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Land Use Planning, Community Design and Restorative Development for Maui County

President's Letter

Celeste King, a valuable Board member for over five years, has resigned. We will miss her great gift for keeping Maui Tomorrow discussions on track. Mahalo nui loa, Celeste! As for Council changes, mahalo to Mike Davis, Dennis Nakamura and John Wayne Enriques. A warm aloha to newly-elected Council members Jo Anne Johnson, Alan Arakawa and Mike Molina.

Rob Parsons, a strong activist in the community for the past six years, has been named Action Coordinator by Maui Tomorrow's Board of Directors. We are pleased to have him serve as a haltime staffperson and hope to raise sufficient funds for a fulltime salary. In addition to testifying at Council and Planning Commission hearings, Rob will advance the Maui Tomorrow's educational efforts by working with community groups on good planning, smart growth and open space issues. If you are interested in serving on the Board or reaching Rob, phone 572-1756. Welcome Rob!

For more good news read the Wailea 670 update (page 2). The process worked! Mahalo to the South Maui community associations who testified clearly and cogently about problems with this project. And a warm thanks to the Planning Commission for paying attention to the community plan guidelines and respecting community testimony.

Congratulations to Dick Mayer and the coordinators of Maui Association of Upcountry Community Associations. MAUCA can be an effective voice in the future of regional planning upcountry.

Maui water on your mind? Log on to www.state.hi.us/dnr/cwrm for the Supreme Court's decision of instream flow standards and water rights. It's a long 186 pages, so skim the first part and savor the landmark conclusions.

Finally, money. Maui Tomorrow has a chance to make a difference by funding key projects further discussed in these pages. Maui Tomorrow withdrew from intervening at the PUC on Waena. Life of the Land needs our support to proceed on this case and represent our interests. We would also like to take legal action on issues raised at Po'olenalena. If you can help our efforts through fund-raising or a donation, I'd like to hear from you.

Smart growth is an idea whose time has come. Our ranks are growing and our efforts are paying off.

Thanks and blessings. Mark

Maui Planning Survey

Thanks to 30 Maui Tomorrow, Sierra Club and Surfrider Foundation volunteers, 500 Maui residents were surveyed on six key local planning issues during the recent Maui County Fair. Those surveyed were asked how much they supported (or did not support) the following:

1. A study of Maui's carrying capacity (the ability of natural and human resources to absorb more population and its impacts)
2. Proposed County wells to take East Maui water for South Maui developments
3. Maui's use of 20% renewable energy by 2020
4. Adequate affordable housing for Maui residents
5. More public/alternative transportation choices
6. Dedicated funding for open space protection

The two most widely supported planning issues were the need for more transportation choices and a dedicated source of funding for open space preservation. Final survey results will be made into a Sierra Club report and presented to the incoming Maui County Council in January.

RESULTS OF MAUI PLANNING SURVEY

- ① **Carrying capacity study for Maui**
72% support strongly 2% do not support
 - ② **East Maui Wells**
6% support strongly 64% do not support 20% undecided
 - ③ **20% clean energy by 2020**
71% support strongly 4% do not support
 - ④ **Affordable housing for local residents**
46% much more needed 30% some more needed
14% no more needed
 - ⑤ **Public/alternative transportation**
79% support strongly 3% do not support
Top choices:
More bus service for seniors and youth 73%
Improved school bus service 41%
Train/trolley line along South and West Maui "resort strips" 36%
Electric trolley service between Kahului Harbor and Wailuku 24%
Build new housing within walking distance of shopping areas 18%
 - ⑥ **Open space funding**
83% support strongly 3% do not support
- Survey Demographics:**
property owners 59% renters 39% voters: 83%
- Residency Responses:**
Central Maui 36% Kihei 25% Lahaina 8%
Haiku/Hana 11% Upcountry: 20%



Maui Tomorrow Online
www.maui-tomorrow.org

Our website features updates on our activities, an interactive discussion forum, with news articles archived regularly, links to other useful resources, and more. We also maintain an e-mail list to which we send periodic updates, relevant news articles, hearing notices, and other related information. If you would like to be on the list, please send a note to:

aina@maui-tomorrow.org

If you would like to receive the Maui Tomorrow newsletter via e-mail instead of U.S. Mail, please send an e-mail message to:

aina@maui-tomorrow.org

Let's recognize that there is something we are connected with that is bigger than the quarterly profit sheets. It is a slur on us as human beings if that is all we think of. It is ultimately what we will judge ourselves on... what we accomplished in our lives... how we have measured up in safeguarding what has been given to us to pass on to future generations. —RICK COLE, FORMER MAYOR OF PASADENA, CA

MESSAGE FROM ROB PARSONS

Action Coordinator for
Maui Tomorrow

What can we do today to assure a healthy, livable, sustainable Maui tomorrow? Great places won't stay great unless the people who live there are willing to speak out and protect them. This has been a strong belief of Maui Tomorrow members over the first 11 years of our existence. Board members are frequently heard at County Council, Planning Commission, and other public meetings, testifying on land use, community planning, coastal conservation, and other issues. Recent testimony by Maui Tomorrow Board members led Planning Commissioners to defer plans for Wailea 670 until the developers address the testifier's concerns.

Even with repeated efforts to educate and enlighten our community leaders, developers, and decision makers, often it is not enough to sway their plans. There comes a time when more direct actions are needed. These may take the shape of legal appeals and determinations of our existing ordinances and policies.

Maui Tomorrow is seeking a declaratory ruling on numerous violations at the Cameron residence at Po'olenalena. The determination of culpability and appropriate legal remedies will surely have statewide ramifications on coastal planning. More lawsuits

Continued on following page

MAUI TOMORROW UPDATES

Wailea 670

Presenting South Maui with its biggest residential development ever, representatives of the Wailea 670 developer presented their plan to the Planning Commission on October 30th. Their master plan for 1400 single and multiple family residences called for a large, gated community with shopping center and private golf course. Concerned about water shortages and traffic grid lock, more than 100 residents turned out at the Kihei Community Center to voice their concerns.

While several members of Maui Tomorrow's Board of Directors led the challenge, Kihei and Wailea residents repeatedly voiced concerns about the need for concurrent development of water and traffic infrastructure; the inappropriateness of another Kihei golf course and gated community; the failure to include affordable housing intermixed within the development, and the developer's failure to comply with several Kihei-Makena Community Plan sections regarding many of these issues.

The Planning Commission, moved by the overwhelming testimony of the residents, voted almost unanimously to oppose the proposal. The Commission adopted Commissioner Joe Bertram's motion to "defer" further consideration. The developers were advised to go back and consult with the community associations for concrete proposals concerning lack of water and underdevelopment of the highway system.

Note was also taken of the undesirability for gated communities in Kihei whose residents seek greater connectivity as well as the desire to include affordable housing in the mix. It is not in the community's best interest to have another exclusive enclave of second and third home estates "where none of Maui's current residents will ever set foot," according to one testifier.

After the decidedly negative vote by the Planning Commission, the Commissioners were deluged by grateful residents who congratulated them for listening to the pleas of the community and for voting with their conscience, rather than routinely approving more development. Maui Tomorrow was pleased to play a key role in supporting the outcome of this smart growth decision. It was a fine example of government working the way it is supposed to work.

ACTION:

This development project will be reconsidered by the Planning Commission in the next few months. Watch your newspaper for hearing announcements. Show up and speak up!

Spreckelsville

Loudly debated and long delayed, A&B's proposal for a golf subdivision of 420 homes has been passed on to the 2001 County Council session for final decision.

On November 16 Council members heard a standing room only crowd criticize the plans, citing numerous concerns which include: traffic congestion, fresh water supply, overcrowded schools, loss of prime ag lands and open space views, deceitful public review process, no

affordable housing, threats to nearby Baldwin Beach and the overall North Shore rural quality of life.

Handling of the Spreckelsville proposal was a prime County Council election issue. Initially passed by a narrow 5-4 vote, Council members Enriques and Nakamura have been replaced by Mike Molina and JoAnne Johnson. Both publicly support the 5,000-plus petition signers, and many community groups and businesses who are on record as opposing Spreckelsville Mauka development plans. The new County council will take up the matter but it is unlikely that there will be 5 votes to give A&B the project approval they have requested.

ACTION:

Contact Maui Tomorrow via voicemail/e-mail to be part of the Sprecks Citizen Alert list for future hearings.

Palaua

The County purchased 2 of the 9 lots at Palaua at the beginning of the year. In a recent meeting with the Mayor, he assured us that he plans on keeping these two lots for public use. So far, no building applications for any of the other 9 lots have been applied for, although they have all been sold for single family development.

How the lots do get developed will be important. Once permits are applied for, the question of Community Plan consistency applies, as at Kamaole Point. Also, because the lots are to be developed as single family lots, covenants and restrictions that appear to make it a project would have to be well scrutinized. Because they are to be developed as single family lots, they will not come before the Planning Commission or County Council. Permits will go through the Public Works and the Planning Department. As many of you Palaua lovers have experienced, lots and lots of people are using Palaua for beaching and camping these days. Many people have complained about the deteriorating conditions there: garbage, refuse in the trees, along the road.

ACTION:

1. WANTED: Palaua Clean-up Group organizer who can work with the County or one of Maui's businesses to provide trash pick up and porta-potties? Contact Lucienne at <laluz@maui.net> to volunteer. We all wanted this beach, let's all keep it clean!
2. If a permit is applied for, the public needs to take action within 10 days. WATCHDOGS NEEDED! Avoid a repeat of Po'olenalena. If you see grading or other type activity on the shoreline properties, call Maui Tomorrow at 877-2462 immediately to report it.

Po'olenalena Beach

The issue of the County acquiring access in perpetuity across the point is at a standstill. We hope the Mayor pursues this issue with Mr. Cameron. The County's own rules regarding occupancy of the Cameron house continue to be unenforced. A homeowner is not to occupy a house until all County permits are completed and approved. As of October, 15 of the project's 31 required permits were still not completed. The County must act to enforce its conditions or levy appropriate fines.

The County allowed the Cameron's construction a mere 25 ft. (usually 40 ft. required) from the shoreline

and has yet to make a legal determination of whether this complies with coastal law, since an outdated Shoreline Certification was used. The 25-foot setback destroyed safe public access by pushing the trail onto unsafe terrain, very close to the ocean. The traditional trail's northern path is further mauka and much safer. The Public Park and parking lot is still in the planning stages in the Parks Department.

ACTION:

Speak up for enforcement of State and County coastal laws and a dedicated Po'olenalena trail. Contact the Mayor and the County Council, especially newly elected members.

Ferriera's Seawall

An illegal and unpermitted seawall was built on the beach cove known as Keahou Ahupua'a/Paipu (North end of Love's Beach, just South of Palauea) fronting 3 homes: George Ferriera's, Okumura's and Larry Moss'. To access seawall from Po'olenalena, go past the point in front of the Cameron property and head north to the far end of the beach. Complaints have been filed by Maui Tomorrow at both the County Planning Dept. and the State Dept. of Land and Natural Resources (DLNR). The County says it's the State's jurisdiction. The State says understaffing cripples their efforts to determine if the wall is on public land.

ACTION:

1. When you see water lapping the wall, immediately phone Lou Wada/984-8100 at the DLNR.
2. Take a dated photo of the sea lapping on the wall (prove to the State that the seawall is on State land). Send Susan/874-5351 a copy of the photo which she will direct to appropriate channels.
3. Write letters of complaint to the Maui News and to the DLNR, P.O. Box 621 Honolulu, HI 96809. Attention: Sam Lemmo

National Park Endorsed

On October 6, 2000, the Maui County Council unanimously passed a resolution "urging the Federal Government to Designate a New National Park from Keone'o'io to Kanaloa Point on the southern coast of Maui." The proposed area is approximately six miles of coastal and marine resources from La Perouse Bay/Keone'o'io to Kanaloa Pt. on the southern coast of Maui. Undeveloped now, numerous archaeological complexes attest to well-developed coastal villages in pre-European contact times.

Management and protection of this important area is critical. Many natural and cultural resources need to be interpreted for the public to appreciate the area's value. The National Park Service manages, protects and interprets better than any other public or private entity.

ACTION:

Urge Governor Cayetano to support efforts to have Keone'o'io designated a National Park: Gov. Benjamin Cayetano, Hawaii State Capital, 415 S. Beretania St., Honolulu HI 96813.; (808) 586-0034.

Lawsuit Protects Olowalu Reefs

MT boardmember, Ed Lindsey filed suit against Olowalu Elua LLC to assure that the company's proposed Olowalu development provided safe access for local kupuna (elders) and protected the area's pristine reefs. An recent settlement agreement brokered by Native Hawaiian Legal Corp. attorney, Carl Christensen resulted in a \$20,000 fund established to do baseline inventory of the Olowalu reef system and subsequent studies of water turbidity, sediments and quality at different phases of development. The access needs of the kupuna were also guaranteed. Na Kupuna O Maui looks forward to an ongoing relationship with the developers based on cooperation and mutual respect.

Congratulations Ed and Na Kupuna for a job well done. ☺

Message from Rob Parsons

Continued from previous page
may soon be filed as needed, to assure that community efforts to oversee wise planning strategies are heeded. Members of the Haiku community have turned to Maui Tomorrow for assistance in an appeal of a county decision to relieve Minit Stop Corp. of the need to seek a variance for County Code road widening and safety requirements. The list of possible appeals is long. There are many hot spots in what seems to be a wildfire of development approvals in our latest construction boom.

Appeals require research, legal expertise, and of course, funding. If you are concerned about our Maui's environment and our precious quality of life, make a financial donation now to Maui Tomorrow. For information on direct monthly withdrawals from your checking account, call Tracy Rico at 575-9976. My vision includes "landing a big fish."

That is, a donor with the wherewithal to donate a large, substantial amount to fund our ongoing efforts. Perhaps one of you may know this person? Tiger Woods is approaching the \$10 million mark in earnings this year; Oprah Winfrey is worth many times that figure. Invite someone you know, or haven't yet met, to make a grand difference in protecting the specialness of Maui. Until we land that big fish, your donations are essential to our success.

Malama pono, Rob Parsons

**Find out who's naughty or nice...
 add Maui Tomorrow to your holiday gift list!**

Supporter donations provide the majority of Maui Tomorrow's budget. Contributors receive a newsletter twice a year, action alerts, fax and e-mail information service. Maui Tomorrow, Inc. is a 501(c)(3) nonprofit organization, and donations are tax-deductible.

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Want to get involved? Please let us know how you'd like to help by checking boxes below.

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Clip and return to the address below.

Maui Tomorrow, P.O. Box 429, Makawao, Hawaii 96768
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 E-mail: aina@maui-tomorrow.org
 Website: http://maui-tomorrow.org

Amount of Donation:
 \$25 \$50 \$100 \$500 Other _____

With best wishes in this holiday season and throughout the New Year!

NEW COASTAL LAND TRUST SEEKS CHARTER MEMBER

Dedicated to protecting and preserving coastal lands, Maui's first coastal land trust will be up and running by the beginning of 2001. The Trust has assembled a distinguished Board of Directors who will work to acquire Maui shoreline areas through a variety of funding options.

To become a charter member of the Land Trust for \$100 (what a great Christmas gift!) and support this worthy effort, contact Linda Nelson, 661-4303; email: <norm@maui.net>. To receive a Y 2000 charitable tax deduction credit for your membership donation, make checks payable to Maui Tomorrow Land Trust Fund and mail to PO Box 429, Makawao, HI 96768.

East Maui Water Plan: What Next?

The County's plan for East Maui Water development is expected for review in 2001. In a recently signed "Memorandum of Understanding" (MOU), A&B agreed to increase the amount of water the County could draw from the ditch system, flows permitting, and in return, A&B was to receive "an appropriate allocation of domestic water" to be "mutually agreed upon." Translation: A&B exchanges untreated stream water for purified domestic water which could guarantee its investors water for future A&B development projects. The County in turn would have more water available (flows permitting) for upcountry users.

The MOU also allows A&B to "participate in the East Maui Water Development Plan in exchange for appropriate water allocation." Translation: A&B or the County could jointly fund construction of wells or delivery pipelines from East Maui sites and connects them to the County system which could assure A&B specific amounts of East Maui potable water for its developments in South or Central Maui.

Currently, no system exists to supply East Maui ditch/stream water to areas such as Spreckelsville, Central, South or West Maui. All of these areas have many large scale developments proposed but the overburdened Iao Aquifer system is unable to realistically meet their water needs. East Maui water has long been seen as the answer to those needs. A recent Hawaii Supreme Court decision may affect any attempts to remove more East Maui water and transport it to other areas if this denies the needs of East Maui residents.

The only unanswered question is: How much water does East Maui really have available to export without harming the watershed's ability to renew itself? Concerned citizens are calling for an unbiased study of the entire island's water resources before piecemeal "development plans" are put into place. If there is widespread citizen demand for the County Water Board to take this action, we will be able to plan our future water needs

based on real information. This is essential to protect our watersheds and support our rural communities. Uncertain weather patterns triggered by global warming in the decades ahead make "water banking" (leaving water reserves untapped in local aquifers) a prudent course to insure that we do not "overspend" our water resources and can actually support our current needs.

ACTION :

Stay informed. Petitions available. Contact Lucienne de Naie, 572-8331; laluz@maui.net

CONTACT INFORMATION		
NAME	PHONE	FAX
Mayor Kimo Apana	270-7855	270-7870
County Council :		
Council Services Office	270-7838	270-7686
Patrick Kawano	270-7678	270-7717
Dain Kane	270-7760	270-7639
Charmaine Tavares	270-7939	270-7127
Mike Davis *Alan Arakawa	270-7676	270-7715
*Robert Carroll	270-8035	270-7117
John Enriques *Mike Molina	270-7254	270-7635
Riki Hokama	270-7768	270-7848
Dennis Nakamura *Jo Anne Johnson	270-7680	270-7992
Wayne Nishiki	270-7108	270-7119
Regular Mail: Maui County Council, 200 High St., Wailuku, HI 96793		
<i>*After January 1, 2001, contact the Council Services Office (270-7838) for newly elected Council members' phone and fax numbers. E-mail is often ignored and therefore is not included.</i>		



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ADDRESS CORRECTION REQUESTED

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