

AH Committee

From: teresa jacques <terrijacques@icloud.com>
Sent: Tuesday, June 25, 2019 2:21 PM
To: AH Committee
Cc: Keani N. Rawlins; Tamara A. Paltin
Subject: Makila Rural projects

Aloha Committee Members and thank you for your time.

I have watched all of the testimony last week and the developer's proposal today streamed on the Akaku station and I appreciate your patience, time, patience and dedication. And patience. I would like to follow up my initial letter to the Committee as it regards to today's presentation by the developer.

1. The law is "Show Me the Water", not "Promise Me the Water". The developer's water engineer believes there is enough potable water when all of the systems are up and running, with "a little extra". At a time frame of one to two years until completion. And with his recommendation to add a fourth well to maintain enough production if a pump breaks down. Not very convincing. Mr Tremble answers of the Water Company/Development Company were even less convincing. Predictions and estimations are just that, and as Ms. Paltin pointed out, the very same developer's original usage predictions for the full build out are much less than the actual amount being used by residents - at less than full build out. The current residents are suffering now because of their bad predictions. These current projects should not be allowed to move forward until all of the wells have been put in place and independently tested. Because there is no way to know for sure if there really is the water they predict until every potable and nonpotable water source has been put in place and tested. What if you approve these developments and you allow the developer to proceed, and it turns out there isn't the predicted water in the new wells, or it really does affect Kaua'ula Stream? Or the proposed wells could not be built because of land ownership issues? Or the developer just never gets around to building all of them as promised? Or there isn't enough pressure to run more than a few fire hydrants at a time without loss of pressure? There isn't any way to know with 100% certainty what the water supply will be until the water is flowing, and the consequences if it doesn't could be very serious.

2. I am a retired CPA. In accounting law, there is a term "Piercing the Corporate Veil". The IRS and courts will look to do this when it appears that an individual or company is trying to bypass tax or corporate law by setting up new companies, partnerships, LLCs, etc, and transferring assets between those new entities to avoid the rules and requirements that would normally have to be followed. Ms. Rawlins-Fernandez asked County Council about "segmentation", and his response was based on the fact that the applications were submitted by two (soon three) different companies, his opinion was to take them separately. I do not believe that this would stand up in court. If you pierce the veil of ownership, you will see that Mr. Martin essentially owns/controls both of the properties under current consideration. Furthermore, the third parcel is currently owned by Mr. Brown and the two men have gone so far as to hire the same water engineering study for the entire area. (Reference Makila Rural-East proposal package, page 680). So they are treating it as one project. One of them used to own all of it, and he was going to be required to put in a water treatment facility to mitigate the impacts of having 200 septic systems in the area. Why is it different because there are three different company names now instead of one? They are essentially the same project that was brought up two years ago, just repackaged so as to circumvent State water treatment and environmental impact requirements.

Saying no to these projects is not saying no to affordable and work force housing. It is saying no to being pressured to make a decision in less than 45 days for something that should take months to review. And saying no to a project that has an awful lot wrong with it (water, traffic, fire, infrastructure, exemptions, segmentation etc).

Mahalo
Teresa Jacques
Mahanalua Nui