

Climate Action, Resilience, and Environment Committee on 2022-09-14 9:00 AM

Meeting Time: 09-14-22 09:00

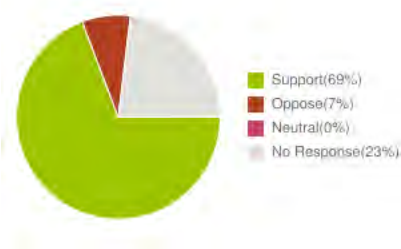
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Climate Action, Resilience, and Environment Committee on 2022-09-14 9:00 AM	09-14-22 09:00	3	13	9	1	0

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Climate Action, Resilience, and Environment Committee on 2022-09-14 9:00 AM

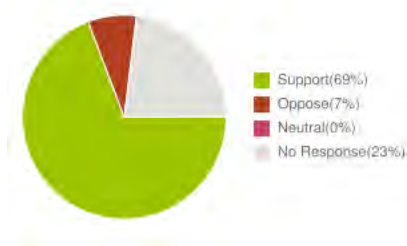
09-14-22 09:00

Agenda Name	Comments	Support	Oppose	Neutral
A G E N D A	2	2	0	0
CARE-97 Reso 22-206 RESOLUTION 22-206, AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF MA'ALAEA MAUKA/POHAKEA WATERSHED (CARE-97)	11	7	1	0

Sentiments for All Agenda Items

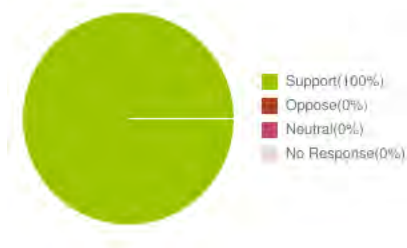
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for A G E N D A

Overall Sentiment



Guest User

Location:

Submitted At: 9:04am 09-14-22

Hi Committee Members,

my name is David Dorn and I have testified before about the importance of acquiring and protecting these Watershed lands. I am speaking on behalf of Sierra Club Maui and South Maui Save the Wetlands Hui, I am not a lobbyist. I support this measure (CARE-97).Reso 22-206

These particular lands are part of a much larger watershed.

There is over 5000 Acres of vital Watershed lands directly above this property and there are critical habitats and environments directly below this property.

This property is a conduit and connection from the upper part of the Watershed to the lower part and its importance should not be underestimated.

I have heard recently from people who have said that “the county dropped the ball when it came to trying to buy

this property”.

Some people will say that because of this Peter Martin legally bought this property “fair and square”.

But the importance of this land to the environment and to the community far outweighs these technical matters.

Peter Martin should have known better because this property was already in negotiation with the county for preservation. So he was not acting in “good faith”

Builders should not be able to say “I got you” because of a technicality,

And the recently acquired rights of a purchaser should not outweigh the greater needs of the environment.

So we need to look at this issue from a wider perspective and weigh the needs of the environment, against the perceived rights of an unethical land acquisition.

This is why we need to evoke eminent domain in this case.

Because if we simply adhere to the convoluted technicalities in all cases like this, the environment will suffer.

We need to act responsibly from an environmental, ethical, and sustainability standpoint because we are talking about a Life-sustaining Watershed system and important lands that will be critical for future generations to come.

Please vote to pass this measure to Acquire the Maalaea watershed lands through Eminent Domain.

Mahalo,
David Dorn

Guest User

Location:

Submitted At: 9:04am 09-14-22

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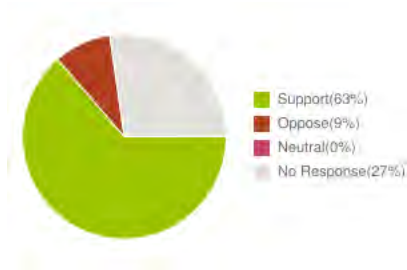
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Please vote to pass this measure to Acquire the Maalaea watershed lands through Eminent Domain.

Mahalo,
David Dorn

Overall Sentiment



Guest User

Location:

Submitted At: 1:34pm 09-14-22

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my name is David Dorn and I have testified before about the importance of acquiring and protecting these Watershed lands. I am speaking on behalf of Sierra Club Maui and South Maui Save the Wetlands Hui, I am not a lobbyist. I support this measure (CARE-97). Reso 22-206

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Please vote to pass this measure to Acquire the Maalaea watershed lands through Eminent Domain.

Mahalo,
David Dorn

Guest User

Location:

Submitted At: 10:13am 09-14-22

Aloha Council Members,

With today's hearing I looked through my old Ma'alaea stormwater files from my previous role as Principal Engineer for Robin Knox in our NPDES work at the Maui Ocean Center.

I found a very extensive DRAFT Stormwater Monitoring Report we compiled in 2018 on the Ma'alaea Harbor, funded by Maui Ocean Center and managed by Robin. There is a large amount of data and images supporting the case for sedimentation control in the mauka Pohakea watershed. The main take home from this report is one number, which is that we calculated total sediment mass loading from a single culvert during the February 2018 stormwater event to be 334,262 pounds of suspended solids, or 150 tons of sediment for one runoff event!

Please do all you can to control sediment in the Pohakea mauka watershed.

Call 808-757-5984 to discuss.

Mahalo,
Travis Liggett
President, Reef Power LLC

Instagram.com/reefpowermaui
www.reefpowermaui.com

Instagram.com/FlushAware
www.FlushAware.com

Genesis S young

Location:
Submitted At: 8:17am 09-14-22

Aloha, I strongly support using Eminent domain to purchase this land.
Everything has been done short of Eminent domain in good faith and it has been unsuccessful.
This is so important for the environment, the resident Quality of life and our tourist industry!!
Mahalo Genesis Young

Pamela Tumpap

Location:
Submitted At: 5:54pm 09-13-22

Please see attached testimony.

CARE Committee

Location:
Submitted At: 4:12pm 09-13-22

Testimonies received by the CARE Committee

Guest User

Location:
Submitted At: 3:24pm 09-13-22

Peter W, Cannon
28 Unahe Street
Kahului, Maui, Hawaii 96732

TESTIMONY SUPPORTING MAUI COUNTY COUNCIL RESOLUTION 22-206 "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA'ALAEA MAUKA/POHAKEA WATERSHED, MAUI, HAWAI'I FOR PRESERVATION

My name is Peter Cannon. I was born in Paia and raised in Maalaea. My family and I have a lifetime worth of observations on what has happened to the Maalaea lands and Maalaea Bay. I have read the testimony of Mr. Tapani Vuori in support of Resolution 22-206 and I would like to offer an addendum to his thoughts. There are many good reasons for the condemnation of this land. I am going to focus on just one. This testimony will focus on how the Maalaea mauka lands effect Maalaea Bay and the lands below. Ownership of these 257 acres is critical to stopping the continuing sedimentation into Maalaea Bay that is

the primary cause of the loss of coral, limu, shells, opai and fish nurseries. Stopping fast flowing rain waters and solving the sedimentation problem is actually very cheap and easy to accomplish. But you need to first own the Maalaea mauka lands that are the source of the problem. In addition, flood waters from rainfall passing through these mauka 257 acres need to be allowed to flow into Maalaea Bay through natural filtration as it did throughout antiquity. This is the focus of my testimony.

The Maalaea mud flats are a natural filtration system. The Hauoli Street flood control basin would not even be necessary if we could simply let the upland rainwater and highway rainwater flow back into the cane fields and into the mud flats as they did before the poorly designed roadside drainage culvert was built and the Maalaea mauka lands were left uncultivated. Landowner Mahi Pono has said to me, we want and will take the water.

The attached photo tells the story. Look at the yellow lines that cross through the subject Maalaea mauka property outlined in red. All four of these yellow lines represent the biggest streams in the area and there are many more than four when it rains hard. These streams, fed by the rain that falls in the hills above and upon Maalaea mauka, and the rain that falls on the four-lane highway and the median strip, are diverted into a highway drainage culvert. Kanaio is the biggest named stream to the north. You can easily see in the photo that this stream used to flow under the road before the state build the four-lane highway. You can also see the remnants of Kanaio Stream makai of the highway that once flowed into the Maalaea mud flats. But this water now flows under the road and into the beginning section of the drainage culvert. This is a lot of water during a rain and the Kanaio water belongs in its own stream, not in the culvert. This diverted-by-man Kanaio section is an easy fix right at the very beginning of the culvert.

The Kanaio Stream water and the adjacent streams used to end up in the A&B Maalaea mud flats now owned by Mahi Pono. These wetlands are on private property and are connected to the Kealia Pond National Wildlife Refuge. The original Maalaea wetlands were a natural filtration system. Rainwater moved slowly, mud was left behind and clear water would go into Kealia. Today these wetlands are starved for water. During the wet months, this whole wetland area of ponds is totally connected. The water from the Maalaea mudflats flowed as clear water into the sea through the Kealia Stream mouth near the boardwalk and shoreline parking area.

These streams and wetlands were also the sources of the spring waters that used to just erupt out of the sandy beaches of Maalaea as they headed out to sea. The opai and the limu that lived in the area loved the freshwater flows and they thrived in Maalaea. They could do so again.

Look at the southern stream depicted by the fourth yellow line that flows to the sea through the flood control area. This little stream, that now runs through a way too small cane field pipe and into the flood

control area, was once a 12 to 15-foot-deep mini gulch. It could handle all the water flow that mother nature could possibly deliver. There is a natural out cropping of rocks at the mouth of this stream showing that boulders were delivered by this stream into the bay throughout antiquity. I was raised in a home where Maalaea Banyans now stands. As barefoot kids we explored every square inch of that stream that we called a ditch. We even had hand and foot hold stairs cut into the red dirt sides to get in and out along the way. This stream never even got close to overflowing. The bottom of the stream was boulders. All the streams north of this ditch together with dirt carried from Maalaea mauka and the uplands used to naturally flow into the cane fields and end up in the mudflats. The streams to the south of this ditch ran into what is now the Maalaea Harbor area. The ditch only handled water that came from its own natural stream sources. Man has changed this.

The sedimentation problem is exacerbated by a cane haul road "bridge" with a four-foot diameter pipe in middle of the stream. The cane road and the stream are visible on google earth. Unfortunately, the pipe is right on the boundary and is half in Mahi Pono land and half in a new owner's land. Mahi Pono knows about the problem. This one four-foot diameter pipe cannot possibly handle the flow of storm water in heavy rains coming from way too many sources. So, the water backs up into the makai fields, goes around the pipe, picks up more dirt, and finds its way into Maalaea Bay partly through the ditch and partly across Hauoli Street and sometimes through the lower levels of the Island Sands condominium.

Too much dirt reaches Maalaea Bay because of diverted Maalaea mauka streams, the poorly designed roadside culvert and the four-foot diameter pipe that cannot handle the flow. Today, if you go into the water in front of the Kanai A Nalu condominium and dig under any sandy area, you will reach a-foot-deep layer of mud under the sand. Fishermen dig here for bait worms. This shoreline dirt did not exist before the stormwater diversions.

Maalaea Bay is an economic engine for Maui. Almost all of Maalaea's corals have died from this dirt. Coral makes sand. Coral builds a healthy environment for aquatic life. Maalaea Bay is now designated a degraded body of water by the EPA. Maalaea Bay is dying.

This is so easy to fix. Purchase the Maalaea mauka lands. Install cheap and easy sedimentation controls. Return the mauka waters back to its natural flow patterns. The natural filtration system of the Maalaea Mudflats will again remove most of the dirt. The purchase of the 257 acres is critical to this success.

Let's fix this!

Lynn Britton

Location:

Submitted At: 3:06pm 09-13-22

Mahalo for your consideration!

With Much Aloha,

Lynn Britton

Guest User

Location:

Submitted At: 3:02pm 09-13-22

I am in support of Resolution 22-206 to utilize eminent domain on the property mauka of Ma'alaea. This valuable watershed should be preserved for future generations as an open space to maintain the natural beauty free of construction. Thank you for your consideration and support of this important resolution. Gayle Harbo, property owner, 150 Hauoli St, unit 406

Guest User

Location:

Submitted At: 2:08pm 09-13-22

Aloha Climate Action, Resilience, and Environment Committee.

My name is Chase Martin and I represent Maui Nui Marine Resource Council, which is in strong support of the County's efforts to acquire important watershed land at Pohakea.

I want to start by thanking the committee for undertaking this project.

Maui Nui Marine Resource Council would like to express our enthusiastic support for the acquisition of the Pohakea Watershed lands in M__alaea. We believe that this acquisition will allow for greatly improved management of the land and the ongoing support of conservation groups in the community. By taking care of the land in the watershed, the County and the community will be taking care of and improving the ocean water quality and the coral reefs in M__alaea Bay.

Due to many factors listed in the resolution, including the importance of the parcel for fire prevention, flood control, erosion control, and water quality management for the marine and reef health of Ma'alaea Bay, anything less than the full conservation of the parcel is not acceptable. Further, the location is bad for development due to the availability of water given the upcoming neighboring Waikapu Country Town. It is good for conservation for many reasons, including the access points to the Lahaina Pali Trail and continuity with State-managed forestry lands.

The parcel for conservation pairs well with other efforts to protect Ma'alaea. As you know, Maui Nui Marine Resource Council commissioned the preparation of the Pohakea Stormwater Management Plan in 2017, with the goal of reducing sediment runoff into M__alaea Bay and protecting the coral reefs. This plan was created for us by the watershed experts at Maui Environmental Consulting and made available to the public in 2018. Since then, Maui Nui Marine Resource Council and our community partners have relied upon the plan as a blueprint for our

work in the watershed to improve water quality in Ma'alaea Bay. While we have made some progress on implementing the plan, there is much more to be done – beyond the scope and financial resources of our community-based nonprofit organization. We have leveraged the resources available to us to pay for the installation of firebreaks in Pohakea Watershed to mitigate wildfires that burn away the vegetative cover that holds soil in place -- thus preventing future sediment runoff. We've monitored some of the headcuts – severely eroded areas – on the Pohakea Watershed Lands and created data-based estimates of the astounding amount of sediment transported from these areas into Ma'alaea Bay during moderate rainstorms. We've also planted deeply-rooted non-invasive vetiver along the sloped contours of this land parcel to lock precious topsoil in place, rather than lose it to erosion.

By preserving this land for conservation, our efforts and those of others involved in this restoration will not only be greatly supported, but also enhanced by the added protection coming from upland. Conserving this land also allows for expanded efforts to protect the watershed, including projects underway by MNMRC and those of other organizations working in the area.

We urge the County to acquire the land to convert this pivotal parcel from private to public land – for the benefit of the community, the watershed, the water quality of Ma'alaea Bay and the coral reefs and marine wildlife that require clean ocean water to survive.

Guest User

Location:

Submitted At: 11:45am 09-13-22

/Users/Peter/Desktop/Brown water problem/Brown water testimony.docx

Lyndon Ibele

Location:

Submitted At: 10:18am 09-13-22

Aloha, CARES Committee members. Please find attached testimony being submitted on behalf of the Ma'alaea Village Association, supporting Resolution 22-206.

Mahalo for this opportunity to comment.

CARE Committee

From: County Clerk
Sent: Tuesday, September 13, 2022 7:46 AM
To: CARE Committee
Subject: FW: Testimony in Support of Resolution 22-206. Use of Eminent Domain to acquire Ma'alaea Mauka acreage.
Attachments: Resolution 22-206 Testimony.pdf

From: L Harbo <loraharbo@gmail.com>
Sent: Monday, September 12, 2022 9:05 PM
To: County Clerk <County.Clerk@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>
Subject: Testimony in Support of Resolution 22-206. Use of Eminent Domain to acquire Ma'alaea Mauka acreage.

September 12, 2022

Please find attached our written testimony in Support of the CARE Committee adopting Resolution 22-206. Please protect the 257 acres of Ma'alaea Mauka and the vital Pohakea watershed for the benefit, now and in the future, of all the people of Maui.

Mahalo, with Aloha,

Lora Harbo and David Liebersbach
Ma'alaea community members

September 12, 2022

Council of the County of Maui
CARE Committee
Testimony in Support of Resolution 22-206

Dear CARE Committee and Council members,

Please adopt Resolution 22-206 and begin the process of eminent domain to ensure acquisition of the 257 acres of Ma'alaea Mauka for public benefit. This action is necessary because good faith and time consuming negotiations by the County to purchase these lands for conservation, public use and watershed protection purposes were undermined at the last moment by a backdoor deal. The important reasons to protect the mountainside and watershed transcend those of development, and recognize the interconnectedness of the health of the watershed with the health of the bay. In addition, the well-being an environment with open spaces promotes in the psyche of the people of Maui is priceless.

We support the use of eminent domain to acquire the lands of Ma'alaea Mauka and protect the watershed. Please adopt Resolution 22-206.

Mahalo for your time.

Mahalo nui loa,

Lora Harbo and David Liebersbach
Ma'alaea community members

CARE Committee

From: County Clerk
Sent: Tuesday, September 13, 2022 7:46 AM
To: CARE Committee
Subject: FW: Written Testimony re: Resolution No. 22-206
Attachments: Written Testimony re Resolution 22-206.pdf; Exhibit 1 - Stormwater plan (excerpt).pdf; Exhibit 2 - Median home prices.pdf; Exhibit 3 - Median income.pdf; Exhibit 4 - Population trends.pdf; Resolution 22-206.pdf

From: Grether, Ryan <ryan@wmcinc.com>
Sent: Monday, September 12, 2022 7:19 PM
To: County Clerk <County.Clerk@mauicounty.us>; Alice L. Lee <Alice.Lee@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Tasha A. Kama <Tasha.Kama@mauicounty.us>; Gabe Johnson <Gabe.Johnson@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Mike J. Molina <Mike.Molina@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>
Cc: Mayors.Office@co.maui.hi.us; Pete <peter@westmauland.com>; Dean, Joshua <joshua@wmcinc.com>; EXTERNAL Glenn <glenn@westmauland.com>
Subject: Written Testimony re: Resolution No. 22-206

Honorable Members of the Maui County Council:

Please accept my attached written testimony in regard to Resolution No. 22-206, which seeks to improperly seize 257 acres of private property in Maalaea. I'm grateful for the opportunity to speak and to urge you all to vote **against** this resolution. I'm grateful that we live in a nation with a government that protects free speech and a government built upon the principle of checks and balances, which allows us to consider ideas (even bad ones like this), hold a public debate, and then ensure that only the most sensible ideas are implemented as law.

The most urgent crisis facing Maui County right now is the high cost of living, driven primarily by the skyrocketing cost of housing. This property in Maalaea can be better used to serve that purpose rather than setting it aside as conservation land. I recognize that there has been a bit of history with this property as documented in Doug Spencer's email below, and I can understand if certain members of the Council may feel that the rug was pulled out from under them with our recent purchase. I also think that those members prior actions to block affordable housing development on the property were deeply wrong. I'd like to put the past behind us and focus on the future, and **solving the affordable housing crisis**. I offer everything I have to work on housing solutions and I forgive all trespasses by all Councilmembers, past, or present. Please don't let past mistakes get in the way of doing what's best for the people of Maui, and please vote **against** this Resolution. Thank you for your time and for the opportunity to speak.

Ryan Grether
Vice President
West Maui Construction

From: Doug Spencer <douginmaui@gmail.com>
Date: Thursday, May 26, 2022 at 9:59 PM

To: alice.lee@mauicounty.us <alice.lee@mauicounty.us>, Yukilei Sugimura <yukilei.sugimura@gmail.com>, kelly.king@mauicounty.us <kelly.king@mauicounty.us>, mike.molina@mauicounty.us <mike.molina@mauicounty.us>, tamara.paltin@mauicounty.us <tamara.paltin@mauicounty.us>, keani.rawlins@mauicounty.us <keani.rawlins@mauicounty.us>, tasha.kama@mauicounty.us <tasha.kama@mauicounty.us>, gabe.johnson@mauicounty.us <gabe.johnson@mauicounty.us>, shane.sinenci@mauicounty.us <shane.sinenci@mauicounty.us>
Cc: Mayors.Office@co.maui.hi.us <Mayors.Office@co.maui.hi.us>, Peter Martin <Peter@westmauiland.com>, mtanji@mauinews.com <mtanji@mauinews.com>, wendy@mauinow.com <wendy@mauinow.com>, kehaulani@mauinow.com <kehaulani@mauinow.com>
Subject: Spencer family Maalaea land sale

To the Maui County Council:

I wanted to clear up some false statements in the Maui Now news article expressed by Council Member King about the sale of our Maalaea property to Peter Martin.

At the outset I want to note that we filed our Community Plan Amendment with the Planning Department in January 2018 seeking to downzone the property from Special Project District 12 back to Ag, which is what Maui Tomorrow and the Maalaea Community Association have been saying what they wanted for years. Yet, when we filed our CPA, they actually opposed it! Go figure!

The Planning Commission recommended passage of our CPA (with conditions) and forwarded it back to the Planning Department for submission to the Council. What is supposed to be a simple task and done in a week or two, took nine months. Someone in the Planning Department was intentionally delaying our CPA application because they did not want it granted. When it was finally given to the Council in I believe, August of 2019, the Council sat on it and scheduled hearing after hearing on it - something very unusual for what should have been an administrative approval to revert the property back to Ag.

My brother Mark was appearing at the CPA hearings before Member Paltin's committee (I was living in Virginia by this time) and was growing increasingly frustrated by the all the delay tactics and having certain members extract huge concessions (some possible illegal) from us before they would agree to the CPA. Finally, my brother was told by Member Paltin that she was going to recommend it out of her Committee for final approval by the full Council. Much to Mark's surprise as he sat in the gallery expecting it to be voted out of Committee, Member Paltin said the CPA was being tabled, effectively killing it. My brother felt totally betrayed by Member Paltin as well as those who asked for and received concessions from us, and he immediately left the Council chambers feeling his blood pressure rising.

What a disappointing turn of the events. After spending over two years and over a hundred thousand dollars in consulting fees to revert the property back to Ag, this was a slap in the face to our family. We had followed all the procedures, gave in to unfair demands, etc., only to be denied after over two years of waiting to get the CPA granted.

When the Council expressed a desire to buy it, we told them the price was \$6 mil. Rather than just buy our property outright and make whatever deal they wanted with a land trust or other conservation group, they complicated things by letting HILT be the buyer, then after several months, it was changed to TPL. When the appraisal finally came in March of 2022 (one month after we entered into a contract with Peter Martin for \$6 mil.) it was appraised at over \$8 mil. As a sign of our good faith we told TPL that if Mr. Martin would step aside, we would be willing to accept \$7 mil. if it could be closed quickly.

At no time from 2020 when the Council expressed a desire to purchase our property to now, has any Council member ever contacted us to let us know this was a priority. In fact it was just the opposite. The Council allowed this issue to languish for two years with no end in sight. In the meantime all of us are growing older (my mom will be 91 in September and I am turning 65 this summer) and we all just wanted to move on with our lives. From a personal standpoint, my wife and I moved to rural Virginia to start our nonprofit The Aloha House of Hope, taking in children

who've been abused and neglected by their parents. We bought 195 acres, built a huge house to take in these kids and to date have taken in 16 kids over the last three years. We've adopted four and are in the process of adopting two more. It's just my wife and I, we don't have an army of volunteers, and it is rewarding, albeit tiring work. While doing all this, I was the one tasked with shutting down our family company, selling off assets, preparing financials, etc.

To now have Council Member King go on record implying we dealt less than honestly just adds insult to injury. Council Member King has never spoke with me and never called me to see what was going on with this sale. TPL was acting on the County's behest and I kept them informed every step of the way. Check with them if you doubt what I say. They will verify this.

To clarify, we had been in discussions with Peter Martin regarding the purchase of our property for the past 3-4 years. In addition we had also been in discussions for two years with another local developer, Mike Salisbury, who was interested in purchasing our property.

During my many discussions with Leah Rothbaum of TPL, I expressed to her on several occasions that until we received an acceptable contract from either the County or TPL, we were still actively seeking a buyer for the property. Ms. Rothbaum and I worked very well together and I have no complaints about my dealings with her or TPL. She always kept me updated regarding their process and both of us were frustrated at the amount of time it was taking to get a contract. Similarly, I kept Ms. Rothbaum up to date and informed of our intentions and desires, including the possible sale to a private party. On more than one occasion I expressed to Ms. Rothbaum that I didn't understand why the County Council didn't just purchase the property outright from us, then make their own deal with TPL and the State of Hawaii instead of dragging out the process for two years. Since TPL, was in effect, acting on behalf of the County Council, I continued to stress to her our desire for a contract and a firm closing date. None was ever given.

In January and February of this year, we received offers from both Peter Martin and Mike Salisbury. Our family board voted to accept Peter Martin's offer in mid February. Upon entering into the contract, I notified TPL on March 2, 2022 that we were in contract with Mr. Martin. We continued our discussions with TPL and with Mr. Martin to see if Mr. Martin would be willing to step aside and allow the property to be sold to the County.

On March 29, 2022 I had a video conference meeting with Mayor Victorino and some of his staff and department heads regarding the Maalaea property. During that meeting I informed Mayor Victorino that we were under contract with Peter Martin but that I would see if Mr. Martin would step aside so that the County could purchase the property. Immediately after the meeting I informed Leah Rothbaum of TPL of the substance of the meeting.

On April 21, 2022, I had another video conference meeting with Mayor Victorino, a couple of his staff, along with Peter Martin and Josh Dean (a member of Martin's development team). The purpose of the meeting was for each of us to express our views on the sale of the Maalaea property. Mayor Victorino expressed his strong desire for the County to purchase the property. We all agreed that the decision was Mr. Martin's to make as we were under a binding contract with him and respected whatever he decided to do. Our meeting was cut short when the emergency siren went off and we heard a command over the intercom in the County building for everyone to evacuate the building. I do not know what discussions Mr. Martin and the Mayor might have had after I disconnected from the video conference.

Mayor Victorino personally assured me he would find the funds to purchase the property and wouldn't make us wait till the end of the year. He was very proactive on trying to move this along and it was the first time that anyone from the County had stepped up to the plate to try and make this purchase happen. In hindsight I wished I had called him in 2020 as I am sure he would have made sure that we weren't strung along for two years. He is the only one with the County that we dealt with on this potential purchase who showed an interest and dealt with us with integrity.

Despite the Mayor's herculean efforts to have the County purchase the property, Mr. Martin ultimately decided to go ahead and close on the property. I contacted TPL as well as the Mayor's office on May 6, 2022 to let them know that Mr. Martin decided to close on the property and that closing was scheduled for May 10, 2022. Later that day I heard from Lynn Britton and Council Member Paltin to discuss the scheduled sale to Mr. Martin. I promised them both that I

would do what I could to see if Mr. Martin would step aside and let us sell the property to the County. Mr. Martin decided he wanted to go ahead and close and I respect his decision as we were in contract with him and didn't want him to think we were shaking him down for more money.

I am sorry if any of you feel you were "blindsided" by our sale to Peter Martin. We did not have a deal in "our back pocket". We were totally up front and open with everyone including TPL and the Mayor's office at all times. I find it interesting that after dragging on the proposed purchase of the property for two years, that Council Member King would publicly imply that our family was somehow operating in a less than honorable way. That simply is not the case as Ms. Rothbaum of TPL and Mayor Victorino can confirm that I was completely transparent and kept everyone informed at every stage. Council Member King should have gotten her facts straight before making such a disparaging remark in a public forum.

The County Council was informed in 2020 that our family was prepared to sell the property to the County for \$6 mil. Several Council members at that time did not want to purchase the three wells and 750,000 gallon water tank and only wanted to pay \$5 mil. for the property alone. Rather than engage in good faith negotiations with us to purchase our property (as any serious buyer would), in May of 2020 the Council only funded \$500,000 to go towards the potential purchase of the Maalaea property. The Council then turned over the matter over to the Hawaii Island Land Trust (HILT) to negotiate the sale with us. Nothing came of those discussions over the course of several months and for reasons that are not clear, the matter was transferred by the Council to the Trust for Public Lands (TPL). Despite my many requests to TPL to give us a firm date by which they could close, they were unable to do so in great part due to the fact that the Council had not appropriated funds to complete the purchase. We continued to reiterate our position that we would be willing to sell the property (including the three wells and the 750,000 gallon water tank) for \$6 mil., the exact same price we were offering it to Mr. Martin and Mr. Salisbury. Our offer was never accepted by the County Council or their representatives.

TPL could never give us a firm date when they would have a contract to us nor a firm date when they would have been able to close. In fact I was told that the \$1 mil. coming from the State of Hawaii wouldn't be released until November or December of 2022. All of this was not the fault of TPL, but it seemed to our family that completing the purchase of our property was not a priority for the County Council since during this entire time from May of 2020 no one from the County Council ever reached out to us. Given the fact that almost two years had elapsed since the County expressed an interest in purchasing the property, no contract was forthcoming, and the Council had not appropriated funds to complete the purchase, we entered into the contract with Mr. Martin.

Mr. Martin promised to close within 90 days and he stayed true to his word. Given the two year delay caused by the Council and the future uncertainty of when the County would be able to close, our family did not want to be strung along any further. When we were asked to check with Mr. Martin to see if he would step back and allow TPL/County to buy the property, we even offered to reduce the price by \$1 mil. below the appraised value to show our good faith.

We are very disappointed that our family's reputation is being tarnished in the press by careless and untrue statements being made by the Council. It is our hope that the County Council would contact Maui Now and retract these careless statements and truthfully tell them that we were open and transparent with everyone from the County and kept them apprised of what was happening at all times. We would also request that Council Member King issue a public apology for making these untrue statements. If you read the comments to the Maui Now article, you will see that the majority of those commenting have no sympathy for the Council and how they handled this proposed purchase.

My family, including my mother, believes we have been treated terribly by this Council. My parents gave all they had into creating affordable housing for the local working families on Maui, giving up millions of dollars in profits to keep the prices well below what we could have sold the homes for under the affordable housing guidelines. All we ever asked was for the County government and the Council to allow us to continue what we do best - developing and building beautiful affordable communities for Maui's working families. After building over 1,000 affordable homes on Maui, we fully expected to continue our parent's mission on our Maalaea property. Because of the selfish and self serving actions of Maui Tomorrow, the Maalaea Community Association (and many other anti-development groups),

and a majority of the Council Members (they are some exceptions such as Members Lee, Sugimura, and Kama), we were forced to shut down our family company, losing over \$10 mil. of hard earned and formerly invested funds, and denying thousands of working families on Maui the chance to own their own home.

Since this Council has come into power, the median price has now risen to a shocking amount of \$1.2 mil. for a single family home. I know personally of at least one example where a former home we built and sold for \$475,000, sold for over \$1 mil. What has this Council done to alleviate the suffering of our local families? Nothing, other than blame others, hold more meetings, form more advisory groups, etc.

One final comment I will make is that despite the fact that our family has been on the forefront of creating true affordable housing on Maui since 1987 (yes that is 35 years ago) when we moved to Maui from Oahu, not once has anyone ever asked us to participate on any committees, task forces, advisory groups, etc. on how to solve the affordable housing problem on Maui. I see now that the Council has formed yet another advisory group looking into it. Once again no one asked for our input on possible solutions. If you wanted real solutions common sense would dictate that you ask those who have been doing it the longest and quite successfully. Instead, you invite people to participate in these groups who have never developed or built even one affordable house on Maui. In fact, most of them have been vehemently opposed to every affordable housing project proposed over the last several years. Yet, these are the people you look to solve this affordable housing crisis? Does this make sense to anyone but you guys?

The solution is very simple for this Council - look in the mirror. As that famous line from the comic strip Pogo stated back in 1971 - "We have met the enemy and he is us." As long as this Council keeps doing what it has been doing, you will get what you have been getting - no solutions and making the problem worse. Now is the time to totally shift gears and do things a totally different way. Engage those who know how to develop affordable housing and get out of their way. Then and only then will you come up with real world solutions. If we pull the veil back on all the smokescreens and hidden agendas, what we find it is that most of you do not really want to do what it takes to fix this problem. If the problem were fixed you couldn't take credit for it and you would lose your political points by constantly talking about what you are going to do to fix the problem. In the meantime, our local families are suffering. So sad.

Mahalo

Douglas Spencer



West Maui Construction, Inc.
35 Lunalilo Street, Suite 400
Wailuku, HI 96793
Phone (808) 757-7001
Fax (808) 442-0907

Testimony regarding Maui County Council Resolution No. 22-206

September 12, 2022

Via Email Delivery to county.clerk@mauicounty.us

Alice L. Lee, Council Chair
Keani Rawlins-Fernandez, Council Vice-Chair
Tasha Kama, Presiding Officer Pro Tempore
Gabe Johnson, Councilmember
Kelly Takaya King, Councilmember
Mike Molina, Councilmember
Tamara Paltin, Councilmember
Shane Sinenci, Councilmember
Yuki Lei Sugimura, Councilmember

Maui County Council
Kalana O Maui Building, 8th Floor
200 South High Street
Wailuku, HI 96793

Re: **PROPOSED RESOLUTION NO. 22-206 AUTHORIZING PROCEEDINGS IN EMINENT
DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA'ALAEA**

Honorable Members of the Maui County Council:

My name is Ryan Grether, and I have written this letter to humbly ask you to vote against the passage of Resolution No. 22-206 (the "Resolution") introduced by Councilmember Kelly Takaya King to improperly take approximately 257

acres of private property in Maalaea (the “Maalaea Property”). The justification set forth within the Resolution is based upon multiple flawed assumptions and false statements, which do not meet the ‘public interest’ standard for eminent domain as required by federal law. Adoption of this resolution would be quite reckless, exposing the County of Maui to costly lawsuits with absolutely no benefit to the public. It also completely ignores the lack of affordable housing on Maui, a situation which has escalated into an urgent crisis. The true interests of Maui residents would be much better served by a cooperative effort between County Council members and private developers like West Maui Construction and Hope Builders. We have an opportunity here to work together to create a meaningful solution by drafting a plan to not only build legitimately affordable homes on the Maalaea Property, but also provide better fire protection, and especially mitigate issues with storm runoff to protect our treasured ocean environment.

Section 1: Resolution Language

1.1 In the Resolution, multiple false assertions have been made to justify why the seizure of the Maalaea Property supposedly serves the public interest. I will examine those here with language from the Resolution in bold and my commentary in standard text.

1.2.1

WHEREAS, the property identified as TMK: (2) 3-6-001:018 in Ma'alaea, Maui, Hawai'i, is critical watershed land and comprised of 257 acres, more or less, as more particularly described in Exhibits “A” and “B,” and known as Ma'alaea Mauka/Pohakea Watershed; and

1.2.2 This is false. Our Maalaea Property is **not** known as Ma'alaea Mauka/Pohakea Watershed. Exhibits “A” and “B” describe our 257 acre parcel, not the Pohakea Watershed. According to the Pohakea Watershed/Ma'alaea Bay Maui County, Hawaii Stormwater Management Plan prepared for the Maui Nui Marine Resource Council by Maui Environmental Consulting (the “Stormwater Plan”), the Pohakea Watershed encompasses a 5,268 acre area which includes 87 different TMK's. A copy of the Stormwater Plan is included as Exhibit 1.

The Maalaea Property makes up less than 5% of the Pohakea Watershed. To say that they're one and the same blatantly misrepresents the truth. This false statement appears to be included within the Resolution to manipulate readers who are not familiar with these specifics to wrongly

inflate the perceived environmental significance of the Maalaea Property, which, while still important, is only a tiny fraction of the Pohakea Watershed. The repeated mention of coral reef, humpback whales, and marine habitat within the Resolution appears to be calibrated to achieve this same effect – to create the false impression that a huge portion of Maui and the Pacific Ocean will be devastated if the County doesn't act immediately to seize this property. This is ridiculous. In reality, the Maalaea Property is not significantly more or significantly less important to our shared ecosystem than any other property on the island.

1.3.1

WHEREAS, it is in the public interest that Ma'alaea Mauka/Pohakea Watershed be preserved as a critical watershed that is managed for wildfire prevention, flood control, and erosion control to protect the water quality, corals, and marine health of Ma'alaea Bay; and

1.3.2 While I absolutely agree that proper management of our shared island resources such as the Pohakea Watershed is very important, I adamantly disagree with eminent domain as the correct remedy. Because the 'preservation' of the Pohakea Watershed is offered as the primary justification for the action proposed within this Resolution, one has to ask, does the County of Maui intend to use eminent domain to seize all 87 parcels within the Pohakea Watershed, including the condos by Ma'alaea Bay, the aquarium, the Carl's Jr., and thousands of acres of land owned by the State of Hawaii? I certainly hope that no member of the County Council would ever contemplate such an absurd course of action. Why then has this Maalaea Property been singled out?

1.4.1

WHEREAS, it is in the public interest that Ma'alaea Mauka/Pohakea Watershed be used for watershed projects, open space, reservoir development, and public parks; and

1.4.2 No evidence is provided that this is in fact "*in the public interest.*" Has Councilmember King conducted any surveys, taken opinion polls, or commissioned any studies upon which to base this statement? If yes, then why not cite them here? My suspicion is that Councilmember King has not performed any legitimate due diligence, and she has no real plans for the Maalaea Property other than a misguided attempt to block the development of affordable housing. I will elaborate on these points in Sections 1.6.2 and 1.7.2 below.

1.5.1

WHEREAS, there are four major streams associated with the Pohakea Watershed; moving north to south, these include Pohakea, Kanaio, Ma'alaea, and Malalowaiaole; additional unnamed gulches also exist; and ditching associated with historical agricultural practices is also present on the landscape; and

1.5.2 Four major streams? Seriously? This statement forces me to question whether Councilmember King has ever seen the Maalaea Property or the Pohakea Watershed area. Is she confusing this with another location perhaps? At the Maalaea Property, there's nothing more than dry grass, rocks, and a few scraggly haole koas and kiawe trees. The two (not four) very dry and very empty creek beds on the Maalaea Property only flow a few times a year during significant storm events, and then promptly dry up once the rain has stopped. Calling these "*major streams*" without noting their ephemeral nature is hyperbole to the point of deceit.

1.6.1

WHEREAS, this land has significant potential to mitigate sediment transport to the ocean through a number of restoration activities; and

1.6.2 Here we find a rare statement which is actually both truthful and relevant. The Maalaea Property does have "*significant **potential** to mitigate sediment transport to the ocean.*" West Maui Construction and Hope Builders are in the process of drafting plans to capture stormwater runoff coming from the State lands mauka of our Maalaea Property and retain it within our property as part of our larger affordable housing development. We will transform the "*potential to mitigate sediment transport*" into actual implemented mitigation measures. Councilmember King would know this if she'd taken even five minutes to reach out to me or my partners before drafting this senseless Resolution.

As further evidence of Councilmember King's lack of adequate due diligence, I searched through Maui County's public procurement records to look for any funds allocated for engineering consultants to develop plans for the Maalaea Property on the County's behalf to provide the public parks, open space, and stormwater mitigation structures discussed within the Resolution. While it's certainly possible that I may have missed something, I found no funding for such things in the publicly available data. This indicates that Councilmember King has either had such analysis and design work performed in secret, a clear

violation of Hawaii procurement law, or she has drafted this Resolution without any factual or evidentiary basis and nothing other than a wanton disregard for the truth. I don't know which is worse.

Initiating such a consequential action as eminent domain proceedings without having a real plan for the property, or any funding allocated for planned improvements, is reckless and irresponsible, and may even rise to the level of deliberate malfeasance. This is appalling.

1.7.1

WHEREAS, there has been public support for Maui County to acquire this land in an effort to curb additional development and to provide opportunities to address fire and stormwater issues within the watershed; and

- 1.7.2 While I'd prefer not to make presumptions as to Councilmember King's true intentions without first consulting her, I think the mention of "*an effort to curb additional development*" does offer some insight into what may likely be Councilmember King's actual motivation for introducing this Resolution. Perhaps she's less interested by the stated environmental concerns and only using that as a politically palatable rationale for her possible true motive, to block housing development. It should be noted that none of the proposed uses for the Maalaea Property stated within the Resolution include the construction of affordable housing for working families on Maui. Why not? We all live in houses that were built by a real estate developer at some point. Why would Councilmember King introduce a Resolution which will deny that to future generations?

I also ask whether the claimed "*public support*" for this Resolution exceeds public opposition? Upon what data does Councilmember King base her statement? None is referenced in the Resolution. I recently conducted a survey of West Maui Construction's employees and found that the construction of affordable housing was overwhelmingly favored over leaving land empty where building homes is prohibited. I will concede, though, that construction workers are likely to be biased in favor of new construction projects. Then again, I haven't introduced a Resolution to take such a drastic action as eminent domain proceedings and I therefore am not subject to quite the same burden of proof and due diligence as Councilmember King.

Section 2: Legal Peril

- 2.1 Were the County Council to adopt this Resolution, it would put the County of Maui at great risk of costly lawsuits. The justifications put forth in the Resolution to try and claim it serves the public interest are disingenuous at best and may even rise to the level of acting in bad faith, especially the unequal condemnation of this Maalaea Property, but not other properties within the Pohakea Watershed area. Failure of the condemnation action would then expose the County to additional costs for damages incurred by the condemnee. There is no benefit to Maui residents or the County government to proceed with any eminent domain actions related to our Maalaea Property, only unnecessary expenses and a significant risk of even more unnecessary expenses.
- 2.2 Though West Maui Construction and Hope Builders will of course vigorously defend our private property rights in court, we are also open to compromise. Our goal is to build housing that working families on Maui can actually afford. With this Maalaea Property, we have an opportunity to do just that. However, if the County were to present us with new information to effectively demonstrate that conservation of the Maalaea Property without affordable housing represented a better value for the community, then we would be more than willing to reach a settlement to sell it, and then work on developing a different property within the central Maui area to try and solve the present housing crisis. To be clear, any settlement amount offered by the County must be sufficient to purchase land with equivalent utility. That means a property of comparable size with a water system capable of feeding 1000 homes including three wells, a treatment facility, a 750,000 gallon tank, and thousands of feet of 12" waterline. Then we would still be able to achieve our goal of providing homes for Maui residents, albeit at a slightly different location on the island.

Section 3: Housing Crisis

- 3.1 According to Redfin data (see Exhibit 2), in July of 2017 the median sales price of a single family home in Maui was \$700,000. That was a problem. That median sales price has since increased by roughly 57% to \$1,100,000 based on Redfin data as of July of 2022. This is a crisis.

- 3.2 According to data compiled by the United States Census Bureau as of July 2022 (see Exhibit 3), the median annual household income in Maui was \$84,363 and the per capita annual income was \$36,872. It doesn't take a degree in mathematics to see that buying a \$1.1M home isn't an option for the 50% of families who earn less than the median income. Not even close. All but a few top earners can afford such prices. While those who already own a home have benefited financially from the increased price of their property, who among us can be so cold hearted as to rejoice in our selfish gain while ignoring the plight of those less fortunate. What parent is happy for their children to be homeless so that their property values can remain inflated? None. We who have been prosperous must be willing to sacrifice to help those in need.
- 3.3 According to The State of Hawaii Databook 2021 published by the State of Hawaii Department of Business, Economic Development & Tourism (see Exhibit 4), the population of Maui County decreased from 167,769 in July of 2019 to 164,737 in July of 2020, and then dropped further to 164,303 in July of 2021. Though these decreases may seem small, they are significant and I will elaborate in Section 3.4 below. This is also unusual when considering the trend of repeated population increases seen over the past century. While I'm unaware of any survey conducted to determine the precise reasons for the population loss, the high cost of housing is the most likely culprit. This population loss certainly correlates with the timing of the recent rapid increase in home prices.
- 3.4 We've all experienced the expanded use of video conferencing and telecommuting to work, and heard anecdotal evidence of significant numbers of people moving to Hawaii, but also keeping their prior jobs and working remotely. How then could the population be decreasing? What the statistics quoted above don't show, but a deeper analysis of the data reveals, is that every net decrease in the population by one person actually represents approximately three people leaving and two people moving here. Locals born and raised in Maui are leaving because they can no longer afford to stay, and they're being replaced by new arrivals from the mainland. Is that right? Is that just? Is that the outcome desired by the County Council? Because that's the effect that will be achieved if this Resolution is passed and affordable housing developments such as ours are blocked.
- 3.5 There is, however, a big silver lining with the introduction of this Resolution because it really demonstrates that it's the actions of Maui

County government officials which have made this housing crisis worse. Over the many years I've lived on Maui, I've observed a toxic degradation in the culture within the County government. Shifting from a noble effort to follow the law, to the introduction of additional frivolous rules and regulations in a misguided attempt to slow down development, tying up projects with endless red tape and bureaucratic nonsense so as to effect a taking in all but name. The County government has been tragically effective in keeping additional housing off the market with this method.

- 3.6 I am grateful, in a way, that Councilmember King has introduced this Resolution. The mask has finally come off. Why bother trying to pretend that the County government is working to serve the public interest by placing restrictions on new housing construction, and the repair or expansion of existing? If a government official has an axe to grind with a developer, no problem, just use government power to seize their land. Welcome to Soviet Russia everyone. Councilmember King's introduction of this Resolution demonstrates utter contempt for the working people on Maui and their struggle to afford the high cost of living here. Her action is so brazen as to make it abundantly obvious to all but the most biased observer who has caused this problem, and where the solution can be found. The time has come to make a change and to fix things.
- 3.7 Because environmental concerns have been raised as the justification for this land seizure, I'd like to address that topic. Claiming to be in favor of environmental protections is low hanging fruit for a politician, especially in an election year. Of course everyone's in favor of clean air and water, but at what cost? The severity of the possible environmental impacts must be weighed against the human cost. Is it worth it to cause children to be homeless? I've observed an idea taking root that somehow the natural environment is better without people in it. That human beings will destroy the earth. And this environmental zealotry is now being used in this Resolution as the rationale for committing the shameful act of violating basic private property rights. While we as human beings do have our faults, whatever mistakes we make, we generally work hard to fix them. Should we abandon all hope, and just accept inevitable doom? Even if it's futile, I still choose to work until my dying day to build a better world, and stand up for what is right. It's time to abandon the ideas that people are somehow bad, that developers are just in it for the money, or that people need government oversight for every little thing lest they might misbehave. Be brave. Take a risk. Remember that human beings have hearts filled with love. We work hard to help one another,

and we can overcome every challenge we face. I offer myself and everything I have to help with this task, and I ask for your help in return.

Section 4: Solutions

- 4.1 Though Councilmember King has attacked me and my business partners by attempting to steal our land, I **forgive** her. I offer my hand in friendship, and I offer my work and my life energy to help solve this housing crisis. I also forgive the actions of those who fought against the Spencer family's work to develop the Maalaea Property over the past 14 years before selling it to West Maui Construction and Hope Builders. For it is those actions which led us to this current point, and this present opportunity for growth and rebirth.
- 4.2 I have the pleasure of working with 74 wonderful individuals at West Maui Construction, amazing people who work hard every day to build homes for others, and the roads and utility infrastructure to serve those homes. It is for them that I put forth such effort and toil. It is for them, and people like them, that I ask you to be willing to effect a change. While they work hard to build for others, it's rare that they're afforded the opportunity to build for themselves. At our Maalaea Property, we have a chance to do just that.
- 4.3 Governments exist to serve the people. They form a mechanism for all of us to come together and share the resources of our entire community. To do more together than we could apart. I ask you to act upon that duty. Maui County needs housing. Help us build it. Reach out to your constituents and ask them what they want. Ask the working people who are too busy to come testify at County government functions. Share that feedback with us so that we may use it to guide our plans for developing our Maalaea Property.
- 4.4 Together we can build a paradise in Maalaea, filled with parents working in their gardens, children laughing and playing, and neighbors sharing friendships. Our Maalaea Property can be so much more than just the dry windswept wasteland it is now. Our current conceptual plans include mostly affordable housing with rows of fire hydrants and greenways to protect against wildfire. These plans also include community run permaculture farm plots with a system of swales to capture stormwater runoff so it can soak into the ground, feeding the

roots of trees to grow fruit and block the wind. Our plans have space for so much more. Don't fight us. Open a dialogue. Tell us what Maui people want, and then let us build it for them without delay. Be the conduit for our community's voices to be heard as you were meant to be, and help us create something that makes us smile every time we drive by, and something our grandchildren will be proud of.

Section 5: Conclusion

Honorable Councilmembers, I humbly ask you to work together with me and serve the true interests of the people of Maui County by voting against this Resolution. While it's certainly easier to do nothing and say no, to try to block progress and not risk any fallout if things go wrong, I ask you to have the courage to do what is right. Help us build homes for those who need them. Along the way there will be hardship and difficulty, and there will be those who complain loudly. I ask you to have the strength to persevere and do this good work. However, if God has decided that there are lessons we still need to learn, and going through the court proceedings that will inevitably result from the passage of this Resolution is necessary to learn those lessons, then that is what I will do. I am ready for whatever you decide. I prostrate myself before thee.

Sincerely,

A handwritten signature in dark ink, appearing to be 'R. Grether', with a long, sweeping horizontal stroke extending to the right.

Ryan Grether
Vice President
WEST MAUI CONSTRUCTION, INC.

**POHAKEA WATERSHED / MAEALAE A BAY
MAUI COUNTY, HAWAII
STORMWATER MANAGEMENT PLAN**

Prepared for:

Maui Nui Marine Resource Council


PO Box 331204
Kahului, HI 96733


November 16, 2018

Prepared by:



Maui Environmental Consulting, LLC
PO Box 790568
Paia, HI 96779 • 808-866-6919


Wesley Crile
Senior Ecologist


Michael J. Reyes
Senior Ecologist/Principal



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Appendix A. Photo-Document.....	Follows Report
Appendix B. Water Quality Monitoring Plan.....	Follows Report



1.0 INTRODUCTION

At the request of Maui Nui Marine Resource Council (MNMRC), Maui Environmental Consulting, LLC (MEC) reviewed the Pohakea Watershed for current landscape conditions affecting water quality within Ma'alaea Bay. While this study focused on erosion and sediment transport caused by surface water flow during stormwater events, any on-site observations of nutrient, pathogen, or other pollutant sources, as well as any other land management practices that may be contributing to water quality degradation in Ma'alaea Bay or Ma'alaea Harbor were recorded. Department of Health Clean Water Branch (DOH CWB) Integrated Water Quality Reports (IWQR), Geographic Information System (GIS) data, local community expert information, and historical literature for the project were also reviewed in the preparation of this document. In addition, MEC proposed a water quality monitoring plan designed to better capture water quality trends throughout the Pohakea Watershed (Aerial) that may be contributing to impairments in Ma'alaea Bay.

2.0 PROJECT CHARACTERIZATION

2.1 Pohakea Watershed Location

The Pohakea Watershed is comprised of 87 different Tax Map Keys (TMK) in Maui County, Hawaii (TMK Map). Pohakea Watershed begins at approximately 4,600 feet at the summit of Hanaula within the West Maui Mountains. Along the coast, this watershed stretches from Kealia Pond and continues west past McGregor's Point to the eastern ridge of Manawainui Gulch (project area). The makai portions of the watershed are approximately located between mile markers 4.5 and 9.25 along Honoapi'ilani Highway (or from just west of Papawai Point to just north of the intersection of Honoapi'ilani and Kuihelani Highways. Pohakea extends east to approximately mile marker 1.5 along North Kihei Road and the western edge of Kealia Pond. The entire area is part of the West Maui Mountains land formation and discharges into the western portion of Ma'alaea Bay (Location Map).

2.2 Pohakea Watershed Landscape and Major Drainageways

The approximately 5,268-acre watershed is composed of several different land formations. As stated above, the watershed begins at the summit of Hanaula within the West Maui Mountains at 4,616 feet above sea level. From here, the watershed flows south and east through several gulches that all discharge into Ma'alaea Bay or Ma'alaea Harbor. Hillslope is relatively steep at the upper portions of the West Maui Mountains, with grade leveling off considerably at approximately 400 feet and continuing to gradually drop along the coastal areas to the ocean (Quadrangle Map). Throughout this document the terms gulch and stream are used interchangeably.

2.2.1 Pohakea Gulch

As its name implies, the major landscape feature within the watershed is Pohakea Gulch. This deeply incised gulch flows almost due east, passing just south of the Hawaiian Cement Quarry located at the end of Kuihelani Road and continuing across Honoapi'ilani Highway via a



Figure 1. Aerial Map

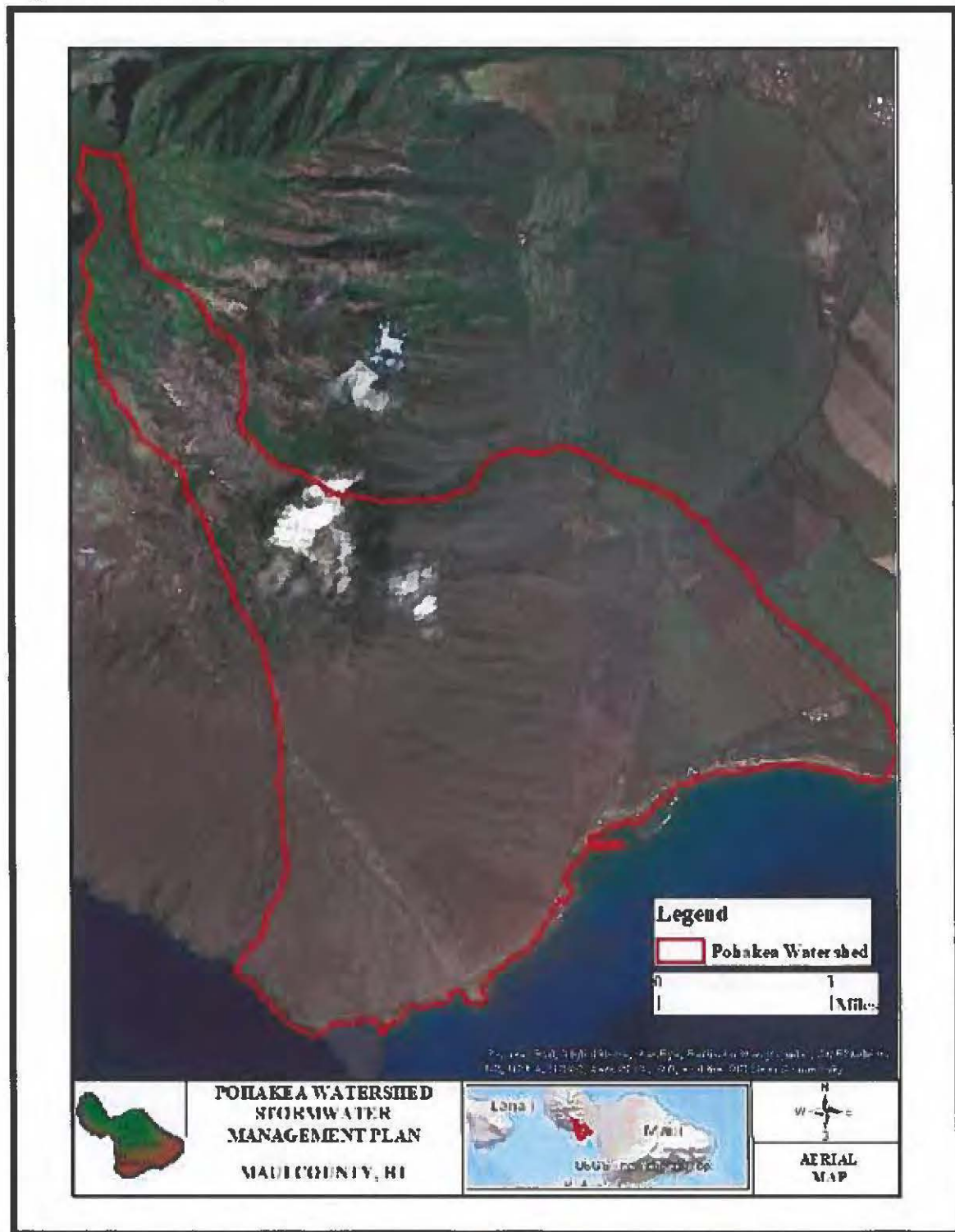
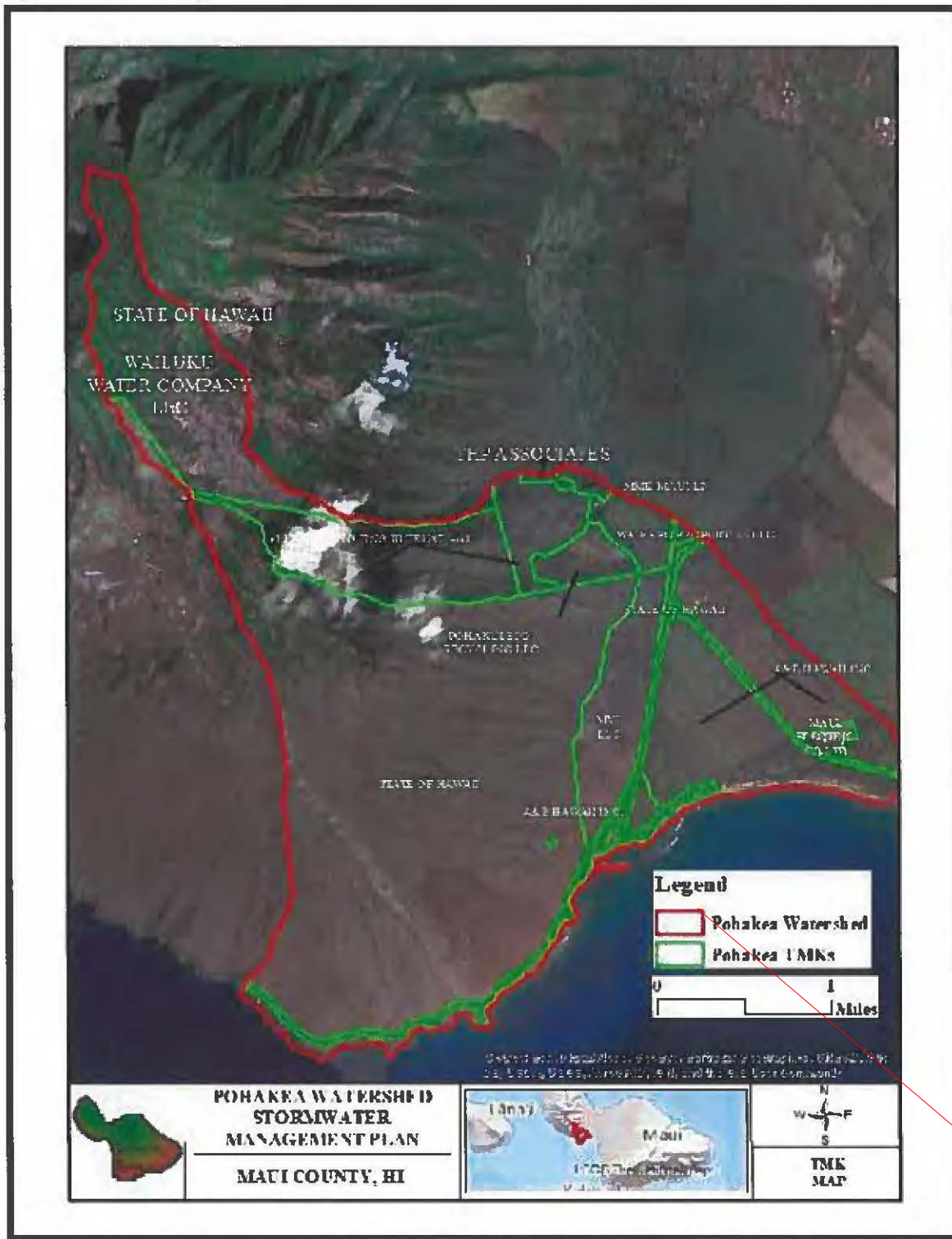




Figure 2. TMK Map



"Maalaea Property" comprises 5% of Pohakea Watershed total area



Figure 3. Location Map

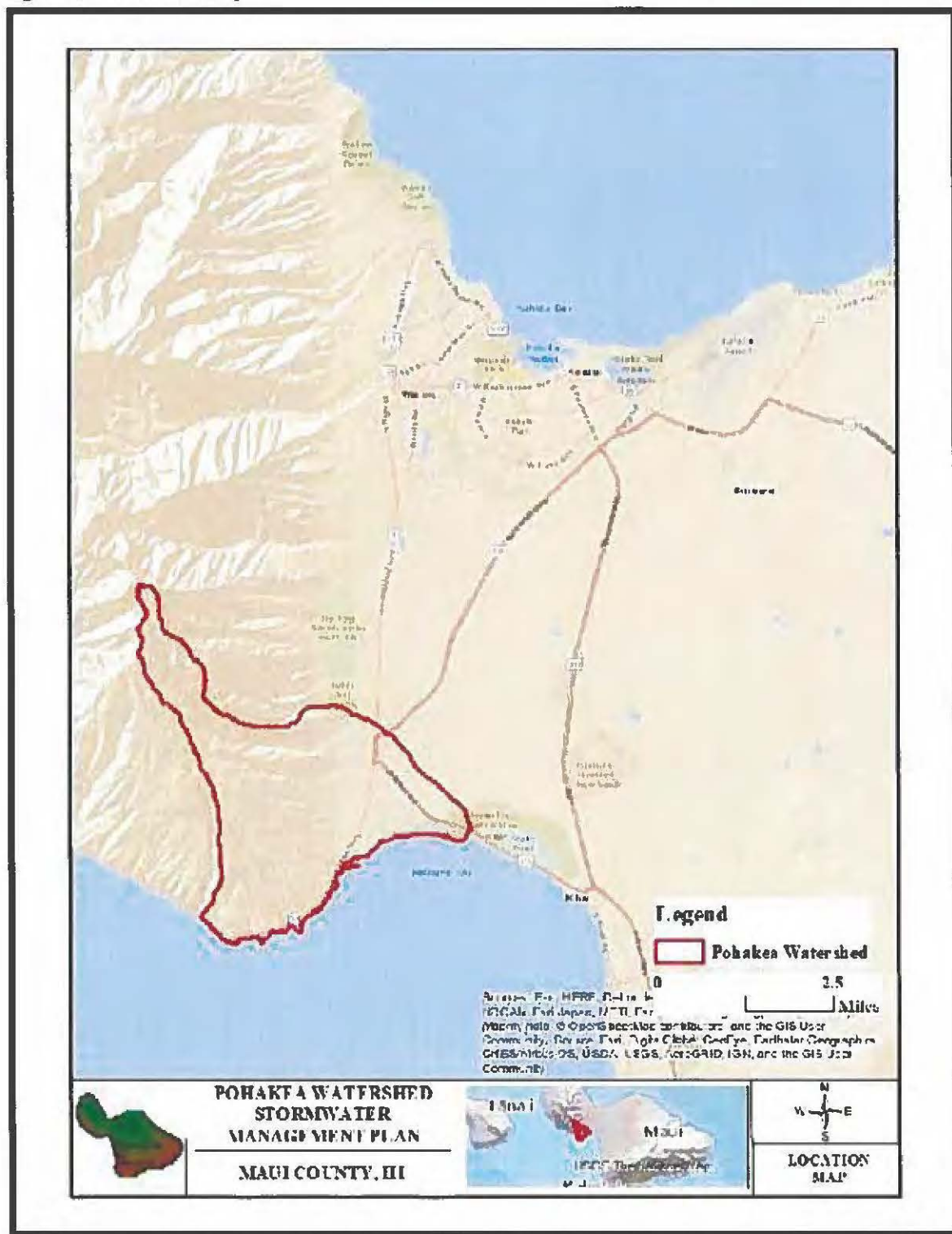
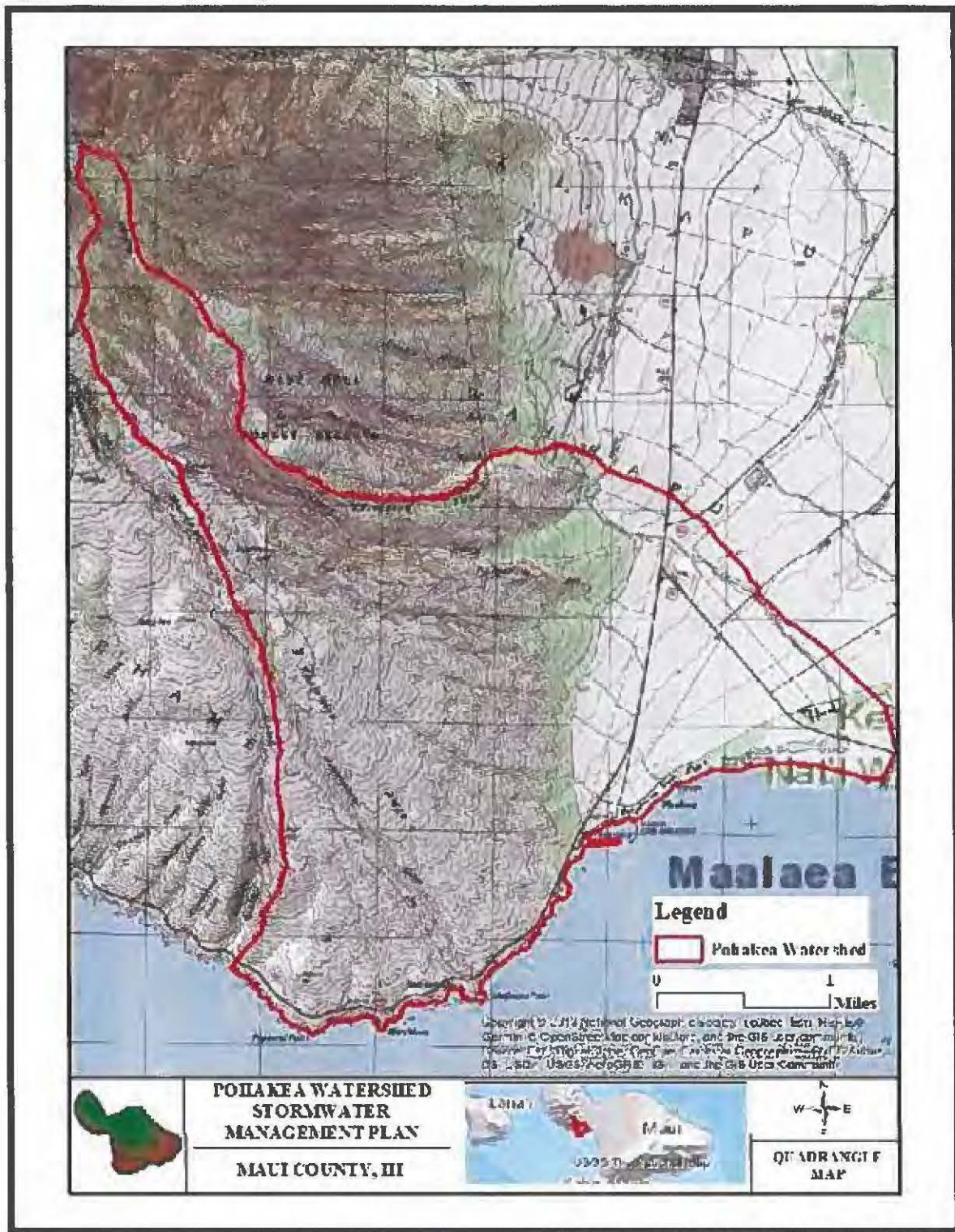




Figure 4. Quadrangle Map

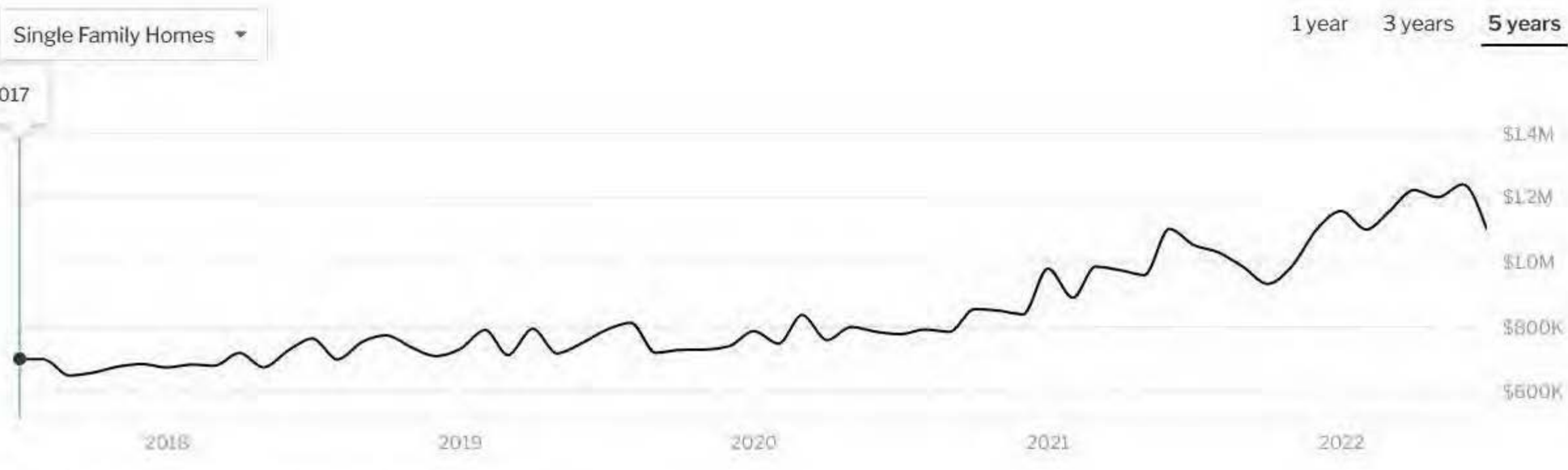


Maui County Housing Market Trends

What is the housing market like in Maui County today?

In July 2022, Maui County home prices were up 12.2% compared to last year, selling for a median price of \$930K. On average, homes in Maui County sell after 63 days on the market compared to 72 days last year. There were 183 homes sold in July this year, down from 310 last year.

<div>Median Sale Price</div> <div>\$1,100,000</div> <div>+4.5% year-over-year</div>	<div># of Homes Sold</div> <div>89</div> <div>-18.3% year-over-year</div>	<div>Median Days on Market</div> <div>64</div> <div>-1 year-over-year</div>
---	---	---



Based on Redfin calculations of home data from MLS and/or public records.

Share

Embed

Location	Data	Growth
● Maui County, HI	<div>Jul 2017</div> <div>\$700,000</div>	<div>% YoY</div> <div>+12.2%</div>

EXHIBIT 3

QuickFacts

Maui County, Hawaii; Hawaii

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

What's New & FAQs >

Q Enter state, county, city, town, or zip code

-- Select a fact --

CLEAR

TABLE

MAP

CHART

DASHBOARD

MORE

Table

Income & Poverty	Maui County, Hawaii	Hawaii
Population Estimates, July 1 2021, (V2021)	164,221	1,441,553
PEOPLE		
Income & Poverty		
Median household income (in 2020 dollars), 2016-2020	\$84,363	\$83,173
Per capita income in past 12 months (in 2020 dollars), 2016-2020	\$36,872	\$37,013
Persons in poverty, percent	9.5%	8.9%

[About datasets used in this table](#)

Value Notes

Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info icon to the left of each row in TABLE view to learn about sampling error.

The vintage year (e.g., V2021) refers to the final year of the series (2020 thru 2021). Different vintage years of estimates are not comparable.

Users should exercise caution when comparing 2016-2020 ACS 5-year estimates to other ACS estimates. For more information, please visit the [2020 5-year ACS Comparison Guidance](#) page.

Fact Notes

Is this page helpful?
 Yes No

EXHIBIT 4

Table 1.06-- RESIDENT POPULATION, BY COUNTY: 2010 TO 2021

[Based on place of usual residence, regardless of physical location on the estimate or census date. Includes military personnel stationed or homeported in Hawaii and residents temporarily absent; excludes visitors present. Population Estimates for July 1, 2010 through July 1, 2020 were created without incorporation or consideration of the 2020 Census results. July 1, 2020 and later data revised from previous *Data Book*]

Date 1/	State total	City and County of Honolulu	Hawaii County	Kauai County	Maui County 2/
2010: April 1	1,360,304	953,203	185,076	67,095	154,930
July 1	1,364,004	956,320	185,361	67,208	155,115
2011: July 1	1,379,562	967,510	187,101	67,894	157,057
2012: July 1	1,395,199	978,295	189,199	68,680	159,025
2013: July 1	1,408,822	986,494	191,521	69,653	161,154
2014: July 1	1,415,335	988,002	193,812	70,316	163,205
2015: July 1	1,422,999	991,755	196,111	71,052	164,081
2016: July 1	1,428,885	993,044	198,583	71,574	165,684
2017: July 1	1,425,763	986,973	200,400	71,838	166,552
2018: July 1	1,423,102	981,076	202,263	72,292	167,471
2019: July 1	1,415,615	973,491	202,165	72,190	167,769
2020: April 1	1,455,271	1,016,508	200,629	73,298	164,836
July 1	1,451,911	1,013,227	200,746	73,201	164,737
2021: July 1	1,441,553	1,000,890	202,906	73,454	164,303

1/ April 1 figures are from the decennial censuses. Population estimates for July 1, 2010 through July 1, 2019 are based on revisions released in May 2021 and may differ somewhat from earlier figures cited in other tables. Population Estimates for July 1, 2020 through July 1, 2021 are based on revisions released in March 2022.

2/ Including Kalawao County (Kalaupapa Settlement).

Source: U.S. Bureau of the Census, Population Division, "Annual Resident Population Estimates, Estimated Components of Resident Population Change, and Rates of the Components of Resident Population Change for States and Counties: April 1, 2010 to July 1, 2020" (CO-EST2020-alldata) (released May 2021) <<https://www.census.gov/programs-surveys/popest/technical-documentation/research/evaluation-estimates.html>> accessed May 24, 2021, and "Annual Estimates of the Resident Population for Counties in Hawaii: April 1, 2020 to July 1, 2021" (CO-EST2021-POP-15) (released March 2022) <<https://www.census.gov/programs-surveys/popest/data/tables.html>> accessed May 5, 2022.

Table 1.01-- POPULATION OF COUNTIES: 1831 TO 2020

[Population counts from missionary censuses of 1831-1832 and 1835-1836, censuses conducted by the Hawaiian government from 1850 to 1896, and censuses by the U.S. Census Bureau beginning in 1900. Data for 1831-1896 are on a de facto or unspecified basis; data for 1900 and later years are resident totals, including armed forces stationed in Hawaii. Based on boundaries established in 1905 and 1909]

Census date	Total population		City & County of Honolulu	Hawaii County	Kauai County	Maui County 2/
	Number	Percent change 1/				
1831-32 3/	130,313	(X)	29,755	45,792	12,024	42,742
1835-36 4/	108,579	-4.6	27,809	39,364	9,927	31,479
1850: Jan.	84,165	-1.8	25,440	25,864	7,670	25,191
1853: Dec. 26	73,138	-3.5	19,126	24,450	7,781	21,781
1860: Dec. 24	69,800	-0.7	21,275	21,481	7,134	19,910
1866: Dec. 7	62,959	-1.7	19,799	19,808	6,624	16,728
1872: Dec. 27	56,897	-1.7	20,671	16,001	5,194	15,031
1878: Dec. 27	57,985	0.3	20,236	17,034	5,811	14,904
1884: Dec. 27	80,578	5.5	28,068	24,991	8,935	18,584
1890: Dec. 28	89,990	1.8	31,194	26,754	11,859	20,183
1896: Sep. 27	109,020	3.3	40,205	33,285	15,392	20,138
1900: June 1	154,001	9.4	58,504	46,843	20,734	27,920
1910: April 15	191,874	2.2	81,993	55,382	23,952	30,547
1920: Jan. 1	255,881	3.0	123,496	64,895	29,438	38,052
1930: April 1	368,300	3.6	202,887	73,325	35,942	56,146
1940: April 1	422,770	1.4	257,696	73,276	35,818	55,980
1950: April 1	499,794	1.7	353,020	68,350	29,905	48,519
1960: April 1	632,772	2.4	500,409	61,332	28,176	42,855
1970: April 1	769,913	2.0	630,528	63,468	29,761	46,156
1980: April 1	964,691	2.3	762,565	92,053	39,082	70,991
1990: April 1	1,108,229	1.4	836,231	120,317	51,177	100,504
2000: April 1	1,211,537	0.9	876,156	148,677	58,463	128,241
2010: April 1	1,360,301	1.2	953,207	185,079	67,091	154,924
2020: April 1	1,455,271	0.7	1,016,508	200,629	73,298	164,836



X Not applicable.

1/ Annual rate since the preceding census, based on the formula for continuous compounding.

2/ Maui County including Kalawao County.

3/ Total population also reported as 129,814.

4/ Total population also reported as 108,393 and 108,568.

Source: Robert C. Schmitt, *Historical Statistics of Hawaii* (University Press of Hawaii, 1977), pp. 11-14; and U.S. Census Bureau, *1980 Census of Population*, PC80-1-A13 (October 1981), table 2; *1990 Census of Population and Housing*, 1990 CPH-1-13 (August 1991), table 2; and Census Redistricting Data (P.L. 94-171) Summary Files for 2000 (March 2001), 2010 (February 2011) and 2020 (September 2021); and calculations by the Hawaii State Department of Business, Economic Development & Tourism, Hawaii State Data Center.

Trend of increasing population

CARE Committee

From: County Clerk
Sent: Tuesday, September 13, 2022 7:46 AM
To: CARE Committee
Subject: FW: Testimony in strong support of Resolution 22-206 to be heard on Wednesday, September 14, 2022 at 9am
Attachments: Tapani Vuori testimony on resolution 22-206 eminent domain proceedings 091222.docx

From: Tapani Vuori <tvuori@mauiocenter.com>
Sent: Monday, September 12, 2022 8:19 PM
To: County Clerk <County.Clerk@mauicounty.us>
Subject: Testimony in strong support of Resolution 22-206 to be heard on Wednesday, September 14, 2022 at 9am

You don't often get email from tvuori@mauiocenter.com. [Learn why this is important](#)

Dear Maui County Clerk,

Please accept this testimony in strong support for the Resolution 22-206 in the Climate Action, Resilience, and Environment Committee on Wednesday, September 14, 2022 at 9am. Any questions or concerns please contact me. Thank you.

Aloha,

TAPANI VUORI
GENERAL MANAGER
PH: 808.270.7097 • C/TXT: 808.561.2022
192 MĀ'ALAE RD. WAILUKU, HI 96793



Top 10 Aquariums in the World | *TripAdvisor Travelers' Choice Awards*
15 Top Aquariums in the U.S. You Need to Experience | *TripAdvisor*
Best Family Attraction in Hawai'i | *USA Today 10 Best Readers' Choice Awards*
#1 Best Zoo or Aquarium | *Hawai'i Magazine, Readers' Choice Awards*
Best Children's Activity on Maui | *MauiTime Best of Maui*

MAUI OCEAN CENTER

*Our Mission: To foster understanding,
wonder and respect for Hawaii's marine life.*

09/12/22

TESTIMONY SUPPORTING MAUI COUNTY COUNCIL RESOLUTION 22-206 “AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA’ALAEA MAUKA/POHAKEA WATERSHED, MAUI, HAWAII FOR PRESERVATION

Dear Honorable Chair and Committee Members,

My name is Tapani Vuori and I strongly support Resolution 22-206.

Excessive sedimentation and excessive nutrients are the number 1 and 2 reasons for near shore marine ecosystem degradation. Both of these conditions have been present in Ma’alaea for decades and as a result our embayment is classified as a 303d, impaired body of water, by DOH/EPA for specifically for these two



Figure 1 Gulch Facing Makai



192 Ma'alaea Road Wailuku, Hawaii 96793 • mauiocceancenter.com • 808.270.7000

reasons. Coral Reef coverage in the Bay is estimated less than 8% when in 1975 it was estimated to be +75% and Limu has become much harder to find. I wanted to specifically share these photos with you all so you can actually see the damage with your own eyes; words and data will go only so far and often fail to touch us like photos can.

First four photos show the damage on land from one gulch out of several on this particular land (TMK: (2) 3-6-001:018). Hawaii Legacy Land Commissioners visited the site in March 2022 and witnessed first hand the condition of the land and saw how deep the gulches were; 30'+ in this particular gulch. Figure 4 shows the large storm drain ingress almost completely blocked with debris and earth.



Figure 2 Gulch Facing Mauka A



Figure 3 Gulch Facing Mauka B

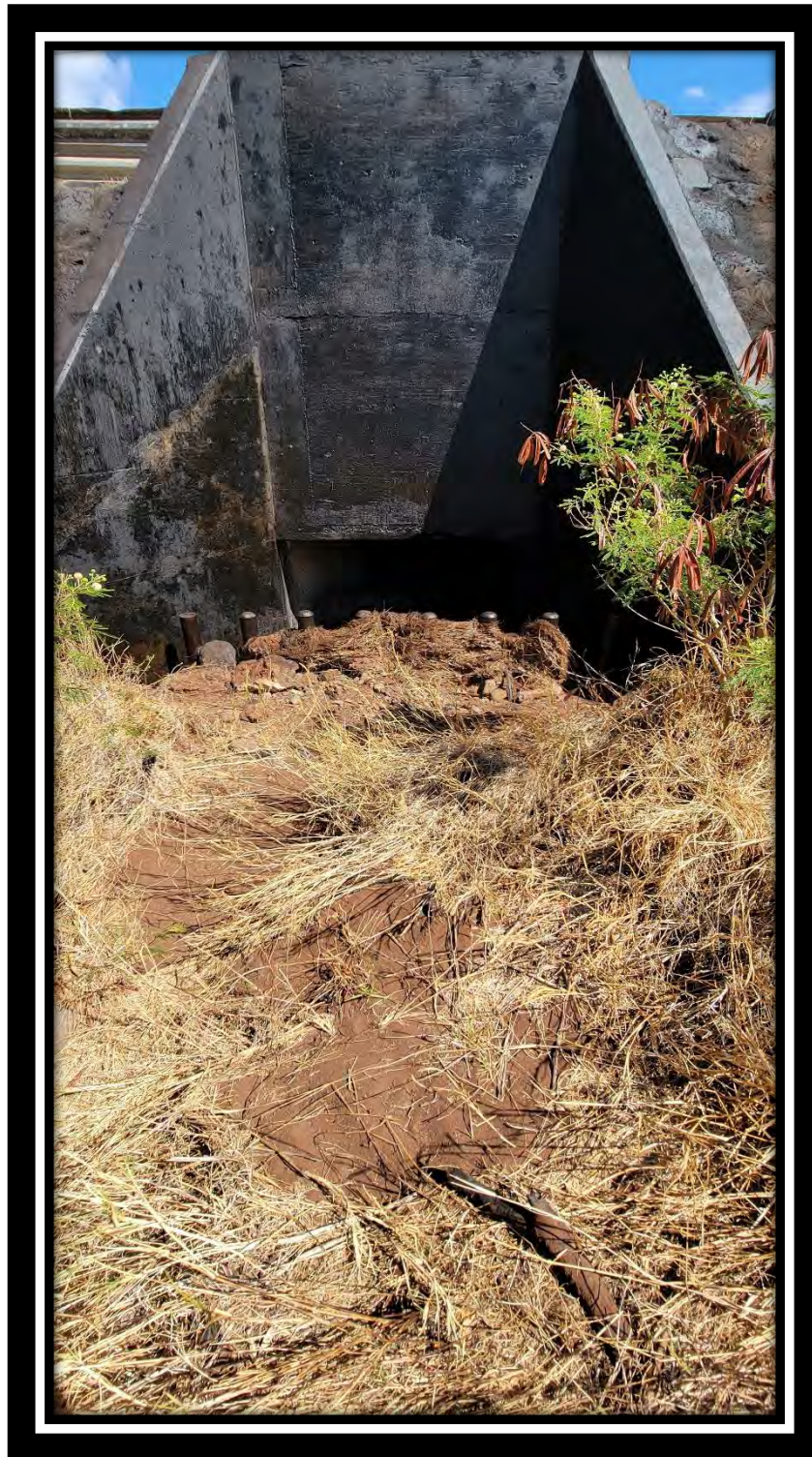


Figure 4 Gulch Facing Makai at the Storm Drain Ingress

The remaining four photos show what happens downstream when there is a storm event impacting the Ma'alaea Harbor and the Bay. This particular storm event happened in December of 2018. I have been involved with Ma'alaea community since 2002 and I have witnessed many of these events over that time span. To me personally it seems like the severity of these brown out conditions have increased over the years.



Figure 5 Storm Channel Discharge to Ma'alaea Harbor



Figure 6 Sedimentation Overflow Ma'alaea Harbor at the Boat Ramp



Figure 7 Brown Out Condition - Sedimentation Overflow Ma'alaea Bay at Harbor Groin



Figure 8 Brown Out Condition - Ma'alaea Harbor

There are many peer reviewed science reports demonstrating the importance of land-sea interactions. Many of the papers cited here are co-authored by Robert H. Richmond, a pre-eminent research professor at UH Manoa Kewalo Marine Laboratory. If one is inclined to learn more about this topic I highly recommend the below papers.

<https://www.sciencedirect.com/science/article/pii/B9780128140031000265>

<http://www.kewalo.hawaii.edu/docs/richmond/2003Wolanski.pdf>

<http://www.kewalo.hawaii.edu/docs/richmond/2009Wolanski.pdf>

<https://academic.oup.com/bioscience/article/57/7/598/238531?login=false>

<https://academic.oup.com/bioscience/article/57/7/598/238531>

This particular land area in question is the main source for excessive sedimentation degrading the near shore marine eco systems in Ma'alaea. It needs to stop if we ever wish to see vibrant near shore marine eco system recover in our Community. I urge Maui County Council to pursue any and all avenues to secure this land for the public trust and restoration of the watershed. Thank you.

Aloha,

Tapani Vuori
c.808.561.2022
tvuori@mauiocenter.com

CARE Committee

From: Axel I. Beers
Sent: Tuesday, September 13, 2022 1:20 PM
To: CARE Committee
Cc: Peter Cannon
Subject: Written testimony on Resolution 22-206
Attachments: Brown water testimony.docx

Aloha, CARE Committee staff,

I am sharing Mr. Peter Cannon's testimony (attached file), as there are some difficulties with uploading this to eComment.

Thank you,
Axel



Axel Beers, Executive Assistant
Office of Councilmember Kelly T. King
South Maui Residency
Office: 808.270.8018
200 South High Street, 8th Floor
Wailuku, HI 96793

<http://mauicounty.us/>

Now is the time to provide input to update the South Maui Community Plan! <https://southmaui.wearemaui.org/get-involved/>

we are
SOUTH MAUI

**Peter W, Cannon
28 Unahe Street
Kahului, Maui, Hawaii 96732**

**TESTIMONY SUPPORTING MAUI COUNTY COUNCIL RESOLUTION 22-206 "AUTHORIZING
PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES
AT MA'ALAEA MAUKA/POHAKEA WATERSHED, MAUI, HAWAI'I FOR PRESERVATION**

My name is Peter Cannon. I was born in Paia and raised in Maalaea. My family and I have a lifetime worth of observations on what has happened to the Maalaea lands and Maalaea Bay. I have read the testimony of Mr. Tapani Vouri in support of Resolution 22-206 and I would like to offer an addendum to his thoughts. There are many good reasons for the condemnation of this land. I am going to focus on just one. This testimony will focus on how the Maalaea mauka lands effect Maalaea Bay and the lands below.

Ownership of these 257 acres is critical to stopping the continuing sedimentation into Maalaea Bay that is the primary cause of the loss of coral, limu, shells, opai and fish nurseries. Stopping fast flowing rain waters and solving the sedimentation problem is actually very cheap and easy to accomplish. But you need to first own the Maalaea mauka lands that are the source of the problem. In addition, flood waters from rainfall passing through these mauka 257 acres need to be allowed to flow into Maalaea Bay through natural filtration as it did throughout antiquity. This is the focus of my testimony.

The Maalaea mud flats are a natural filtration system. The Hauoli Street flood control basin would not even be necessary if we could simply let the upland rainwater and highway rainwater flow back into the cane fields and into the mud flats as they did before the poorly designed roadside drainage culvert was built and the Maalaea mauka lands were left uncultivated. Landowner Mahi Pono has said to me, we want and will take the water.

The attached photo tells the story. Look at the yellow lines that cross through the subject Maalaea mauka property outlined in red. All four of these yellow lines represent the biggest streams in the area and there are many more than four when it rains hard. These streams, fed by the rain that falls in the hills above and upon Maalaea mauka, and the rain that falls on the four-lane highway and the median strip, are diverted into a highway drainage culvert. Kanaio is the biggest named stream to the north. You can easily see in the photo that this stream used to flow under the road before the state build the four-lane highway. You can also see the remnants of Kanaio Stream makai of the highway that once flowed into the Maalaea mud flats. But this water now flows under the road and into the beginning section of the drainage culvert. This is a lot of water during a rain and the Kanaio water belongs in its own stream, not in the culvert. This diverted-by-man Kanaio section is an easy fix right at the very beginning of the culvert.

The Kanaio Stream water and the adjacent streams used to end up in the A&B Maalaea mud flats now owned by Mahi Pono. These wetlands are on private property and are connected to the Kealia Pond National Wildlife Refuge. The original Maalaea wetlands were a natural filtration system. Rainwater moved slowly, mud was left behind and clear water would go into Kealia. Today these wetlands are starved for water. During the wet months, this whole wetland area of ponds is totally connected. The water from the Maalaea mudflats flowed as clear water into the sea through the Kealia Stream mouth near the boardwalk and shoreline parking area.

These streams and wetlands were also the sources of the spring waters that used to just erupt out of the sandy beaches of Maalaea as they headed out to sea. The opai and the limu that lived in the area loved the freshwater flows and they thrived in Maalaea. They could do so again.

Look at the southern stream depicted by the fourth yellow line that flows to the sea through the flood control area. This little stream, that now runs through a way too small cane field pipe and into the flood control area, was once a 12 to 15-foot-deep mini gulch. It could handle all the water flow that mother nature could possibly deliver. There is a natural out cropping of rocks at the mouth of this stream showing that boulders were delivered by this stream into the bay throughout antiquity. I was raised in a home where Maalaea Banyans now stands. As barefoot kids we explored every square inch of that stream that we called a ditch. We even had hand and foot hold stairs cut into the red dirt sides to get in and out along the way. This stream never even got close to overflowing. The bottom of the stream was boulders.

All the streams north of this ditch together with dirt carried from Maalaea mauka and the uplands used to naturally flow into the cane fields and end up in the mudflats. The streams to the south of this ditch ran into what is now the Maalaea Harbor area. The ditch only handled water that came from its own natural stream sources. Man has changed this.

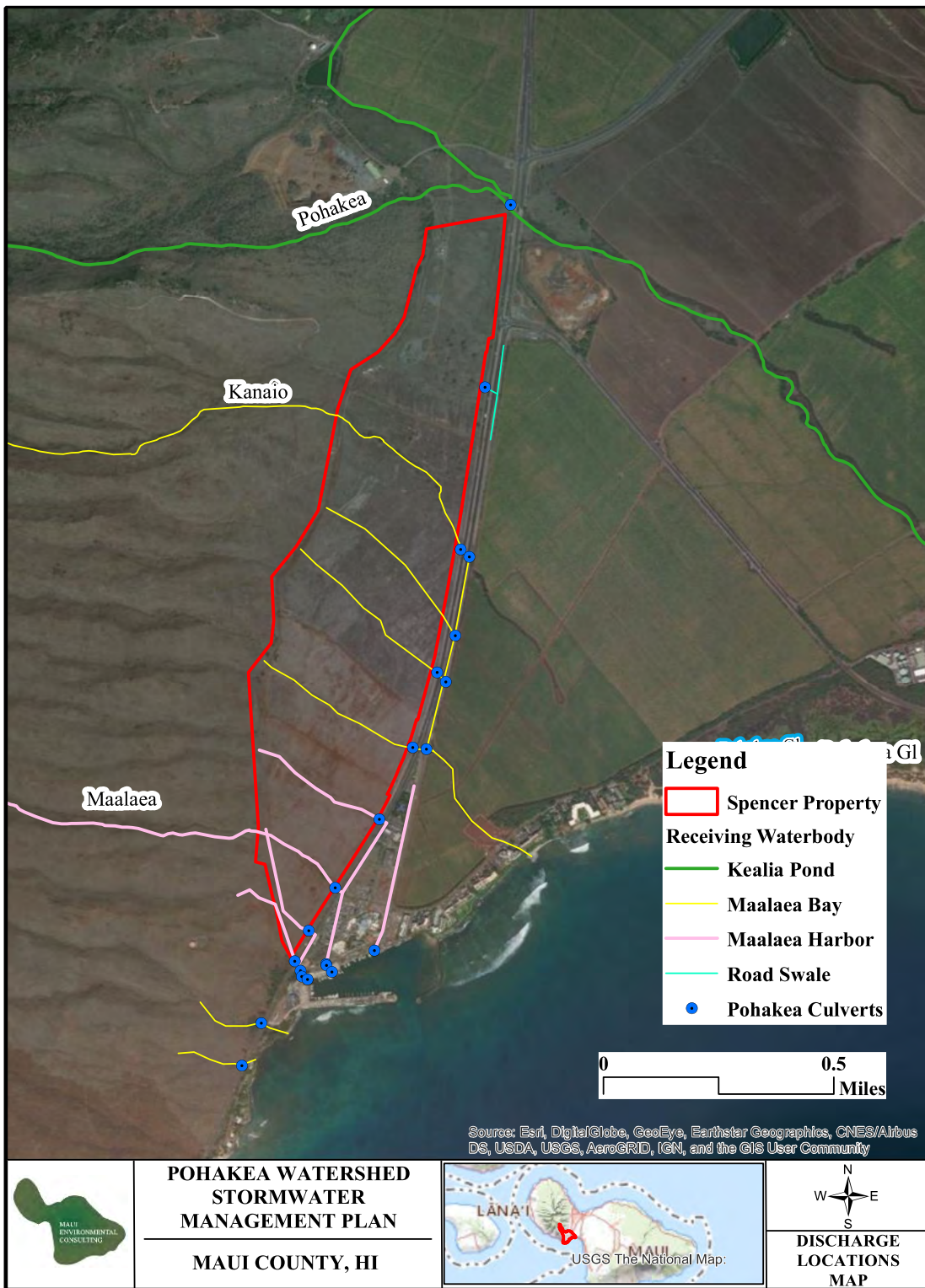
The sedimentation problem is exacerbated by a cane haul road "bridge" with a four-foot diameter pipe in middle of the stream. The cane road and the stream are visible on google earth. Unfortunately, the pipe is right on the boundary and is half in Mahi Pono land and half in a new owner's land. Mahi Pono knows about the problem. This one four-foot diameter pipe cannot possibly handle the flow of storm water in heavy rains coming from way too many sources. So, the water backs up into the makai fields, goes around the pipe, picks up more dirt, and finds its way into Maalaea Bay partly through the ditch and partly across Hauoli Street and sometimes through the lower levels of the Island Sands condominium.

Too much dirt reaches Maalaea Bay because of diverted Maalaea mauka streams, the poorly designed roadside culvert and the four-foot diameter pipe that cannot handle the flow. Today, if you go into the water in front of the Kanai A Nalu condominium and dig under any sandy area, you will reach a-foot-deep layer of mud under the sand. Fishermen dig here for bait worms. This shoreline dirt did not exist before the stormwater diversions.

Maalaea Bay is an economic engine for Maui. Almost all of Maalaea's corals have died from this dirt. Coral makes sand. Coral builds a healthy environment for aquatic life. Maalaea Bay is now designated a degraded body of water by the EPA. Maalaea Bay is dying.

This is so easy to fix. Purchase the Maalaea mauka lands. Install cheap and easy sedimentation controls. Return the mauka waters back to its natural flow patterns. The natural filtration system of the Maalaea Mudflats will again remove most of the dirt. The purchase of the 257 acres is critical to this success.

Let's fix this!



This is a photo of Kanaio Stream:





MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

CARE-97/Resolution 22-206
Acquisition of Ma'alaea Mauka/Pohakea Watershed by Eminent Domain
Wednesday, September 14, 2022

Dear Committee Chair King, Committee Vice-Chair Sinenci, and
Members of the Climate Action, Resilience, and Environment Committee,

The Maui Chamber of Commerce opposes this resolution to take the parcel in
Maalaea by eminent domain.

As we explained in our previous testimony on the resolution to take the property in
Napili by eminent domain, this process should not be taken lightly and the Chamber
normally does not support this. Eminent domain should not be used unless there are
very special circumstances that warrant such an extreme action. In this situation, the
property was purchased while the County and State were approving the funding. While
we understand the disappointment of not being able to obtain this parcel, this
unfortunately happens frequently to homebuyers and renters around our community as
well and is an entirely legal practice.

Additionally, all Councilmembers mention affordable housing and rentals as one of
their top priorities, as does the Chamber. In this situation, there is an opportunity for
the parcel to be used for the development of affordable housing and rentals and that
should be discussed first. We have heard and understand the community's concerns,
but we feel there may be a way to work together and find winning solutions that include
much needed affordable housing and protection of the watershed. This has the
potential to be a successful public private partnership (which we were just asked about
at a previous committee meeting) and we believe it is important to explore
opportunities with the property owner before jumping to the very severe action of
eminent domain. Eminent domain should be a last resort and the public deserves a
clear and transparent process where the Council (as this is your resolution) shares the
numerous meetings you have had with the landowner and efforts to try and negotiate a
winning partnership. Should you continue to move in this way and use eminent domain
as a frivolous and hasty tool, you will set a very dangerous precedent for both Council
behavior and the use of eminent domain in our County.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

CARE-97/Resolution 22-206

Wednesday, September 14, 2022

Page 2.

Lastly, we have continuously shared our hesitancy when it comes to legislation that may cause expensive litigation, which this most certainly will. This could take years and may end up costing the county significantly more than was planned between the eminent domain case and cost of the land itself. At a time when many see a recession in our near future (if not already starting), you should not be adding unnecessary litigation costs to taxpayers.

For these reasons, we ask that this resolution be deferred.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

Lynn Britton
P. O. Box 2241 Wailuku, Maui HI 96793
blb@maui.net; 808-276-9854

September 13, 2022

To: Maui County Council CARES Committee

RE: RESOLUTION 22-206 AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF 257 MAALAEA MAUKA/POHAKEA WATERSHED

Aloha CARES Committee Chair Councilmember King and Members,

As a former South Maui Councilmember (1993-94) and past president of the former Ma'alaea Community Association and the current Ma'alaea Village Association, I have been personally involved in efforts to preserve this 257 acre parcel at the crossroads to Lahaina and Central Maui for decades.

I enthusiastically support Resolution 22-206 to authorize proceedings in eminent domain for the acquisition of the Ma'alaea Mauka/Pohakea Watershed and implore this Council to move ahead with the proceedings. Time is of the essence.

Mahalo to you and Mayor Michael Victorino for funding the acquisition of the 257 acre Ma'alaea Mauka in the Pohakea Watershed with open space funds. This is exactly why the open space fund was created. The County funding, along with the \$1 million from the State Legacy Lands Conservation fund gave us what we thought would secure the funding necessary for the purchase.

Since the surprise turn of events the day the Council allotted the funding necessary for the purchase and we learned that there was a new owner and all agreements with the previous owner were off the table, we, along with many others in the Maui community, have waited patiently. We hoped that the value of preserving the entire parcel would be understood, along with the possible profit to be gained of \$1 million. After months of waiting we have been advised that the new owner is unwilling to sell the 257 acre parcel to the County and apparently is interested in developing at least a portion of the property.

This Council in its wisdom budgeted funds to purchase the entire parcel. You had previously considered ag. subdivision development proposed by the previous owner but on more thorough review understood the need to preserve the entire 257 acres. You also saw the many benefits that ownership and management by the DLNR Division of Forestry and Wildlife (DOFAW) would have for the future.

Resolution 22-206 details the value of this land and the many benefits for its preservation -ranging from restoring Ma'alaea Bay to preserving the open space and scenic resources to addressing wildfire and traffic issues at this main access point to West Maui. Expansion of the historic Lahaina Pali Trail and creation of new park space for the Maui community will provide a variety of recreation opportunities.

Please support this resolution and move it forward for the benefit of Maui's people for years to come.

With Much Aloha,

Lynn Britton
Lynn Britton



Date: September 13, 2022
To: Maui County Council CARES Committee
RE: Resolution 22-206

Aloha CARES Committee Chair Councilmember King and Members,

The **Ma'alaea** Village Association (MVA) and our 200+ members support Resolution 22-206 to authorize proceedings in eminent domain for the acquisition of the Ma'alaea Mauka/Pohakea Watershed.

We commend the Maui County Council and Mayor Michael Victorino for funding the acquisition of the 257 acre Ma'alaea Mauka in the Pohakea Watershed with open space funds. This is exactly the purpose for which the open space fund was created.

It is unfortunate that the new owner of these lands has made clear that he is unwilling to sell the 257 acre parcel to the County. All reasonable efforts of an amicable sale/purchase agreement appear to have been exhausted and this appears to be the only remaining alternative. Therefore, MVA whole-heartedly supports Resolution 22-206 to initiate eminent domain designation to complete the property acquisition by the County.

MVA and our predecessor, Ma'alaea Community Association have been involved in efforts to preserve the 257 acre parcel for decades. The reasons for preserving this land are numerous – ranging from the priority of restoring Ma'alaea Bay to preserving the open space and scenic resources to addressing wildfire and traffic issues at this main access point to West Maui.

In this effort we have partnered with Maui nonprofits including Kihei Community Association, Sierra Club Maui and Maui Nui Marine Resource Council (MNMRC), the Hawaii Land Trust and Trust for Public Land. We value the commitment of the Dept. of Land & Natural Resources (DLNR) Division of Forestry and Wildlife to take ownership and manage these lands to create a **"Forest Reserve"** with the surrounding 4,000 acres of state conservation lands. This initiative will provide Maui County vast resources in preserving the valuable open space and scenic resources, expand the historic Lahaina Pali Trail and create parks and trails for the benefit of **Maui's** people for years to come. **DLNR's** commitment of \$1 million in Legacy Lands funding toward the purchase demonstrates the value the state puts on preserving these lands.

Please support Resolution 22-206 and move this resolution forward. The public benefits and conservation reasons for acquiring this property are well-documented and leave little left to be said.

Sincerely,

Lyndon Ibele
President, Ma'alaea Village Association