

KAUA‘I PLANNING COMMISSION
SUBDIVISION SESSION
Tuesday, June 14, 2022
Draft

The Subdivision meeting of the Planning Commission of the County of Kaua‘i was called to order by Commissioner Gerald Ako at 8:34 a.m. Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako
Mr. Francis DeGracia

The following staff members were present: Planning Department: Deputy Director Jodi Higuchi Sayegusa, Dale Cua, Kenneth Estes, Marisa Valenciano, Myles Hironaka, and Planning Commission Secretary Shanlee Jiminez; Office of the County Attorney – Deputy County Attorney Matthew Bracken Office of Boards and Commissions – Support Clerk Arleen Kuwamura and Lisa Oyama

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair Ako: Called the meeting to order at 8:34 a.m.

ROLL CALL

Chair Ako: Good Moring everyone this is the Subdivision Committee of the Planning Commission, on Tuesday June 14, 2022. I would like to call the meeting to order. Before we take our roll call, I would like to mention this agenda that we have today is a repeat of our February 8, 2022. We will move through each agenda item giving the public an opportunity to testify. The committee has already received reports from the Planning Department and applicants. If there are no clarifying questions from the commission, we will vote on each item following the public testimony. As this is an unusual process, we would like to start the meeting in Executive Session with our committee’s Attorney. With that Madam Clerk, can we do a roll call.

Ms. Higuchi Sayegusa: Commissioner DeGracia.

Mr. DeGracia: Here.

Ms. Higuchi Sayegusa: Chair Ako.

Chair Ako: Here.

Ms. Higuchi Sayegusa: You have a quorum Mr. Chair. Two Present.

APPROVAL OF AGENDA

Mr. DeGracia: Motion to approve the agenda.

Chair Ako: Second, any questions. Hearing none. All those in Favor? Aye (Unanimous voice vote). Motion carried 2:0.

EXECUTIVE SESSION

EXECUTIVE SESSION: The Commission may go into executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes (“H.R.S.”), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

Mr. DeGracia: Chair Ako, motion to enter Executive Session.

Chair Ako: Second that. Any questions? Hearing none. All those in Favor? Aye. (Unanimous voice vote). Motion carried 2:0.

Ms. Higuchi Sayegusa: Pursuant to Hawaii Revised Statutes 92-5 (a) and 9204 the purpose of this executive session is to consult with the County’s legal counsel for questions, issues, statuses, and procedural matters. This consultation involves the powers, duties, privileges, immunities and liabilities of the commission and the County as they relate to Subdivision Application No. S-2022-6 and Subdivision Application No. S-2021-1.

Chair Ako: Hearing that again can we take another vote to enter into Executive Session. All those in Favor? Aye. (Unanimous voice vote). Motion carried 2:0.

Ms. Higuchi Sayegusa: Approximate time for the Executive Session will be 5-10 minutes.

The Commission moved into Executive Session at 8:39 a.m.

The Commission returned to Open Session at 8:47 a.m.

Chair Ako: Called meeting back to order at 8:47 a.m.

MINUTES of the meetings(s) of the Subdivision Committee

Ms. Higuchi Sayegusa: Minutes of the Subdivision Committee. We do not have any minutes at this time.

RECEIPT OF ITEMS FOR THE RECORD

Ms. Higuchi Sayegusa: Receipt of Items for the Record. We have not received any items at this point.

HEARINGS AND PUBLIC COMMENT

Ms. Higuchi Sayegusa: So, we are on F. Hearings and Public Comments. For the public sake we are on the Sub Committee which we are on now, we also have two Planning Commission Agendas that we will go through today. So currently, we are on the Subdivision Committee Meeting. For oral testimony we will be taking testimony this morning in the following manner. First, we are going to recognize all speakers who are testifying in person or who are physically present today, at the publicly noticed location which is the Lihue Civic Center Moikeha Building Meeting Room 2A-2B 4444 Rice Street Lihue, Kauai, Hawaii. Next, we are going to recognize all callers who called and joined the meeting with the telephone number which was provided on the agenda. Then we are going to recognize all attendees who have elected to join the meeting using the zoom link provided on the agenda. Please identify yourself when you are called upon if you are comfortable doing so and clarify which agenda item you wish to testify on. All testifiers will be given three minutes per testifier per agenda item. If you are not interested in providing testimony, please indicate so when you are recognized. If you have internet connectivity issues please use the join by telephone number, and we will return to any new callers for testimony before concluding the oral testimony of the agenda. Please note that this meeting is viewable through the live stream broadcast at www.kauai.gov/Webcast-Meetings. Please note that the live stream broadcast is not allowed to provide testimony. Please refer to the agenda on how to provide testimony. First, I am going to recognize any in-person attendees who wish to testify on the Subdivision Committee agenda items at this time. Is there anyone in the audience who wishes to testify? Please step up at this point.

Ms. Bridget Hammerquist: Good Morning members of the Commission my name is my name is Bridget Hammerquist, and I wanted to make couple points this morning with you and ask for your help. We have some people from our community of Koloa that cannot get on the Zoom Link, and I don't think they necessarily know or have the phone number. So, it's really difficult an even bigger difficulty is that as of noon, the eighth of June, five days before this meeting the agenda still was not published. An amended agenda came out yesterday, this does not comply with Hawaii Revised Statute 92, which requires notice of the meeting and the agenda for the meeting to be published not later than 6 days before the meeting date. That would mean that it should have come up last Tuesday, and it should have come out during the workday on Tuesday. It didn't come out to the later part of Wednesday the eighth. So, we've had five days' notice before today's date and it got amended again yesterday. I'm also going to object to anything going forward today on that basis that the public has not had sufficient notice. We really do feel like things are just being railroaded through the process. Also, on the subdivision agenda. I know a couple of items that are in the middle of a Ka Pa'akai analysis, and, as the Commission is probably aware of, I know the Planning Department is in the Supreme Court in the early 2000-2003 decided that case and required that the Planning Departments have an understanding of what impact the subdivision was going to have on a community. Give the community an

opportunity to work with the developer, to mediate or mitigate anything that would be harmful to their quality of life, their practices, their traditions. This analysis is still in process, and so I think it would be improper for the subdivision approvals to be given today before an evaluation of that Ka Pa'akai analysis, can even be completed. Also, it's not clear to those that receive questionnaires when their responses are due, or what happens to the responses, or who even reviews them. So, if the Commission could help the public by putting that on the agenda and making that part of the meeting where you explain, because I know I helped personally get seven people to respond to a Ka Pa'akai analysis, and there was nothing on the form that gave them any information about where they're mana`o that they shared would go. In the matter of the subdivision items in the Kukui`ula which are on the agenda today being done by Cultural Surveys Hawaii. There's absolutely no information about timing for the responses. The information questionnaire is put up developments there's three, and he put out one questionnaire for all three developments. I don't think that makes this group within standards. Thank you.

Chair Ako: Thank you.

Ms. Higuchi Sayegusa: Anyone else wishing to testify on the Subdivision Committee matters.

Ms. Cummings: Before I start, is there attorney for the County of Kauai present in this meeting?

Mr. Bracken: Yes.

Ms. Cummings: Can I please have your name please state your name

County Attorney Matthew Bracken: Matt Bracken.

Ms. Cummings: Aloha, Mr. Bracken, also is everyone on the Chair of the Board of Planning here present in the meeting. Is every board member available in this meeting?

Ms. Higuchi Sayegusa: This is the Subdivision Committee Meeting. The Subdivision members are here.

Ms. Roslyn Cummings: Okay, they are. That is what I wanted to know. I'm going to be speaking on behalf of S-2022-6, and S-2021-1 in the Kukuiula developed area. First off, e kou makou Makua i loko o ka lani, e ho'ano 'ia kou inoa, E hiki maki kou aupuni; ke ho'omaika'i ia oe ke ho'omaika'i, maika'i mau loa mai keia hanauna i ke hanauna hope loa. Anoano e ka makua lokomaika'i e hoawi wai oia makou i keia wai pono no makou. E kalamai ho'i ia o'e i makou kou makou e lawehala 'ana me makou e hala aku nei i ka po'e I lawehana ia makou mai ka ho'oku'u ia makou i ka ho'owalewale ia mai. E ho'opakele no na'e ia makou I ka 'ino; No ka mea, nou ke aupuni a me ka mana, a me ka ho'onani `ia, a mau loa aku. 'Amene. My name is Roslyn Nicole Manawaikea Cummings, I am a Wahine Maoli and I'm here to testify against all developments in the Koloa Ahupua'a and the reason for this is because it's very detrimental to our people of the depletion of our cultural religious practices. By law I would like it to be known that everyone that took an oath must uphold the United States of American Constitution, articles 16 Section 2, the law of the land to perpetuate an existing culture that is being depleted, as we speak, there is no trust between myself. and those on the board because of what's happening in

Koloa. Specifically with this developer and MP Financial Meridian Pacific under the direction of Gary Pinkston. The reason I say this is because now the land commission use you have 12 conditions, and each time that I see these things coming up, those 12 conditions are not met prior to permitting process and that needs to stop here and now. Another thing I want to recognize is that Kukuiula is a large reinternment area, so it's a reinternment area and history of burials that are being desecrated. I'm here to give public notice, notice to agent is notice to principal the principal noticing agent. As a descendant of Kamakahahei my name is Roslyn Cummings, my father Edmund Francis Malama, Jr., his father is Edmund Francis Malama Sr, and his father is Joseph Kukea Malama, and then his father's Kuhinahina Malama, and then his father is Nahinu Malama and Nahinu Malama's father, is Benjamin Naumu Kaopuiki. Our ancestor Wahine `Iki and Keawe Nui, who is the husband of Kamakahahei we are descendants of her, and she's buried in this Subdivision area. So, when you guys approve these plans please think about the burials, and what's happening in the (inaudible) I should have another three minutes because there's two subjects that we're speaking about, right? So, I want to continue with my question to you guys is where's the water coming from? How much water is needed for these subdivisions, and if you guys approve these plans, how come the Board of Water cannot supply? Why the 3.1 million or 1.3 million where it's an if right? That's water coming out of Kahili, they kind of figure out where it's coming from and why is it that in 2019 in the writings of the board. They talk about 20 million gallons being taken from the east watershed and bring them to the south watershed. I'm very concerned about what happens if we ever have a large modern rain, and who is controlling the waters. So please if you can answer the question about where the water is coming from? Then the Subdivisions we're looking at a six year we're at the six-year cap, right on our waste. We don't even have a plan for upcoming waste management. Where's all this waste going? We have an average of 115,000 visitors coming into Kaua'i with 70,000 residents, so we cannot blame the people who are living here. We're looking at 1.4 million visitors a year that are coming in, and these developments are a welcoming door map to it. So, for those of you are in the room and listening to this video because I speak on behalf of Kanaka Maoli, not foreigners who are coming here because of your mindset. I need you guys to understand that because you are here. You are then having the KULEANA responsibility to have respect for who is here, and who came before you. Mahalo for your time.

Chair Ako: Thank you.

Ms. Higuchi Sayegusa: Anyone else wishing to testify on the Subdivision Committee matters.

Ms. Terri: Aloha and mahalo. Terry (inaudible) for the record, Lewela (inaudible) for 20 years. Pleased to be here as an educator. Now work on our project Kaneiolouma on the south shore, which happens to abut the projects that we're talking about. I have a couple of concerns but one of them, just to get my heart hard. We have ohana on both sides of this conflict. Okay, he is near and dear to me, and we are not about attacking jobs, we are not about helping locals, we're not about helping residents, and we sure are here to help the Kanaka maoli. As an educator I've been placed here to do that, and that is my desire education that we all start to learn about what's at stake, what's being done, and what we could lose. Now as a native of California reservations are huge. We have a big issue here with land. The Aina is what keeps a culture, a culture. and this systemically, systematically destroying the culture bit by get is going to end up with just that Hawaii without alliance. Now, with all respect to all that are here. How many are Hawaiians? So

here we go, this is good. So, I'm speaking to all of you also as to the importance of helping to save what is near and dear to you, and important for Ohana, Kupuna, our culture, our history. People will come and go, but what we do today, is going to matter. I just got off the telephone with Kalin Tanaka, he is the representative for Cultural Surveys Hawaii that was tasked to do the cultural component. I received, Billy received, at our home the evaluation not even a month ago. To be very clear, the projects today, are included I know there's two (2) in the Kukui'ula development, but the one adjacent to Hapa Trail is a great concern to us, because there is active explosions dynamiting going on 12 feet deep at an area that has archaeological components, historical components, and cultural components. The call that I made today, questioned Dr. Hammock as to if he had ever surveyed that area. We personally walked with Dr. Hammock, I believe it was in 2008, to establish and prevent the Knudsen Trust from developing 500 homes from the Catholic Church mauka makai all the way down in that whole ahupuaa. There is so much significance the Koloa field system as its commonly known Dr. Hammock, and a very important report put it as number one in an educational video that's available online. I believe it was done in 2021. There were 3 sites that you mentioned in to in Hawaii. Yeah, I understand. 2 of them are here. The second one, I believe, was Lima Huli Gardens, which Ke Kahuna prior to Statehood, did know archaeological assessment, and made these 2 areas the most important areas in our on our island and put them straight up in the State. The Hawaii system is unique to Koloa, which carries water. There are so many lava tubes and caves, and the way I try to explain it to somebody is these aren't like a straw, these aren't like a piece of rigatoni, a lava tube is more like a hose. Where does the lava come from?

Ms. Higuchi Sayegusa: Three-minutes.

Ms. Terri: My time is up? Did you say that? That's unfortunate? Well, I have a second item I'm talking on so I would like my second three-minutes, which I'd like to include. I thank you for pointing that out. At any rate, it's a tube system Dr. Hammock has made it very clear, Koloa! Landing has a cave that's been protected and has a State Historical Site Plaque. If you haven't been there, I would hope that you would go take notice that where the cave is and the tube goes out, and where does the tube go? Into the swimming pool. We were called about it after it was already backhoed. My understanding is that there's another project that discovered 3 case and one of them had a canoe in it. That the developer thinks it's his. Probably iwi is my understanding. Many were buried in the soil, but Ali'i were put into caves and sent up the in tubes, not to mention the mo'os that clean and take care of the fishing, and Billy is a fisherman and can tell you all about that. We have serious issues with drainage. Is there even a drainage plan? And now I'm talking about all of them. Is there a drainage plan that any of you have seen? Does anybody remember Iniki? Did anybody happen to feel the effects of the volcano and Tonga? Did you know there was a tsunami in Mahalupu? But we had no siren that went off. We have no evacuation plan. Oh, yes, they do. They want to use Hapa Trail for it that's what I heard, but now they put up a fence which now they want to make removable. Where are all these trusses is going to go, that's what I want to know? Who are they working for? There's not a whole lot of people in Koloa, Poipu, or anywhere that I know that are residents who are building homes. This is all for the condo development I bless these men there's other things we can build like a perhaps an evacuation shelter, perhaps a sustainable farming operation. That is ag land where HPM wants to grow. I want to also remind you that Good Fellow Brothers tried to pull this on the land adjacent to the Catholic Church, and they were told to leave. If you need a

base yard, if you need to set up, go get yourself one in an area, and you operate over there. Don't take up our Ag lands to do your work, but I want you to work. I just wanted to be good work. Mahalo, thank you.

Ms. Higuchi Sayegusa: Is there anyone else in the room today, wishing to testify on the subdivision committee meetings?

Mr. Keali'i Kaiminauaua: Aloha. My name is Keali'i Kaiminauaua. I am a resident of Koloa. I don't know too much about what is going on, but I live a construction life all my life it's been paying for me, and I'm also a father figure for all the kids in Koloa. I take care of most of the kids in Koloa. And for all the construction people that don't know me, that don't know the kids in Koloa, you should get to know us and know that we are here to stay, and we really like the life we live, but is pushing us away and it's not helping us at all. So, if you guys pass things to make it worse for me and the kids in Koloa and the family that I love, it's not right. But I don't know really too much about what to say amongst everybody and what they do, but all these brothers behind me, we are all work in the construction business that is what makes us live and live our life. But most of the time construction people that don't know us, that means they never care from the beginning. And so, if you guys hope to push us away and hope that all it makes you guys feel better, well, we get hope too. We hope you guys go away we hope the worst for you guys looked over for you guys, whatever I think you guys like do but, I stand for the kids, and I'm not here for a pass, I'm a Hawaiian yeah, I'm all that but I'm all aloha and love for a community and for of people. But half the big-time guys that you guys let go to be build all these things, they don't know me, they don't like me just because of the way I look and the way I present myself. Bu I just like to speak out for all the children that I take care around the island, and Koloa mostly I love all the kids and at every kid. I am a foster parent. I take your kids; kids are the future. So, I speak, for a kid that I was the future, and I was supposed to have been the kid that everybody's supposed to think of the future. That's all I got to say and I aloha you guys.

Chair Ako: Thank you.

Ms. Higuchi Sayegusa: Anyone else in the room wishing to testify the Subdivision Committee Agenda? If not, I'm going to turn it over to Myles and Marissa to handle the callers and the zoom attendees.

Mr. Myles Hironaka: Good morning, Commissioners. Can you hear me? Okay, good. Okay, turning to callers who have elected to attend the meeting by phone, using the join by phone telephone number provided on the agenda, we will recognize each caller by the phone number that was used to call into the meeting one by one, and we will enable your audio. Please press you need to press Star 6 in order to unmute yourself, and then we will be able to hear you. If you are comfortable, please do so by identifying yourself also, please clarify which agenda item items you wish to testify on. You'll be given 3 minutes per agenda item or if you're not interested in providing testimony, please indicate so when you are called upon. So, I will be with phone Number 808- 278-3766. I have enabled your audio you need to press Star 6 in order to talk, if you're comfortable, please identify yourself and also clarify which agenda item you wish to speak on. Hello?

Woman: Yes, Aloha. No testimony at this time.

Mr. Hironaka: Alright, Thank you very much. Okay. let's move on to those that have elected to attend the meeting by using the Zoom link provided on the agenda. We will recognize each attendee one by one and promote you as panelists. Once you click on, join as panelists you'll be able to click on, start video and unmute yourself. Please clarify which agenda item or items you wish to testify on. You'll be given 3 minutes for agenda item for your testimony, and if you're not interested in providing testimony, please indicate by letting us know when you are recognized. For the zoom attendee, if you experience Internet connectivity issues, please use a join by phone telephone number and we will get back to you. Before we conclude our oral presentation testimony part of this agenda. So, let's begin with attendee Tara Rojas. I promoted you as panelists you'll need to join as panelists, and then you'll be able to start with you and unmute yourself. You need to unmute yourself Tara.

Ms. Tara Rojas: Aloha. Can you hear me?

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

Ms. Rojas: So, I am Tara, and I'm testifying regarding the new action item, and like previous testifiers had mentioned, with the laws needing to be upheld and abiding by your own procedures and systems and rules. This needs to happen now. There should not be any action taken today, for all of the reasons stated by Aunty Bridget. There should be consideration of what Tita Manawaiakea Roslyn Cuumings also mentioned, and I also just want to bring you back to kind of common knowledge, just for you all of you Commissioners there. Have you all heard of that one saying, "greed?" What is greed? Greed is the root of all evil. You need to think about this as you were sitting there on the Planning Committee for the Island of Kauai, which is in the State of Hawaii, and the State of Hawaii is Hawaii, because of Hawaiians. So please remember the place and space you are living in and occupying that It's been said again, you have the Kuleana to Hawaiians. Hawaii is not Hawaii without Hawaiians. Hawaiians are connected, I know I said it before, I'm gonna repeat it again, because sometimes they say you know you need to hear things about seven (7) times before it really clicks. Hawaii is Hawaii because of Hawaiians. Hawaiians are connected to aina. The aina that you all are there right now, planning to decide on. And I'm also going to say this, have you ever flown on a plane? And when if you're in the aisle with the exit aisle, and then the flight attendants always ask you if you feel that you are not capable of helping or taking care of your kuleana sitting in this row, please remove yourself and find another seat. I like to extend that same analogy to you all just because you're born and raised here, does that mean you and you're on this Commission, does that mean that you can renege on and deny your kuleana to uphold the land, the culture, the history of Hawaiians for Hawaii? And going back to just even before that common sense, just as little kids. What do we first teach our kindergarteners? The first lessons, the first, our children, the first thing we teach them are basic rules. To what? Love one another, to avoid taking what's not yours, respecting...

Ms. Higuchi Sayegusa: Three- minutes.

Ms. Rojas: Okay, 2 min. And that's what I just want to say. So, it's common sense that you all learn the Commission, you have kuleana to uphold. You have all these laws and rules, and

procedures and systems. But is it of kanaka maoli indigenous mindset? And if not, then you need to please remove yourselves, so that those who are kanaka maoli, who are of this place, who are of indigenous mindset will uphold what is correct. What is pono. You can feel it in your na'au your, in your gut, in your instinct what is right and what is wrong, that's the first thing they teach our children. So, as an adult, we need to remember what we first learned what is right and what is wrong. It's not about the money, it's about aina, it's about via. We are here, and we are showing up, and we are holding you accountable. So, you are there, I know the Planning Commission, but it's what's best for the islands of Kauai.

Mr. Bracken: Three-minutes.

Ms. Rojas: Okay. Yeah, Now I will use my other whatever the other time I have I will just extend it just a little bit more. But I'm going to say again, you are there to uphold what is best for Kauai. Yes, you need to plan ahead. Plan ahead for the traffic, plan ahead for who you are serving, the tourist or those who of the place in space, kanaka maoli and locals who happen or who have the blessing to be born on this island? You need to plan for sewer, where is it going to go? Why is that the only Hawaii, the I'wi Kupuna, the bones of our ancestors, your grandparents, your great grandparents, are always just disregarded. What other cemetery do you see around the world or in the Continent, where "oh, we'll go to cemetery, we'll dig up bones and we'll just disregard them like nothing. This must stop now, it's 2022. You learn your history, learn the correct history. Do what is right. How you're raised in this time, age, place, and space. So again, Planning Committee, please, do not take action and just approve Kukui'ula subdivision, or any other subdivision in Koloa, Kauai. Hawaii is not for the tourists and those who have money who can buy out land, who can for the developers to want to disregard the cultural historical sites that's supposed to be protected. If again, if you are not capable of adopting a Kanaka maoli in mindset, you can change at any moment. You can decide, you know what, I'm going to stand up for what's right. I'm not going to let greed be the root of all evil be what is guiding me. Use your na'au, use your common sense, use what you learn as a child, return what is not yours, protect and preserve Hawaii for Hawaiians. As well as for all of us who live here, and who live there on Kauai. Water and land, we only need water. I went to the Board of Water, Kauai meeting, supposedly 3.1 million gallons of water is leaking, and they mentioned the last 5 minutes of the meeting that just "oh, you know what, I must leave at 11:30." and they just mentioned "3.1 million gallons of water," and this is for the month of April that they're mentioning about they said, "we don't know where it's coming from" and they just ended the meeting at that, at the end, 5 minutes. So, 3.1 million gallons of water are still leaking for the month of May, and it's going to still be for the month of June. So right here in Oahu, right now actually it's 18 minutes late, I'm supposed to be on the zoom meeting for deciding on the water for Maui and for Oahu. All these things are what we must do. So please, your only job is to plan for the State, sorry, hold on. for the island, the island, the moku of Kauai. Do what is right, Mahalo. Thank you.

Chair Ako: Thank you.

Mr. Hironaka: Thank you. Next, Commissioners, we have Alfred Keaka Hiona Medeiros. I will promote you as panelists. You will need to enable your audio and video and click on "Join as panelists" then you'll be able to start your videoing audio.

Mr. Alfred Keaka Hiona Medeiros: Aloha mai kakou. Alfred Keaka Hiona Medeiros. I'm, speaking about the development planning at Kukui'ula by Mr. Gary Pinkston. I flew up 2 weeks ago. I talked to you guys before, like I said, I would show up, and I showed up to Koloa. What I've seen in Koloa was desecration, destruction, and disturbance of our Iwi Kupuna and the constant disregard to humanitarian in general. I witnessed the explosions have happen in Koloa, illegally by a company called Apex Explosives, that's license was revoked that is actually passing the buck over to Earthworks Pacific, who is doing the development for Mr. Gary Pinkston. I walked on that site, and I told them they have no right to that aina, because they don't regard of what you guys are permitting and planning over there. Just to let you guys know right now whatever paperwork you guys sign it doesn't mean nothing to people like myself as a kanaka maoli. I will do everything I can to stop it from developing and stop it from happening just so that you guys know now, you guys can sign that paper today, you guys can do whatever you like, and I'll be one of those to that fly up and stop them like all we did. Okay, so that you guys know that. So, what I've seen in Koloa, is also happening down the road. I was taken to another location, where they plan to do these other two developments, and one of these developments are being done or planned to be done on the biggest Heiau in all Hawaii. Not just on Kauai, but all Hawaii, which is connected to our ancestors completely. And you know what I've figured out that these colonizers, these gentrifications people don't give a damn about kanaka maoli, and that's why they want to do this. This is their plan, and you guys have permitted him to do so, and to desecrate and dissipate eradicate our history as people and I'm not going to let that happen, and you guys shouldn't let that happen too. If it's not for the culture significance for us is kanaka maoli, please look at it as a as people who live in Hawaii, and what's happening to our people we are being pushed out by developers that don't care about us none of these things are made for people to afford, this is not affordable living when it's 2.2 million dollars per house, like I said, 2.2 million dollars per house. Can you guys on this Planning Committee afford that? None of you guys can. So, what makes you think that anybody else can? Nobody else can. This is for people to come in and change the way we live in Hawaii. Gentrification is a new form of colonization, and this is what they're doing. Little by little, we will not be able to live here. This would be their little tropical paradise of their own for the millionaires, and you know what we, as local as come out who need to be. We will be servants to them. I don't know about you, but I am no slave, and I will not be to anybody that comes over here that does not care about Hawaii, our people or culture. So, I let you guys know this Mr. Planning Committee, I will be up there in the next meeting, because it seems like you guys got to see me in person to understand what I'm telling you. You guys need to stop everything that you guys are doing. This is not a request. This is not a request; You guys need to understand where enough is enough that our people are able to survive and thrive in this, in this Hawaii anymore. Our kids you won't have a place anymore like the Kanaka that came up before, he says, take care of the keiki in Koloa. I take care of all our keiki in all Hawaii, I care about all Hawaii keiki. And this right here needs to stop for them. You guys need to understand that what you guys are doing now will make whatever happens in our future. You guys have a place in our history right now, to stop everything for Hawaii nei, for the betterment of our keiki and if you guys continue to sign these paper works thinking, nonetheless, nothing's going to happen than our keiki won't have a place to call home. They'll be calling places like Las Vegas, California, Colorado, Washington home, and that's not what they're meant to do, they are made to be living here in Hawaii nei. Now think about it like that. Yeah, like I like sister said before this: If you guys are unable to do the job to protect and preserve Hawaii like how you should be, then please step down because

there's people that are willing to do so for free like myself, I'll volunteer the time if I need to. Like I said, I'll fly up there on the next meeting, like how I flew up to Koloa and walk in and stop this thing, because I said the next time I come up, I'm not here to talk, I'm here to stop things happening. Just understand that my kuleana is to protect all of Hawaii, our Aina, and the people around us. And if I feel there is a threat, I'll make sure I'm there in present, and you guys should do the right thing because I will be present. Oh, if I got to come door to door I will because that's my kuleana as a kanaka maoli. I know my place in this world, I know what I got to do by any means necessary. So mahalo for you guys' time, mahalo to everybody speaking up out there, and this is not going to happen on our time, or anybody's time, we are going stop Gary Pinkston and his ignorant ways, and I promise you I will give my life to do so. So, if you guys don't stop it legally, you guys are going to have to stop it criminally. Mahalo and aloha.

Mr. Hironaka: Thank you. Next, we have I will identify this person as A. S. I will promote you as a panelist. You need to click on "join us panelists" and you'll be able to start your video on mute yourself. Please let us know which agenda item that you're interested in speaking on, and you have 3 minutes for your testimony.

Woman: Aloha and thank you.

Mr. Hironaka: Thank you. Go ahead.

Woman: Yes, Aloha, Thank you. I wanted to comment on this meeting in particular about the Administration. I was shocked to know that there was an 8:30 Subdivision meeting today. It was listed at the very bottom of the County of Kauai, Planning Commission web page. At the very bottom, under every single outdated agenda from 2021, there's no way that the public looking at the top of the page, could figure out that you needed to scroll all the way down to find this meeting that was happening today. That's violation of the sunshine law 92, need to make sure that there's a transparent way that the public can get access to what's happening in government. I also wanted to comment on Gary Pinkston. There was an article that came out in the Pacific Business news a year ago, and he was bragging about how he was going to come to Kauai and inundate the island with his development, how he was going to spend multi millions of dollars in order to get a return on his investment and looking for investors, even a year ago. His idea is to completely Remake Kauai especially the south side of Kauai, to look like Disneyland. It's not what anybody needs here. Third, I wanted to also mention the cultural analysis. There was supposed to be cultural analysis done for all the Kukui'ula development projects. But, as another speaker said, we just got a notice about 3 or 4 weeks ago, so there's no way anything could have been complete right now. Finally, I wanted to ask, at the August 10th, Planning Commission meeting, where the subdivision for the Koloa, 282 condos was mentioned. There was a subdivision committee meeting, and what we heard at that meeting was that it was going to only be a tentative approval for a subdivision and the Planning Commission, the Planning Department Director asserted that everything had to come back before the Subdivision Committee and the Planning Committee before a final approval before any activity on the site. What happened? What happened? There has never been another hearing. That was August 10th of 2021, ten months ago. The public has never been invited to comment on this, again. Yet dynamite or a dynamite proxy has been blasting through the site in Koloa, up on Kiahuna Plantation Drive. Something's wrong. Mahalo.

Mr. Hironaka: Thank you. Next, we have zoom attendee Alisa Andrews. I'll promote you as panelists and then what you will need to do is click on "join us panelists" start your video and unmute yourself, please. Again, let us know which agenda item you are speaking on, and you have 3 minutes. I think we have the person may have dropped out. Let's move on and we'll return to her she comes back on. Let's move on to C. Martin, I will promote you as panelists you'll need to enable your audio video and click on "Join us panelists" start your video and unmute yourself. Please identify which agenda item you are interested in speaking on, and you will have 3 minutes.

Woman: Hello. So, I just wanted to clarify that Is this the appropriate time to talk about the special permit and the proposals HPM facility? Or are we still on the previous special Subdivision Meeting?

Mr. Hironaka: We are currently on the Subdivision Committee Meeting. But, Jodi, would it be appropriate for them to wait, or for them to speak on this agenda Item?

Woman: I am fine to wait for the other meeting to end If that's okay?

Mr. Hironaka: Okay, we'll make note of that, thank you. So, let's move on to we have Tiara Lorenzo Rodriguez promote you as panelist. What you need to do is start to video and unmute yourself. Please, let us know which agenda item you are interested in speaking on, and your 3 minutes per agenda Item. Tiara, you you need to unmute yourself.

Ms. Tiara Lorenzo Rodrigues: Can you folks hear you?

Mr. Hironaka: Yes, we can go ahead.

Ms. Rodrigues: Aloha mai kakou, before I start, I would just like to state my intentions, my intentions today are the preservations of the kanaka maoli culture, our aina, our wai, our kai, and our aumakua. Also, I would like to create this preservation for the next 7 to 21 generations. As I start speaking, I just want to claim that I am a lineal descendant of Kamaka Hele, and through this through this I have sent you, kuleana that comes with being a kanaka maoli and I know that it is honor, a privilege, and a sacred duty. And my honor today is to uphold all the laws that you belong to command you folks to uphold all the laws that you guys set forth. And not only that, to question you guys again what's the impact of subdivision would have on the community? What your sewer plans are? What your traffic plans are? And all these, the water that goes into the ocean, and then affects all the food that kanaka maoli use and all the fishermen will notice from our opihi, to our opai, to the limu, to our natural sea life, our honus all these things are getting affected by the runoff that's now created by yet, again another in 200, 200 plus housing subdivision. I also want to talk about the loss of natural habitats for the not only the Nene goose, but we know that not only in these areas we have multiple different manu multiple different sea birds. We also have the ape ape, which is our Hawaiian bats. And what really this looks like for them losing yet, again another crucial critical habitat that they have. I also want to make it known that the burial mounds in this land are connected to not only the people of Kauai, but to all the outer islands we know in the time of Mono Kalani Po in Kokona there was a battle that happened here. The battle was named Ka wele wele and we know that through this battle Mono

Kalani Po showed great, great, strategical efforts on his part there was thousands of men that came from these outer islands, and he and his army of 500 went on to slave most of them, and he captured the chiefs of the outer islands and He showed them mercy as a matter of fact, he sent them all home, he fixed the canoes, and he gave them provisions, and he let them all live another day. So, this is just a fine example that you guys can all learn from this Ali'i and how the Ali'i of Kauai were not wasteful they didn't even want to see their people died. It wouldn't shed blood, they wanted to bring peace for the people, and they love their time, they loved, their lands, and they love their people as well, and not a lot of Ali'i can boast of these things, but the Ali'i of Kauai can. I just want to finish with an olelo noeau that says, (Hawaiian language), "it's through the way you serve others that your greatness will be felt." So, I command you folks to serve us greatly, because we deserve that we deserve a voice. Our voice has been taken for too many years and we're all here asking me, begging you, pleading with you that you side with the Kanaka maoli for once. Mahalo

Mr. Hironaka: Thank you. Next, we have Cox Fricke LLP. I will promote you as panelists. What you will need to do is enable your audio and video and press on "Join as panelists" to start your video and unmute yourself.

Cox Fricke LLP: Hi and good morning. I'm here to on the HPM matter, so I will reserve any comment.

Mr. Hironaka: We will make good on that, thank you.

Cox Fricke LLP: Thank you.

Mr. Hironaka: Next, we have Kanani Fu. I will promote you as panelists. I will need you to enable your audio video and click on "Join as panelists" then you'll need to start your video and unmute yourself.

Ms. Kanani Fu: Just listening in. Thank you very much. No comment at this time.

Mr. Hironaka: Alright. Thank you very much. Next, we have Tessie Kinnaman. I will promote you as panelist. What you'll need to do is click "join as panelists" start your video and unmute yourself. Let us know which agenda item you are interested in speaking on and you have 3 minutes.

Ms. Tessie Kinneman: Can you hear me?

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

Ms. Kinneman: Tessie Kinneman for the record. Aloha, Subdivision Committee. My testimony is on I.1 and I. 2. First question is, I'd like to ask the Commissioners if they are, if they have the Kukui'ula Ordinance in front of, I mean If they are familiar with the Kukui'ula Ordinance because I would be speaking on conditions of in the ordinance and the conditions in the ordinance. And the Conditions, there is 15 pages of Conditions that was created in 2004, but the conceptual plan for Kukui'ula was done in like I'd say, 1999, and so what I am asking for

Subdivision Committee, I recommend that you defer decisions on the subdivision, application No. S-2022-6, and also the Final subdivision, map, approval for S-2021-1, because I feel that Conditions have not been met, and there are a bunch of conditions that I'd like to go through, and if you have a pencil handy I would like for you to at least make notes of page 4 of the Conditions as Condition number 7.A, and it is in regards to the major project roadway through the Kukui'ula Project. Also, No. 7, Condition No.7 that's No. 15 A, C, and D and Condition C and D refer to if I'll read Condition A, "as represented the application developed dedicated and perpetually maintained 20-acre, active regional community park, within a project as known as shown, exhibits ZA-1 titled conceptual community park." Planning improvements to be provided by the applicant potential include multi-purpose fields that accommodate baseball, football, soccer, and possibly state parks as well as pavilions. The application dedicates the park to the county upon completion of the improvements, and the application, and to a maintenance agreement with the counter for the maintenance of park." And Condition D, it reads "application dedicated a minimum twenty-foot-wide lateral beach access easement along the shoreline. The application also developed, dedicated to the and dedicate to the county and perpetually maintain the properties identified as TMK: 2-6-011:013, 014, 015, and 016 as, since it was identified in 1999 as a public park. The County shall have the option of moving the existing structures there on improvements may include an additional boat launch ramp, additional parking pavilions, landscaping shay trees, shower facilities and a playground area. Specific improvements will be decided by the County Parks Division in consultation with all stakeholders including the community, the applicant, and neighbors through a community planning process. So, I think those 2 Conditions should be on that priority list for the Kukui'ula to develop before subdivision, approval. Also, I think there should be updates on Condition No. 24, No., I'm looking at my both have to do with the archaeological surveys, and I don't know how much of that you can do on the section where the resort that's in parcels J, K, and L that's supposedly going to be built.

Ms. Higuchi Sayegusa: Three- minutes.

Ms. Kinneman: Yes, I watched that portion there being built. It's a like the 5 to 7 story hillside mountains, that was built in the past year, year, and a half. I have watched it from the harbor being grown, and they should be updates on the TIAR update, that's the Traffic Impact Analysis Report that has not been done since I think (inaudible) corporation Kiahuna projects, Knudsen projects was done, I think, probably 2004. So, it's getting close to 20 years, since an update for the Koloa the area, and as the residents can feel, that the Subdivision proper we are being inundated with visitors which will welcome, however...

Ms. Higuchi Sayegusa: It's over the three- minutes.

Chair Ako: Thank you very and we appreciate your testimony.

Ms. Kinneman: Was that my three minutes?

Chair Ako: Yes, that was six minutes.

Ms. Kinneman: That was six?

Chair Ako: So, thank you very much for your testimony this morning. Ready to move on?

Mr. Hironaka: All right, thank you. Next, we have Kulanui Perez. I will promote you as panelist. What you'll need to do is click "the join as panelists" and you'll be able to start your video and unmute yourself. I think we have lost the person. I think I will monitor that and see if the person...oh, here are, go ahead. Kulanui? Kulanui, I will promote us panelists. Okay, there you go, you need to unmute yourself. Kulanui, you need to unmute yourself.

Ms. Kulanui Perez: Sorry. Aloha. My name is Kulanui, and I wanted to make testimony on behalf of the Kiahuna Subdivision development, and I just want it on record that after they did that first initial blast there was (inaudible) further up from their blast site all the way to the top of Hapa Trail, where they ended up blowing holes unintentionally through the lava tubes that resides underneath Hapa trail. They continuously refuse to admit that it exists. These are holes that previously before the blast did not exist, and they continue to deny that they do now in fact, exist. There is going to be impacts that they have no ideas when it's going to happen, because they have not done a proper survey of the site. There are lava tubes that run down through the housing divisions below them. In fact, Pili mai also has over 30 open lawsuits against them, because of the way the ground is beneath them and the residents there we're not informed of it, or like those current owners. I also want to make note that there is no planning for more schools to be built within Koloa and Koloa's school is already at capacity. Summer programs for families are at like they're beyond capacity right now, even programs that cost \$800 a month plus are at beyond capacity. They can't take any more children. So, I want it to be known that these housing is, in fact, not meant to be for any long-term residents. They are for tourists. Have they been planned for any residents at all? We would have had these planning in place, there would have been more schools intended to be built, or schools would have been enlarged to be built and we would have more kids' programs for families living here and working. So, I just want to put that it's very blatant that these homes are not being made for families who are going to continue living here, and proof providing as part of our economy. Another thing I want to point out, is that Gary Pinkston and the people working for him, especially as archaeologists, aren't working as true archaeologists. I am an archaeology student, I'm finished with all my archaeology classes at UH West Oahu, and I'm only waiting to graduate when I'm finished taking whatever electives to meet my graduation elected require like credit requirement; and as an archaeologist student, I know, in fact, that they did not provide any proper surveys of the site. They did not conduct any meetings with residents of Koloa, especially residential who have been there from time in the immemorial. Residents who can tell you that there are ahupua'a on that property, residents who can tell you and myself, as an archaeology student, I can blatantly see the lava tubes.

Ms. Higuchi Sayegusa: It's over the three- minutes.

Ms. Perez: Like people have said, that are there, you can see exposed lava tubes on that site. Another thing is a Nene Geese, there were over 20 Nene Geese we observed walking the site after their nesting areas have been graded. There were much more that we couldn't see but you could hear them in the brush from the areas that weren't graded yet, and the biologists have all said that no there's no nesting there, they've been playing this game of denial to get away with what they're doing. Another thing that happened at that site was while they were building the black fences towards the back of the golf course side, not the roadside for the golf course side. I

saw them while they were doing that, and I asked them 'are you guys leaving passageways for these Nene Geese?' and Gary said, "Oh, well, our biologist says it's okay." And I I was like, Okay, who's your biologist?

Ms. Higuchi Sayegusa: Four minutes.

Ms. Perez: And he refused to give me any names they didn't know the name. Yes?

Ms. Higuchi Sayegusa: That was four minutes. I just wanted to also just interject a little bit. The Kiahuna matter is not on the subdivision committee, agenda, agenda one or 2 today. But thank you for your testimony.

Ms. Perez: Thank you.

Ms. Higuchi Sayegusa: I will turn it back to Myles. Are there any other callers? or any other Zoom call attendance present?

Mr. Hironaka: Yes, Jodi, I think we've gone through the list of those that have joined us by zoom, but we'd like to return to the phone callers. I think, another, the person has come in. so this would. This would be phone number 808- 720-1091. Well allow you to talk. What you need to do is Press Star 6 to a mute yourself. If you feel comfortable, please identify yourself and clarify which agenda item you wish to testify on. You need to unmute yourself. Press, Star 6, There, you go.

Woman: Hi. Aloha. Can you hear me?

Mr. Hironaka: Yes, I can we can go ahead. You have 3 minutes.

Woman: Okay, Aloha, I would like to give testimony in opposition of Subdivision Application No. 5, 2022- 6 and 5, 2021-1. First, I would like to say that we're in a housing crisis. Stop allowing the privatization and gentrification of Kauai. How do you make out in this housing crisis is at all-time high, why do we continue to prioritize prioritize tourist accommodations? This developer selling off Kauai and marketing the Kiahuna project and who is the same developer doing the project at Kukui'ula at the Lihue airport. How can we allow this? Locals can't find housing but we're allowing Gary Pinkston to sell to tourists the second they step foot off a plane. The investors who are walking from the planes who see these signs clustered all over the car rental, and the baggage claim. This is shameful. This developer is also making payouts to local schools like Koloa elementary school trying to brainwash the local community. Meanwhile, our small local schools are being pushed beyond capacity, while the Planning Commission carelessly approves these projects, that we'll have negative impacts for generations to come. Once again, we do not have a traffic plan. Both projects, with developers developing has one road in and one road out. If a tsunami or a hurricane or any mass evacuation events happened on the south side of Kauai, including the Waipa Reservoir that could breach on any day, it's a disaster waiting to happen. Our landfill is at capacity. Why do we keep allowing more development? Look at Maui. We are at a crucial point where you guys must realize, are we going to be Oahu? Who are we going to be Waikiki? We going to be Maui. Do you want it to come

to that point? Or do you want to keep Kauai the way it is? It is, you guys must start thinking about the next generation, and not just 1 or 2, 7, 10 generations from now. If we are suffering now, where will they be? There is corruption within the County. We have people like Kanani Fu, who is on this meeting, and just a few months ago she worked for the County of Kauai as the development manager and the prior housing director. Now, she works for Gary Pinkston he's not the only prior county employee who works for him and is on his payroll. We've got multiple ex county attorneys that are also now represented representing him. Cultural Survey Hawaii should be banned from operating in the State. They're notorious grave robbers and desecrators. Look at Koloa Landings that pool is built from a lava tube that was the same thing, collapsed and destroyed for a swimming pool. How can this man, who has declared no cultural significance for thousands of years, be allowed to continue to erase history? This man has approved thousands of hundreds of burials to be removed, and they're still pending a Ka Pa akai analysis for this property. How are you guys approving this without having this analysis done? There's a lot put in place to prevent prevent everything that's happening, yet the county is not upholding the law. Instead, the county has written agreement with mass landowners and developers. We truly have no title to the land. 60-1, definition, legislation signs that keys are unique landforms, and often contained irreplaceable research of immense cultural spiritual aesthetic, and scientific values. These cultural and spiritual resources include human burials and other evidence of native Hawaiian Kanaka sue and their associated traditions are in need and need protection. The county of Kauai was suggested in 2003, to preserve 4,000 acres of the cave. Much of this development that you guys are now approving would have been deemed critical habitat if you, the county of Hawaii, would have preserved more of the Kauai cave ecosystem, which, considered to be one of the 10 most critically endangered cave ecosystems in the world. I asked you guys to please start thinking about your choices that you are making. Mahalo.

Mr. Hironaka: Thank you. Mr. Chair we've gone through all the telephone numbers and zoom attendees that have joined the meeting. We hold on a second hold on Alicia Andrews. Come back and join us. Let me see. she will be interested in providing testimonial promotions, panelists. What you would need to do is click on "join us panelists" To join us you need to click on as panelists and then you'll need to start your video and unmute yourself. Okay, I think she drooped out. So, Jodie, looks like we've gone through the all the telephone numbers and the zoom attendees and who have joined the meeting. I guess we'll make our last call, is there anyone in the Zoom link who has not testified and would like to do so, please raise your virtual hand at this time to be recognized? All right, Jodi, I think I'll turn turn it back to to you and the Chair.

Ms. Higuchi Sayegusa: Is there anyone else physically present wanting to testify on the subdivision committee meeting agenda they're also being ample opportunity to testify in matters on the agenda 1 and on agenda 2. So, at this point anyone wants to final call for any testimony. on the Subdivision Committee Meeting Agenda? That's you Chair.

Mr. DeGracia: Chair, my I ask for a 5-minute recess?

Chair Ako: Sure, we will come back at 10 o'clock. Thank you.

The Commission recessed this portion of the meeting at 9:56 a.m.

The Commission reconvened this portion of the meeting at 10:02 a.m.

Chair Ako: Call the meeting back to order after the recess.

We will call the Subdivision Committee Meeting back to order at 10:02 a.m. And with that if I can just turn it back to Jodi.

Ms. Higuchi Sayegusa: You know, I don't see her in the audience, again there was one lady that wished to testify in person. I don't see her in the audience right now. So sorry, Chair I am just going to step out right now to make sure if she is here.

Chair Ako: Sure.

Ms. Cynthia Kaiminauau: Aloha. My name is Cynthia Kaiminauau, it's a long length of names, but that's the name of my legacy. And then we, my parents, with grandparents, have been in the Koloa area in the late 1800's, 1900's. My grandmother was born in core in 1903, my mom was born in Koloa, and we've been residents of course many, many years. So, I'm not here to say how to do your job I'm just here to say that my legacy is resident of the Koloa, Poipu area, and I was born in the time, that I was so fortunate not to see any resorts of development in the area, and it does affect every generation. And now my children, of course, had not seen what I've seen. So, I'm here to share that. Yes, improvement was you know, necessary. But however, on the changes, and I'm not sure which area I'm speaking on, I'm just speaking in the development in the Koloa and Poipu area is because we enjoy the aina and we enjoy the beaches. But I don't know if anybody can see it on my point of view, we love everybody we care for it. But I'm the kupuna in that end to see that you know, sometimes enough is enough, and we need to deal with what we have presently, and not worry so much about the future, because we don't know we have a tomorrow sometimes? You know, the Lord controls it, not us. However, for our keiki, we need them to enjoy what I enjoyed. I enjoyed our beaches. I enjoyed walking on the beach when I wanted to, walk through the cane fields, which there is none now. But basically, I just want to speak for the legacy of my family side. I'm a resident, no matter what or where you build or improve in the Koloa area. It will affect us. It has affected us throughout this many generations. Because, as we improve as a resident, we get penalized too! I mean no, I you know we pay taxes as things improve. And yes, we must pay our part. However, this, only so much we as a residents can handle, because we don't have what you call investors that is helping us live on Hawaii and live on Kauai to help us with our necessary things. We need maybe, to improve our own land. And I can speak that from the experience, because for me, when I must go to the county and to improve, maybe to get a water line and stuff, I can do it because I can't afford it. I cannot put a water meter because it's me it's maximum. So, I don't have those numbers I don't have that money to do that. So, I'm just here to say and as you proceed you know really truly need to think about the ones who really lived here all their lives. We don't have those big investors to help us to live the day to day. We just say we have a roof over our head food on our back, and that takes sometimes three to four 4 jobs for us to do that. But for us my family, I say please, let's it enjoy what we have presently, and maybe not build so much, but only the areas that's really necessary. And thank you for your time. I appreciate this.

GENERAL BUSINESS MATTERS

Ms. Higuchi Sayegusa: Thank you. Chair, we're on G, General Business Matters, at this time we have none for this meeting.

UNFINISHED BUSINESS (For Action)

Ms. Higuchi Sayegusa: Item H, Unfinished Business, there is none for this meeting.

NEW BUSINESS (For Action)

Preliminary Subdivision Map Approval.

Subdivision Application No. S-2022-6 (Kukui 'ula Development Company LLC./MP Kauai HH Development Fund, LLC.) Kukui'ula Parcel HH Subdivision Proposed 51-lot Subdivision TMK: (4) 2-2-019: 029 & 031 Koloa, Kaua'i

Ms. Higuchi Sayegusa: So, we are on Item I., New Business for action, one Preliminary Subdivision Map Approval. Subdivision Application No. S-2022-6 (Kukui 'ula Development Company LLC./MP Kauai HH Development Fund, LLC.) Kukui'ula Parcel HH Subdivision Proposed 51-lot Subdivision TMK: (4) 2-2-019: 026, 029 & 031 Koloa, Kaua'i.

Chair Ako: Okay, with that we heard a lot of testimony on this we read a lot, Commissioner DeGracia, do you have any questions at this time?

Mr. DeGracia: No questions at this time.

Chair Ako: I do have one. Madame Clerk, I think there was a comment that came up pretty good this morning, about the publication of the notice, the issue of timeliness on that.

Ms. Higuchi Sayegusa: Sure, as required under Sunshine law under 92. We did provide and post the agenda and the packet on the Commission website, also posted on the agenda on the County Council I believe it was posted on the bulletin board, and outside of this room here, and that's a minimum 6 dates prior to the meeting. I think it was posted on Wednesday, so that was about 7 days, calendar days prior to this meeting. And the packet is also available on physical packets, also available for inspection up at our counter. So that's those things were posted for both, for the Subdivision Meeting, the Agenda one, which again, is another redo of February 08, 2022, meeting, and for the agenda, 2, which (inaudible) which is HPMI.

Chair Ako: Okay, thank you. So, with that I guess to to the unusual circumstances, that we have on these Agenda Items here at this time, I would like to entertain a motion to ratify February 8, 2022, actions of the Subdivision Committee application S-2022-6. This was tentative approval for

Mr. DeGracia: Before I make any motions. I like to thank everybody who testified today. As stated by Commissioner Chair Ako, that we are revisiting testimony for this item that the Commission, the Subdivision Committee that we had made motions on, on February 8th. I appreciate the additional testimonies; it gave me a lot of insight. It did not fall on deaf ears, however, this is an unusual situation. At this time, I moved to ratify the February 8, 2022, action of the sub subdivision Committee on application S-2022-6.

Chair Ako: With that I will second the motion.

Woman in the audience: Can you read what that is so that we know what you're voting on, please.

Mr. DeGracia: Subdivision Application S-2022-6 this was a tentative approval for a parcel at Kukui'ula.

Woman in the audience: A parcel subdivision?

Ms. Higuchi Sayegusa: I'm sorry.

Woman in the audience: I can't hear you get mask?

Ms. Higuchi Sayegusa: Yeah. So just to maintain some order, if you wanted to say things, you can speak to the mic. But the time for a public testimony did come and go.

Woman in the audience: It was just a question, because she wants to ratify something that I don't think anybody here knows what you're talking about, including myself. You can please read us what you're trying to ratify, again.

Ms. Higuchi Sayegusa: So again, the motion of the table is to ratify the previous action done on February 8, 2022, pertaining to subdivision application S- 2022-6. (inaudible).

Chair Ako: Commissioner, do you have any other discussion or comments you would like to make?

Mr. DeGracia: No further comments.

Chair Ako: Madame Clerk, could we have a roll call vote?

Ms. Higuchi Sayegusa: Sure. Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: I'm sorry, Commissioner DeGracia. Chair Ako?

Chair Ako: Aye.

Ms. Higuchi Sayegusa: Motion passes 2:0. Mr. Chair.

Final Subdivision Map Approval.

Subdivision Application No. S-2021-1 (*Kukui'ula Development Company LLC.*) Kukui'ula Parcel Subdivision
Proposed 40-lot Subdivision TMK: (4) 2-6-015: 001
Koloa, Kaua'i

Ms. Higuchi Sayegusa: Moving on to Agenda Item 2, Final Subdivision Map Approval, Subdivision Application No. S-2021-1 (*Kukui'ula Development Company LLC.*) Kukui'ula Parcel Subdivision Proposed 40-lot Subdivision TMK: (4) 2-6-015: 001 Koloa, Kaua'i

Staff Planner Kenneth Estes: Jodi, I would like to make a correction, Kukui'ula parcel I subdivision.

Ms. Higuchi Sayegusa: I'm sorry. Its parcel I, subdivision.

Chair Ako: With that, do you have any kind of questions?

Mr. DeGracia: I have a question for the applicant. Good morning. I'll just wondering if you could break down that additional transmittal that we just received with that map.

Mr. Mauna Kea Trask: Sure. For the record, Mauna Kea Trask, on behalf of applicant in this case. Kukui'ula Developing Company LLC. And just for the record, I want to be a 100% crystal clear, Kukui'ula Development, LLC Applicant for Subdivision S-2021-1, is not Gary Pinkston, we are not (inaudible) of the Pacific, we are not affiliated with Kiahuna development over there by Hapa Road. We are miles to the west entirely on land that have been that have been under intense sugar and pineapple cultivation since 1831. So, with that, thank you we did summit yesterday, as additional testimony, anticipating the concern, and be very ma'a to what has been going on these past couple of months a map that contains the location of 2021-1 in relation to the archaeological inventory survey the first one, which was initially prepared and approved in 1988. So, from the very inception of the Kukui'ula Development Plan, when this was still insured, Kukui'ula started doing its research and started reaching out and looking at archaeological studies, looking at the historical record, looking at Mahele records, speaking with native Hawaiians and community members in that area. So, this is what this map shows it's a relation of the presence of the subdivision outline direct, and areas of concern are important sites is how it was presented on the transmittal Heiau burial sites, lava tubes, those three (3) items. So, as you can see, 2021-1 is nowhere near any of these sites and and it's confusing, I think for people who are not from Kauai or are not familiar necessarily with the South side or very concerned in inadvertently conflate different developments that are going around at different times. So that's what the map shows, Heiau are in blue, there is one to the west near Lawai, what we call Allerton Garden with the Lawai Valley. It's it's not the largest Heiau in the State but by any means. There is also one there behind If you look the right lower portion of the map located behind Prince Kuhio Park. That Heiau is not within what's called the (inaudible) Reserve. She's a 50-acre to 20-acre Parcel that Kukui'ula approached and donated to the Royal Order of

Kamehameha., in chapter 3 of (inaudible) I believe, in the beginning of the 1900's and finally finalize it in 2000 some time. But that kind of goes to show, and in this whole area, including potential burial sites, historic sites, is now the property of the Royal Order, who takes care of it, and every summer they get grant money to have the kids all coming up so that they can clean it up. So, that is what that map shows, and again for everyone else I will share this with the public if they want to see it after. 2021 Final subdivision all the infrastructure is in, put in as required by the tentative map and previous tentative approval. Series of archaeological studies, beginning 88, cultural impact assessments in 90's and 2000's, all have been done. There is a correct Ka Pa akai analysis that is going on that's covering other subdivisions in the area, and that is not to say, that previous ones hadn't been done, but given what the Ledge has recently done with requiring State and County Boards and Commissions to go through native Hawaiian training, it's a very important area. By the way, the Planning Department has notified everyone of remind them of the standards within the Ka Pa 'akai and encourage them to follow up a more specific template, and that is what Kukui'ula in part amongst others is doing in reapproaching the community. So, as you know, boots, chaps, and suspenders has already been done.

Mr. DeGracia: Thank you, Mauna Kea. And just for clarification I'm looking and forgive me, because this this map is very tiny. So, I'm looking at that the project area and I can't identify any Heiau burial sites or lava tubes on that parcel.

Mr. Trask: Absolutely not. As on both parcel 40-lot Subdivision including roads, easements, and residential lots. So, there is nothing there, it was and for those of you everyone who remembers sugar cane in that area, again, it wasn't there for like 200 years. So, there's totally nothing there.

Mr. DeGracia: Thank you for clarifying. No further one.

Mr. Trask: Thank you.

Chair Ako: Okay, is there anything else, Commissioner?

Mr. DeGracia: No further questions.

Chair Ako: All right, for this application I would like to entertain a motion to verify the motion, to ratify.

Mr. DeGracia: Motion to ratify the February 8, 2022, action of the Subdivision Committee on Application S-2,021-1.

Chair Ako: With that I will second it.

Chair Ako: Okay, Madame Clerk, could we have a roll call vote?

Ms. Higuchi Sayegusa: Roll call vote. Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: Chair Ako?

Chair Ako: Aye.

Ms. Higuchi Sayegusa: Motion passes 2:0. Mr. Chair.

ADJOURNMENT

Ms. Higuchi Sayegusa: Okay, with that we are on Item K, Adjournment for the Subdivision Committee.

Mr. DeGracia: Motion to adjourn.

Chair Ako: With that all those in favor say, aye? Aye. (Unanimous voice vote). This meeting is adjourned. Motion carried 2:0

Subdivision Committee Chair Ako: adjourned the meeting at 10:19 a.m.

Respectfully submitted by:

Lisa Oyama
Lisa Oyama,
Commission Support Clerk

() Approved as circulated (add date of meeting approval)

() Approved as amended. See minutes of _____ meeting.