

AH Committee

From: Emmalia Dunn <leimaeole44@yahoo.com>
Sent: Tuesday, September 29, 2020 2:01 PM
To: AH Committee
Subject: I OPPOSE the Lihauula PROJECT

Aloha,

My name is Emmalia Dunn. I am from this aina and I don't appreciate all the development that is happening around Maui. I am a descendant of the following ohana:

HAIA-KEKAI/KEAHI
MAKAAHA PU'UPU'U,
KAAHANUI/ KALEIOPU
...and we are of Lahaina!!!!

If you continue to allow this development and all future non-sense developments, especially when they slap the wording "affordable housing" on it, our Maui will no longer be our Maui. Our people will no longer be able to call this place home because its becoming unbearable to afford living here.

I am a single mother who works full-time, and the way these developers are classifying "affordable housing" still does not allow me to "afford housing" here on Maui, when I for one, along with my Ohana should all be able to afford to live here, in our home.

So please please please stop this development and stop allowing these outsiders to turn our paradise into a concrete jungle!

Mahalo,

Emmalia Dunn
Sent from my iPhone

AH Committee

From: Tammy Harp <maha_oi@hotmail.com>
Sent: Tuesday, September 29, 2020 2:09 PM
To: AH Committee
Subject: After-the-fact clarifications re: Oral Testimony (23sept2020)

Aloha Chair Tasha Kama and Affordable Housing Committee Members,

Apologies for the delay in regards to Lihau 'Ula/Lihau'ula Workforce Housing in Olowalu.

Lihau has several interpretations for me, first being the tallest peak of Olowalu Valley and is also designated a Natural Area Reserve (NAR). Secondly, Lihau as one of the water elements for Mauna Kea namely Poliahu, the Snow Goddess. Third, Lihau is of the cold and ice which to me partners with the makani Kipu'upu'u of Waimea, Moku o Keawe. Icy cold rain. Then, there is Lilinoe of the rain. Different forms of water elements to Poliahu. I spoke with Pua Case about my interpretations and this is my knowledge and how it has a spiritual touch on me.

Lihau 'Ula/Lihau'ula is to me, the red misty rain which is not considered good luck for the fisherman. As we were taught, the color red is kapu in fishing. That is why I interpreted Lihau'ula as cold blooded. When the wai is involved and turns red with 'opae, the significance is blood. Blood of the Fallen whether in battle or in this case, at Olowalu, meant the Olowalu Massacre of 1790. I hope this is a sufficient explanation.

Patching the road...meaning there is only one way in or out of Lahaina in the Ukumehame area near the Pali. The water inundates the traffic flow. It would be more sensible to look at the bypass coming off or onto the Pali.

As for the coral reefs of Olowalu, to me, they are near-pristine. There is no comfort station in the area and portable lua is not the solution. The portable lua can get overwhelmed with waste and become a health hazard.

One thing I would like to add is that there be no shaving, no grading of our mountainsides and hills which has already been compromised for speculative personal wealth in placing homes where they should not be in the first place. Which I assume is the Planning Department's blatant mismanagement of the WM Lahaina District lands and mountainsides. Like the song, Yonder Lahaina Mountains...a part of it resonates "...where hills are quiet and still...." When I look to the Lahaina Mountains (I got scolding from Akoni Akana: Mauna Kalahawai, supposed to be) we not supposed to look at money. I see money on the mountainside and on top of our small hills with structures that don't belong there. We deserve good quality of life and seeing those just doesn't cut it. Rogue economics impact our health and wellbeing. Causes unnecessary grief.

I think this captures my intention of clarifying my previous testimony of the 23rd. Mahalo for your time with my after-the-fact clarifications.

O wau iho no,

Tammy Harp
(808)313-0343

AH Committee

From: Kai Nishiki <kai.nishiki@gmail.com>
Sent: Tuesday, September 29, 2020 4:18 PM
To: AH Committee; Kelly King
Subject: Fwd: Lihau'ula testimony
Attachments: OlowaluElua-0994_NOW_NON AG USE.pdf; OlowaluEluaSMA-0994_NOV_SMA.pdf; OlowaluElua-0994_NOV_SHORELINE.pdf; OlowaluEluaOCCL-ENF MA 21-01.PDF; OlowaluEluaAssociates.pdf; LihauulaLLC.pdf

Aloha Committee member and Chair Kama,

Peter Martin is one of the largest landowners in West Maui. Lawrence Carnicelli is his highly paid executive and the chair of the Maui Planning Commission. As you know the Planning Commission is the authority and decision making body for matters relating to the Special Management Area and shoreline. So it is particularly egregious to see this developer willfully and blatantly violate shoreline and SMA rules in this very environmentally sensitive area. In my opinion, Mr Carnicelli should resign from the Maui Planning Commission.

I called Mr. Carnicelli, who authoritatively stated, "we don't need any permits, we are doing ag activities" Well the State and County disagree. submitted to you are several Notices of Violation issued last week from the County of Maui and the State of Hawaii DLNR, Office of Conservation and Coastal Lands. The photos you see are of shoreline property adjacent to the proposed Lihau'ula development where these developers directed the unauthorized clearing of shoreline State Conservation Land. A site inspection by DLNR revealed encroachment upon State unencumbered land, failed erosion control mitigation, turbid red tinged ocean water and dirt/mud on the State parcel and submerged land.

From Maui County the developer was cited for " Failure to submit a shoreline setback and special Management Area assessment and failure to obtain an exemption or permit for grading and grubbing 3 acres, tree cutting ½ acre, trenching and installing irrigation and water lines, ground altering activities, installing 4 metal shipping containers, a concrete pad, grading and grubbing in the shoreline setback near a documented burial site, and a non-agricultural use of structures that may be used only for agricultural purposes.

Just yesterday, State and County inspectors were called out yet again to another shoreline parcel because this developer is continuing to do more unpermitted actions in the shoreline. So there will be more violations on the way.

In addition, in 2018 the State Water Commission fined this developer for the illegal construction of a dam/spillway on the Olowalu Stream.

This clearly illustrates what pilau developers they are, they cannot be trusted and have proven a complete lack of integrity. Please do not provide entitlements to this developer who has serious outstanding violations with the State and County.

This developer has willfully perpetrated crimes against native Hawaiians and our culture, wreaked havoc on our environment and instills distrust within our community. As you have heard Olowalu reef is one of the last intact, reef structures and thriving home to fish, whales, mantas, reef, beaches.

So while they brag about loving and caring about Olowalu they willfully destroy everything that makes this place so special, native people, native culture, and the very land, reef, ocean, and beaches.

This project is not consistent with either the current nor the CPAC recommended West Maui Community Plan. With truly affordable projects supported by our community such as Pulelehua breaking ground in January, Wainee residential, and Honokowai Hawaiian Homes coming up soon and the recently built Kahoma homes and Stanford Carr development, West Maui has developments we do support, just NOT in this area.

See links to NOV's And DCCA filings linking Lihau'ula and Olowalu Elua:

Sent from my iPad

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



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

September 16, 2020

CERTIFICATE OF SERVICE ON FILE

Olowalu Elua Associates, LLC
Attn: Lawrence Carnicelli
305 East Wakea Avenue, Suite 100
Kahului, Hawaii 96732

To Whom It May Concern:

**RE: NOTICE OF WARNING AND REQUEST TO CORRECT
APPARENT VIOLATION(S)**
TMK: (2) 4-8-003:084-0000
RFS No.: 20-0000994
**Description: Non-agricultural use of structures that may be used only
for agricultural purposes, located at 11493 Honoapiilani
Highway Lahaina, Maui, Hawaii**

Based on information obtained, we have reason to believe that on your property, on or before July 29, 2020, there were one or more violations. Structures allowed as a "barn" and "agriculture workshop" are used (in part) for non-agricultural activities and storage, therefore are not accessory to a permitted principal use of agriculture; and violate Maui County Code, including but not limited to, Chapters/Sections 19.30A.050.

The information obtained includes: site inspection and photographs.

You must correct any violations by **September 23, 2020**. We will investigate further, and if we find any of the above-described apparent violations, you will be subject to civil and possible criminal enforcement action.

Civil Fines for the violation will be 1) an initial fine of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) per infraction; and 2) a daily fine of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) for each day each violation continues.

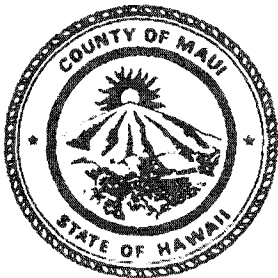
Oluwalu Elua Associates, LLC
RFS No. 20-0000994
September 16, 2020
Page 2

This request is only for violations of regulations that are enforced by the Department of Planning. There may be additional violations of regulations that are enforced by other County, State, or Federal agencies. If you have any questions about this request, please contact me at Melissa.Tokushima@mauicounty.gov or (808) 463-3825; and please refer to **RFS 20-0000994**.

Sincerely,


MELISSA TOKUSHIMA
Zoning Inspector

xc: Jay Arakawa, Supervising Zoning Inspector (PDF)
Melissa Tokushima, Zoning Inspector (PDF)
KIVA; RFS File
JSR:JAA:MT:gac
S:\ZONING\RFS\2020\0994_OloWalu_Camp_SMA_SSA\NOW



COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING ADMINISTRATION AND
ENFORCEMENT DIVISION
2200 MAIN STREET
WAILUKU, MAUI, HAWAII 96793
Telephone: (808) 270-7253
Facsimile: (808) 270-7634
E-mail: planning@mauicounty.gov

FILE NO	NOV 2020/0103
RFS NO	20-0000994
DATE OF NOTICE	September 16, 2020
DATE OF VIOLATION	June 15, 2020
CONTINUING VIOLATION	[] YES [X] NO
COLLECTED FINE	NONE
CERTIFIED RECEIPT NO	7017 0190 0000 7020 0769

**NOTICE OF VIOLATION
SPECIAL MANAGEMENT AREA - MAUI**

TO:	Olowalu Elua Associates, LLC Attn: Lawrence Carnicelli 305 East Wakea Avenue, Suite 100 Kahului, Hawaii 96732		
RE:	TMK	(2) 4-8-003:084-0000	PERMIT NO
	ADDRESS	11493 Honoapiilani Highway Lahaina, Hawaii	

I have inspected the above described structure(s) and/or premises and have found the following violation(s) of §§ 12-202-12(a), Special Management Area Rules for the Maui Planning Commission ("SMA Rules"), as amended: and Hawaii Revised Statutes §205A-28:

**NATURE AND EVIDENCE
OF THE VIOLATION(S)**

Failure to submit a Special Management Area ("SMA") assessment and obtain an exemption or permit for the following action(s) within the SMA: Grading/grubbing of approx. 3 acres; tree-cutting of approx. 1/2 acre; trenching and installing irrigation and waterlines; other ground altering activities; and installation of four metal shipping containers and concrete pad.

Evidence of the aforementioned violation(s) include(s): site inspection and photographs

ORDER

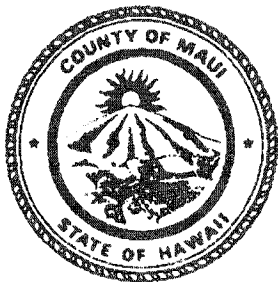
Pursuant to §§12-202-23(b) and §12-202-25, SMA Rules, as amended, you are hereby ordered as follows:

X	Cease and desist all activity immediately.		
X	Remove the violation(s) or submit a SMA Assessment Application and obtain required exemptions and permits by September 23, 2016		
X	Pay an initial civil fine in the amount of:	\$22,000.00	To the Department of Planning ("Planning") by October 16, 2020
X	Pay a daily civil fine in the amount of:	\$100.00	Per day to beginning on September 23, 2020 if the corrective action described above is not completed by December 16, 2020
X	Pay a daily civil fine in the amount of:	\$500.00	Per day to beginning on December 17, 2020 if the corrective action described above is not completed by December 16, 2020

Pursuant to §205A-32(c), Hawaii Revised Statutes ("HRS") and §12-202-23, SMA Rules, you are entitled an opportunity for a contested case hearing before the Planning Director or his designee, before the imposition of said fines. To contest any provision within this Notice of Violation and Order, submit written confirmation that you wish to proceed with said hearing within thirty (30) days from the date of the certified mailing of this notice, or this order shall become final. Pursuant to §91-9, HRS, a notice of hearing date and time will be forwarded to you under separate cover. Please be advised that you may appear on your own behalf or retain counsel to represent you. Pursuant to §12-202-25, SMA Rules, the submittal of an SMA permit application subsequent to the issuance of this Notice of Violation and Order shall not stay any provision of this order. Pursuant to §12-202-23(d)(3), any negotiated settlement shall be forwarded to the Maui Planning Commission for final action.

FOR THE PLANNING DIRECTOR

Print Administrator's Name	JOHN S. RAPACZ	Administrator's Signature	
Print Supervisor's Name	JAY ARAKAWA	Supervisor's Signature	
Print Inspector's Name	MELISSA TOKUSHIMA	Inspector's Signature	



COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING ADMINISTRATION AND
ENFORCEMENT DIVISION
2200 MAIN STREET
WAILUKU, MAUI, HAWAII 96793
Telephone: (808) 270-7253
Facsimile: (808) 270-7634
E-mail: planning@mauicounty.gov

FILE NO	NOV 2020/0102
RFS NO	20-0000994
DATE OF NOTICE	September 16, 2020
DATE OF VIOLATION	June 15, 2020
CONTINUING VIOLATION	[] YES [X] NO
COLLECTED FINE	NONE
CERTIFIED RECEIPT NO	7017 0190 0000 7020 0769

NOTICE OF VIOLATION SHORELINE - MAUI

TO:	Olowalu Elua Associates, LLC Attn: Lawrence Carnicelli 305 East Wakea Avenue, Suite 100 Kahului, Hawaii 96732			
RE:	TMK	(2) 4-8-003:084-0000	PERMIT NO	NONE
	ADDRESS	11493 Honoapiilani Highway Lahaina, Maui, Hawaii		
I have inspected the below described structure(s) and/or premises and have found the following violation(s) of §§12-203-10, 12-203-12, and 12-203-13(a), Shoreline Rules for the Maui Planning Commission and 205-44 Hawaii Revised Statutes (HRS), as amended:				
NATURE AND EVIDENCE OF THE VIOLATION(S)		Failure to submit a request for determination of structures and activities in the shoreline setback area and obtain a shoreline setback approval or variance (as applicable); Grading/grubbing in the shoreline setback near a documented burial site; tree-cutting/clearing; other ground-altering activities; and installation of irrigation.		
Evidence of the aforementioned violation(s) include(s): site inspection and photographs.				

ORDER

Pursuant to §§12-203-16 and 12-203-17, Shoreline Rules of the Maui Planning Commission, and §§205A-32 and 205A-43.6, Hawaii Revised Statutes (HRS), as amended, you are hereby ordered as follows:

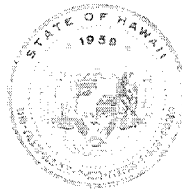
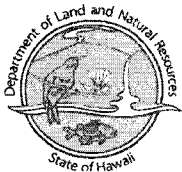
X	Cease and desist all activity immediately.		
X	Remove the violation(s) or submit a request for determination of structures and activities in the shoreline setback area, and obtain a shoreline setback approval or variance (as applicable) by September 23, 2020		
X	Pay an initial civil fine in the amount of:	\$22,000.00	To the Department of Planning ("Planning") by October 16, 2020
X	Pay a daily civil fine in the amount of:	\$100.00	Per day to beginning on September 23, 2020 to Planning if the corrective action described above is not completed by December 16, 2020
X	Pay a daily civil fine in the amount of:	\$500.00	Per day beginning on December 17, 2020 to Planning if the corrective action described above is not completed by December 16, 2020

Pursuant to §§205A-32 and Chapter 91, HRS, as amended, these fines are not imposed until you have had an opportunity for a hearing before Maui Planning Commission. If you wish to request a hearing to contest any provision of this Notice of Violation and Order, then within ten days of the certified mailing of this Notice (per Title MC-12, Chapter 203, Shoreline Rules for The Maui Planning Commission, Section 12-203-18), you must submit a notice of appeal as required by Title MC-12, Chapter 201, Rules for The Maui Planning Commission, Subchapter 8 Hearings on Appeals of Notices of Violation. If you do not submit such a notice of appeal, this Order will become final. Pursuant to §91-9, HRS, as amended, a notice of hearing date and time will be forwarded to you under separate cover, if you submit a notice of appeal in the time prescribed. Please be advised that you may appear on your own behalf or retain counsel to represent you. Please be advised that submitting a notice of appeal does not stay any provision of this order, other than the imposition of fines. In the future, should you have a violation in the same manner as described above, the violation will be considered as recurring and will be subject to additional fines and other legal action.

FOR THE PLANNING DIRECTOR

Print Administrator's Name	JOHN S. RAPACZ	Administrator's Signature	
Print Supervisor's Name	JAY ARAKAWA	Supervisor's Signature	
Print Inspector's Name	MELISSA TOKUSHIMA	Inspector's Signature	

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

ENF: MA 21-01

NOTICE OF ALLEGED VIOLATION

CERTIFIED MAIL RETURN RECEIPT

JUL 30 2020

Lawrence Carnicelli, Managing Director
Olowalu Elua Associates LLC
305 E. Wakea Avenue, Suite 100
Kahului, HI, 96732

SUBJECT: Encroachment Upon State Land and Alleged Unauthorized Land Use
Within the Conservation District Located at Olowalu, Maui, TMKs: (2) 4-8-
003:001 & 084

Dear Mr. Carnicelli:

NOTICE IS HEREBY GIVEN you may be in violation of the Hawaii Administrative Rules (HAR) Chapter 13-221 regarding unencumbered public lands, enacted pursuant to the Hawai'i Revised Statutes (HRS) Chapter 171; and HAR, Chapter 13-5, providing for land uses within the Conservation District, enacted pursuant to HRS, Chapter 183C.

A site inspection conducted on July 2, 2020 revealed an encroachment upon State unencumbered land, failed erosion control mitigation, turbid red tinged ocean water, and dirt/mud on the State parcel and submerged land. Significant ground disturbance appears to have occurred upon State land and within the State Land Use Conservation District.

PUBLIC LAND

Pursuant to HAR, 13-221-23 Geological features. No person shall destroy, disturb, or mutilate any geological features or dig, or remove sand, earth, gravel, minerals, rocks, fossils, coral or any other substance on the premises. No person shall excavate or quarry any stone, or lay, set, or cause any blast or explosion, or assist in these acts within the premises, except as provided by law or with the written permission of the board or its authorized representative; and

HAR, 13-221-28 Public property. (a) No person shall destroy, deface, or remove any natural feature or natural resource within the premises; (d) No person shall destroy, dig, remove, or possess any tree, shrub or other plant, except for noxious weeds, as defined in HAR, chapter 4-68, within the premises.

Pursuant to HRS, 171-6, the Board of Land and Natural Resources may bring such actions as may be necessary to remove or remedy encroachments upon public lands. Any person causing an encroachment upon public land shall:

- (A) Be fine not more than \$1,000 a day for the first offense;
- (B) Be fined not less than \$1,000 nor more than \$4,000 per day upon the second offense and thereafter;
- (C) If required by the board, restore the land to its original condition if altered and assume the costs thereof;
- (D) Assume such costs as may result from adverse effects from such restoration; and
- (E) Be liable for administrative costs incurred by the department and for payment of damages.

CONSERVATION DISTRICT

Pursuant to HAR, §13-5-6, no land use (s) shall be conducted in the Conservation District unless a permit or approval is first obtained from the Department of Board.

Pursuant to HAR, §13-5-2, "Land use" means:

- (1) The placement or erection of any solid material on land if that material remains on the land more than thirty days, or which causes a permanent change in the land area on which it occurs;
- (2) The grading, removing, harvesting, dredging, mining, or extraction of any material or natural resource on land;
- (3) The subdivision of land; or
- (4) The construction, reconstruction, demolition, or alteration of any structure, building, or facility on land: and

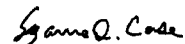
Pursuant to HAR, §13-5-6, any person, firm, government agency, or corporation violating any of the provisions of this chapter or permits issued pursuant thereto shall be punished as provided in Chapter 183C, Hawaii Revised Statutes (HRS).

Pursuant to HRS, 183C-7, the Board of Land and Natural Resources may subject individuals to fines of up to \$15,000.00 per violation in addition to administrative costs. Should you fail to immediately cease such activity after written or verbal notification from

the department, willful violation may incur an additional fine of up to \$15,000.00 per day per violation for each day in which the violation persists.

This notice is to inform you that the encroachment and alleged land alteration and clearing within the Conservation District was not reviewed nor authorized by the Department of Land and Natural Resources under HAR, 13-221 nor HAR, Chapter 13-5. This matter will be reviewed by the Department for proposed resolution. In the meantime, monitor, clean and provide mitigate to prevent erosion into the ocean. if you have received any authorizations for the alleged unauthorized work please inform the Department within 30-days so we can consider such information. Please note any information provided may be used in civil proceedings. Should you have any questions, contact Tiger Mills of the Office of Conservation and Coastal Lands at (808) 587-0382.

Sincerely,

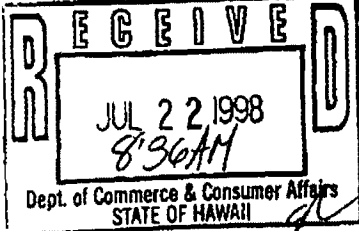


Suzanne D. Case, Chairperson
Board of Land and Natural Resources

C: MDLO/DOCARE-Maui
County of Maui-Planning

EXPEDITED
REVIEW

STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Business Registration Division
1010 Richards Street
Mailing Address P O Box 40 Honolulu HI 96810



ARTICLES OF ORGANIZATION

(Section 428 203 Hawaii Revised Statutes)

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

L13 00012859 13- 7/24/98 100.00
S21 00012860 13- 7/29/98 80.00

The undersigned for the purpose of forming a limited liability company under the laws of the State of Hawaii do hereby make and execute these Articles of Organization

The name of the company shall be

DEPARTMENT OF COMMERCE
AND CONSUMER AFFAIRS
STATE OF HAWAII
Filed on

July 22, 1998

LOWALU ELUA ASSOCIATES LLC

Note The name must contain the words "Limited Liability Company" or the abbreviation "LLC" or "LLC"

II

The street address of the initial designated office in Hawaii is

173 Hoohana St , Suite 201, Kahului, HI 96732

III

The company shall have and continuously maintain in the State of Hawaii an agent and street address of the agent for service of process on the company (The agent must be an individual resident of Hawaii a domestic corporation or another domestic limited liability company)

a The name of the company's initial agent for service of process is

Peter K Martin

b The street address of the agent for service of process is

590A Old Stable Road, Paia, HI 96779

IV

The name and address of each organizer is

Thomas D Welch, Jr33 Lono Ave , Ste 470Kahului, HI 96732

02/22/2017 11:55:53 10003

V

The period of duration is (check one)

☐ at will☒ for a specified term to expire on December 31, 2025

(Month day year)

VI

The company is (check one)

☐ manager managed and the names and residence street addresses of the initial managers are listed below☒ member managed and the names and residence street addresses of the initial members are listed belowOlowalu Land Company LLC
(a Hawaii Limited Liability Company)173 Hoohana St , Ste 201, Kahului, HI
96732Olowalu LLC
(A Nevada Limited Liability Company)c/o J B Sierra Corporation
3900 Paradise Rd , Ste U,
Las Vegas, Nevada 89109

VII

The members of the company

☒ shall not be liable for the debts obligations and liabilities of the company☐ shall be liable for some or all as stated below of the specified debts obligations and liabilities of the company and have consented in writing to the adoption of this provision or to be bound by this provision

(Optional provisions for the regulation of the internal affairs of the company as may be appropriate. If none leave

We certify under the penalties set forth in the Hawaii Uniform Limited Liability Company Act that we have read the statements and that the same are true and correct

Signed this 16th day of July 1998

Thomas D Welch, Jr

(Type/Print Name of Organizer)



(Signature of Organizer)

(Type/Print Name of Organizer)

(Signature of Organizer)

FILED 10/02/2018 4:55 PM
Business Registration Division
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
State of Hawaii



STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Business Registration Division
335 Merchant Street
Mailing Address: P.O. Box 40, Honolulu, Hawaii 96810
Phone No. (808) 586-2727

Internet FORM LLC-1
1002201845274 7/2010



ARTICLES OF ORGANIZATION FOR LIMITED LIABILITY COMPANY
(Section 428-203 Hawaii Revised Statutes)

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

The undersigned, for the purpose of forming a limited liability company under the laws of the State of Hawaii, do hereby make and execute these Articles of Organization:

I

The name of the company shall be:

LIHAU'ULA LLC

(The name must contain the words *Limited Liability Company* or the abbreviation *L.L.C.* or *LLC*)

II

The mailing address of the initial principal office is:

305 E. WAKEA AVENUE, SUITE 100, KAHULUI, HI 96732 USA

III

The company shall have and continuously maintain in the State of Hawaii a registered agent who shall have a business address in this State. The agent may be an individual who resides in this State, a domestic entity or a foreign entity authorized to transact business in this State.

- a. The name (and state or country of incorporation, formation or organization, if applicable) of the company's registered agent in the State of Hawaii is:

PETER K. MARTIN

(Name of Registered Agent)

(State or Country)

- b. The street address of the place of business of the person in State of Hawaii to which service of process and other notice and documents being served on or sent to the entity represented by it may be delivered to is:

305 E. WAKEA AVENUE, SUITE 100, KAHULUI, HI 96732 USA

IV

The name and address of each organizer is:

THOMAS D. WELCH, JR.

**305 E. WAKEA AVENUE, SUITE 200, KAHULUI, HI 96732
USA**

V

The period of duration is (check one):

☐

At-will

DEC 31, 2075

☒

For a specified term to expire on:

(Month Day Year)

VI

The company is (check one):

a.

☒Manager-managed, and the names and addresses of the initial managers are listed in paragraph "c",
and the number of initial members are: 1

b.

☐

Member-managed, and the names and addresses of the initial members are listed in paragraph "c".

c.

List the names and addresses of the initial managers if the company is Manager-managed, or
List the names and addresses of the initial members if the company is Member-managed.

PETER K. MARTIN

305 E. WAKEA AVENUE, SUITE 100, KAHULUI, HI 96732
USA

10/02/201845274

VII

The members of the company (check one):

☒

Shall not be liable for the debts, obligations and liabilities of the company.

☐

Shall be liable for all debts, obligations and liabilities of the company.

☐Shall be liable for all or specified debts, obligations and liabilities of the company *as stated below*, and have consented in writing to the
adoption of this provision or to be bound by this provision.We certify, under the penalties set forth in the Hawaii Uniform Limited Liability Company Act, that we have read the above statements, I am authorized to
sign this Articles of Organization, and that the above statements are true and correct to the best of our knowledge and belief.

02

OCTOBER 2018

Signed this

day of

THOMAS D. WELCH, JR.

(Type/Print Name of Organizer)

THOMAS D. WELCH, JR.

(Signature of Organizer)

(Type/Print Name of Organizer)

(Signature of Organizer)

AH Committee

From: Barbara <barbara.vaardt@gmail.com>
Sent: Wednesday, September 30, 2020 1:33 AM
To: AH Committee
Subject: Development at Olowalu , protect Maui's beloved manta ray population

Please Deny Lihau'ula Development at Olowalu as a precautionary measure to protect Maui's beloved manta ray population"

We thank you to the bottom of the ocean and back

Kind regards
Barbara van Aardt
+27 (0) 82 458 0256
+27 (0) 21 855 1503

AH Committee

From: cynthia williams <cindy808wlms@gmail.com>
Sent: Wednesday, September 30, 2020 12:21 PM
To: AH Committee
Subject: Olowalu

No to the Lihau'ula 201H fast track development in Olowalu.
Too much at stake in the area.

AH Committee

From: Mark Deakos <deakos@hawaii.edu>
Sent: Wednesday, September 30, 2020 10:24 PM
To: Tasha A. Kama; Alice L. Lee; Yukilei Sugimura; Mike J. Molina; Tamara A. Paltin; Kelly King; Shane M. Sinenci; Keani N. Rawlins; Riki Hokama
Cc: County Clerk; AH Committee
Subject: Is the Community Plan Process a waste of time?
Attachments: Deakos_Testimony_Deny_Liahuula30SEP2020.pdf

Honorable Chair Kama and Members of the Affordable Housing Committee,

I recall sitting in on the first West Maui Community Plan meeting with about a dozen other invited representatives from the community by the Planning Department. We all sat around the table and one by one, many, if not most, wanted to know from the planners why they should making a significant commitment of their personal time to this process. The planners responded that each of our voices plays a critical role in developing the community plan, which becomes an expression of the voice and wishes of the community. At the end, when it was my turn to speak, I expressed that stating our voices matter sounds great but what if all the proposals for West Maui are 201-H projects, does it really matter then what the Community Plan reflects? After a long, silent pause, the planners stated that I make a valid point (I'm sure they will recall if asked). Now, two years later, West Maui is stuck with urban sprawl of "barely affordable" housing next to fake farms thanks to approved 201-H projects like Makila Kai and quite possibly Liahu'ula. To all those community members, who spent hundreds of hours of their personal time, sometimes bringing their entire family to these meetings, it's hard to look them in the eye and say with a straight face that the process is fair, and their commitment to the process was not a completely wasted effort. I hope you can look them in the eye and tell them it wasn't.

Mark Deakos
West Maui Resident Losing Faith in our System
Napili

30 September 2020

Maui County Affordable Housing Committee

Honorable Members of the Affordable Housing Committee,

I recall sitting in on the first West Maui Community Plan meeting with about a dozen other invited representatives from the community by the Planning Department. We all sat around the table and one by one, many, if not most, wanted to know from the planners why they should making a significant commitment of their personal time to this process. The planners responded that each of our voices plays a critical role in developing the community plan, which becomes an expression of the voice and wishes of the community. At the end, when it was my turn to speak, I expressed that stating our voices matter sounds great but what if all the proposals for West Maui are 201-H projects, does it really matter then what the Community Plan reflects? After a long, silent pause, the planners stated that I make a valid point (I'm sure they will recall if asked). Now, two years later, West Maui is stuck with urban sprawl of "barely affordable" housing next to fake farms thanks to approved 201-H projects like Makila Kai and quite possibly Liahū'ula. To all those community members, who spent hundreds of hours of their personal time, sometimes bringing their entire family to these meetings, it's hard to look them in the eye and say with a straight face that the process is fair, and their commitment to the process was not a completely wasted effort. I hope you can look them in the eye and tell them it wasn't.

Mark Deakos

West Maui Resident Losing Faith in our System

Napili