

KAUA‘I PLANNING COMMISSION  
REGULAR MEETING  
May 24, 2022

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair Gerald Ako at 9:03 a.m.

The following Commissioners were present:

Mr. Gerald Ako

Excused or Absent

Ms. Donna Apisa  
Ms. Helen Cox  
Mr. Melvin Chiba  
Mr. Francis DeGracia  
Ms. Lori Otsuka

The following staff members were present: Planning Department – Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Myles Hironaka, Dale Cua, Kenny Estes, Romio Idica, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai, Office of Boards and Commissions – Administrator- Ellen Ching, Administrative Specialist Anela Segreti, and Support Clerk Arleen Kuwamura.

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Chair Gerald Ako called the meeting to order at 9:03 a.m.

Mr. Hull: Alright Chair, it’s 9:03. We’re all set on the virtual platform whenever you’re ready.

Mr. Ako: Good morning, everybody. Thank you for coming and being here. I will now call to order the meeting of the May 24, 2022, meeting of the Kauai County Planning Commission. Mr. Clerk, would you please call the roll.

**ROLL CALL**

Mr. Hull: Commissioner Apisa is not present and excused. Commissioner Cox is not present and excused. Commissioner De Gracia is not present and excused. Commissioner Chiba is not present and excused. Commissioner Otsuka is not present and excused. Chair Ako.

Chair Ako: Present.

Mr. Hull: You have one commissioner present, Mr. Chair. You do not have a quorum to conduct any further business.

Chair Ako: Seeing that five commissioners are presently excused, pursuant to Commission Rule 1-2-4, we are unable to meet a quorum to transact any business at today's meeting. We may, however, pursuant to Hawaii Revised Statutes, Section 92-2.5 e, accept oral testimony from the public on any agenda item. No debate, discussion or action on any agenda item can occur today and can only be taken up when the Commission meets with quorum. Alternatively, however, anyone here today to testify in person, by phone, or on Zoom may preserve their testimony until the next scheduled meeting of the Commission, at which time we anticipate taking up the same agenda items. You can testify, if not, you can wait 'til the next meeting.

Mr. Hull: With that, Mr. Chair, we have 10 individuals in person, here that signed up to testify. I'll call through the names as they were signed up for, in the order that they signed up. Again, as the chair reiterated, there is no quorum so no action will be taken today. You can provide your testimony today or reserve it for the next scheduled meeting when we anticipate quorum being made, and after that, debate, discussion, or action may be taken. So going through the list as they were signed up, first we have Roslyn Cummings.

Ms. Cummings: Before I start my testimony is there a attorney representative for the County of Kauai here in the room?

Mr. Hull: Correct.

Ms. Cummings: Hi. Can you please state your name?

Ms. Barzilai: My name?

Ms. Cummings: Yes.

Ms. Barzilai: Laura Barzilai.

Ms. Cummings: Okay. Aloha Kakaou. My name is Roslyn Cummings in care of Roslyn Nicole Manawaiakea Cummings. I'm a wahine maoli and kanakamaoli here in protection of aina. I'm here to speak in regards to number S-2022-6, Kukuiula Development Company LLC, and then I'm going to come back on to speak for subdivision application number S-2021-1, Kukuiula Development Company LLC. The first one is proposed 51 lot subdivision and the second is 41 lot subdivision. So, let me just start off by stating the Land Commission use, this was changed in I believe 1978, 79 and it was from ag to urban which then we found out later that, this is a statement from the State, that the County is in charge of the ordinance and the zoning for these, is that correct? You don't have to answer me right now. Anyhow, the last meeting, one of the chairs stated that they have a fiduciary duty, and under law fiduciary means that it's a duty to the trust. So, my question about that one there is what trust are you speaking about? In regards to Kukuiula it's the largest reinternment in the area of the south side. So, every burial that is found in the south area of Kauai, they're taking out the burials and putting into this development into a large reinternment cave. So now, let me start bringing up the penalties for public officers. So the U.S. Code Title 42 penalties, lowest two principles (inaudible) I'm going to go on to violation of oath of

office. \$250,000 on 18 U.S. Code 3571. Another one is treason, \$250,000 18 U.S. Code 3571. Genocide is \$1 million 18 U.S. Code 1091. Extortion is \$5,000 18 U.S. Code 872. Fraud \$10,000 U.S. Code 1001. For every desecration of our burials detrimental to our people, right here I have an affidavit I was served with a notary to the Department of County of Mayor's Office last year, and it was also mailed out, it was returned by mail through, the mailing address was Kilohana. And so, I don't know how this had happened, but this affidavit quotes the entire section of the mahele, the great mahele which is land in held in perpetuating, and lists Koloa ahupuaa as government land. So that land, that money that comes from that land, is supposed to be to the Hawaiian Kingdom. So, let me just bring up the law because according to what was stated by the member and agency of the Planning Department, the last meeting I was on and I have it on recording, is stated that they have fiduciary duty to the United States of America Constitution. So, the United States of America Article 6, Section 2, The Supremacy Clause, law the land, basically states the United States of America must uphold all treaties that it enters into. So, there's a treaty of commerce, navigation and friendship between the United States of America and the Hawaiian Kingdom which is its people and the Kingdom of Hawaii. So, what I'm here is to just take notice that I'm here to go against these plans because it's very detrimental to the kanakamaoli people and again, there is a large reinternment cave in Kukuiula, and it's been known from 2005 up until now that there is a lot of damage happening in Kukuiula. Is my time up?

Mr. Ako: Please wrap it up.

Ms. Cummings: Okay, so am I gona come back on for the next agenda?

Mr. Hull: So, Ms. Cummings, I'm hearing that you'd like to testify on two agenda items.

Ms. Cummings: Correct.

Mr. Hull: Being we don't have quorum; we won't be going through the actual agenda. You stated you're wanting to testify on second agenda item?

Ms. Cummings: Right.

Mr. Hull: You can testify right now.

Ms. Cummings: Okay, so for my understanding, one of them is, so the number S-2021-1, that one there is 40-unit lot subdivision and I believe this is the one that's behind the shopping center. Then you have, and that one there is in final, right, approval? And the other one is preliminary, the S-2022-6. This one here I'm very, very much against. I'm against all development actually, but Cheifess Kamakele is kanu, buried in that area. A Kahi Kawalu is along with numerous villagers and warriors and they're in a large cavern area of the Koloa aqueduct system. There has been numerous issues and lawsuits that have come up. That's why the Knudsen Trust pulled out their request for these developments and I don't know how these things are getting approved. But my thing to it is, is there a waste management plan? Is there an evacuation plan? Where is the water management plan? Because I want to know where that water is going and how is this going to leave a positive note for the community. And that's not the community as in the foreign community, I'm talking about the kanakamaoli, the people who have been here before the foreigners came. So, I want to know how is that going to help us because then you take away our

gathering rights, our privileges. You take away our limu, you take away our fish. All of that waste, where is that going to go? That is my question to you, so mahalo for your time and have a nice day.

Mr. Hull: Thank you for your testimony. Moving on to other members that have signed up on agenda item 2, is Chris Delaunay.

Mr. Delaunay: Aloha Commissioners, Chris Delaunay with Pacific Resource Partnership. I'm here to testify on the HPM Building Supply's February 4, 2022, application for a special permit, use permit, and class IV zoning permit. PRP, Pacific Resource Partnership, is a non-profit market recovery trust fund which represents approximately 7,000 men and women, union carpenters, and 240 large and small contractors in the State of Hawaii including approximately 250 individual and unionized contractors on Kauai. We are testifying, or we respectfully request that the hearing on the subject application be postponed as it warrants further study. A lot of the assertions about HPM are not supported by real evidence and need further analysis. Postponing the hearing on the application will provide more time for further study, the project, and it's impacts to the local economy, community environment. For instance, we don't know if this project supports the general plan. We don't know whether the project will provide jobs and living wages. We don't know whether this project will reduce the cost of housing materials given that HPM has indicated in this application that they will be shipping lumber from the pacific northwest which will incur substantial shipping costs. Further, it is our understanding that the old sugar mill of Koloa is listed both on the State and National Register for historical places. To our knowledge there is no indication that the applicant or County has satisfied State and Federal requirements such as submitting a 6e Hawaii Revised Statutes submittal form to the State Historic Preservation division to review impacts that this project will have on the historic site. As we stated before, what's the harm of providing more time to stakeholders and the community to examine these assertions and whether this is an appropriate site for a manufacturing plant? Thank you for this opportunity to testify.

Chair Ako: Thank you.

Mr. Hull: Next we have Roland Albarado.

Mr. Albarado: My name is Roland. I'm a resident on Kauai. Been with the truss business over, coming up on a year, and it's a benefit for me and my family and to the people on Kauai. We have this tress plant it will be a lot cheaper for the residents of Kauai instead of getting shipped from Big Island where we can just do it on the island and service our people.

Mr. Hull: Thank you for your testimony. Next, we have Kainalu Glushenko.

Mr. Glushenko: Aloha. Good morning. I'm Kainalu Glushenko. Born and raised on the island of Oahu, Nanakuli. The locals over there, they're for the community. They're like, how would you say? They want to benefit their future generations. I feel like HPM, you put that plant there, they're going, not just the locals but you know, but everybody, just one community wise. I'm 110% on. They provided one opportunity, not just one opportunity, my career to provide for my family. I'd like to thank HPM from the bottom of my heart. That's all I have to say.

Mr. Hull: Next we have Mark Acoba.

Mr. Acoba: Good morning. My name is Mark. I'm with the truss plant and I live a little over 300 yards away from the truss plant and the noise, I have no problem with it. That's it.

Mr. Hull: Thank you for your testimony. Next, we have Kainalu Camelo-Efhan.

Mr. Camelo-Efhan: Good morning. My name is Kainalu Camelo-Efhan. I've been living on Kauai my whole life. I currently live in Anahola. I've been proudly serving the island of Kauai in the truss industry for four years. Our team has built trusses for many community projects on Kauai, PRP projects. YMCA pool pavilion, Island School addition, Anaina Ho picnic shelter, Kingdom Hall Jehovah's Witness in Kilauea, Kealia bike path pavilions, Princeville Community Center, Saint Catherine's admin building, Kauai Christian Academy, Kanuikapono School, Koloa Missionary Church, Kauamakani park pavilion, Hanamaulu baseball field pavilion, Kapaa High School walkway and pavilion, Hindu temple pavilion, Rotary Club of Kauai, PMRF, (inaudible) shelter, Wailua golf course maintenance building, Kealia fire station, Lihue court buildings, Mahelona Hospital, National Tropical Botanical Gardens comfort station, Spouting Horn pavilion, Kauai Hospice, Wilcox Elementary School, Salvation Army of Kauai, Kokee Boy Scouts bathroom, Department of Hawaiian Home Lands office, Lydgate park pavilions, Kalaheo School, Hanapepe Health Center, Kapaa Solar facility, Hanapepe Library extension, Easter Seals of Kauai, Kilauea Elementary School, Kokee hunter check-in station, Filipino Cultural Center, Kapahi pavilion, (inaudible) of the pacific. These projects have benefits Kauai's local community and I take great pride in being able to say I played a part in contributing to the community.

Mr Hull: Thank you for your testimony. Next, we have Michael McDermott:

Mr. McDermott: Hi my name is Michael McDermott. I lived on Kauai my whole life and been in the truss industry for 20 years. Those 20 years in the truss industry, my team and I have cut, built, and delivered 90% of trusses on the island of Kauai. From your family's pet doghouse to multimillion dollar custom homes, to high end resorts for our visiting guests, we've also played a huge part on affordable housing for the island of Kauai. Here are some examples: Habitat of Humanity, self-help housing in Puhi, Kapaa and Lihue, Hawaiian Homes in Anahola, Kalepa village in Hanamaulu, Kauai Makana in Koloa, Rice Camp in Lihue, Pua Loke Apartments, the new one right by the movie theater, Kolopua apartments in Princeville, Kealaula housing in Lihue. I was fortunate enough to be hired by HPM who's a family-owned business for a hundred years, they're local, for the locals. What give me the greatest feeling of accomplishment, seeing the people of Kauai, members of the community, from that generation moving forward with their dream homes. With the proposed facility, we can continue to provide quality component products at an affordable price for locals and residents alike. This island is in desperate need of affordable housing. It's a problem. Please help approve this facility so we can contribute to this ongoing problem. They already have been. Jason and the HPM company have given us jobs to help keep us going. And we intend to do that one million percent. I too am looking to buy a home. I can't afford it right now. I get one wife and two kids and we are desperately looking for buy one house. Rent is through the roof. This facility will help that problem. I promise you guys that. If you guys please pass this facility we can do good for this community for the locals and the visitors alike. We not going discriminate. Thank you.

Mr. Hull: Thank you for your testimony. Next, we have Cal Santos.

Mr. Santos: Aloha my name is Cal Santos. I'm a lifelong resident of Koloa. My family has been there from 1938. The location of this plant is about a mile from my property, and I had no idea this was happening. You know, this is nothing personal with these guys, I know a lot of these guys, we work in the same industry together. But my concern is I'm a strong union member. The union has provided me a great life, I got to purchase a home on the road I grew up on, and I don't know if this is going to take away work from us because I know it's a truss factory. We need that, but I've been hearing it's going to be prefab walls. We are one of the strongest unions in the nation, and it's created a lot of opportunities and jobs for local people. I know that you guys said affordable housing. You know, I built 151 affordable housing in Hanamaulu, with 10 custom homes in the last 5 years. I've been a part of that project and like I said, I'm strong union member. I'm sad to say I've got to oppose this project for now because I have no information about it. No information has been presented to us. I don't know the cause and effects of my property value, the place where I grew up. I've been there since 1938. Like I said it's nothing personal but I think we need to postpone this so we can gather more information for the residents around the area. Like I said my family has been there since 1938 and I'm a strong union member. I work hard for my benefits. I get over 20 years invested. You know what I mean? If it's going to create lots of jobs for us, it's no opportunities for the young kids that I recruit to join the union, you know. Nothing personal with all you guys over here but I think we just need to gather more information about this, you know? Thank you.

Mr. Hull: Thank you for your testimony. Next, we have Micah Agena.

Mr. Agena: Good morning. My name is Micah Agena, born and raised here on the island of Kauai. I've been in the truss industry for 22 years. Cal, I respect what you said, you know. Listening to KRB talk about time. The gentleman behind me with HPM who has been with me for many, many years, we need this. We waiting for them. This is our livelihood. This is what we do. Of all the names and the projects that you guys just heard, we were part of that. We hold the double-edged sword all the time. We truly do. We don't want the huge, huge growth. But on the flip side, it's how we provide for our families. Right now, the balance is really off balance. Affordable housing, you know local people moving away, I get tons of people that I know that moved away. They can't afford it here, you know. Whereas because I'm holding that sword, and it's a double-edged sword, I understand that. But we can make one difference in affordable housing. We can. HPM is about community, the local people, and what a great neighbor to have. Those people in Koloa on the bypass, I mean HPM is the neighbor that you want. They've been in the community for over a hundred years running one business. That tells you a lot. You tell me five companies in Hawaii that's been around for a hundred years. I'm fortunate for Jason, Adam and the whole HPM business to have brought us in. I really appreciate that. My family appreciates it. I came here today, I have a piece of paper, I might stumble and fumble around on my words, but somebody told me it's better to speak from my heart. I appreciate your guys' time. Let's move forward. Let's do thing right. HPM going be one pillar in the Koloa community. Whatever you need, we going be there for them. Thank you for your time. I appreciate it.

Mr. Hull: Thank you. Next, we have Lindsey Carineo.

Mr. Carineo: My name is Lindsey Carineo Jr. I come from one massive chain of carpenters. Right

now, at present, I'm in the union, okay? I was in the union all my life. My Dad, strong union member. My Grandpa, my Uncle. I got fortunate, the Waiohai, when it was built, my Grandpa Louie had build em, with the union. When he passed away and the hurricane came, wiped out the Waiohai, I got to build the Waiohai again, I'm the key man, I'm the layout guy, me and George Kawamura, okay? We're the guys with the brains behind the whole project. The union put together this hotel. I had all these old timers telling me wow, Lindsey, your Grandpa, I was so honored to do this again with you, the next generation and we're doing em again, twice, you know. So, I come from the union. I understand the union, strong. I'm currently the superintendent at Hanalei base yard. HPR has come through with our truss which is emergency funded job. I'm the superintendent. Like Micah said, we fumble, because this kind stuff as heart you know, get plenty heart in this. I left the union, I went on my own, I put a lot of houses in Kukuiula. All over houses. Lot of custom homes. You know, the union is good. All the local boys, right there is cousin, right there is my friend. We all been in the union. I got to be in the union. I vouched for the union. And then, sooner or later they going be contractors too. They going pursue their own dream. They going do their own side jobs and help their cousins and families out for save money so they can get the dry wall cheap. These boys right here, as all younger than me, 20 years. They been put the most everybody's truss for Kauai. If we bring in union guys, our benefits, eh they like fire me right now go, I can go on my own any time. When my Dad had pass away, strong union member, one day one board had drop on his shoulder, broke his collar bone, never did come back. But I guess from all the stress, he got cancer all this kind stuff. When he passed away, the companies he worked for like Shioi, with Largo, James Largo, some workers came, they paid their respect. The union, never even bring one wreath to my Dad's funeral. You know what I mean. Shioi, he gave \$20 in one card. And I get friends all through this county work inside here. I help them out. I not going use their names. They the best guys right now, running our show. The one thing is, my generation, no matter Hawaiian, I get Hawaiian, Portuguese, my girlfriend is Japanese, Filipino, Chinese. If you guys take our island back 80 years what that bring us to?

Chair Ako: Mr. Carineo, we love your testimony, and we thank you for coming yeah.

Mr. Hull: Thank you for your testimony. We have no further individuals signed up in person, but if there is someone in person here today that would like to testify on any agenda item that hasn't spoken on that agenda item, you may approach the podium.

Mr. Trask: Quick question. For the record, Mauna Kea Trask on behalf of HPM. My client Mr. Fujimoto is here from the Big Island. He would like to testify after the final is that alright?

Mr. Hull: As far as the in-person testimony, as a member of the public he can testify within the three minutes that are granted to all of the public. After we're done with in-person testimony, we'll be moving over to the virtual platform testimony.

Mr. Trask: I understand that Mr. Fujimoto is not here in state for the Planning Commission hearing. He would like to give his mahalo today if that's okay.

Mr. Hull: Being that we don't have quorum we cannot conduct business with the agenda itself. All we can take is a few minutes of public testimony per person.

Mr. Trask: Alright thank you.

Mr. Fujimoto: Aloha and good morning, commissioners and thank you for taking time to hear my testimony in support of HPM's application. My name is Jason Fujimoto. I'm born and raised in Hilo on the Big Island. I'm fortunate to be the 5<sup>th</sup> generation in my family to lead HPM and I've been with the company for almost 18 years. I'm also truly blessed and grateful that those before me laid a strong foundation (inaudible) what HPM is today. I'd like to share a brief history of our origin. So, my great, great grandfather Kanetaru Fujimoto came to Hawaii from Japan when he was and 16. He began on the plantation and eventually became a carpenter. Seeing a better life, he courageously left the plantation and with a group of 18 other immigrant laborers helped found the town of Shimachi in Hilo which stands for new town. The Shimachi group believed that to thrive and prosper you needed to really take care of each other with self sustaining system of homes, business, churches and banks because commerce in Hawaii at that time was truly dominated by the big five. It was in Shimachi that HPM was founded in 1821. I share this with you because HPM's mission and vision embody everything that Kanetaru stood for. What we do as an organization is enhance homes, improve lives, and transform communities. Our big vision is that at some point everything that we do as an organization helps our customers and our community build better and live better. Kanetaru lived all of this. He started off as a contractor and built and enhanced homes, he was a community builder and civic leader that not only transformed communities but helped found and crate the new town of shimachi. In everything he did Kanetaru strived to help build better and live better for our community. Today and as of 2006 HPM is unique in that we're 100% employee home and we are proud to have over 451 employees across all four major islands. How is it we have been able to survive and thrive over the last 100 years? In my mind it is not rocket science. It's because we lived by our values of heart, character and growth. We stayed focused on our mission, and in turn we have the support of our team, customers and our community. We do things with the long term in mind, and never for the short term. We reinvest all of our success in the community we serve, and we truly value our deep local roots, and we persevered with grit and rebuilt after being completely destroyed by two tsunamis and taken over by the US Navy through World War 2, and surviving and thriving through the various economic downturns over the last 100 years. When you look at our customers, we serve a diverse group from the homeowner to the general contractor to subcontractor. We work with government such as the Department of Hawaiian Home Lands, nonprofit community organizations such as Habitat. And, I also want to note that we are blessed and very appreciative and many of our largest and long standing customers and friends are signatories of the carpenters union. With that I want to close by saying that on behalf of all of 450 plus employees across the state, I want to thank you, the Planning Commission for considering our application and also mahalo to our team behind me and all of our partners and communities for providing supporting testimony because they know HPM, our values, and what we stand for. We look forward to serving the Kauai community by investing in new facility increase the islands building capacity and give our community another option. Hawaii's affordable housing crises isn't going away any time soon and we all need all solutions on the table. Thank you very much.

Mr. Hull: Thank you for your testimony. Are there any other members of the public who would like to testify on any agenda item that hasn't stepped up?

Mr. Trask: Good morning, Director, Commissioner Ako, Mauna Kea Trask for the record. I would just like to say a couple of things for the record. First off, preparing the application for this permit, we did look at all the records and files that were necessary including historic records. There was



testimony earlier today that the Old Koloa Mill is on the National Historic Register. That is true, but that is not this Old Koloa Mill. The Old, old Koloa Mill, which is across the street from Sueoka's. That is tax map key number 4-2-8-6 SHP number 30-10-9302, National historic landmark number 66000296. So, when talking about a national historic site, that's the big chimney that you see at the junction of Maluhia and Koloa Road. Again, I'm going to reiterate, HPM doesn't see housing and construction on Kauai as a zero-sum game. There is enough for everybody to contribute. Best as I can tell, the dispute between union is not between its members and HPM. Like Mr. Fujimoto said, his best customers and friends are union members. What this really comes down to apparently is the fear of factory-built housing which is not the subject of this application in any way, shape, or form. It's clear it's for roofs, trusses, and wall panels and that's needed for the larger market. You can look at Habitat for Kauai's testimony and the testimony across the state that support this application. I'd just like to note though, for the record, that despite the clear fact that factory-built housing is not the subject of this application, nonetheless, Kauai County Code, Chapter 8, Article 1, Section 8-1.4g clearly states, nothing in this chapter shall prohibit the use of factory-built housing or trailer homes to permitted dwellings, etc. So, even if it was the case, it's not appropriate to deny a case on that matter. With that we'd just like to say, with all the objections you're going to hear about impacts and appropriate place, this is clearly the spot in the General Plan and the South Kauai community plan for industrial use in the future. It was the spot for heavy industrial ag use from 1912 to 1996 and those who were here remember that. They ran 84 years 24/7. The impacts were huge. HPM is going to put up, they call it a (inaudible). It's used ag farms all across the country. Very low impact, very easy to put up, very easy to take down. The impacts will be minimal if anything at all. Everything will be kept within parameters. Those are my 3 minutes I believe or close thereto. Thank you so much and mahalo.

Mr. Hull: Is there any other person in attendance that would like to testify on an agenda item that they have not testified on before? Ms. Cummings.

Ms. Cummings: I didn't want to testify on this because I didn't study enough, but I know Koloa enough to know and understand the Koloa vicinity and area. So, Koloa, the history, it had been one of the first mills in our industry for sugar. And that particular mill is not stated in a national historical, but that whole entire area, there is something called the Koloa aqueduct system and listening to everybody's testimony I just want to let you guys know, across the board there's 21 developments in Koloa alone and none of them is affordability as far as I know and understand, correct me if I'm wrong. There is also the traffic plan for that area is not up to date yet. So even though in the minds of most people that place is perfect for this, I'm telling you right now we're fighting a lot of burial desecration in that area, and I hear this all the time, we promise this, we'll do that, but when our bones get desecrated I see none of you guys, nobody around here on the front lines trying to stop our ancestors from being dug up. I hear a lot about other cultures. What about the culture that is here that is present? As far as HPM goes now, that land is not owned by HPM. That mill is not owned by HPM. It's under Grove Farm and if I'm not mistaken Grove is actually owned by Zuckerberg. It's a hearsay thing, but it happened when I was at Hanalei baseyard. Waioli Corporation is under Grove Farm and that both entities are connected to Zuckerberg. So, I'm just questioning because of the ongoing issues of burial desecration, and this is why I have, not necessarily opposition. Here's the thing is, we do need jobs. But I hear a lot of you guys talk about affordability. The issue with affordability especially Hanamaulu, I want to bring that up because it is an issue with this plan, 10% starting at 30 it went down to 10%. I'm questioning the County Planning Department when it comes to affordable housing because there's all these stipulations and

a ton of buy backs and buy outs like \$10 million, \$5 million, \$2 million. So, this is where we all got to come aboard and really think about the long term issues of what is happening here on Kauai. I don't know about the other islands, but you guys really gotta think about what is detrimental to our people, the working force as well too. Because you talk about affordable, there is no affordability. 21 developments in Koloa alone coming up in the next 10 years and there is no traffic plan, there is no drainage plan. There is a waste plan coming up, but I want to see the County of Kauai share with us the traffic plan, evacuation plan, the drainage plan. I see this waste management plan coming up. I want to request (inaudible) analysis a EIS when it comes to any more plans that are in this area, just to be sure that we doing the right thing for (inaudible) for the past and the present and the future. When you talk about future generations and all we promising our children and maybe our children's children. But, I'm looking 7 to 21 generations from now. Thank you for your time.

Mr. Hull: Does anyone else in person here today that has not signed up to testify but would like to testify on any agenda time? Seeing none, we'll move into the virtual testimony. Myles, we'll turn it over to you to call on those who are attending virtually if they would like to testify on any agenda items.

Mr. Hironaka: Thank you. So, Mr. Chair, turning to the callers who have elected to attend the meeting by telephone using the join by phone telephone number that was provided to them on our agenda. I will recognize each caller by the telephone number that was used to call into the meeting one by one and will enable your audio. And then you will need to press \*6 in order to unmute yourself and to talk. If you are comfortable doing so, please identify yourself. Please also clarify which agenda item or items you wish to testify on. You will be given 3 minutes per agenda item, or if you are not interested in providing testimony, please indicate so when you are called upon. I will begin with phone number 602-663-7876. I have enabled your audio. Please press \*6 to unmute yourself. If you are comfortable, please identify yourself and clarify which agenda item that you would like to speak on. Go ahead.

Ms. Yao: Good morning my name is Rosemarie Yao and I am not going to give testimony. I'm just observing the session today.

Mr. Hironaka: Okay, thank you very much. Moving on to phone number 808-639-4836. I will allow you to enable your audio. Please press \*6 to unmute yourself. Go ahead. Do you wish to present any testimony? Hello? Phone number 808-639-4836, press \*6 to unmute yourself. Okay, maybe we can return to this caller after we go. Let's move on to the people that have joined us by Zoom. Those that have joined by Zoom we'll recognize each attendee one by one, promote you as panelist. Once you click on join as panelist, you'll be able to click and start your video and unmute yourself. If you are comfortable doing so, please identify yourself. Please also clarify which agenda item or items you wish to testify on. You will be given 3 minutes per agenda item. If you are not interested in providing testimony, please indicate so when you are recognized. Also, if you experience internet connectivity issues, please join by Zoom telephone numbers which is on the agenda and we will return to you before the end of this agenda. Let me start with attendee Alfred Keaka Hiona Medeiros.

Mr. Medeiros: Aloha mai kakou. Alfred Keaka Hiona Medeiros of Oahu, Hawaii. I am Kia'i. I am a protector of our iwi kupuna and I am speaking on behalf of all kanakamaoli of Hawaii. The

desecration continues. I'm here to stop it on any platform on any island. I am from Oahu. I already have about 180 people ready to fly out to Koloa and we are ready to stand on the front lines to stop any further desecration of our iwi kupuna. You guys need to understand, the time is happening now for all kanakamaoli like myself to get active, to stay active. Muana Awakea, and the protection of Mauna Kea woken up many of us and we are here. I am one of the people that stand protective of Wailupe burial caves, the Kea'i place. I'm the one of many that stopped them from continuing construction of development of that place. Illegally now. The department of planning and permitting has been failing on all grounds and so have many different people that are part of the county, whether it's here on Oahu over here in Honolulu or over there on Kauai. Now I'm letting guys know, from what I heard today with HPM, I get it, where you guys are coming from. As a hard-working man myself that deals with many different people, I get it. Feeding our families is a priority but disgracing and erasing our people and our heritage and our culture should never come first and foremost over money. Money should never have any value over our history. You guys need to understand this. Money will not make anything better. We are losing people every single day. We are moving every single day from Hawaii to California, to Las Vegas in hopes of finding a better life to live when the best place to live is here in Hawaii nei where we were born and raised and we are stewards and caretakers of our aina. That means we must protect everything. Not only what is here now, but everything from our past. I myself, Alfred Keaka Hiona Medeiros will die to protect Hawaii from any more further desecration, doesn't matter where you're from, if you're kanaka, if you're not kanaka or not. I am here and I will be there on the next flight over if this continues and I will bring a 180 koas side by side to line up and protect Koloa from any further desecration. So, I'm asking you politely, in a positive, politeful correctness that you guys need to do what is right for the people of Hawaii, for the kanaka of our past, because they do lay there in rest, and if you guys cause desecration, you guys will bring more than just physical presence, I promise you that. I promise you that. So, please do what's right. You guys are Department of Planning and Permitting and do what's right for the people of Hawaii, the people of this aina for the past that actually sacrificed their lives to give us this life that we live. Okay, mahalo for you're guys' time, and I'm sorry for this emotion, but you guys gotta understand. This is something that has been happening for many, many, many years. Since 1893 we have been fighting against this kind of stuff happening and if we're gona keep on happening, we're gona keep on fighting and that's what's going to happen. You guys are gona keep wake up a lot more people. The youth that we're teaching, they're understanding what's happening. The money will never materialize and make anything better. You guys better understand this.

Mr. Hull: Sir, if you could wrap up your testimony.

Mr. Medeiros: Developers, you guys need to understand this and if I gotta fly over there and speak in person I hope all you guys are there, because I will be. Mahalo. Anything to say?

Mr. Hull: Thank you for your testimony. Myles, are there any additional individuals signed up on Zoom to testify?

Mr. Hironaka: Oh, I'm back up, sorry. Going to the next speaker, we have Anna Mo Des. I will enable your Zoom. Hello, Anna?

Ms. Mo Des: Can you hear me?

Mr. Hironaka: Yes, go ahead. You have three minutes.

Ms. Mo Des: Thank you so much I appreciate it. Thank you for the opportunity to testify. I understand that this will be again on a future agenda before the Planning Commission. My name is Anna Mo Des and I'm concerned about the subdivision request for a particular parcel that is connected to a developer that has bypassed protocols with development proposal in Koloa. I believe everyone is familiar with the parcel. The last time I was there in person to testify for the EIS I spoke about it, and I believe that there are people here present here today that are speaking about it the same. I hope that the Planning Commission takes all of the actions of this developer into consideration before making any further approvals for any subdivision. The only time that this parcel or the 280-condo unit was on any agenda for public testimony was for a temporary approval of a subdivision and I heard the Planning Director say that it was a temporary approval upon certain protocols being met and I know for sure that those protocols were not met. The biological survey did not have a signature from a biologist and it was checked as if it was approved and able to move forward. There is no (inaudible) on the situation right now and with great cause. Please make every effort to make sure that every protocol is met properly because it's definitely not happening and there is severe anger with the community especially in Koloa from the situation that we know is current. The reason why there is a huge issue about this is because it all boils down to the economic disparity caused by exploitation that results in drug and alcohol abuse, domestic violence, crime, homelessness, trafficking, and eventual suicide. It all stems from these approvals that take place in rooms with Planning Commission, the County Council, it all boils down to this. Developers want to profit. That's all fine. Workers want to create a life and feed the children. That's all fine. But there is protocols in place to ensure that no one gets run over, and that everything is done properly. This is what (inaudible) to be assured and those assurances have not happened.

Mr. Hull: Three Minutes.

Ms. Mo Des: Yes, I got that. Alright, thank you, Planning Director and I hope to see you all next time. Appreciate the time.

Mr. Hull: Thank you for your testimony. Myles, do we have any other individuals signed up through Zoom to testify?

Mr. Hironaka: Okay, I apologize. Yes, we have more people. The attendee that is identified by the letter E, I will enable your audio and video. You should click join as panelist in order to join. You can start your video and unmute yourself, go ahead.

Ms. E: Can you hear me?

Mr. Hironaka: Yes, we can. Go ahead, you have three minutes.

Ms. E: Thank you. I just wanted to say aloha (inaudible). The Kauai Planning Commission is not disclosing to the public who is behind this project for the Kukuiula subdivision. The 51-lot subdivision is being developed by Gary Pinkston. Why is the Planning Commission not disclosing this to the general public? We are at a point where housing is at it's lowest, yet here we are again watching the Kauai Planning Commission carelessly approval 90+ lots for subdivision in Kukuiula

that will all be multi million-dollar homes. This development will directly affect the quality of life. Poipu hardly has any beaches where we can easily access anymore, and the Koloa boat harbor is one of the last local friendly places where we can take our children without being surrounded by tourists and having to fight to find parking. All of the drainage for this development will go directly into the Koloa boat harbor. The recent expansion of Kukuiula has resulted in the increased number of ear infections happening in children when they swim in the Koloa boat harbor. Shame on BBCP for working with Gary Pinkston. You guys see the outer island like Maui putting a moratorium on development. Why are we not moving in the same direction? I pointed this out before and I'll point it out again. This land contains caves, burial tubes that are home to iwi kupuna and endangered species that are found nowhere else in the world. The County of Kauai was suggested to preserve over 4,000 acres of these fragile and endangered species that are found only in this small area. The County of Kauai instead stated that it would be too costly to private land owners and developers to preserve 4,000 acres and instead decided to only preserve 200. Why is the County of Kauai and the Planning Commission continuously bending backwards for more developers who only extort our natural resources and push out our natural resources and push out the local community? As for the HPM, I'm also against. It would only push further the boundaries of the entire island especially Koloa where we have 20 plus developments planned with no affordable housing. Mahalo for your time.

Mr. Hull: Thank you for your testimony.

Mr. Hironaka: Okay, let's move on to Tara Rojas. I will enable your Zoom. Hello, Tara, can you unmute yourself.

Ms. Rojas: Can you hear me?

Mr. Hiranaka: Yes, there's some little feedback. Okay, go ahead. I can hear you now.

Ms. Rojas: Yeah, sorry (inaudible) My little one here is going to testify as well.

Mr. Hironaka: Go ahead.

Ms. Rojas: (inaudible) I'm here with my little one. We are both aware of everything that's going on, all the hewa that's going on. You know, your Department of Planning is basically that. It just basically a department to plan and never to protect. As the other testifier said as well, there are protocols, there are practices, there are systems in place to protect these special places of Hawaii. Hawaii is only Hawaii because of Hawaiians. Why are developers put in priority of Hawaiians? The only job that any agency on this island should be doing is protecting place and space of Hawaii. We cannot overpopulate this island, which it already is. We cannot overtax our resources which already are. We cannot keep the desecration of iwi kupuna happening. On June 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>, on Oahu there is going to be a joint meeting of the Department of Interior along with native American associations from (inaudible) as well as here, open to the public because they want to hear everybody's experiences with protecting of iwi kupuna here in Hawaii. If you are not aware of it, you are now made aware of it. We have to stop the desecration. We have to protect iwi kupuna. That is the main and the foremost and most important thing that should be on your minds. Please stop the corruption. Please stop the desecration and stand up because Hawaii is Hawaii because of Hawaiians. Mahalo.

Mr. Hull: Thank you for your testimony.

Mr. Hironaka: Alright, moving on to Makai Elua Vilatora. I will promote you as panelist. You can go ahead and join as panelist. You will be able to start your video and unmute yourself.

Ms. Vilatora: Aloha mai kakou. Do you hear me?

Mr. Hironaka: Yes, we can.

Ms. Vilatora: Aloha, my name is Makai Elua Vilaflora, birthname Shawn Nicole Makai Elua Vilatora. I am a kanakamaoli, a wahine maoli and child of God. I am here to testify against the preliminary subdivision approval of the application number S-2022-6 and also the final subdivision approval of application number S-2021-1. So, I first wanted to start off with the significance of the Koloa ahupuaa. In that particular subdivision approval, it's considered Koloa Komohana in the Mahele, the great Mahele. The Mahele was created in perpetuity of its people and their vested interest in the aina which would be considered what they call property and also the natural resources that comes with aina, with the water. One huge issue that we're finding is that with the 21 developments coming to Koloa district there is millions of gallons of water being diverted from the north and east watershed to be able to plumb and run water through these subdivisions or this developments happening in Koloa. What we are finding is that there is countless ahupuaas on the opposite side of the island who we are diverting this waters from is really detrimental to their environment and all the natural resources that is really being deprived from that side to just continue to fund or be able to sustain this luxurious lifestyle that the Planning Commission is continuously approving for these projects. There was a testifier saying that there is a common developer, Gary Pinkston, who is going to be doing these subdivisions and we are currently investigating a project that he is doing in Koloa, the proposed Kauanoe O Koloa, saying that in that actual permit, the policy number that he has for that insurance bond company travelers, the actual number that they used on the permit is not even a policy number in the company. So, the continuous deceit and lies that these developers are getting away with is continuously betraying the trust of the people saying that the Planning Commission will continuously approve these projects without further investigating on the developers that are doing heavy desecration of our aina, of our iwi kupuna, and of our natural resources. I just wanted to say that with the Mahele, the fact that it was granted in perpetuity to its people, we become the trustees to the aina and to the property and our ancestral property belongs to the people. So, decisions that are being made that does not have the consent of the kanakamaoli...

Mr. Hull: Ms. Vilatora, please wrap up your testimony.

Ms. Vilatora: Mahalo. I'll just wrap it up saying that continuing of approving of these projects will lead to genocide of our kanakamaoli identity and for the next 7 to 21 generations. Mahalo for your guys time. Mahalo for taking my testimony. Aloha.

Mr. Hull: Thank you.

Mr. Hironaka: Next we move on to Heaina. Heaina, I'll promote you as panelist. What you'll need to do is click join as panelist, enable by clicking start your video and unmute yourself.

Mr. Kanahale: Aloha o wau o Lucky Kanahale mai ka mokupuni o Niihau a me Kauai. Aloha, I'm lucky from the island of Niihau but raised on Kauai. I just talking on behalf of what's happening on Koloa as well. Moving here from Niihau is so different and seeing this island from the age of 7 until now 31 I seen so much development and so much disrespect for our iwi kupuna in the ground. And people walk on them like its nothing. Seeing that happen all around is so common. So common nowadays that it's normal for people to just ignore these iwi kupuna when they are in the ground for a reason. That reason is to guide us so that we can lead our next generation behind us to do better than what we are in today. We are kanakamaoli that's still alive. (inaudible) These developments, what is the purpose of these developments? It's all money. All money and each one of you guys is going to be benefiting because how many of you guys know and can name local families have left this island because it is too expensive. Waiting on Hawaiian Homes list is one other bullshit, just waiting, kalamai for the language. But waiting around for a piece of aina to open up while these guys is getting approved for land to be sold off in the next 10 years, at million dollars, is something that we as oiwi to this aina will never realistically live through because we can't afford it. But if we go back to our aina ties, we are the people that are vested in this. So you guys that making all the decisions on this, I ask that you guys think thoroughly and follow thoroughly and think about the people that you guys are affecting. All of us in Hawaii, all of us is being affected by this. Each aina is being sold off to these guys and they're just getting approved left and right. So, before you guys start approving all these things, think about us, who's from here and whose kuleana it is to protect and malama this place. That's our kuleana to take care of this place so that our kids can call this place home so they can eat the papa'i off of the pohaku, so they can swim in the ta'i and it's clean, so that they can harvest the wai from Akua above us to feed our aina, to restore our natural resources that are being deprived from us, private properties, all of this stuff, blocking accesses that we need to survive. We no need jobs to survive, we need aina to survive and that's something that we all should wake up to. The land no need us to survive. We need it to survive, and if we take from it then what will we leave behind for our kids. One piece of rock, one piece of cement for eat. Mahalo for your guys' time.

Mr. Hull: Thank you for your testimony.

Mr. Hironaka: Thank you. We'll be moving to attendee with the alphabet AS. I will promote you to panelist and you can start your video and unmute yourself.

Alex: Hello my name is Alex and I'm very concerned about what's happening in Koloa right now. The Planning Commission is going ahead and approving projects to have a tentative approval only August 10<sup>th</sup> a number of people, 25 people, spoke out against the project that's now called Kauano'e O Koloa. Not one of them, not one person without a vested interest in the project supported it. For some reason the Planning Commission tentatively voted okay on a subdivision. We heard the Planning Commission Director and the Planning Department say that it must come back for a final approval but there was no activity that could take place on the site. But we see activity on the site every day for the last month. Not only activity but police cars, Kauai police department with guns, armed with weapons, but would not take the complaint of a local citizen. Instead pretending that they are police officers working however off duty, paid for by the developer. This can't continue to happen on Kauai, this is corruption. We talk and hear about how important things like Earth Day are and we see Earth Day promoted on Facebook on the County of Kauai Facebook page at the exact same time that the County of Kauai Planning Department is

allowing the desecration of the land. There are endangered species. The Fish and Wildlife Service has said it's probable habitat for two endangered species that only exist in the entire world in Koloa. But instead of celebrating this, we are killing these species. Do you not understand that the species and the culture and the aina are all combined. It's all intertwined and once you take one part away, you've destroyed the ecosystem. The Planning Department has got to do a better job. Really look at yourselves and what you're approving. Be honest, be pono. What's happening now is not and of those things and we see right through it. Mahalo for your time.

Mr. Hull: Thank you for your testimony. Myles are there still individuals signed up on Zoom? And for those individuals who are signed up to testify please indicate which agenda item you are speaking to. Thank you.

Mr. Hironaka: Yes, I will now move on to Zoom attendee Christine Martin. What you need to do is join as panelist and you'll be able to start your video and unmute yourself to speak.

Ms. Martin: I have not testimony today. Thank you.

Mr. Hironaka: Thank you. Next, we have Cox Fricke LLP Again, you'll need to join as panelist and start your video and unmute yourself to speak. You need to unmute yourself.

Cox Fricke LLP: Thank you. Good morning, Abby Holden, attorney for PRP. Understanding that the Commission can't take any action today, PRP is just reiterating its request that at a future meeting the Commission consider its petition for intervention. There has been a lot of testimony today regarding jobs, affordable housing, and appropriate development. PRP also believes that those issues are paramount. It is with that in mind that PRP is requesting that the assertions made by HPM in that regard be put to proof. In all respect to Mr. Trask, this is not an issue regarding a disconnect related to factory build housing. HMP's own application on page 5 mentioned the issue of truss and wall paneled packages which are equivalent to one home. PRP is simply requesting that assertions regarding affordable housing and the creation of jobs warrant further study. There has been a lot of testimony on those issues today but there's been absolutely no proof, just bare assertions, that HPM has the ability to create more jobs than it takes away and that it will create affordable housing. Unfortunately, the elephant in the room is that housing and (inaudible) costs are created by the market, not necessarily the availability of certain materials. So, the Commission should take a further look at these assertions and not just rely on HPM's values. The process is here to put those bare assertions to proof and that is what PRP is requesting here. Thank you.

Mr. Hull: Thank you for your testimony.

Mr. Hironaka: Moving on to Zoom attendee Dara P. You need to join as panelist, start your video and unmute yourself and again as instructed, please let us know which agenda item you are speaking on.

Ms. Perreira: Hi, my name is Dara Perreira, can you hear me, Myles?

Mr. Hironaka: Yes, we can go ahead.

Ms. Perreira: Thank you. Thank you to the Planning Commission for taking testimony today. My



name is Dara. I'm testifying in favor of HPM. I am a lifelong resident of Kauai and I do know there are people in the room that I am friends with and so there is no personal anything against anybody on both sides of the HPM I guess question, right, on whether or not the factory should be built. You know, it really is a difficult balance even for the Planning Department, I think, to have you know, there's pros and cons on each side, but I support HMP's building of the factory. I have a neighbor, I'm looking right out the window, she's been waiting for trusses for quite a while now. And she started building a residence, two bedrooms, not huge, not big, just something to live in, and it has been difficult for her, so I've seen it firsthand. One of the reasons why I support HMP coming in is because they are a local company, not a mainland company that will come in, giving local jobs, has been around for a while. One of the things that HPM did on the Big Island is they did partner with a local affordable housing agency, and they found a way to build affordable housing called the sacred heart affordable housing project. so, I think that it is important that we have partners that are willing and able to work with local agencies and entities to create affordable housing. It can be done. I think though that even the Pacific Resource Partnership though when talking about assertions or things that they see coming in their ads on Facebook it said increase traffic, it's going to change the landscape, so on and so forth, but I'm not necessarily testifying on the Koloa development there. I don't think we need any more development at that kind, if at all possible. But the traffic and all of that that will bring, HPM is not going to bring as much traffic I do not believe as all those residential homes or luxury homes that are coming in. So, I support it, I do support though our local workers on both sides. I think there needs to be a balance. I support unions, I'm not anti-union, I'm not anti-local workers. It is a balance and I know it's very difficult to do, but I do support something that will support affordable housing on Kauai. Thank you for your time.

Mr. Hull: Thank you for your testimony.

Mr. Hironaka: Thank you. We will now move on to Zoom attendee Darryl Oliveira. Please click on join as panelist. You can start your video, unmute yourself, and also let us know which agenda item you are talking on.

Mr. Oliveira: Good morning, can you hear me okay?

Mr. Hironaka: Yes, we can, go ahead.

Mr. Oliveira: Thank you. Good morning Chair and commissioners. Thank you for the opportunity to provide testimony in support of HPM's application. My name is Darryl Oliveira and I'm the Director of Risk Management for HPM. I'm also a lifelong resident of the Big Island and like many, have friends and family on all islands across the state. Prior to joining HPM five years ago, I enjoyed a 35 year professional career with the County of Hawaii, 32 years in the Fire Department, the last 9 as the fire chief, and 3 years as administrator for the Hawaii County Civil Defense Agency. In my previous public safety professions, I responded to and had the privilege of serving and protecting many people in our community with the crisis's that they faced. Today all of our communities across the state are dealing with another crises and that's the shortage of attainable housing. 2019 Hawaii housing planning study reports that the number of new or additional housing units needed for our state by 2025 exceeds 50,000. That same study shows the number of new or additional housing units needed for the island of Kauai is over 4,000. The same report and others have highlighted some of the barriers or obstacles with development of construction of attainable

housing to include the cost of construction. If approved, HPM's proposed plan to operate a truss and pre-fab wall panel production facility would help to provide much needed resources to the Kauai community and help with more cost effective and efficient home construction. Manufactured component solutions are not the single answer to more obtainable housing but would afford home builders with options and choices to help reduce costs and time with home construction. Currently there's one operating facility on Kauai providing for some of this need however having additional capability on island will promote cost competitive production, quality customer service, and support community recovery and resiliency with some of the types of disasters Kauai has experienced in that past. In closing, I would like to say that although I've only been with HMP for five years, in that short time I've not only watched but had the privilege to participate in various community service projects lead by HMP to include the construction of 20 micro shelter units to support the 2018 eruption disaster survivors, the assembly and installation of 50 micro shelter units in Hilo and Kona for the temporary emergency sheltering of homeless during the covid pandemic, the manufacturing of 12 independent living studio units for at risk seniors for the Hope Services Hawaii program, and supporting and partnering with Habitat for Humanity on multiple islands for providing housing solutions for many in need. In short, HPM is a community minded local business that truly cares about the people of our islands. I am confident that HMP will not only be a good neighbor to adjacent residents but an engaged contributor and advocate for the Kauai Community. Thank you.

Mr. Hull: Thank you for your testimony.

Ms. Sayegusa: Sorry, I'm going to take over. This is Jodi Sayegusa. Next, we have a Zoom attendee identified as guest guest. I'm going to promote you as panelist. On your end you're going to have to accept that, and once you accept it, you'll be able to enable your video and audio. If you are going to testify, please identify which item you're going to be testifying on. If you're not interested, you can indicate so when your audio or video is enabled. Zoom attendee identified as guest guest, you are currently allowed to unmute yourself if you are interested in providing testimony at this time. I'm not hearing, if you have technical difficulties, you can feel free to call in using the telephone numbers provided on the agenda. If not, please make sure you raise your hand using the hand raise function if you interested at a later time to provide testimony. We will move on to the next testifier. Next, we have Kamuela. Promoting you to panelist at this point, you're going to have to accept it on your end, you'll be able to enable audio and video. If you're interested in providing testimony, please specify which item you will be testifying on.

Mr. Kamuela: You can't hear me?

Ms. Sayegusa: We can hear you now.

Mr. Kamuela: Oh perfect. I'm just going to keep it short and sweet and to the point. I'm against development on what's going on in Koloa. Oh, and also to the kia'i from Oahu who said he would bring a hundred koa, please do. The more the merrier to help us fight. That is all.

Ms. Sayegusa: Moving on, we have Kat Clark. Kat Clark, again we are enabling your audio and video. On your end you have to accept it. Please specify which agenda item you are testifying on if any. Kat Clark?

Ms. Clark: Yeah, I just want to be an attendee today. Sorry, I don't want to give any testimony today.

Ms. Sayegusa: Next we have Kiara Lorenzo Rodrigues

Ms. Rodrigues: Can you hear me?

Ms. Sayegusa: Yes, you can enable your video if you would like to and please specify which item you would like to testify on.

Ms. Rodrigues: I would like to testify today against the development of Kukuiula for both of them. Before I start, I would just like to set my intention. My intention is to answer the call of my kupuna and also to keep Hawaiian hands in the Hawaiian lands, and also allow the next 7 to 21 generations to have the access that we are privileged to have and have the same opportunities that we are privileged to have. Furthermore, I would just like to start off by saying all the new development, all that wastewater is going to go into the harbor directly across the development and that for one would take away all of our gathering rights. I grew up, my father was Alawai'a and he would holo the mountains. He understands the significance of our water. And we know that if our water is contaminated, we can't eat the fish, we can't eat the limu, we can't eat the opihi. There's lots of traditional resources for us that our descendants won't be allowed to enjoy. Second of all, I'd like to talk about the iwi kupuna that is there. I am a lineal descendant to Kamakahahelei and just I hope people understand the significance of what iwi has to us and what it means when those bones are crushed, what that effect has to me, to my children. I just want to make sure people understand, it's enough. My generation and the generations that come after me, we are here and we're fighting and we're (inaudible) to be Hawaiian. For a long time, the generations before us, were not (inaudible). They had to hide. They had to keep things in secret. And now we're bringing that all to light. We're fighting, and we will always fight, and we will continue to fight against all and any development that is not pono. Mahalo.

Mr. Hull: Thank you for your testimony.

Ms. Sayegusa: Next we have Mark Williamson. I'm promoting you at this point to panelist. Please accept that on your end, and you'll be able to enable your audio and video. If you feel comfortable please identify yourself and specify which item you are testifying on if any.

Mr. Williamson: I won't be commenting today, thank you.

Ms. Sayegusa: Sorry, just to make sure, you got cut off a little. You will not or will you?

Mr. Williamson: I'm just observing today only, thank you.

Ms. Sayegusa: Next we have Max Kimura, Esquire. I'm promoting you to panelist. Please accept that on your, enable your audio and video, identify yourself and specify which item you are testifying on.

Mr. Kimura: Hello. Aloha. I can't seem to do the Zoom video. Did you have to unlock me for the video also?

Ms. Sayegusa: You're able to at this point. On your end, you would have to click on the icon at the bottom and click on the icon that says video.

Mr. Kimura: I apologize. I guess there's a problem with the video on my computer, so I will just speak.

Ms. Sayegusa: Okay, go ahead.

Mr. Kimura: Aloha, I'm Max Kimura. I'm the attorney representing the community association of Poipu Aina Estates. It's the community that's directly adjacent to the site that HPM Building Supply intends build a manufacturing building supply facility. Now I want to reserve my right to speak at the agency hearing, but I just would like to introduce myself right now. I really appreciate being able to participate via Zoom. It was wonderful testimony I heard today, but I just want to add one thing that was not mentioned so everybody who is attending and listening can understand and focus on that the Kauai Planning Commission has the discretion to approve special permits, but they still have to follow the law. And the law is that this site where HPM Building Supply intends to build their giant tent to manufacture pre fab building houses and trusses and such, it's industrial and the land is designated as agricultural. HPM seems to get around this with a unusual and reasonable use of the Section 205-6 of the law. But, to do this would undermine the very purpose and intent of the whole Chapter of 205 which is to protect agricultural land and protect the resources of Hawaii. In that sense I wrote about this in our petition to intervene, my supplemental brief, and I hope you had a chance to read it. I understand you don't have a quorum to have the agency hearing today, but when you do have it, I look forward to participating in it and being able to cross examine HPM Building Supply. Thank you very much.

Mr. Hull: Thank you for your testimony:

Ms. Sayegusa: I believe that concludes our run through of our list of Zoom attendees. I'm going to circle back to any callers that joined late. I believe there is one caller still on the line but that caller was recognized at testimony. I'm going to do at this point, a final run through of anyone on the virtual platform who would like to provide testimony on any agenda item who hasn't been testifying on any particular item before, please raise your virtual hand and we'll recognize you. Okay, final call for testimony on any agenda item at this point. Okay, this concludes oral testimony. Turning the meeting back to you folks in the room.

Mr. Hull: With that we have no further testimony, Mr. Chair.

Mr. Trask: Sorry, I forgot to make one legal point with regard to the timing on this agenda item for HPM. May I do it briefly, I think I have 5 seconds left?

Ms. Barzilai: That's the Chair's discretion.

Chair Ako: Sure.

Mr. Trask: I just want to reserve for the record. So, on behalf of HPM, we would note that with all due respect to the Commission, we understand the quorum problems, but in order to reserve HPM's

rights under the Code with use permits, class IV permits, and the rules for special permits, HPM would like to note for the record it does not consent to this continuance or the previous continuance of this matter. That's all. Thank you.

Mr. Hull: With that Chair, we have no further testimony.

Ms. Sayegusa: I'm so sorry. I'm mistaken. I'm going to just give one last opportunity for the caller. Okay, never mind, caller dropped off. We're good, thank you. Sorry about that.

Chair Ako: Okay, with that, I really want to thank all of you guys for being here. I know that a lot of you have been taken away from your jobs. Hopefully this will be part of the process where we start bringing everybody together. So, seeing and hearing no more additional testimony, at this time we would like to adjourn the meeting. Thank you so much for coming.

### **ADJOURNMENT**

Chair adjourned the meeting at 10:36 a.m.

Respectfully submitted by:



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Duke Nakamatsu,  
Secretary

Approved as circulated 08/23/2022 Meeting.

Approved as amended. See minutes of \_\_\_\_\_ meeting.

