

LINDA CROCKETT LINGLE
Mayor

BRIAN W. MISKAE
Director

ROBERT K. KEKUNA, JR.
Deputy Director



My: Jeph
~~JONIE MIN~~
Long Range Division

COLLEEN M. SUYAMA
Current Planning Division

COUNTY OF MAUI
PLANNING DEPARTMENT
250 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

January 31, 1992

RECEIVED

'92 FEB -7 P1 22

Dr. Brian Choy, Director
Office of Environmental Quality Control (O.E.Q.C.)
220 South King Street
Fourth Floor
Honolulu, Hawaii 96813

Dear Dr. Choy:

RE: 3521 Corporation Request for an Environmental Impact Statement Assessment and Determination of a Community Plan Amendment from Agricultural to Single-family, Multi-family, and Park uses at TMK: 4-3-01: por. 31, Kahana, Lahaina, Maui, Hawaii (91/EA-006)

At its January 28, 1992, meeting the Maui Planning Commission reviewed the above request and determined that the project will not have any significant impact on the environment and that an environmental impact statement is not required. Further, the enclosed Departmental and Addendum Reports were adopted as a Negative Declaration. It should be noted that the Planning Director's recommendation was changed after testimony was received from the applicant's agent, Mr. Paul Mancini, and the applicant's engineer, Mr. Robert Tanaka.

If additional clarification is required, please contact Keoni Fairbanks or Julie Higa of my office.

Very truly yours,

Handwritten signature of Brian Miskae.

BRIAN MISKAE
Planning Director

Enclosures: Departmental/Addendum Reports and OEQC Form
cc: Colleen Suyama
J. Higa
K. Fairbanks
File

A:ocqc3521jh



1992-02-23-MA-FA-Kahana Community Plan Amendment
FEB 23 1992

BEFORE THE MAUI PLANNING COMMISSION
COUNTY OF MAUI
STATE OF HAWAI'I

In The Matter Of The Application Of)

PAUL MANCINI, on behalf of)
3521 CORPORATION)

91/EA-006
91/CPA-006, 91/CIZ-012
PAUL MANCINI
3521 CORPORATION
(RKF)

To Obtain An Environmental Impact)
Statement (E.I.S.) Assessment and)
Determination of a Community Plan)
Amendment from Agricultural to)
Single Family, Multi-Family and)
Park uses at TMK: 4-3-01:por. 31)
Kahana, Lahaina, Maui, Hawai'i)

DEPARTMENTAL ADDENDUM REPORT
January 28, 1991 Meeting

DEPARTMENT OF PLANNING
COUNTY OF MAUI
250 S. HIGH STREET
WAILUKU, MAUI, HI. 96793

Environmental Assessment/Determination

BEFORE THE MAUI PLANNING COMMISSION
COUNTY OF MAUI
STATE OF HAWAI'I

In The Matter Of The Application Of)
PAUL MANCINI, on behalf of)
3521 CORPORATION)
To Obtain An Environmental Impact)
Statement (E.I.S.) Assessment and)
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Kahana, Lahaina, Maui, Hawai'i)

91/EA-006
91/CPA-006, 91/CIZ-012
PAUL MANCINI
3521 CORPORATION
(RKF)

AFFECTED ENVIRONMENT AND ANALYSIS OF IMPACTS

LAND USE & COUNTY LAND USE PLANS

The property and the general vicinity (mauka of Honoapi'ilani) is located within the State Agricultural District, and is designated Agriculture in the Lahaina Community Plan. The Applicant currently has a request before the State Land Use Commission for a State Land Use Boundary Amendment from Agricultural to Urban.

Honoapi'ilani Highway is a major, physical boundary separating the lands makai and mauka of the Highway. Most of the lands makai of the Highway is designated urban. Mauka of Honoapi'ilani Highway, with the exception of Kapalua Airstrip which is about 1,000 feet away from the proposed development, there are no other urban developments except in Kaanapali at Ka'anapali Hillside subdivision to the south, and Rainbow Ranch industrial park to the north which are both approximately five miles away on either sides.

The proposed amendment would establish an Urban designation in an area that is inconsistent with the current Lahaina Community Plan (LCP) population policy and with the land use map. In addition, given the close proximity of the airport to the proposed development, urban residential

land use is not compatible with airport use, Other than nonurban uses, other urban uses that are compatible are industrial or commercial uses.

In May of this year the Citizen Advisory Committee (CAC) for the LCP will be impanelled and begin deliberations on revisions to the LCP, including area designations for future land use. The work of the CAC will allow proposals, such as this, and their cumulative impacts to be considered within a regional context.

AGRICULTURE

The State Department of Agriculture (Exhibit 14) notes that the property is prime agricultural land with very good production potential and is located 1,000 feet makai of an irrigation ditch. Therefore the property would support most agricultural uses.

The applicant commissioned a study that found the project to have no impact on diversified agriculture, sugar cane or pineapple operations. The study argues that market demand and production costs are the limiting factor for agriculture in Lahaina and across the State; and that there currently exists a surplus of agricultural lands.

The Department of Agriculture (DOA) notes that the adverse impacts of urbanization upon an agricultural area extend beyond the use of the property to be urbanized. The proposed project would be a significant intrusion of the Urban District into the area mauka of the HonoaPi'ilani Highway. DOA notes that the property once urbanized, will set precedent whereby adjacent landowners may seek to urbanize their lands, which in turn, threatens the integrity of the agricultural land resource of the region. On this premise, DOA opposes the application unless the petitioner can clearly demonstrate that approval of the project represents an overriding public benefit.

CULTURAL RESOURCES

not enclosed
The State Historic Preservation Division (SHPD) has written that the archaeological report submitted is not acceptable. (Exhibit 11) Therefore they are unable to evaluate the significance of two sites on the property and, in turn, unable to evaluate mitigation measures. SHPD recommends that a decision on the application be deferred until further testing is conducted, significance assessments and mitigation measures finalized. Alternately, a "no adverse effect" determination would result from the applicant agreeing to a condition to preserve the sites with an acceptable buffer zone, further testing, protective

measures and a revised report. If further testing and the revised report confirms that the platform is not a shrine or a burial and that it could undergo data recovery, than the condition could be later amended. The applicant has indicated that they are willing to protect the sites as requested until further testing is conducted.

INFRASTRUCTURE, PUBLIC FACILITIES AND SERVICES

Water -- The existing waterline network in the area consists of an 8" line on the mauka side of Lower HonoaPi'ilani Road, and a 16" line on the makai side. The Omori agricultural subdivision, adjoining the subject property, is serviced by an 8" line that crosses HonoaPi'ilani Highway and ties into the 8" line on Lower HonoaPi'ilani Road.

Similarly, the applicant proposes to tie into the 8" line on Lower HonoaPi'ilani Road with a 12" line that would run mauka along Ho'ohui Road, crossing HonoaPi'ilani Highway to the subject project (Exhibit 15). The proposed subdivision will be serviced internally through a distribution network of 8" and 6" lines which will provide for both fire and domestic requirements. The following water system calculations are provided:

1. Maximum daily flow = 255,500 gallons / day
2. Fire flow requirements = 2,000 gallons / minute
= 240,000 gallons / 2 hours
3. Storage capacity requirements
= 500,000 gallons

The Department of Water Supply notes that compliance with the above requirements should be a condition of approval, and that water may not be available for dust control during construction. The Applicant nor the Department of Water Supply ^{did not} address the impact of the proposed development on the water supply and resources in the area.

Sewers -- The proposed sewer system would consist of 8" pipes within roadways and easements, which would flow to the western corner of the subdivision where a lift station would be installed. The sewage would be pumped directly to Lahaina Wastewater Treatment Plant (STP) in a new pipe and easement along HonoaPi'ilani Highway or the cane haul road (Exhibit 16). Although the existing sewer collection system on Lower HonoaPi'ilani Road is adequate, the project will have a direct impact on the Lahaina STP generating an average flow of 0.154 mgd and a peak flow of 0.340 mgd. Expansion of the plant will be necessary; DPW hopes to have an additional 3.0 mgd capacity by 1995. The applicant intends to enter into an agreement with the County to pay its pro-rata share of expansion costs, and adjust its development timetable to coincide with expansion, if

necessary, if capacity is not available.

DPW notes in their comments (Exhibit 12) that wastewater system capacity may not be available, and that the developer must fund any necessary off-site improvements and may be assessed impact fees for STP expansion costs.

Drainage -- An interceptor ditch will be constructed along the mauka boundary to divert runoff from the existing pineapple fields directly into Kahananui Stream. Catch basins and underground culverts will be installed within the street right-of-way to collect all runoff and convey it to Kahana Stream at mid-level and at the makai boundary of the project site. The interceptor ditch and mid-level outlet will discharge runoff upstream of an existing sedimentation basin; the makai outlet will be below the basin. Runoff generated on site by a 10 year storm will increase from 36.8 cfs to 73.8 cfs; or a 37.0 cfs increase which the applicant states is minimal in relation to existing flows within Kahananui Stream.

The Department of Public Works (Exhibit 12) will require a final detailed drainage and erosion control plan, and notes that Kahananui Stream overflows its banks both above and below HonoaPi'ilani Hwy. DPW requests verification that the project will not have an adverse impact on adjacent and downstream properties.

The President of the Kahana Village Rental Association has written to the Planning Commission expressing concern about the drainage impact of the project (Exhibit 17). He asserts that the Kahana Village property is adversely affected by upstream properties diverting runoff into the Kahana stream. He suggests that all developers should retain their own runoff or divert it into the stream above the siltation basin, which then must be better maintained by the county.

The applicant, in a letter dated January 15, 1991 (Exhibit 18), states that the development will take 61.4 cubic feet of runoff, equal to what flows over the site currently (including offsite flows), and divert it into the stream above the siltation basin. The runoff generated by the lower half of the project, 36.9 cfs (which is equivalent to the net increase of runoff generated by the project), will be deposited into Kahana Stream below the siltation basin. The applicant has stated their intent to construct a siltation basin for this runoff as well, subject to Maui Land and Pine concurrence and approval.

The project's drainage impacts on downstream properties and existing instream retention structures is not clear at this time, but may be adverse. The applicant's runoff analysis is based on a ten (10) year rather than a 50 year or 100 year storm. The applicant did not address the problem Kahananui Stream overflowing its banks both above and below HonoaPi'ilani Highway.

Traffic -- The applicant proposes two highway access points for the project. The major entrance, Road "A", would be directly across HonoaPi'ilani Highway from Ho'ohui Road (Kahana Gateway) creating a 4-way intersection. The new intersection would include a left turn storage lane for southbound traffic entering the project, and acceleration and deceleration lanes along HonoaPi'ilani Highway for northbound traffic entering and exiting the project. The Department of Transportation (Exhibit 6b) requests that a median left turn acceleration lane for vehicles leaving the project should also be provided. The second entrance, Road "B", would be right turn in, right turn out only intersection further north along the highway.

The applicant's Traffic Impact Assessment Report assesses the level-of-service (LOS) for existing conditions, 1993 without the project, and 1993 with the project. HonoaPi'ilani Highway is currently a freeflowing arterial roadway.

Presently the LOS for turning movements at the highway and Ho'ohui Road are LOS D or better; even without the project, drivers making left turn movements at Ho'ohui Road in 1993 will experience very long delays (LOS E or F). With the project, LOS for turning movements at Ho'ohui will remain the same. Traffic exiting the project will also experience very long delays (LOS F).

The report recommends consideration of signaling the 4 way intersection when warranted. DOT requests a schedule for a traffic signal warrant study. An initial operational analysis submitted by the applicant at the request of the Planning Department shows that if signaled the overall intersection would operate at LOS C with the following breakdown averages:

-HonoaPi'ilani Northbound	LOS C 15 sec/veh delay
-HonoaPi'ilani Southbound	LOS C 23 sec/veh delay
-Ho'ohui Eastbound	LOS E 41 sec/veh delay
-Project Road "A"	LOS D 32 sec/veh delay

The greatest impact would be to HonoaPi'ilani Highway which would no longer be a free flowing arterial in this area.

Solid Waste -- The applicant's EA submittal does not address solid waste except to say that the increased disposal demands are small in comparison to total existing demand. DPW is requesting a solid waste management plan.

The applicant does not adequately address the potentially significant cumulative impact of a 200 lot single family subdivision and 86 unit multifamily development on the County's solid waste disposal.

SOCIO-ECONOMIC IMPACTS

Population -- The applicant states that a majority of

the project residents are already residents of Maui and therefore will not increase the County's population. The basis for this assertion is not known. Further, through the use of Act 15, Chapter 205E which supercedes county plans and zoning, the State is developing over 1,000 acres, with over 3,500 residential units. The impact of these units and the additional 286 proposed units on the LCP population policy and land use map have not been addressed.

Housing -- The applicant's EA states that the project will increase housing opportunities for families who may be living in substandard housing, in an over-crowded unit or renting; therefore the project will help alleviate the overall housing shortage in the County. The applicant has represented that the single family portion will be for the middle class (gap) group, similar to Wailuku Heights, and the multi-family will be affordable units.

The Department of Human Concerns (Exhibit 10) requests clarification as to whether affordable units will be sold or rented. Rental units should stay as such in perpetuity, and for sale units should have buy back options and owner-occupant requirements.

Schools -- Based on the assumption of relocated current County residents, the applicant states that the project will result in no increase or a minimal increase for school facilities. However, as stated in the population section above, there are no guarantees that the residents will be current county residents nor that the dwelling units these residents are now occupying will not be replaced by others.

The Department of Education (Exhibit 5) estimates that 101 new students will be generated by this development, requiring 4 classrooms at a cost of \$1,391,428. The applicant's fair share would be 50% of this cost or \$695,714.

Recreation -- The applicant will provide a 1.32 acre park site, and notes that there are numerous existing public recreational facilities in the area. There are no data provided by the applicant which identifies all of the park spaces and the ratio of population to park space to support this conclusion. The Department of Parks and Recreation (Exhibit 13) notes that park space in the area is limited and that the proposed park may not be sufficient for the needs of the new community.

ENVIRONMENTAL IMPACTS

Flora & Fauna -- The project does not impact any rare or endangered terrestrial flora or fauna, the parcel was previously under sugar cane cultivation.

Natural features, open space and view corridors -- The visual character of the area will be altered from open land to a residential area.

Water Quality -- The applicant states that offshore water quality will not be adversely affected, due to the siltation basin recently constructed by the County, however 50% of the project surface runoff will enter Kahana stream below the siltation basin. The applicant has stated their intent to construct a siltation basin for this additional runoff as well, subject to Maui Land and Pine concurrence and approval. During construction temporary siltation basins will be constructed as necessary. In addition, the capacity of both siltation basin to handle 50 and 100 year storms are not discussed.

The capacity of the existing sedimentation basin to handle the additional flow from the subdivision as well as pollutants is not addressed. This issue, as well as the retention of runoff from the lower half, of the subdivision needs to be addressed by the applicant, especially with the recent algae blooms in West Maui.

A letter from the Kahana Village Rental Association (Exhibit 17) questions the continued effectiveness of the existing siltation basin and asserts that ocean pollution and algae will increase.

Air & Noise -- The project will have a temporary adverse impact on dust, air quality, and ambient noise levels in the immediate area during construction. In the long term, there will be a nominal increase in air and noise quality from its present vacant status to a residential subdivision.

The Department of Transportation, Airports Division, in their letter of September 4, 1991, stated that the applicant submit an assessment of any potential impacts (noise, overflights, etc.) that may result as a consequence of its proximity to the West Maui Airport. (Exhibit 6a) The applicant submitted a letter dated October 9, 1991, from Darby and Associates Acoustical Consultants to the applicant, Paul Mancini, the subject of which is "Aircraft Noise Impact Evaluation in Proposed Residential Development Near West Maui Airport, 3521 Corporation". The letter notes that the proposed housing lots in the project range from approximately 1,300 to 2,600 feet from the centerline of the runway of the presently privately owned airport. The evaluation concluded that as long as the airport is not increased in size and the current restrictions (time of operation and type of planes) are kept in effect and the airport is not taken over by the State, the proposed housing development should not be impacted by aircraft noise from the West Maui Airport. (Exhibit 19) The Planning Department has not received a comment from the Department of Transportation, Airport Division on this evaluation.

Further, the airport and future transportation needs of

the West Maui regional area and the Lahaina Community Plan transportation and public facilities policies and objectives have not been addressed.

CONCLUSION

The information submitted by the applicant does not address potential significant impacts in regards to transportation facilities, drainage, water source and supply, solid waste disposal, recreation and nearshore water quality. The possibility of significant impacts in these areas could possibly trigger a determination for a full Environmental Impact Statement.

RECOMMENDATION

The Planning Department recommends deferral of the subject EIS determination, until such time as the applicant submits sufficient evidence to allow a determination.

APPROVED



BRIAN MISKAE
Planning Director

A:19EA6rec/jh

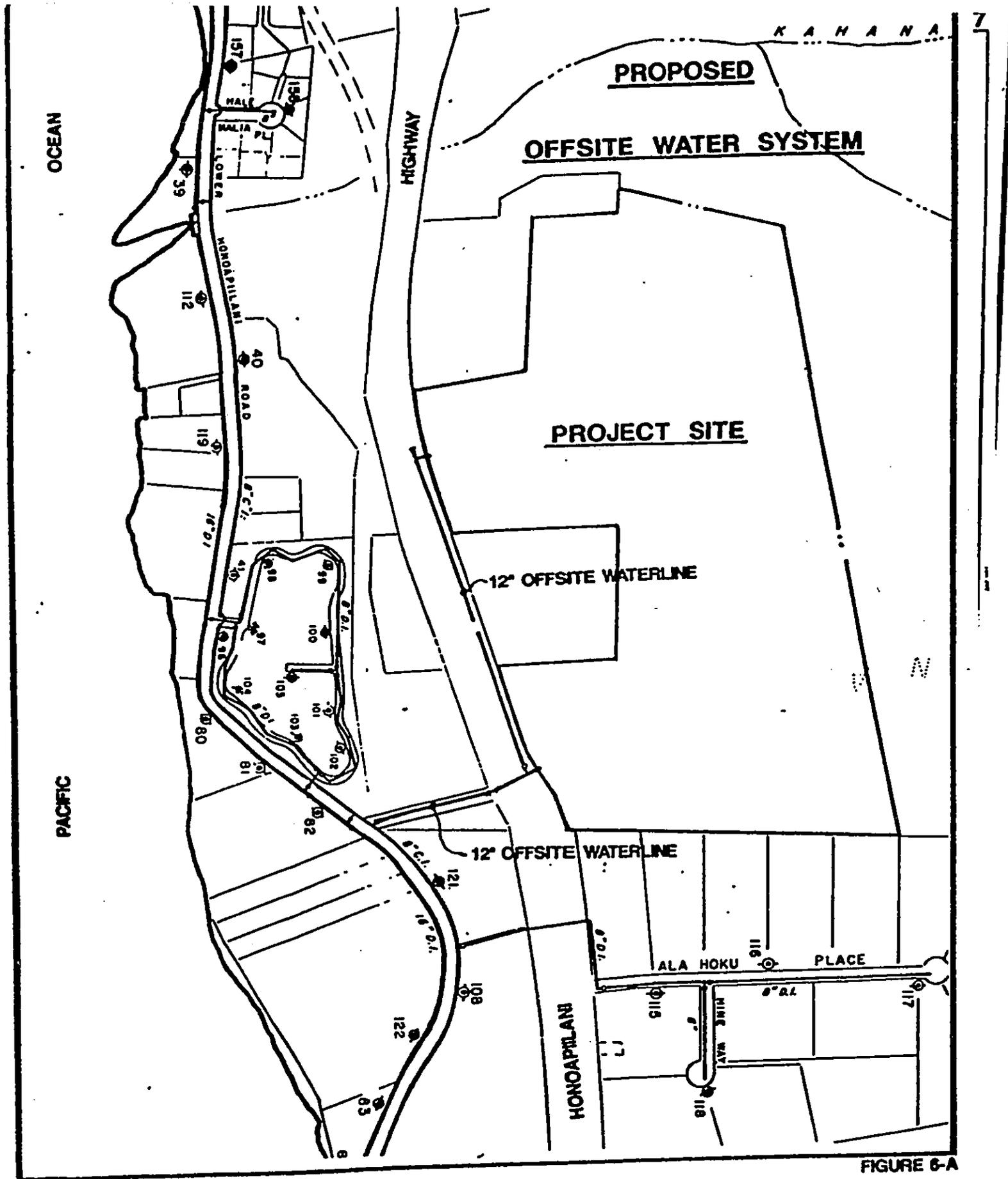


FIGURE 6-A



Mrs. Rachel Jio, Chairperson
Maui Planning Commission
c/o Maui Planning Dept.
Wailuku, Hi. 96793

January 9, 1992

DEPT OF PL
COUNTY

Reference: Proposed Residential Subdivision of Lot 2-A of Tax Map
Key 4-3-01:31

As President of the Rental Association I am writing on behalf of the forty two (42) condominium owners of Kahana Village. Our property is twelve years old, with the northern end adjacent to the Kahana stream, and in that time we have lost a significant portion of our beach area to erosion from run off after major storms. It is quite clear to us that those property owners located "upstream" of us have been allowed to deposit their ground water runoff into Kahana stream and it has severely affected our property.

Our main concern regarding the above proposed residential subdivision is the possibility of additional flooding on our property, due to this subdivision diverting water into Kahana stream. All future projects, including this one must divert their runoff above the silt basin and then these basins will have to be dredged (it clearly appears that the county is not currently doing this) to allow for the added flow of water. With increasing development more runoff into the already uncontrolled Kahana Stream will mean more property damage to land owners downstream. The effects of this runoff are twofold: The ocean continues to become more polluted with increasing amounts of algae (seaweed) piled up on our beaches and adjacent properties to the stream will be further eroded and experience new flooding.

Kahana Village wants to insure that all developers (including this one) retain their own runoff and control the possibility of extreme overflow. We believe the developers must be held responsible for the erosion of the banks of Kahana stream. The continued unabated erosion of this stream and algae build up on the beach will jeopardize the existence of Kahana Village, and significantly affect the value of our property.

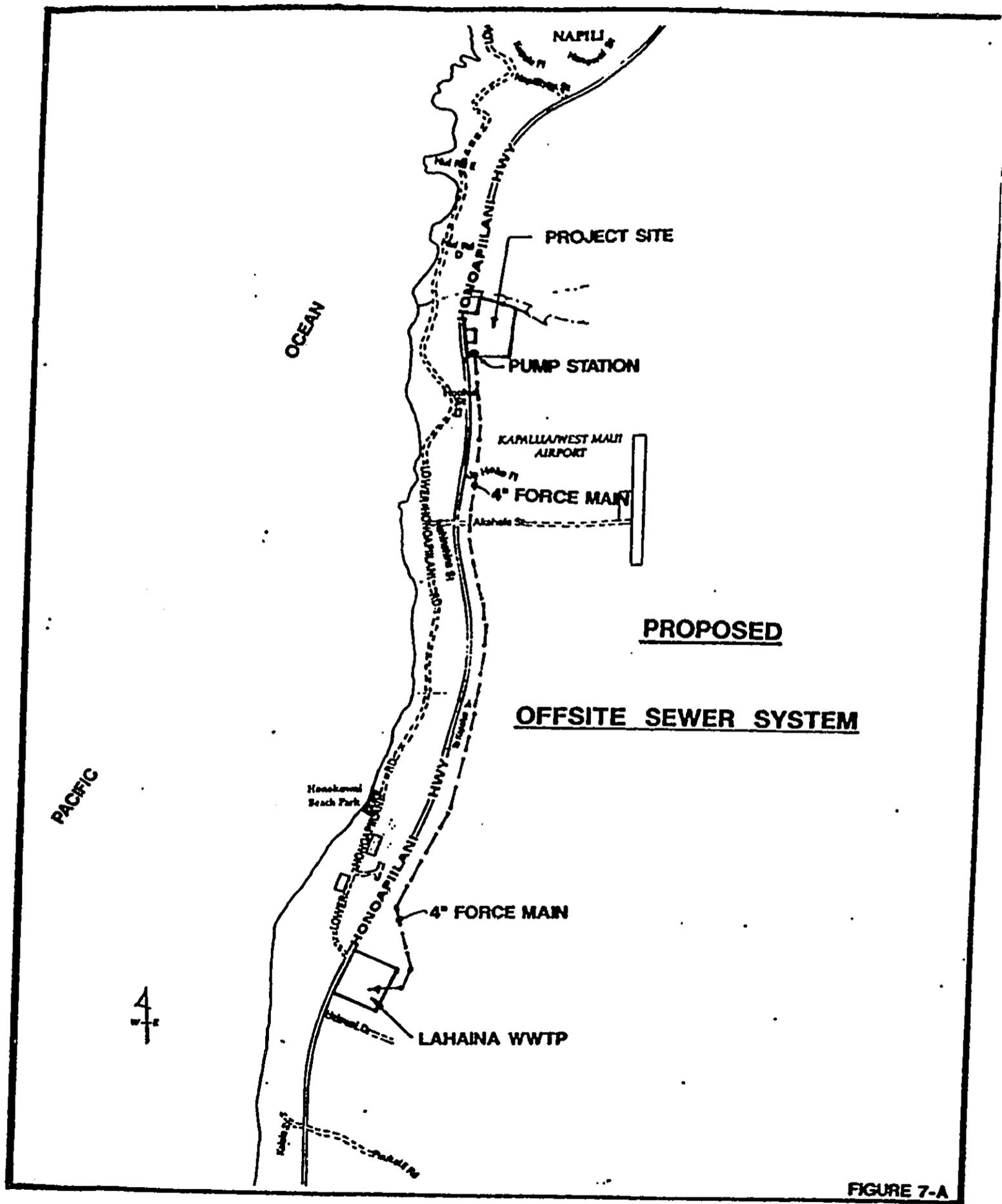
Very truly yours,

Edward E. Boot
President
Kahana Village Rental Association

cc: West Maui Taxpayers
Mayor Linda Lingle
Maui County Council Members

4531 Honoapiilani Road, Lahaina, Maui, Hawaii 96761 • (808) 669-5111 • Toll Free (800) 824-3065

EXHIBIT 17



PROPOSED
OFFSITE SEWER SYSTEM

FIGURE 7-A

CASE & LYNCH

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS

THE KAHULUI BUILDING

33 LONO AVENUE, SUITE 470

KAHULUI, MAUI, HAWAII 96732-1661

TELEPHONE: (808) 871-8351

FACSIMILE: (808) 871-0732

FOUNDED 1888

W. O. SMITH (1848-1888)
C. DUDLEY PRATT (1800-1870)

HONOLULU OFFICE:
SUITE 2800 MAUNA TOWER
GROSVENOR CENTER
737 BISHOP STREET
HONOLULU, HAWAII 96813
POST OFFICE BOX 484
HONOLULU, HAWAII 96809-0484
TELEPHONE: (808) 547-3400
CABLE: LOHO
TELEX: 7238823
FACSIMILE: (808) 583-1920

LIHUE OFFICE:
WATUMULL PLAZA
4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96786-1388
TELEPHONE: (808) 248-4705
FACSIMILE: (808) 245-3277

HILO OFFICE:
CASE & LYNCH BUSINESS CENTER
480 KILAUEA AVENUE
HILO, HAWAII 96740
TELEPHONE: (808) 881-0811
FACSIMILE: (808) 881-4882

KONA OFFICE:
KANAMA PLACE
78-8708 KUAKINI HIGHWAY, SUITE 101
KAILUA-KONA, HAWAII 96740
TELEPHONE: (808) 328-4421
FACSIMILE: (808) 328-4808

KILAUEA OFFICE:
KONO LUNG CENTER
KILAUEA LIGHTHOUSE ROAD
KILAUEA, KAUAI, HAWAII 96784
TELEPHONE: (808) 828-2880
FACSIMILE: (808) 828-2114

January 14, 1992

Mr. Keoni Fairbanks
Planner
Department of Planning
County of Maui
200 South High Street
Wailuku, Hawaii 96793

DEPT OF PLANNING
92 JAN 15 11:32
HAND DELIVERED

Re: 3521 Corporation residential subdivision,
TMK 4-3-1:por 70 91/EA-006, 91/CPA-006, 91/CIZ-012.

Dear Mr. Fairbanks:

This is written in response to the conference held in your offices on Monday, January 13, 1992 concerning the Environmental Assessment filed for the 3521 Corporation and the application(s) before the Planning Commission of the County of Maui. In attendance at the meeting was Mr. Robert Tanaka, engineer for the project, Mr. Michael Kirkeby of 3521 Corporation and myself. The purpose of the meeting was to address the Planning Department's concerns with regard to the Environmental Assessment, the responses of the various agencies and to provide an opportunity to the applicant to address these matters. The areas in which your department have expressed concern include:

1. Drainage
2. Archaeological sites.
3. Response from the Department of Education
4. Traffic analysis.
5. Agricultural impact.

1. Drainage

As stated at our meeting by Mr. Tanaka, the drainage system proposed will provide a significant improvement to the

EXHIBIT 18

Mr. Keoni Fairbanks
January 14, 1992
Page 2

current drainage on the property and the area and will provide an environmental enhancement as opposed to any negative environmental impact.

A. Existing Conditions:

The existing drainage runoff affecting the project site is generated by the project area itself and lands directly mauka of the site.

1. Existing Hydrology

- a. Offsite Area = 24.5 c.f.s.
- b. Project Site = 36.8 c.f.s.

Total = 61.3 c.f.s.

2. Developed Hydrology (after subdivision is completed)

- a. Project Site = 73.8 c.f.s.

B. Proposed Improvements:

The preliminary drainage system for the proposed project is as follows:

1. Provide an interceptor ditch along the mauka boundary of the project and divert runoff from the existing pineapple fields directly into Kahana Stream (Q = 24.5 c.f.s.)
2. For the mauka portion of the project (approximately 50 percent of the area) provide a series of catch basins and underground culverts to collect storm runoff and convey it to Kahana Stream (Q = 36.9 c.f.s.). The intent is to convey both the offsite and onsite runoff into the existing silting basin within Kahana Stream, to retain and allow sediments to settle out to mitigate any potential pollution of downstream area. By this action, 61.4 c.f.s. will be diverted to Kahana Stream.
3. The lower half of the project will be provided with a series of catch basins and underground culverts to collect storm runoff and convey it

Mr. Keoni Fairbanks
January 14, 1992
Page 3

to Kahana Stream along the existing cane haul road in a northerly direction (Q = 36.9 c.f.s). Subject to Maui Pipe's concurrence and approval, a silting basin will be provided prior to runoff being conveyed into Kahana Stream.

C. Drainage System During Construction:

1. Temporary retention basins will be provided to retain runoff and allow suspended sediments to settle out.
2. Temporary diversions ditches will be provided to divert runoff from potential erosion areas.

2. Archaeological Inventory and Survey Report.

The September 19, 1991 letter from the Department of Land and Natural Resources, State Historic Preservation Division, Mr. Don Hibbard suggests that the applicant agree to a condition requiring the preservation of the platform and the petroglyph referenced in this study. The letter indicates the conditions should specify that a detailed preservation plan is required, to be approved by the Historic Preservation Division and the County with each of offices verifying the successful execution of the plan. The plan would include acceptable buffer zones around each site, archaeological testing to determine the platform's function and revisions to the survey report with significance evaluation, interim protection measures during construction and long term preservation covenants, i.e., maintenance and access. The state further indicates that if the applicant would later confirm that the platform is not a burial or shrine pursuant to archaeological data recovery, then these requirements could be waived. We find the program to be reasonable and practical and concur with it.

3. Response from the Department of Education.

The initial Department of Education response to the County of Maui on the Environmental Assessment indicates that the Department of Education projects 130 new students would result from the project. The Department's second response on September 3, 1991 indicated that 101 new students would result from the development of the project and that the cost of the new students would be (\$695,714 x 2) \$1,391,428.00. It is difficult to understand the logic of the Department of

Mr. Keoni Fairbanks
January 14, 1992
Page 4

Education in that the project will be primarily marketed to existing West Maui residents. The Department of Education has not provided its methodology for its student forecast nor its cost projections. Consequently, it is difficult to intelligently respond to its forecast and its position. We believe that the Department of Education position is more appropriately addressed outside of the environmental assessment hearing and would be more appropriately addressed at the Land Use Commission hearing level and at the zoning level. At such time we will better understand the Department of Education's position and its methodology and would be able to respond to it.

4. Traffic.

You had asked that we provide the level of service (LOS) calculations after the proposed signalization is implemented. The LOS calculations are attached to this letter as Exhibit A.

As indicated to you at our meeting, the traffic system that has been proposed has been developed in concert with the Department of Transportation of the State of Hawaii and we see no problem with implementing the recommendations stated in their October 8, 1991 letter.

5. Agriculture Impact.

As you are aware after the Department of Agriculture initially responded to the Environmental Assessment, the developer retained Decisions Analysts Hawaii Inc. (Dr. Bruce Plasch) to conduct an analysis of the impact on the agriculture of the area. The study analyzed the agronomic conditions of the area, the surrounding activities and the agricultural history of the area. It also analyzed the impact on sugar operations, the impact on pineapple operations and the impact on diversified agriculture. The report found that the proposed subdivision would have no impact on the diversified agriculture of the area nor on the sugar and pineapple operations in the area. Further, the analysis found that the project was consistent with the State and County objectives, policies and guidelines related to agricultural lands. See Exhibit B attached, the Executive Summary of the referenced study.

We have not received any specific criticism of the report by the Department of Agriculture and have asked for a meeting with Mr. Kitagawa to understand his current position.

Not attached

Mr. Keoni Fairbanks
January 14, 1992
Page 5

Our position with regard to the agriculture impact is as follows:

1. The 3521 Corporation land, given urbanization, will not set a precedent since the only other land owners between Kaanapali and Kapalua are JMB/Amfac (Pioneer Mill), and Maui Land & Pineapple. These plantations take long range planning into large scale project development. Urbanization of small parcels is not their normal business. With no other small land owners in the area, precedent setting concerns are eliminated.
2. Urbanization of the 3521 Corporation land, which is isolated by Kahananui Stream, Kahana Nui Subdivision, and Honoapiilani Highway, when fully developed will not threaten the integrity of the agricultural land resources of the region any more than it does now, sitting as vacant scrub land. The benefits of development far out weight the vacant status.
3. Further, the above stated facts clearly demonstrate that urbanization of the 3521 Corporation land will not be a significant intrusion into the agricultural area, and will not negatively impact the agricultural area extending beyond the property.
4. In conclusion, the facts clearly demonstrate that urbanization will not set a Mauka precedent; will not adversely impact agriculture beyond the boundaries of the urbanization, and will not threaten the agricultural land resources of the region.

What can be clearly demonstrated is that urbanization of the 3521 Corporation land will give West Maui needed middle income and affordable housing now. This housing resource represents an overriding public benefit to the people of West Maui.

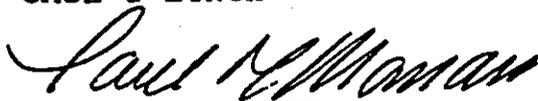
5. It can be clearly demonstrated that urbanization of the 3521 Corporation parcel for middle class (Gap) and affordable housing will be consistent with good planning, and will not set a precedent for Mauka urbanization, and will not adversely impact agriculture beyond the boundaries of the urbanization.

Mr. Keoni Fairbanks
January 14, 1992
Page 6

We would like to meet with you once again to be assured that there are not other areas of concern and that we have adequately addressed all concerns.

Very truly yours,

CASE & LYNCH


PAUL R. MANCINI

PRM:b11/3995j [16859-3]

Enclosures

EXHIBIT A

PACIFIC PLANNING
ENGINEERING, INC

VIA FAX -- 1 Page(s) Please Deliver to Addressee(s) Below

TO: Bob Tanaka *Bob*

FROM: Conrad Higashionna *Conrad Higashionna*

DATE: January 14, 1992

SUBJECT: ML&P NHLC Subdivision

As requested, we have completed the operational analysis of the proposed signalized intersection of Honoapiilani Highway and Hooihui Road. A copy of the analysis is enclosed. We have summarized the results of the analysis below.

SUMMARY:

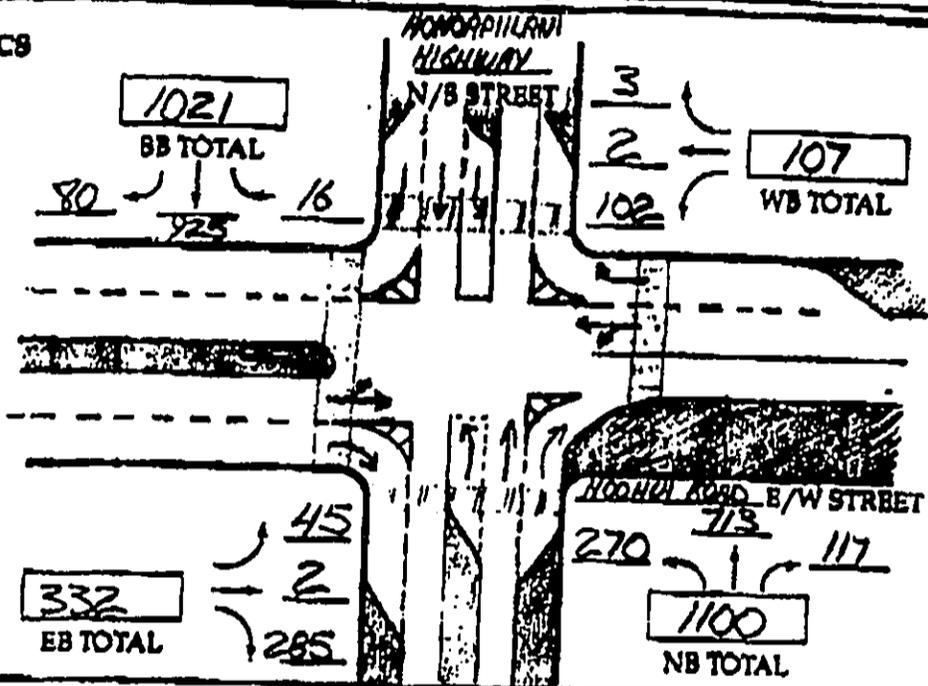
The overall intersection operates at LOS C and has an average delay of 23 seconds per vehicle. The major street, Honoapiilani Highway, Northbound approach operates at an average LOS of C with 15 sec/veh delay. The Southbound approach operates at an average LOS of C with 23 sec/veh delay. The minor street, Hooihui Road, Eastbound approach operates at an average LOS of E with 41 sec/veh delay. And the Westbound approach, which exits the project, operates at an average LOS of D with 32 sec/veh delay.

Please call me at 521-9195, if you have any questions.

INPUT WORKSHEET

Intersection: HONOPULANI HIGHWAY / MOONUL ROAD Date: 1/14/92
 Analyst: _____ Time Period Analyzed: PM Area Type: CBD Other
 Project No: 037 MLP MLC SUBDIVISION City/State: HAWAII

VOLUME AND GEOMETRICS



IDENTIFY IN DIAGRAM:

1. Volumes
2. Lanes, lane widths
3. Movements by lane
4. Parking (PKO) locations
5. Bay storage lengths
6. Islands (physical or painted)
7. Bus stops

TRAFFIC AND ROADWAY CONDITIONS

Approach	Grade (%)	% HV	Adj. Pkg. Lane		Buses (N _b)	PHF	Conf. Peds. (peds./hr)	Pedestrian Button		Arr. Type
			Y or N	N _m				Y or N	Min. Timing	
EB	0	0	N	0	0	0.9	50	Y	15.5	3
WB	0	0	N	0	0	0.9	50	Y	15.5	3
NB	0	2	N	0	0	0.9	50	Y	8.5	3
SB	0	2	N	0	0	0.9	50	Y	8.5	3

Grade: + up, - down
 HV: veh. with more than 4 wheels
 N_m: pkg. maneuvers/hr

N_b: buses stopping/hr
 PHF: peak-hour factor
 Conf. Peds.: Conflicting peds./hr

Min. Timing: min. green for pedestrian crossing
 Arr. Type: Type 1-5

PHASING

Diagram	Timing	Timing	Timing	Timing	Timing	Timing	Timing	Timing
	G = 13 Y+R = 4	G = 12 Y+R = 6	G = 5 Y+R = 5	G = Y+R =				
Pre timed or Actuated	<input checked="" type="checkbox"/>							

Protected turns

Permitted turns

Pedestrian

Other

SIGNALIZED INTERSECTIONS

VOLUME ADJUSTMENT WORKSHEET

1 Appr	2 Mvt	3 Mvt Volume (vph)	4 Peak Hour Factor PHF	5 Flow Rate vp (vph)	6 Lane Group	7 Flow rate in Lane Group vg (vph)	8 Number of Lanes N	9 Lane Utilization Factor U	10 Adj. Flow v (vph)	11 Prop. of LT or RT P/L or P/R
EB	LT	45	0.90	50					0	
	TH	2	0.90	2		52	1	1.00	52	98% 4%
	RT	285	0.90	317		317	1	1.00	317	
WB	LT	102	0.90	113					0	
	TH	2	0.90	2		115	1	1.00	115	98% 2%
	RT	3	0.90	3		3	1	1.00	3	
NB	LT	270	0.90	300		300	1	1.00	300	
	TH	713	0.90	792		792	1	1.00	792	
	RT	117	0.90	130		130	1	1.00	130	
SB	LT	18	0.90	18		18	1	1.00	18	
	TH	925	0.90	1025		1025	1	1.00	1025	
	RT	80	0.90	89		89	1	1.00	89	

SIGNALIZED INTERSECTIONS

SATURATION FLOW ADJUSTMENT WORKSHEET

LANE GROUPS		ADJUSTMENT FACTORS										13 Adj. Sat. Flow Rate (vphg)
1 Appr	2 Lane Group Movements	3 Ideal Sat. Flow (pcphgt)	4 No. of Lanes N	5 Lane Width fw	6 Heavy Veh fvh	7 Grade fg	8 Pkg fp	9 Bus Block fbb	10 Area Type fa	11 Right Turn frr	12 Left Turn flr	
EB		1800	1	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.82	1116
		1800	1	1.00	1.00	1.00	1.00	1.00	1.00	0.83	1.00	1494
WB		1800	1	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.05	1608
		1800	1	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.83	1494
NB		1800	1	1.00	0.99	1.00	1.00	1.00	1.00	1.00	0.95	1693
		1800	1	1.00	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1782
		1800	1	1.00	0.99	1.00	1.00	1.00	1.00	0.83	1.00	1479
SB		1800	1	1.00	0.99	1.00	1.00	1.00	1.00	1.00	0.95	1693
		1800	1	1.00	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1782
		1800	1	1.00	0.99	1.00	1.00	1.00	1.00	0.83	1.00	1479

SIGNALIZED INTERSECTIONS

CAPACITY ANALYSIS WORKSHEET

LANE GROUP								
1 Appr.	2. Lane Group Movements	3. Adj. Flow Rate v (vph)	4. Adj. Sat. Flow Rate s (vphg)	5. Flow Ratio v/s	6. Green Ratio g/C	7. Lane Group Cap c (vph)	8. v/c Ratio x	9. Critical P Lane Group
EB		0						
		52	1118	0.047	0.080	89	0.584	
	RTOR*	100 217	1494	0.067	0.080	120	0.833	x
WB		0						
		115	1508	0.060	0.080	153	0.752	
		3	1494	0.002	0.080	120	0.025	
NB		300	1893	0.177	0.187	317	0.945	x
		782	1782	0.444	0.693	1235	0.641	
		130	1479	0.088	0.693	1025	0.127	
SB		18	1893	0.011	0.080	135	0.133	
		1028	1782	0.577	0.587	1046	0.953	x
		89	1479	0.060	0.587	858	0.103	
Cycle Length, C = <u>75</u> sec							Σ (v/s) = <u>0.82</u>	
Lost Time Per Cycle, L = <u>11</u> sec							K ₀ = (Σ (v/s) * C) / (C - L) = <u>0.96</u>	
*RTOR - Right turn on red								

SIGNALIZED INTERSECTIONS

LEVEL-OF-SERVICE WORKSHEET

1. Lane Group	First Term Delay					Second Term Delay				Total Delay and LOS		
	2. Lane Group Movements	3. v/c Ratio X	4. Green Ratio g/C	5. Cycle Length C (sec)	6. Delay S1 (s/veh)	7. Lane Grp Cap c (vph)	8. Delay S2 (s/veh)	9. Prog Factor PF	10. Lane Group Delay (s/veh)	11. Lane Group LOS	12. Appr Delay (s/veh)	13. Appr LOS
EB		0.584	0.080	75	25.30	85	6.57	0.55	27.09	D	40.72	E
		0.533	0.080	75	25.84	120	24.70	0.55	42.08	E		
WB		0.752	0.080	75	25.57	183	12.35	0.85	32.33	D	32.03	D
		0.025	0.080	75	24.17	120	0.00	0.55	30.54	C		
NB		0.946	0.187	75	22.89	317	25.49	1.00	49.38	E	15.49	C
		0.541	0.593	75	4.53	1235	0.81	0.85	4.79	A		
		0.127	0.593	75	2.95	1025	0.00	0.55	2.51	A		
SB		0.133	0.080	75	24.38	135	0.03	1.00	24.41	C	23.32	C
		0.983	0.557	75	11.49	1045	17.55	0.55	24.94	C		
		0.103	0.557	75	5.17	855	0.00	0.55	4.39	A		

Intersection Delay = 22.58 sec/veh

Intersection LOS = C

D.L. ADAMS ASSOCIATES, LTD.



#91-37
October 9, 1991

'91 NOV -1 P3:04
DEPT. OF PLANNING
C

Case & Lynch
33 Lono Avenue, Suite 470
Kahului, Maui, HI 96732

Attention: Mr. Paul Mancini

Subject: Aircraft Noise Impact Evaluation in Proposed Residential
Development Near West Maui Airport, 3521 Corporation

Dear Mr. Mancini:

Based on recent phone conversations with you and information that you have provided us, we submit the following evaluation of potential aircraft noise impact for the subject project:

1. The project site is defined by the map entitled "Portion of Parcel 70, Tax Map Key 4-3-01" prepared by Robert T. Tanaka dated September 4, 1991 and is along Honoapiilani Highway abutting the lots on Ala Hoku Place. It is understood that abandoned sugar cane land will be replaced by single family homes including affordable housing.
2. The housing lots in the project range from approximately 1300 to 2600 feet from the centerline of the runway of the presently privately owned airport. The objective of this study is to estimate the noise impact in the housing area caused by existing and future airport operations (which may considerably change if the airport is purchased by the State).
3. Figure 1 shows noise contours developed in the 1984 study (Reference 1) when the airport was proposed. From the figure, it can be seen that the project site is located beyond the 50 Ldn (Day-Night Sound Level) contour and, thus, is well below all local and Federal noise impact noise guidelines. The contours were based upon the assumption of average daily operations (approaches or departures) in 1990 consisting of the following aircraft types: DASH-7 - 36.0 operations; DASH-6 - 8.6 operations; Cessna 402 - 52.2 operations; Helicopters - 20.0 operations. Also, it was assumed that tradewind conditions (North

EXHIBIT 19

PALI PALMS PLAZA • 970 NO. KALAHEO AVENUE • SUITE A-311
KAILUA, HAWAII 96734 • (808) 254-3318 • FAX (808) 254-5295

flow) would exist 85% of the time and Kona conditions (South Flow) for 15% of the time. Also, it was assumed that all operations occur between 7 am and sunset.

4. According to Reference 1, the SEL's for departing aircraft are within 2 dB of each other and are always much greater than the arrival SEL's and since tradewind departures have the closest distance to the project site 85% of the time, tradewind departures should control the noise contours at the site. Helicopters have a negligible contribution to the contours at the site. Thus, the noise contours nearest the project in Figure 1 should be essentially controlled by the assumed departures of about 41 fixed-wing aircraft per day which were approximately within 2 dB of being equally noisy.

Currently, the airline schedules indicate that there are about 18 DASH-6 departures and 12 DASH-7 departures daily, or a total of 31 departures per day. Thus, the airport should be operating now in 1991 in a slightly quieter mode than was assumed for 1990 in the 1984 study primarily because of the lack of the smaller Cessna 402 aircraft involvement.

5. Figure 1 shows the closest project boundary line at about 49 Ldn for the aircraft operations assumed for 1990 in Reference 1 and elaborated on above. If all of the assumptions were fixed (aircraft type and mix; flight patterns; hours of operation; flow patterns, etc); except that the total number of fixed-wing operations doubled over the assumed 1990 operations (from 96.8 to 193.6 per day); then 52 Ldn should be experienced at the nearest project property line. If the number of operations quadrupled over the assumed 1990 numbers (from 96.8 to 387.2 per day); then 55 Ldn should exist at the property line. This latter noise exposure would still satisfy all local and Federal noise impact guidelines. It is to be acknowledged that the peak capacity of the existing airport would be exceeded at a much lower number of operations, and that such scenarios would not be possible.
6. It is understood that the airport will not be expanded to allow jet aircraft or night operations, based upon the following extract from Reference 2:

"The airstrip would be open to use by other air carriers for regularly scheduled aircraft within Federal Aviation Administration ("FAA") Aircraft Approach Category A and Airplane Design Group III or Aircraft Approach Categories A or B and Airplane Design Groups I or II provided that such aircraft are approved by the FAA for landing on the 3,000 foot long runway which Petitioner proposed for the airstrip. Examples of the aircraft which would be permitted to use the airstrip under these

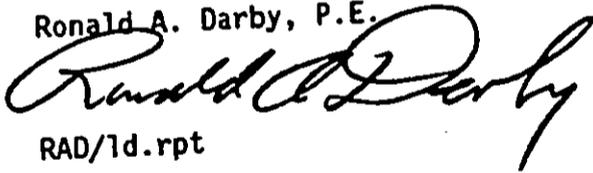
Case & Lynch
October 9, 1991

#91-37
Page 3

circumstances are the DeHavilland DASH-7 (operated by the Petitioner), the DeHavilland Twin Otter, and the Cessna 402 (both operated by Royal Hawaiian Airways, Inc.). The airstrip would be operated under visual flight rules during daylight hours only."

7. If the airport is taken over by the State and becomes accessible to private pilots for training and/or recreational flights (as well as scheduled carriers) there may be concern about the degree of potential increased noise impact. However, it is believed that if: (a.) the operations are restricted to the aircraft types delineated above in paragraph 6; (b.) the runway is not lengthened; (c.) similar flight tracks are maintained; (d.) flights are restricted between 7 am to sundown; then the rationale used in paragraph 5 prevails and the number of aircraft operations could not increase such that Ldn 55 would be exceeded in the subject property.
8. Figures 2 through 3 show noise contours about the West Maui Airport relative to the subject project site and are from unknown documents. In every case, including the year 2010, the project site is situated beyond the Ldn 50 contour.
9. In summary, the proposed housing development should not be impacted by aircraft noise from the West Maui Airport as long as the airport is not increased in size and the restrictions in paragraph 6 are kept in effect.

Ronald A. Darby, P.E.

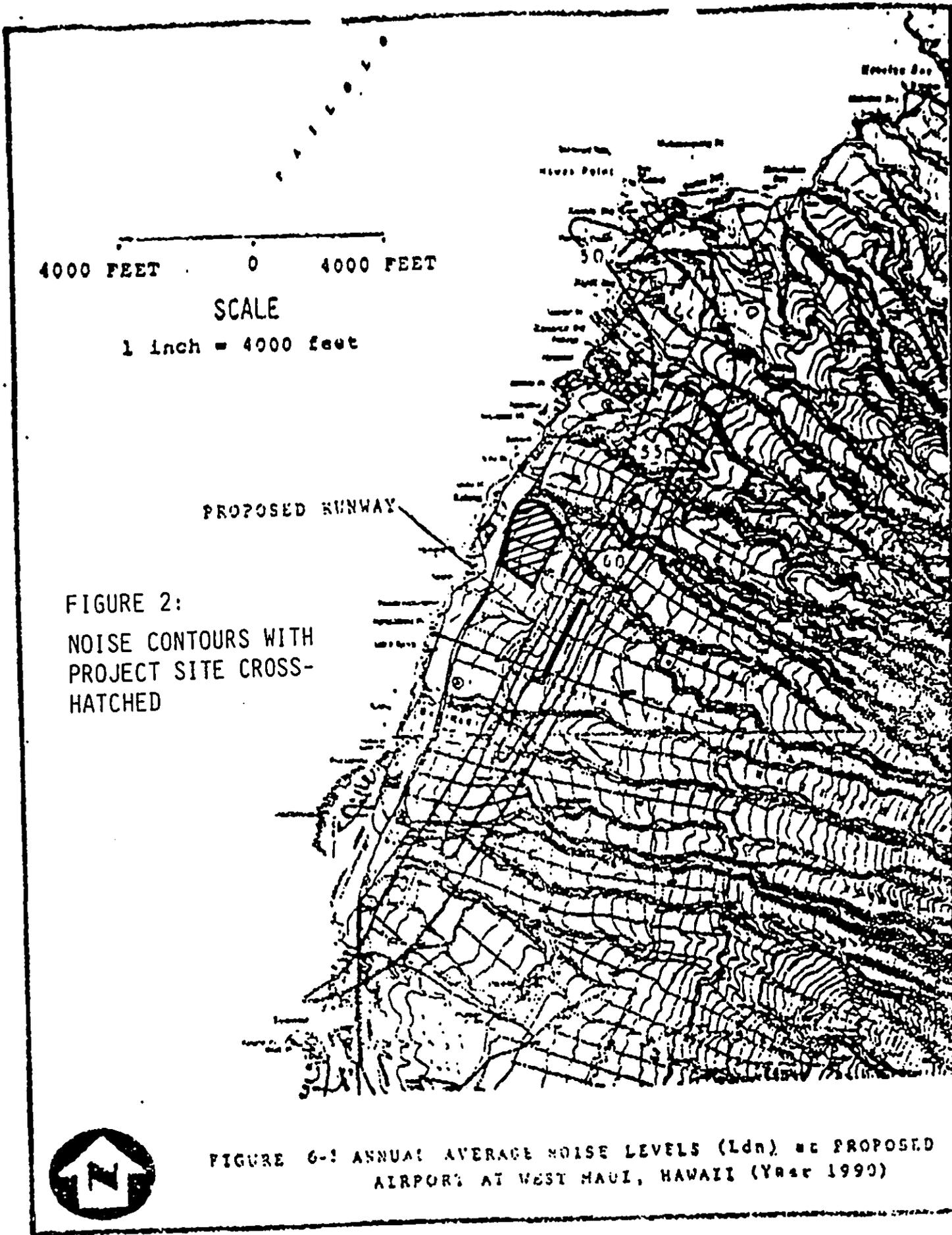


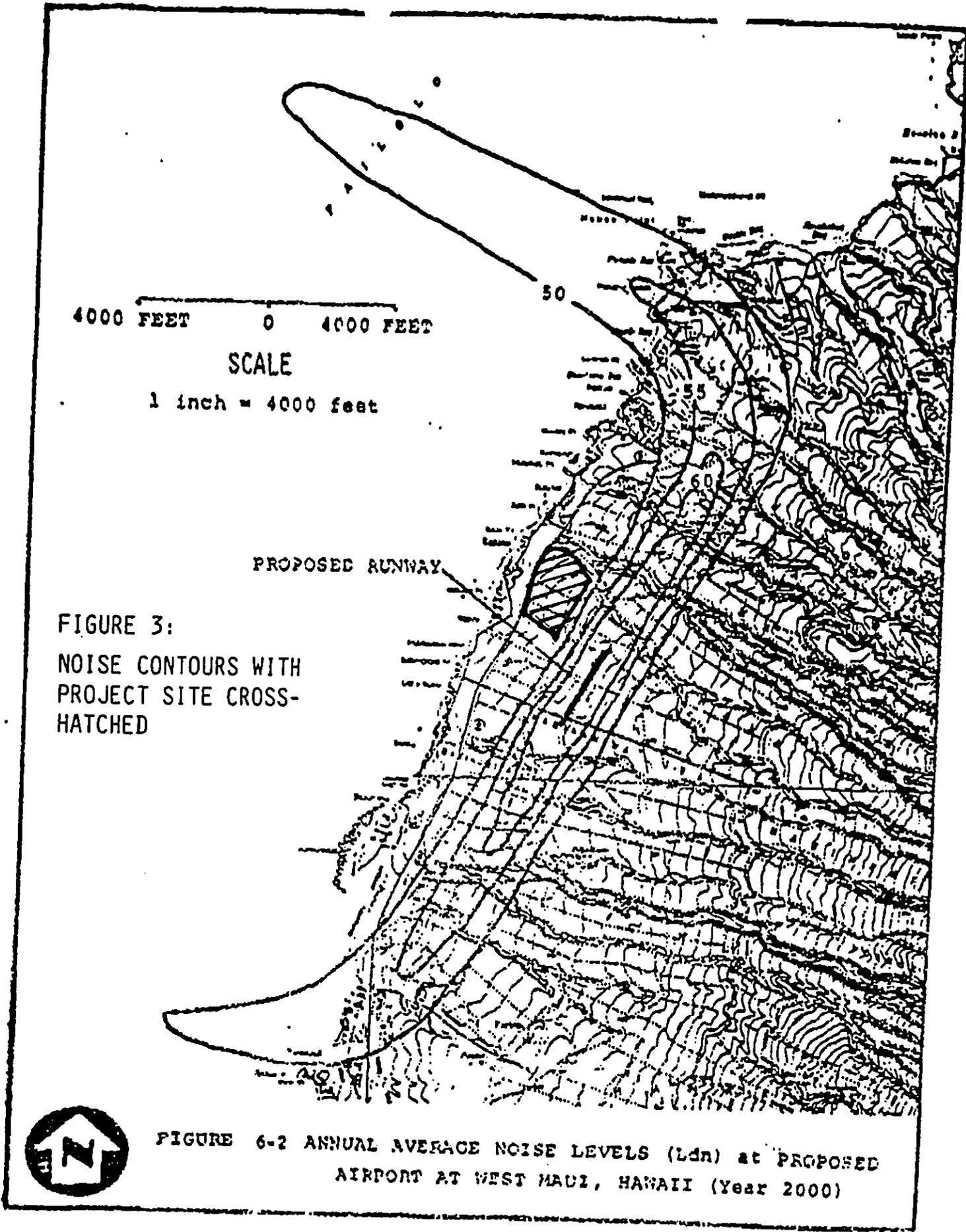
RAD/lid.rpt

Encls.

Reference:

1. "Evaluation of Potential Aircraft Noise Impact" from the Proposed Mahinahina Airport, Kahana, Maui," Darby-Ebisu & Associates, August 3, 1981.
2. "Petition for District Boundary Amendment," Kapalua-West Maui Airstrip; State Land Use Commission; William C. McCorrison, Attorney for Hawaiian Airlines, Inc.; dated August 28, 1984





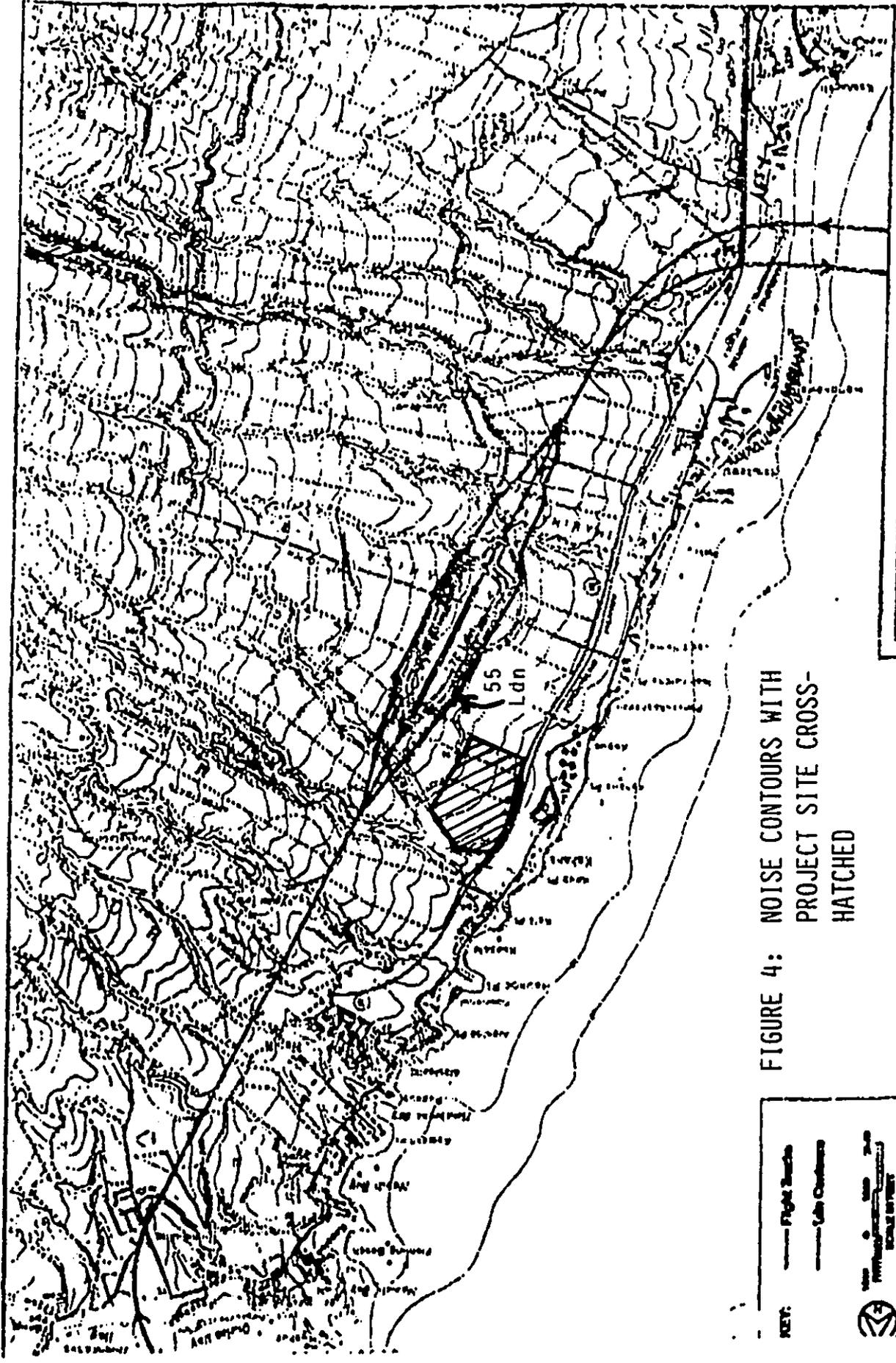


FIGURE 4: NOISE CONTOURS WITH PROJECT SITE CROSS-HATCHED

KEY:

- Flight Tracks
- Life Contours


 NORTH
 1:50,000
 SCALE IN FEET

FIGURE VI-22

CY 2018 NOISE CONTOURS AT KAPA'UA AIRPORT WITHOUT ALTERNATIVE F

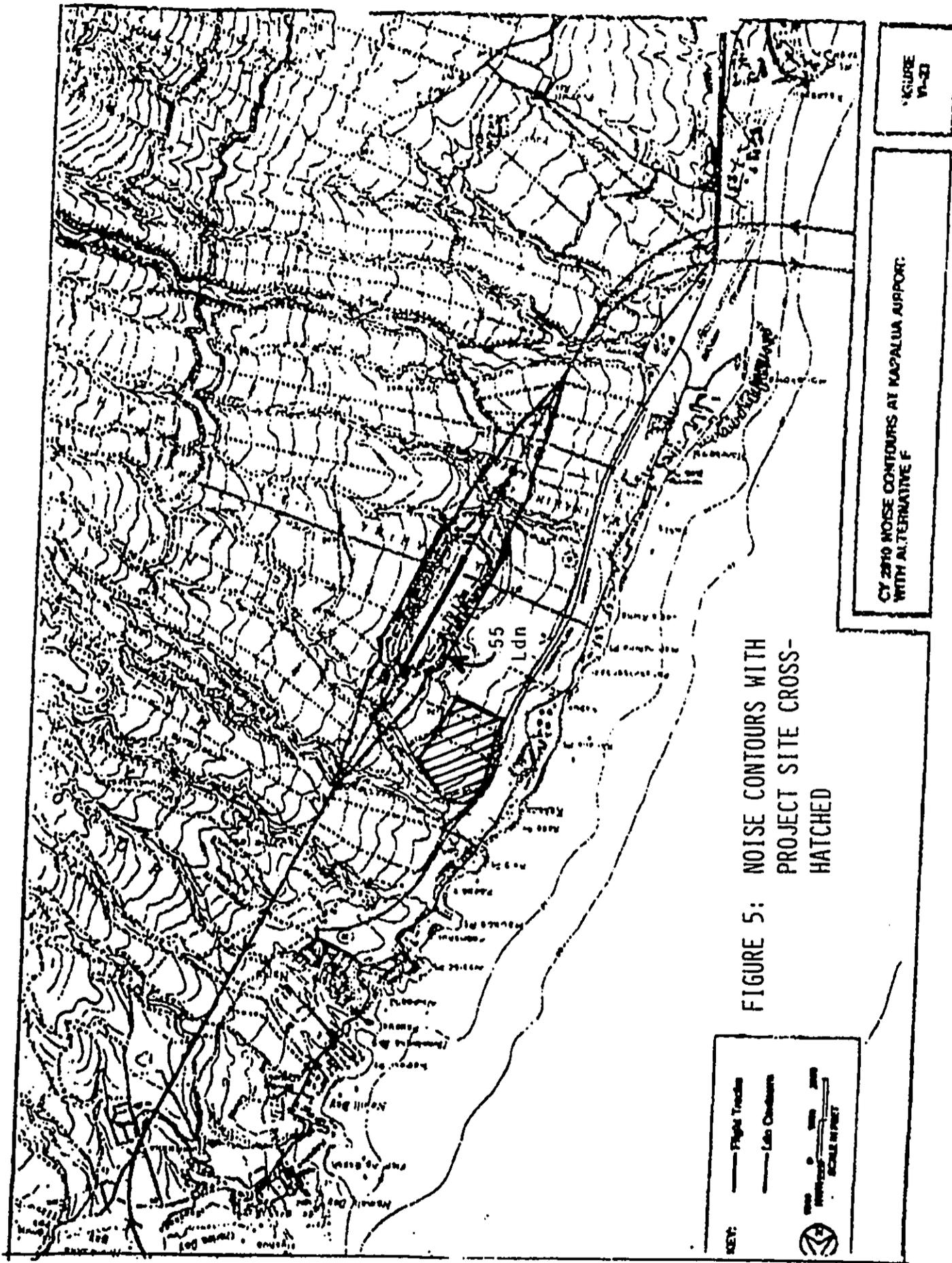


FIGURE 5: NOISE CONTOURS WITH PROJECT SITE CROSS-HATCHED

CY 2010 NOISE CONTOURS AT NAPALUA AIRPORT WITH ALTERNATIVE F

FIGURE 5-20



MAUI LAND & PINEAPPLE COMPANY, INC. • P.O. BOX 1941, Kahului, Maui, Hawaii 96732-0187 • (808) 877-3351

DEPT OF F
L
RECEIVED

JAN 27 2 56 PM '92
LAND USE COMMISSION
HAWAII

January 16, 1992

State of Hawaii
Land Use Commission
Old Federal Building Rm. 104
335 Merchant Street
Honolulu, HI 96813

Subject: Petition of 3521 Corporation for reclassification of certain lands situated at Kahana, Maui, Hawaii: TMK 4-3-01 Portion of 70 (44.684 acres)

Since our October 7, 1991, letter to you relating our concerns about potential agriculture impacts on the proposed residential community, I have had discussions with the petitioner's representative, Mr. Mike Kirkeby, about this. He has agreed to include language in the deeds to the purchasers notifying them of our agricultural operations. This satisfies our concern about making the buyers aware of our adjacent agricultural activities.

In addition, I would like to state that this appears to be a well-planned residential project, one which is needed in West Maui, and one which I support.

Sincerely,

Richard H. Cameron

Richard H. Cameron
Vice President/Property Management

/dc

Exhibit 30

Received 3/5/92

RE: Kahang Comm. Plan Amendment
Exhibit 11 - Correspondence from the SHPD.

CASE & LYNCH

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

THE KAHULUI BUILDING
33 LONO AVENUE, SUITE 470
KAHULUI, MAUI, HAWAII 96732-1681
(808) 871-8351

W.D. SMITH (1848-1929)
C. DUDLEY PRATT (1900-1970)

HONOLULU OFFICE:
GROSVENOR CENTER
SUITE 2600 MAUKA TOWER
737 BISHOP STREET
HONOLULU, HAWAII 96813
POST OFFICE BOX 494
HONOLULU, HAWAII 96809-0494
PH. (808) 547-5400
CABLE: LO10
TELEK: 723-8523
FACSIMILE: (808) 523-1920

KAUAI OFFICE:
187 NATIONWIDE PLAZA
4334 RICE STREET, SUITE 202
LILUO, KAUAI, HAWAII 96768-1388
(808) 245-4708

HILO OFFICE:
PONAHAWAI PROFESSIONAL CENTER
275 PONAHAWAI STREET, SUITE 201
HILO, HAWAII 96720-3094
(808) 981-6611

KONA OFFICE:
KUAKINI TOWER
75-6722 KUAKINI HIGHWAY, SUITE 108
KAILUA-KONA, HAWAII 96740-1733
(808) 329-4421

LETTER OF TRANSMITTAL

Date: March 3, 1992

To: Ms. Margaret Wilson
Office of Environmental Quality Control
State of Hawaii
220 So. King St., 4th Floor
Honolulu, HI 96813

Re: 3521 Corp.
TMK 4-3-01:70

We are sending you () attached () under separate cover the following:

Copy of County of Maui Departmental Report

- | | | | |
|---|------------------------|---------|---|
| () | For your information | () | For necessary action |
| () | For your files | () | For signature in BLACK INK and return |
| () | For review and comment | () | For signature in BLACK INK and forward to |
| () | For correction | | |
| () | For distribution | | |
| () | Per your request | | |
| () | Per our agreement | | |
| (<input checked="" type="checkbox"/>) | Per our conversation | () | For filing or recording |
| () | Approved | () | Check enclosed to cover Filing or recording fee |
| () | Approved as noted | | \$ _____ |
| () | Disapproved | () | See remarks below |
| () | For payment | | |

REMARKS:

By Trish Wilkins
Trish Wilkins, Legal Assistant to
Paul R. Mancini

Enc.
#16859-3

BEFORE THE MAUI PLANNING COMMISSION
COUNTY OF MAUI
STATE OF HAWAI'I

In The Matter Of The Application Of)
PAUL MANCINI, on behalf of)
3521 CORPORATION)

91/EA-006
91/CPA-006, 91/CIZ-012
PAUL MANCINI
3521 CORPORATION
(RKF)

To Obtain An Environmental Impact)
Statement (E.I.S.) Assessment and)
Determination of a Community Plan)
Amendment from Agricultural to)
Single Family, Multi-Family and)
Park uses at TMK: 4-3-01:por. 31)
Kahana, Lahaina, Maui, Hawai'i)

DEPARTMENTAL REPORT
January 28, 1991 Meeting

DEPARTMENT OF PLANNING
COUNTY OF MAUI
250 S. HIGH STREET
WAILUKU, MAUI, HI. 96793

Environmental Assessment/Determination

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAI'I

In The Matter Of The Application Of)
) 91/EA-006
) 91/CPA-006, 91/CIZ-012
) PAUL MANCINI
) 3521 CORPORATION
) (RKF)
)
To Obtain An Environmental Impact)
Statement (E.I.S.) Assessment and)
Determination of a Community Plan)
Amendment from Agricultural to)
Single Family, Multi-Family and)
Park uses at TMK: 4-3-01:por. 31)
Kahana, Lahaina, Maui, Hawai'i)

APPROVING AGENCY

Maui Planning Commission
250 S. High Street
Wailuku, Maui, Hawaii 96793

Telephone No.: (808) 243-7735

Contact Person: Mr. R. Keoni Fairbanks, Planner

THE APPLICANT

3521 Corporation
505 Front Street, Suite 231
Lahaina, Maui, Hawai'i 96761

Contact Person: Mr. Paul R. Mancini
Telephone No.: (808) 871-8351

THE APPLICATION

This matter arises from an application for an Environmental Impact Statement (E.I.S.) Assessment filed on May 13, 1991. The application was filed pursuant to Chapter 343, Hawaii Revised Statutes; and Hawaii Administrative Rules, Title 11, Department of Health, Chapter 200 Environmental Impact Statement Rules of the State of Hawaii; by Mr. Paul R. Mancini, on behalf of 3521 Corporation,

("Applicant"); on approximately 50 acres of land situate at Kahana, Lahaina, Island of Maui and County of Maui, identified as Maui Tax Map Key No. 4-3-01: por. 31 ("Property").

PURPOSE OF THE APPLICATION

The applicant proposes to amend the Lahaina Community Plan designation of the property from Agricultural Use to Single Family Residential, Multi-Family Residential, and Park, in order to develop a 200 lot subdivision and 86 unit apartment complex. The Community Plan Amendment and Change In Zoning will require a public hearing before the Maui Planning Commission.

200 lots
86 unit

Pursuant to Chapter 200 Environmental Impact Statement Rules of the State of Hawaii, the proposed request involves an amendment to a county general plan; therefore an Environmental Assessment is required before the Community Plan Amendment can be considered.

APPLICABLE REGULATIONS

Chapter 343, Hawaii Revised Statutes, establishes certain classes of action which subject an applicant to an E.I.S. requirement, provided that approval of an agency will be required and that the agency finds that the proposed action may have significant environmental effects. The categories are as follows:

The five geographical designations are:

- (1) The use of state or county lands;
- (2) Any use within any land classified as conservation district by the state land use commission under Chapter 205, HRS;
- (3) Any use within the shoreline area as defined in Section 205-31, HRS;
- (4) Any use within any historic site as designated in the national register or Hawaii register; and
- (5) Any use within the Waikiki-Diamond Head area of Oahu;

The two administrative categories are:

- (1) Any amendment to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation (actions initiated by a county which proposes a new county general plan or amendments to any existing county general plan are excepted); and
- (2) The use of state or county funds, other than funds to be used for feasibility or planning studies for

possible future programs or projects which the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property; provided that the agency shall consider environmental factors and available alternatives in its feasibility or planning studies.

Standards for reviewing an Environmental Impact Statement (E.I.S.) Assessment are found in the Hawaii Administrative Rules, Title 11, Department of Health, Chapter 200 Environmental Impact Statement Rules, Subchapter 6, Determination of Significance, §11-200-12 Significance Criteria.

In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it:

- (1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;
- (2) Curtails the range of beneficial uses of the environment;
- (3) Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, Hawaii Revised Statutes, and any revisions thereof and amendments thereto, court decision or executive orders;
- (4) Substantially affects the economic or social welfare of the community or State;
- (5) Substantially affects public health;
- (6) Involves substantial secondary impacts, such as population changes or effects on public facilities;
- (7) Involves a substantial degradation of environmental quality;
- (8) Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
- (9) Substantially affects a rare, threatened or endangered species, or its habitat;
- (10) Detrimentally affects air or water quality or ambient noise levels; or
- (11) Affects an environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

GENERAL DESCRIPTION

Description of the Property

1. The property, TMK:4-3-01:31 is a 50 acre parcel bordering the mauka side HonoaPi'ilani Hwy directly across from Ho'ohui Road and the Kahana Gateway development. (See attached Map, Exhibit 1) The parcel, formerly in sugar cane cultivation, was created as a Quiet Title Action settlement between Native Hawaiian families and Maui Land and Pineapple, Inc. The parcel was subsequently sold to the applicant. The site is presently vacant and covered with scrubby vegetation. Elevations range from 40' at the makai boundary to about 160' at the mauka border. The slope averages 8-10%.
2. Land Use Designations --
 - a. State Land Use District -- Agriculture
 - b. Lahaina Community Plan -- Agriculture
 - c. County Zoning -- Agriculture
 - d. Other -- None.
3. Surrounding Uses --

North --	Kahana Stream and pineapple fields
East --	(Mauka) Pineapple fields.
South --	(Olowalu side) Vacant (Omori) agricultural subdivision.
West --	(Makai) Cane haul road, HonoaPi'ilani Hwy, Kahana commercial district, and multifamily development.
4. Soil Classification:

Lahaina Silty Clay
LSB Classification: "A" & "B"
ALISH System: "Prime"

Existing Services

1. Water -- There is no current water service to the site. The applicant intends to tie into the existing waterline network that serves the surrounding area.
2. Sewers -- There are no existing sewerlines on the site, however the applicant notes that the project is located within an area served by the Lahaina sewerage system.

3. Roadways --The project is abuts the mauka side of HonoaPi'ilani Hwy which is a major arterial highway serving the Kahana-Napili area. The applicant proposes two access connections to the highway and an internal road system.
4. Electrical and Telephone -- There are existing overhead electric and telephone lines along Lower HonoaPi'ilani Road.
5. Solid Waste -- The area is served by the Central Maui landfill.
6. Public Services -- Police, Fire and Medical facilities are located at the Lahaina Civic Center, approximately 5 & 1/2 miles south of the project site.
7. Drainage -- There are no existing drainage improvements. Runoff currently sheet flows across the property, either directly to Kahana Stream or makai to the cane haul road and then into Kahana Stream.

Project Description

The proposed project will include single family residential lots which will total approximately 200 units, a 1.32 acre park and 86 multi-family units. (See Exhibit 2) The project is billed as a "gap group" moderately priced subdivision similar to Wailuku Heights.

The residential subdivision portion will be developed to meet the requirements of County and State agencies, including the installation of sewer, water, drainage, electrical and telephone systems. An internal roadway system will be constructed.

CONSULTED AGENCIES

Department of Health --	Comments dated August 30, 1991, and December 10, 1991. (Exhibit 4a-4b)
Department of Education --	Comments dated September 3, 1991 (Exhibit 5)
Department of Transportation--	Comments dated September 4, 1991 and October 8, 1991. (Exhibit 6a-6b)
Department of the Army --	Comments dated September 5, 1991 (Exhibit 7)
Department of Water Supply --	Comments dated September 18, 1991. (Exhibit 8)

Soil Conservation Service -- Comments dated September 23, 1991 (Exhibit 9)
Department of Human Concerns- Comments dated September 23, 1991 (Exhibit 10)
Department of Land and Natural Resources -- Comments dated September 27, 1991. (Exhibit 11)
Department of Public Works -- Comments dated October 3, 1991. (Exhibit 12)
Department of Parks and Recreation -- Comments dated October 11, 1991 (Exhibit 13)
Department of Agriculture -- Comments dated November 29, 1991 (Exhibit 14)

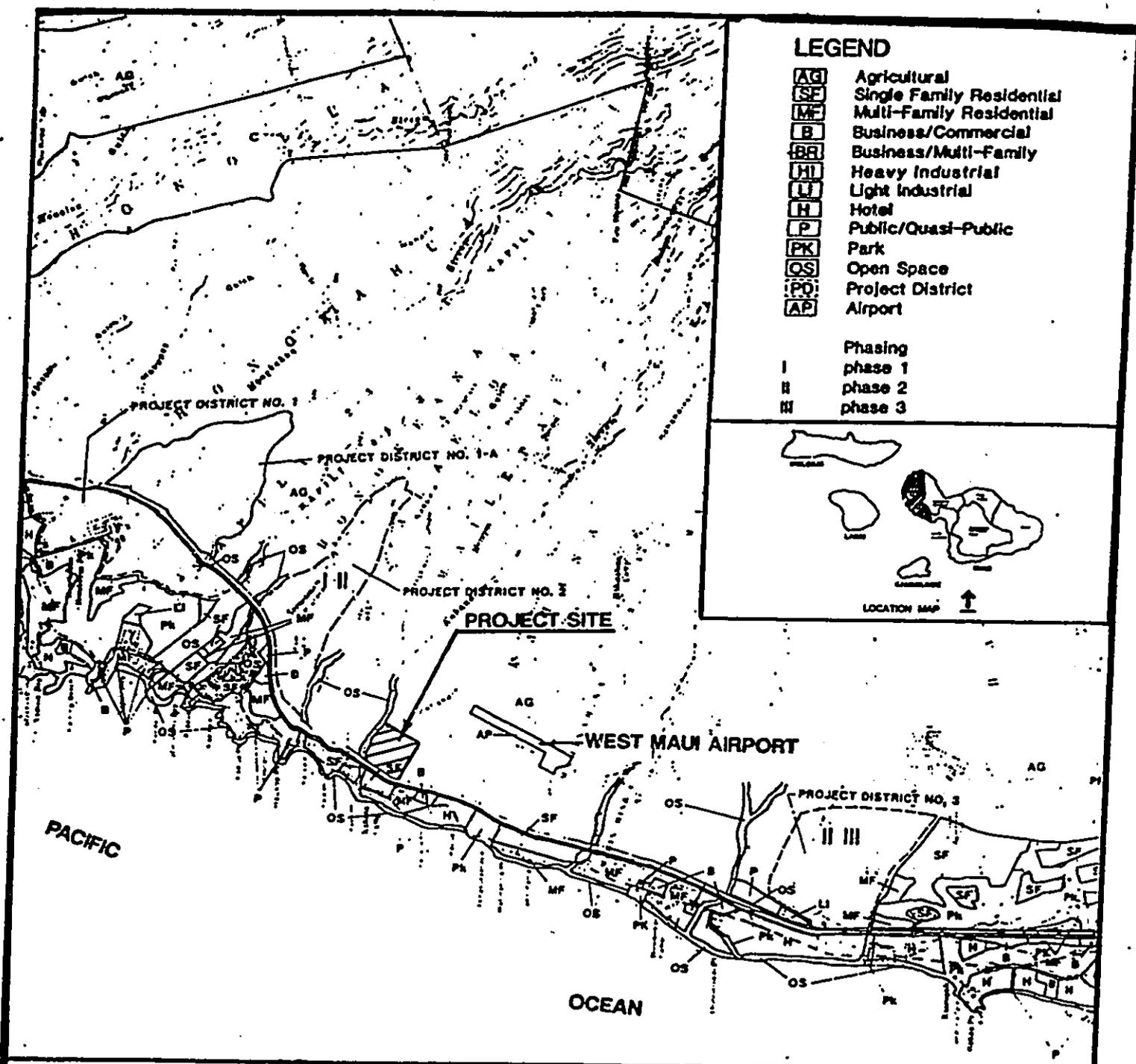
AFFECTED ENVIRONMENT AND ANALYSIS OF IMPACTS

The analysis of the agency comments, the project's impacts on the environment, and its relationship to County land use plans will be presented in an addendum report.

APPROVED



BRIAN MISKAE
Planning Director



ZONING MAP

SCALE: 1"=4,000'

EXHIBIT 1

SOURCE: Lahaina Community Plan

FIGURE 2

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

PAUL E. HOFFMAN, M.D., M.P.H.
DISTRICT HEALTH SERVICES ADMINISTRATOR (M.D.)

'91 AUG 30 P4:13

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793

August 30, 1991

Mr. Brian Miskae
Planning Director
Maui Planning Department
250 S. High Street
Wailuku, Hawaii 96793

Dear Mr. Miskae:

Subject: I.D. No. 91/EA-006, 91/CPA-006, 91/CIZ-012, TMK: 4-3-1:
31, 3521 Corporation Residential Subdivision, Applicant
Paul Mancini for 3521 Corporation

We have reviewed the subject application and our comments are as follows:

1. Adequate sewage capacity at the Lahaina Sewage Treatment Plant and potable water should be properly addressed.
2. The proposed project is surrounded by pineapple fields. Dust, herbicide spray, and noise nuisances associated with pineapple operations may generate complaints from the proposed development.
3. Kapalua Airport is located in close proximity to the proposed site. Noise from aircraft may be a concern.

Should you have any questions regarding the above, please call me at 243-5255.

Sincerely,


DAVID H. NAKAGAWA
Chief Sanitarian, Maui

EXHIBIT 4a

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793

JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH
PAUL E. HOFFMAN, M.D., M.P.H.
DISTRICT HEALTH SERVICES ADMINISTRATOR IM D.

December 10, 1991

91 DEC 11 P2:25
DPT OF H

Mr. Brian Miskae
Director
Department of Planning
County of Maui
200 S. High Street
Wailuku, Hawaii 96793

Dear Mr. Miskae:

Subject: 3521 Corporation Residential Subdivision, TMK: 4-3-1: por 70
91/EA-006, 91/CPA-006, 91/CIZ-012 Paul Mancini for 3521 Corporation

Thank you for the opportunity to review and comment on the subject application. We have the following comments:

The noise contour map indicates that the residential units are located beyond the 50 Ldn contour, however, aircraft flight noise includes isolated high noise levels. These high noise levels can adversely impact residential communities. Due to the low ambient sound levels of the area and uncertain future expansion and uses of the airport, potential noise problems may result.

Should you have any questions, please call Mr. Jerry Haruno, Chief, Noise and Radiation Branch on Oahu at 548-3075

Sincerely,

David H. Nakagawa
DAVID H. NAKAGAWA
Chief Sanitarian

EXHIBIT 4b

JOHN WAIHEE
GOVERNOR



CHARLES T. TOGUCHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P. O. BOX 2360
HONOLULU, HAWAII 96804

'91 SEP 11 P3:48

DEPT OF EDUCATION
COUNTY OF MAUI
RECEIVED

September 3, 1991

OFFICE OF THE SUPERINTENDENT

Mr. Brian Miskae, Director
Maui Planning Department
250 S. High Street
Wailuku, Hawaii 96793

Dear Mr. Miskae:

SUBJECT: 3521 Corporation Residential Subdivision
Kahana, Maui
TMK: 4-3-1: 31

Our review of the subject residential subdivision indicates that it will have a significant enrollment impact on the public schools in the area. The proposed 200 single-family and 86 multi-family units are projected to generate 101 students in grades K-12 for the following schools:

<u>School</u>	<u>Grades</u>	<u>Students</u>
Kamehameha III Elementary	K-5	53
Lahaina Intermediate	6-8	21
Lahainaluna High	9-12	27

We request that the County support the Department's position on requiring the developer to contribute a fair share for the construction of school facilities. We estimate that the projected 101 students generated from this development will require four classrooms at a cost of \$1,391,428. The developer's fair share will be 50 percent of this cost or approximately \$695,714.

Should you concur with our request, we will contact the developer on his fair-share participation to mitigate the impact to the affected schools. We request that appropriate language for a fair-share

EXHIBIT 5

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

Mr. Brian Miskae

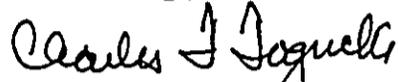
-2-

September 3, 1991

contribution for school facilities be included as a condition for approval of the application. We ask your support in the event that agreement with the developer cannot be reached.

Should there be any questions, please call the Facilities Branch at 737-4743.

Sincerely,



Charles T. Toguchi
Superintendent

CTT:jl

cc: A. Suga
L. Lindsey

JOHN WAIHEE
GOVERNOR

'91 SEP -5 P1:19
DEPT OF PLANNING
RECEIVED



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
AIRPORTS DIVISION
HONOLULU INTERNATIONAL AIRPORT • HONOLULU, HAWAII 96819

EDWARD Y. HIRATA
DIRECTOR

DEPUTY DIRECTORS
AL PANG
JOYCE T. OMINE
JEANNE K. SCHULTZ
CALVIN M. TSUDA

IN REPLY REFER TO:

AIR-EP
91.483

September 4, 1991

Mr. Brian Miskae
Planning Director
Maui Planning Department
250 S. High Street
Wailuku, Hawaii 96793

Dear Mr. Miskae:

We have reviewed the various documents for the 3521 Corporation Residential Subdivision (I.D. No. 91/EA-006, 91/CPA-006, 91/CIZ-012) that you transmitted to us. None of the documents appears to have addressed nor assessed the subdivisions proximity to the West Maui Airport. Due to the nature of the proposed subdivision (residential) we recommend that the applicant be required to provide an assessment of any potential impacts (noise, overflights etc.) that may result as consequence of its proximity to the airport. Consequently, we would be interested in reviewing this assessment.

Should you have any question on our comment, please contact Mr. Dean Nakagawa of my Honolulu office at 836-6526.

Thank you for allowing us to provide comments on this proposed project.

Very truly yours,

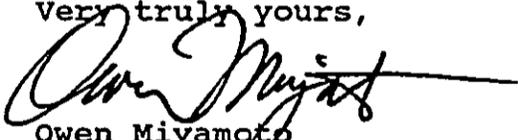

Owen Miyamoto
Airports Administrator

EXHIBIT 6a

JOHN WAIHEE
GOVERNOR



EDWARD Y. HIRATA
DIRECTOR
DEPUTY DIRECTORS:
AL PANG
JOYCE T. OMINE
JEANNE K. SCHULTZ
CALVIN M. TSUDA

'91 OCT 10 P4:16

DEPT OF TRANSPORTATION
HIGHWAYS DIVISION
RECEIVED

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

MAUI DISTRICT
650 PALAPALA DRIVE
KAHULUI, HAWAII 96732

IN REPLY REFER TO:

HWY-M 2.680-91

October 8, 1991

Mr. Brian Miskae
Director of Planning
County of Maui
250 S. High Street
Wailuku, HI 96793

Dear Mr. Miskae:

SUBJECT: ML & P-NHLC SUBDIVISION, 3521
CORPORATION RESIDENTIAL SUBDIVISION
TMK: 4-3-01: POR. 31 91/EA-006,
91/CPA-006, 91/CIZ-012.

Thank you for the opportunity to comment on the petition for the subject project.

We have the following comments:

1. The developer should submit a schedule for a traffic signal warrant study and traffic signal plan for our review and approval.

If signalization is not warranted at this time, the developer should implement the roadway improvements recommended in the Traffic Impact Report (dated July 26, 1991). In addition, a left turn median acceleration lane on Honoapiilani Highway for vehicles exiting the project from Road A should be provided. Conduits for future signalization should be installed, with the developer's commitment to implement the traffic signals when warranted.

EXHIBIT Gb

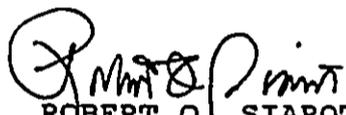
Mr. Brian Miskae
Page 2

HWY-M 2.680-91

2. The access locations must be re-evaluated to ensure that there are no conflicts with adjacent property owners.
3. Construction plans for work within the State right-of-way shall be submitted for review and approval. Required roadway improvements shall be constructed at no cost to the State and in accordance with all applicable State design standards and specifications.
4. The developer should be required to participate on a prorata basis in regional highway improvements.

Please call Ferdinand Cajigal at 877-5061 if there are any questions.

Very truly yours,


ROBERT O. SIAROT
Maui District Engineer

FC:kpy



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
BUILDING 230
FT. SHAFTER, HAWAII 96858-5440

September 5, 1991

'91 SEP -6 P3:30

REPLY TO
ATTENTION OF:

Planning Division

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Mr. Brian Miskae
Planning Director
Maui Planning Department
250 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Miskae:

Thank you for the opportunity to review and comment on the Community Plan Amendment for the 3521 Corporation Residential Subdivision, Lahaina, Maui (TMK 4-3-01:31). The following comments are provided pursuant to Corps of Engineers authorities to disseminate flood hazard information under the Flood Control Act of 1960 and to issue Department of the Army (DA) permits under the Clean Water Act; the Rivers and Harbors Act of 1899; and the Marine Protection, Research and Sanctuaries Act.

a. A Department of the Army Permit will not be required for this project.

b. The flood zone designation (Zone C) stated on page 6 and shown on Figure 4 of the Environmental Assessment is correct.

Sincerely,

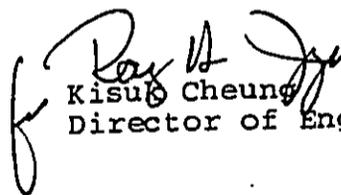

Kisun Cheung
Director of Engineering

EXHIBIT 7



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
P.O. BOX 1109
WAILUKU, MAUI, HAWAII 96793-7109

'91 SEP 19 P4:25

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

September 18, 1991

Mr. Brian Miskae
Department of Planning
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Miskae:

Re: Application for Land Use Commission District Boundary
Change/Reclassification, Application for Community Plan
Amendment, Application for Change in Zoning, TMK 4-4-01:31,
Lahaina, Maui, Hawaii

The approval of the subject applications should be subject
to modifications to item IV A of the engineering study, as
revised in July 1991 and attached as exhibit 3 to the petition
submitted to the Office of State Planning, based on an analysis
of the existing water system during the processing of the
subdivision.

The applicant should be advised that water from the water
system may not be made available for dust control during the
construction period.

Sincerely,

Rae M. Shikuma
Director

"By Water All Things Find Life"

EXHIBIT 8

UNITED STATES
DEPARTMENT OF
AGRICULTURE

SOIL
CONSERVATION
SERVICE

P. O. BOX 50004
HONOLULU, HAWAII
96850

'91 SEP 26 ~~September 23, 1991~~

Mr. Brian Miskae, Planning Director
Maui Planning Department
250 S. High Street
Wailuku, Hawaii 96793

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Dear Mr. Miskae:

Subject: Environmental Assessment (EA) - 3521 Corporation Residential
Subdivision Project Plan Review, Wailuku, Hawaii

We have reviewed the Project Plan and the Engineering Study for the 3521
Corporation Residential Subdivision Project and would like to make the
following comments:

- 1) This project currently would result in the loss of up to 50 acres of
Prime Agricultural Land. We believe that the State of Hawaii and the
County of Maui should avoid any loss of Prime Agricultural Land.
- 2) The project plans call for a major portion (50%) of the increased storm
runoff from the subdivision be directed to Kahana Gulch below the existing
retention basin. We believe that more investigation is needed to determine
if this unlined channel is capable of safely handling this flow.

Thank you for the opportunity to comment on this document and we would
appreciate it if we could review the draft EIS.

Sincerely,

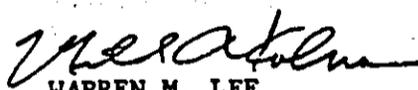
 Acting
WARREN M. LEE
State Conservationist

EXHIBIT 9



DEPARTMENT OF
HUMAN CONCERNS
COUNTY OF MAUI

LINDA CROCKETT LINGLE
Mayor
STEPHANIE AVEIRO
Director
HENRY OLIVA
Deputy Director

300 SOUTH HIGH STREET, WAILUKU, HAWAII 96793

91 SEP 25 P3:39

(808) 241-7405

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

September 23, 1991

MEMO TO: BRIAN MISKAE, Director of Planning
FROM: *SA* STEPHANIE AVEIRO, Director of Human Concerns
SUBJECT: 3521 CORPORATION RESIDENTIAL SUBDIVISION

Thank you for the opportunity to comment and make recommendations on the above subject project.

1. The Change in Zoning Application and the Development Plan Report (page 2) states that 86 multi-family affordable apartments are proposed, whereas the Community Plan Amendment Application and page 19 of the Development Plan Report states that 60 multi-family affordable apartments are proposed. The applicant should be asked to correct this discrepancy.
2. The table on page 20 of the Development Plan Report is based on the County's 1990 median annual income of \$37,700. This table should be updated by using the County's 1991 median annual income of \$39,100.
3. The Development Plan Report shows four site-plan schemes whereas the Application for Community Plan Amendment, Application for Change in Zoning and the Environmental Assessment Report show only one. We would be interested to know if any of the site-plan schemes has been selected. It is our recommendation that a site-plan scheme with a centralized park location be considered.
4. We recommend that at least 50% of the proposed units be developed as affordable housing in accordance with the following distribution:

10% affordable to families at 80% or less of median
20% affordable to families at 120% or less of median
20% affordable to families at 140% or less of median
5. We also recommend that the affordable "for sale" housing units be made subject to the following:

EXHIBIT 10

MEMO TO BRIAN MISKAE
SEPTEMBER 23, 1991
PAGE: Two

- a. A ten-year buy-back option with the first option to the developer and the second option to the County of Maui.

The formula to calculate the buy-back price should be the same as that specified in Section 201E-221 of the Hawaii Revised Statutes.

As a condition for re-sale of the unit, the developer be required to re-sell the unit for the sum of (1) cost to buy-back the unit (2) cost of carrying the unit and (3) cost of re-selling the unit.

- b. A ten-year owner-occupant requirement.
 - c. Restriction on placing other encumbrances (larger first mortgage, second mortgage, etc.) on the property without first securing the written approval of the party or parties holding an option to buy-back the unit. This restriction should apply for as long as the buy-back option exists.
6. We request that the applicant clarify whether the proposed 86 multi-family affordable apartments are to be sold or rented. If rented, these units should be provided in perpetuity.

Again, let me state that these are our comments and recommendations. We would welcome meeting with you or anyone else should you wish to discuss these. We believe that only through serious discussion and eventually consensus can we positively make an impact on these complicated housing projects.

** ** * ** **

JOHN WAIHEE
GOVERNOR OF HAWAII



WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

KEITH W. AHUE
MANABU TAGOMORI
Dan T. Kochi

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

'91 OCT -1 P4:37

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621

HONOLULU, HAWAII 96809

DEPT OF PLANNING

REF: OCEAN/SKK

SEP 27 1991

FILE NO.: 92-140
DOC. NO.: 1732E

The Honorable Brian K. Miskae
Director
Department of Planning
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Miskae:

Subject: Environmental Assessment/LUC Boundary Change/Zone Change
for ML&P - NHLC Subdivision at Kahana, Lahaina, Maui,
Hawaii
TMK: 4-3-01: 31 (por.)

Thank you for giving our Department the opportunity to comment on
this matter. We have reviewed the materials you submitted and have
the following comments.

HISTORIC PRESERVATION DIVISION CONCERNS:

The EA states that an archaeological survey was conducted in the
proposed project area, and two historic sites (a two-tiered basalt
rock platform and a petroglyph) were identified. For mitigation,
the EA proposes to implement the consulting archaeologist's
recommendation with the approval of our office. The report
presented two options for the platform: 1) preservation in place
or 2) testing to determine if human remains are present. No
recommendation was made for the petroglyph.

We reviewed the archaeological report (Kennedy 1990,
Archaeological Inventory Survey Report for TMK: 4-3-01: 31,
Located at Kahana, Island of Maui) that was included in the EA
(Section 4). We find that the report is not an acceptable
archaeological inventory survey at this time, and we are unable to
evaluate the significance of the sites and, in turn, unable to
evaluate mitigation recommendations.

EXHIBIT //

We found the report's background section to need more work. This section is to attempt to establish precontact-early contact period settlement patterns of the ahupua'a, reviewing prior archaeological work and evaluating relevant historic documents. The section is also to then identify likely settlement patterns within the project area. The intent is to provide an ahupua'a setting (context) for interpreting sites found and for evaluating their significance. The report fails to review a few important prior studies on Kahana for this land use analysis. Griffin and Lovelace study (1977) found two sites -- 216 (wall) and 227 (retaining walls) -- located near the project area, and 7 historic sites (habitation and agricultural sites) were found in Kahana Gulch in studies done by Bishop Museum in 1983 and Paul H. Rosendahl, Ph. D., Inc. in 1985 for the Kahana Gulch Desilting Basin. Importantly, the report by PHRI (Walker and Rosendahl 1985. Testing of Cultural Remains Associated with the Kahana Desilting Basin) contains an appendix on the historic land use and settlement pattern by Matthew Spriggs, which is important for the discussion of past land use and settlement pattern for the area.

Based on the description of field methodology in the report, we do believe it is likely that the project area was adequately covered, with only 2 historic sites found, due to past sugarcane cultivation in most of the project area. The two sites consist of a two-tiered platform (labeled as T-1) and a single petroglyph.

However, no testing occurred at the platform, so function and age is still uncertain. We believe that function and age needs to be determined in order for the significance of this site to be properly evaluated. The petroglyph was described as a single human figure pecked on to a basalt boulder, but no significance assessment for this site was made. It appears to meet Criterion D, but the consulting archaeologist needs to verify this point.

It is our conclusion, given the above points, that insufficient information has been gathered to evaluate the significance of the two historic sites found in the project area. The background presentation in the report needs to be upgraded (to establish ahupua'a and project area settlement patterns) and archaeological test excavations are needed in the platform to establish the function and age of that site. Without a determination of the platform's function and age, we are unable to finalize the significance assessment. Until this work is done, we find that the inventory survey is not adequately concluded. We are unable to consider mitigation recommendations without knowing site significance.

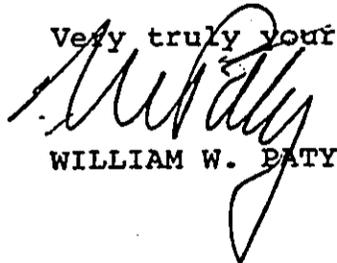
Once the archaeological survey work is brought to acceptable levels, findings should be submitted in revised report, along with proposed significance evaluations for the two sites. Then we can rapidly finalize the significance assessments and comment on the appropriate treatments of the two sites. If the platform site contains a burial, the final decision on its treatment will be determined by the Maui/Lanai Island Burial Council. We would recommend preservation of the rock with a petroglyph, ideally in-place, but alternatively in another location in the project area.

We, therefore, recommend that the decision on these applications be deferred until an archaeological testing of the platform (site T-1) is conducted, the background setting of the survey report is improved, the significance assessments for both sites are finalized, and then acceptable mitigation commitments are agreed upon for both sites.

An alternative to deferral that would result in a "no adverse effect" determination would be for the applicants to agree to a condition requiring the preservation of the platform and the petroglyph. The condition should specify that a detailed preservation plan is required, to be approved by our office and the County and with our offices verifying successful execution of such a plan. The plan should include acceptable buffer zones around each site (to be approved), archaeological testing to determine the platform's function (e.g., is it a burial site?), revision of the archaeological survey report with significance evaluations, interim protection measures during construction, and long-term preservation concerns (e.g., maintenance, access). Under this alternative, if the applicants would later confirm that the platform site is not a burial or shrine and that it could undergo archaeological data recovery (rather than preservation), then a request needs to be filed to amend this condition.

Thank you for your cooperation in this matter. Please feel free to call me or Sam Lemmo at our Office of Conservation and Environmental Affairs, at 548-7837, should you have any questions.

Very truly yours,



WILLIAM W. PATY

LINDA CROCKETT LINGLE
Mayor

GEORGE N. KAYA
Director

CHARLES JENCKS
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS

LAND USE AND CODES ADMINISTRATION

250 SOUTH HIGH STREET

WAILUKU, MAUI, HAWAII 96793

AARON SHINMOTO, P.E.
Land Use and Codes Administration

EASSIE MILLER, P.E.
Wastewater Reclamation Division

RALPH NAGAMINE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Solid Waste Division

MELVIN HIPOLITO
Highways Division

'91 OCT 4 12 30
DEPT OF PUBLIC WORKS
COUNTY OF MAUI
RECEIVED

October 3, 1991

MEMO TO: Brian Miskae, Planning Director

F R O M: George N. Kaya, Director of Public Works *George N. Kaya*

SUBJECT: Applications for Environmental Assessment, Community Plan Amendment, and Change in Zoning by Paul Mancini on Behalf of 3521 Corporation for Proposed Residential Subdivision at Kahana, Maui, TMK: 4-3-01:31

We have reviewed the above request and offer the following comments:

1. That a final detailed drainage and erosion control plan including, but not limited to, hydrologic and hydraulic calculations, scheme for controlling erosion and disposal of runoff water, and an analysis of the soil loss using the HESL erosion formula, be submitted for our review and approval. The project's drainage scheme provides for disposal of runoff into the existing Kahananui Stream. According to the current flood insurance rate maps, the stream overflows its banks both above and below the Honoapiilani Highway. The petitioner shall provide verification that the grading and runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties.
2. That an existing cane haul road parallels the Honoapiilani Highway along the project's westerly boundary. The traffic impact assessment report (TIAR) should include the impact of the cane haul road on the project and vice versa. The TIAR should also address pedestrian safety for the crossing of Honoapiilani Highway to the makai commercial and recreational areas.

EXHIBIT 12

Brian Miskae
TMK: 4-3-01:Por. 31
October 3, 1991
Page 2

3. That if Road A (southerly access road) will eventually serve more areas mauka of the project site, it should be access controlled.
4. That no clearing and grubbing material shall be disposed of at the County sanitary landfill. The developer shall submit a solid waste management plan acceptable to the Department of Public Works. For additional information, the developer is requested to contact the Solid Waste Division.
5. That the County cannot ensure that wastewater system capacity will be available for the project.
6. That the developer will be required to fund any necessary off-site improvements to the wastewater collection system and pump stations.
7. That sewage flow calculations are required.
8. That the developer may be assessed impact fees for treatment expansion costs.

Please note that additional requirements will be made during the subdivision process and after submittal of the detailed working drawings.

AS/sn

cc: Engineering Division
Wastewater Reclamation Division
Solid Waste Division



DEPARTMENT OF
PARKS AND RECREATION
COUNTY OF MAUI

LINDA CROCKET

CHARMAINE TAVARES
Director
ARMAND PADUA
Deputy Director

1580 KAAHUMANU AVENUE, WAILUKU, HAWAII 96793

'91 OCT 15 P3:19

(808) 243-7230

October 11, 1991

DEPT OF P
RECEIVED

Mr. Brian Miskae
Planning Director
Maui Planning Department
250 S. High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Miskae:

SUBJECT: I.D. NO. 91/EA-006, 91/CPA-006, 91/CIZ-012
TMK 4-3-1:31
PROJECT NAME: 3521 CORPORATION RESIDENTIAL
SUBDIVISION
APPLICANT: PAUL MANCINI FOR 3521 CORPORATION

The proposed subdivision includes 200 single family residences and 86 multi-family residences. In a letter from Lokelani Lindsey, the DOE projects that 80-130 students will live in this subdivision.

The proposed 1.3 acre park may not sufficiently meet the needs of the community. Park and recreation space in this geographic area is also limited. I would like to work with the developer regarding the park space and siting.

Thank you for the opportunity to comment.

Sincerely,

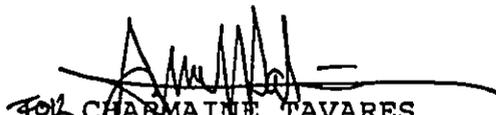

FOR CHARMAINE TAVARES
Director of Parks & Recreation

EXHIBIT 13

JOHN WAIHEE
GOVERNOR



YUKIO KITAGAWA
CHAIRPERSON, BOARD OF AGRICULTURE

ILIMA A. PIIANAIA
DEPUTY TO THE CHAIRPERSON

FAX: 548-6100

Mailing Address:
P. O. Box 22159
Honolulu, Hawaii 96823-2159

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 So. King Street
Honolulu, Hawaii 96814-2512

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DEPT OF AGRICULTURE
RECEIVED

November 29, 1991

To: Brian Miskae, Director
Planning Department
County of Maui

From: Yukio Kitagawa, Chairperson *YK*
Board of Agriculture

Subject: Agricultural Study for 3521 Corporation
Residential Subdivision
TMK: 4-4-01: por. 31 Kahana, Maui
Area: approximately 44.684 acres

The Department of Agriculture has previously reviewed the subject study. Please be apprised that the comments found in our letter to Harold Masumoto (dated October 15, 1991, copy attached) remain applicable.

Thank you for the opportunity to comment.

Attachment



EXHIBIT 14

JOHN WAIHEE
GOVERNOR



YUKIO KITAGAWA
CHAIRPERSON, BOARD OF AGRICULTURE

ILIMA A. PIIANAIA
DEPUTY TO THE CHAIRPERSON

FAX: 548-6100

Mailing Address:
P. O. Box 22159
Honolulu, Hawaii 96823-2159

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 So. King Street
Honolulu, Hawaii 96814-2512

October 15, 1991

To: Harold S. Masumoto, Director
Office of State Planning

From: Yukio Kitagawa, Chairperson
Board of Agriculture *YK*

Subject: Petition for Amendment to the State Land Use
District Boundaries
A91-671 (3521 Corp.)
Agricultural to Urban
Single family residential subdivision
TMK: 4-4-01: por. 31 Kahana, Maui
Area: approximately 44.684 acres

COPY

The Department of Agriculture has reviewed the subject petition and offers the following comments:

According to the petition, the petitioner is seeking to develop 200 lots for sale to residents who desire to construct their own detached, single family dwellings. Apparently only 4.0 acres of the subject property will be developed in "affordable" housing units. According to the petition, the subject property was removed from sugarcane production in 1987 as a result of a quiet title action. The property is bounded by pineapple fields to the east, Kahana Stream to the north, an agricultural subdivision (Kahana Nui) to the south and Honoapiilani Highway to the west.

The subject area has Land Study Bureau Overall Productivity Ratings and Land Types of A44i and B44i. By this method of classification, the property has mostly good to very good productivity potential for most agricultural uses. The property is situated about 1,000 feet makai of an irrigation ditch.

The property is also classified "Prime" according to the Agricultural Lands of Importance to the State of Hawaii (ALISH) system. The Soil Conservation Service Soil Survey identifies the soils as of the Lahaina series which are well suited to sugarcane and pineapple cultivation.



Mr. Harold S. Masumoto
October 15, 1991
Page -2-

From the foregoing information, it can be inferred that the subject property has the physical qualities that would support most agricultural uses.

Exhibit 1 (page 18) of the petition states that the development of the property will not adversely affect the agricultural resources of the area. This conclusion is based on the following:

- (1) the property has not been in agricultural use since 1987;
- (2) "there is no intent to return the land to agricultural production;"
- (3) the exclusion of the parcel from agricultural production is such that there would be no impact on the sugar, pineapple or diversified agriculture industries; and
- (4) "The fifty (50) acre parcel was partitioned by the Circuit Court in order to provide the Native Hawaiian group with land adjacent to urban areas that would be suitable for residential development and to provide a higher return to the Native Hawaiian group."

The Department of Agriculture does not agree that the approval of the subject petition will not adversely affect the agricultural resources of the area. The adverse impacts of urbanization upon an agricultural area extend beyond the use of the property to be urbanized. The petition, if approved, will be a significant intrusion of the Urban District into the area mauka of the Honoapiilani Highway that is predominantly agricultural in use and designation (the Lahaina Community Plan designates the property as agriculture). The closest existing Urban District area on the mauka side of Honoapiilani Highway (other than the Kapalua Airstrip) is within the Kaanapali South Beach Mauka area. Our concern is that the subject property, once urbanized, will set a precedent whereby adjacent landowners may seek to urbanize their lands which, in turn, threatens the integrity of the agricultural land resource of the region.

The Department of Agriculture opposes the petitioner's request unless the petitioner can clearly demonstrate that the approval of the project represents an overriding public benefit. Thank you for the opportunity to comment.

c: Maui County Planning Department