part of
34 your recommendation. But you can also specify comments that you would like for us to include
35 in the transmittal that goes up to Council. If for example you recommend approval of these today
36 and you don't have specific conditions in mind, you can say that you know, you would like for the
37 Council to consider these several points. You know, describing the kind of facility that you have
38 in mind or what concerns you have that you would like the Council to be sure to address. So
39 that's part of the decision you can make today is not just saying yes or no, but you could say yes
40 with conditions or you could say with conditions or with comments for the Council's consideration.
41 Thank you Chair.

42
43 Mr. Robinson: Commissioner Carnicelli.

44
45 Mr. Carnicelli: So then would that in mind however you're going to put this in your report is you
46 know like the fear that I have is that suddenly we end up with weddings happening there, you

1 know, the tour buses are gonna end up being down there and it's like you know okay, we're gonna
2 rent it for the afternoon and it suddenly becomes it's not a community center but it's just a tourist
3 attraction. That's I think you know my concern in just sort of listening to everybody right now is
4 that it becomes a destination place. So you know I don't, you know...

5
6 Mr. Robinson: It be on some site of Hidden Treasures.

7
8 Mr. Carnicelli: Right.

9
10 Mr. Robinson: Here's what you do, you go to the site and get your—

11
12 Mr. Carnicelli: Yeah, this is the inside thing like oh, the new thing that nobody knows about that
13 it's down the broken road that you know, like the thing that everybody wants to try to find, that
14 golden little treasure. That's the thing to me that I look at, it's like you know what if the people
15 from Hana, the people from Nahiku want to have their birthday parties there, right on let's go. But
16 I don't want to have all the wedding folks find out about it and it's now, and then they're walking
17 across the broken bridge out to the landing which is even more spectacular and it now...it even
18 affects the below. So that to me is, and I don't know again how that looks in a change in zoning
19 condition but that's something that I think that you know limiting the use of it and I don't know if
20 we can make it limited to just the people that live in a zip code you know or what it is, but...

21
22 Mr. Robinson: Yeah, and we have these opportunities like you know, it's we have community
23 parks but teams are able to reserve this park for three months or six months for their teams to
24 practice and they sign up and you know they have this. And I think that's where we're trying to
25 get is is community center the right title? Should it be a district park? Should it be a community
26 complex? You know, what is the different criterias for different things for availability and for usage
27 and how can we use, we use the criteria of what each thing is called you know for the benefit of
28 Nahiku, you know, and I think Nahiku can be part of that reason. I said because community center
29 compared to you know community park, you know parks can be open at certain time or they're
30 not renting that out but you can reserve it for a whole season and we talk about cultural hula
31 dancing, we talk about classes, we talk about all these things that people want to be able to use
32 it for instead of having to sign up every single weekend on that weekend or that weekday again,
33 and again, and again every single day.

34
35 Mr. Carnicelli: And to that point the last thing I want to do though is say okay, there's a local
36 company that then rents it every Saturday that said oh it's a local that renting it but yet they're
37 subleasing...so the other part then and I'll stop here Chair is again, maybe that's the thing that
38 can bring you guys together is to agree on what it can be used for and not and when you guys go
39 to County Council and you know whatever our recommendation is it still goes to County Council
40 and you guys can come with that. Like here are the restrictions that we would like to have as a
41 community on that or not and maybe that's where it is that you guys can come together is in that
42 regard. So thank you Chair.

43
44 Mr. Robinson: Commissioner Pali.

45

1 Ms. Pali: So just along that same lines from my understanding of what we're doing today is we
2 might be in agreeance to moving forward with maybe let's say this parcel even the same building
3 aspects that this young lady did as a presentation but right now maybe we don't have to identify
4 a name or a use yet. That's something that can be established as this moves forward?
5

6 Mr. Robinson: Is each Commissioner is we can have 20 recommendations, we can change and
7 differ in recommendations because it's just a recommendation. One commissioner could say we
8 recommend that, you know, it be blue, recommend that it's open so many hours and that's the
9 beauty about recommendations. It's not a vote. It's they want to our input and they might take it,
10 they might listen to it, they might not.
11

12 Ms. Pali: But I guess what I'm saying is I wonder if...could we separate the use with the building?
13 Like do we like this building, do we like the plans that have been presented, do we like the way
14 that looks, will that serve the Nahiku community as you hoped it to? 'Cause I think what we're
15 doing is we have this project in front of us that we're...
16

17 Mr. Robinson: Yeah, so at this point we're dealing with the zoning at this juncture and on SMA
18 we can maybe look at certain things but when an EA happens we look at different structures. The
19 Urban Design Board is you know is in charge to make sure that that's there. I think there wasn't
20 any complaints about the building itself.
21

22 Ms. Pali: Got it.
23

24 Mr. Robinson: And you know, there's just so many things but I think what we're talking about right
25 now is just the zoning. But again, we can make all types of recommendations. You know, we
26 could recommend that it's a youth center, it's not a community center. You know, like we heard
27 from the kupunas it's supposed to be for the youth, supposed to be for school, supposed to be for
28 different things but youth centers can still be used for different things in the community. You know
29 I think that's a recommendation that we could put forward to the Council say we'd like this to be
30 something other than a community center. Can you find...can you pick a different definitions that
31 the community could maybe look at and decide what they want to call that? Well, I mean, but the
32 Council has the criteria, the different classifications and maybe go back to the, you know, hopefully
33 by that time they'll maybe agree on one, and then again, you know, agree you know it's a slippery
34 slope. Commissioner La Costa.
35

36 Ms. La Costa: Thank you. And along the lines of restricted activities. If there's a recommendation
37 if it's possibly for us to say no commercial or if the community has an issue with commercial so
38 you wouldn't have the buses and the vans and you know the non-community activities in that.
39

40 Mr. Robinson: Well, it's...but you gotta be careful 'cause what if somebody from Nahiku has the
41 community center, they want to have a wedding and they want hire a caterer instead of cook?
42 And I hear you, is I think that's something that they're gonna have to work out. You know, as I
43 said because we all want a place to throw a party that's not our house and we all want to go
44 someplace, the community centers, you know the Hawaiian Homelands you know guys they all
45 have a community center, they all use it for their parties, it's great, ...(inaudible)...and this is what
46 I sort of see what's happening in Nahiku, they want to...you know they want their area to go and

1 have these, you know these gatherings. And it could be, you know it doesn't have to be a blow
2 out or alcohol ... (inaudible)... just a gathering area. And I think we want to let them, we want to
3 let them you know sort of get that criteria. Yes, go ahead Corp. Counsel.

4
5 Mr. Galazin: Thank you Chair. Just to kind of bring everybody back to what we're looking at right
6 now if I can. You know we have a parcel that's been turned over to the County. It's community
7 planned Ag, State Land Use District Ag and Zoning Ag. So we have a County owned parcel that's
8 Ag across the board. What is being proposed is to change all those to Public/Quasi-Public
9 because it's owned by a public entity. What happens there, what ultimately ends up getting built
10 there if anything down the road if Council goes ahead with these changes who knows what it
11 might look like, who knows what might be allowed there and who knows what kind of restrictions
12 might be appropriate to it, the level at which you're looking at it is really a 10,000 foot level when
13 you guys are down around a hundred feet right now. So my advice would be probably stick to
14 you know, what the recommendation is as far as okay, we think it's appropriate to recommend
15 these land use entitlement changes knowing that there's still a lot more processes to go through.
16 We don't have any idea yet what an ultimate project might look like. The EA exemption is
17 predicated on the fact that it's a similar footprint. That might change. You know a project change
18 and that might entitle something you know completely different but right now the Council needs
19 to know from you folks what you think about this proposal of change in zoning and a change in
20 community plan and the State Land Use Boundary Amendment.

21
22 Mr. Carnicelli: Thank you for that clarity.

23
24 Mr. Robinson: I disagree with Corp. Counsel, but...it's I think we already, I think we already
25 agreed on the part of what the zoning is going to be and what the Council wants. I think we're on
26 the recommendation. I think we're on the part where this land was donated for a purpose from a
27 private owner to the State and then the State gave it up and gave it to the County 'cause they
28 didn't want to deal with it. And I think us with our recommendation is trying to honor that original
29 donation. And I think a community center wasn't...you know, even though it's considered I think
30 that...you know, that's ...it's a criteria that I don't think any of us are comfortable with because it
31 was supposed to be for a school. So if you guys would like to put something on record for a
32 recommendation and we can go and we can wrap this up. Commissioner Kahu Hill.

33
34 Kahu Hill: I did want to acknowledge what Lehua said that it was coming forward that this is
35 what's gonna happen that it would be named after her grandfather I believe who donated the land,
36 great grandfather. So I think that's really important we honor the past and remember that as we
37 move forward that we reach back.

38
39 Mr. Robinson: So we have to start saying recommendations and put it down on paper. Lawrence
40 would you like to start with one and I'll go around the horn.

41
42 Mr. Carnicelli: I'll just go with support the Department's recommendation.

43
44 Mr. Robinson: That's your recommendation?

45
46 Mr. Carnicelli: That is mine. I'm in support the Department's recommendation.

1
2 Mr. Robinson: Okay. Kahu Hill. You have any recommendations?

3
4 Kahu Hill: I would just like to recommend knowing that there's a declaration of exemption and it
5 says in here for the replacement and reconstruction of existing structures, facilities with new
6 structures located generally in the same site that has substantially the same purpose. That we
7 look at that that it is moving from a school and to a community center or a center in Nahiku and
8 that we keep mindful of this community that it can be near the same capacity and density because
9 that's what's written that I understood.

10
11 Mr. Robinson: Okay, thank you. Commissioner Pali.

12
13 Ms. Pali: I do recommend to take the advice of the suggested I guess recommendation from the
14 Planning Department and move forward with I believe changing zoning or recommending to
15 change zoning so that we could build a community meeting place. I'll just call it a community
16 meeting place for now.

17
18 Mr. Robinson: Commissioner La Costa.

19
20 Ms. La Costa: I concur with the recommendation of Staff. My...however with the caveat that the
21 uses be noncommercial which excludes caterers that come for birthday parties. I'm talking about
22 dive companies that might come there, et cetera. So no commercial uses out of there on an
23 ongoing basis.

24
25 Mr. Robinson: Commissioner Castro.

26
27 Mr. Castro: I agree with the Planning Commission's recommendation and support it. They do
28 need something.

29
30 Mr. Robinson: Okay, thank you. Commissioner Tackett.

31
32 Mr. Tackett: And I recommend that whatever it ends up that the fees for the community be as
33 minimal as can possibly be for them so that people use it for what's it's intended for not because
34 whether or not they can afford it or not. So it was donated land so...

35
36 Mr. Robinson: And I'd like to recommend that the Council look at a other use besides a community
37 center that would more reflect supporting the youth of this donated land. Okay. She got it and
38 then I call for the vote.

39
40 Ms. McLean: I don't know if there's a motion.

41
42 Mr. Robinson: Oh I'm sorry, Commissioner Carnicelli.

43
44 Mr. Carnicelli: I make a motion to approve or to recommend approval be transmitted to the County
45 Council.

46

1 Mr. Robinson: Do I have a second?
2

3 Mr. Castro: Second.
4

5 Mr. Robinson: Second by Commissioner Castro. Discussion? Seeing none, Director.
6

7 Ms. McLean: The motion before you is to approve or excuse me, to recommend approval to the
8 County Council of the Change in Zoning, Community Plan Amendment and District Boundary
9 Amendment with five comments that were just noted those being one, that the purpose is similar
10 to the school as per the EA exemption meaning the same density and impact and size and that it
11 serve as a community meeting place. That there be no commercial uses. That the fees for the
12 Nahiku and Hana communities be minimal and that the Council consider different terminology
13 than community center to ensure that the focus is on youth and culture and gathering.
14

15 Mr. Robinson: All those in favor please raise your right hand? Six ayes. All right motion passes.
16 Thank you.
17

18 **It was moved by Mr. Carnicelli, seconded by Mr. Castro, then**
19

20 **VOTED: To Recommend Approval of the Community Plan Amendment,**
21 **District Boundary Amendment, and Change of Zoning to the County**
22 **Council as Recommended by the Department and with the**
23 **Commission's Comments Noted.**

24 **(Assenting – C. Tackett, L. Carnicelli, A. Hill, K. Pali, S. Castro,**
25 **P.D. La Costa)**

26 **(Excused – T. Gomes, L. Hudson)**
27

28 Ms. McLean: ...(inaudible)...defer action on the SMA.
29

30 Mr. Robinson: We're still in session guys. You know what guys just for housekeeping is we didn't
31 officially vote on the deferment of the SMA and we'd like to do that point.
32

33 **b. KAALA BUENCONSEJO, Director, DEPARTMENT OF PARKS AND**
34 **RECREATION requesting a Special Management Area Use Permit for**
35 **the Nahiku Community Center Project and related improvements**
36 **located at 0 Nahiku Road, TMK: (2) 1-2-002: 023, Nahiku, Hana, Island**
37 **of Maui. (SM1 2017/0002) (P. Fasi) (Public hearing conducted on**
38 **October 26, 2017)**
39

40 **The proposed action includes the replacement of the former grammar**
41 **school building site with a community center building of**
42 **approximately 2,472 square feet in size and related improvements,**
43 **including a paved parking lot and driveway and installation of an**
44 **individual wastewater system. The proposed community center**
45 **includes a social hall, kitchen, storage areas, restrooms, and a**
46 **covered entry lanai.**

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Mr. Robinson: Could I have a motion please?

Ms. Pali: I'll make the motion. I'll make the motion to defer the SMA agenda item.

Mr. Robinson: We have a motion to defer.

Mr. Carnicelli: Second.

Mr. Robinson: And we have a second. All those in favor raise your right hand. Six ayes. All right, defer has passed.

It was moved by Ms. Pali, seconded by Mr. Carnicelli, then

VOTED: To Defer Action on Special Management Area Use Permit.
(Assenting – K. Pali, L. Carnicelli, S. Castro, A. Hill, C. Tackett,
P D. La Costa)
(Excused – T. Gomes, L. Hudson)

Submitted by,

Carolyn Takayama-Corden
Secretary to Boards & Commissions II

ALAN M. ARAKAWA
Mayor

MICHELE CHOUTEAU MCLEAN
Director

JOSEPH W. ALUETA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

July 23, 2018

Mr. Keaka Robinson, Chair
and Members of the Maui Planning Commission
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Robinson and Members:

SUBJECT: COUNTY OF MAUI REQUEST FOR A DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN AMENDMENT, CHANGE OF ZONING, AND SPECIAL MANAGEMENT AREA USE PERMIT (SM1) APPROVALS FOR THE NAHIKU COMMUNITY CENTER, TMK: (2) 1-2-002:0023 (DBA 2017/0002) (CPA 2017/0002) (CIZ 2017/0002) (SM1 2017/0002)

Mr. Kaala Buenconsejo, Director for the County of Maui, Parks and Recreation, is requesting a SM1, in order to construct the Nahiku Community Center building and improvements on 1.9 acres at 0 Nahiku Road, Tax Map Key (TMK) (2) 1-2-002:023, Hana, Maui, Hawaii.

Related to this matter, Mr. William Spence, former Planning Director, initiated a Community Plan Amendment, State Land Use District Boundary Amendment and a Change of Zoning for the subject property.

On October 26, 2017, the Hana Advisory Committee (HAC) held a public hearing in Hana at the Helene Hall. The HAC voted to recommend to the Maui Planning Commission (Commission) *deferral* on the item until an environmental assessment (EA) is produced. At the meeting, it was noted by the Department of Planning (Department) that the Department of Parks and Recreation had determined that the proposed action is exempt from the preparation of an EA. Please see "Exhibit 8" of the Department's Report which is the "Declaration of Exemption" under the authority of Chapter 343, Hawaii Revised Statutes (HRS), Chapter 11-200 Hawaii Administrative Rules (HAR).

On October 10, 2017, the Department received a "Petition to Intervene" filed by Terry Kristiansen, Irene Pavao and John Blummer-Buell, submitted on behalf of eleven individuals. This matter was deferred by the HAC to the Commission for action. This matter is scheduled for the August 14, 2018 Commission meeting at which the Commission will take action on whether to accept or deny the petition.

The following conditions are anticipated to be proposed for the SM1 by the Department should all land use entitlements be approved by the Maui County Council:

1. That to the satisfaction of the Department of Planning (Department), construction of the proposed project shall be initiated by January 1, 2025. Initiation of construction shall be determined as construction of onsite and/or offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Evidence of the initiation of construction shall be submitted to the Department prior to the date listed immediately above. Failure to comply by that date will automatically terminate this Special Management Area (SMA) Use Permit unless a time extension is requested, which should be submitted no later than ninety (90) days prior to said date. A time extension shall be processed in accordance with the provisions of Section 12-202-17 of the SMA Rules for the Commission.
2. That to the satisfaction of the Department, the construction of the project shall be completed within ten years after the date of its initiation. Evidence of the date of the completion of construction shall be submitted to the Department. Any request for a time extension should be submitted no later than ninety (90) days prior to the completion deadline. A time extension shall be processed in accordance with the provisions of Section 12-202-17 of the SMA Rules. Failure to complete construction of this project within this time period will require unfinished portions of the project to obtain a new SMA Use Permit.
3. That to the satisfaction of the Commission or the Department, the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the SMA Use Permit. Failure to so develop the property may result in the revocation of the permit and/or other enforcement.
4. That the Applicant shall submit to the Department a detailed report addressing its compliance with the conditions established with the subject SMA Use Permit. Two (2) hard copies and one digital copy shall be submitted. A preliminary compliance report shall be reviewed and approved by the Department prior to issuance of the building permits. Plans regarding the location of any construction related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase shall be submitted to the Department for review and approval prior to or along with the preliminary compliance report. A final compliance report shall be submitted to the Department for review and approval prior to issuance of a final certificate of occupancy.

Also transmitted for your review and consideration are the following:

1. The Department's Report and Recommendation to the HAC for the October 26, 2017 meeting;

Mr. Keaka Robinson, Chair
and Members of the Maui Planning Commission
July 23, 2018
Page 3

2. Minutes of the October 26, 2017, HAC meeting; and
3. Petition to Intervene received on October 10, 2017 from Terry Kristiansen, Irene Pavao and John Blummer-Buell, submitted on behalf of eleven individuals.

Should additional clarification be required, please contact Staff Planner Paul Fasi via email at paul.fasi@mauicounty.gov or by phone at (808) 270-7814.

Sincerely,



for GALE NOTESTONE, Chair
Hana Advisory Committee

Attachments

xc: Michele McLean, Planning Director (w/attachments) (PDF)
Clayton I. Yoshida, AICP, Planning Program Administrator (w/attachments) (PDF)
Paul F. Fasi, Staff Planner (w/o attachments) (PDF)
David Galazin, Deputy Corporation Counsel (w/attachments) (PDF)
Ka'ala Buenconsejo, Director of Parks and Recreation (w/attachments) (PDF)
Hana Advisory Committee (w/o attachments) (PDF)
Karlynn Fukuda, Munekiyo Hiraga, Inc.
Project File

GN:PFF:lk

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15572

ORIGINAL

Contacts for Eleven Petitioners: Terry Kristiansen, Irene Pavao and John Blumer-Buell
Post Office Box 787, Hana, Maui, Hawaii, 96713.

PETITION TO INTERVENE

**BEFORE THE MAUI PLANNING COMMISSION AND THE
HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION
COUNTY OF MAUI, STATE OF HAWAII**

COUNTY OF MAUI
DEPT. OF PLANNING
ADMINISTRATION

2017 OCT 10 A 11: 23

RECEIVED

In The Matter of the Applications by the County of Maui and Maui County Planning Department Director William Spence for; a) a "Community Plan Amendment", b) a "State Land Use Boundary Amendment" and c) a "Change in Zoning" regarding the proposed development of a "Nahiku Community Center" on Tax Map Key (2) 1-2-002:023 Nahiku, Maui, Hawaii.

And, In The Matter of the Application by the County of Maui and County of Maui Parks and Recreation Department Director Kaala Buenconsejo for a "Special Management Area Use Permit (SMA)" regarding the proposed development of a "Nahiku Community Center" on Tax Map Key (2) 1-2-002:023 Nahiku, Maui, Hawaii.

MEETING NOTICES AND AGENDAS

* The Maui County Planning Commission ("Commission") conducted a "REGULAR MEETING OF THE MAUI PLANNING COMMISSION" on August 8, 2017 at 9 A.M. at the Planning Department Conference Room in Wailuku, Maui, Hawaii. At that meeting the Commission designated the Hana Advisory Committee to the Commission

to conduct the public hearing in Hana and provide their recommendations regarding the subject “Applications”. Please refer to the official Maui Planning Commission Agenda dated August 8, 2017.

* On September 14, 2017 Maui County Planner Paul Fasi notified by email John Blumer-Buell, Irene Pavao and Terry Kristiansen of the future meeting in Hana on October 26, 2017, 4:00 P.M., Helene Hall, Hana, Maui, Hawaii 96713 and also sent information regarding Sections 12-201-20, 12-201-40, and 12-201-43 of the Rules of Practice and Procedure for the Commission.

* Some of the “Intervenors” received a “Notice of Public Hearing” from the County of Maui dated September 19, 2017, confirming the October 26 meeting date in Hana.

* The “Intervenors” were also informed of the Hana meeting by the Maui News Legal Notices dated September 25, 2017, Page A 10.

INFORMATION AND FACTS SUPPORTING PETITION TO INTERVENE

The proposed intervenors are petitioning as qualified, knowledgeable and unique individuals united as community members. We will work cooperatively to expedite the contested case hearing process. We are mindful on behalf of 100+ “Community Petitioners” and “Concerned Citizens” who have expressed concerns and opinions regarding the proposed development through petitions and public testimony. Their testimony and petitions have been mostly ignored by the applicant, the County of Maui.

The lack of legal due process and transparency by the County of Maui through an Environmental Impact Statement, as legally required by Hawaii Revised Statute (HRS) 343, are the causes of this “Petition to Intervene”.

If the County of Maui will agree to a lawful and honest Environmental Assessment or Environmental Impact Statement process, as legally required by HRS 343, there is no need for a contested case hearing.

For some reason, the County of Maui refuses to recognize the 2012 “Declaration of Exemption” is NOT applicable to the NEW 2017 applications process (Exhibit1). The 2012 document is included as relevant and applicable on the last page of the lengthy NEW, June, 2017, SMA application. It is not applicable. The County of Maui is attempting to avoid and bypass the HRS 343 process with misleading and false “interpretations” of the facts. The intervenors have tried for years to persuade the County of Maui to follow the law. To prove that point we attach testimony submitted to the Maui County Council EAR Committee on January 25, 2016 (Exhibit 2) .

The current applications prove the County of Maui did not follow the law in 2012 regarding legal due process, required applications, required public participation and required public hearings. In 2012, the county **falsely claimed** the project was valued at only \$450,000 in granting itself an SMA Minor Permit (Exhibit 3). **After that, the county granted a building permit and awarded a contract for a project that legally required, but never received, a “Community Plan Amendment”, a “State Land Use Boundary Amendment”, an “Environmental Assessment” and a “Change in Zoning”**. The contract awarded for the building only was in excess of \$600,000. Now, costs are estimated at around \$2,000,000. This situation calls for an independent and forensic financial audit on behalf of citizens and taxpayers.

On August 15, 2017, the Maui County Planning Department advised us with a letter misdirecting our renewed request for an Environmental Assessment (Exhibit 4). Receipt of our letter was acknowledged but there was no response to the request except silence. The letter was "filed" with County of Maui Corporation Council. The facts are clear;

1. On August 8, 2017, the County of Maui proposed the development for the **SECOND** time. In 2012, the Special Management Area (SMA) **MINOR** permit value was represented as \$450,000 (four hundred and fifty thousand dollars) by the county. The 2012 SMA permit expired. Currently, the county is suing the previously contracted, now defaulted, builder. **The 2017 valuation is approximately \$2,000,000 (two million dollars), NOT \$450,000. An EA process and document for the NEW Special Management Area permit proposal is required by law. Please see a requirement from the current SMA application packet on the county website. "6. Completed Chapter 343, HRS Checklist (pg 9). If the proposed action triggers Chapter 343, HRS, related to Environmental Impact Statements, submit a completed Environmental Assessment (EA), Environmental Impact Statement (EIS), or a letter of exemption from Chapter 343, HRS, from the proper authority".**

2. The County of Maui has **NOT** submitted the required EIS or EA document or an applicable "letter of exemption". In the new June, 2017, SMA permit application the County of Maui is falsely claiming the 2012 "Declaration of Exemption" as the legal "letter of exemption" The 2012 "Declaration of Exemption" is **NOT** legal or applicable. The now expired 2012 SMA Minor permit was issued by the County of Maui for the County of Maui. There is still the appearance of conflict of interest and lawbreaking in

this matter. We are advocating on behalf of the actual community and for laws that are intended to protect every aspect of the community and its unique life.

3. The county did NOT previously propose a “Hana Community Plan Amendment”, a “Change of Zoning” and a “State Land Use District Boundary Amendment” as required by law. Now, the county is attempting to get those approved WITHOUT an Environmental Assessment. An Environmental Assessment is required by law to meet the legal requirements of the NEW proposals. Please see a required filing regarding “Community Plan Amendments” from the county web site. “REQUIRED SUBMITTALS CHECKLIST” “1. This Community Plan Amendment/Maui Island Plan Amendment application with all pages completed and included with packet. “9. Original and one (1) copy of an environmental assessment or impact statement prepared in accordance with Chapter 343, HRS, and Chapter 11-200, HAR”. The County of Maui has not met the requirement and appears to want to exclude the community from its fundamental right to legal due process.

Maui County Council Chair Mike White recently commented on the requirement for an Environmental Assessment at the Regular Meeting of the Council of the County of Maui July 28, 2017. Following is an excerpt from page 4 of the official minutes.....

“We have changed the attitude in the Administration to acknowledge that we're not going to let something go by without the same kind of review that's required of others” (our emphasis).

“And from a standpoint of an environmental assessment, it's very clear to me that one was absolutely required. And so, I think the Administration, this Administration and future Administrations have been put on notice that we're not

going to allow government to use its own power to give itself a pass on things that it holds everyone else, everyone else's feet to the fire on” (our emphasis). “So, I appreciate the Auditor's Report, and I'm pleased that they were as clear and objective as they were”.

Chair White’s observations and conclusions are directly applicable to our objections and our support of Hawaii Revised Statute 343.

An Environmental Assessment or Environmental Impact Statement, public disclosure documents, should legally and honestly answer essential questions regarding the proposed project in Lower Nahiku including;

- * Actual ownership of the subject parcel. Legal questions of title and ownership were raised in a 2012 Maui News article. The issue is not publicly resolved. Are we spending public funds to benefit private individuals instead of the public?
- * Legal road access from the Hana Highway in Upper Nahiku to the proposed project site in Lower Nahiku. Legal documents and a certified survey should answer questions regarding the road trespassing on private property. Without question, the one lane road is dangerous. What is the history? Who owns it? Does it meet legal requirements for road access for the newly proposed public development?
- * Property tax impacts upon land owners.
- * Noise impacts on the immediate neighborhood.
- * Are there “exceptional” trees that need protection?
- * Impacts from increased public use of the road and the proposed center. Nahiku is currently a small and unique place, environment and community. Will increased public use result in the continued spread of “tiny fire ants” from Nahiku?
- * Numerous health and safety issues.
- * Long term costs of the proposed development.

- * The historic Lower Nahiku wooden bridge over Makapipi Stream was closed by the county since the project was first proposed in 2012. The impacts of closure are significant on the community and need careful scrutiny. Who owns the bridge and the historic road easement?
- * Will the proposal bring street lighting to Lower Nahiku? Lighting has been advocated by one person.
- * Will the proposal bring in a police sub-station? Advocated by one person.
- * Analysis of all infrastructure, including water.
- * History of flooding and related issues on the proposed site.
- * Impacts upon the nearby Nahiku Congregational Church and the historic Nahiku landing. Both are gathering places for the community.
- * Community. Who is the actual community? Who represents the actual community? What community has the County of Maui been talking to?
- * Will daily commercial use or any commercial use be permitted?
- * Jobs. What jobs? Who gets them?
- * Cultural impacts.
- * Environmental impacts.
- * What are the likely long term cumulative impacts from the granting of each and all of the requested applications?
- * Forensic audit and accounting of all funds already spent on, reserved or budgeted for project.
- * Forensic audit and accounting of funds already spent on lawsuit against defaulted builder, including all settlement costs.
- * “Alternatives”. An Environmental Assessment or Environmental Impact Statement would legally include “Alternatives” to the proposed development. There are numerous alternatives already suggested by the community. Sadly, mostly ignored by the County of Maui. Some people support a center in a different, safer and more appropriate, location.

Some would like a simple community park, pavilion, community garden and half court basketball. Some do not want the proposed project.

*** There are many, many more questions, answers and suggestions to be considered in a truly democratic, public, legal, ethical, and transparent Environmental Assessment or Environmental Impact Statement process. The community and taxpayers have a right to be fully informed in decision making.**

Our intervention is intended to be in conformity with Sections 12-201-20, 12-201-40, and 12-201-43 of the Rules of Practice and Procedure for the Commission. We look toward a speedy resolution of the important Environmental Impact Statement and Environmental Assessment issue during a mediation prior to any hearings as provided for in rule 12-201-68 titled Mediation, informal settlements and arbitration. **Again, if the County of Maui will agree to a lawful and honest Environmental Assessment or Environmental Impact Statement process, as legally required by HRS 343, there is no need for a contested case hearing.**

PROPOSED INTERVENORS

1. **Moke Bergau**, Nahiku lineal descendent and resident. Land owner of TMK 2-1-2-002-033. My property is about 1 mile from the proposed project site and adjoins the road that runs from the Hana Highway to Lower Nahiku. We have lived here many generations. I oppose land boundary changes, and need to review access and many other issues.

Moses "Make" Beggs 10-8-2017

Signature and Date

2. **John Blumer-Buell**, Hana District resident, community advocate and concerned citizen. Home address: 45935 Hana Highway.

I, John Blumer-Buell, am a forty-three year resident of Mu'olea in the Hana District, served as a member of the Maui General Plan Advisory Committee (GPAC), served three terms on the Hana Advisory Committee to the Maui Planning Commission, served as a community representative in the Nahiku Kuhiwa Well contested case hearing and currently serve as a "consulted party" at the call of Hearing Officer Miike in Water Resource Management Case No. CCH-MA 13-0. My involvement is limited to issues regarding Makapipi and Hanawi Streams in Nahiku. I also served as an elected board member of the Hana Community Association for twenty-five years. As a board, we addressed numerous development proposals and Environment Assessments.

More importantly, I have been involved in the proposed Nahiku Community Center development issues since 2012 at the request of Nahiku residents. I first made written objections to the County of Maui "Declaration of Exemption" in 2012 and have been active in the issues ever since.

John Blumer-Buell 10-8-2017

Signature and Date

3. **Ellen Kahookele**, Nahiku lineal descendent and resident.

Nahiku Congregational Church
1107 Nahiku Road
TMK 2 1 2 002 015

I, Ellen Kahookele, current President /Moderator of Nahiku Congregational Church,
address: 1107 Nahiku Road. Tax Map Key: 2-1-2-002-015.

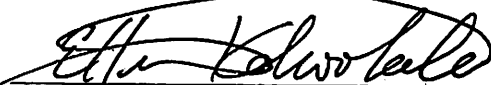
My grandfather, David Kahookele, donated both this Church property to the Nahiku community, as well as the old Nahiku School lot. I am the current generation of lineal descendents of the Kahookele family and the authorized representative of Nahiku Congregational Church as well as a landowner and resident. As such, I and the majority of the Nahiku Church congregation can offer an incomparable perspective of the proposed project and impacts on our community.

As Nahiku Church has received, by certified letter, the notice of public hearing in request for a Special Management Area permit, I am responding. As someone who lives here every day and sees the weather patterns, rain runoff, ponding, flooding, traffic, tourist, large vehicles and narrow road, I implore the need for an HONEST Environmental Assessment.

I am hopeful the County of Maui will agree to this process. We, the residents of Nahiku, are asking for comprehensive and accurate information on which to make decisions.

Thank you for your time.

Ellen Kahookele
President /Moderator, Nahiku Congregational Church



10/3/17

Signature and date

JeanMary Kahookele, lineal descendent, property owner, resident
1101 Nahiku Road

TMK: 2 1 2 002 016

I, JeanMary Kahookele, represent the current generation of lineal descendents of the Kahookele family. My grandfather, David Kahookele, is the grantor who donated the old Nahiku School lot. I am a life-long resident and property owner in Lower Nahiku. I am now raising the fourth generation of the Kahookele lineage on our ancestral property. We are the current stewards of Nahiku.

My property is directly across the street from the proposed community center location. Our property is Ag land. In addition to farming flowers and ti-leaves, we also have animals on property: Chickens, Ducks, pigs, Rabbits, goats and seasonally cows. We are farmers; we always have been, as the way of our ancestors.

Our physical location offers a unique perspective of the school lot. My own father was the caller when the old school burned down. We watch the property fill with water when there are heavy rains. My husband has repeatedly pulled people to safety when they drive their vehicles off the embankment fronting the school lot. If two cars meet up anywhere on Nahiku road, someone will have to reverse; this is a one lane road.

I am part of a group of interveners of this project. Each of us has a unique perspective on the impacts on our community and way of life. We will work together in the effort to reduce duplication of testimony.

As a group, we are simply asking for an Environmental Assessment process. Hopefully, the County of Maui will agree to that process in mediation. We simply seek comprehensive and accurate information on which to make decisions.
Thank you for your time.

JeanMary Kahookele


JeanMary Kahookele

10/3/17
Signature and date

ORIGINAL

5. Terry Kristiansen, Upper Nahiku resident, land owner, and farmer.

(TMK1-2-004-011-0000) since 1992. We have farmed our 6.25 acres in flowers, vegetables, and fruit, in a sustainable lifestyle. I feel adamant that the coastal area of Lower Nahiku is sensitive and vulnerable and requires far more research through the EA process before any zoning changes or development take place. I am therefore intervening in this process that the county has regretfully refused to undertake.

Jerry O. Kristiansen 10/6/17

Signature and Date

6. Jeffrey Paisner. Nahiku part time resident and land owner.

October 5, 2017

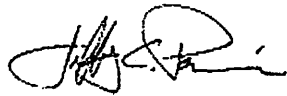
Jeffrey C. Paisner, Nahiku Land Owner for over 45 years. Tax Map Key RP 2-1-2-001-018. I am also a Pro se litigant & Party in Full Interest to the ongoing Commission of Water Resource Management Hearings in relation to the diversion of East Maui Streams with a focus on protecting the Makapipi Stream for the Lower Nahiku Community.

I, Jeffrey C. Paisner am a part time resident and property owner in Lower Nahiku dating back to 1972. My property is situated just down the road from the proposed Nahiku Community Center site. The paved road down to Lower Nahiku starts at the Hana Highway and ends at The Nahiku Landing. It was originally a dirt road when I first moved to Lower Nahiku in the early 1970's. It was soon paved with asphalt and it basically functions with the width of a one lane road. Adding a Community Center would impose additional vehicular traffic on a road that is simply not wide enough to accomodate safe ingress and egress for two way traffic. In times of emergencies this problem would only be compounded. Additionally.....the road also trespasses upon numerous private landowners properties. There is a legitimate question of whether legal access to the proposed site even currently exists without the County of Maui first legalizing an easement.

I look forward to working in good faith with the County of Maui and other Community advocates who may desire that Nahiku have a Community Center located at a practical and reasonable location which would not result in perpetuating and creating great disharmony within the Lower Nahiku Community. The "Nahiku Community Association" does not represent the interests or the sentiments of the majority of Lower Nahiku Residents irrespective of the County of Maui's assumptions.

I believe that a positive and inclusive Community solution can be achieved so long as the wishes of a majority of the residents can be recognized, respected and provided within the legal due process framework of an Environmental Assessment.

Malama Pono Nahiku.



Jeffrey C. Paisner

7. Irene Pavao, Nahiku lineal descendent and Hana District resident.

Irene K.M. Pavao
PO Box 873
Hana, HI 96713

Irene K.M. (Mattson) Pavao, Nahiku lineal descendent, home address
4276 Hana, Hwy. 96713

I represent the third generation and my son Mika'ele is the fourth generation, my father Edward Kaai Mattson Jr and his family has lived in Nahiku for over 150 years. At present my mother and brother live directly across the Nahiku Congregational Church and within 150 feet of the proposed project.

As an active member and former Board President of Nahiku Congregational Church, I have seen firsthand the tremendous stress and disharmony that this project has brought to our tiny isolated community of lower Nahiku, this project that majority of our community does not want has festered many years and is the main cause of our Kahu Cynthia Allencastre's "Massive Heart Attack" at a heated community meeting where she tried in vain to keep the peace that was out of control.

There are many questions of weather legal access to the proposed property even exist, for a long time there has been discussion about a Nahiku Community Center. These have been conversations within our community and also you on our County Council, you, The Power's-That-Be. A majority of us who live along the lower Nahiku road and a majority of us who live between Keanae and Hana all reject this plan, as we have vociferously protested since its inception. **It is repugnant to have foisted on us a project of HUGE expense that will not benefit our community.** Right now the road is the width of a one lane road, and adding a Community Center would greatly impose traffic on a road that simply is not wide enough for two way traffic, this project should have been planned for upper Nahiku on the main Hana Hwy. where it would benefit a larger population of the island instead of a remote community.

Mahalo,

Irene K.M. Pavao

10-5-2017

14

ORIGINAL

8. Max Mattson, Nahiku lineal descendent and resident. Address: HC-1 Box 187, Nahiku, 96708.

My father's side of my family have lived in Nahiku for around 150 years. I live within 150 feet of the proposed project. My family owns land on the makai side of the proposed project.

Max Mattson 06 Sept. 2017

Signature and Date


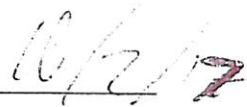
9. James Kahookele III. Nahiku resident and lineal descendent.

ORIGINAL

9. James Kahookele III, Nahiku lineal descendent, home address: 1101 Nahiku Road. Home Tax Map Key: 2-1-2-002-016.

I, James Kahookele III, represent the younger generation of lineal descendents of the Kahookele family. As such, I can offer a unique perspective of the proposed project and the impacts it could and would have on the Nahiku environment, my family, the next generation and my home community. My family has been custodians of this property for four generations now. Our property has always been agricultural as the way of our ancestors. We take care of the land for the next generation. That is myself and my future family.

My mother and aunt are also proposed intervenors. If I cannot be present at the proceedings because of my current military service, I will convey my views through my aunt and mother. I feel each of the intervenors has a unique perspective but can work cooperatively together to save time and duplication of testimony in the proceedings. As a group, we are simply asking for an Environmental Assessment process. Hopefully, the County of Maui will agree to that process in mediation. We simply seek comprehensive and accurate information on which to make decisions.

Signature and Date

ORIGINAL

10. Teresa Allred. Residing continuously for eleven years at 1451 Lower Nahiku Road.
Owner of TMK 2-1-2-003-021 and TMK 2-1-2-003-019.

On these properties, I have created an organic tropical fruit farm of over 200 trees.

My position related to the proposed Nahiku community center is that the Environmental Assessment is mandatory for this project. The community and all government factions need to legally and fully understand the hidden constraints, liabilities and disadvantages of this proposed project.

Yours in Aloha,

Teresa Allred

 10-6-17

Signature and Date

11. Sharon A. Kahookele. Nahiku resident and land owner.

Sharon A. Kahookele, Property owner, resident
1101 L. Nahiku Road
TMK 2 1 2 002 016

I, Sharon Kahookele, am the wife of the late James Kahookele Sr, son of David Kahookele, the benefactor of the community donated properties of Lower Nahiku. As a recipient of the notice of public hearing, I am submitting my notice to intervene. I have been a part of the Nahiku community for over 40 years, helping bring back the Nahiku Congregational Church from its dormancy. The church is an integral part of the community; the location itself the hub of Nahiku. This location is adjacent to the proposed subject property and next door to my property.

Over the years we have watched the changes taking place in Nahiku. Not all have been for the good and benefit of the Nahiku community. As I have raised my children and now watch my grandchildren in their ancestral home, it's easy to see these changes. With all the advertisements of "hidden" and "secret" locations, the beauty and tranquility of Nahiku are being eroded. Our one lane road, with no shoulder and steep drop offs, now sees more traffic; cars, people, rubbish, problems; in a day than we used to in a week. This increase has not brought any improvement to the infrastructure. Trees still overhang the road; every time there is heavy rain or winds, trees come down, the road is blocked, power goes out. The properties lining the Nahiku road are majority privately owned so the overhangs are rarely addressed. The water pipes from our small water tank at the top of the road still leak and break regularly. With heavy rains, the road has collapsed and can become impassable; there is a fire hydrant the water department has to check on so often because of rain induced erosion, they even know the neighbors.

The proposed community center will have severe impacts on the community, the environment and our families that have not been thought out or solutions proposed. Lower Nahiku is not an ideal location to allow additional traffic or community facilities; even if you do find someone willing to pay the millions of dollars to upgrade the infrastructure, that still won't change the fact this is a rainforest; when it rains, it pours.

I strongly appose moving forward with any projects in Lower Nahiku without doing an honest Environmental Assessment. As a resident and property owner with unbreakable ties to Nahiku, I strongly ask for the county to follow protocol and do the required assessment. Please do not disregard what the people of Nahiku want and have been asking for.

Sharon A. Kahookele

Sharon A. Kahookele October 4, 2017
Signature and date

Exhibit 1 of "Petition to Intervene"

ALAN M ARAKAWA
Mayor



GLENN T. CORREA
Director

PATRICK T. MATSUI
Deputy Director

(808) 270-7230
FAX (808) 270-7934

DEPARTMENT OF PARKS & RECREATION
700 Half'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793

DECLARATION OF EXEMPTION

From the preparation of an environmental assessment,
under the authority of Chapter 343, HRS, Chapter 11-200 HAR

Project Name: **NAHIKU COMMUNITY CENTER**
TMK: (2) 1-2-002:023

Job Number: **P11/025**

Project Description: **Replacement structure of former Lower Nahiku Grammar School.**

Exemption List for the County of Maui

Exemption Class: 2 Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, and density, height and dimensions as the structure replaced.

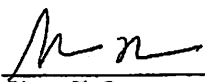
This exemption class includes agency actions intended to meet the agency's goals and objectives by replacement in whole or in part, the following, provided there is little or no increase in capacity.

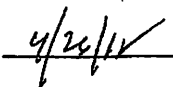
Exempt Item: (6) All Parks and Recreation buildings, structures, athletic fields, athletic courts, botanical gardens, plant nurseries, and skate parks.

Date of Agency Exemption List: **January 10, 2007**

Declaration of Exemption
Nahiku Community Center
Page 2

I have considered the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR. I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

Signature of Director: 
Glenn T. Correa

Date: 
4/26/14

Original: Agency File

Copy: Project File
Riecke, Sunnland Kono Architects, Ltd.

Exhibit 2 of “Petition to Intervene”

Contact Persons for Community Petitioners

Terry Kristiansen P.O. Bo 841, Hana, HI 96713, 808-248-7600

<greentoes@alohaservices.net> Irene Pavao P.O. Box 873, Hana, HI 96713,
808-248-8584 <iphana@yahoo.com> and John Blumer-Buell P.O. Box 787, Hana, HI
96713, 808-248-8972 <blubu@hawaii.rr.com>

January 25, 2016

Maui County Council Economic Development, Energy, Agriculture and Recreation
Committee (EAR), Don Guzman, Chair.

200 South High Street, Wailuku, Hawaii 96793

Sent Via Email ear.committee@mauicounty.us and U.S. Priority Mail.

Subject: EAR-26 PROPOSED NAHIKU COMMUNITY CENTER.

Aloha Chair Guzman and Committee Members,

We are writing on behalf of the petitioners and concerned community citizens for your help in fully understanding the actual facts, the history and the current status of the proposed community center. Past and recent “stone walling” by Mayor Arakawa and his administration, contradicting information from Council Member Carroll and funding by the **State of Hawaii and Maui County Council** have been and are potentially counter productive to the best interests of the Nahiku community, the East-Maui community, Maui County taxpayers and taxpayers throughout the State of Hawaii.

In “Remarks” made as part of the attached “Set Aside” document dated June 22, 2007, the State of Hawaii Department of Land and Natural Resources Land Division (DLNR) in Honolulu stated, “Staff has no objections to the County’s proposed use because it is for the benefit of the residents of Nahiku”. In theory, the stated intent had merit and was worthy of community consideration. However, Mayor Arakawa and his administration

undermined the intent of the “Set Aside” by declaring an “Exemption” from the Chapter 343-Environmental Assessment (EA) process. The “Exemption” has been rebutted in writing and called “fraudulent” by some community members.

The legal intent of DLNR was clearly stated in the referenced BLNR “Set Aside” Document (Exhibit 1), page 2, under “CHAPTER 343-ENVIRONMENTAL

Page 2, January 25, 2016

ASSESSMENT: This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. In as much as the Chapter 343 environmental requirements apply to Applicant’s use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended”.

Without question, the Proposed Nahiku Community Center (EAR-26) DOES “constitute the use of State land or funds”. In this case, the intent to use both State land and funds is well documented. The use of State land and funds plus the use of County of Maui funds trigger the legally required Environmental Assessment process. If the Chapter 343 requirements are not complied with by the County of Maui, there is the real possibility legal action will be taken to force compliance. The community has continuously asked for legally required due process. The County Council and Mayor took an oath of office to uphold the law.

The proposed center is subject not only to an Environmental Impact Statement (EIS) or Environmental Assessment (EA). Other legal processes the Arakawa Administration has ignored are: 1) A Community Plan Amendment (CPA) See link: [Community Plan Amendment Application](#). 2) A Change in Zoning (CIZ) See link: [Change in Zoning Permit](#). 3) A Special Management Area Permit (SMA) See link: [SMA Use Permit](#) . Public participation in these important and legal land use procedures has been, essentially, denied. There has not been legally required “due process” for the community. There has not been meaningful and lawful community input for the proposed community center

now projected to cost nearly two million dollars of taxpayer money. If the CPS, CIZ and SMA requirement are not complied with by the County of Maui, there is the real possibility legal action will be taken to force compliance.

The question moving forward is whether the County of Maui will abandon the proposal altogether as requested by the hundred or so petitioners or move ahead with a new, more expensive plan “approaching two million dollars” (Mayor Arakawa). EAR Committee report No. 15-140 states in part, “The Mayor advised

Page 3, January 25, 2016

your Committee he will request funding for the project in the FY 2017 Budget. He further informed your Committee he is seeking State funding to replace a \$250,000 State grant that lapsed because of the delay in commencement of construction. The Mayor estimated project costs would likely approach \$2 million”.

The Arakawa Administration declaration of an “Exemption” to Chapter 343-Environmental Assessment is clearly NOT THE LEGAL INTENT of the Board of Land and Natural Resources.

The disingenuous and/or illegal “Exemption” is the basic reason the actual Nahiku community and public have been intentionally cut out of an Environmental Assessment-Chapter 343 process that requires full documentation, full disclosure, public participation, question and answer information exchange and consideration of “Alternatives” to the proposal.

In moving toward resolution, we suggest the Economic Development, Energy, Agriculture, and Recreation Committee (EAR) and the Infrastructure and Environmental Management Committee (IEM) publish simultaneous and timely agendas announcing back to back site visits and meetings in Lower Nahiku. This will enable residents to be heard and the committee to conveniently access the Lower Nahiku Bridge (IEM-10 LOWER NAHIKU BRIDGE HEALTH AND SAFETY CONCERNS (NAHIKU) and the proposed community center site. The two issues are closely related. The community will

provide shelter, chairs and refreshments. The nearby Nahiku Congregational Church pavilion is a convenient optional location for meeting if there is heavy weather.

The response to our January 19, 2016, email to Mayor Arakawa (Exhibit 2) was acknowledged only by Executive Assistant Zeke Kalua stating, "To whom it may concern, As this is a matter that is being handled through the Office of the Corporation Counsel of the County of Maui, any and all communications that are received are immediately forwarded to their office. Thank you for your understanding". The community does not understand what has and is going on

Page 4, January 25, 2016

in private, behind closed doors. The decision making process is supposed to be open, transparent, honest and public. Mayor Arakawa states he is for "An Efficient, Effective and Responsive Government". This process has not been "Efficient, Effective or Responsive". Quite the contrary.

Is the community petition going to be acknowledged and acted upon or not? The

petition states, "I SUPPORT REPAIR OR REPLACEMENT OF THE LOWER NAHIKU BRIDGE AND REPAIR OF THE KUHIWA GULCH CULVERT AS THE PRIORITIES FOR THE FY 2017 COUNTY OF MAUI BUDGET FOR LOWER NAHIKU. I DO NOT SUPPORT FUNDING OF THE PROPOSED NAHIKU COMMUNITY CENTER".

The public information and disclosures regarding EAR-26 need to include everything of relevance. That includes, but is not limited to the following:

1) Proof of clear title to subject property: See the Maui News Article dated March 12, 2012 (Exhibit 3). The president of the Nahiku Community Association claims title to the land. She stated in part, "Currently, the state owns the property, although Kaho'okele said it was formerly owned by her family and the land was supposed to be returned to her family after the school closed. She said that she has documents to prove ownership". The land title issue should have already been publicly disclosed and resolved through documentation. The issue would have been cleared up in an Environmental Assessment.

Is this a project to benefit the community or a million dollar gift to private individuals who have legal ownership of the subject property?

If the Kaho'okele family can prove legal ownership, there is no reason to proceed further with the proposed community center. Lineal descendent Raymond Kaho'okele has publicly supported the "proof of ownership" claim.

2) Environmental Assessment: The EA disclosure document should address every concern from citizens including, but not limited to; a. Historic and exceptional trees. b. Dangerous road conditions to the subject site. c. Road survey and assessment of correct road alignment. d. Impacts upon the Nahiku Congregational Church. e. Impacts upon the Lower Nahiku bridge and landing.

Page 5, January 25, 2016

f. Purpose and intent of proposed center. Who is actually going to benefit? How? g. Who would manage the center? The County of Maui? If a private vendor, does the county "three bid rule" apply? h. Yearly costs of management and maintenance. i. Tourist impacts, increased tourist impacts, including sanitation and water issues. j. Health issues. k. Alternatives to the proposal, including a "No Action" alternative. k. Comments from Government Agencies. And, so forth.

3) Comprehensive Financial and Performance Audits: This includes all contracts to date and a timeline of approved funds, contracts and other expenditures. Were contracts approved "unofficially" before funding?

4) Audit of Procurement Officer Performance, including timeline.

5) Documentation of all correspondence including emails sent and received by the Arakawa Administration: All correspondence and email sent and received by the Nahiku Community Association.

6) Structural, Financial and Performance Audits of the Nahiku Community Association.

7) Audit of the Arakawa Administration declared “Exemption” to the Environmental Assessment-Chapter 343 Process: The “Exemption” is a misrepresentation of the facts and should be declared as not credible and discarded in any future considerations. Disclosure of the public record including the county and police investigation reports, conclusions and actions regarding former Parks and Recreation Director Glenn T. Correa. It is our understanding former Director Correa was suspended and/or fired by the County of Maui and was under investigation by the police. Was the “Exemption” declared while he was under suspicion or suspended? Was he convicted of any crime?

8) Investigation of possible conflicts of interest, ethics violations and nepotism: Ethics complaints were filed against Maui County Mayor Arakawa, Maui County Planning Director Spence, former County of Maui Parks and Recreation Director Glenn T. Correa and County of Maui Zoning Administrator

Page 6, January 25, 2016

and Enforcement Director John Rapacz. The complaints were put on hold when it was disclosed by Maui Corporation Council the existing contract for the proposed Nahiku community center expired and was no longer in effect. Subsequent to the expiration, a complaint was filed in court by the county. That case is the County of Maui v. Maui Kuponu Builders LLC, et al., Civil 15-1-0421(1).

We thank you for your careful consideration of these serious matters and questions. The proposed project would certainly have short and long-term impacts affecting Nahiku and its residents.

We look forward to your responses to the enclosed information and suggested meeting in Lower Nahiku. We welcome requests for information. Please email all three of us. Or, call one of us. We will forward your communications to the community and concerned citizens for their information, responses and suggestions.

Sincerely yours,

Terry Kristiansen, Irene Pavao and John Blumer-Buell.

Contact Persons for Community Petitioners and concerned citizens.

*** Please note: Exhibits 1, 2 and 3 are enclosed in the following pages.**

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

June 22, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No. 07MA-016

Maui

Set Aside to County of Maui for Community Center Purposes,
Nahiku Homesteads, Nahiku, Koolau, Maui. Tax Map Key: (2) 1-2
002-02).

APPLICANT:

County of Maui, Department of Parks and Recreation

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended

LOCATION:

Portion of Government lands situated at Nahiku Homesteads,
Nahiku, Koolau, Maui, identified by Tax Map Key: (2) 1-2 002-021,
as shown on the attached map labeled Exhibit A.

AREA:

1.000 acres, more or less

ZONING:

State Land Use District: Agriculture
County of Maui ZCU: Interim Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 10% entitlement lands pursuant to the Hawaii State
Constitution: YES NO

CURRENT USE STATUS:

The subject parcel is currently unencumbered. The parcel was
formerly leased to Mr. James Sagawait for recreational and
community use, landscaping and maintenance purposes under Revocable
Permit number S-6161 that was issued on January 1, 1995. On April

D-6

20, 2007 Revocable Permit S-6161 was cancelled.

PURPOSE:

Community Center purposes.

CHAPTER 343 ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. In as much as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DASS standards and at Applicant's own cost.

BACKGROUND:

This parcel is known as the former Nahiku School lot and was encumbered by Mr. Donald A. Wallace from December 1, 1972 to October 31, 1984 under Revocable Permit No. S-4994. Upon Mr. Wallace's request the permit was cancelled.

The parcel was then encumbered by Mr. James Sagawinit under Revocable Permit No. S-6161 on January 1, 1985, for recreational and community use. On December 11, 2005 the old Nahiku School building located on the parcel burned down, possibly due to arson. To date, there is no record that anyone has been arrested or charged with regards to the arson investigation.

On January 3, 2007, the Department of Land & Natural Resources received a letter from former Mayor Alan Arakawa requesting the old Nahiku School property be transferred to the County of Maui via an executive order. The letter further indicated that the County would then develop the old Nahiku School property and provide a venue for cultural, social and community events for the Nahiku community.

The Nahiku Community Association has requested a right-of-entry permit to do clean-up work on the subject parcel. At the time of the request Mr. Sagawinit denied the requestors access to enter the property. Currently clean-up responsibilities for the parcel is that of Mr. James Sagawinit. Land Division has no objections to allowing the County of Maui to accept the parcel in its current (as is) condition. Revocable Permit No. S-6161 to Mr. James Sagawinit was cancelled on April 20, 2007.

REMARKS:

Staff has no objections to the County's proposed use because it is for the benefit of the residents of Niihau.

Agency or community comments were solicited from the County of Maui, Department of Planning and the Office of Hawaiian Affairs.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the County of Maui under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Charlene E. Lindley

Larry Pacheco
Land Agent

APPROVED FOR SUBMITTAL:

Allan A. Smith
Allan A. Smith, Interim Chairperson

EXHIBIT "A"

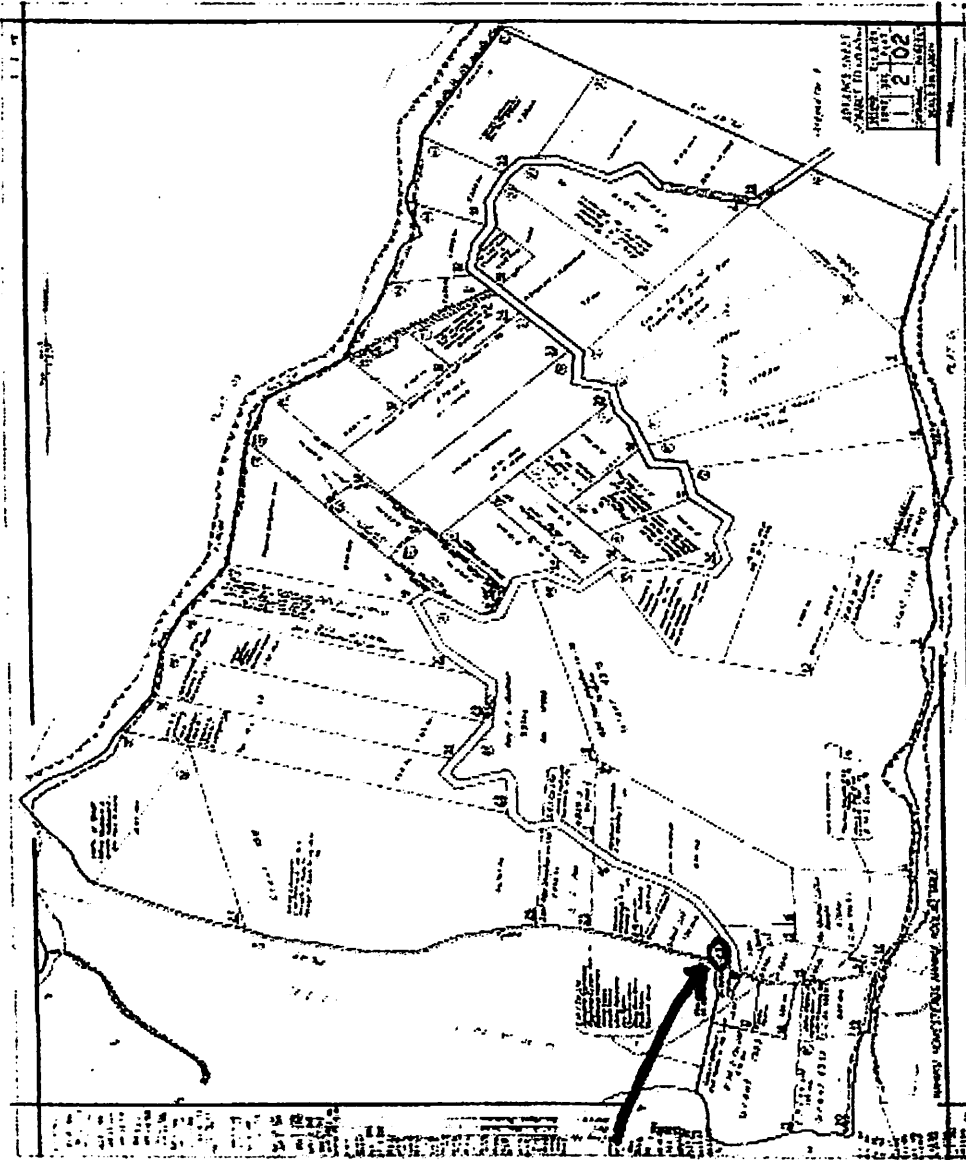


Exhibit 2

Contact Persons for Community Petitioners

Terry Kristiansen P.O. Bo 841, Hana, HI 96713, 808-248-7600

<greentoes@alohaservices.net> Irene Pavao P.O. Box 873, Hana, HI 96713,
808-248-8584 <iphana@yahoo.com> and John Blumer-Buell P.O. Box 787, Hana, HI
96713, 808-248-8972 <blubu@hawaii.rr.com>

January 19, 2016

Maui Mayor Alan Arakawa

200 South High Street, Wailuku, Hawaii 96713

Sent Via Email to Mayors.office@mauicounty.gov and U.S. Certified Mail.

Cc: Sen. J. Kalani English <kalani@kalanienglish.com>, repdecoite@Capitol.hawaii.gov,
Maui_County Council_mailbox <county.council@mauicounty.us>, Robert Carroll
<robert.carroll@mauicounty.us>, ear.committee@mauicounty.us, IEM Committee
<iem.committee@mauicounty.us>, corp coun@mauicounty.gov, Sandy Baz
<Sandy.Baz@co.maui.hi.us>, communications@mauicounty.gov,
Zeke.Kalua@co.maui.hi.us, parks.dept@mauicounty.gov, mice.kahula@co.maui.hi.us

Mayor Arakawa,

We write to bring your attention to our January 11, 2016, letter (attached). Your failure to respond to the letter and requests from the Community Petitioners is disappointing and offensive. The subject of our letter is; "Request to Remove Sign. Request to Stop Further Funding for the Proposed Community Center". Sadly, no courtesy call and acknowledgement from your administration.

Please acknowledge our letters, remove the sign and stop further funding of the proposed Nahiku Community Center.

Sincerely yours,

Terry Kristiansen, Irene Pavao and John Blumer-Buell. Contact Persons for Community Petitioners.

Contact Persons for Community Petitioners

Terry Kristiansen P.O. Bo 841, Hana, HI 96713, 808-248-7600

<greentoes@alohaservices.net> Irene Pavao P.O. Box 873, Hana, HI 96713, 808-248-8584 **<iphana@yahoo.com>** and **John Blumer-Buell** P.O. Box 787, Hana, HI 96713, 808-248-8972 **<blubu@hawaii.rr.com>**

January 11, 2016

Subject: REQUEST TO REMOVE SIGN. REQUEST TO STOP FURTHER FUNDING FOR THE PROPOSED NAHIKU COMMUNITY CENTER.

Aloha Mayor Arakawa,

Members of the Nahiku Community and other concerned community citizens recently submitted an eighteen page letter, testimony and petitions dated November 12, 2015, to you regarding your 2016-2017 Fiscal Year Budget. Budget Director Baz acknowledged the timely submission.

The petition read; **“I SUPPORT REPAIR OR REPLACEMENT OF THE LOWER NAHIKU BRIDGE AND REPAIR OF THE KUHIWA GULCH CULVERT AS THE PRIORITIES FOR THE FY 2017 COUNTY OF MAUI BUDGET FOR LOWER NAHIKU. I DO NOT SUPPORT FUNDING OF THE PROPOSED NAHIKU COMMUNITY CENTER”.**

On behalf of the petitioners, Irene Pavao and Terry Kristiansen asked Council Member Robert Carroll for his response to the petition and community concerns. Council Member Carroll responded with the following email;

“From: Robert Carroll <Robert.Carroll@mauicounty.us> Subject: RE: Re: Clarification of Recorded Phone Message Regarding Community Petition To: "Irene Pavao"

<iphana@yahoo.com>

Date: Friday, December 18, 2015, 5:51 PM”

“Afternoon Irene, just to review what we had discussed yesterday. The Lower Nahiku Bridge is on hold at this time because the county would need to acquire the

Page 2, January 11, 2016

surrounding property in order to build the bridge to modern standards. As for the proposed Nahiku Community Center, the funding appropriated by the state and county has lapsed meaning, because the center wasn't built in a specified time, the sums go back to the state and county. If the community wants to renew funding for the center, public meetings will be held in Hana, with at least two weeks' notice given so that the public (Nahiku residents) will be able to plan their schedules and attend. I will be waiting to receive more information on the Kuhiwa Gulch Culvert, so that the county can assess what needs to be done. Much mahalo for participation regarding these important issues and have a Blessed Christmas and Joyous New Year!”

The petitioners understand the clear and unambiguous sentence from Council Member Carroll stating, **“If the community wants to renew funding for the center, public meetings will be held in Hana, with at least two weeks' notice given so that the public (Nahiku residents) will be able to plan their schedules and attend”**. The proposed center was represented by Council Member Carroll to be unfunded and going to be the subject of more than one public hearing in Hana **“If the community wants to renew funding.....”**.

Please consider the community does NOT want to renew funding for the proposed center. The first priority for the community is the repair or replacement of the Lower Nahiku Bridge followed by repair of the Kuhiwa Gulch Culvert.

The email from Council Member Carroll made it clear the proposed project is no longer contractually committed. It is important to note, the petitioners already understood the previous building contract with Maui Kupono Builders expired and the

County of Maui is suing Maui Kupon Builders in the Second Circuit Court, Civil No. 15-1-0421(1).

Unfortunately, on **January 8, 2015**, the **County of Maui Department of Parks and Recreation** erected a sign at the site of the proposed Nahiku Community Center. See photo on page 4. **The message of the sign clearly contradicts**

Page 3, January 11, 2016

Council Member Carroll's statement. The sign gives the message the proposed center is already a "done deal". Understandably, the petitioners and community are insulted and upset.

In the interests of Peace and Aloha we request you and your administration remove the offensive sign. The unnecessary aggravation of the Nahiku community has gone on for too long.

The petitioners and community have been requesting legal "due process" from you, your administration and the Maui County Council for years. Community concerns have NOT been addressed through legal due process.

On January 7, 2016, State Senator J. Kalani English was quoted in the Maui News in an article titled "DOT: Hana Pier won't be fixed, it will be removed". The article is regarding the proposed Hana Wharf replacement project. He said, "We put forward our best effort to provide the Hana community with a new and useful pier. Options were presented to residents and after a review of the feedback, this is the overwhelming response from the community, so we will abide by their choice."

We ask you to take a similar point of view regarding the proposed community center.

On behalf of the petitioners and concerned community members, we request you abide by the requests stated in the recent petition regarding the proposed community center, the Lower Nahiku Bridge and the Kuhiwa Gulch Culvert.

We look forward to your earliest possible reply and working together to repair or replace the Lower Nahiku Bridge and repair the Kuhiwa Gulch culvert.

Sincerely yours,

Terry Kristiansen, Irene Pavao and John Blumer-Buell. Contact Persons for Community Petitioners.

Page 4, January 11, 2016

Photo taken in Lower Nahiku, January 8, 2016.

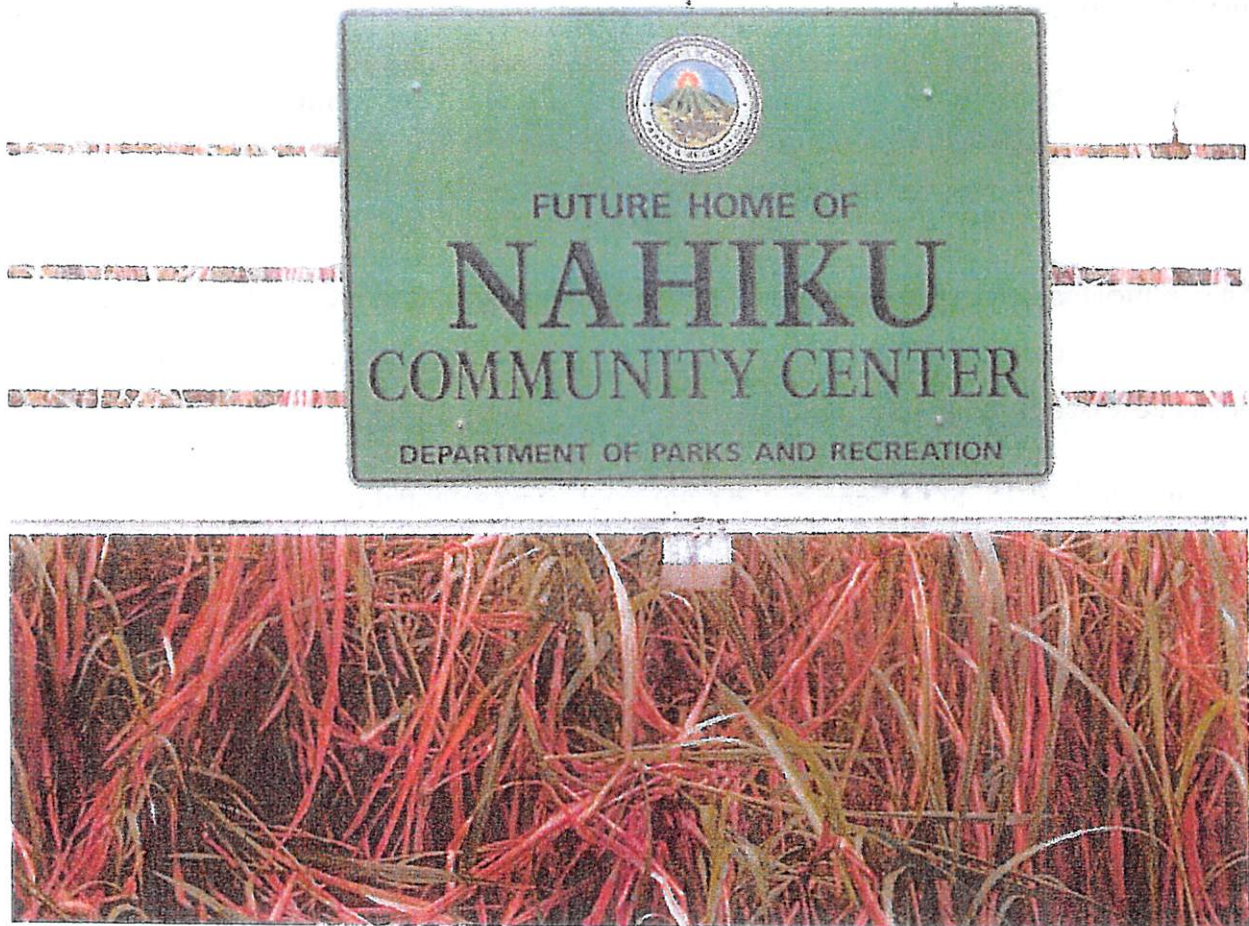


Exhibit 3

Nahiku community center moves closer to reality

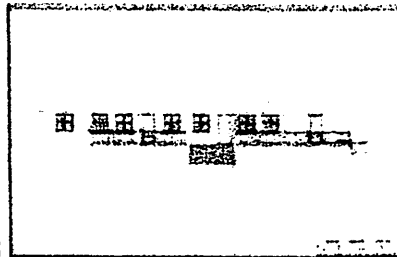
March 12, 2012

By MELISSA TANJI - Staff Writer (mtanji@mauinews.com) , The Maui News Save I

The Nahiku community is seeing its long-awaited community center come to fruition as the county and the state move ahead to fund the estimated \$815,000 center that will be built on the grounds of the former Lower Nahiku Grammar School.

Those involved in getting the center built say it could be used for private receptions, public gatherings, as well as a shelter in times of emergencies and as a place for first responders, such as police, fire and paramedics, to stop in to write up their reports.

Nahiku Community Association board President Kumu Kamalu Kaho'okele, the lead organizer for the community center, said that she had a "vision" to see the area formerly occupied by the Lower Nahiku Grammar School she once attended not be privatized.



Article Photos

This is a preliminary drawing of what the Nahiku comm... BILL SIDES drawing

She said the school, a victim of arson, was destroyed in the early 2000s. The school had closed in the late 1950s, Kaho'okele said.

"The proper thing is we put something back; replace what was lost unfortunately through foolishness. Just put something back that would be a legacy for Nahiku, a legacy that came with a dream, a dream that came through a vision," she said.

On Friday, the County Council is scheduled to vote on second and final reading on a bill to amend the 2012 fiscal county budget and allow \$250,000 for the project to be carried

over from last year's budget. The \$250,000 is earmarked for the planning, design and construction of the community center, organizers said.

Both the county and the state have indicated that they would each release \$250,000 for the center as long as the other does.

The \$315,000 balance for the project will be in Mayor Alan Arakawa's 2013 fiscal budget, county officials confirmed.

Kaho'okele said plans for the community center will move forward as soon as the initial funds are approved.

The community center will be along Lower Nahiku Road and near the Nahiku Hawaiian Protestant Church, she said.

The building will be a replica of the old Nahiku School but will include modifications, such as a certified kitchen.

Kaho'okele estimates that the building will have a capacity of around 150 people and can serve as a shelter in emergencies when there are landslides along the East Maui roadways or rockfalls and accidents that temporarily strand people in the area.

She added that nearby community facilities in Keanae and Hana fill up quickly and are heavily used. Those living in neighboring communities will be welcome to use the Nahiku community center as well.

Bill Medeiros, executive assistant to Arakawa, said that although plans are not finalized yet, the county probably will have jurisdiction over the center, with it being managed by the Nahiku Community Association.

Currently, the state owns the property, although Kaho'okele said it was formerly owned by her family and the land was supposed to be returned to her family after the school closed. She said that she has documents to prove ownership.

Kaho'okele thanked Medeiros and state Rep. Mele Carroll, who represents the area, for their help as well as the Arakawa administration, East Maui Council Member Bob Carroll and other current council members.

Mele Carroll has worked on the Nahiku community center project for several years, even when she spent time in county government before moving on to become a legislator, where she helped secure funds from the state.

"I'm hopeful that the governor will release these funds . . . This community center is not just your normal community center. It's a center we know that our elders will have a place to gather and share genealogy, our practices and the history of that place, which is dear to all of our hearts," Mele Carroll said.

* Melissa Tanji can be reached at mtanji@mauinews.com. © Copyright 2012 The Maui News. All rights reserved.

Exhibit 3 of "Petition to Intervene"

ALAN M. ARAKAWA
Mayor
WILLIAM R. SPENCE
Director
MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

May 23, 2012

Mr. Glenn T. Correa, Director
County of Maui
Department of Parks and Recreation
700 Halia Nakoia, Unit 2
Wailuku, Hawaii 96793

Dear Mr Correa:

SUBJECT: SPECIAL MANAGEMENT AREA (SMA) MINOR PERMIT APPROVAL

Project Name: NAHIKU COMMUNITY CENTER
Project Description: Replacement structure at Nahiku Grammer School, 0 Nahiku Road, Hana, Hawaii 96713
Tax Map Key: (2) 1-2-002:023
I.D. NOS.: (SMX 2012/0228) (SM2 2012/0069)

In response to your application received on May 14, 2012, and in accordance with the SMA Rules for the Maui Planning Commission, Sections 12-202-12 and 12-202-14, a determination has been made relative to the above project that:

1. The project is a development;
2. The project has a valuation not in excess of \$500,000.00; (Valuation: \$450,000.00)
3. The project has no significant adverse environmental or ecological effect, taking into account potential cumulative effects; and
4. The project is consistent with the objectives, policies, and SMA guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

In consideration of the above determination, you are hereby granted a SMA Minor Permit Approval (SM2 2012/0069), subject to the following conditions:

1. That construction shall be in accordance with the description and plans submitted on May 14, 2012, and representations made to the Department of Planning (Department).

250 SOUTH HIGH STREET WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735 FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205, LONG RANGE DIVISION (808) 270-7214, ZONING DIVISION (808) 270-7253

2. That Best Management Practices (BMPs) be used in the implementation of the proposed work. Appropriate measures to minimize dirt and water runoff, noise, and dust must be used.
3. That all work shall immediately cease and the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) office on Maui be contacted at (808) 243-5169 should any historical or archaeological artifacts be discovered during ground-altering activities.
4. That construction of the improvements shall be initiated by **May 31, 2014**, and shall be completed within two (2) years of said initiation.
5. That full compliance with all other applicable governmental requirements shall be rendered.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at (808) 270-7814.

Sincerely,



CLAYTON I. OSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

xc: Aaron H. Shinmoto, PE, Planning Program Administrator (PDF)
Paul F. Fasi Staff Planner (PDF)
Development Services Administration
CZM File (SMX/SM2)
2012/SM2 Minor Permit File
General File

WRS:CIY.PFF:m

K:\WP_DOCS\PLANNING\SM2\2012\0069_NahikuCommunityCtr\SM2.doc

Exhibit 4 of "Petition to Intervene"

Contact Persons for "Community Petitioners" and "Concerned Citizens"

Terry Kristiansen, P.O. Box 841, Hana, HI 96713, 808-248-7600

<greentoes@alohaservices.net> Irene Pavao, P.O. Box 873, Hana, HI 96713,

808-248-8584 <iphana@yahoo.com> and John Blumer-Buell, P.O. Box 787, Hana, HI

96713, 808-248-8972 <blubu@hawaii.rr.com>

September 13, 2017

Kaala Buenconsejo, Director of Maui County Department of Parks and Recreation 700

Halia Nakoia Street Unit 2, Wailuku, Hawaii 96793

Email kaala.buenconsejo@co.maui.hi.us Telephone 270-7230

Sent Via Email and U.S. Certified Mail with Return Receipt

Cc: Maui County Planning Director Will Spence, Deputy Director Michele McLean and Planner Paul Fasi.

Subject: URGENT AND TIMELY REQUEST FOR AN ENVIRONMENTAL ASSESSMENT (EA) FOR THE PROPOSED NAHIKU COMMUNITY CENTER.

Aloha Director Buenconsejo,

County of Maui Deputy Planning Director Michele McLean recently sent us the following attached email regarding the subject request for an Environmental Assessment (Exhibit 1). She stated in part, *"When a project is exempt, then we defer to the agency that is authorized to issue the exemption. The Parks and Recreation Department could "reconsider and abandon" the prior Director's EA exemption if they felt that was*

warranted, not the Planning Department". We appreciated receiving her timely response and clearly stated position.

It is now clear that Maui County Deputy Planning Director McLean, County Planner Fasi and, assumedly, the County Planning Department recognize the 2012 "Declaration of Exemption" by former County Parks and Recreation Director Glenn T. Correa as valid and still in effect. We emphatically do not agree with their "interpretation" and will seek legal remedies if the Maui County Parks and Recreation Department and the Maui County Planning Department deny us our legal right to an Environmental Assessment (EA) as required by law.

2

Regardless of the disagreement, we formally seek a peaceful and constructive remedy. We request you and the County of Maui Parks and Recreation Department to "reconsider and abandon" the prior Director's "Declaration of Exemption" for an Environmental Assessment based upon the following documented facts and information. We welcome any questions you may have.

Based upon the facts, we sincerely believe the "reconsider and abandon" action is completely warranted, follows the law and intent of Hawaii Revised Statute Chapter 343, follows the intent of State of Hawaii Land Board and follows the wishes of many in the actual community. The community wants a completely informed, transparent, and just process. Importantly, our request is also moral and pono.

The 2012 "Exemption" declared by former County Parks and Recreation Glenn T. Correa is for a **completely different proposal** as demonstrated by the 2012 County of Maui stated SMA Permit valuation of \$450,000 (four hundred and fifty thousand dollars) (Exhibit 2).

Since 2012, the actual amounts of budgeted taxpayer funds escalated to nearly two million dollars. The County of Maui is currently suing the previously contracted builder, now in default, in court. The previous 2012 SMA Permit is expired and is subject to the

completely new process recently introduced before the Maui Planning Commission on August 8, 2017.

At their August 8 meeting, the Maui Planning Commission authorized a public hearing regarding the Agenda items related to the proposed Nahiku Community Center development. The public hearing will be conducted before the Hana Advisory Committee to the Maui Planning Commission in Hana. Therefore, we need a timely response from you....well before the upcoming meeting in Hana.

Additional Information and Exhibits to Carefully and Comprehensively Consider;

1. The new proposal for a Nahiku Community Center was brought to the Maui Planning Commission as an Agenda item on August 8, 2017 (Exhibit 3).

3

2. Included for your information is a 17 (seventeen) page letter and Exhibits dated January 25, 2016 to Maui County Council Economic Development, Energy, Agriculture and Recreation Committee (EAR), Don Guzman, Chair (Exhibit 4).

This important letter demonstrates the efforts by the community to get legal and informed due process. This letter and Exhibits explain a comprehensive range of issues that must be addressed in an Environmental Assessment process. Please read carefully and comprehensively.

3. The **old/previous proposal** “process” did **NOT** include a Community Plan Amendment process, a State Land Use Boundary Amendment process or a Change of Zoning process as required by law. Those legal requirements were recently recognized by the Maui Planning Department and included as part of the August 8, 2017 Planning Commission meeting.

However, the Maui Planning Department has failed to acknowledged the 2012 “Declaration of Exemption” is **NOT** valid or legal in the new process introduced to the Planning Commission on August 8, 2017. In fact, former Director Correa’s “Declaration of Exemption” was completely misinformed or fraudulent. Please read the objections

raised in 2012 (Exhibits 5 and 6). The issues raised in Exhibits 5 and 6 are still relevant and will need to be addressed in an Environmental Assessment. In fact, conditions in Lower Nahiku have changed drastically since 2012. The new and relevant conditions, including the closure of the historic wooden bridge over Makapipi Stream, the related closure of the historic road access to the Nahiku Landing and the related health and safety issues, must be addressed in an Environmental Assessment.

In seeking community feedback for this letter in draft form we received some interesting feedback we think you should hear.....

* "ACCEPT NONE OF THE ABOVE!!!!

NOBODY WANTS THESE STUPID CHANGES DOWN HERE IN OUR SPECIAL LITTLE COMMUNITY. WHAT A DISGRACEFUL WASTE OF PUBLIC FUNDS AND ENERGY TO SERVE THE SELFISH IDEAS OF ONE TINY GROUP WHO DO NOT REPRESENT THE DESIRES OR NEEDS OF THIS AREA. AS IN THE MOVIES, "STUPID IS AS STUPID DOES". PLEASE, JUST DROP THE WHOLE IDEA OF RUINING THIS PLACE.

WHO WOULD?? AND WHY!!"longtime Nahiku landowner and resident.

4

* "I support a Community Center, but not in the proposed location. The proposed center is in the wrong location and subject to flooding. The center should be mauka of the Hana Highway where it will not become isolated in civil defense emergencies."Nahiku landowner and part time resident..

* "There needs to be a survey of the one lane road to Lower Nahiku. It is unsafe. The county needs to establish and prove they have legal access that does not trespass on private property. Why would or how could the county try to rezone an Agricultural zoned property to Public/Quasi Public if there is no legal public access on the road?"Nahiku landowner and resident.

* “There are questions regarding the legality of the so called “county road” starting at the Hana Highway. There are also legal questions regarding the historic access from the historic Nahiku landing to Ulaino.”Nahiku land owner, resident and lineal descendant.

These concerns should be addresses in an Environmental Assessment.

For your information, there have been two petitions from the “Petitioners and Concerned Citizens” to date. The number of signatures is approximately 80+ per petition. There are numerous viewpoints regarding the proposed community center and many questions that would be routinely answered as part of the EA process.

In closing, the community has been requesting a legal, fair, just, and transparent process since 2012. The new process demonstrates the community requests **may** be possible after years of being ignored. **However, without an Environmental Assessment (EA) process, a legal, fair, just, and transparent process is NOT possible.** The EA process will allow everyone to fully participate, to be fully heard and be fully responded to in writing before any official decision making meetings.

Therefore, our request to you and the County Parks and Recreation Department to formally "reconsider and abandon" the former director's 2012 “Declaration of Exemption”. Please endorse and support the Environmental Assessment (EA) process for the proposed Nahiku Community Center development.

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We look forward to your timely and positive response. Please confirm receipt of this email upon receipt.

We are willing to meet with you in Nahiku to answer any questions you may have and make a site visit from the Hana Highway to the Nahiku Landing, including the proposed building site.

We look forward to working cooperatively with you and the County of Maui to address the important issues concerning the Nahiku Community.

One of most important statements in the 1994 Hana Community Plan ordinance (page 14, #13) addresses the type of conflict we are addressing in our letter and request. The statement is born from *ALOHA*. The statement, endorsed by the East- Maui Community, the Maui County Council and the Mayor simply states,

“Encourage community-based dialogue regarding proposed land use changes in order to avoid unwarranted conflict”.

That is exactly what we are trying to accomplish through our request for an Environmental Assessment (EA) process.

Malama pono,

Moke Bergau, Nahiku resident and lineal descendent.

Ellen Kahookele, Nahiku resident and lineal descendent.

Max Mattson, Nahiku resident and lineal descendent.

Irene Pavao, Nahiku lineal descendent and Hana District resident. Terry Kristiansen, Nahiku resident.

John Blumer-Buell, Hana District resident and concerned citizen.

on behalf of the “Petitioners” and “Concerned Citizens” .