

Public Testimony and/or agency comments received by the Planning Department less than **24 hours prior** to the July 11, 2023, Subdivision Committee Meeting and Planning Commission Meeting regarding the following items:

Subdivision Committee Meeting Notice and Agenda Item:

- F.1.a. Subdivision Application No. S-2021-7
5425 Pa'u A Laka, LLC
Proposed 2-lot Consolidation and Resubdivision into 4-lots
TMK: (4)2-8-014:032
Koloa, Kauai

Planning Commission Meeting Notice and Agenda Item:

- F.2.a. AMENDMENT TO CLASS IV ZONING PERMIT (Z-IV-2006-27), USE PERMIT (U-2006-26), and PROJECT DEVELOPMENT USE PERMIT PDU-2006-25 to allow a modification to Condition No. 26 relating to drainage requirement for a development situated on the western side of Kiahuna Plantation Drive in Po'ipū, situated at the Pau A Laka Street/Kiahuna Plantation Drive intersection and further identified as 5425 Pau A Laka Street, Tax Map Key: 2-8-014:032, and containing a total area of 27.886 acres = **MERIDIAN PACIFIC (formerly Kiahuna Poipu Golf Resort, LLC.)**

In the Matter of the Applications for
(1) Preliminary subdivision extension request for
application no. S-2021-7, 5425 PA'U A LAKA,
LLC for proposed 2-lot consolidation and resubdivision
into 4-lots; and, (2) Amendment to Class
IV Zoning Permit (Z-IV-2006-27), Use Permit
(U-2006-26), and Project Development Use
Permit (PDU-2006-25) for modification to Condition
No. 26 relating to drainage requirement
for a development situated at the Pau A Laka
Street/ Kiahuna Plantation Drive, 5425 Pau A
Laka Street, Tax Map Key: 2-8-014:032, and containing
a total area of 27.886 acres

Aloha Chair and members of the Kauai County Planning Commission,

Please accept this Comment and request that:

1. No action be taken on the above application for extension of time. The Tentative subdivision approval is now void and there is nothing to be continued:

Section 9-3.8(c)(1) of the Subdivision Ordinance, Kauai'i County Code, 1987, as amended reads as follows:

(c) Filing of Final Subdivision Map.

(1) The applicant shall file fifteen (15) copies of the subdivision final map with the Planning Department within one (1) year after approval of the preliminary subdivision map. If no filing is made, the approval of the preliminary subdivision map and construction plan shall become void unless an extension of time is granted by the Planning Commission.

This request is in fact the request before you from the Planning Department:

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

**SUPPLEMENT #1 TO
SUBDIVISION REPORT**

RE: Subdivision Application No. S 2021 7

APPLICANT: 5425 Pa'u A Laka, LLC.

Preliminary Subdivision Extension Request

At the Subdivision Committee Meeting held on June 27, 2023, there were concerns raised regarding the timeliness of the subdivision extension request as it relates to Section 9-3.8(c)(1) of the Subdivision Ordinance, Kaua'i County Code (K.C.C.), 1987, as amended. The Planning Department has referred the subject matter to the Office of the County Attorney and the department is requesting to defer Planning Commission action for a preliminary subdivision extension request of the subject subdivision application until the Office of the County Attorney has opined on the matter.

By Kenneth A. Estes
Kenneth A. Estes, Planner

Date: 07 03 2023

F.I.A.2.

JUL 11 2023

2. With respect to the applicant's request to modify condition 26 of their zoning and use permit, as a builder/developer, the requested transfer to Public Works for their final approval of the comprehensive drainage plan prepared by applicant, taking it out of the hands of the Planning Department and Planning Commission, would seriously compromise our opportunity to comment to the Commission on the drainage plan prepared.

In the agenda packet for this item, per the letter authored by Dale Cua and Ka'aina Hull, there appears to be an attempt to modify the "comprehensive drainage plan" suggesting that the developer need only prepare a plan for the project area mauka of Poipu Rd. As a developer, and specifically noting the drainage pipes on the property draining water collected from the Northeast development of Wainani, it is not likely that the added drainage created from the development of this lot combined with existing drainage would stop on the mauka side of Poipu Rd. I know the area well as I live in Koloa. There is a continued slope from the project area through Kaneioluma and Poipu Beach Park to the water of Poipu and Waiohai beaches.

The slope and natural drainage gradient in this area is likely why condition 26 now calls for a comprehensive drainage plan that includes an assessment of the potential impact to the historically significant archeologic site, Kaneioluma, which is itself below sea level.

As a builder/developer I am very concerned that no modification be done to condition 26 because this applicant has already misrepresented compliance which the public had to uncover and reveal to the Planning Department.

Gary Pinkston delivered a letter to the Department of Planning on February 3, 2022 claiming "On behalf of 5425 Pau a Laka, LLC, I'd like to update the Planning Department of our efforts to meet Condition 1.k.(b) and confirm that the project area is cleared of habitats for the Kauai' amphipod and cave spider worthy of preservation." (sic)

[J-7. February 3, 2022 letter from Gary Pinkston to Kaaina Hull transmitting Tetra Tech draft study and USFWS letter dated October 27, 2021](#)

The report he submitted with his letter, and titled, "Kauano'e o Koloa Project Draft Biological Resources Survey Report" (Draft Report), was indeed an unsigned Draft Report and it did not make the finding he claimed in his letter. Not only was it not a satisfaction of Condition 1.k.(b), rather the Draft Report recommended that the biologic survey still needed to be done. Section 5.2.5 of the Draft Report specifically told the developer that the biologic survey was not yet done and needed to be before ground disturbing activity commenced:

"5.2.5 Listed Cave Invertebrates

Tetra Tech recommends the following based on USFWS' (2019) avoidance and minimization measures for the Kaua'i cave wolf spider and Kaua'i cave amphipod:

* Prior to ground disturbance, contract a qualified biologist to survey the Project Area for depth of soil deposits and the presence of caves. Any areas with soil deposits greater than 12 inches (305 millimeters) are not likely to provide appropriate habitat or have the species present." - Tetra Tech Draft Report page 14. Link to the full text of the Draft Report follows:

J-8. Tetra Tech draft study

There is no question that both the County and the developer were aware of the need to comply with LUC and County conditions. The permit letter issued by the County in 2006 informed the developer of the existence of these conditions and the need to satisfy them as a condition of the permits:

"1. The Applicant is advised that the property is subject to the conditions of LUC Decision and Order A76-418 (D&O) and County of Kauai Ordinances No. PM-31-79, PM-148-87 and PM-334-97 ("the Ordinances"), which shall run with the land. All conditions of the Ordinances are enforceable against any party seeking to use the entitlement."
Planning Director Ian Costa permit letter 9/15/2006

LUC condition 7 was to be met and complied with before "actual work" on the parcel:

7. That Petitioner commission and complete a comprehensive archaeological and biological study with actual inventories of archaeological sites and flora and fauna on the subject property, and that the Petitioner preserve any archaeological sites which archaeologist conducting such archaeological study believes to be significant and worthy of preservation and protect and preserve the present habitats of any blind, eyeless, big-eyed, hunting spiders and blind terrestrial sandhoppers, which the biologist conducting the biological study believes to be worthy of preservation. The Petitioner may commission such archaeological and biological study to any archaeologist and biologist or firm connected therewith who is qualified to conduct such a study to satisfy the foregoing condition. The Petitioner may apply to the County of Kauai for rezoning of the subject property before the completion of the archaeological and biological study, provided that no actual work on any portion of the subject property begins until the archaeological and biological study for that portion to be worked on has been completed. Actual work on any portion of the subject property may be commenced by the Petitioner upon certification by the archaeologist and biologist that the area for which work is to commence does not contain any archaeological sites deemed significant and worthy of preservation, nor contains any habitats of any blind, eyeless, big-eyed, hunting spiders and blind terrestrial sandhoppers deemed worthy of preservation.

This condition was not satisfied. With regard to the archaeologic inventory, the archaeology certificate and report produced for the County clearly states that it was limited to a literature search and project review but did not include an actual archaeologic inventory:

"At the request of Mr. Paul Cassiday, on behalf of Meridian Pacific LTD, Cultural Surveys Hawaii'i, Inc. (CSH) has prepared this literature review and field inspection report (LRFI) for the Kauanoe o Kōloa Project in Kōloa Ahupua'a, Kōloa District, Kaua'i, TMK: [4] 2-8-014:032 Lot 1."

"This investigation does not fulfill the requirements of an archaeological survey investigation, per HAR §13-276. Environmental Setting."

Archaeological Literature Review and Field Inspection of the Proposed Kauanoe o Kōloa Project, Kōloa Ahupua'a, Kōloa District, Kaua'i TMK: [4] 2-8-014:032 Lot 1. page 1

As a member of the Koloa community, and appreciating the size of the Pinkston project development, there was no meeting with the public, no attempt to comply with a Ka Pa'a Kai analysis to, among other things, have the developer meet with the community likely to be impacted by the development prior, to learn of sensitive areas associated with traditional and customary practices. That did not happen in this case. Rather, the Ka Pa'a Kai analysis was first requested after extensive blasting destroyed many of the attributes and features of TMK (4) 2-8-14:3:



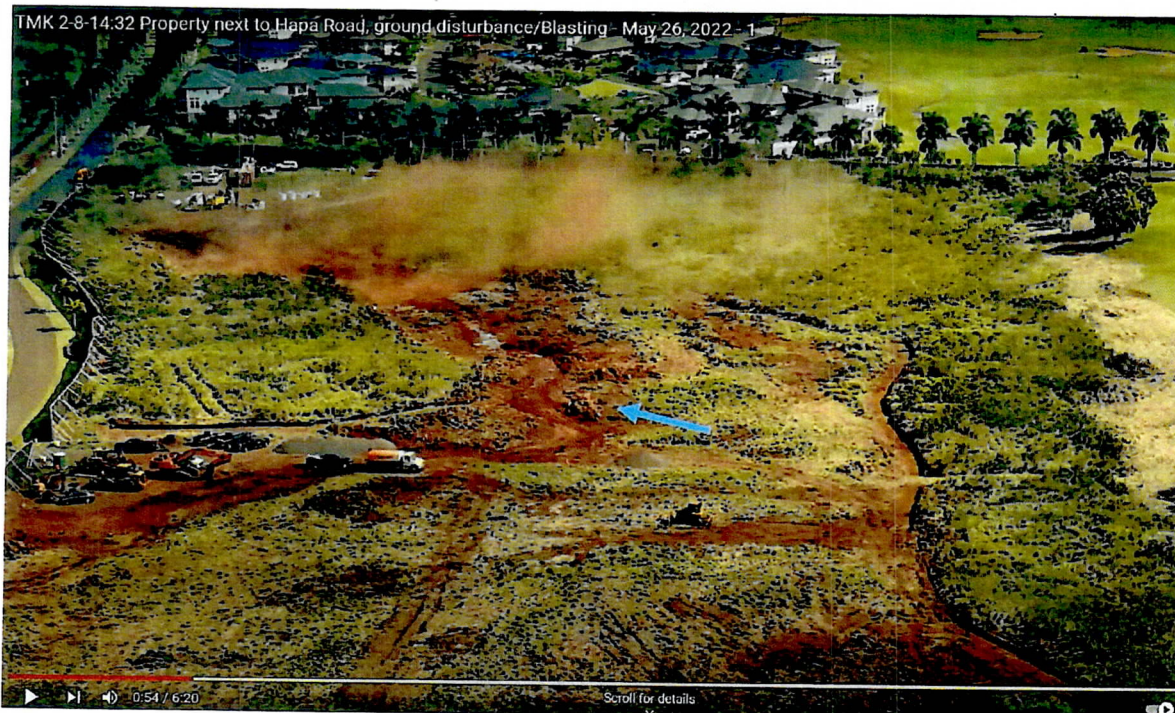
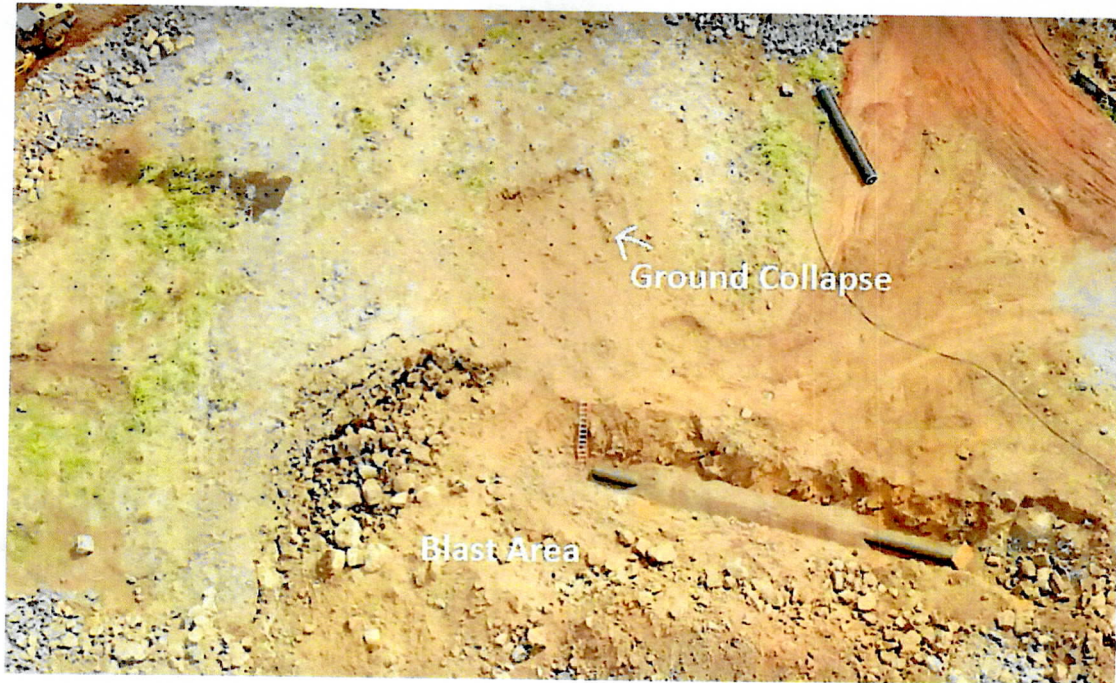
Blasting begins May 2022, 5425 Pau A Laka



More blasting 5425 Pau A Laka



More blasting 5425 Pau A Laka





Blasting continued until January 2023.

In addition, the following are photographs taken of the area as it was before the ground disturbance began.



Drainage onto 5425 Pau A Laka from Wainani subdivision and the Golf Course



Drainage onto 5425 Pua A Laka from Wainani subdivision and the Golf Course



Figure 13. Two remnants section of cattle ranching walls. The longest segment is approximately 5 meters (15 ft.) long. Both are impacted by bulldozing. View is to the north



Figure 14. Remnant section of cattle ranching wall foundation destroyed by bulldozing, view is to the northeast



Figure 15. Bulldozed up boulder pile, view is to the north



Figure 16. Bulldozed up boulder pile, view is to the northwest



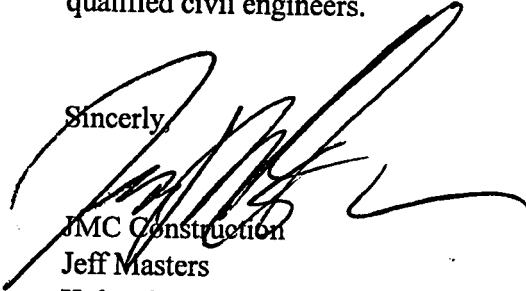
Nene and other endangered or threatened seabirds at 5425 Pau A Laka prior to ground disturbance



Burial Mound at 5425 Pau A Laka prior to ground disturbance (per Ka Pa'a Kai testimony of Glenn Silva)

Please help our community protect this site. It is worthy of preservation and likely was home to the Koloa cave spider and amphipod. There are springs underground and the type of caverns which the endemic cave spider likes to inhabit. It currently borders right on Hapa Trail with no buffer for much of the adjoining trail. Please revoke the permits for this developement for all the reasons stated above. If the Planning Commission allows this project to proceed, please don't turn the drainage requirement over to the sole approval of Public Works which recently lost its 3 qualified civil engineers.

Sincerely,



JMC Construction
Jeff Masters
Koloa, Kauai

From: Roslyn Cummings <roslyncummings@gmail.com>
Sent: Tuesday, July 11, 2023 5:37 AM
To: Planning Department; Public Works - voicemail account; Sarah Blane; dlncr@hawaii.gov; alan.s.downer@hawaii.gov
Subject: Agenda items: F #2a., H #1Subdivision Committee a. 1&2

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

F #2 a. AMENDMENT TO CLASS IV ZONING PERMIT (Z-IV-2006-27), USE PERMIT (U-2006-26), and PROJECT DEVELOPMENT USE PERMIT PDU-2006-25

H #1 the Matter of the Petition to revoke: (1) Land Use Commission District Boundary Amendment under Decision and Order A76-418, as amended August 5, 1997; and (2) Class VI Zoning Permit (Z-IV-2006-27), Use Permit (U-2006-26), and Project Development Use Permit (PDU-2006-25) for a development situated at the Pau A Laka Street/Kiahuna Plantation Drive, 5425 Pau A Laka Street, Tax Map Key: 2-8-014: 032, and containing a total area of 27.886 acres, Petitioners Friends of Mahaulepu and Save Koloa' Petition for to Intervene

Subdivision Committee a. Preliminary Subdivision Extension Request

.1 Subdivision Application No. S-2021-7 5425 Pa'u ALaka, LLC. Proposed 2-lot Consolidation and Resubdivision into 4-lots TMK: (4) 2-8-014:032 Koloa, Kauai

a.

In the Matter of Applications for (1) Preliminary subdivision extension request for application no. S-2021-7, 5425 Pa'u ALaka, LLC for proposed 2-lot consolidation and resubdivision into 4-lots; and (2) Amendment to Class VI Zoning Permit (Z-IV-2006-27), Use Permit (U-2006-26), and Project Development Use Permit (PDU-2006-25) for modification to

Condition No. 26 relating to drainage requirements for a development situation at the Pau A Laka Street/Kiahuna Plantation Drive, 5425 Pau A Laka Street, Tax Map Key: 2-8-014: 032, and containing a total area 27.886 acres, Petitioners Friends of Mahaulepu and Save Koloa's Petition to Intervene and, Alternatively for Denial of Applications.

2.

Subdivision Application No. S-2022-6

Kukui'ula Development Company, LLC./

MP Kaua'i HH Development Fund, LC. Kukui'ula Parcel H H Subdivision

Proposed 3-lot Consolidation and Resubdivision into 51-lots TMK: (4) 2-6-019: 026, 029, 031

Koloa, Kauai

b. Final Subdivision Map Approval

1.

Subdivision Application No. S-2023-4

BBCP Kukui'ula Development, LLC.

Kukui'ula Parcel J1-A Subdivision

Proposed 18-lot Subdivision

TMK: (4) 2-6-023: 040

Koloa (Makai), Koloa, Kauai

I Roslyn Nicole Manawaiakea Malama mare Cummings oppose the above agenda items due to fraud.

The entirety of these projects was created in part of chain of title fraud, authorization; use of signature to contract without due process.

Given notice prior to approval of. Covering of records within these offices pertaining to archeological reports again, committing fraud. Desecration and Genocide. Depletion and Pollution of Wai; Water. Drainage that is detrimental to our livelihood, well-being.

Taking of water due to permitting of projects in the interest of non living and breathing corporations committing fraud, in the internet and discrimination against Kanaka, Kanaka Maoli.

Funneling funds between each agencies; committing of fraud.

No plans for evacuation, increasing of water usage. Controlling of use of water from multiple sources that do not run naturally. Piping of water for the above listed projects committing of fraud and genocide against the people. I'm the interest of Corporations.

**This in its entirety is,
a Living Testimony in form of an Affidavit;
a Challenge of my Rights, Status, Standing & Jurisdiction;
a Notice of Discovery of Fraud and Impropriety; a Abatement;
a Demand for Remedy; and a Claim for Compensation.**
Notice to principal is notice to agent, Notice to agent is notice to principal.
**I hereby pray to God for relief and command the Kauai County
Planning, Kauai County Public Works, Kauai County Department of
Water, Kauai County Department of Finance administrator(s) as
public servant of "We the People"
to read this thoroughly, completely and with comprehension,
this document is of a very serious nature and is not frivolous.**

**There will be no presumptions or assumptions,
no Tacit agreements, no waiver of rights, no hearsay,
no lawyering or attornment from the bench.
I am asking only for Truth, Facts, Honor and Fair Justice.**

Rights

Above all else, I, Roslyn Nicole Manawaiakea; Malama mare Cummings, in and from the beginning, invoke my right of **self determination** which is considered to be the foundational stone of all human rights. I hereby invoke my right of **redress of grievances**.

I hereby stand as a belligerent claimant upon these rights as required

The Supreme Court said that the "rights of life and personal liberty are the natural rights of man. To secure these rights ... governments are instituted among men" U.S. v. Cruikshank, 92 U.S. 542, 2 Otto 542, 23 L. Ed. 588

The individual Rights guaranteed by our Constitution and treaties cannot be compromised or ignored by our government or by **its courts**.

For example, in United States v. Johnson, 76 F. Supp. 538, 539 (D. Pa. 1947), Federal District Court Judge James Alger Fee ruled that,

..."The privilege against self-incrimination is neither accorded to the passive resistant, nor to the person who is ignorant of his rights, nor to one indifferent thereto. It is a FIGHTING clause. It's benefits can be retained only by sustained COMBAT. It cannot be claimed by attorney or solicitor. It is valid only when insisted upon by a BELLIGERENT claimant in person."

McAlister vs. Henkel, 201 U.S. 90, 26 S.Ct. 385, 50 L.Ed. 671;
Commonwealth vs. Shaw, 4 Cush. 594, 50 Am.Dec. 813;

Orum vs. State, 38 Ohio App. 171, 175 N.E. 876.

"The one who is persuaded by honeyed words or moral suasion to testify or produce documents rather than make a last ditch stand, simply loses the protection. He must refuse to answer or produce, and test the matter in contempt proceedings, or by habeas corpus."
[Emphasis added.]

Notice the verdict's confrontational language in these Cases:

"fighting", "combat", and most surprising, "belligerent". Did you ever expect to ever read a Federal Court condemning people for being "passive" or "ignorant"? Did you ever expect to see a verdict that encouraged people to be "belligerent" in COURT...?

Better go back and re-read that extraordinary verdict. And commit it to memory, for it succinctly describes the essence of the American legal system.

"The presumption of Liberty, rights we retain for ourselves. Freedom lies in everyone's heart, but it must do more than just lie there." Judge Napolitano

"Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,"

(Excerpt of Preamble of - Universal Declaration of Human Rights)

"The States Parties to the present Covenant, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, **recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,** Recognizing that these rights derive from the inherent dignity of the human person, Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights, Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms, Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant."

(Preamble - International Covenant on Civil and Political Rights)

By the grace of God almighty, and through the supremacy clause of the Constitution and the below-listed treaties of supreme law, it is I alone, who shall determine my status, standing, honor and jurisdiction.

Article. VI. Clause 2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, **shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby,** any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

I hereby invoke and stand upon all my natural rights, given by my God, which are written in the documents listed below. These, and all others, are universally known as supreme law of the land:

-
- 1868 The Constitution of The United States of America
- 1864, 1929 and 1949 The Geneva Conventions
- 1948 The Universal Declaration of Human Rights
- 23 March 1976 The International Covenant of Civil and Political Rights, Articles 1-27*

HRS §1-1 Common law of the State; exceptions. Traces its legislative intent directly to the law to Queen Liliuokalani wanted to protect 'the autonomy and absolute independence of this Kingdom', in 1892.

What's behind this door?

The Supreme court in Hawaii indicated on June 22, 1977.that "'Hawaiian usage" must predate November 25, 1892.' (58 H. 106, 566 P.2d 725.)

Prior to November 25, 1892, the laws of the Hawaiian Islands included, but not limited to:

The Compiled Laws of the Hawaiian Kingdom (1884)
The Penal Codes of the Hawaiian Kingdom (1869)
The Civil Codes of the Hawaiian Kingdom (1859)
The Statute Laws of the Hawaiian Kingdom (1841)

Some of the more important laws that are "established by Hawaiian National usage", included but are not limited to:

'The laws are obligatory upon all persons, whether subjects of this kingdom, or citizens or subjects of any foreign State, while within the limits of this kingdom, except so far as exception is made by the laws of nations in respect to Ambassadors or others. The property of all such persons, while such property is within the territorial jurisdiction of this kingdom, is also subject to the laws. The Civil Codes of the Hawaiian Islands (1859), Chapter II OF THE EFFECTS OF LAWS, SECTION 6.

'An alien, whether his native country be at war or at peace with this kingdom, owes allegiance to this kingdom during his residence therein, and during such residence, is capable of committing treason against this kingdom. [Penal Codes of the Hawaiian Islands (1869), Article VI. Treason, Section 3.

'All laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature; such parts only excepted as are repugnant to this Constitution. All laws heretofore enacted or that may hereafter be enacted, which are contrary to this Constitution, shall be null and void.' ARTICLE 79. Constitution of the Hawaiian Kingdom. 1887.

Prior to November 25, 1892, being a "Hawaiian" simply meant being either born in the islands, or becoming a naturalized citizen, just like in America, ethnic background was not a requirement. This is what a civilized nation is, equal protection for all people in your nation. It has been the law in the Hawaiian Islands since the first constitution was created in 1841, when the Declaration of Rights was created stating "'God hath made of one blood all nations of men to dwell on the earth," in unity and blessedness. God has also bestowed certain rights alike on all men and all chiefs, and all people of all lands."

It is well established that it is a basic human right for folks to make their own 'self-determination" to rest their "nationality" in a nation of their own choosing:

'All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. PART I. Article 1. International Covenant on Civil and Political Rights. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49.

'1. Everyone has the right to a nationality. 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. Article 15. United Nations Universal Declaration of Human Rights.

the last formally recognized constitution, which is the one enacted in 1887 by King Kalakaua, don't get sucked into the trap of being told that constitution is not valid, it did not authorize what happened during the so-called "overthrow", that event it 100% in violation of that constitution, in fact it is clear that everything done on and after January 1893, is "null and void".

When the Hawaiian Kingdom was created in 1840, it was founded in the mana'o of na kupuna, who had lived in the islands for a thousand generations, by 1893 everyone from outside, and in the islands could understand the rules and laws of the Hawaiian Islands, that is through Hawaiian National usage, the laws of the land.

I, hereby and forever **stand firm** upon these **natural rights** listed above, giving the free man of god, one of "We the People", the state National, Limited Diplomatic Immunity as per the Geneva convention, in that he has done no harm to another. If I, have unknowingly harmed another let that living Man, Woman, or Child, come forward claim under sworn oath and under the penalty of perjury, and I'll explain, ask for repentance, seek forgiveness, and make amends or rebut.

International Covenant on Civil and Political Rights
(ICCPR): **(partial list of applicable rights)**

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

Article 6

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

(There is EXCESSIVE torture, cruel, inhuman & degrading treatment and punishment in our jails & prisons! [See 1971 Stanford Prison Experiment. "Power corrupts, and absolute power corrupts absolutely!"])

Article 8

- 1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
- 2. No one shall be held in servitude.
- 3.

(a) No one shall be required to perform forced or compulsory labour;

(What about the Prison Industrial Complex's role in Human Trafficking and Racketeering? [There are contract\$ and bond\$ that require prisoners to fill the beds of jails and prisons {Human Warehouses}!]) (Some jails are even OWNED by county judges!])

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty **shall be treated with humanity and with respect for the inherent dignity of the human person.**

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation.

Article 12

1. **Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.**

2. Everyone shall be free to leave any country, including his own.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing **by a competent, independent and impartial tribunal established by law.** The press and the public may be excluded from all or part of a trial for reasons of morals, public order or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; **but any judgement rendered in a criminal case or in a suit at law**

shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. **Everyone charged with a criminal offense shall have the right to be presumed innocent until proved guilty according to law.**

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) **To be tried in his presence, and to defend himself in person** or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) **To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;**

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) **Not to be compelled to testify against himself or to confess guilt.**

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offense and when subsequently his conviction has been reversed or **he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice**, the person who has suffered punishment as a result of such conviction **shall be compensated** according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offense for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. **No one shall be held guilty of any criminal offense on account of any act or omission which did not constitute a criminal offense**, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offense was committed. If, subsequent to the commission of the offense, **provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.**

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 17

1. **No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.**

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

I get that, the STATE OF __Birth STATE__ through its Unlawful Conversion created the ALL CAPITAL fiction variation of the christian name my PARENTS gave me. The STATE didn't create anything that is real and living. It was GOD who created me. It was GOD who endowed my parents with the ability to co-create with Him to bring me into this world and to raise me.

The government public servants are TRUSTEES.

I am the BENEFICIARY.

One of "We the People" creators of Government.

Now let's see what the Constitution has to say about our Rights.

BILL OF RIGHTS.

SECTION I.

Paragraph I. All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people, and, at all times, amenable to them.

Par. II. Protection to person and property is the paramount duty of government, and shall be impartial and complete.

Par. III. No person shall be deprived of life, liberty, or property, except by due process of law.

Par. IV. No person shall be deprived of the right to prosecute or defend his own cause in any of the Courts of this State, in person, by attorney, or both.

I am not a federal citizen. I am a State National and claim my Nationality as such Hawaiian National, Kanaka, Wahine Maoli, Kanaka Maoli.

A Declaration of independence was a Declaration of Trust. A constitution is how a CORPORATION OR TRUST operates, The Articles Of Confederation was also a Constitution.

Grantor: WE THE PEOPLE

Beneficiary: We the people

TRUSTEE: PUBLIC OFFICERS

Look up "Trustee". YOU CANNOT USE TRUSTEE WITHOUT IT BEING A TRUST. That Sums it up right there.

This is the PUBLIC OFFICERS CONTRACT. THE CONSTITUTION IS THE TRUST INDENTURE FOR THE PUBLIC OFFICERS AKA. SERVANTS TO THE BENEFICIARY.

Here I shall stand, rescinding all past contracts, agreements or waivers of rights for Cause of Fraud.

I, Roslyn Nicole Manawaiakea; Malama mare Cummings, hereby repudiate, revoke and rescind any waiver I may have previously made of these rights, unknowingly, unwittingly, under duress, under coercion, forced upon me through fearful scare tactics, under lies, under any false assumption or presumption, or through any perceived Tacit agreement, or by any signature, which may have been used by a fictional corporate officer registered by my all caps name of some fraudulently created dead entity, or vessel lost at sea, or transmitting utility, created by government and recorded as Human Resources and used as Human Capital by an investment bond or note created in Dog Latin Glossa NAME through fraud and personage of a bonded and insured birth registration that is Sold on the market under a CUSIP # through U.S. treasury bonds bundled in an LEI, and regulated by the SEC.

See GMEIUtility.org or fidelity.com

See also Department of Fiscal Services web pages

American Jurisprudence 2nd 1964 vol. 16 § 373 Rights of Contract

Liberty of contract involves, as one of its essential attributes, the right to terminate contracts, Valid contracts are property and as such are protected from being taken without just compensation. The United States Supreme Court has stated that freedom to contract is the essence of freedom from undue restraint on the right to contract. Other courts have stated that the liberty to make contracts includes the corresponding right to refuse to accept a contract or to assume such liability as may be proposed. The right of liberty of contract is inherent and inalienable. It belongs to everyone by the law of the land; every man has the right freely to deal, or to refuse to deal, with his fellow men. Pg. 706 – 707

American Jurisprudence 2nd 1964 vol. 16 § 362 Nature of Right guaranteed

The right of property is a fundamental, natural, inherent, and inalienable right...

In fact, it does not owe its origin to the constitutions which protect it, for it existed before them. It is sometimes characterized judicially as a sacred right, the protection of which is one of the most important objects of government. Pg. 691

This Means to take away one's RIGHT TO REFUSE CONTRACT with anyone is to take away "The right of property" A Right thats guaranteed... and un-a-lien-able!

U.S.C. Title 18 § 241: Conspiracy Against Rights

If two or more persons conspire to injure, oppress, threaten or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premise of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.

U.S.C. Title 18 § 242: Deprivation of Rights Under Color of Law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined under this title or imprisoned not more than 10 years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

The Supreme Court has warned:

"Because of what appear to be Lawful commands on the surface, many citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights, due to ignorance." (U.S. v. Minker, 350 U.S. 179, 187)

Challenge of Standing

Only a righteous and lawful, Living man or woman can have standing! Only a man or woman is born alive. Only a man or woman has unalienable rights!

These rights, given by God, are superior law. These rights are referenced in the multiple documents and treaties listed above and are known in this UNITED STATES as supreme law.

All government, corporations, agencies, agents, officers, in every level of government and in every state, county, municipality, and in every capacity, must obey this Constitution and these treaties if they are brought forward into the light. For this, SUNLIGHT is the best disinfectant.

No Legal PERSON, Entity created under The Dog Latin ALL-CAPS name, a vessel, a transmitting utility, a corporation, can stand, as all are dead, they have NO standing, they can not speak, they can NOT be the creditor, they can NOT be the holder in due course. "Ens legis. L. Lat. A creature of the law; an artificial being, as contrasted with a natural person. Applied to corporations, considered as deriving their existence entirely from the law." Black's Law Dictionary, Fourth Edition, 1951

Genesis 2:7 And the LORD God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul.

Challenge of Status

Being a man of God, a living soul, of flesh and blood, of sound mind, intelligent and of competent nature, the creditor, beneficiary and holder in due course of the trust. I am, an honorary member and proud descendent of "We the People" as creator and arbitrator of government. My DNA existed upon these shores before government. I am NOT one artificially created by government such as "Citizen", "Person", or "Resident".

For it is my estate and the estates of my fathers and grandfathers, back many years, as I am alive upon the land. I am the holder in due course, the rightful beneficiary, and I hereby command the administrator as the fiduciary to settle and dismiss this matter.

I have previously repudiated my citizenship via affidavit to the President of the UNITED STATES, the Secretary of State and the Attorney General, of the UNITED STATES.

I was born upon the Land. I am a Hawaiian National.

Again, I am not a U.S. Citizen, but I am a State National, as described in USC 8 § 1101 (a) 21 with limited diplomatic immunity as one who created government as per Geneva Conventions.

As a "non-resident alien," to DISTRICT OF COLUMBIA, or to the IMF, my estate and/or trust is, as described in 26 USC § 7701 (a)(31), as a TAX-EXEMPT "foreign estate or trust."

"A 'citizen of the United States' is a civilly dead entity operating as a co-trustee and co-beneficiary of the PCT (public Charitable Trust), the constructive, Cestui Que Vie trust of US INC. Under the 14th Amendment, which upholds the debt of the USA and US INC."

Congressional Record, June 13, 1967, pp. 15641-15646

See HJR 192

Government officials are to swear oath of office, people are not. Their duties include:
Protecting God given Rights of the people,
Serving the people.
Establishing Freedom.
Public office holders must also be bonded.

Please pay very close attention here and NOTE THE REQUIREMENTS OF THE LAW!

TITLE 5 U.S. Code

Sec. 706. Scope of review

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall--

(1) **compel agency action unlawfully withheld or unreasonably delayed; and**
(2) **hold unlawful and set aside agency action, findings, and conclusions found to be--**

(A) **arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;**

(B) **contrary to constitutional right, power, privilege, or immunity;**

(C) **in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;**

(D) **without observance of procedure required by law;**

(E) **unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or**

(F) **unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.**

In making the foregoing determinations, **the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

ALL POWER IS INHERENT IN THE PEOPLE FOR THEIR EXCLUSIVE USE ONLY OR ON GRANT PERMISSION FROM THEM!

Therefore:

In the complete absence of any Lawful and verified Oath or Affirmation made by a Non participant Individual, to support any Constitution; or in the complete absence of proving a Higher Title to that REAL FLESH. Known and Described as the Non participant Individual Himself, In Personam Jurisdiction does not exist; the Constitution only protects Non participants, and in the complete absence of proving a Lawful and voluntary contract made by Such Non participant, pledging Himself and/or His Property- Rights to certain specified performance, Subject Matter Jurisdiction does not exist; and in the complete absence of any

Lawful and verified complaint made against Such Non participant, wherein a Real Injured Party Claims a Damage, no criminal Jurisdictions exist; thus in the complete absence of proving the existence of either In Personam and or Subject Matter Jurisdiction, governmental Jurisdiction over the Non participant Individual does not exist.

QUOD ERAT DEMONSTRANDUM!

"If two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same...they shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both..." Title 18, United States Code, Section 241.

"Whoever, under color of any law, statute, ordinance, regulation or custom, willfully subjects any inhabitant of any State, territory or district to the deprivation of any rights, privileges or immunities secured or protected by the Constitution of laws of the United States... shall be fined not more than \$1,000 or imprisoned not more than one year, or both..." Title 18, United States Code, Section 242.

The Constitution never provided THE PEOPLE with Rights that they did not already possess prior to creation of this Instrument.

LOSS OF JUDICIAL IMMUNITY

It has also been well established that: When a judge knows that he\she lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him\her of jurisdiction, judicial immunity is lost. Rankin v. Howard, (1980) 633 F.2d 844, cert den. Zeller v. Rankin, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326.

"Where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction." Piper v. Pearson, 2 Gray 120, cited in Bradley v. Fisher, 13 Wall. 335, 20 L.Ed. 646 (1872)

A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts. Davis v. Burris, 51 Ariz. 220, 75 P.2d 689 (1938)

Generally, judges are immune from suit for judicial acts within or in excess of their jurisdiction even if those acts have been done maliciously or corruptly; the only exception being for acts done in the clear absence of all jurisdiction. Gregory v. Thompson, 500 F2d 59 (C.A. Ariz. 1974)

There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign. *Cooper v. O'Conner*, 99 F.2d 133

When a judicial officer acts entirely without jurisdiction or without compliance with jurisdiction requisites he may be held civilly liable for abuse of process even though his act involved a decision made in good faith, that he had jurisdiction. *State use of Little v. U.S. Fidelity & Guaranty Co.*, 217 Miss. 576, 64 So. 2d 697.

"... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." *Marbury v. Madison*, 1 Cranch 137 (1803).

"No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence." *Ableman v. Booth*, 21 Howard 506 (1859).

"The courts are not bound by an officer's interpretation of the law under which he presumes to act." *Hoffsomer v. Hayes*, 92 Okla 32, 227 F 417.

ALL SEATS OF GOVERNMENT HAVE BEEN VACATED

December 26, 1933 49 Statute 3097 Treaty Series 881 (Convention on Rights and Duties of States) stated CONGRESS replaced STATUTES with international law, placing all STATES under international law.

December 9, 1945, the International Organization Immunities Act relinquished every public office of United States to the United Nations.

22 CFR 92.12-92.31 FR Heading "Foreign Relationship" states that an oath is required to take office.

Title 8 USC 1481 states once an oath of office is taken, citizenship is relinquished, thus one becomes a foreign entity, agency, or state. That means every public office is a foreign state, including all political subdivisions. (i.e. every single court is considered a separate foreign entity).

Title 22 USC (Foreign relations and Intercourse) Chapter 11 identifies all public officials as foreign agents.

Federal Rules of Civil Procedure (FRCP) 4j states that the Court jurisdiction and immunity fall under a foreign state.

In Chisholm, the Justices of the Supreme Court rejected Georgia's claim to be sovereign. They concluded instead that, to the ex-tent the term "sovereignty" is even appropriately applied to the newly adopted Constitution, sovereignty rests with the people, rather than with state governments.

Furthermore, Wilson argued that the citizens of Georgia, when they acted upon the large scale of the Union, as a part of the "People of the United States," did not surrender the Supreme or sovereign Power to that State; but, as to the purposes of the Union, retained it to themselves. As to the purposes of the Union, therefore, Georgia is NOT a sovereign State. In other words, according to Justice Wilson, to the extent one wishes to use the word "sovereignty" at all, sovereignty lies in the people themselves, not in any government formed by the people.

This is the principle that "laws derived from the pure source of equality and justice must be founded on the CONSENT of those, whose obedience they require. The sovereign, when traced to his source, must be found in the man."

In other words, obedience must rest on the consent of the only "sovereign" from which justice and equality rest: the individual person who is asked to obey the law. Wilson believed that the only reason "a free man is bound by human laws, is, that he binds himself.

"If one free man, an original sovereign, may do all this; why may not an aggregate of free men, a collection of original sovereigns, do this likewise? If the dignity of each singly is undiminished; the dignity of all jointly must be unimpaired."

From this analysis Wilson reached the following conclusion about Georgia's claim of sovereign immunity against a suit for breach of contract:

"A State, like a merchant, makes a contract. A dishonest State, like a dishonest merchant, willfully refuses to discharge it: The latter is amenable to a Court of Justice: Upon general principles of right, shall the former when summoned to answer the fair demands of its creditor, be permitted, proteus-like, to assume a new appearance, and to insult him and justice, by declaring I am a Sovereign State? Surely not.

That Justice Wilson was the author of this opinion is significant. James Wilson was as crucial a member of the Constitutional Convention as any other, including James Madison.

"The doctrine of judicial immunity originated in early seventeenth-century England in the jurisprudence of Sir Edward Coke. In two decisions, *Floyd & Barker* and the *Case of the Marshalsea*, Lord Coke laid the foundation for the doctrine of judicial immunity." *Floyd & Barker*, 77 Eng. Rep. 1305 (1607); *The Case of the Marshalsea*, 77 Eng. Rep. 1027 (1612) were both cases right out of the Star Chamber.

Coke's reasoning for judicial immunity was presented in four public policy grounds:

1. Finality of judgment;
2. Maintenance of judicial independence;
3. Freedom from continual calumniations; and,
4. Respect and confidence in the judiciary.

The *Marshalsea* presents a case where Coke denied a judge immunity for presiding over a case in *assumpsit*.

Assumpsit is a common-law action for recovery of damages for breach of contract. Coke then explained the operation of jurisdiction requirement for immunity:

"[W]hen a Court has

- a. jurisdiction of the cause, and proceeds iverso ordine or erroneously, there the party who sues, or the officer or minister of the Court who executes the precept or process of the Court, no action lies against them. But...
- b. when the Court has not jurisdiction of the cause, there the whole proceeding is [before a person who is not a judge], and actions will lie against them without any regard of the precept or process..."

It's one big serpent isn't it ?

Definition of serpent - a large snake., a sly or treacherous person, especially one who exploits a position of trust in order to betray it.

Definition of serpent. 1a archaic : a noxious creature that creeps, hisses, or stings. b : snake. 2 : devil sense 1. 3 : a treacherous person.

A serpent is a snake. ... Serpents have represented qualities ranging from evil to fertility to poison throughout history, and even today the symbol of medicine is a staff entwined by a serpent. The Latin root is *serpentem*, "creeping thing," from *serpere*, "to creep."

A serpent is a snake

All deceptive and all tricks of the legal trade ... serpent like

Extrinsic Evidence: Extrinsic Fraud is commonly associated with Legal Malpractice in that it happens in a means wherein your attorney merely engages in Willful Suppression of critical Material Evidence.

Conspiracy: Many cases where your own attorney is actually decided to take on your case with the Intention of actually Working In Concert with the opposing party. Although that may seem like a heinous act and is all to common and even widely accepted by the powers that govern their authority such as the court staff, the State Bar and the sitting Judicial Officer.

**All Members of the same union... The Conspiracy of the BAR
Lady Justice is hereby pronounced... DEAD**

Claim of Damages

The AUTHORITY FOR FINES (DAMAGES) CAUSED BY CRIMES BY GOVERNMENT OFFICERS: PERPETRATORS INCLUDING AUTHORIZING BODIES, CAPTAINS, CHIEFS, SUPERVISORS, EMPLOYERS, AGENTS, CLERKS, ADMINISTRATORS, JUDGES.

These Damages, in part, were determined by GOVERNMENT itself for the violation listed:

Emoluments Violations – 18 U.S.C. §§ 241, 242, 643, / 28 U.S.C. § 1927, / 29 U.S.C. § 1109
He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

EXECUTIVE ORDER 13818 ON HUMAN TRAFFICKING

(Public Law 114-328) section 212(f)
8 U.S.C. 1182(f), (INA), 3 U.S.C. section 301
28 U.S.C. §§ 1608, 1330 / Qui Tam 31 U.S. Code, § 3730(b),(c)

Breach	Penalty	Authority
VIOLATION OF OATH OF OFFICE	\$250,000.00	18 USC 3571, 28 USC 3002 (15)
ARMED ABUSE OF OFFICE	\$200,000.00	
ARMED ABUSE OF AUTHORITY	\$200,000.00	
ARMED USE OF EMERGENCY LIGHTING IN A NON-EMERGENCY	\$200,000.00	
ARMED USE OF EMERGENCY SIREN IN A NON-EMERGENCY	\$200,000.00	
ARMED ASSAULT AND BATTERY	\$200,000.00	
ARMED THREAT OF VIOLENCE	\$200,000.00	18 USC 3571
ARMED COERCION	\$200,000.00	
DENIED PROPER WARRANT(S)	\$250,000.00	
DENIED RIGHT OF REASONABLE DEFENSE ARGUMENTS	\$250,000.00	18 USC 3571
DEFENSE EVIDENCE (RECORDS)	\$250,000.00	18 USC 3571

DENIED RIGHT TO TRUTH IN EVIDENCE	\$250,000.00	18 USC 3571
ARMED VIOLATION OF DUE PROCESS	\$200,000.00	
SLAVERY (Forced Compliance to contracts not held)	\$250,000.00	18 USC 3571
DENIED PROVISIONS IN THE CONSTITUTION	\$250,000.00	18 USC 3571
ARMED TREASON, WAR AGAINST AMERICANS	\$250,000.00	18 USC 3571
GENOCIDE AGAINST HUMANITY	\$1,000,000.00	18 USC 1091
APPARTIDE	\$1,000,000.00	
ARMED DEPRIVATION OF RIGHTS		
UNDER COLOR OF LAW	\$200,000.00	18 USC 242
EMOTIONAL DISTRESS	\$200,000.00	32 CFR 536.77(a)(3)(vii)
MENTAL ANGUISH ABUSE	\$200,000.00	42 CFR 488.301
PEONAGE (Felony)	\$200,000.00	18 USC 1581, 42 USC 1994
UNLAWFUL INCARCERATION	\$200,000.00	
MALICIOUS PROSECUTION	\$200,000.00	
DEFAMATION OF CHARACTER	\$200,000.00	
SLANDER	\$200,000.00	
LIBEL	\$200,000.00	
ARMED TRESPASS	\$200,000.00	
NEGLECT/FAILURE TO PROTECT/ACT	\$200,000.00	18 USC 1621, 42 USC 1986
ARMED GANG PRESSING	\$200,000.00	
ARMED LAND PIRACY/PLUNDER	\$200,000.00	
UNAUTHORIZED BOND PRODUCTION	\$200,000.00	
ARMED FORGERY	\$200,000.00	
ARMED EMBEZZLEMENT	\$200,000.00	
TAX EVASION	\$?	
ARMED STALKING	\$200,000.00	
ARMED IMPERSONATING A PUBLIC OFFICIAL	\$200,000.00	
ACTING AS AGENTS OF FOREIGN PRINCIPLES	\$200,000.00	18 USC 219
ARMED TORTURE	\$200,000.00	
ARMED OPERATING STATUTES WITHOUT BOND	\$200,000.00	
EXPLOITATION OF A LEGAL JUSTICE MINORITY GROUP		
BY BAR CLOSED UNION COURTS- CIVIL RIGHTS	\$1,000,000.00	
BAR VIOLATION OF ANTI-TRUST LAWS	\$200,000.00	
FICTITIOUS CONVEYANCE OF LANGUAGE	\$200,000.00	Chap. 2b 78FF
MISAPPROPRIATION OF TAXPAYER FUNDS	\$200,000.00	18 USC 641-664
VIOLATIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS		
ARMED BREACH OF TRUST	\$200,000.00	
ARMED DISTURBING THE PEACE	\$200,000.00	
ARMED KIDNAPPING	\$200,000.00	18 USC 1201
ARMED MALFEASANCE/MALPRACTICE	\$200,000.00	22 CFR 13.3
ARMED MISREPRESENTATION/PERSONAGE	\$200,000.00	
MIS-PRISON OF FELONY	\$500.00	18 USC 4
ARMED CONSPIRACY AGAINST RIGHTS OF PEOPLE	\$200,000.00	18 USC 241
ARMED CRIMINAL EXTORTION/		
ECONOMIC OPPRESSION	\$200,000.00	18 USC 141, 872, 25 CFR 11.417
ARMED EXTORTION OF RIGHTS	\$200,000.00	Title 15
ARMED ROBBERY	\$200,000.00	
ARMED THEFT BY FORCED REGISTRATION	\$200,000.00	
MAIL THREATS	\$5,000.00	18 USC 876
MAIL FRAUD	\$10,000.00	18 USC 1341
ARMED FRAUD	\$10,000.00	18 USC 1001
ARMED VIOLATION OF LIEBER CODE		
AGAINST NON-COMBATANTS	\$200,000.00	
ARMED WRONGFUL ASSUMPTION		
OF STATUS/STANDING	\$200,000.00	
ARMED FALSIFICATION OF DOCUMENTS/RECORD	\$10,000.00	18 USC 1001, 26 USC 7701(a)(1)
ARMED FICTITIOUS OBLIGATIONS	\$200,000.00	18 USC 514
ARMED PERJURY	\$2,000.00	18 USC 1621

ARMED SUBORDINATION OF PERJURY	\$2,000.00	18 USC 1622
To determine multiply no. of counts by damage		
ARMED RACKETEERING (Criminal, Felony)	\$200,000.00	18 USC 1961-1968
ARMED RACKETEERING (Civil)	\$200,000.00	

Wages Taken $\$x3=$ 18 USC 1964 (c)
 (Sustained Damages [total] $\times 3$)
 The lien debtors will be responsible for any IRS obligations resulting from the discharge or cancellation of any debts, as well as earned income resulting from accepted settlements.

Dealing with claims of "Immunity"

Any claim of "Immunity" is a fraud because, if valid, it would prevent removal from office for crimes against the people, which removal is authorized or mandated under U.S. Constitution Article 2, Section IV; as well as 18 USC 241, 42 USC 1983, 1985, 1986, and other state Constitutions.

Precedents of Law established by Court cases, which are in violation of law, render violations of law legally unassailable. Such a situation violates several specifically stated intents and purposes of the Constitution set forth in the Preamble; to establish justice, insure domestic tranquility, and secure the blessings of liberty.

For JUDGES, or anyone in any branch of government.

From: Jeff Masters <builtbymasters@gmail.com>
Sent: Monday, July 10, 2023 11:41 AM
To: Kaaina Hull; Jodi Higuchi Sayegusa; Planning Department
Cc: Brigitte Hillesheim
Subject: Comment 7-11-23
Attachments: Jeff Masters Comment to Planning signed.pdf

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Sent from my iPhone

In the Matter of the Applications for
(1) Preliminary subdivision extension request for
application no. S-2021-7, 5425 PA'U A LAKA,
LLC for proposed 2-lot consolidation and resubdivision
into 4-lots; and, (2) Amendment to Class
IV Zoning Permit (Z-IV-2006-27), Use Permit
(U-2006-26), and Project Development Use
Permit (PDU-2006-25) for modification to Condition
No. 26 relating to drainage requirement
for a development situated at the Pau A Laka
Street/ Kiahuna Plantation Drive, 5425 Pau A
Laka Street, Tax Map Key: 2-8-014:032, and containing
a total area of 27.886 acres

Aloha Chair and members of the Kauai County Planning Commission,

Please accept this Comment and request that:

1. No action be taken on the above application for extension of time. The Tentative subdivision approval is now void and there is nothing to be continued:

Section 9-3.8(c)(1) of the Subdivision Ordinance, Kauai'i County Code, 1987, as amended reads as follows:

(c) Filing of Final Subdivision Map.

(1) The applicant shall file fifteen (15) copies of the subdivision final map with the Planning Department within one (1) year after approval of the preliminary subdivision map. If no filing is made, the approval of the preliminary subdivision map and construction plan shall become void unless an extension of time is granted by the Planning Commission.

This request is in fact the request before you from the Planning Department:

DEPARTMENT OF PLANNING
KA'AINA HULL, DIRECTOR
JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

SUPPLEMENT #1 TO
SUBDIVISION REPORT

RE: Subdivision Application No. S 2021-7

APPLICANT: 5425 Pa'u A Laka, LLC.

Preliminary Subdivision Extension Request

At the Subdivision Committee Meeting held on June 27, 2023, there were concerns raised regarding the timeliness of the subdivision extension request as it relates to Section 9-3.8(c)(1) of the Subdivision Ordinance, Kaua'i County Code (K.C.C.), 1987, as amended. The Planning Department has referred the subject matter to the Office of the County Attorney and the department is requesting to defer Planning Commission action for a preliminary subdivision extension request of the subject subdivision application until the Office of the County Attorney has opined on the matter.

By Kenneth A. Estes
Kenneth A. Estes, Planner

Date: 07 03 2023

F.I.A.2.
JUL 11 2023

2. With respect to the applicant's request to modify condition 26 of their zoning and use permit, as a builder/developer, the requested transfer to Public Works for their final approval of the comprehensive drainage plan prepared by applicant, taking it out of the hands of the Planning Department and Planning Commission, would seriously compromise our opportunity to comment to the Commission on the drainage plan prepared.

In the agenda packet for this item, per the letter authored by Dale Cua and Ka'aina Hull, there appears to be an attempt to modify the "comprehensive drainage plan" suggesting that the developer need only prepare a plan for the project area mauka of Poipu Rd. As a developer, and specifically noting the drainage pipes on the property draining water collected from the Northeast development of Wainani, it is not likely that the added drainage created from the development of this lot combined with existing drainage would stop on the mauka side of Poipu Rd. I know the area well as I live in Koloa. There is a continued slope from the project area through Kaneioulouma and Poipu Beach Park to the water of Poipu and Waiohai beaches.

The slope and natural drainage gradient in this area is likely why condition 26 now calls for a comprehensive drainage plan that includes an assessment of the potential impact to the historically significant archeologic site, Kaneioulouma, which is itself below sea level.

As a builder/developer I am very concerned that no modification be done to condition 26 because this applicant has already misrepresented compliance which the public had to uncover and reveal to the Planning Department.

Gary Pinkston delivered a letter to the Department of Planning on February 3, 2022 claiming "On behalf of 5425 Pau a Laka, LLC, I'd like to update the Planning Department of our efforts to meet Condition 1.k.(b) and confirm that the project area is cleared of habitats for the Kauai'i amphipod and cave spider worthy of preservation." (sic)

[J-7. February 3, 2022 letter from Gary Pinkston to Kaaina Hull transmitting Tetra Tech draft study and USFWS letter dated October 27, 2021](#)

The report he submitted with his letter, and titled, "Kauano'e o Koloa Project Draft Biological Resources Survey Report" (Draft Report), was indeed an unsigned Draft Report and it did not make the finding he claimed in his letter. Not only was it not a satisfaction of Condition 1.k.(b), rather the Draft Report recommended that the biologic survey still needed to be done. Section 5.2.5 of the Draft Report specifically told the developer that the biologic survey was not yet done and needed to be before ground disturbing activity commenced:

"5.2.5 Listed Cave Invertebrates

Tetra Tech recommends the following based on USFWS' (2019) avoidance and minimization measures for the Kaua'i cave wolf spider and Kaua'i cave amphipod:

* Prior to ground disturbance, contract a qualified biologist to survey the Project Area for depth of soil deposits and the presence of caves. Any areas with soil deposits greater than 12 inches (305 millimeters) are not likely to provide appropriate habitat or have the species present." - Tetra Tech Draft Report page 14. Link to the full text of the Draft Report follows:

J-8. Tetra Tech draft study

There is no question that both the County and the developer were aware of the need to comply with LUC and County conditions. The permit letter issued by the County in 2006 informed the developer of the existence of these conditions and the need to satisfy them as a condition of the permits:

"1. The Applicant is advised that the property is subject to the conditions of LUC Decision and Order A76-418 (D&O) and County of Kauai Ordinances No. PM-31-79, PM-148-87 and PM-334-97 ("the Ordinances"), which shall run with the land. All conditions of the Ordinances are enforceable against any party seeking to use the entitlement."
Planning Director Ian Costa permit letter 9/15/2006

LUC condition 7 was to be met and complied with before "actual work" on the parcel:

7. That Petitioner commission and complete a comprehensive archaeological and biological study with actual inventories of archaeological sites and flora and fauna on the subject property, and that the Petitioner preserve any archaeological sites which archaeologist conducting such archaeological study believes to be significant and worthy of preservation and protect and preserve the present habitats of any blind, eyeless, big-eyed, hunting spiders and blind terrestrial sandhoppers, which the biologist conducting the biological study believes to be worthy of preservation. The Petitioner may commission such archaeological and biological study to any archaeologist and biologist or firm connected therewith who is qualified to conduct such a study to satisfy the foregoing condition. The Petitioner may apply to the County of Kauai for rezoning of the subject property before the completion of the archaeological and biological study, provided that no actual work on any portion of the subject property begins until the archaeological and biological study for that portion to be worked on has been completed. Actual work on any portion of the subject property may be commenced by the Petitioner upon certification by the archaeologist and biologist that the area for which work is to commence does not contain any archaeological sites deemed significant and worthy of preservation, nor contains any habitats of any blind, eyeless, big-eyed, hunting spiders and blind terrestrial sandhoppers deemed worthy of preservation.

This condition was not satisfied. With regard to the archaeological inventory, the archaeology certificate and report produced for the County clearly states that it was limited to a literature search and project review but did not include an actual archaeological inventory:

"At the request of Mr. Paul Cassiday, on behalf of Meridian Pacific LTD, Cultural Surveys Hawaii'i, Inc. (CSH) has prepared this literature review and field inspection report (LRFI) for the Kauanoe o Kōloa Project in Kōloa Ahupua'a, Kōloa District, Kaua'i, TMK: [4] 2-8-014:032 Lot 1."

"This investigation does not fulfill the requirements of an archaeological survey investigation, per HAR §13-276. Environmental Setting."
Archaeological Literature Review and Field Inspection of the Proposed Kauanoe o Kōloa Project, Kōloa Ahupua'a, Kōloa District, Kaua'i TMK: [4] 2-8-014:032 Lot 1. page 1

As a member of the Koloa community, and appreciating the size of the Pinkston project development, there was no meeting with the public, no attempt to comply with a Ka Pa'a Kai analysis to, among other things, have the developer meet with the community likely to be impacted by the development prior, to learn of sensitive areas associated with traditional and customary practices. That did not happen in this case. Rather, the Ka Pa'a Kai analysis was first requested after extensive blasting destroyed many of the attributes and features of TMK (4) 2-8-14:3:



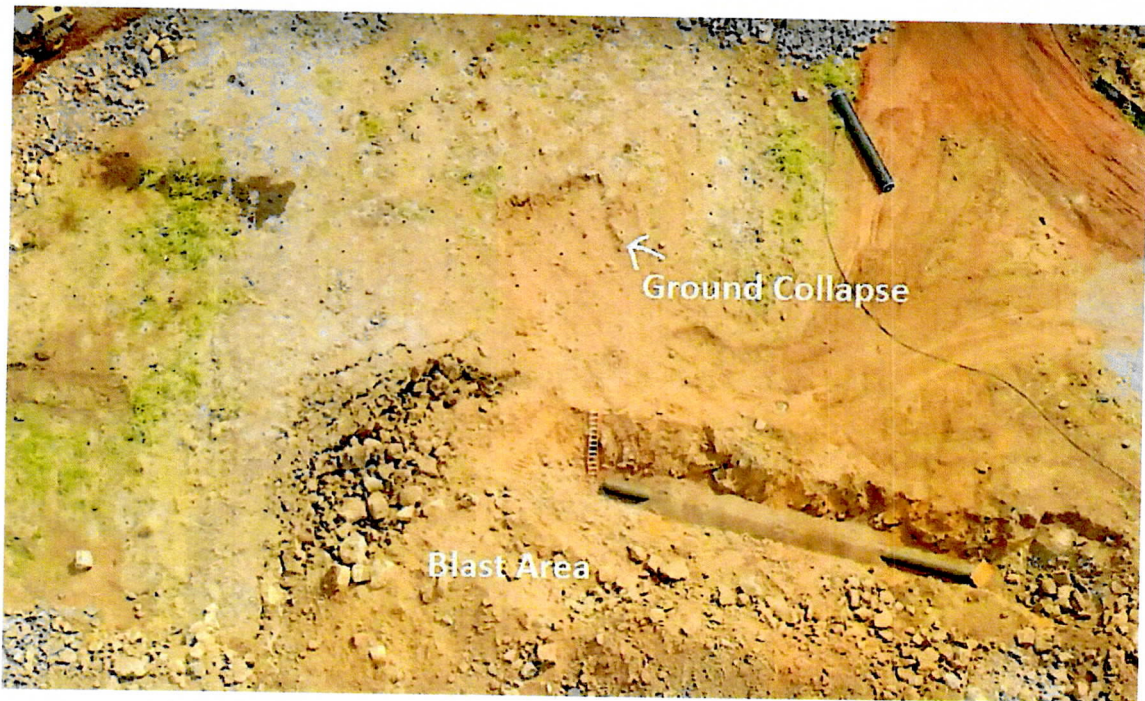
Blasting begins May 2022, 5425 Pau A Laka



More blasting 5425 Pau A Laka



More blasting 5425 Pau A Laka





Blasting continued until January 2023.

In addition, the following are photographs taken of the area as it was before the ground disturbance began.



Drainage onto 5425 Pau A Laka from Wainani subdivision and the Golf Course



Drainage onto 5425 Pua A Laka from Wainani subdivision and the Golf Course



Figure 13. Two remnants section of cattle ranching walls. The longest segment is approximately 5 meters (15 ft.) long. Both are impacted by bulldozing. View is to the north



Figure 14. Remnant section of cattle ranching wall foundation destroyed by bulldozing, view is to the northeast



Figure 15. Bulldozed up boulder pile, view is to the north



Figure 16. Bulldozed up boulder pile, view is to the northwest



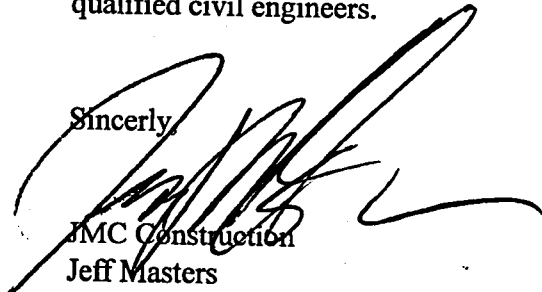
Nene and other endangered or threatened seabirds at 5425 Pau A Laka prior to ground disturbance



Burial Mound at 5425 Pau A Laka prior to ground disturbance (per Ka Pa'a Kai testimony of Glenn Silva)

Please help our community protect this site. It is worthy of preservation and likely was home to the Koloa cave spider and amphipod. There are springs underground and the type of caverns which the endemic cave spider likes to inhabit. It currently borders right on Hapa Trail with no buffer for much of the adjoining trail. Please revoke the permits for this developement for all the reasons stated above. If the Planning Commission allows this project to proceed, please don't turn the drainage requirement over to the sole approval of Public Works which recently lost its 3 qualified civil engineers.

Sincerely,



JMC Construction
Jeff Masters
Koloa, Kauai

11 July 2023

PO Box 30848

Anahola, Hawai'i 96703-0848

County of Kauai Planning Department

Planning Commission

4444 Rice Street – Suite A 473 – Historic County Building Council Chambers – 4396 Rice Street

Lihu'e, Hawai'i 96766

RE *“No” to Pinkston to modify comprehensive drainage requirement*

TMK (4) 2-8- 14:32 – 28 ACRES – Bordering Hapa Trail – The developer ought lost right to develop due to multiple lies to County of Kauai Planning Commission – “Yes” this parcel be returned to a natural state

We support testimony, Contested Case Hearing(s), actions Friends of Maha`ulepu & Kia`i Wai o Wai`ale`ale

Dear Planning Commission Members,

Please deny developer, Gary Pinkston and corporate entity: Meridian Pacific request to modify comprehensive drainage requirement for 280 Condominiums UNAFFORDABLE for any local people. Proposed at 280 Kiahuna Plantation Drive – the track record that Gary Pinkston has perpetuated upon Koloa Town is despicable

- Desecration of Burials
- Violated Endangered Species Act (ESA)
- Evil disregard of a species found nowhere else on Earth but Koloa
- Habitat of the Blind Cave Spider Endangered Blind Amphipod
- Eight (8) months of detonating explosives
- Obliteration of `Aina with acts of destruction

Immediately, County of Kauai Planning Commission ought file criminal misconduct charges against Gary Pinkston / Meridian Pacific –in mis-representation of Kaua`i residents; local people of Koloa and struggling taxpayers to entertain this developer and corporation Meridian Pacific – please fine them & ALL Shareholders !

It's beyond reason that County of Kauai Planning Commission has not upheld the federal ESA to protect the Koloa blind cave spider and blind cave amphipod species endemic ONLY to Koloa – for shame ! ! ! ! !

The Elite, wealthy are given free reign of destruction of Koloa at the expense of working class Kaua`i.


Morales cease to exist for \$\$\$\$ - creatures which have evolved over the millennia – County of Kauai Planning Commission cares not for – Affordable Housing – or the struggling families of Kaua`i – County of Kauai Planning Commission could care less about Keiki & `ohana – their right to a roof over their head.

Not to worry Planning Commission Members have no accountability for their actions / decisions they'll just segue into positions of power and \$\$\$ money – with which ever developer – as their term finishes with the Planning Commission

The developer has violated conditions, failed to meet conditions and irreparably changed the `aina

Mahalo for possible pono action to hold Gary Pinkston / Meridian Pacific accountable for the transgressions perpetuated on that 'parcel' of `aina – formerly known as 'MOANA CORPORATION' - The Keith Companies - Sports Shinko & their Shinko's Kiahuna Master Plan' – Think Aloha `Aina rather than kowtow to developers

Sincerely With ALOHA,


Bonnie P Bator and `Ohana (Keana`aina, Keli`ikoa, Kai`aokamalie, & Kai)

From: Ricky Cassiday <rcassiday@me.com>
Sent: Monday, July 10, 2023 10:07 AM
To: Planning Department
Subject: Testimony for Tuesday Zoning Cmmsn. Hearing Attached
Attachments: EconFiscal Benefits of Kaunaoe o Koloa Testimony.pdf

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Good morning, and please find attached my testimony favoring adopting drainage plan of Meridian Pacific

Can you let me know you've received it please?

Thanks, and stay safe

Ricky Cassiday
Trustee, Lucas Estate
Kapaa, HI 96746

PS: it concludes

This investment will significantly benefit Kauai:

- Local workers will be employed,
- Local salaries will rise,
- Local businesses will profit directly,
- The county can increase its investment in infrastructure and operations, and,
- The county can increase its community' social services and affordable housing stock.

If approved, the local community of Koloa, the people of Kauai and the state will gain the following:

- Increased construction jobs created of 1,325 jobs.
- Increased total jobs created of 3,181 jobs.
- Increased construction wages of \$104.7 million
- Increased contractor profits of \$23 million.
- Increased supplier profits of \$11.5 million.
- Increased property taxes to the county of \$4 million.
- Increased TAT tax revenue to the state and county of \$3.6 million
- Increased direct contribution to the county of \$9 million.
- Increased attributable earnings of \$128 million.
- Increased State economic growth of \$486 million
- An Affordable Housing Contribution of \$2,560,000.
- An off-site infrastructure contribution of over \$2,000,000.

Finally, the project could contribute an amount equal to 1.56% of County of Kauai's 2024 operating budget of \$311.4 million, or \$4.86 Million (from on-going property and TAT tax contributions).

SUMMARY OVERVIEW:

This investment will significantly benefit Kauai:

- Local workers will be employed,
- Local salaries will rise,
- Local businesses will profit directly,
- The county can increase its investment in infrastructure and operations, and,
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Finally, the project could contribute an amount equal to 1.56% of County of Kauai's 2024 operating budget of \$311.4 million, or \$4.86 Million (from on-going property and TAT tax contributions).

ECONOMIC & FISCAL BENEFITS OF THIS PROJECT

OVERVIEW: The development of will result in significant expenditures that will favorably impact the Kauai economy on both a direct and indirect basis, increasing the level of capital investment and capital flow in the region, which will in turn create employment and widen the tax base.

During the planning and emplacement of the infrastructure, and building of the improvements, the proposed 282 homes will create numerous jobs on- and off-site (construction, equipment operator and specialty trade jobs) and indirectly,

After completion of the common infrastructure and vertical construction, there will be some (though limited) permanent employment positions created by the community association personnel and the buildings themselves (landscape, service, maintenance, and renovation needs during their use).

Numerous local businesses will see significant profit opportunities arising for contracting companies constructing the improvements, and for local businesses which would supply a substantial portion of the materials needed in the building efforts.

The general island economy also will benefit from the subject development, as its full and part-time residents will spend large amounts of discretionary income in off-site shops, restaurants, and service establishments throughout Lihue/East Kauai, and in purchasing goods and services.

Indirectly, as these wages, profits, and expenditures move through the regional economy, they will have a ripple, or "multiplier," effect which increases the amount of capital flowing to the entire community resulting from the development of the subject.

Construction, operational and other workers earning wages via this development and associated off-site economic activity will spend most of their income on living and entertainment expenses while supporting and patronizing other island businesses. Much of this spending would then be re-directed by these businesses to other island industries, and significant portions of these secondary profits would in turn be put back through the region's economic and tax structure.

These substantial direct and indirect economic impacts associated with the proposed subject project, as quantified following, are all the result of the capital investment and entrepreneurship necessary to convert undeveloped, feral agricultural lands into a moderate-intensity, diverse, sustainable residential community. The Kauai County economy will be meaningfully stimulated.

It is anticipated that:

- Final approvals and planning will be completed by 2023;
- Ground-breaking, survey and site clearing began in 2022;
- Infrastructure emplacement also began in 2022;
- Vertical construction will begin in 2023;
- First closings will begin in 2025;
- Full-Absorption/Sell-Out of the finished lot product being developed will be achieved by 2029, equating to a total project period of five years.

The economic and fiscal impacts for the H2 Residential Project are estimated based on "The Hawaii State Input-Output Study: 2012 Benchmark Report" prepared by the State of Hawaii Department of Business, Economic Development & Tourism (DBEDT). The 2012 Benchmark Report is the most recent study available.

The economic and fiscal impacts find that the Project will have positive economic and fiscal impacts on State and County tax revenues, job counts, employment earnings, and overall output both during and after construction.

The development has complied with workforce housing requirements and other contributions towards school, traffic, and park improvements, to wit:

- Affordable Housing Contribution (at closing with Yellow Hat) was \$2,000,000.
- Additional Affordable Housing Contribution at unit closings will be \$560,000.
- Traffic Contribution will be \$2,000,000.
- Off-site infrastructure contribution will be \$2,000,000.

Further, the incremental expenditures associated with the increased population and utilization of roadways, schools, parks, and State and County services are more than offset by the increase in State and County tax revenues.

All estimates are reported in 2023 dollars and do not reflect inflation. In addition, the economic and fiscal impacts were estimated based on construction cost, sales price, and absorption assumptions provided by the Client without verification.

ESTIMATED ECONOMIC IMPACTS

Direct Construction Expenditures

The direct impact of the development is measured by the total construction expenditures.

Infrastructure costs were provided by the development team. They estimated site work, landscaping and offsite improvement costs to develop the 280 condominium, plus vertical construction, for completing the homes, to be about \$230 million. The table below summarizes this.

PROJECTED COST OF CONSTRUCTION

Expenditures	Totals
Infrastructure	\$65,000,000
Vertical Construction	\$165,000,000
Totals	\$230,000,000

Direct investment made here will spread out through the economy and have a beneficial effect on local business. Some portion of the construction costs spent directly on local firms results in profits for their provision of goods and services. While profit margins vary widely, the table below estimates a conservative factor of 10% for contractors and 5% for suppliers.

EXPENDITURES & LOCAL PROFITS

Expenditures	Totals
Totals	\$230,000,000
Contractor profits	\$23,000,000
Supplier profits	\$11,500,000

Indirect and Induced Expenditures

The direct construction expenditures of \$230M will, in turn, create additional expenditures in other industries as suppliers of construction materials and equipment. Based on multipliers reported by DBEDT, construction spending generates direct sales in other industries. In addition, it also generates indirect expenditures such as profits and wages.

The following table measures the project's impacts on the economy of the state and the county. It does so by using the State Input-Output Economic Model Type II multipliers. These factors quantify the total Direct, Indirect and Induced "effects" of various forms of business and spending activity as it flows through the economy of the islands.

Note that there are two components to these expenditures:

- The one-time expenditures used to reach build out; and
- The on-going expenditures afterwards.

For example, once built, the project and homes will require ongoing maintenance.

As seen in the table below, the indirect and induced expenditures are projected to total about \$230 million, from start to finish. After the project is completed, there will be an additional \$242,217 spent annually on the project.

INDIRECT & INDUCED EXPENDITURES

Costs/Outputs	To Build-Out	Post-Completion
Total Construction Costs	\$230,000,000	\$242,217
I/O Multiplier	2.12	2.12
Total State Output	\$487,600,000	\$513,501

That then will generate \$513,501 of increased output to the economies on an annual basis. It also will apply a one-time boost of \$487,600,000, which is the equivalent of 0.5% of the total state gross domestic product.

Job Creation

The development will generate short-term (one-time) construction jobs and long-term employment. According to DBEDT, the jobs include onsite laborers, operatives and craftsmen, as well as professional, managerial, sales and clerical workers who may be employed elsewhere in the State.

The construction, maintenance, and indirect/off-site employment opportunities created by the subject development will not be "new" jobs requiring new Kauai residents, but will be vitally needed new opportunities for in-place resident construction trade workers and existing local businesses. The jobs associated with the community associations and maintenance operations will represent an expansion of the employment pool.

We used the model's factor to determine how many jobs would be directly created, based on the budgeted construction costs to develop the 282 units. It determined that about 3,181 jobs will be created directly by this project, with 1,325 in the construction industry. In addition, when completed, the project will require an operations and maintenance staff. A total of 3 new direct jobs will be created.

JOB & WAGE CREATION

Costs/Outputs	To Build-Out	Post-Completion
Total Construction Costs	\$230,000,000	\$242,217
Total Direct Jobs Created	3,181	3
Construction Jobs Created	1,325	1
Construction Wages	\$104,721,700	\$582,183

Labor earnings from these jobs will ripple through the economy and increase employment in other sectors.

There are other significant impacts attributable to this spending.

The following tables use the I/O multiplier to translate this new spending, or investment, into direct attributable earnings.

EARNINGS GENERATION

Costs/Outputs	To Build-Out	Post-Completion
Construction Wages	\$104,721,700	\$582,183
Attributable Earnings Multiplier	2.02	2.02
Attributable Earnings	\$211,537,834	\$1,176,009

Secondary Impacts

The project will have an impact on the socio-economic aspects of the surrounding community. Some relate to real estate issues, others to social stability and household well-being.

ESTIMATED FISCAL IMPACTS

STATE ESTIMATED FISCAL IMPACTS:

The development will result in increased general excise and income tax revenues to the State of Hawaii. Based on the anticipated land and building construction expenditures, State tax revenues are projected to increase by about \$27.6 million as a result of the new construction and induced effects.

INVESTMENT EFFECTS ON TAXES

Costs/Outputs	To Build-Out	Post-Completion
Total Construction Costs	\$230,000,000	\$317,343
State Tax Multipliers	0.12	0.12
	\$27,600,000	\$38,081

Conveyance taxes also will be assessed and collected by the state. Given the tax rate of \$.10 per \$100, we expect a contribution of about \$280,000.

TAT taxes will also be assessed, once there are unit completions. Assuming \$400/night, 80% of units go into the rental pool, and occupancy is 80% on a stabilized basis, the project will generate \$2.1MM annually.

Altogether, the development is projected to generate \$4.6 million in annual tax revenues and \$420,000 one-time fees for the State.

ESTIMATED STATE FISCAL IMPACTS

	Construction Period	Post Construction, PA
Conveyance Fee	\$420,000	-
GET tax		\$1,140,508
TAT tax		\$2,805,425
Net economic benefit	\$420,000	\$3,945,933

COUNTY ESTIMATED FISCAL IMPACTS:

The following analysis of the public fiscal impacts to the county will assume the vast majority of buyers will be offshore buyers. These new houses mean increased real property assessments and taxes for the County.

It was assumed:

- The average property tax assessment per finished unit would be \$1.5MM;
- 85 percent of all the homes would be deemed non-owner occupant and subject to the higher property and hotel transient accommodation tax and 15 percent of all the homes would be owned owner-occupants, plus non-residents, subject to standard residential real property tax rates of \$6.05 per \$1,000 in assessments and be eligible for homeowner exemption of \$160,000.

Given that, the property tax going to the county is \$4MM per year. This represents 1.3% of the \$311.4MM operating budget for the county:

NEW PROPERTY TAXES

	Units	Assessment @ \$1.5MM	Per \$1,000	Rate	Tax
85% non-OO	238	\$357,000,000	\$357,000	\$10.25	\$3,659,250.00
15% OO	42	\$63,000,000	\$63,000	\$6.05	\$381,150.00
Total					\$4,040,400.00

In terms of transient accommodation taxes (TAT), the project could generate also annually the following taxes. The assumption today is that annual gross revenues averaged across all 238 units is \$115,000.

NEW TAT TAXES

	Units	Gross Revenues	Rate	Tax
State Take	238	\$115,000	10.25%	\$2,805,425
County Take	238	\$115,000	3.00%	\$821,100
				\$3,626,525

Upon completion, the project ultimately will produce about \$4.8 million a year in direct taxes to the county (or 1.56% of County of Kauai 2024 operating budget of \$311.4 million and a Capital Improvement Budget of \$87 million.)

The development has complied with workforce housing requirements and other contributions towards school, traffic, and park improvements, to wit:

- Affordable Housing Contribution (at closing with Yellow Hat) was \$4,000,000.
- Additional Affordable Housing Contribution at unit closings will be \$560,000.
- Traffic Contribution will be \$2,000,000.
- Off-site infrastructure contribution will be \$2,000,000.

OTHER CONTRIBUTIONS TO COUNTY

	Amount
Affordable Housing	\$5,560,000
Traffic Improvements	\$2,000,000
Off-site Improvements	\$2,000,000
	\$9,560,000

CONCLUSIONS

In sum, the project's total investment of \$230 million would yield on a one-time basis:

- Increased contractor profits of \$23 million.
- Increased supplier profits of \$11.5 million.
- Increased construction jobs created of 1,325 jobs.
- Increased total jobs created of 3,181 jobs.
- Increased construction wages of \$104.7 million
- Increased attributable earnings of \$128 million.
- Increased State economic growth of \$486 million
- Increased TAT tax revenue to the state and county of \$3.6 million
- Increased property taxes to the county of \$4 million.
- Increased direct contribution to the county of \$9 million.

From: Laurel Loo <LL@m4law.com>
Sent: Monday, July 10, 2023 12:16 PM
To: Planning Department
Subject: FW: Letter in support of Meridian Pacific for July 11 planning commission
Attachments: KAUAI PLANNING COMMISSION.pdf

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

From: "St. Raphael Church" <straphael@rcchawaii.org>
Date: July 10, 2023 at 11:50:57 AM HST
To: s.iona@icloud.com
Subject: Letter

Aloha Stephanie,

Please see attached letter from Father Rizal.

Blessings,

Rose Dela Cruz
Parish Secretary




July 10, 2023

Kauai Planning Commission
4444 Rice Street, Suite A473
Lihue, HI 96766

To Whom It May Concern:

In behalf of our parishioners and the Parish Council, I give my support to this developer in whatever they are constructing to offer housing to this Island and for a progressive community.

With my blessings,


Rev. Father Rizal Acosta, MS
Pastor
St. Raphael Catholic Church
Koloa, Kauai, Hawaii

From: Laurel Loo <LL@m4law.com>
Sent: Monday, July 10, 2023 3:31 PM
To: Planning Department
Subject: FW: Meridian Pacific Objections to July 11 Interventions
Attachments: MP July 10 Objections.pdf

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

To be submitted as testimony. Thank you.
Laurel Loo



McCORRISTON MILLER MUKAI MACKINNON LLP
ATTORNEYS AT LAW

Laurel Loo, Partner
ll@m4law.com

July 10, 2023

Francis DeGracia, Chair
Kauai County Planning Commission
Via e-mail to: LBarzilai@kauai.gov
KHull@kauai.gov

Re: Class IV Zoning Permit Z-IV-2006-27
Meridian Pacific dba MP Elko II LLC
Tax Map Key 2-8-014:032

Dear Chair DeGracia and Planning Commissioners:

My firm represents Meridian Pacific, the parent company of MP Elko II, LLC, which owns and is developing the above-referenced parcel. In advance of the July 11, 2023 agenda, we offer the following objections and comments.

Our request for an amendment is solely to clarify the drainage plans required by the County will cover property owned by Meridian Pacific, not the property of others, over which we have no control. In short, Meridian Pacific seeks only to clarify the language so that it becomes legal and enforceable, and that it be treated like any other developer in the area which has been required to perform drainage plans. Separately, because Kaneioulouma Heiau is an important cultural site, we are voluntarily agreeing with this amendment request to pay for drainage studies affecting the heiau.

1. In reference to "Petitioners Friends of Mahaulepu and Save Koloa's Petition to Intervene and Alternatively for Denial of Applications," their concerns about drainage are noted and Meridian Pacific's drainage studies on its own lands will address drainage impacts, just as all other developers in the area have submitted their own drainage studies on their own lands. As to the concerns about the project in general, those concerns are not the subject of this amendment request and in any case are being addressed in a separate lawsuit filed by the same petitioners in Fifth Circuit Court.

2. In reference to Petitioners Friends of Mahaulepu and Save Koloa's Petition for Revocation of Permits, that decision is in the purview of the Planning Director but is also within the purview of the Fifth Circuit Court, which last week opined that Save Koloa and Friends of Mahaulepu's "likelihood of prevailing on the merits is futile."¹

¹ Findings of Fact, Conclusions of Law, and Order Denying Plaintiff's Motion for Preliminary Injunction Filed May 11, 2022 With Prejudice filed on July 7, 2023, 5CCV-22-000036.

Honolulu Office: P. O. Box 2800 • Honolulu, Hawaii 96803-2800
Five Waterfront Plaza, 4th Floor • 500 Ala Moana Boulevard • Honolulu, Hawaii 96813
Telephone: (808) 529-7300 • Fax: (808) 524-8293

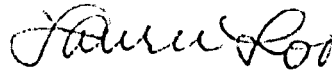
Kaua'i Office: 4357 Rice Street, Suite 102 • Lihue, Hawaii 96766
Telephone: (808) 632-2267 • Fax: (808) 524-8293

Francis DeGracia, Chair
July 10, 2023
Page 2

3. In reference to Pacific Resource Partnership's Petition to Intervene, Petitioner as a legal entity not based on Kauai lacks standing, and its issues raised are irrelevant in that Kaneioulouma Heiau is not on land owned by Meridian Pacific, and others matters it raises are not the subject of Meridian Pacific's amendment request.

Very truly yours,

MCCORRISTON MILLER MUKAI MACKINNON LLP

A handwritten signature in black ink, appearing to read "Laurel Loo". The signature is fluid and cursive, with the first name "Laurel" written in a larger, more prominent script than the last name "Loo".

Laurel Loo

From: BC <pc96816@gmail.com>
Sent: Monday, July 10, 2023 12:56 PM
To: Planning Department
Subject: Testimony Tuesday for Meridan Pacific
Attachments: Blake - Copy to KCA(Jeri).pdf

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha,

Much has been posted on social media on this project that is ill-informed or has no basis in fact. I base this on a letter to me from Ted Blake, a kapuna of the area and distant relative. He shared his letter to one of the posers. It laid out the facts as follows:

January 18, 2021

Ms. Liz XXXX Email: XXXX

Aloha kakahiaka nui ,

Referencing your remark about walking the property with Gary Pinkston at Kiahuna Plantation, I have not walked the property in question at Kiahuna with Mr. Pinkston or Mr. Cassiday at any time.

Two ali'i 'aimoku of Kaua'i during this era were Luanu'u, 6th Ali'i 'Aimoku and Kukona, 7th Ali'i 'Aimoku. Both have been credited for turning Kaua'i into a productive garden. Kukona was said to be born in Kōloa and he is the ali'i who I have read is responsible for implementing the Kōloa Field System, a productive thriving agricultural enterprise on 1,000 acres that survived for five hundred years, beginning around the late 1300s or early 1400s AD.

My mother, Grace Blake, and her friends in Kōloa were very active and vocal about preserving Hapa Road that bisects the EA Knudsen Trust (EAK) land in the area now known as Kiahuna.

The Kōloa Community Association was adamant that Hapa remain public land amongst all the surrounding land rezoned for development in mid 1960s. Land on both sides of Hapa is owned by the EAK, save for housing units and homes. Prior to development, all land had been through the Land Use Commission and County hearings for up zoning.

We realized the plan EAK was working on involved most of its makai holdings in Kōloa, which were rezoned for resort development. Through all this development we wanted Hapa to remain in the county's hands.

The Kōloa Community Association threw in its support to save Hapa Road. We began to research and learn more about this amazing site which included the Kōloa Field System. We petitioned the County Council for a name change to Hapa Trail from Hapa Road to discourage developers from gaining access crossing over Hapa to their developments. We believed changing the name to Hapa Trail from Hapa Road would deter attempts for vehicular access across Hapa to reach EAK's land to the east.

Development at Kiahuna was moving rapidly at the end the last century. Hapa Trail and the wahi pana left on this land, is a priority for me to mālama for out of respect to my Mother and her hui of friends and neighbors, who all felt the same about Hapa.

Mālama Kōloa was organized and has worked to save Hapa and as much of the Kōloa Field System as possible. I am totally engrossed in this ongoing project.

In May, 2009, I filed suit in the Fifth Circuit Court against the County of Kaua'i Planning Commission, the State of Hawai'i's Historic Preservation Division and the Eric A. Knudsen Trust to protect Hapa and insure all historical preservation laws that applied to historical sites were enforced.

The trial turned into a long legal battle that went through the Circuit Court, the Intermediate Court of Appeals and the State Supreme Court. At each hearing and meetings between opposing law firms, I felt like David versus Goliath, having to face four different law firms sitting across the table from one lawyer representing me at each meeting. But, we persevered and prevailed.

In the April of 2016, trial, Judge Watanabe ruled in my favor after an eight year battle. There were also a number of rulings that passed and helped our cause. The defendants did not challenge Judge Watanabe's decision. Here are three conditions that stand out and the judge included in the final judgement:

- A buffer zone of fifty feet from the boundaries of each wahi pana that was deemed a state historical site stating nothing can be erected or built here save for plants.
- Hapa Trail boundaries need to be resurveyed, cleared, its walls reconstructed and maintained in perpetuity by the the EAK Trust.
- All SHPD and HAR statutes have to be honored and complied with before any development proceeds on this 140 plus acre parcel of land.

I have never professed to know all there is about the Kōloa Field System nor have I ever stated that I speak for the Hawaiian and/or the Kōloa Communities. I do speak for Mālama Kōloa, which has protected Hapa Trail with laws we fought for that protect our wahi pana and archaeological sites in the Kōloa Field System and Hawai'i nei. We will continue to do so.

Last month I drove Gary Pinkston and Ricky Cassiday touring the Kiahuna land, the various developments, what Mālama Kōloa's goals are for the entirety and specifically; the remaining wahi pana left of the Kōloa Field System. I appreciated Mr. Pinkston respect and personal view of our 'āina and wahi pana. I do appreciate a developer with his positive attitude and aloha for our culture as well as his development plan.

It is extremely difficult and costly to change the zoning of this development from its present zoning (called a taking) without exposing the County of Kauai to major lawsuits it would encounter from disgruntled property owners. The land with development rights was approved by the County of Kaua'i and the State of Hawai'i in the late 1970s. To attempt to change or down zone and negate the sale and development rights is highly unlikely and will cost the County millions of dollars.

I have been a sitting member of the Kaua'i-Ni'ihau Islands Burial Council for the past five years. I am aware of two burial sites on the EAK parcel east of Hapa, discovered by archaeologist. We have secured State archaeological numbers for each which qualifies both burials as a State historic property. Both are accorded respect with laws that protect our 'iwi kupuna.

The parcel that Mr. Pinkston is developing has been surveyed numerous times by various archaeological firms. I have had an opportunity to join some of the archaeologist that did the surveys. No burials nor visible discoveries were found on this site. That is not to say there are no burial sites there, but none were discovered during each of the arch surveys by different companies nor were any lava tubes exposed with burials and moepū (artifacts with the 'iwi).

In Mr Pinkston two other developments in Hawai'i, he has supported the community in which he has developed from the get go. You will soon be hearing about his continuous annual community support for Kōloa.

Feel free to contact me if you have any questions. Aloha

pumehana, a hui mau.

TK Blake

Ted K Blake Mālama Kōloa
Executive Director

Cell: (808) 639-3248

He added a personal note to me about this:

Cuz: this was sent out a couple of weeks ago to a Kōloa woman who took her case to facebook before doing a fact check. I didn't want to answer her on Facebook and embarrass her nor get into a silly tit for tat on FB so I got hold of her email address and emailed her the facts as I know them



Mālama Kōloa

MOVING TOWARDS BALANCE

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Mālama Kōloa

MOVING TOWARDS BALANCE

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Feel free to contact me if you have any questions.

Aloha pumehana, a hui mau.

TK Blake

Ted K Blake
Mālama Kōloa
Executive Director

Cell: (808) 639-3248

From: Tammy Puu <tammyrellaz@gmail.com>
Sent: Monday, July 10, 2023 3:08 PM
To: Planning Department
Cc: Stephanie Iona
Subject: Thankful for Meridian and their community support
Attachments: junior state finals group photo.jpg; KVB and Meridian banners.jpg

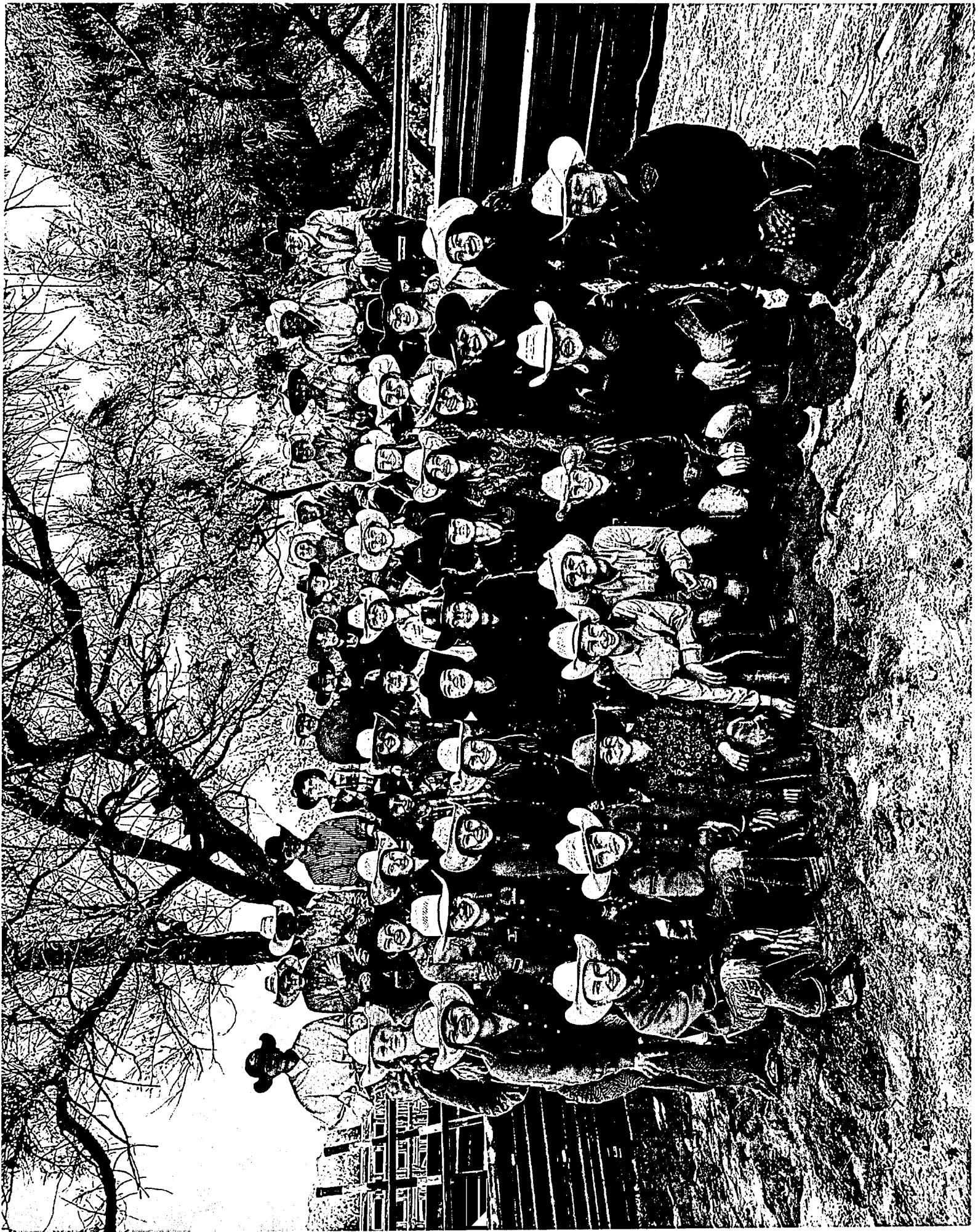
CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha planning department,

This memo is being sent to you ahead of tomorrow's meeting in support of Meridian Pacific.

I am the current president of the Hawaii High School Rodeo Associations Kauai District and have been for the last 2 seasons. Gary and his Meridian group has supported our keiki paniolo as they support so many other non-profits and community groups. This past May I was tasked to host the junior high state finals for 50 kids from around the state. Hosting the finals saved each of our Kauai families approximately \$8,000- \$10,000 in travel costs which was awesome. Unfortunately I was made aware just one month prior that the cost of hosting the rodeo would fall 100% on our district. If it were not for the kind sponsorship from Meridian and 2 other amazing companies I would not have been able to afford the junior finals and be able to send 11 of my high schoolers to Oahu for their state finals. I am so thankful for all they do in our community, they are good neighbors. For this I am in support of Meridian Pacific.

Mahalo,
Tammy Puu
HHSRA Kauai President 2021-23



KAUAI



KAUAI

KAUAI

VISITORS SURFAU



MERIDIAN
PACIFIC, LTD.

COMMUNITY ADVOCACY

From: Jasmine Apo <da_apo_ohana@yahoo.com>
Sent: Monday, July 10, 2023 9:08 PM
To: Planning Department
Subject: Support Letter for Meridian Pacific
Attachments: Meridian.pdf

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha,

Please find my letter of support for Meridian Pacific.

Mahalo
Clynt Apo

Aloha,

On behalf of the Kikiaola Westside Boater's Club board, and myself as a local Westside resident, would like to provide testimony in support of Meridian Pacific Ltd.

Meridian Pacific Ltd. has supported Kekaha and Westside ohanaa during the past few years, especially when Covid hit. We are grateful for their grants to help us bring much needed food and supplies to the westside of Kauai and to the island of Kauai. Without their financial assistance, we would not have been able to provide Kekaha and Westside residents with much needed food when many were not working due to many businesses being closed or families and seniors on a limited income.

They have also provided support to continue the traditions of the Annual Waimea Lights Parade held on the westside, as many families enjoy those community events.

They have been there for our island, and we thank them and will continue to work alongside them to help our neighbors.

Sincerely,

Clynt Apo
Kikiaola Westside Boaters' Club, VP
PO Box 765
Kekaha, HI 96752

From: Koa Young <koayoung@gmail.com>
Sent: Monday, July 10, 2023 11:13 PM
To: Planning Department

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha planning commission,
I opposed application S-2021-7,

Ask them to hold on a decision til our lawsuit decision is in at least or to deny any request made by this developer! This project should not move forward! Why is the Planning Commission approving hundreds of condos and vacations rentals to be built? Housing crisis is at its worse!

11 July 2023

PO Box 30848

Anahola, Hawai'i 96703-0848

County of Kauai Planning Department

Planning Commission

4444 Rice Street – Suite A 473 – Historic County Building Council Chambers – 4396 Rice Street

Lihu'e, Hawai'i 96766

RE *“No” to Pinkston to modify comprehensive drainage requirement*

TMK (4) 2-8- 14:32 – 28 ACRES – Bordering Hapa Trail – The developer ought lost right to develop due to multiple lies to County of Kauai Planning Commission – “Yes” this parcel be returned to a natural state

We support testimony, Contested Case Hearing(s), actions Friends of Maha'u lepu & Kia'i Wai o Wai'ale'ale

Dear Planning Commission Members,

Please deny developer, Gary Pinkston and corporate entity: Meridian Pacific request to modify comprehensive drainage requirement for 280 Condominiums UNAFFORDABLE for any local people. Proposed at 280 Kiahuna Plantation Drive – the track record that Gary Pinkston has perpetuated upon Koloa Town is despicable

- Desecration of Burials
- Violated Endangered Species Act (ESA)
- Evil disregard of a species found nowhere else on Earth but Koloa
- Habitat of the Blind Cave Spider Endangered Blind Amphipod
- Eight (8) months of detonating explosives
- Obliteration of 'Aina with acts of destruction

Immediately, County of Kauai Planning Commission ought file criminal misconduct charges against Gary Pinkston / Meridian Pacific –in mis-representation of Kaua'i residents; local people of Koloa and struggling taxpayers to entertain this developer and corporation Meridian Pacific – please fine them & ALL Shareholders !

It's beyond reason that County of Kauai Planning Commission has not upheld the federal ESA to protect the Koloa blind cave spider and blind cave amphipod species endemic ONLY to Koloa – for shame ! ! ! !

The Elite, wealthy are given free reign of destruction of Koloa at the expense of working class Kaua'i.

Morales cease to exist for \$\$\$\$\$ - creatures which have evolved over the millennia – County of Kauai Planning Commission cares not for – Affordable Housing – or the struggling families of Kaua'i – County of Kauai Planning Commission could care less about Keiki & 'ohana – their right to a roof over their head.

Not to worry Planning Commission Members have no accountability for their actions / decisions they'll just segue into positions of power and \$\$\$ money – with which ever developer – as their term finishes with the Planning Commission

The developer has violated conditions, failed to meet conditions and irreparably changed the 'aina

Mahalo for possible pono action to hold Gary Pinkston / Meridian Pacific accountable for the transgressions perpetuated on that 'parcel' of 'aina – formerly known as 'MOANA CORPORATION' - The Keith Companies - Sports Shinko & their Shinko's Kiahuna Master Plan' – Think Aloha 'Aina rather than kowtow to developers

Sincerely With ALOHA,



Bonnie P Bator and 'Ohana (Keana'aina, Keli'ikoa, Kai'aokamalie, & Kai)