

2003 FEIS MAUI
MAUI OCEAN CLUB SEQUEL PROJECT 2 OF 2

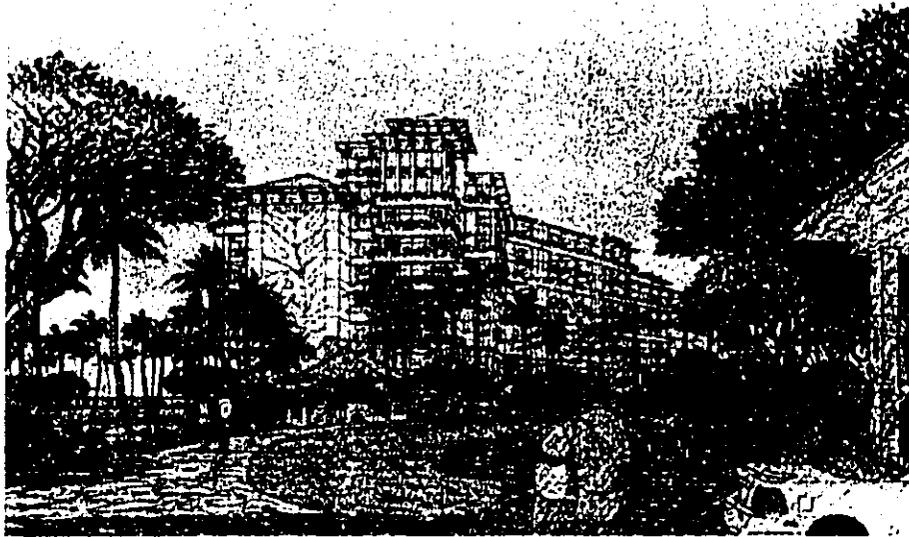
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FINAL ENVIRONMENTAL IMPACT STATEMENT

Part 2 of 2

Maui Ocean Club Sequel Project



JULY 08 2003



APPENDIX I
Socio-Economic Impact Assessment



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**SOCIO-ECONOMIC IMPACT
ASSESSMENT OF
MAUI OCEAN CLUB SEQUEL
PROJECT,
KAANAPALI, WEST MAUI,
MAUI COUNTY**

December 2002;
Revised July 2003

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EXECUTIVE SUMMARY

Project: Marriott Vacation Club International is proposing the Sequel Project, involving development of two new buildings and other facilities at the Maui Ocean Club Resort, Kaanapali, Maui. With redevelopment, the new buildings will include 143 time share units. With redevelopment, more of the land between the Marriott buildings and the shore line will be in landscaped open space. Construction is expected to start in 2006 and finish in December 2008.

Revised Report: This report is a revision of the December 2002 report SMS prepared for the Draft Environmental Impact Statement on the Maui Ocean Club Sequel Project. The revision reflects (a) changes in the unit count in the project, (b) changes in the footprint and height of the proposed Napili Tower, (c) a new construction time table; and (d) further analysis of the long-term economic impacts of changes in neighbors' views. It responds to questions raised in comments on the Draft EIS.

Surrounding Communities: The Maui Ocean Club opened as the Maui Marriott in 1979. The property is currently being transformed from hotel to time share use, with renovation of public areas as well as guest rooms. Before the Sequel Project begins, the resort will be fully converted to time share units, with 312 units replacing the original 720 hotel rooms. The new units in the Sequel Project would then amount to 31% of the eventual 455 units in the expanded Maui Ocean Club.

A luxury condominium, Kaanapali Alii, and the Hyatt Regency Resort adjoin the Marriott property. They are all part of Kaanapali, Maui's first master planned resort and an outstanding example of successful resort development. Kaanapali long had higher occupancies than other parts of Maui. It continues to attract visitors in large numbers, even though other areas are more prestigious, charging much higher rates. Redevelopment is under way in several hotels, and additional time share development is being planned by at least two other hotel chains.

During the 1990s, Hawaii's tourism-based economy largely stagnated. Maui, however, saw growth in jobs, income and population even though visitor numbers increased only slowly. Maui has succeeded in attracting affluent tourists and vacation home owners to its resorts.

Time share properties have emerged as an important part of the visitor economy in recent years. With many owned and managed by leading hotel chains, they can offer quality accommodations and access to comparable resorts around the world. Hawaii time shares attract affluent visitors. Time share properties routinely maintain extremely high occupancy levels, especially when a hotel operator can book any excess space for hotel use. Time share properties saw little loss of business after the September 11, 2001 tragedy, while hotels and condominiums had lowered revenues over the next year.

Current forecasts call for slow but steady growth on Maui, with the visitor industry leading an increasingly diversified local economy. The major new visitor-oriented developments now proposed or under construction are time share properties.

Community Issues and Concerns: Local business interests were enthusiastic about the prospect of new visitors who would be spending money in Kaanapali and the surrounding

area. They recognize a need to renovate the resort, and see the project as part of this process. They were concerned about traffic during construction. Owners of Kaanapali Alii units saw construction of the Sequel Project, especially of the Napili Tower, located between the existing Maui Ocean Club and two of the four Kaanapali Alii buildings, as a source of noise, dust, and above all lost income due to reduced rentals. Residents of uphill Kaanapali areas expressed concern mainly with the change in their views of and toward the ocean.

Economic and Demographic Impacts: The Sequel project will house up to 582 visitors at a time. (That figure is 1.3% of the 2000 Maui Island average visitor census, and less than the growth expected in a single year.) Impacts on the local economy are generally positive, as shown in Exhibit ES-A. It is worth noting that time share direct operations jobs are estimated from expected visitor spending, and many will be located outside the Marriott property.

Social Impacts: Impacts vary greatly according to distance from the project site. While some in the immediate area will be affected by construction, the larger community should see small impacts, due mainly to increased visitor spending.

Owners and occupants of units in Maui Ocean Club, and parts of Kaanapali Alii and the Hyatt Regency will experience noise, construction traffic, and consequent irritation during construction. Foundation work (over a period of about six weeks per tower) is expected to be noisy and an irritant. Earlier construction activity at Maui Ocean Club was, however, implemented while the resort was operating, so Marriott has reason to expect that hotel and time share occupancies will not greatly suffer during the construction period. For the two buildings of Kaanapali Alii closest to the project site, the situation is somewhat different. Renters using the Classic Resorts rental pool may face a choice between discounted units near construction activity and others, away from the Marriott property. While the renting agency may see little change in its income, owners of units in the affected side of the two buildings could see lower occupancies and cash flow. The impact is likely to be felt in periods of active outdoor construction work near Kaanapali Alii, not throughout the Sequel construction period.

After construction, the presence of the Napili Tower is not expected to affect the value of Kaanapali Alii units, since its impact on ocean views is limited.

For the Kaanapali Resort as a whole, project construction could bring some irritants and traffic or parking problems, but operations will have a greater impact, due to increased visitor spending and higher occupancies. With more visitors in Kaanapali (in the Maui Ocean Club and in other properties with time share operations), West Maui will see increased income for the visitor economy. The result will be a slight increase in pressure for more resident housing and public facilities in the region. The increases in both visitor and resident populations associated with the project are, however, well within the growth expected for West Maui and the island as a whole, so the new demand is likely to have already been included in facilities planning.

Exhibit ES-A: SUMMARY OF ECONOMIC AND DEMOGRAPHIC IMPACTS

Construction Spending	\$92.0 million 2002 \$s
Direct Construction Workforce	629 person-years
Average Annual FTE Jobs	222 jobs
Total Direct, Indirect and Induced Construction Workforce	1,541 person-years
Maui Share	1,313 person-years
Total Construction-Related Incomes	\$51.0 million 2002 \$s
Direct Operations Jobs	
High (2009 to 2011)	365 jobs
Stabilized workforce (2012 on)	241 jobs
Total Direct, Indirect and Induced Operations-Related Jobs (2012 on)	428 permanent jobs
Maui Share	381 permanent jobs
Total Operations-Related Incomes Annual (2012 on)	\$12.9 million 2002 \$s
Population supported by Operations-Related Jobs (Maui, 2012 on)	797 persons
Households supported by Operations-Related Jobs (Maui, 2012 on)	270 households
New Housing Demand Associated with Operations (over time, 2012 on, Maui)	41 to 81 units
State of Hawaii Revenues from Construction and Marketing	\$14.9 million 2002 \$s
Maui County Property Tax Increases (Cumulative, to 2020)	\$6.0 million 2002 \$s

NOTE: Through 2011, operations jobs include marketing jobs, which will disappear as the project units are sold out. The current marketing effort for Marriott properties already supports most of the marketing workforce.

The key impact to be mitigated is the impact of construction on nearby owners and occupants. Marriott's time table for construction already schedules foundation work for times when lower occupancy is likely. Moreover, Marriott is assessing different methods that could limit the amount of noise associated with foundation work. Construction according to State and County codes and regulations will also limit physical impacts. Plans to bring in landscaping will shorten the time in which construction areas intrude in the views of nearby residents and visitors. A remaining potential impact – potential losses for Kaanapali Alii owners – has not been quantified. It is the subject of ongoing discussions.

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1. INTRODUCTION

1.1 THE MAUI OCEAN CLUB SEQUEL PROJECT

Marriott Vacation Club International is proposing expansion of the Maui Ocean Club (MOC) Resort, after a conversion process, now under way, is complete.

Currently, the Marriott property on Kaanapali Beach consists of hotel units in one wing of the existing structure, and time share units in the other wing. In the near future, the resort will convert fully to time share units. Instead of the 720 rooms of the original Maui Marriott Hotel, MOC will have 312 time share units.

The Sequel project adds new facilities and removes those facilities appropriate for a hotel but not a time share resort. New facilities consist of:

- Two towers of time-share units, situated to the north and south of the existing resort buildings, with a total of 143 new units.
- New parking structures, needed to replace the existing parking areas, with a total of 563 stalls. The total number of parking spaces on-site will reach 661, according to Marriott plans, including 20 spaces designated for beach right-of-way parking.
- New pools, spas, decks and tennis courts;
- A pool bar, located between the existing hotel and the new Napili Tower to the north.

The existing ballroom, luau area, parking structure, tennis courts, exercise facility and much of the on-grade parking will be removed.

New construction will be set further back from the beach than the older MOC buildings. Construction is planned to begin in early 2006 and end in December 2008. The smaller tower (Lahaina Tower, to the south side of the project) would be open for occupancy as of January 2008; the larger tower (Napili Tower) would be open for use in January 2009.

Exhibit 1-A shows the existing Maui Ocean Club resort in relation to its neighbors. Exhibit 1-B shows the proposed new MOC layout.

Plans for the project have changed since it was first introduced, largely in response to requests by owners in Kaanapali Alii, to the north, who want the new Napili Building located as far from them as possible. That building was to be 110 feet from the closest part of the Kaanapali Alii buildings; it is now located 130 feet away.

Exhibit 1-A: PROJECT LOCATION IN KAA NAPALI



NOTE: On the Marriott site, this map shows the existing buildings only, not the proposed project.
SOURCE: Chris Hart & Partners, Inc. 2002.

1.2 PURPOSE AND SCOPE OF THIS REPORT

This report is a socio-economic impact assessment, intended to appear as an appendix to the Environmental Impact Statement (EIS) on the Marriott Sequel proposal. As such, it is meant as an aid to decision makers and the wider community as they view and decide on the project's permit applications. This is one of several technical studies, and, where appropriate, will point to other studies for more detailed examination of topics handled in them. (For example, this report discusses traffic congestion as an issue of concern to stakeholders, and as a factor affecting quality of life. Quantitative analysis of the impact of traffic alternatives on congestion at various points is provided in the traffic study for the EIS.)

The analysis of impacts is approached through contexts that can affect the reception and consequences of the proposed development:

- This chapter provides an introductory account of the project;
- The next chapter discusses the socio-economic context of the project;
- The third chapter details the concerns of stakeholders, both with the overall future of Kaanapali and with the Sequel proposal; and
- The following chapters deal with potential project impacts. Economic and demographic impacts are estimated first. Impacts on public facilities are estimated in relation to existing and planned local facilities. Other social impacts, which are less easily quantified, are then discussed. Finally, mitigation of potentially adverse impacts is addressed, both as an ongoing process and as a series of actions, some of which have already been planned, which could improve the project.

2. THE SOCIO-ECONOMIC CONTEXT

2.1 OVERVIEW

In this chapter, social and economic contexts surrounding the Marriott Sequel project are sketched. Key elements include:

- Maui has achieved a strong reputation as a popular visitor destination. Kaanapali has for decades been successful, and has done much to establish Maui's reputation. Nowadays, however, it has been overshadowed by Kapalua to the north and Wailea to the southwest, which offer more luxurious hotels and challenging golf courses.
- Maui's visitor industry has enabled the island to weather the difficult economic tides of the 1990s better than any other area in Hawaii. Unemployment is low and labor demand has recently been increasing.
- Time shares are increasingly important in Hawaii's visitor industry. The new time share resorts are part of international chains such as Marriott or Starwood, and hence offer buyers assurance of facilities meeting the chains' reputations. For the chains, time shares offer high occupancies and much faster return on investment than in hotels.
- West Maui's people include relatively well-off residents of Kaanapali and Kapalua, and people of the more mixed communities of Lahaina, Napili and Honokowai. Even in Kaanapali, housing costs are high relative to incomes, so many residents spend as much as 30% of income on housing.
- In addition to residents, workers, living throughout Maui, visitors, and second-home owners contribute to the regional population and economy.

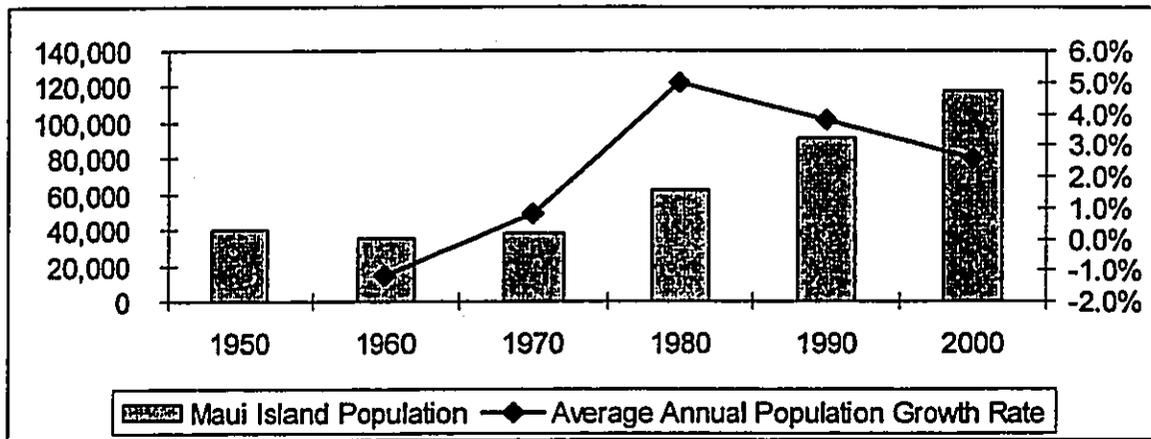
2.2 SURROUNDING AREAS

The MOC is on the southern side of the Kaanapali resort area, in the Lahaina District of Maui. These areas are discussed in this section.

2.2.1 Maui Island

Maui County includes the islands of Maui, Molokai, Lanai and Kahoolawe. Maui Island is home to 92% of the County population. With a population of 117,644 as of April 2000, Maui Island is the third most populous island in Hawaii. After World War II, much of the population emigrated, mostly to Honolulu. Since 1970, Maui has seen continuing population growth, as shown in Exhibit 2-A. (By way of contrast, population growth statewide averaged 2% or more during the 1950s, 1960s, and 1970s, but has been declining. Between 1990 and 2000, average annual population growth was only 0.9% for the State.

Exhibit 2-A: MAUI ISLAND POPULATION AND RATE OF POPULATION GROWTH

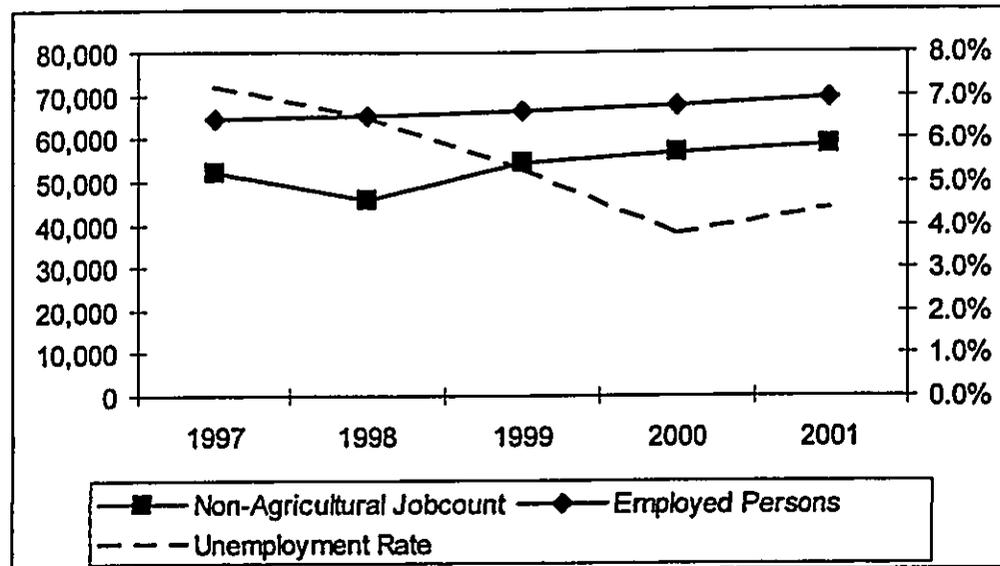


SOURCE: DBEDT, 2002a.

Maui Island's economy was based on plantations for much of the twentieth century. Maui made the transition to a tourism economy fairly quickly, with visitor counts exceeding a million by 1976. Maui County has lost pineapple plantations on the three major islands. Maui Island's sugar industry remains strong, even though only one major producer remains active. During the 1990s, Maui weathered the economic recession and stagnation that affected other counties much more adversely. Both jobs and population increased, even though visitor numbers did not grow appreciably. Major industry sectors seeing growth in jobs were services (notably business services); transportation and utilities; and State/County government. The result has been low unemployment, as indicated in Exhibit 2-B.

Oahu and Maui have diversified economies, and manage to limit unemployment during recessionary times. On the other islands, unemployment can spike when hotels or plantations close, and unemployment is typically higher. In September 2002, 4.3% of the State Civilian Labor Force was unemployed. Unemployment was 3.9% on Oahu, 4.5% on Maui, 5.0% on Kauai and 5.8% on the Big Island. Lanai, which historically has tended to have very low unemployment, was at 6.7% and Molokai at 9.0% (Department of Labor and Industrial Relations website, <http://www.state.hi.us/dlir/rs/loihi/>).

Exhibit 2-B: MAUI ISLAND JOBCOUNT, EMPLOYMENT, AND UNEMPLOYMENT RATE, 1997-2001



SOURCE: Hawaii State Department of Labor and Industrial Relations (<http://www.state.hi.us/dlir/rs/loihi>)

Maui's visitor industry succeeded in creating Hawaii's first planned resort area, at Kaanapali. This was followed by growth of visitor facilities in South Maui, both in Kihei and the planned resort area of Wailea, and at Kapalua, also in West Maui. Maui has succeeded in becoming a recognized vacation destination known throughout the United States and Canada, far more than the other islands of Hawaii.

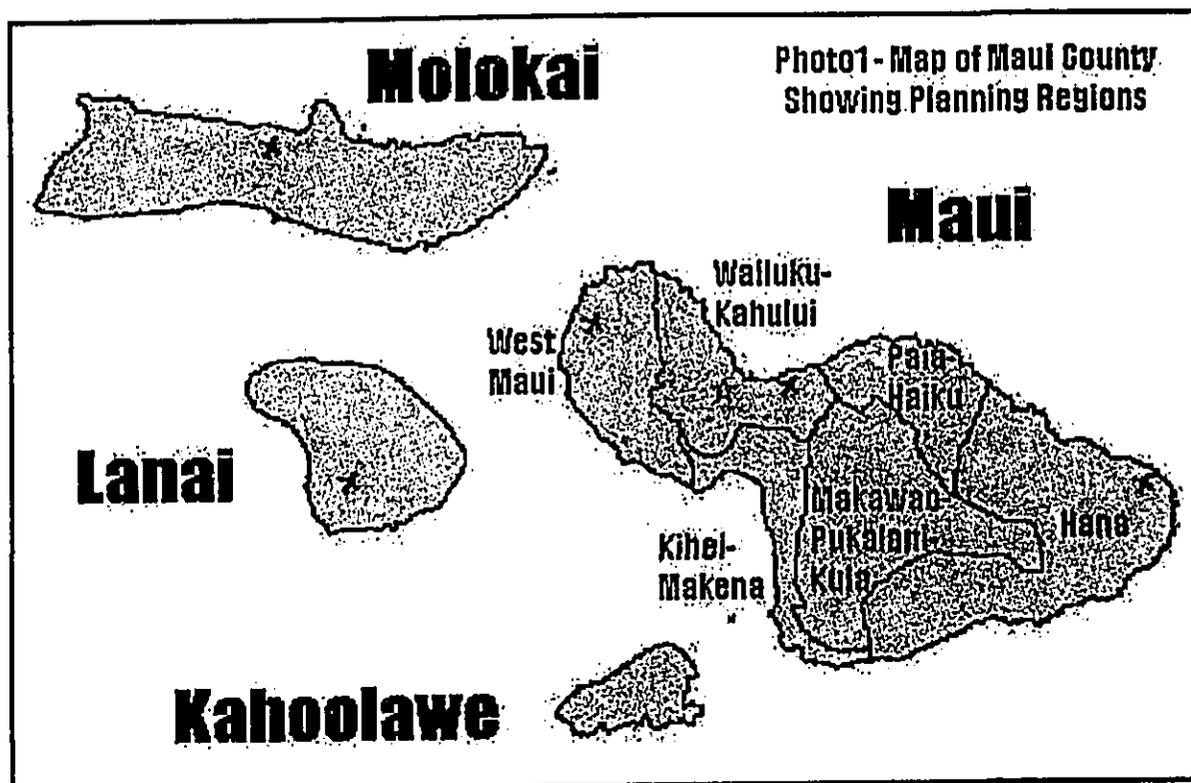
2.2.2 West Maui

West Maui is both a State Judicial District and a Maui County Community Plan Region. Major settlements include Lahaina, which was Maui's leading town and a major political center under the Kamehamehas, the resort areas of Kaanapali and Kapalua, and, between them, Napili. (Exhibit 2-C shows the Community Plan Region, while Exhibit 2-D shows the communities that have been identified as Census Designated Places in Maui County, including the major communities of West Maui.)

In the twentieth century, Wailuku emerged as the island's capitol and Kahului, in the central plain, was home to the major harbor and airport. Kahului has increasingly been the center of retail activity. Malls serving the entire island were established there in the 1980s, and "big box" retailers have opened up Maui locations in Kahului. Lahaina and West Maui have increasingly been a backwater area, with important tourism facilities but little else.

With some 9,632 visitor units (as of 2001), West Maui has 55% of the Maui island visitor plant (DBEDT, 2002c). Employment in West Maui has been estimated as 28.4% of the island's wage and salary jobs in 2000, while the regional population is only 15.3% of the island's resident population (SMS Research, 2002). The area hence has a regular influx of commuters, as well as visitors.

Exhibit 2-C: MAUI COMMUNITY PLAN REGIONS



SOURCE: Maui County Planning Department.

New residential housing has developed in Lahaina, and in the Napili area between Kaanapali and Kapalua. Major housing projects have been proposed by the State of Hawaii and by Amfac/JMB (the successor company to AMFAC, the landowner that controlled Pioneer Mill and its surrounding sugar lands.) These have stalled due to legal and planning issues. AMFAC had also proposed a new "North Beach" resort area between Kaanapali and Honokowai. Permits were made conditional on construction of a bypass highway, to relieve regional traffic. One new resort is being built in the area for Starwood.

2.2.3 Kaanapali Resort

AMFAC turned lands north of Lahaina into the Kaanapali Resort, beginning in 1957. The first hotel, the Royal Lahaina, opened in 1962. The resort's major properties were built by 1982, when Kaanapali Alii, a condominium property next to the Maui Ocean Club, opened.

Today, the resort includes six hotels (the Hyatt Regency, the Marriott, the Westin, the Royal Lahaina, the Kaanapali Beach and the Sheraton, two oceanfront condominiums (Kaanapali Alii and The Whaler), a shopping center, two golf courses and additional residential properties. All are prosperous, although the various hotel operations have recently been reviewing ways to keep customer loyalty and increase occupancies. Also, while most hotel units are well-appointed, they were not built to the luxury standards that have had the highest returns in recent years. Amfac/JMB's role has greatly diminished,

partly due to cashflow problems in recent years, which led to foreclosure on the Kaanapali golf courses by one of its lenders.

Kaanapali's affluence is evident in the value of its residential properties. In 2002, condos in upscale resort areas sold for more than twice the price, on average, of condos throughout Maui (as shown in Exhibit 2-E). In the single family market, Wailea (median price: \$900,000) and Kaanapali (\$960,000) homes had year-to-date 2002 median prices in 2002 far above the island median (\$375,000). These data suggest that Maui's residential market has two distinct tiers, with vacation homes in prestigious areas selling for much more than other residential property.

2.2.4 Residential Areas of West Maui

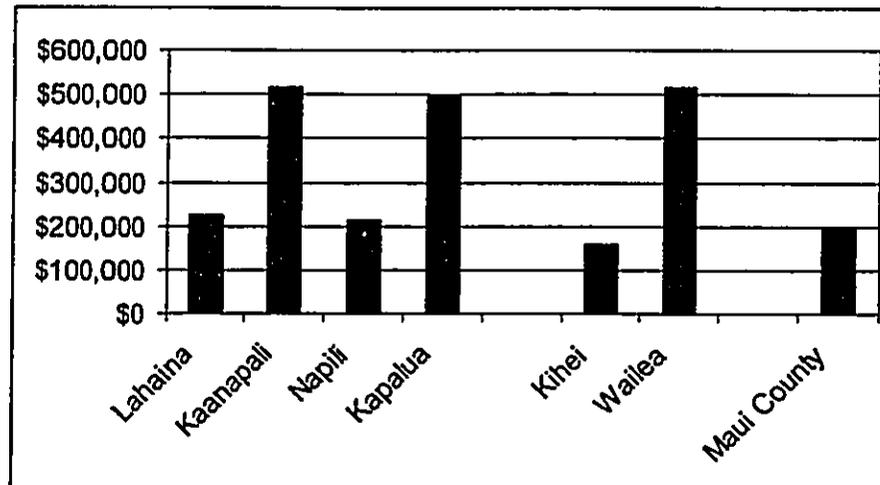
Census data from 2000 tell more about the differences between upscale resort areas such as Kaanapali and Kapalua, and other parts of Maui County:

- The populations of Kaanapali and Kapalua are typically older and better educated than in other areas (as shown in Exhibit 2-F).
- Most residents had not lived in the same housing unit five years before – as compared to some 63% of adults in nearby Lahaina.
- By occupation, resort residents are likely to be managers or office workers, and service workers are far fewer than in other areas (as shown in Exhibit 2-G);
- A higher share of workers are self-employed than in other areas;
- Incomes (in Exhibit 2-H) are much higher, especially income from earnings and retirement;
- While persons living below the poverty line are found in all the communities shown in Exhibit 2-H, no senior citizens in the resort communities are in poverty;
- Most of the housing inventory is reserved for vacation use (whether as rentals or second homes of the owners), as shown in Exhibit 2-I; and
- Housing costs are higher than elsewhere, but homeowner vacancy rates are still low. (The census shows an anomalously high renter vacancy rate for Kapalua.)

Some of the similarities between the West Maui resort communities and the larger Maui County population deserve note as well:

- Most residents lived in Maui County five years before the Census, and very few came from elsewhere in Hawaii; and
- A large number of resident households pay about a third of their income for housing costs, whether they rent or own their homes.

Exhibit 2-E: MEDIAN SALES PRICE, CONDOMINIUMS, 2002 YEAR TO DATE



NOTES: Data from Multiple Listings Service records, Realtors Association of Maui for 2002, year to date through October 31, 2002. Of the 1,282 sales, four were on Lanai; all the rest were on Maui Island.

Exhibit 2-F: RESIDENT POPULATION CHARACTERISTICS, 2000

	Maui County	Kaanapali CDP	Lahaina CDP	Kapalua CDP
Resident Population	128,094	1,375	9,118	467
% under 18	25.5%	18.3%	22.8%	17.6%
% 65 and over	11.4%	15.9%	11.9%	16.7%
Median Age	36.8	44.8	36	41.7
Education (Persons 25 and older)				
HS graduate or higher	83.4%	97.4%	78.8%	93.2%
BA or higher	22.4%	46.8%	16.8%	46.9%
Residence in 1995 (Persons 5 and over)				
Same house	55.8%	34.4%	63.2%	44.4%
Same county	26.2%	24.3%	21.7%	23.8%
Other county, Hawaii	4.2%	3.1%	4.3%	0.0%
Other state	10.9%	33.2%	8.1%	31.8%
Outside US	3.0%	5.1%	2.8%	0.0%

SOURCE: 2000 US Census, from <http://www.hawaii.gov/dbedt/census2k/index.html>.

Exhibit 2-G: RESIDENT EMPLOYMENT CHARACTERISTICS, 2000

	Maui County	Kaanapali CDP	Lahaina CDP	Kapalua CDP
Employment Status				
Population 16+	99,326	1,181	7,300	335
Civilian Labor Force	66,219	660	4,882	177
Unemployed	5.0%	2.9%	2.9%	3.6%
Occupation				
Management, professional	26.3%	43.7%	14.1%	34.5%
Service	26.4%	18.6%	41.6%	16.4%
Sales, office	26.2%	31.2%	24.5%	33.9%
Farm, fishing, forestry	2.1%	1.4%	1.6%	2.4%
Construction, maintenance	9.6%	1.9%	7.3%	5.5%
Production, transportation	9.4%	3.3%	10.8%	7.3%
Class of worker				
Private wage or salary	74.7%	78.2%	87.1%	78.8%
Government	14.6%	7.0%	7.7%	8.5%
Self-employed (not incorporated)	10.3%	13.9%	5.0%	10.9%
Unpaid family workers	0.4%	0.9%	0.1%	1.8%
Commute to work (mean time, min.)	21.7	18.3	13.9	20.7

SOURCE: 2000 US Census, from <http://www.hawaii.gov/dbedt/census2k/index.html>.

Exhibit 2-H: RESIDENT INCOME CHARACTERISTICS, 1999

	Maui County	Kaanapali CDP	Lahaina CDP	Kapalua CDP
Household Income, 1999				
Less than \$25,000	23.0%	10.1%	21.9%	19.7%
\$100,000 or more	15.5%	38.1%	19.7%	34.2%
Median	\$49,489	\$79,288	\$52,984	\$57,292
Income sources				
Earnings	84.4%	78.1%	86.4%	66.1%
Mean Earnings	\$58,549	\$94,288	\$66,372	\$162,021
Social Security	26.6%	33.4%	33.0%	31.7%
Mean SS income	\$11,771	\$14,444	\$10,785	\$16,926
Public Assistance	6.3%	1.5%	6.1%	3.8%
Mean PA income	\$4,511	\$2,333	\$4,708	\$8,543
Retirement income	17.5%	21.5%	21.0%	22.6%
Mean retirement income	\$18,396	\$24,024	\$11,826	\$79,985
Poverty Status, 1999				
Families	7.7%	1.6%	6.8%	5.1%
With children under 18	10.6%	0.0%	9.1%	7.7%
Individuals	10.5%	7.5%	7.8%	7.2%
65 years and over	7.5%	0.0%	9.2%	0.0%

SOURCE: 2000 US Census, from <http://www.hawaii.gov/dbedt/census2k/index.html>.

Exhibit 2-I: RESIDENT HOUSEHOLD CHARACTERISTICS, 2000

	Maui County	Kaanapali CDP	Lahaina CDP	Kapalua CDP
Total Housing Units	56,377	1,770	3,027	631
Occupied Units	43,507	537	2,599	186
Average household size	2.91	2.56	3.5	2.51
Vacant	22.8%	69.7%	14.1%	77.6%
For seasonal, recreational use	17.3%	67.9%	10.6%	55.0%
Owner-occupied units	57.6%	77.5%	53.6%	64.5%
Average household size	3.13	2.58	4.05	2.35
Rental units	42.4%	22.5%	46.4%	35.5%
Average household size	2.62	2.48	2.87	2.8%
Homeowner vacancy rate	1.2%	2.6%	0.4%	2.4%
Renter vacancy rate	7.2%	6.2%	5.3%	71.1%
Crowding (1)				
Mild (1.01 - 1.5 persons/room)	8.3%	0.4%	14.1%	9.5%
Severe (1.51 + persons/room)	8.2%	0.0%	10.3%	3.6%
Median owner costs (with mortgage)	\$1,572	\$2,606	\$1,683	\$2,333
Owner housing costs as % of household income 30% or more	34.0%	48.9%	31.1%	36.7%
Median gross rent	\$788	\$1,760	\$872	\$1,308
Gross rent as % of household income 30% or more	36.4%	39.6%	29.5%	40.4%

SOURCE: 2000 US Census, from <http://www.hawaii.gov/dbed/census2k/index.html>.

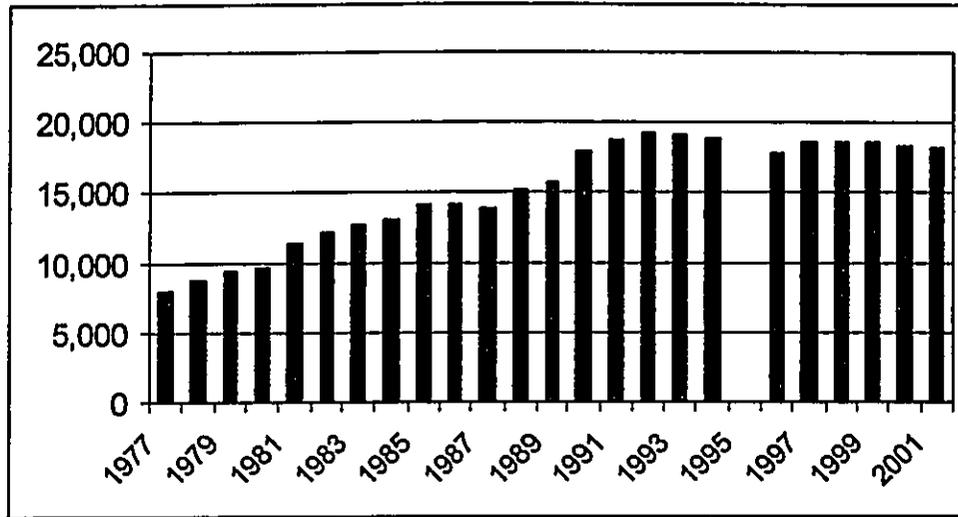
2.3 THE VISITOR INDUSTRY

2.3.1 Growth of the Visitor Industry in Maui County

Throughout Hawaii, tourism was small until jet aircraft made it possible for visitors to come for stays of a week or two, not months. In 1960, there were fewer than 300 visitor units in Maui County. Over the next decade, the room inventory grew nearly tenfold. Exhibit 2-J shows that construction of hotels and condominiums continued at a rapid pace until about 1990. Since then, unit counts have stabilized. Visitor numbers also reached a plateau during the 1990s, with Maui County having 25% or more of Hawaii's visitors.¹

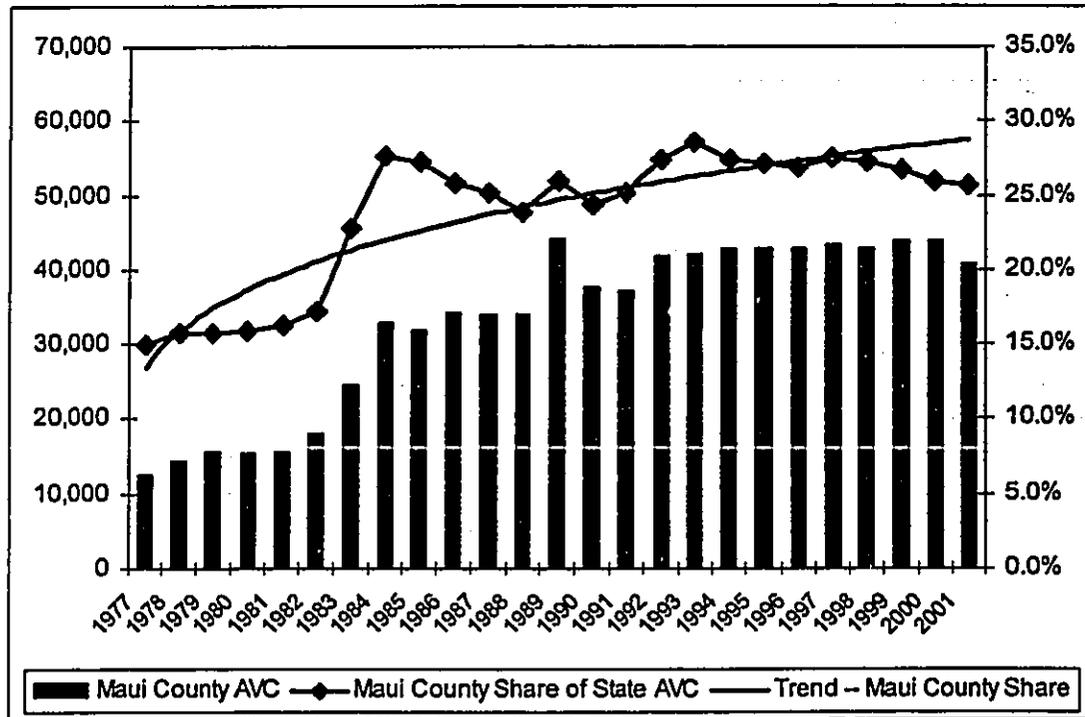
¹ Maui County figures are used rather than Maui Island, because visitor counts for Lanai and Molokai are suspect inasmuch as data have been gathered from arrivals surveys – information about the islands visitors hope to visit – not departures.

Exhibit 2-J: MAUI COUNTY VISITOR UNITS



NOTES: Visitor unit inventory includes hotels, condos in rental pools, bed and breakfasts, and independent vacation units. No count was taken in 1995. Based on counts by Hawaii Visitors Bureau, then by DBEDT. Source is DBEDT, 2002b; County of Maui, 2001.

Exhibit 2-K: MAUI COUNTY AVERAGE VISITOR CENSUS, 1977 – 2001



SOURCES: DBEDT, 2002d; County of Maui, 1996; 2001.

In the early 1990s, Kaanapali achieved higher occupancies than other visitor areas on Maui. In 1995, for example, Kaanapali reported 82.3% average annual occupancy, compared to 75.3% islandwide. Average room rates were not as high in Kaanapali as in other parts of Maui, but revenue per available room was much higher in Kaanapali than elsewhere (County of Maui, 1996).

By 2000, all of Maui had achieved 80% occupancies, on average, although Kaanapali stood out with an average occupancy of 82.9%. Kaanapali's average room rate, recorded as \$177.50/day, was well above the West Maui average, but below the island average (\$189.78). The difference clearly had to do with the share of Luxury rooms in different resort areas, since Luxury units were slightly more likely than others to be occupied, and were rented at much higher rates (\$261.86, on average, 150% the rate realized for First Class rooms) (County of Maui, 2002).

2.3.2 Time Shares

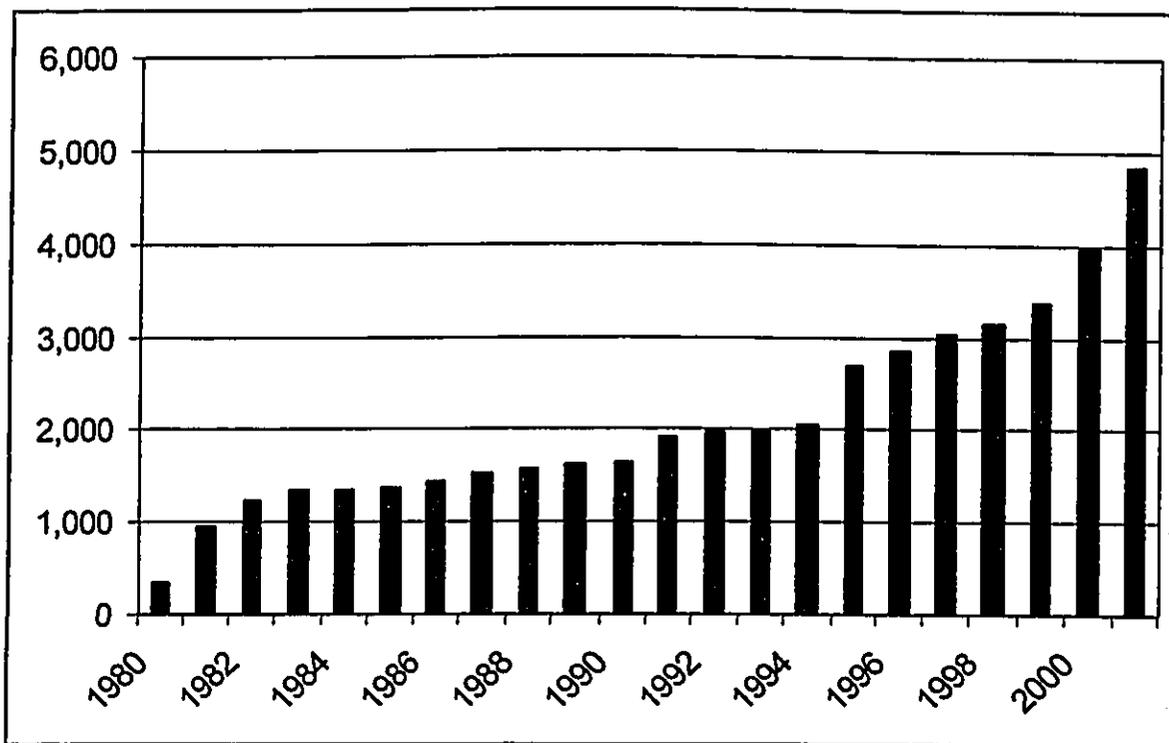
Sales of time shares began modestly in Hawaii around 1980, with fewer than 500 units available (as shown in Exhibit 2-L). Time shares have increased, and now constitute slightly more than 5% of the visitor inventory (DBEDT, 2002b). The increase was almost entirely accomplished on the Neighbor Islands. Oahu's time share inventory – only 580 units until 2000 – was nearly all created in the early 1980s (kpmg LLC et al., 2001). As a result, it now consists of older units, most of which are studios and one-bedroom units. Maui, on the other hand, had 1,356 registered units as of mid-2001, or 28% of the statewide inventory.

Time share properties have a poor reputation, due to aggressive sales techniques. Those have been curbed, partly through legislation (Brown, 2001). Another factor improving the reputation of the industry is the involvement of major hotel chains, such as Marriott, Hilton and Starwood. The exchange of rights to use units in different locations has become routine: most buyers acquire not only an interval in a unit in a given property, but also membership in an exchange system (either one of two major international systems, or in-house "clubs" of major hotel/time share brands). As a result, buyers of Hawaii intervals tend to be able to pick and choose whether to return to their unit, exchange their rights for others elsewhere, or even bank their rights in order to use them in a future vacation.

Time share properties have extremely high occupancy rates, even during times of crisis. Soon after the September 11 tragedy, when most hotels and condominiums had far fewer rooms occupied than usual, time share properties saw occupancy return to normal levels, over 90%. Time share owners (or exchangers, for that matter) view themselves as owning their reserved units, and hence have a "use it or lose it" view of their travel plans when others might cancel plans, hoping to book again at a later time.

Hawaii time share owners are nearly all US residents. About a third live in California. The share of time share owners living in the Midwest and Eastern states has increased markedly, to 38%, since a 1996 study. The average age of owners responding to a survey in 2000 is 55.1 years (kpmg LLC et al, 2001). New buyers (who acquired intervals in 1998 or later) are younger and more affluent than other owners, as shown in Exhibit 2-M.

Exhibit 2-L: TIME SHARE UNITS IN HAWAII, 1981-2000



SOURCES: kpmg LLC et al, 2001; DBEDT, 2002b.

Survey respondents were mostly satisfied or very satisfied with their purchase. However, when owners were asked how they used their time share in the last year, the most common response was that they exchanged (43%), and only 40% had personally used their interval.

On Maui, five current resort projects are noted by DBEDT (2002b) as changing the visitor unit supply. Three of these – ongoing conversion of MOC, development of the Starwood Kaanapali Ocean Resort (at North Beach, near Kaanapali) and conversion of the Maui Lu property – are timeshare projects. The remaining two are located near Kahului airport, and are clearly aimed at a Hawaii-resident market. (In addition, the Hotel Hana-Maui has been closed, renovated, and re-opened. This property stands out as a small upscale hotel.)

Exhibit 2-M: DEMOGRAPHICS OF HAWAII TIME SHARE OWNERS

	Time Share Owners	
	All	New (1)
Household type		
Married couple	84.0%	87.4%
Unmarried couple	4.0%	2.7%
Single men	4.0%	2.5%
Single women	8.0%	7.4%
Number of children		
None	72.0%	66.7%
One	12.4%	14.3%
Two	11.3%	14.1%
Three or more	4.3%	4.9%
Age of household head		
Mean age (years)	55.1	51.7
Household income		
Share > \$150,000	13.1%	15.0%
Median Income	\$88,932	\$96,697
Occupation of head		
Retired	26.7%	25.2%
Professional	26.0%	30.7%
Senior management	7.1%	8.3%
Middle management	10.9%	9.0%
Self-employed	10.4%	6.7%

NOTES: From survey of Hawaii time share owners conducted in June 2000.

(1) Purchased time share intervals from 1998 to 2000.

SOURCE: kpmg et al., 2001.

2.5 EMERGING TRENDS

2.5.1 Proposed Developments

One near-term trend is clear: Kaanapali's visitor plant is being renovated, and the renovations involve time share development by several hotel corporations. In addition to the Marriott Sequel project (146 units), Starwood Hotel Corporation is already building a major timeshare property to the north of Kaanapali with a planned 280 units.. Hyatt is known to be planning a new time share facility on its property. The total number of new units is not certain. The result will be a significant increase in the number of time share units but not a large increase in the total visitor unit pool. In fact, with Marriott converting

the existing MOC buildings from hotel to time share, the first impact is a reduction in the number of visitor units on Maui.

Next, it seems likely that the large residential projects planned by Amfac/JMB and the State of Hawaii will eventually be built, although their timing is very uncertain. The total number of homes could exceed 8,000, but these projects will only build out over many years, and could build out at lower densities than proposed. (Factors affecting construction of these projects include the question of whether the State can sell ceded lands and Amfac/JMB's ability and willingness to finance a residential community.)

Public facilities and infrastructure plans range from basic infrastructure to cultural treasures:

- The long planned Lahaina Bypass, which would mitigate traffic congestion on the highway through Lahaina, is to start construction in 2004, according to the Final Environmental Impact Statement for the project.
- Citizens urging the creation of a West Maui hospital have obtained a verbal agreement from Amfac/JMB officials that land will be set aside for a hospital site. The West Maui Taxpayers Association is leading an effort to build the hospital in five years or less (Wilson, 2002). State support for the effort is not likely, since the State is already committed to support for Maui Medical Center. However, a plan for a community-based hospital with private management, such as has been feasible for the North Hawaii Community Hospital at Waimea, is being explored.
- Maui County recently purchased land that had been proposed for a commercial development. Taken with the County park land at Maluuluolele Park, the County has the space where the royal retreat of Mokuula – an island within a moat – was once located. A community organization is arguing strongly for replacement of some of the park uses at the site, restoration of some of the earlier topography, and respect for the past and for burials that may remain on-site.

2.5.2 Social and Economic Trends

In the early 1990s, Maui was experiencing growth at a fast pace, and, with it, traffic congestion and uncertainty about availability of housing and infrastructure. Growth appeared to pose severe problems. In the intervening years, visitor growth slowed, but population and job growth continued.

The County will soon be releasing new population, employment, housing and visitor forecasts that allocate State projections to the Community Plan regions. The unpublished State projections are based in part on 2000 Census data, and were revised after September 11, 2001. Consequently, the growth anticipated for Maui County and its subdivisions is much more modest than in the past.

The State's short term forecast anticipates growth in the gross state product and personal income reaching 2% annually (in constant dollars, i.e., above inflation). Population growth would be at about 1% per year by 2005 (DBEDT, 2002b). Wage and salary jobs would increase at about 1.6% annually. If population and economic growth were to stabilize at such modest rates over the next few years, then the County and its people could hope

that action to meet current infrastructure and community problems would effectively respond to future needs as well.

For West Maui, a key determinant of local community well-being is the location of housing priced within the means of its workforce. Development of new housing at the Villages of Leialii and/or the Amfac/JMB lands would shorten worker commute times, add to the client base for local stores, and lessen the congestion on regional roads. (It would also tend to exacerbate needs for schools and medical services in the region.)

3. COMMUNITY ISSUES AND CONCERNS

3.1 SOURCES

To appreciate community issues and concerns, SMS conducted interviews with Kaanapali stakeholders and reviewed newspaper materials relating to the Kaanapali resort. Some 33 persons were interviewed. They are listed in Exhibit 3-A. Affiliations and titles included in Exhibit 3-A are for descriptive purposes only, so that readers can assess the coverage given to different stakeholder groups. People were not asked to speak on behalf of organizations or groups. A handout used for interviews, describing an earlier version of the project, is included as Appendix A of this report.

In light of the project's location, SMS concentrated on interviews with owners of units in Kaanapali Alii, the condominium to the north of the Maui Ocean Club. The proposed Napili Tower would be, at its closest, about 130 feet from the nearest building in Kaanapali Alii. Others – Maui Ocean Club time share owners, and the operators of the Maui Ocean Club and Hyatt Regency – have comparable interests in nearby property.

3.2 ISSUES AND CONCERNS APART FROM PROJECT

Nearly all of those interviewed mentioned traffic as an issue affecting their community. Traffic was a concern notably on major roads to and in West Maui, but also within the Kaanapali development.

Most of those interviewed stressed their long involvement with Kaanapali. Many saw the resort as more crowded and less exclusive than in the past. Others had no comment about change, giving the impression that the features of Kaanapali they like best remain.

Several informants mentioned Wailea as taking Kaanapali's place as the lead resort on Maui. Business interests welcomed steps to renovate Kaanapali and attract more visitors to the resort.

Interviewing occurred during hard-fought election campaigns for Governor of Hawaii and Mayor of Maui County. No candidate position in those campaigns was mentioned as particularly relevant to Kaanapali stakeholders.

Several of those interviewed spoke approvingly of the Maui Ocean Club and its management, although a few neighbors thought that the resort's facilities had become less upscale than in the past.

3.3 ISSUES AND CONCERNS WITH REGARD TO PROJECT

Interviewees took three distinct positions with regard to the project. Kaanapali business interests welcomed it as part of an effort to re-invigorate the resort, attracting new visitors who would likely spend more than current hotel visitors. Owners of Kaanapali Alii were concerned with construction impacts, which they saw as gravely affecting their quality of

life and the rental of their units. Owners of more distant homes in Kaanapali raised questions about view planes.

Exhibit 3-A: PERSONS INTERVIEWED FOR THIS REPORT

Name	Affiliation (1)
Mark Altier	General Manager, Kaanapali Alii
Craig Anderson	General Manager, Westin Kaanapali
Dr. Ben Azman	Resident, Kaanapali Hillside
Barbara Bonn	Owner, Kaanapali Alii
Mike Burkovskis	Owner, Kaanapali Alii
Bill Davidson	Owner, Kaanapali Alii
Toni Davis	Executive Director, Activities and Attractions Association of Hawaii
Nelson Ferrera	Owner, Kaanapali Alii
Roger and Hazel Finato	Owners, Kaanapali Alii
Bill Fontana	Owner, Kaanapali Alii Member of Board of Directors
Dick and Deanna Foster	Owners, Kaanapali Alii
Terry and Marie Gidre	Owners, Kaanapali Alii President, Rental Owners Corporation (Kaanapali Alii)
Bob Gordon	President, Board of Directors, Kaanapali Alii
Dr. Hain	Owner, Kaanapali Alii
Jeff Halpen	President, Classic Resorts (management and rental of Kaanapali Alii) President, Vintage Homeowners Association
Mark and Mary Happ	Owners, Kaanapali Alii
Tanya Hardy	Salesperson, Whalers Village
Teddy Hill	Salesperson, Whalers Village
Jerry and Adrienne Kay	Owners, Kaanapali Alii
Warren Leland	Homeowner, Kaanapali Hillside
Barry Lewin	Manager, Hyatt Regency Kaanapali President, Kaanapali Operations Association
Dariece Oki	Owner, Kaanapali Alii
Don Reaser	Senior Asset Manager, Maui Properties Cambell Hawaii Investor LLC (Manager, Whalers Village shopping center)
Ree Reed	Owner, Kaanapali Alii
Mr. and Mrs. Romain	Owners, Kaanapali Alii
Delbert and Evelyn Smart	Owners, Kaanapali Alii

NOTE: (1) Affiliations are listed to indicate the groups, networks and specializations which the interview process tried to reach. Interviewees were asked about opinions in the community, not to speak on behalf of organizations or firms. No claim is made that the firms, groups, and organizations mentioned above take any position with regard to the project.

Specific issues mentioned in the interviews with regard to the project included:

Anticipated construction impacts:

Direct impacts of construction are expected to include noise, dust, and reduced views for immediate neighbors. Pile driving was seen as a major irritant for people in much of the Kaanapali resort area, for two periods of about six weeks' time. Afterwards, Kaanapali Alii owners saw construction as continuing to affect residents of the two buildings nearest the proposed Napili tower. Some mentioned noise of machinery and trucks; others emphasized views over the Marriott property.

Kaanapali Alii owners claimed that they would be unable to rent out their units during all or most of the construction period, leading to lost income for them and for their leasing agents. (The major leasing agent is Classic Resorts, which also manages the property. Classic Resorts has about 200 units in a rental pool, of the 264 in the four buildings of Kaanapali Alii. About 25 other units are managed by other realtors in the area.)

Factors likely to affect the extent and severity of construction-period impacts are discussed in Section 5.

Several informants were concerned about parking and traffic during the construction period. One question was whether the Marriott would allow enough space for its residents and construction workers, or whether these would use space at Whaler's Village. Next, heavy construction vehicles were seen as causing traffic congestion and as possibly harming the roadways. A few informants said they felt that the Kaanapali Operators Association should be compensated for any road damage, since that organization would have to pay to repair it.

Anticipated operations period impacts

Once the Sequel project is built, interviewees expected several changes:

- More open space along the beachfront, improving the appearance of the resort.
- An improved appearance along the northern side, where open space, a pool, and the Napili Tower will be placed instead of tennis courts.
- Additional noise, possibly in the evening and night as well as daylight, in the area around the new pool in front of the Napili Tower.
- More users of the beach and pool areas, leading some Kaanapali Alii residents to question whether their own beach area would be more heavily used due to the project.
- Changes in views from some of the units in Kaanapali Alii Buildings Three and Four. Residents were concerned that the new Napili Tower would intrude into their ocean views or detract from their sense of looking out over a landscape, not at a neighboring building.
- New structures visible from upland areas – although these will be designed to minimize the appearance of a continuous built-up area and will be landscaped so that parking structures will be hard to see from beyond the adjoining street;

- More demand for parking, with full time share units; and
- More visitor spending, both in the resort and elsewhere.

The changing reputation of time shares was reflected in the interviews. Some residents thought of time shares as attracting a less prosperous clientele. Others, including both business interests and some Kaanapali Alii owners, recognized that time share owners tend to be affluent. Some saw time shares at the Marriott as potential competition for rentals in Kaanapali Alii, i.e., as attracting a similar group of users.

Comments on Draft EIS

Comments on the draft EIS largely covered the issues noted already in this chapter. A few called for more discussion than in the December 2002 text. Notably:

- *Impact of Time Shares on Maui:* Councilmember Johnson raised questions about the impact of new time share units on the overall visitor market and on existing hotels (and hence hotel jobs). She noted that time share sales have been seen as "high pressure and oftentimes misleading." She asks what plans Marriott has to mitigate the negative impression this causes.

Comment: As noted in Chapter 2, the time share market is now an affluent one. Marriott has been advertising Maui Ocean Club time shares on its property and at Whalers Village. Starwood also has displays near the beach about its North Beach project. Time share sales are not a new impact of the Sequel project. Steps have been taken to improve the presentation of time shares at Kaanapali Beach both because Marriott is selling an upscale product, and aiming at an affluent clientele, and because Kaanapali stakeholders insist that time share advertising should not be intrusive.

- *Employee Housing:* Councilmember Johnson also sought information about plans to mitigate need for affordable employee housing in West Maui.

Comment: Exhibit 4-C estimates new jobs associated with the project, and Exhibit 4-G goes on to estimate likely eventual workforce housing demand associated with the Sequel project. It is important to note that the workforce calculations deal with jobs both on- and off-resort. The hotel jobs constitute about 20% of the total continuing direct, indirect and induced operations jobs on Maui shown in Exhibit 4-C. Consequently, while the total impact of the project on the Maui housing market is estimated as demand for 41 to 81 units, the impact of hotel employees is much smaller: 8 to 16 units. (Furthermore, as noted in the EIS, Marriott's commitment to provide for employee housing, which has already been met, covers a number of units greater than will exist in the resort after completion of the Sequel project.)

- *Impacts on Kaanapali Alii.* Letters from Kaanapali Alii owners, the Rental Owners Corporation, and Classic Resorts, which manages the property and serves as rental agent for most units, argue (a) that construction of the Sequel project will create noise and other nuisances severely affecting their opportunity to rent out

units; (b) that with lower occupancy, Classic will need to cut staff, so workers as well as owners will be affected; and (c) over the long term, units facing the Sequel Project will lose value. Owners commented on the views from their particular units, and some suggested ways to mitigate impacts on views. (Many other issues, less relevant to socio-economic impacts, are discussed in these letters.)

Comment: Two issues are crucial: Will construction of the Napili Tower (or of any part of the Sequel Project) have a large impact on visitors' enjoyment of units in Kaanapali Alii, and Will the presence of Napili Tower affect the long-term value of Kaanapali Alii units in Buildings 3 and 4? These issues are discussed in Section 5.2.1 of this report.

- *Knowledge of Kaanapali Alii.* In a letter dated February 20, 2003, Jeff Halpin, President of Classic Resorts, states that "No one from SMS nor the Marriott and its planners has knowledge of Alii rental occupancies, actual room rates, returns to owners, operating expenses of the property or similar economic data from which to draw their conclusions."

Comment: The Classics Resort staff at Kaanapali Alii have been very helpful and courteous. Yet, as Mr. Halpin notes, Classic and Kaanapali Alii owners have not shared specific internal economic information. In our analysis, we made no claim to have such information, but explicitly argued from generally available data (including rates published by Classic Resorts and by owners). We stand by that analysis as following the general account of Kaanapali Alii's finances provided in discussions with Classic and owners, and as in line with more general data about occupancies at Kaanapali and other Hawaii resorts. We would welcome additional information should Classic Resorts decide to share it.

Marriott Vacation Club International has changed plans for the Napili Tower in response to the concerns raised by its neighbors. The current proposal is for a smaller footprint, located further away from Kaanapali Alii, and further from the beach than the original plan.

4. ECONOMIC AND DEMOGRAPHIC IMPACTS

4.1 APPROACH AND TERMINOLOGY

In socio-economic impact analysis, an impact is the difference between possible futures, with and without the proposed project, rather than the difference between present conditions and future ones with the project. Many factors will affect the future. A particular project should be held accountable for those changes that it brings about, not for ones that pre-exist it or stem from different sources.

The difference between the current situation and the future can profoundly affect perceptions of any project. In a related vein, perceptions are often shaped by experience with recent projects, which may have little to do with the proposed action. These comparisons are important parts of a community's response to development, and must be viewed as an impact in early phases – but the impact of stimulating a concern (e.g., about newcomers possibly coming into a community) is distinct from the eventual demographic impact (whether in fact newcomers will arrive in great numbers).

Impacts arise in relation to context. A change brought by a project may be highly significant at the local level, yet small on a regional or county scale.

The analysis proceeds from impacts that are quantified using accepted models to impacts that are less easily quantified. This approach puts emphasis on the regional and island-wide impacts on jobs, population, and housing associated with the project.

Technical terms are used here to distinguish impacts of several sorts. First, in economic analysis, a distinction is made between impacts of the actual construction and operations of a project, and the effects of project-related spending throughout the local economy. In discussions of jobs and income, three broad types are distinguished:

- *Direct jobs* are immediately involved with construction of a project or with its operations. Direct jobs are not necessarily on-site: construction supports construction company personnel in offices and base yards, as well as on-site.
- *Indirect jobs* are created as businesses directly involved with a project purchase goods and services in the local economy.
- *Induced jobs* are created as workers spend their income for goods and services.

Indirect and induced employment in Hawaii can be estimated using multipliers from a model of input-output relations in Hawaii's economy developed and refined by State researchers.

Direct jobs are not necessarily located at the site of a project. As a rule of thumb, about 20% of direct construction jobs are off-site (in baseyards, offices, and the like). Indirect and induced jobs are created throughout the state. These are likely to be concentrated in commercial and/or industrial centers, rather than near a job site.

Next, a project's impacts are *absolute* or *locational*. These terms underline the difference between an activity that would simply not exist apart from the project, and one that can be expected to occur somewhere or other in response to market demand. For example, a sewage treatment plant may be needed to support the island population, and its development may be unavoidable. Even if all agree on the absolute need for the plant, the choice of a location is likely to be a highly charged political issue. In the latter case, the siting of the activity in the project is a locational impact. The activity itself is a consequence of population growth.

Again, from an economic perspective, industries such as tourism bring new inputs into the island economy, which might otherwise go outside Hawaii. These are motors of growth.

Cumulative impacts result from the interaction of a project and its surroundings. For instance, the direct impact of a project on public facilities may be small in quantity, but the cumulative impact of the project, viewed in relation to other communities and approved projects in the area, may be significant, if the small increment makes demand surpass the capacity of regional facilities. (In the discussion of social impacts, all analysis deals with cumulative impacts, since impacts must be judged in the context of the surrounding community.)

4.2 EMPLOYMENT AND INCOMES

4.2.1 Construction

Construction of the Marriott Sequel project is expected to begin in 2006 and end in December 2008. The construction period is estimated as 34 months. Exhibit 4-A shows that the direct workforce will include some 629 person-years of employment, i.e., some 222 full-time jobs per year, on average. On-site jobs will average about 175 (since some direct construction jobs are off-site, in base yards and offices).

Exhibit 4-A: CONSTRUCTION EMPLOYMENT

	2006	2007	2008	Cumulative
Construction Spending	\$14.2	\$40.0	\$37.8	\$92.0
Direct Workforce	84	237	224	629
Indirect Workforce	53	149	141	396
Induced Workforce	69	194	183	516
TOTAL	206	580	548	1,541
Estimated Maui Jobs	176	494	467	1,313

NOTES: Indirect and induced jobs estimated from State Input-Output model. Maui jobs are estimate all direct construction jobs and 75% of indirect and induced jobs. All job estimates are FTE, may represent multiple part-time jobs, e.g., work by specialized building trades.

Additionally, the project will support 912 person-years of indirect and induced workers. The total direct, indirect, and induced employment associated with project construction comes to 1,541 person-years of employment over the entire construction period. Approximately 1,300 person-years would be located on Maui (i.e., all the direct construction work, and 75% of indirect and induced work.)

Workforce income associated with the project's construction will amount to \$26.2 million in direct wages (on average, \$9.2 million per year), and \$24.8 million in indirect and induced wages (as shown in Exhibit 4-B). (All dollar values are in 2002 dollars.) The total direct, indirect and induced income associated with construction will exceed \$50 million.

Exhibit 4-B: CONSTRUCTION WAGES

	2006	2007	2008	Total
(Millions of 2002 \$s)				
Direct Jobs	\$4.1	\$11.4	\$10.8	\$26.2
Indirect Jobs	\$1.7	\$4.7	\$4.4	\$10.8
Induced Jobs	\$2.2	\$6.1	\$5.8	\$14.0
TOTAL	\$7.9	\$22.2	\$20.9	\$51.0

SOURCES: Hawaii Department of Labor and Industrial Relations, 2001 and DBEDT, 2002c.

4.2.2 Operations

Direct operations employment associated with a time share property can be estimated in three ways:

- Jobs involved in maintaining the property itself (front desk, room service, housekeeping, landscaping, pool services, administration);
- Other jobs – either at the resort or elsewhere on Maui – supported by spending by visitors staying at the property; and
- Marketing jobs associated with selling the time share units.

Much like construction jobs, marketing jobs exist for a few years. Once the project has been sold out, jobs due to time share resales and exchange activities are not counted as jobs supported by the project. The marketing jobs counted here will largely be filled by persons already working for Marriott's marketing operations at the Maui Ocean Club, rather than new hires, when sales of the units in the two new towers begin. Accordingly, while these marketing jobs are counted in Exhibit 4-C, the best measure of employment impacts is the job creation after 2011, when marketing is completed.

The other operations jobs are expected to last as long as the property attracts visitors. In light of Hawaii's experience with time shares, these jobs should exist for decades. Exhibit 4-C shows both these direct jobs and the indirect and induced jobs associated with them. It shows the marketing operation as completed in 2011, but visitor-related operations continuing for many years. Once the marketing activity ends, direct jobs associated with the Sequel project will stabilize at about 241 full-time jobs, supporting an additional 187 indirect and induced jobs statewide. SMS estimates the total Maui workforce in these direct, indirect and induced jobs as approximately 392 jobs as of 2012.

Exhibit 4-D shows operations-related wages (in 2002 dollars). The total operations-related wages are expected to stabilize at more than \$12 million per year.

The calculations in Exhibits 4-C and 4-D deal solely with operation of the Sequel Project. As for the Maui Ocean Club as a whole, the long-term result will be stabilization of the work force at historical levels:

- January, 1999: Regular workforce (managers and associates, not including marketing): 535 plus 30 to 40 casual hires (personal communication, Stan Engeldorf, General Manager, Maui Marriott Resort & Ocean Club, December, 2002);
- Current (October, 2002): Regular workforce: 495 (plus marketing and casual hires);
- Likely staffing when MOC is fully converted to time share units: about 450 (SMS estimate, based on discussions with MOC); and
- Staffing after occupancy at MOC stabilizes, with Sequel Project: $450+86=536$, i.e., the same level as in January, 1999.

The increased on-site employment attributable to the Sequel Project can be viewed as a return to historical levels. The conversion to a time share is expected to increase the off-resort share of direct jobs supported by visitor spending, and hence to constitute an overall increase in visitor-supported jobs on Maui.

Exhibit 4-C: OPERATIONS EMPLOYMENT

	2007	2008	2009	2010	2011	2012 on
Units built		56	143	143	143	143
Units occupied (1)		51	130	130	130	128
Units sold						
In Year	29	29	29	29	27	
Cumulative	29	58	87	116	143	143
Occupied Unit Days		18,600	47,497	47,497	47,497	46,600
Visitor-Days		83,247	212,577	212,577	212,577	208,559
Visitor Spending (millions 2002\$)		\$10.2	\$26.2	\$26.2	\$26.2	\$25.7
Direct and indirect jobs		125	319	319	319	313
Direct Employment						
At Hotel		34	86	86	86	86
Due to Visitor Spending		63	160	160	160	155
Marketing	115	120	120	120	120	
TOTAL	115	216	365	365	365	241
Indirect Employment						
Hotel-related		10	26	26	26	26
Other Visitor Spending		19	48	48	48	46
Marketing	146	152	152	152	152	
TOTAL	146	181	226	226	226	72
Induced Employment						
Hotel-related		13	33	33	33	33
Other Visitor \$		33	84	84	84	82
Marketing	125	131	131	131	131	
TOTAL	125	176	247	247	247	115
TOTAL	386	574	839	839	839	428
Estimated Maui Jobs	319	484	720	720	720	381

NOTES: Employment in hotel and marketing derived by SMS from current payrolls and estimates provided by Marriott staff. Employment derived from visitor expenditures from DBEDT estimates of time share visitor spending and the State model of impacts of visitor spending in Hawaii (in DBEDT 2002a). Estimates of occupancy based on Marriott Hawaii resort data. Indirect and induced jobs from State Input-Output Model. Data from earlier years adjusted to 2002 \$s in line with Consumer Price Index (DBEDT, 2002b).

(1) Occupancy calculations are in Exhibit 4-G. After 2010, "stable" occupancy assumed. In effect, occupancy is reduced from 91% to 89% after the sales period.

Exhibit 4-D: OPERATIONS-RELATED WAGES

(\$Mil. 2002 dollars)	2007	2008	2009	2010	2011	2012 on
Direct Jobs	\$9.8	\$13.0	\$17.3	\$17.3	\$17.3	\$7.0
Indirect Jobs	\$4.6	\$5.7	\$7.1	\$7.1	\$7.1	\$2.3
Induced Jobs	\$3.9	\$5.5	\$7.7	\$7.7	\$7.7	\$3.6
TOTAL	\$18.3	\$24.2	\$32.2	\$32.2	\$32.2	\$12.9

NOTES: Incomes estimated from Hawaii Department of Labor and Industrial Relations average statewide wages for hotel services, from SMS estimate of average wages for time share marketers, and average wages for all employees in Hawaii covered by unemployment insurance (as of 2000, adjusted to 2002 dollars).

4.2.3 Labor Supply on Maui

Any estimate of new permanent jobs added to the economy must be considered in light of existing and projected labor demand. (In this context, construction and marketing jobs are too few and limited in time to be expected to have a significant impact. Concern focuses on the estimated 392 permanent direct, indirect and induced jobs created on Maui by 2008 and continuing afterwards.)

Maui has experiencing low unemployment. With its strong visitor economy, the jobs with the largest numbers of openings expected in the next few years are concentrated in visitor services (as shown in Exhibit 4-E.)

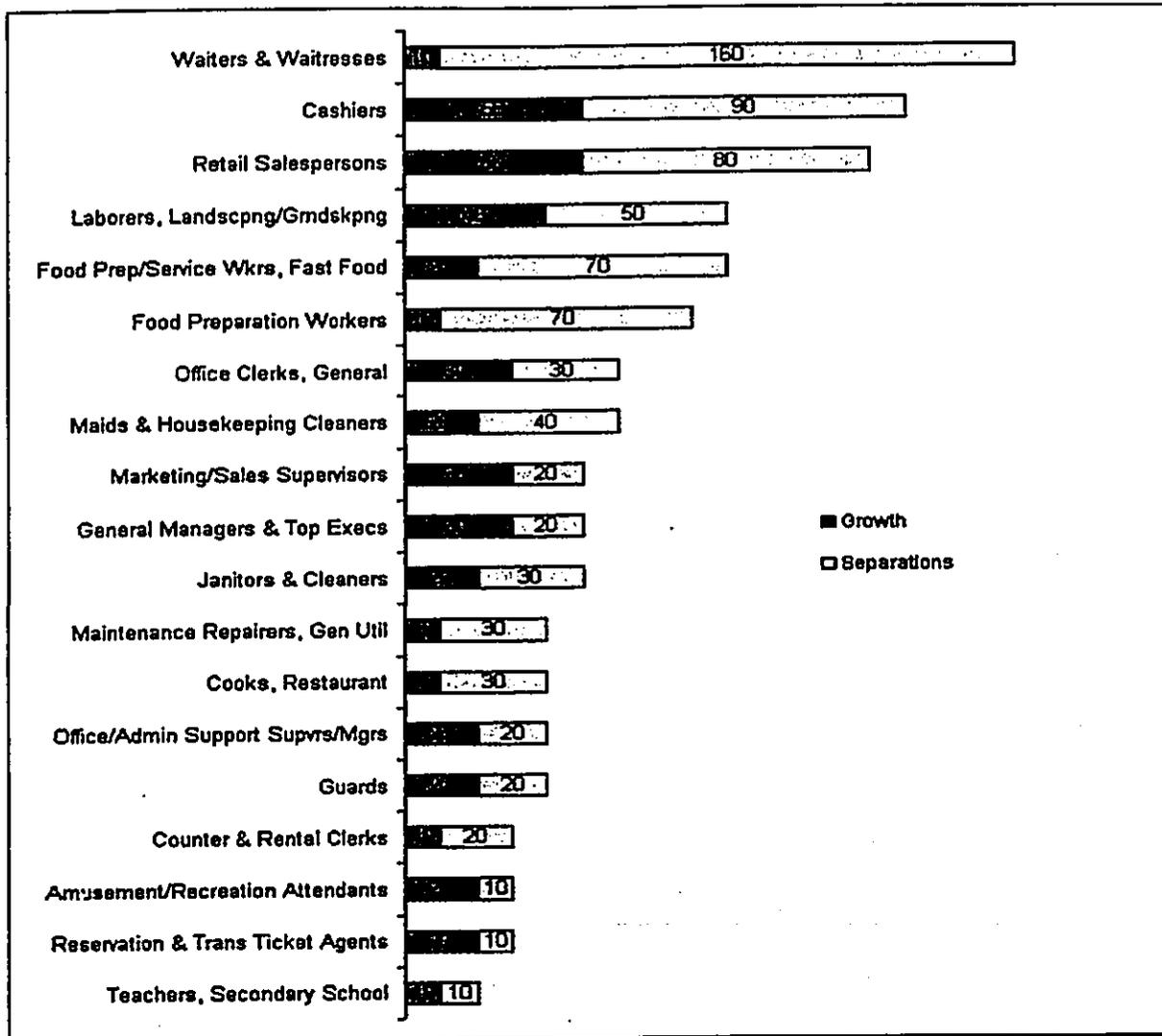
With a jobcount of about 60,150 full-time jobs (DLIR, for 2001) and wage and salary job growth at about 1.6% (statewide, according to DBEDT, 2002b), Maui Island is likely to have some 960 new jobs this year. Extrapolating this trend, the local economy could have about 1,050 new jobs in 2008. New openings will be larger in number, due to separations and retirements (as illustrated in Exhibit 4-E).

The Maui workforce will grow as young people leave school. A rough calculation (in Exhibit 4-F) suggests that net growth in the Maui Island civilian labor force amounts to about 650 persons per year, not including in-migration. This estimate suggests that Maui will depend on in-migration to fill about 300 to 350 jobs annually.

The new operations jobs created on Maui amount to about 35% to 40% of the new jobs created each year on the island. They hence fall well within the range of job-creation expected by planners. It is likely that a share of these jobs will be taken by new in-migrants to Maui, but that share should be in line with ongoing trends.

In sum, the project brings new jobs to Maui, in line with current expectations of economic growth. Such growth is likely to be accompanied by a moderate level of in-migration, especially in the retail and food service jobs that see high turnover (in Exhibit 4-E).

Exhibit 4-E: LARGEST DEMAND OCCUPATIONS, MAUI COUNTY, TO 2008



SOURCE: Hawaii State Department of Labor and Industrial Relations, <http://www.state.hi.us/dlir/rs/loihi/>

Exhibit 4-F: ESTIMATED ANNUAL GROWTH IN MAUI ISLAND LABOR FORCE

Persons turning 18	1,700	(1)
Share likely to join labor force	92%	(2)
Share likely to stay on island or return	85%	(3)
New entries	1,329	
Persons turning 65	1,100	(1)
Share in labor force	62%	(4)
Retirements	682	
Net growth in labor force	647	

NOTES: Estimates by SMS. New entries include high school students working part-time, older youths working part- or full-time, and some young people returning from schooling off-island. The population age 18 in any year is a stand-in for this group.

- (1) From Census and SMS projections of population growth.
- (2) SMS estimate, from "Other" response and non-response to Senior Exit Plans Survey, 2002, Maui Island high schools.
- (3) Census data show the 20-24 year old age cohort as about 80% of the 15-19 year old group; the factor used here allows for both emigration and return of the Maui-born.
- (4) Estimated from civilian labor force participation rate for all adults.

4.3 POPULATION AND HOUSING IMPACTS

4.3.1 Visitor Population

Based on studies of Hawaii time share operations, the 143 new units in the project are likely to have, at maximum occupancy, about 4 persons per unit (kpmg et al., 2001, SMS in Belt Collins, 2001). After a review of Marriott records for Hawaii resorts, the maximum visitor population of the Sequel project is estimated as possibly reaching a total of 582 persons after the second building opens in 2009. Exhibit 4-G shows the visitor population calculations.

Exhibit 4-G was developed by Chris Hart and Partners to respond to questions from the Maui Planning Department about the implications of "lock-out" sections in time share units. Occupancy is estimated for different unit types. The overall occupancy shown is 91% during the marketing period, and then 89.5% afterwards. The Sequel project population declines from 582 to 571. For the MOC as a whole, the final population is 1,460 visitors.

Exhibit 4-G: VISITOR POPULATION, MAUI OCEAN CLUB

	Units in Type	Keys in Type	Keys per option	Typical party size per option	Keys in Option	Key Utilization Rate - High	Key Utilization Rate - Stable	Est. Highest Use - Sales Period		Est. Lowest Use - Stabilized Resort	
								keys	parties	keys	parties
Maui Ocean Club (Completed Conversion of Hotel Units)											
A	1 Bedroom Suite	183	1	2.5	183	98.0%	94.0%	179	179	172	172
	Full Use of Unit										430
B	2 Bedroom Suite w/ Lockoff	129	2	3.8	258	46.9%	63.6%	121	61	82	312
	Full Use of Unit							55	55	42	106
	Partial Use: Master 1BR		1	2.5	258	21.4%	16.4%	51	51	20	41
	Partial Use: Lockoff		1	2.0	258	19.9%	7.9%	407	346	399	317
	Subtotals	312			441						888
Sequel Project											
C	2 Bedroom Suite w/out Lockoff	10	10	3.8	10	98.0%	94.0%	10	10	9	36
	Full Use of Unit										
D	2 Bedroom Suite w/ Lockoff	109	218	3.8	218	46.9%	63.6%	102	51	69	263
	Full Use of Unit							47	47	36	89
	Partial Use: Master 1BR		1	2.5	218	21.4%	16.4%	43	43	17	38
	Partial Use: Lockoff		1	2.2	218	19.9%	7.9%	23	11	31	107
E	3 Bedroom Suite w/ Lockoff	24	48	7.0	48	46.9%	63.6%	10	10	8	30
	Full Use of Unit							10	10	4	8
	Partial Use: Master 2BR		1	3.8	48	21.4%	16.4%	244	182	243	189
	Partial Use: Lockoff		1	2.2	48	19.9%	7.9%	651	628	642	476
	Subtotals	143	376		717						1,450
	MOC and Sequel Totals	455			1,158						1,338

SOURCE: Chris Hart & Partners, 2003.

During the marketing period, visitors will include a mix of time share owners, owners of units in other Marriott locations, and guests invited to purchase weeks in the Maui Ocean Club. Marketing will target buyer profiles very close to those of existing owners, so visitor populations and spending by all groups are expected to be the same as those of current owners, as shown in Exhibit 2-M. After marketing is complete, visitors will still include a mix of owners, their guests, and exchangers with units in other Marriott locations. This sort of mix is reflected in Exhibit 2-M for existing properties.

Over time, the population could decline somewhat, after marketing of the resort is concluded. The last column of Exhibit 4-G shows increased use of full units by owners and lower use of lockouts, leading to a small decrease in visitor numbers as of 2011.

The MOC resort population figures can be compared to historical data for the Maui Ocean Club. Based on Marriott records, the visitor population staying at the Maui Marriott is estimated as reaching an average of 1,440 persons. The 2005 population, before construction of the Sequel Project, will be approximately 919, about 64% of the historical hotel population. With construction of the Sequel Project, the MOC visitor population will reach a high of 1,501 (104% of the historical average) and then decline to 1,460 (101%).

The new visitor population staying in the Sequel project is small in relation to the anticipated growth of visitors on Maui. If visitor arrivals and the average visitor census continue to grow by about 1.6% annually, the result will be an increase of about 700 new visitors on Maui daily each year. The new visitors staying in the two Maui Sequel towers will amount to about 42% of the anticipated growth in Average Visitor Census over the two years in which the buildings will open.

SMS has no reason to expect that Maui Ocean Club Sequel visitors form a new visitor population, distinct from the one already attracted to Maui by its resorts, notably by the Maui Ocean Club. As a result, SMS does not view the visitor population associated with the project as, strictly speaking, a new impact on Maui County. Rather, it is part of expected growth.

4.3.2 Resident Population

With new jobs created on Maui, workers can support their families. Exhibit 4-H draws on Census data to yield estimates of the number of people and households supported per worker. When the operations workforce stabilizes, the total population on Maui supported by operations-related jobs associated with the project will number about 820 (including project-related workers) in about 280 households. (The number of households is smaller than the number of workers because many households on Maui have more than one working adult member.)

Just as the visitors at the project do not constitute a break from current and expected tourism growth, so the jobs and workforce population associated with project operations are analytically best understood as part of anticipated growth, not as a whole new source of impacts. The questions to be addressed are whether the timing and location of new jobs affect Maui.

4.3.3 Housing Demand

New jobs translate into new housing demand over time. If a project needs to attract new workers from outside its immediate area, they must be housed immediately. Other workers are likely to take a new or better job, wait until they are ready (due to marriage, savings, the needs of other family members), and then form new households in addition to existing ones. The housing demand and new household formation estimates in Exhibit 4-H must then be read as estimates of potential *long-term* implications of employment at any given time.

Exhibit 4-H: POPULATION AND HOUSING DEMAND ASSOCIATED WITH PROJECT

	2007	2008	2009	2010	2011	2012 on
Operations-Related Jobs	386	574	839	839	839	428
Operations-Related Jobs, Maui	319	484	720	720	720	381
Residents supported by Operations Jobs, State of Hawaii						
Persons	808	1,200	1,754	1,754	1,754	895
Households	274	407	595	595	595	303
Residents supported by Operations Jobs, Maui						
Persons	666	1,013	1,507	1,507	1,507	797
Households	226	343	511	511	511	270
Potential New Household Creation, Statewide						
Low Estimate	41	50	50	50	50	50
High Estimate	82	101	101	101	101	101
Potential New Household Creation, Maui						
Low Estimate	34	52	77	77	77	41
High Estimate	68	103	153	153	153	81

NOTES: Population and housing impacts based on operations jobs, not construction, since the latter is limited in term. Number of persons per household (2.95) and ratio of jobs per household (1.41) estimated for 2000 from Census data, State DLIR job counts, and SMS estimates. New household creation estimated as 15% to 30% of households, based on past resort studies (Community Resources, 1987a, 1987b). New household creation occurs over time, not necessarily in the year for which operations jobs begin, since workers accumulate income and wait for other reasons to establish new households.

For example, the estimate that some 41 to 81 new Maui households could be created by 2012 project operations-related workers indicates that this number of new households could be created in 2012 or later years if all the direct, indirect, and induced workers associated with the project in 2012 stay on Maui over the long term. (Presumably, some of the marketing staff listed as operations jobs through 2011 will stay on-island, but work on different projects, but many will move off-island. It is consequently misleading to see the marketing staff, and indirect and induced jobs associated with marketing, as an impact of the Sequel Project alone.)

SMS views the end-of-period estimate – demand for 41 to 81 new households on Maui Island – as the best estimate of the impact of the project on the Maui housing market. That demand is likely to include some early demand from in-migrants in the period 2007-2010, but the larger share of demand would spread over the period 2010-2020.

Housing demand can also be seen in historical perspective. As noted earlier, the on-resort jobs associated with the Sequel Project will return the MOC workforce to the level found in early 1999, when the property was run solely as a hotel. The long-term islandwide workforce impact of the new time share development is accordingly smaller than shown in Exhibit 4-C, and the associated population and housing impacts are similarly reduced.

The estimated return of the MOC workforce to historical levels deserves note in light of the fact that the initial Special Management Area Permit for the hotel included a condition, whereby the developers made a commitment to provide affordable housing for employees of the property. That condition was met as part of a 1984 agreement, by which the County received contributions of land and money for development of public housing in Kelaweia Mauka. Arguably, since the MOC workforce will be the same with the Sequel Project as it was as a hotel, the employee housing impact of the new project is within the parameters covered by the 1984 agreement.

4.3.4 Housing Supply

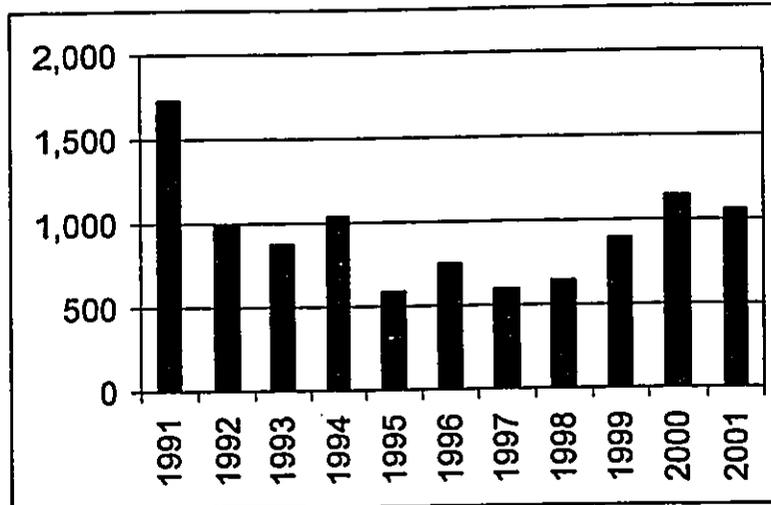
As noted earlier, housing impacts of West Maui employment are spread over the entire island. This fact reflects an ongoing housing problem to which long-planned housing projects in West Maui may respond in the coming years.

Exhibit 4-I shows permitted construction over the last decade. It suggests that Maui's housing supply problems have not been increasing, and may have been eased somewhat, in recent years.

If these units were indeed built, and if the distribution of resident-occupied vs. other units were in proportion to their distribution in the overall housing stock in 2000, the average annual new resident construction would be 723 units per year. By way of comparison, the housing demand model in the 1997 *Hawaii Housing Policy Study Update* (SMS and Prudential Locations, 1997) estimated that, on average, about 755 units would be needed annually to respond to pent-up and new resident demand. (The model called for elimination of all pent-up demand by 2106.)

The housing demand estimates suggest that some 39 to 78 new project-related households would need homes. Even if as many as half of these needed homes in the same year, the new demand – 20 to 39 households – would be small in relation to new construction and to ongoing housing sales and rentals.

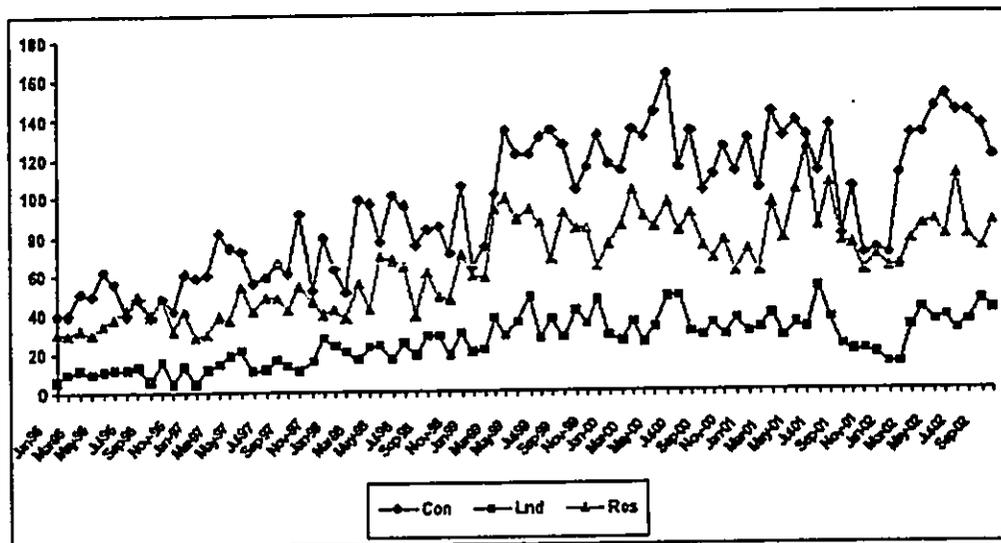
Exhibit 4-I: RESIDENTIAL CONSTRUCTION AUTHORIZATIONS, 1991-2001



SOURCE: County of Maui, 2002.

Exhibit 4-J shows housing sales as about 200 units per month (including both single family and condominium sales). The *Hawaii Housing Policy Study 1997 Update* (SMS and Prudential Locations, 1997) showed the number of advertised rentals on Maui to range from about 275 units to 420 units at any point in time in the first half of 1997. While the latter study is now seriously out of date, there is no reason to expect that rental supply has shrunk greatly. Consequently, the greatest possible point-in-time impact of new housing demand associated with the project would amount to no more than about 12% of the rental market, or 7% of the combined rental and sales markets (assuming demand for 36 units in a given month). While such demand in a single month could be noticeable, it is too small to have any impact on prices.

Exhibit 4-J: MONTHLY SALES VOLUME, MAUI COUNTY, 1997-2002



NOTES: "Res" = single family residence; "Con" = condominium; "Lnd" = vacant land. Prices are averages for year to date, 2002, based on MLS data
 SOURCE: Realtors Association of Maui, www.mauiboard.com.

4.3 FISCAL IMPACTS

Fiscal impacts consist of the new revenues accruing to local government due to a project, offset by new costs also associated with the project.

The EIS for the Maui Ocean Club Sequel Project argues that no major new commitment of County and State funds is needed to support the project. Accordingly, this report deals only with new revenues associated with construction, marketing, and increased property values.

4.3.1 State of Hawaii

Development of the project involves investment in construction and in marketing the new units in the Sequel Project. Exhibit 4-K identifies cash flows from those activities that can result in State revenues. It shows new revenues as amounting to \$14.9 million for the State of Hawaii (in 2002 dollars).

4.3.2 County of Maui

The County would gain revenues from increased property values at the site. Exhibit 4-L provides an analysis of those values, based on a discounted estimate of the value of new improvements estimated in light of the County valuation of the existing Maui Ocean Club property. It shows annual new taxes of about \$0.5 million, and a cumulative impact of \$6.0 million through 2020.

Exhibit 4-K: STATE REVENUES ASSOCIATED WITH PROJECT

	2006	2007	2008	2009	2010	2011	Cumulative
In Millions of 2002 \$s							
Construction Spending	\$14.2	\$40.0	\$37.8				\$92.0
Construction-Related Wages	\$7.9	\$22.2	\$20.9				\$51.0
Revenues							
EXCISE TAXES on							
Construction Spending (1)	\$0.6	\$1.7	\$1.6				\$3.8
Construction-Related Workforce Spending (2)	\$0.2	\$0.6	\$0.6				\$1.4
Marketing Spending (3)		\$0.2	\$0.2	\$0.2	\$0.2	\$0.2	\$1.0
Marketing-Related Workforce Spending		\$0.4	\$0.4	\$0.4	\$0.4	\$0.4	\$2.1
CORPORATE INCOME TAX (3)							
Construction (3)	\$0.0	\$0.1	\$0.1				\$0.2
Vacation Ownership Sales		\$0.1	\$0.1	\$0.1	\$0.1	\$0.1	\$0.7
PERSONAL INCOME TAX (4)							
Construction-Related Workforce Incomes	\$0.4	\$1.2	\$1.2				\$2.8
Marketing-Related Workforce Incomes		\$0.5	\$0.6	\$0.6	\$0.6	\$0.6	\$2.8
TOTAL	\$1.3	\$4.9	\$4.7	\$1.3	\$1.3	\$1.3	\$14.9

Exhibit 4-L: COUNTY REVENUES ASSOCIATED WITH PROJECT

	Million Yr. 2002 \$s	
Estimated Assessment Value, New Buildings Building Value	\$60.0	(1)
Taxes		
On Building		
Annual	\$0.5	(2)
Cumulative, 2009-2020	\$6.0	

NOTES:

- (1) Estimated from construction costs and assessment of existing hotel.
- (2) Computed by SMS, using 2002 rate per \$1,000: \$8.30

5. SOCIAL IMPACTS

This section deals first with impacts of the project on selected public services, and then with other potential impacts on the quality of life and community cohesion.

5.1 PUBLIC FACILITIES AND SERVICES

Demand for public services is largely a factor of visitor and resident populations associated with the project. At the project site, the Sequel Project will bring 143 new units, and hence an anticipated 571 new visitors. This visitor population figure should be viewed in historical context. The numbers of units and visitors have been changing and will continue to change in the next few years, as was shown in Exhibit 4-G.

The maximum number of visitors at MOC with the project is about 104% of the numbers seen when the resort was operating as a hotel.

While the project involves some 86 continuing jobs at the MOC, and many others supported by visitor spending at Kaanapali and elsewhere in West Maui, the key fact to be noted with regard to the resident population supported by these jobs is that it is not concentrated, but spread throughout Maui. (As discussed in the last section, the number of direct jobs at the MOC will return to 1999 levels after the Sequel Project is occupied.)

In the following sub-sections, the project's share of demand for public services, and hence potential increases in County and State spending is noted. While these demands are quantified in terms of service populations and government staff, we have not taken the further step of expressing the project's share in monetary terms. It should be clear, however, that the additional government costs ascribable to the project are appreciably smaller than the government revenues estimated in Section 4.3.

5.1.1 Police Protection

Existing Conditions: The Maui Police Department has a station at the Lahaina Civic Center, about a mile from the MOC. It is currently under renovation, and officers are operating from temporary quarters. On a given watch, five officers are assigned to cover the entire West Maui area, with one covering a beat including Kaanapali and part of Honokowai (personal communication, Sergeant Wendell Loo, Lahaina Station, December 2002).

In the resort, hotels attempt to lessen the demand for police services by warning guests to lock cars and lanai doors, and provide security on their properties.

Impact of Project: West Maui has a population of about 18,000 residents and, on average, 23,000 visitors. The additional visitor population attributable to the Sequel project (about 571 persons) and employees in direct contact with them – at most 240 workers in West Maui – amount to a service population increase of 1.9%.

Hawaii's police departments face manpower shortages due to budget limits and the challenge of recruiting. If the Maui Police Department is to maintain or increase the ratio of officers to its service population, it will need to increase the number of policemen over the coming years. The share of that increase attributable to the Sequel Project would be about a quarter of an officer's time. (That estimate is calculated as follows: 15 officers/41,000 persons in West Maui x 811 additional persons = 0.297.)

5.1.2 Fire Protection

Existing Conditions: The Department of Fire Control, County of Maui maintains a station at the Lahaina Civic Center, about a mile from the project site. The Lahaina Station and Napili Station together serve the entire West Maui area, with two engines and a ladder truck.

Impacts of Project: The project will be built to current fire codes, and so will be less likely to involve fire hazards than older structures. Plans will need to be approved by the Prevention Bureau of the Fire Department. If the project is built to current codes it should not represent an added impact on the Fire Department's resources.

The ladder in West Maui is 85 feet long, so it would not reach the top stories of the proposed Sequel Project – nor existing structures this height.

5.1.2 Medical and Emergency Services

Existing Conditions: Maui is served by Maui Memorial Hospital in Wailuku. It has approximately 200 beds. West Maui is more immediately served by doctors and clinics located in the district. Emergency services are provided by American Medical Response, which operates out of the Lahaina Civic Center.

Many West Maui residents view the current situation as unacceptable, and are pressing for the creation of an acute care hospital in their region.

Impact of Project: Medical services are provided on an islandwide basis, not just for the district. The increased population associated with the project amounts to less than 0.5% of the de facto population of Maui Island. While the ongoing growth in population in West Maui may, sooner or later, make creation of a new emergency clinic or hospital in the region necessary, the share of demand from the Sequel Project is very small.

5.1.3 Education

Existing and Anticipated Future Conditions. Schooling on Maui is provided by the Hawaii State Department of Education and private schools. In the Lahaina District, public schools are located in Lahaina: King Kamehameha III and Princess Nahienaena Elementary Schools (through grade five), Lahaina Intermediate (grades six through eight) and Lahainaluna School (grades nine through twelve). Lahainaluna is the only DOE high school which can take boarders. These DOE schools are, according to current School Status and Improvement Reports, slightly below capacity for classrooms. For other facilities such as libraries, they may be well below standards set by the DOE. In sum,

while facilities improvements are probably desirable, they are not critical for the core work of instruction at these schools.

Private schools in the district consist of Sacred Hearts School in Lahaina (grades K through twelve) and preschools. The Kamehameha Schools' Maui Campus is located outside the district, in Upcountry Maui, but draws students from all parts of Maui.

No new school construction is anticipated soon in Lahaina District. School sites have been included in the plans for large proposed housing areas, and these schools would likely be built in response to new demand as the number of residents increases.

Impact of the Project. The Sequel Project will create lodgings for transients, not residents, and hence will not include students in local schools. No direct impact is expected.

New spending by visitors will create jobs and hence support the growth of population and households on Maui. As shown in Exhibit 4-G, a total of 764 persons (including workers) will in time be supported by operations and operations-related jobs associated with spending by visitors staying in the Sequel Project buildings.

Combining data from the DOE with 2000 Census figures for Maui County, we can estimate average school enrollment among residents. For every 100 residents in 2000, there were:

- 7.95 students in Kindergarten through grade five;
- 3.72 students in grades six through eight; and
- 4.76 students in grades nine through twelve.

For the 797 persons supported by direct, indirect and induced operations jobs on Maui after 2010, this suggests a total DOE school enrollment of 131 students. Those students would be spread throughout Maui, since they are supported by jobs at locations throughout the island (and Maui workers, especially West Maui workers, need not live near their place of work).

While Maui County, following projections provided by DBEDT, anticipates continuing population growth, the State Department of Education has recently emphasized that the public school population is growing only in a few areas (DOE, 2002). Leeward Oahu and Maui Districts have seen major growth since 1990. On Maui, the DOE has responded with new school construction, in Upcountry, South Maui, and Central Maui.

The new school population associated with the project will increase over the next few years, as part of the overall continuing growth to be expected on Maui. It will be located in or near residential areas throughout the island, not one particular area. In light of these factors, the impact is expected to be small on any one school, and would not create significant new demand for services.

5.1.5 Recreation

Existing Conditions. Public recreation in West Maui is available in the ocean, reached through beach areas such as Kaanapali and State and County beach parks. Also, Maui

County provides recreational facilities at the Lahaina Civic Center (gymnasium, tennis courts) and sports fields in Lahaina. The County operates some 130 parks and recreational facilities on Maui, Molokai and Lanai. At Kaanapali, beaches are accessible to the public. For resort guests, beaches, nearby open areas and pools are major recreation sites.

Impact of the Project. The project will increase the population staying at MOC by some 571 persons (to a potential maximum of approximately 1,500 visitors on average – just above past levels for the Maui Marriott -- while adding to the on-site recreational resources. Two new pools are included in the plan. More open space near the shore will be available, especially on the northern side of the property. The net result of spreading pool areas, poolside areas and open space near the beach appears to be commensurate with the increased population. (Oceanfront space will not change. However, the critical resource that can be affected by increased demand at this and other Hawaii resorts is rarely the beach and ocean. Instead, space from which to enjoy views of, and occasional visits to, the beach and ocean is typically crowded. By increasing open space and poolside space, the project responds effectively to the increase in visitor demand.)

Visitors staying at the MOC and residents supported by jobs associated with the MOC will use State and County park facilities on Maui. The numbers involved are small relative to both the current user populations and available facilities.

5.2 OTHER SOCIAL IMPACTS

The major likely impacts consist of construction-period irritants, largely felt in the immediate area around the Sequel Project site, and long-term economic growth for the resort and West Maui.

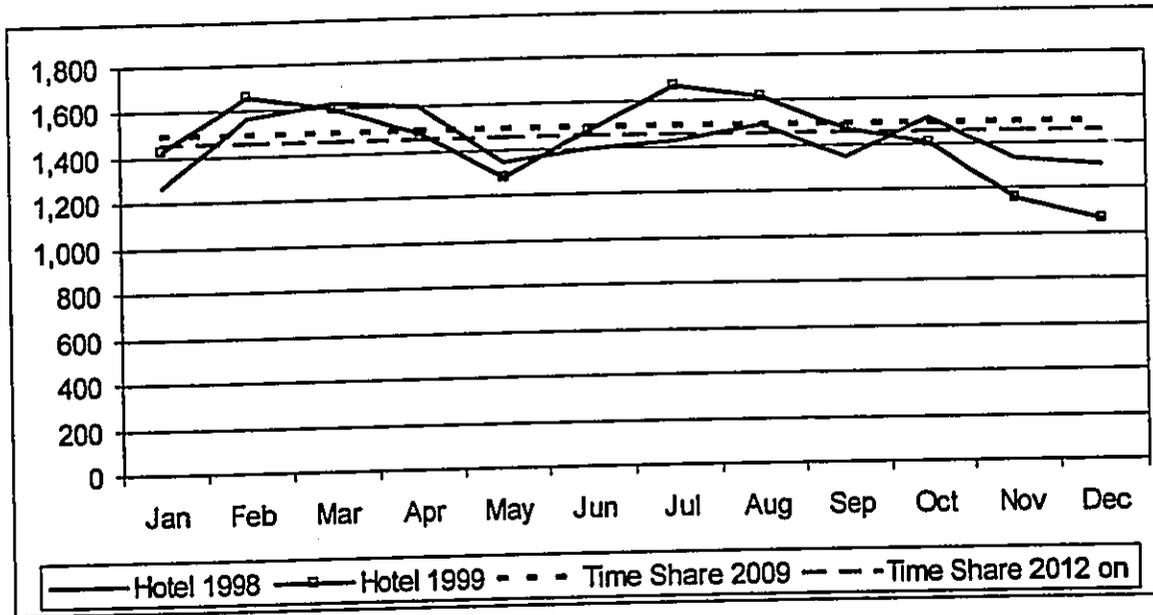
Another change with small but extensive impacts is that time share visitors are more dependable than hotel visitors. Time share visitors returned to Hawaii more quickly than hotel visitors after September 11, 2001. Time share properties experience high occupancies – typically higher ones than hotels. Time share properties are also expected to have less seasonal variation. Exhibit 5-A shows the result by comparing the occupancy expected at the MOC when the Sequel project is built with historical data from the Maui Marriott.

5.2.1 Impacts on the Immediate Neighborhood

The immediate neighborhood consists of the Maui Ocean Club and the adjacent properties – the Hyatt Regency and the Kaanapali Alii.

Planning phase: News of the project has occasioned concern and angry responses from some owners of Kaanapali Alii property, who see the project as affecting their quality of life and cash flow in the future.

Exhibit 5-A: VISTORS STAYING AT THE MARRIOTT KAA NAPALI PROPERTY



Construction phase: The major issue under discussion with Kaanapali Alii owners, impacts of construction on residents and owners nearby, affects all three of the properties in the immediate area. Owners and other users of time share units within Maui Ocean Club will be nearest to the construction and hence will be most affected by noise, dust and traffic associated with construction activities. Owners and occupants of Kaanapali Alii and the Hyatt Regency will be shielded from some of the construction irritants by the buildings of the Maui Ocean Club, as well as by dust screens and other standard precautions.

We cannot fully predict either the extent of direct construction impacts, since details of timing and construction practices remain to be set. Nor, based on available data, can indirect impacts such as loss of rental income be estimated with any certainty. However, there is ample evidence to conclude that the impacts will be much less than the worst-case scenario mentioned in interviews and letters by some Kaanapali Alii owners, who claimed that most or all revenues will be lost during the construction phase (see, for example, DEIS letters from Classic and Rental Owners Corporation). That evidence includes, notably:

- **Marriott's experience during renovation of the Maui Ocean Club:** Marriott converted one of its two buildings to time shares over two phases, leaving the rest of the property open for business. It succeeded in selling rooms (if at reduced rates) and maintaining guest satisfaction.
- **Timing of construction:** The greatest noise impact, pile driving, will occur during late summer or early fall of 2005 (south side of MOC property) and 2006 (north side). These are typically periods of lower occupancy.²

² SMS does not have data on variations in occupancy at Kaanapali Alii. For Maui Ocean Club's past occupancy (as a hotel), see Exhibit 5-A.

- Factors limiting noise and dust impacts during much of the construction process: First, most of the construction work will be on one side of MOC or the other at any given time, limiting impacts on the Hyatt Regency and Kaanapali Alii. Next, construction inside towers is expected to be quieter than work done before the building shells are built, since the buildings themselves will insulate and deflect construction noise.
- Some work on the north side will occur early, as tennis courts are replaced by staging and parking areas. While these areas may be less neat in appearance than the current tennis courts, noise from the site will likely be comparable to that of tennis for the year or so that construction will occur mainly on the south side of the MOC.

In sum, the impact will be strongest during pile driving, and will be less (or absent) for particular neighbors during parts of the construction period. Additional comment is needed to clarify the actual impact of construction on revenues at Kaanapali Alii.

First, three parties are potentially involved: owners, agents, and workers. Lowered occupancy could affect all three, but in different ways. Occupancy at lower prices would have little effect on workers, since their efforts would still be needed to maintain the level of service expected by owners and returning renters. Next, Classic Resorts, as manager of the great majority of the rentals, is insulated from some of the effects of lower occupancy. If, for a period, some of the units facing the MOC are less attractive than others in the property, Classic can rent these last or, if necessary, at discounted rates. The units in question would probably amount to no more than 20% of the rental pool, i.e., probably about the share that is not occupied during much of the year. Even maximal loss of occupancy on the side facing MOC due to construction could well be within Classic's normal operating margins.³ Finally, owners of units nearest construction could lose their share of rents when units go unoccupied or have to accept lower shares when units rent for reduced rates. These owners would, then, be the most affected of the three groups. However, it must be stressed that potential impacts on occupancy and rates would not occur throughout the construction period. Instead, times in which construction activity is most audible and visible from nearby units would be most likely to see impacts.

In sum, an impact on occupancy could well affect some Kaanapali Alii owners for part of the construction period, but the main rental pool managing agent and the condominium workforce would be little affected. Taxes derived from rentals and wages would accordingly also be little affected.

Classic has disputed this account and suggested that, due to high operating costs, it would need to lay off "many of its 130 employees" during the Marriott construction period. This claim seems to be based on the assumption that much or all of the Kaanapali Alii property would be "unrentable" due to nearby construction. We find that assumption overly pessimistic, while recognizing that the period of pile driving will involve substantial impacts on nearby residents and visitors.

³ In preparing this report, SMS had discussions with Classic executives, but Classic would not release detailed information about occupancy and operational finances. We assumed that occupancy is 80% or less from industry averages. Reported Maui hotel and condominium occupancy levels have averaged 74% (2001) and 80% (2000) (DBEDT, 2002d).

Emphasis is placed here on Kaanapali Alii, since concern has been strong among its owners. Impacts are expected to be limited to the sides of Buildings Three and Four facing the MOC property. Units at the seaward and inland ends of those buildings will be less affected, as more distant from construction and with only partial views of the construction area. (Noise impacts may be more general during foundation work. The extent of those impacts is being studied, and different methods of foundation construction are being examined to see whether approaches that would limit noise impacts are feasible.)

Owners and visitors at the Maui Ocean Club will not only have to deal with irritants during the construction phase, but will also lose amenities – notably tennis courts – during the construction period. They will enjoy increased open space near the beach after initial work on project construction is complete. Owners and visitors at MOC are not expected to consider the construction as a loss of income or value, since they have no reason to expect long-term impacts on their units' value. As owners within MOC, they are likely to see the construction as part of the development of their project, rather than an intrusive activity by a neighbor.

As noted above, Marriott has already found it possible to operate the resort to the satisfaction of both guests and the corporation with major renovations being done in the existing buildings. Apart from the periods of foundation work, the impact of construction on quality of life should be similar to or less than that experienced by guests in the recent renovations. As a result, Marriott expects to operate the Maui Ocean Club at high occupancies throughout the Sequel construction period.

Operations phase: The Sequel Project transforms the Maui Ocean Club from a time share resort with amenities characteristic of a more conventional hotel (ballroom; luau area) into one focusing on the needs of its specific clientele. For visitors and owners staying at the MOC, the result will be a quieter resort.

The new pools and open space towards the beach on the north end of the project will provide recreational area, complementing the additional demand from people staying in the two new towers. Kaanapali Alii residents have questioned the idea of an "adult" pool on the north side, but this should have little or no impact on their property, for three reasons. First, the bar associated with that pool will be located between the existing MOC building and the Napili tower, so any noise and activity at that site will be far from Kaanapali Alii. Next, the appeal of an adult pool is partly to adults who swim as exercise. Users will tend to police this pool. Finally, pool hours will be posted and the MOC will be responsible for limiting noise and use after hours. (Since MOC owners and users will be nearer to the pool than Kaanapali Alii residents, Marriott staff will be likely to enforce rules to assure their own guests' peace and quiet.)

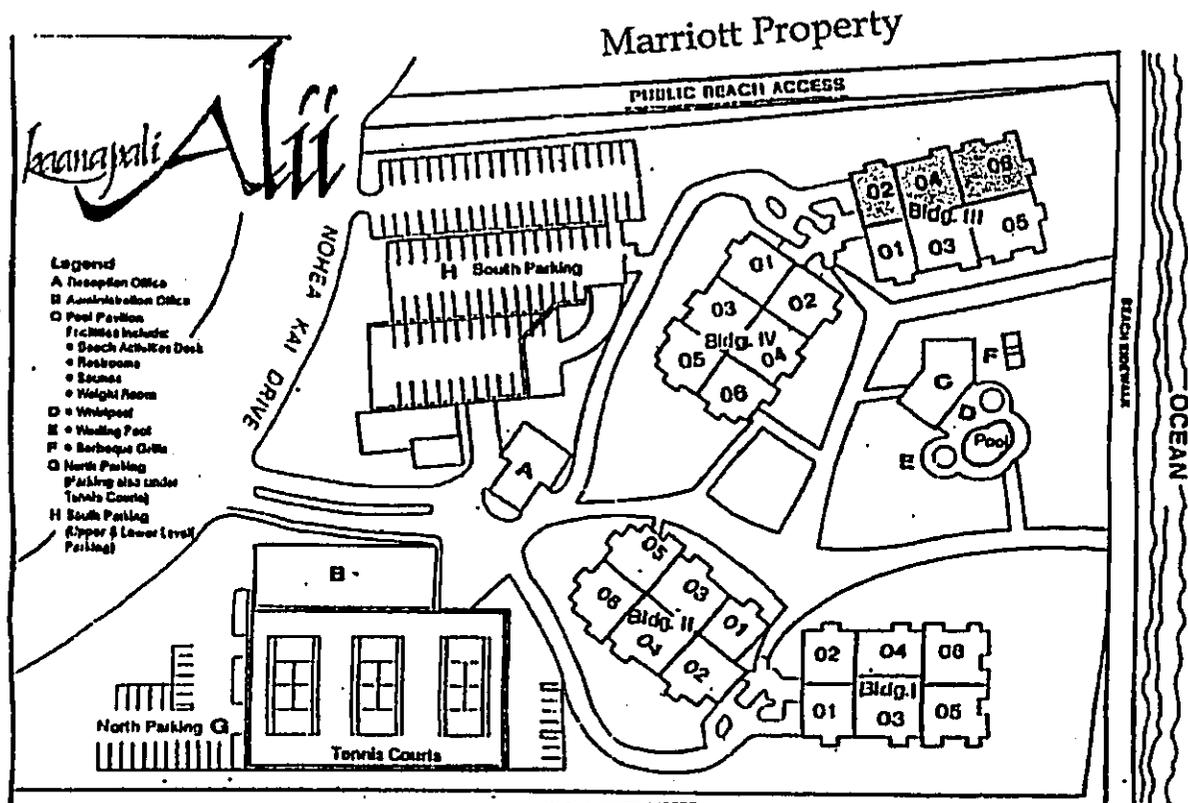
Some neighbors of the MOC commented that the property has fewer restaurants than in the past. This is likely due to lower guest numbers as the property converts from hotel to time share use. With two new towers, there may be a large enough market for more dining areas and increased activities on-site.

The impacts of changed views for Kaanapali Alii units have concerned owners greatly. Some mention changes in the experience of living in their units; nearly all stress the idea that changed views can and will translate into lower property values. To identify and analyze those impacts, SMS asked Chris Hart and Partners for more information on views

from different "stacks" of Kaanapali Alii, and drew on real property data for the area and comparison cases to address the question of value.

Two buildings – numbers 3 and 4 – of Kaanapali Alii face the Marriott property (along the top of Exhibit 5-B). On each floor, units with a given number are "stacked" above the same number on the floor below. In Building III, stacks 2, 4, and 6 look northward, as do stacks 1, 3 and 5 in Building IV. From all of these units, residents and visitors can see the ocean looking over the Marriott property.

Exhibit 5-B: KAAPALI ALII SITE PLAN



Chris Hart and Partners took photos from units in the affected stacks, showing the views from balconies and, in some cases, living and bedrooms. View corridor analyses were added by Group 70 International. The photos are attached as an appendix to the Final Environmental Impact Statement on the project. The photos show, in effect, the view seen by someone sitting just behind the balcony rail and looking straight out, perpendicular to the rail, from that position. A viewer who leans out over the balcony would see more. Exhibit 5-C includes view classification data for each stack, along with estimates of the extent of ocean views from the stack. (See Exhibit 1-B for the positions of the Napili Tower, the existing Maui Ocean Club Buildings, and Kaanapali Alii Buildings III and IV.)

The exhibit summarizes several important points:

Exhibit 5-C: VIEWS FROM KAAPALI ALII UNITS

Building Unit	Floor	View Designation (1)	County View Notes (2)	Share Ocean View (3)		Change (% of Current)	
				Current	with Napili Tr.		
III	6	Ocean Front	Oceanfront	100%	100%	0%	
	All						
	4	Primary Balcony	Garden View	No View	38%	38%	0%
			2 to 4	Partial Ocean View	No View		
			5 to 11	Ocean View	Mountain View		
	2	Primary Balcony			45%	45%	0%
			1 to 3	Garden View	No View		
			4	Partial Ocean View	No View		
			5 to 11	Ocean View	Mountain View		
	IV	1	Secondary Balcony			65%	62%
1 to 3				Garden View	No View		
4				Partial Ocean View	No View		
5				Partial Ocean View	Mountain View		
3		Offset Balcony			16%	5%	70%
			2 to 4 (4)	Garden View	No View		
5		Offset Balcony			5%	0%	100%
			5 to 11	Mountain View	Mountain View		
			1 to 4	Garden View	No View		
			5 to 11	Mountain View	Mountain View		

NOTES:

- (1) "View Designation" is the view category used for Kaanapali Alii rentals by management.
- (2) View categories are in the county's real property database, as available at www.mauipropertytax.com.
- (3) Ocean view was measured horizontally, using pictures taken near the balcony rail or living room window, between protruding walls or frames.
- (4) No tax and value information are listed for unit 4301.

Photographic View Analysis

- The Napili Tower has been placed far enough inland that it does not affect ocean views from units in Building III. It stands between Building III and the rest of the Marriott buildings, and hence brings the built-up area of the MOC closer to Kaanapali Alii.
- For Building III units, a major change in views will be the replacement of the tennis courts by a narrow pool and increased open space. This is arguably an improved view, with more greenery.
- The impact of the new tower on ocean views is small for Building IV, Stack 1, but larger for the other stacks (3 and 5). The impact on ocean views from stacks IV-3 and IV-5 is clearly significant for the views listed in Exhibit 5-C. However, a photo taken when leaning from a Stack 3 balcony shows that persons in Stack 3 and 5 units can see more of the ocean than the above table suggests. In that photo, 45% of the view was of the ocean – a figure that would be reduced to 30% with the Napili Tower built. Similarly, it appears that the ocean would be visible to people looking out from Stack 5 balconies, but that the view would be reduced with the Napili Tower built.

Views and Valuation

- The affected units are classified for rental purposes as "Garden View," "Mountain View," "Partial Ocean View," and "Ocean View." The units which would have lose more than 5% of their ocean views with construction of the new tower – Building IV, Stacks 3 and 5 – are rented as "Garden View" and "Mountain View" units. This means that the presence of the Napili Tower is not likely to affect the rental classification of these units. They retain both the views in question and (from units high enough to see over landscaping) some ocean visibility.
- All the Building IV units are identified as either Garden View or Mountain View for real property tax classification purposes. Property tax assessors consider views as an element in valuation of condominium units. Oceanfront units have the highest market value (and hence the highest appraised value), Mountain views from Kaanapali are dramatic, but the difference between ocean views and all others is the key factor determining price. (Oceanfront and ocean view units in Kaanapali Alii are currently appraised at about \$775 to \$1,050 per square foot, while other units range in appraised value from about \$350 to about \$700 per square foot.)

SMS conducted a study in Waikiki (2001) to deal with a similar question of private view impacts of a new building, Hilton's proposed Waikikian Tower. Of the 12 properties studied, ocean views were found to affect assessed values in five cases. The share of ocean views that would actually be reduced by the Waikikian project was very small in all cases but one. In that case, view units would lose all or nearly all their ocean views. Only in that case, of total loss of ocean views from ocean view units, was there a measurable impact on assessed or potential sales value. No such situation occurs at Kaanapali Alii.

On the north side of Kaanapali Alii, the Westin Hotel is located about 110 feet from buildings I and II. Despite this fact, values of lower units near the Westin are similar to those of units on the south side facing the Maui Ocean Club (at a much greater distance). On higher floors, the units facing the Marriott's tennis courts are valued at about 75% of the units facing the Westin Hotel. The difference is not due to the Westin, but to views of the golf course. (This is based on a comparison of units in Building I, Stack 1 and Building 3, Stack 2). An obvious inference is that the presence of a hotel 110 feet from Kaanapali Alii does not appreciably detract from value. We expect, then, that the construction of a new building, about 130 feet from Kaanapali Alii, would similarly have little or no impact on long-term value.

5.2.2 Impacts on Kaanapali Resort

Anticipated construction period impacts consist of (a) noise from pile driving and (b) traffic obstruction due to large vehicles and problems with parking. The first appears unavoidable, although it can be limited in hours and season. The latter can be controlled through construction timing and provision of parking on-site for construction vehicles and workers, as planned.

An impact of the project is the encouragement it gives to renovation of the resort and to transformation of the resort to include time shares. Without the luxury properties that have given Wailea prominence, Kaanapali risked becoming a less desirable resort. The

move to hotel-backed time shares brings high occupancies and draws on Kaanapali's strength, i.e., the presence of major hotel brands which will assure quality of lodgings.

Marriott has already established the point that time shares are an effective way to renovate and reposition a Kaanapali hotel. (Others have tried other approaches. For example, Kaanapali Beach Hotel emphasizes Hawaiian culture and cultivates loyalty among returning guests.) Hence the Sequel Project does not so much set a precedent as continue the trend begun at MOC and continued in the construction of the Starwood property at North Beach.

The project will bring greater density along the axis of the hotel, but open up more space along the shore. The result will be an increase in the experience of open space for visitors staying in this and the other beachfront resorts. The view impact of density is then more likely to be experienced from inland locations. (The Environmental Impact Statement deals with view issues, showing in some detail how plans for architecture and landscaping are intended to minimize impacts on views.)

Time share visitors stay longer than others, on average, yet spend comparable amounts per person per day. With longer stays, they will tend to visit other parts of the Kaanapali resort and of Maui Island, so that the increased visitor count will affect attractions, restaurants and stores throughout Kaanapali and West Maui. Again, the increased visitor count will result in increased demand for golf at the Kaanapali courses and, to an extent, elsewhere.

5.2.3 Impacts on the West Maui Region and Maui Island

Neighbor Island time share visitors are affluent and stay longer than other US Mainland visitors. They are likely to spend more time away from their lodgings, so their spending is spread over a larger area. The Sequel Project (along with time share conversion of the Maui Ocean Club and other time share projects) will contribute to the West Maui and Maui Island economies, supporting increasing numbers of visitor-related jobs (as shown in Exhibit 4-C).

With continuing prosperity at Kaanapali and growth in the local workforce, pressure for more resident housing in West Maui and for improved road access into and out of the region will also continue. The share of that pressure attributable to the project is, however, very small, since these are longstanding issues of concern to the region.

6. MITIGATION OF POSSIBLE ADVERSE IMPACTS

6.1 PROCESSES TO DETERMINE MITIGATION MEASURES

Mitigation measures are appropriate when a project has demonstrable negative impacts on its environment. The project need not be responsible for solving pre-existing problems or general concerns over the future of the region or the community.

Measures to mitigate adverse impacts can be prescribed by experts, especially when impacts are matters of safety. When the strength and intensity of impacts is a matter of perception, mitigation should involve the affected parties. An important reason for this is that the attempt to work out solutions with affected parties can be empowering, and hence contributes to their quality of life.

In this report, directions or strategies for mitigation are noted, but no claim is made that these are necessary or definitive. Discussions between the developer and potentially affected parties could uncover other strategies preferred by those involved.

Discussions have already begun with neighboring stakeholder groups:

- Marriott development staff, their architect and planner presented plans at a meeting of the Board of Directors of Kaanapali Alii. At their first meeting, Kaanapali Alii owners stressed the importance, in their view, of increasing the distance between the Napili Tower and their property. Some of them suggested increasing tower height (from eight stories) to shrink its footprint and hence increase the distance.. The plan was then revised to mitigate impacts on Kaanapali Alii. (Since that time, an additional presentation was made at the annual meeting of the owners, and discussions have continued to the present.)
- Marriott submitted preliminary plans for the project to the Kaanapali Operations Association's Design Review Committee. The latest submission includes the current building heights and reduced footprint. KOA is concerned with architectural and landscaping rules intended to assure the quality and appearance of the resort. Approval is expected soon.

Marriott has also presented the project to other neighbors informally.

6.2 POSSIBLE MITIGATION MEASURES

Adverse impacts noted in this report are above all impacts of construction:

- Construction noise and dust are likely to be irritants in the immediate area. Mitigations include following State and county regulations governing the timing of construction and control over noise, and instituting recognized best management practices for dust control.

- Plans for foundation work are under review. The most-used approach, pile driving, is recognized as creating problems for immediate neighbors and for much of the Kaanapali resort area. Marriott will use noise attenuation procedures, including hydraulic driving heads, cushions, and shrouding, where safety considerations allow, to minimize noise from pile driving. Holes for piles can be pre-drilled before pile driving to reduce both time and noise. Marriott is considering other methods of foundation construction, such as drilled caissons rather than piles. (Viability of alternate methods is still to be determined, and will depend on soils tests. Noise impacts associated with different methods will be reported in the Noise Consultant's report appended to the EIS for the project.)
- Marriott or its general contractor would be responsible for construction vehicles and held liable for damages caused by them to private roadways in the resort.
- The key remaining issue is the impact of construction on Kaanapali Aii rentals. Currently, Marriott and Classic Resorts have begun discussions of rental of Kaanapali Aii units by Marriott to house guests coming for sales previews and time share owners who visit before their units are completed. If these discussions are mutually satisfactory, Marriott will be able to increase occupancies and cash flow at Kaanapali Aii, to the benefit of owners and the rental agent. (Marriott does not view itself as responsible for anticipated loss of revenues, but is seeking ways in which its neighbors can benefit during the current marketing phase and the construction period.)

Over the long term, the remaining impacts of concern are view impacts. These are discussed in the EIS in some detail. Here we may note that landscaping and architecture will be used to limit views of parking structures and to minimize any impression that a continuous wall of buildings has been erected.

APPENDIX: INTERVIEW HANDOUT
MAUI OCEAN CLUB SEQUEL PROJECT

The Maui Marriott Resort currently has a mix of hotel and vacation ownership (time share) units. It will soon be dedicated only to vacation ownership.

When renovation of current units is finished, Marriott proposes additional changes, for which they are preparing an Environmental Impact Statement:

- *North Side of the Resort:* The ten-story Napili Building would have 96 units. Mauka, a one-and-a-half-story parking structure would include 147 parking stalls. Trellises with landscape materials would screen the top floor. Makai of the Napili Building would be a pool, spas and pool deck. A pool bar would be placed between the Napili Building and the existing resort building. The area makai of the pool would be open, and landscaped mainly with grass and coco palms. .
- *South Side of the Resort:* The Lahaina Building would have ten stories and include 50 units. A new five-story parking structure would have room for 416 stalls. Its top floor would be screened with landscaped trellises. Two new tennis courts would be placed where the ballroom is now. A new pool, spa and deck area would be located makai of the Lahaina Building. As on the north side, the land between the pool area and the beach would be open, and landscaped in grass and coco palms.
- *Demolition:* To build the new structures, the existing ballroom, parking structure, luau area, tennis courts, exercise facility and much on-grade parking would be removed.

The Lahaina Building and other work on the south side of the property are planned for completion in January 2007. Work on the north side would be completed in January 2008. Each phase of work would take about 18 months from start to completion.

As a hotel, the Maui Marriott had 720 rooms. When the current conversion to time share use is finished, it will have 312 units. With the additional changes described here, the number of units would reach 458.

* * *

SMS Research is studying socio-economic impacts, for a report that will become part of the Environmental Impact Statement. We are conducting interviews with stakeholders in the Kaanapali area to make sure we appreciate community concerns about the project.

Our interviews are confidential: we list the names of people who spoke with us but do not identify opinions as coming from one person or another, since we are discussing community viewpoints. We want your ideas as to how this project will affect the Kaanapali area, and your ideas about any ways to avoid or minimize problems.

If you have any questions about the project or the EIS process, please call Robb Cole of Chris Hart and Partners, Inc., at 242-1955. If you have any question or comment about our interviews, please call John Kirkpatrick at SMS in Honolulu (1-877-535-5767 or 808-440-0703). Thanks for your help!

[Respondents also received a copy of the Site Plan included as Exhibit 1-B of this report.]

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APPENDIX J
Cultural Impact Assessment Report

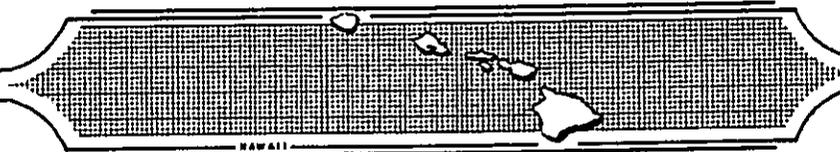
SCS Project No. 331-CIA

**A CULTURAL IMPACT ASSESSMENT FOR
MAUI MARRIOTT OCEAN CLUB,
SITUATED IN THE *AHUPUA'A* OF HANAKA'Ō'Ō,
LĀHAINĀ DISTRICT,
ISLAND OF MAUI, HAWAII
[MK:4-4-13:001]**

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ABSTRACT

Scientific Consultant Services, Inc. (SCS), recently completed an Archaeological Inventory Survey at the Maui Marriott Resort and Ocean Club in the *ahupua`a* of Hanaka`o`o, Lāhainā District, Island of Maui (TMK: 4-4-13:001). The subject area is located on the Kā`anapali coast where Maui Marriott proposes to develop two new towers at the north and south ends of their property. While the field results were negative, SCS has prepared Cultural Impact Assessment to satisfy current requirements for an Environmental Impact Statement under HRS 343. Based upon community response, archival research, and the findings previous archaeological investigations and construction/developments along the Kā`anapali coast, it is reasonable to conclude that the exercise of native Hawaiian rights related to gathering, access, or other customary activities will not be affected and that there will be no adverse effect upon any ethnic practices or beliefs.

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INTRODUCTION

The Cultural Impact Assessment (CIA) is submitted by Scientific Consultant Services, Inc. (SCS), on behalf of the Maui Marriott Resort and Ocean Club, Hanaka`ō`ō, Ahupua`a, Lāhainā District, Island of Maui (TMK: 4-4-13:001, Figure 1). The project area is on the grounds of the Maui Marriott Resort and Ocean Club in the Kā`anapali area where the hotel proposes to develop two new towers at its north and south ends. The objective of the Cultural Impact Assessment is to satisfy current requirements for an Environmental Impact Statement under Hawaii Revised Statutes 343.

A cultural impact assessment involves evaluating the probability of negative impact on cultural values and rights within the project area and its vicinity. According to the *Guidelines for Assessing Cultural Impacts* established by the Hawaii State Office of Environmental Quality Control (OEQC, 1997):

The types of cultural practices and beliefs subject to assessment may include subsistence, commercial, residential, agricultural, access-related, recreational, and religions and spiritual customs... The types of cultural resources subject to assessment may include traditional cultural properties or other types of historic sites, both man made and natural which support such cultural beliefs.

Act 50, enacted by the Legislature of the State of Hawaii (2000) with House Bill 2895, relating to Environmental Impact Statements, proposes that

...there is a need to clarify that the preparation of environmental assessments or environmental impact statements should identify and address effects on Hawaii's culture, and traditional and customary rights...[H.B. NO. 2895]

The purpose of Act 50 is to require that Environmental Impact Statements include an assessment of any impact on the cultural practices of the community and state. It also amends the definition of 'significant effect' to include adverse effects on cultural practices. Thus, Act 50 requires an assessment of cultural practices to be included in the Environmental Impact Statement and to be taken into consideration during the planning process. The concept of geographical expansion is recognized by using, as an example, "the broad geographical area, e.g. district or ahupua`a" (OEQC 1997). Recent consultation between the Office of Environmental Quality Control (OEQC), the Office of Hawaiian Affairs (OHA) and the Primary Corridor

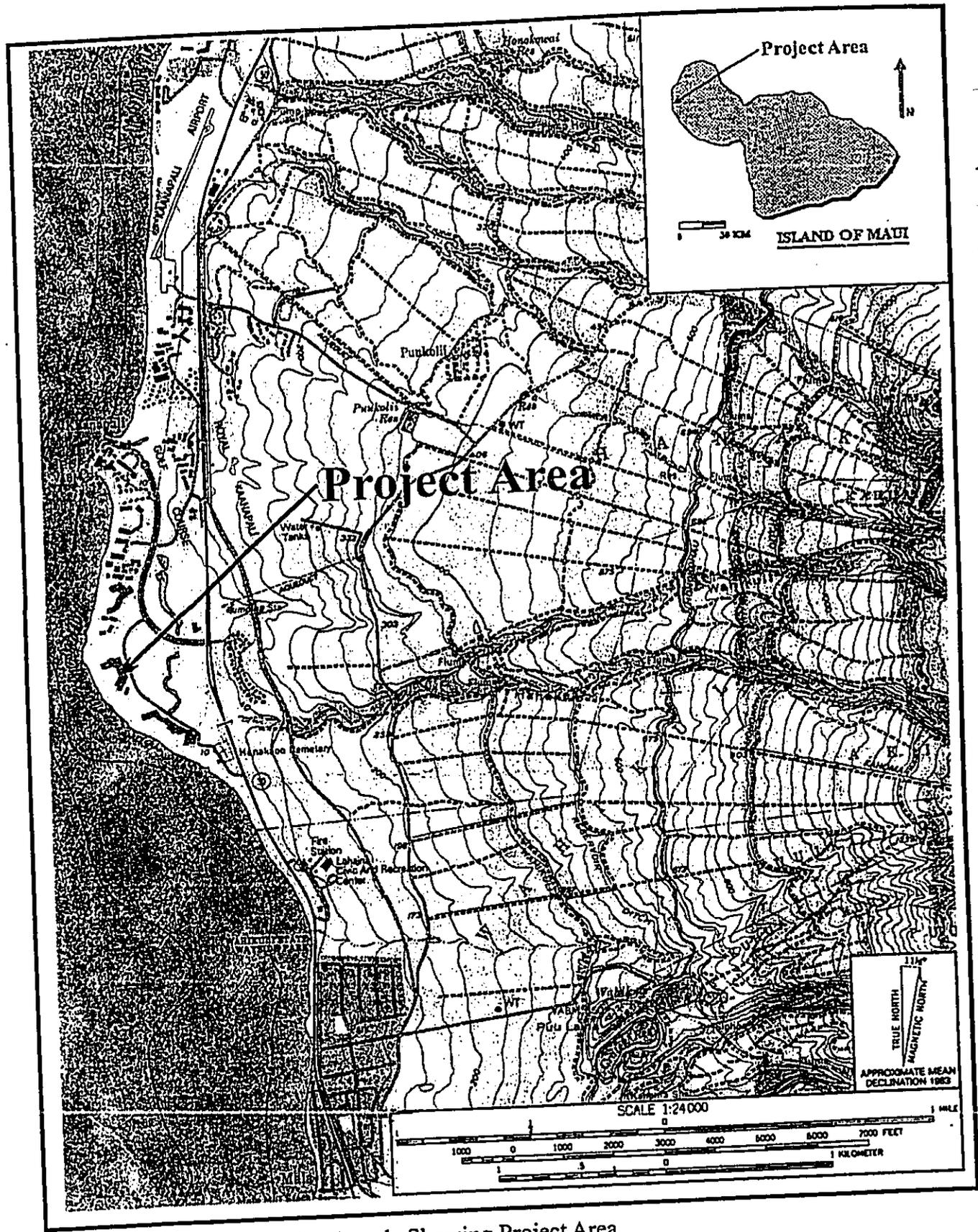


Figure 1. USGS Lāhainā Quadrangle Showing Project Area.

Transportation Project resulted in further refining the general definition of cultural practices. It was decided that the process should identify 'anthropological' cultural practices, rather than 'social' cultural practices. For example, *limu* (edible seaweed) gathering would be considered an anthropological cultural practice, while a modern-day marathon would be considered a social cultural practice. The discussion resulted in the following workable definition for cultural practices:

- (1) A traditional cultural practice that is being conducted [at present]...and
- (2) Traditional, beliefs, practices, lifeways, societal, history of a community and its traditions, arts, crafts, music, and related social institutions. [Act 50, Cultural Impact Assessment 2001]

It was also concluded that a proposed action that may not physically alter gathering practices, but affect access to gathering areas would be included in the investigation (State of Hawaii 1997).

METHODOLOGY

This Cultural Impact Assessment was prepared in accordance with the methodology and content protocol provided in the *Guidelines for Assessing Cultural Impacts* and included examining cultural practices and beliefs within the broad geographical area of *ahupua`a* and the Kā'anapali region (OEQC 1997). This report contains archival and documentary research, as well as consultation with individuals or organizations with knowledge of the project area, its cultural resources, and its practices and beliefs. Based on this research, an assessment of the potential effects on cultural resources in the project area and recommendations for mitigation of these effects can be proposed.

ARCHAEOLOGICAL RESEARCH

This study was conducted in conjunction with an Archaeological Inventory Survey, including subsurface testing (McGerty and Spear 2002). During excavation of four backhoe trenches, no cultural materials were identified in either the north or south section of the project area. Layers of fill imported during the 1950-60s by AMFAC, consisting mainly of Waikapū soil and Olowalu red cinder, were identified in each trench. However, human remains (State Site 50-50-03-4985) were excavated from the pool area during a previous project, suggesting pockets of intact cultural material may still be present. Archaeological studies inland and along the coast

have identified evidence of agriculture, habitation, and religious sites. A site visit was conducted on 22 and 23 October 2002, to the project area in order to examine the site and its surrounding region.

ARCHIVAL RESEARCH

Archival research focused on a historical documentary study involving both published and unpublished sources. These included legendary accounts of native and early foreign writers; early historical journals and narratives; historic land records such as Land Commission Awards, Royal Patent Grants, and Boundary Commission records; historic accounts, and previous archaeological project reports.

CONSULTATION

Individuals and/or groups having knowledge of traditional practices and beliefs associated with a project area or knowing of historical properties within a project area were sought for consultation. Individuals who had particular knowledge of traditions passed down from preceding generations and a personal familiarity with the project area were sought to provide important information. Initial contact was made with OHA; the Maui representative of the State Historic Preservation Division (SHPD), Melissa Kirkendal; Dana Naone Hall of the Maui Burial Council; and Lui Hokoana, President of the Central Maui Hawaiian Civic Club. Other agencies contacted by phone or letter (Appendix A) included cultural practitioners and resource people associated with Maui Marriott, the Kā'anapali beach hotels, and the Maui Historical Society. None of the individuals and/or groups who responded had any cultural information pertaining to the project area.

PROJECT AREA AND VICINITY

The island of Maui ranks second in size of the eight main islands in the Hawaiian Archipelago. Pu'u Kukui, forming the west end (1,215 m amsl), is composed of large, heavily eroded amphitheater valleys and, most importantly, contains well-developed permanent stream systems that watered fertile agricultural lands extending to the coast. The deep valleys of West Maui and associated coastal region have been witness to many historical battles and were long coveted as productive cultural landscapes. The project area is located on the northwest coast of West Maui in a commercially developed area with Kā'anapali Ali'i Residential Condominiums to its north (site of the Sheraton-Maui Hotel), the ocean to the west, Hyatt Regency to the south, and a golf course to the east (Figure 2).

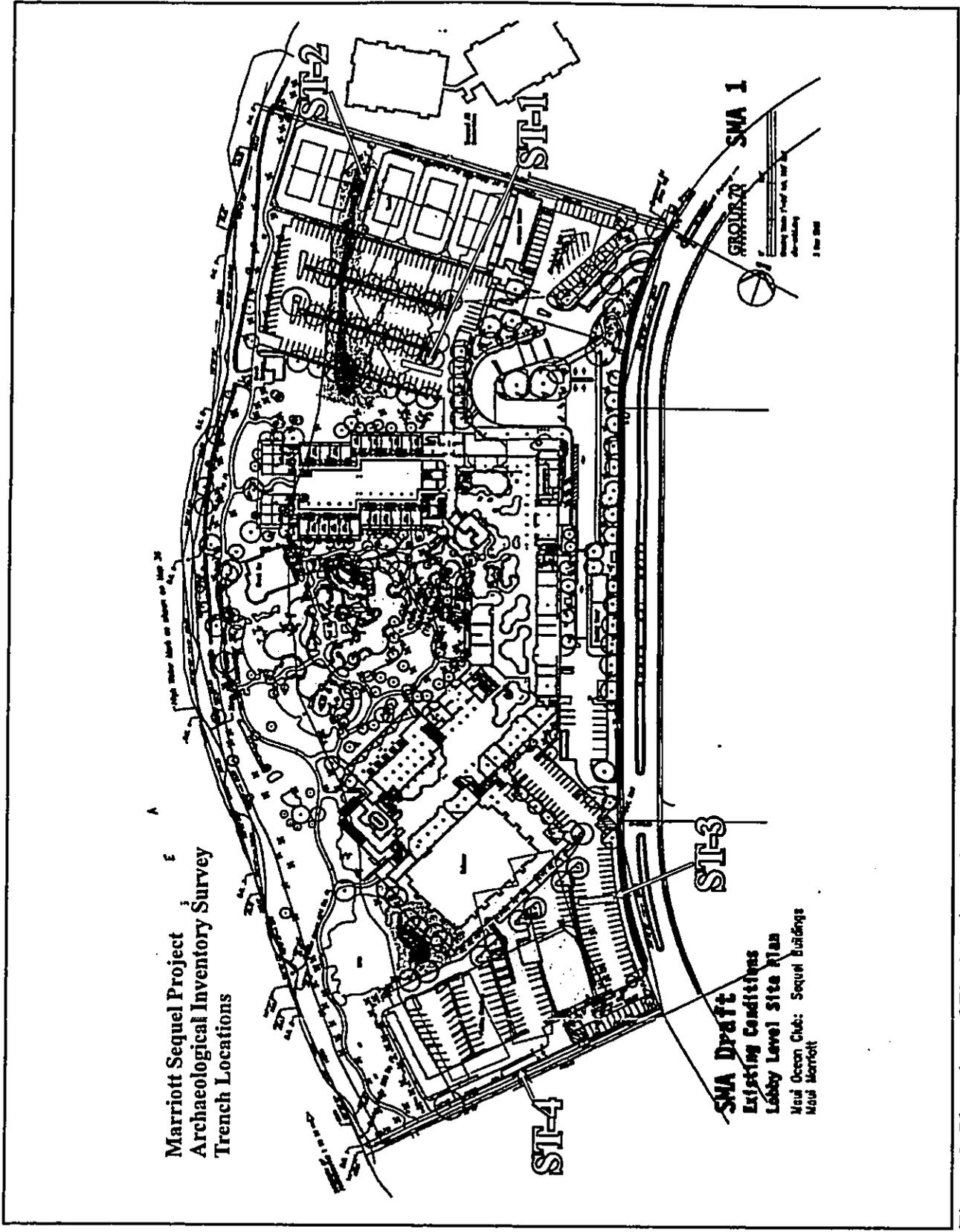


Figure 2. Plan view of The Maui Marriott Resort and Ocean Club Project Area.

PREVIOUS ARCHAEOLOGICAL RESEARCH

Early archaeological studies recorded *heiau* and other religious features (Thrum 1909, 1916, 1917; Walker 1930), but it was not until the 1970s and 80s with the increase in urbanization and resort development that archaeological research accelerated in West Maui. Surveys were conducted in Hahakea and Kahoma Gulches, resulting in the identification of a petroglyph complex, rock shelters, terraces, and a possible *auwai* (Hommon 1982:19-20; Barrera 1989:9). Although much traditional agriculture was recorded for West Maui in conjunction with marine activities, the impact of cultivating historic cane and pineapple has greatly disturbed the archaeological record. Some remains are still evident within gulches where the cane was not planted. A discussion and locator map of archaeological studies conducted in Hanaka`ō`ō Ahupua`a and surrounding areas are presented the Inventory Survey Report (McGerty and Spear 2002; see Figure 3 for map).

In spite of the recent development, past cultural activities are still noted in particular areas. The Hanaka`ō`ō Beach Park (south of the project area), previously known as 'Sand Box', was well-known before the 1950s for nighttime pole casting for *ulua*, *awa*, *papio*, and *oi`o*. *Limu* (seaweed) was gathered from the coastal area (Neller 1982). Local informants spoke of salt making, but salt pans were not located. The beach park was used by the Lahaina Civic Club who had built their *halau wa`a* (canoe shed) on its shores (*ibid.* 1982). A 1982 reconnaissance identified the Hanaka`ō`ō grinding stones (State Site 50-03-1204), the Chinese cemetery, and rock crusher ruins as the only sites of historic/archaeological significance on the property. There might have been a previous pre-Contact house site in the area of the Hyatt Regency Hotel, which was evidenced by the identification of traditional artifacts, including a stone adze and a stone *poi* pounder.

TRADITIONAL AND HISTORICAL LAND TENURE

PAST POLITICAL BOUNDARIES

Traditionally, the division of Maui's lands into districts (*moku*) and sub-districts was performed by a *kahuna* (priest, expert) named Kalaiha`ōhia, during the time of the *ali`i* Kaka`alaneo (Beckwith 1940:383; Fornander places Kaka`alaneo at the end of the 15th century or the beginning of the 16th century [Fornander 1919-20, Vol. 6:248]). Further land divisions within the *moku* were *ahupua`a*, which ideally incorporated all the natural resources necessary for traditional subsistence strategies. The ancient subdivisions of the *ahupua`a* were said to have

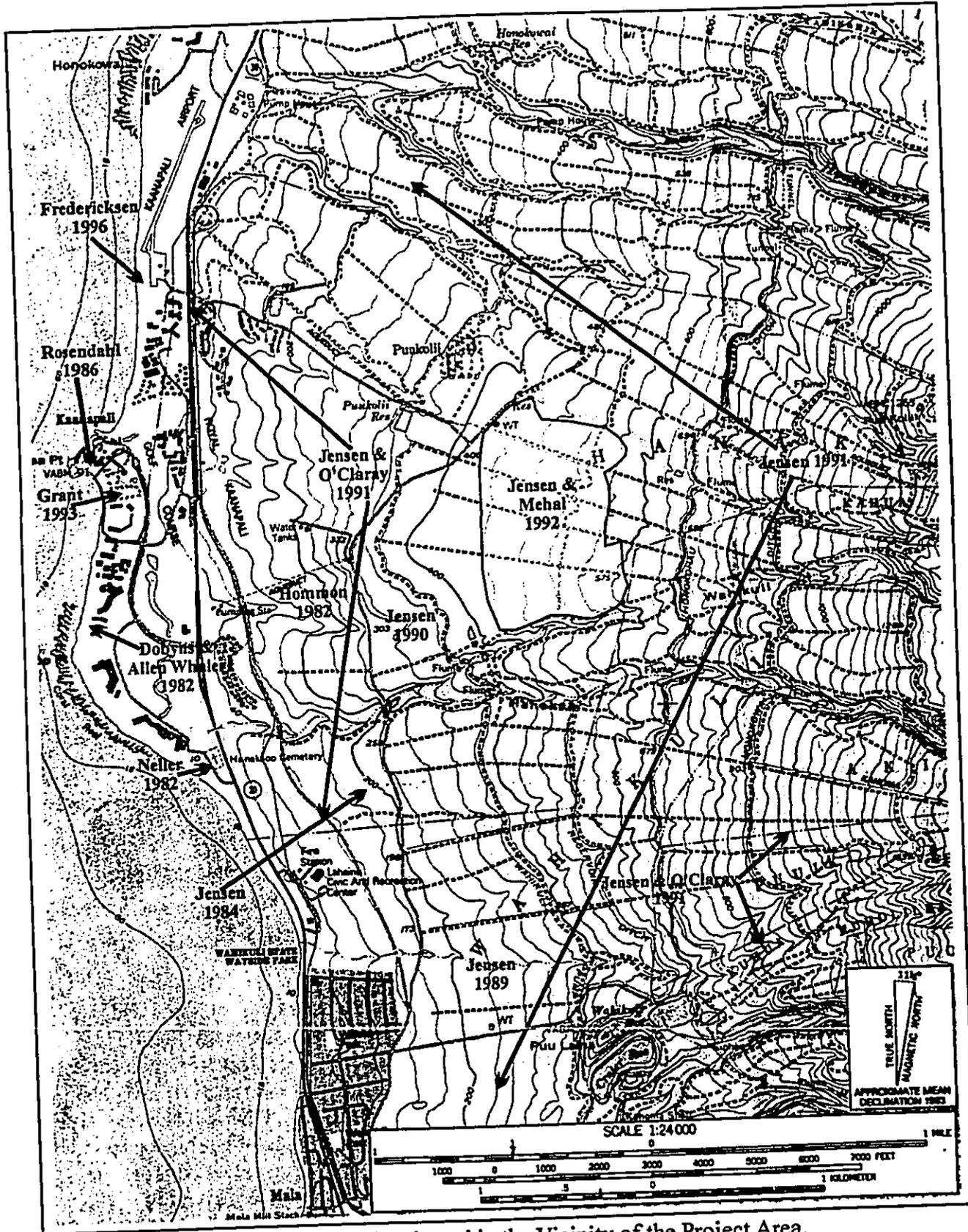


Figure 3. Archaeological Studies Conducted in the Vicinity of the Project Area.

been established approximately 500 years ago and have remained relatively unchanged to the present, although land tenure itself has gone through radical changes (Sterling 1998:3).

TRADITIONAL SETTLEMENT PATTERNS

The Hawaiian economy was based on agricultural production and marine exploitation, as well as raising livestock and collecting wild plants and birds. Extended household groups settled in various *ahupua`a*. Within the *ahupua`a*, residents were able to harvest from both the land and the sea. Ideally, this situation allowed each *ahupua`a* to be self-sufficient by supplying needed resources from different environmental zones (Lyons 1875:111).

During pre-Contact times, there were primarily two types of agriculture, wetland and dry land, both of which were dependent upon geography and physiography. River valleys provided ideal conditions for wetland *kalo* (*Colocasia esculenta*) agriculture that incorporated pond fields and irrigation canals. Other cultigens, such as *kō* (sugar cane, *Saccharum officinarum*) and *mai`a* (banana, *Musa* sp.), were also grown and, where appropriate, such crops as *u`ala* (sweet potato, *Ipomoea batatas*) were produced. This was a typical agricultural pattern seen during traditional times on all the Hawaiian Islands (Kirch and Sahlins 1992, Vol. 1:5, 119; Kirch 1985).

Agricultural development on the leeward side of Maui was likely to have begun early in what is known as the Expansion Period (AD 1200-1400, Kirch 1985). Activities were possibly seasonal at first, with three broad environmental zones consisting of the coast, uplands, and intermediate zone dictating a settlement pattern with the majority of habitation on the coast and some in the uplands. As agricultural and irrigation projects expanded, occupation became permanent and intensive irrigation-based farming replaced the seasonal dry land system until a band of agriculture extended along the coast and inland. According to Handy, there was "continuous cultivation on the coastal region along the northwest coast" of Maui. He writes:

On the south side of western Maui the flat coastal plain all the way from Kihei and Maalaea to Honokahua, in old Hawaiian times, must have supported many fishing settlements and isolated fishermen's houses, where sweet potatoes were grown in the sandy soil or red lepo [soil] near the shore. For fishing, this coast is the most favorable on Maui, and, although a considerable amount of taro was grown, I think it is reasonable to suppose that the large fishing population, which presumably inhabited this leeward coast, ate more sweet potatoes than taro with their fish. Almost no sweet potatoes are planted in this section now, however, which is partly due to the displacement of Hawaiians by Orientals on the industrialized sugar and pineapple plantations [1940:159].

WAHI PANI (Legendary Places)

Scattered amongst the agricultural and habitation sites were other places of cultural significance to the *kama`āina* of the district. At least eight *heiau* were recorded in the vicinity of the village of Lāhainā, fishing *ko`a* (shrine) were present along the beach and on the slopes above the bays, and petroglyphs were inscribed in many places whose meanings have yet to be fully understood (Thrum 1909; Walker 1930:103). Pearl shell was gathered from Makaiwa Beach for the eyes of the *ki`i* (image, picture) and battles were fought along the coast (Sterling 1998:45). A portion of the paved trail built by Kihapi`ilani, son of the great chief Pi`ilani, was identified along the Kā`anapali coast (Sterling 1998).

Close to the project area is Pu`u Keka`a, made famous by being the birthplace of the sons of chiefs and long associated with ghosts, strange occurrences, and the skeletons of defeated invaders (Fornander 1918-19, Vol. 5:542). In Fornander, S. Kaha stated:

Concerning the great amount of human bones at this place. On account of the great number of people at this place there are numerous skeletons [This was the vicinity of several bloody battles], as if thousands of people died there; it is there that the Lahainaluna students go to get skeletons for them when they are studying anatomy. The bones are plentiful there; they completely cover the sand.

This is a ghostly place. Some time a number of people came from Kaanapali (from the other side) going to Lahaina in the dark. When they came to Kekaa stones rolled down from the top of the hill without any cause. Listening to it, it seemed as if the hill was tumbling down; the people going along were startled and they explained, Kekaa is ghostly! Kekaa is ghostly!" Certainly this is a strange thing for this hill to do [*ibid*].

It was also believed that Pu`u Ka`a was a *leina a ka`uhane*, or soul's leap similar to O`ahu's Ka`ena Point. Naha says:

It is said that when a person dies his spirit journeys to Kekaa; if he has a friend there who had previously died, that one would drive it away when the spirit is nearing Kekaa. Sometimes the spirit of a person would return and re-enter the body, and cause it to come to life again; that is what happened too those who are living again. Many souls came to this place Kekaa. It is called the Leina-a-ka-uhane, the leaping place of the soul... [*ibid*].

According to legend, the lands surrounding Pu`u Keka`a were once areas of intense cultivation and the capital and home of the Maui chief, Kaka`alaneo, when he ruled West Maui. Kaka`alaneo lived on the *pu`u* with his wife, a chiefess from Moloka`i. His possessions included

fishponds in Hana and a famous breadfruit grove he planted outside of Lāhainā (Handy and Handy 1972). His son, Ka'ulula'au, became famous for traveling around Lāna'i fighting ghosts (Sterling 1998). Maui, the demi-god himself, was associated with the hill:

...At Kekaa lived Maui and Moemoe...The great desire of one [Moemoe] was to sleep. The other [Maui] desired to travel. When Moemoe slept, Maui was traveling, each according to his taste...[Moemoe] made up his mind...to search for his friend, Maui. A road on the northeast side of Kekaa was named after one of these men; it is called "Ke alanui kikeekee a Maui"-the zig zag pathway of Maui" [Fornander 1918-19, Vol. 5:540-544]

Another story concerning Pu'u Keka'a was related in "Tales from the Temples" (Thrum 1909). According to Thrum, Wahine-o-Manu'a was badly treated by her husband. She ran away to the temple of Haluluko'ako'a in the *ahupua'a* of Wahikuli. An owl-god guided her from the *heiau, mauka* of Pu'u Keka'a where she rested before escaping. The stone by which she rested is even today called Pōhaku-o-Wahine-o-Manu'a (the stone of the woman of Manu'a).

Kamakau tells of a local burial site:

Waiuli...is a deep pit where the corpses of the common people were thrown...It is directly mauka of Honokohau, Honolua, and Honokahua, and for those from Lahaina to Kahakuloa, it was the common burial place. The body of anyone from those places who had died on Molokai was brought back to that place [Kamakau 1964:39]

TRADITIONAL LĀHAINĀ DISTRICT SETTLEMENT PATTERNS

In Hawai'i, much of the economically valuable coastal lands were preferred for chiefly residence. Easily accessible resources such as offshore and onshore fish ponds, the sea with its fishing and surfing—known as the sports of kings, and some of the most extensive wet taro lands were located here (Kirch and Sahlins, 1992 Vol. 1:19). Inland resources necessary for subsistence, could easily be brought to the *ali'i* residence. The majority of farming was situated in the lower portions of stream valleys where there were broader alluvial flat lands or on bends in the streams where alluvial terraces could be modified to take advantage of the stream flow. Dry land cultivation occurred in colluvial areas at the base of gulch walls or on flat slopes (Kirch 1985; Kirch and Sahlins 1992, Vol. 2:59). Lāhainā had the added advantage of a calm roadstead and close proximity to Lāna'i, and Moloka'i (Handy and Handy 1972). Since at least about AD 950, the Lāhainā area had been favored by such great chiefs as Hua-a-Pohukaina, Kaka'alaneo,

and Kahekili. After the conquest of Maui by Kamehameha I, Lāhainā became the capital of the Hawaiian Kingdom until it moved to Honolulu in 1855.

Most of the *ahupua`a* on the coast have been overshadowed by the famous roadstead and village of Lāhainā. In addition, a high percentage of archaeological sites in the Lāhainā District have been impacted by early historic and modern day agricultural activities. Therefore, little is known about the settlement patterns outside of the city. However, ethnographic and historic literature, often our only link to the past, reveal that the lands around Lāhainā were rich agricultural areas irrigated by aqueducts originating in well-watered valleys with permanent occupation predominately on the coast. Handy and Handy have stated the space cultivated by the natives of Lāhainā at about "...three leagues [9 miles] in length, and one in its greatest breadth. Beyond this all is dry and barren; everything recalls the image of desolation" (1972:593). Crops cultivated included coconut, breadfruit, paper mulberry, banana, taro, sweet potato, sugar cane, and gourds.

Menzies, the naturalist and surgeon on board HMS Discovery during Captain George Vancouver's 1793 tour, made these observations of the Lāhainā coast and village:

[We]...soon entered the verge of the woods where we observed the rugged bands of a large rivulet that came out of the chasm cultivated and watered with great neatness and industry. Even the shelving cliffs of rock were planted with esculent roots, banked in and watered by aqueducts from the rivulet with as much art as if their level had been taken by the most ingenious engineer...[Menzies 1920:105].

...to see the village of Lahaina, which we could scattered along shore on a low tract of land that was nearly divided into little fields and laid out in the highest state of cultivation and improvement by being planted in the most regulated manner with the different esculent roots and useful vegetables of the country, and watered at pleasure by aqueducts that ran here and there along the banks intersecting the fields, and in this manner branching through the greatest part of the plantation [Menzies 1920:112].

Little had changed twenty-six years later when J. Arago visited Hawai'i with Captain Louis de Freycinet in 1819. He recorded:

The environs of Lahaina are like a garden. It would be difficult to find a soil more fertile, or a people who can turn it to greater advantage...various sorts of vegetables and plants...amongst which we distinguish the Caribee-cabbage,

named here taro; double rows of banana, bread-fruit, cocoa-nut, palma-christi, and the paper-mulberry trees...[Arago cited in Handy and Handy 1972:493].

Rev. C.S. Stewart, a missionary in 1823 assigned to the Lāhainā station, also commented on the attractiveness of his environs:

The settlement is far more beautiful than any place we have yet seen on the Islands. The entire district stretching nearly three miles along the seaside, is covered with luxuriant groves, not only of the cocoanut, the only tree we have before seen except on the tops of the mountains, but also of the breadfruit and the kou...while the banana plant, kappa and sugar-cane are abundant, and extend almost to the beach, on which a fine surf constantly rolls [Taylor 1928:42].

...The breadfruit trees stand as thickly as those of a regularly planted orchard, and beneath them are kalo patches and fishponds, 20 Or 30 yards square, filled with stagnant water, and interspersed with kappa trees, groves of banana, rows of the sugar cane, and bunches of the potato and melon...It scarcely ever rains, not oftener, we are told, than half a dozen times during the year, and the land is watered entirely by conducting streams, which rush from the mountains, by artificial courses, on every plantation. Each farmer has a right, established by custom, to the water every fifth day [Taylor 1928:43].

THE GREAT MĀHELE

In the 1840s, traditional land tenure shifted drastically with the introduction of private land ownership based on western law. While it is a complex issue, many scholars believe that in order to protect Hawaiian sovereignty from foreign powers, Kūikeyouli (Kamehameha III) was forced to establish laws changing the traditional Hawaiian economy to that of a market economy (Kame'eleihiwa 1992:169-70, 176; Kelly 1983:45, 1998:4; Daws 1962:111; Kuykendall 1938 Vol. I:145). The Great Māhele of 1848 divided Hawaiian lands between the king, the chiefs, the government, and began the process of private ownership of lands. The subsequently awarded parcels were called Land Commission Awards (LCAs). Once lands were thus made available and private ownership was instituted, the *maka āinana* (commoners), if they had been made aware of the procedures, were able to claim the plots on which they had been cultivating and living. These claims did not include any previously cultivated but presently fallow land, *'okipū*, stream fisheries, or many other resources necessary for traditional survival (Kelly 1983; Kame'eleihiwa 1992:295; Kirch and Sahlins 1992). If occupation could be established through the testimony of two witnesses, the petitioners were awarded the claimed LCA and issued a Royal Patent after which they could take possession of the property (Chinen 1961:16). The entire *ahupua`a* of Hanaka`ō`ō (LCA 7715) was awarded to Lot Kamehameha (Kamehameha V). Kā'anapali is the name of an ancient *kalana* that was obliterated by the Hawaiian Legislature in 1859 by

combining its lands in a new Lāhainā district (Clark 1989:60-61). There were no LCAs in the vicinity of the present project.

HISTORIC LAND USE

Long the port of choice, the demise of the whaling industry and the change in Capitol of the Hawaiian Kingdom to Honolulu, left a void in Lāhainā where commercial endeavors had succeeded the traditional economy. By the mid-1800s the Kā'anapali area was being converted to sugar cane. As early as 1849, Judge A.W. Parsons operated a sugar mill in Lāhainā. Henry Dickenson began a sugar plantation in 1859 that was quickly followed by the Pioneer Mill Co. By 1883, Pioneer Mill Co. had assets in excess of \$50,000,000 (Simpich 1974). Pioneer Mill's railroad extended from the center of Lāhainā Village to a point north of the town of Pu'ukoli'i in Hanaka'ō'ō and was as close as 350 ft amsl at its northern end (Condé 1975). Pioneer Mill Co. reorganized in 1900 at which time its cane fields were located along the coast for 10 miles with some areas extending back as far as two and one half miles:

The bulk of the crop is raised on lands that range from 10 feet to 700 feet elevation above sea level; the highest being cultivated at 1500 feet [Condé and Best 1973:254].

Sugar would be processed and bagged at the mill in Lāhainā and then taken by train to the landing at Pu'u Keka'a (Black Rock). Other buildings had been constructed there to aid in the plantations activities, such as oil and molasses tanks, as well as a pavilion and some beach cottages on the beach for the use of Pioneer Mill Company's personnel (Clark 1989:61). To add to the enjoyment, a quarter-mile track had been constructed on the tidal flats behind Hanaka'ō'ō for horse racing on holidays. The Kā'anapali Landing was abandoned before WW II and by 1957 plans were in motion for a multi-million dollar resort to be built around Pu'u Keka'a. The shift to tourism in the 1950s sent the plantations into decline, however, the development of golf courses, hotels, condominiums, and shops have continued the popularity of the Kā'anapali region up to and including the present.

ASSESSMENT OF CULTURAL IMPACTS TO PROJECT AREA

Individuals and organizations, including OHA, the Maui representative of the SHPD, a member of the Maui Burial Council, the President of the Central Maui Hawaiian Civic Club, and the Maui Historical Society, as well as cultural practitioners and resource people associated with Maui Marriott and the Kā'anapali beach hotels, were contacted by SCS in order to inquire about

their knowledge of cultural activities occurring at or in the vicinity of the Maui Marriott Resort and Ocean Club property. None of the individuals or groups contacted had any cultural information pertaining to the project area.

An Archaeological Inventory Survey did not identify any evidence of prehistoric or historic activities within the project area other than imported fill dating to the 1950-1960s and the original hotel construction (McGerty and Spear 2002). Previous archaeological and historic research suggests traditional agriculture on the lands surrounding Lāhainā are supplanted by commercial cane and pineapple cultivation in the mid-1800s. Although the Kā'anapali coastal area as highly prized by the *ali`i* of old, development beginning in the late 1950s has changed the original topography and impacted much of the landscape.

Based on community response, archival research, recent archaeological testing, previous construction, and modern development on the Kā'anapali coast, it is reasonable to conclude that the exercise of native Hawaiian rights, or any ethnic group, related to gathering, access or other customary activities will not be affected. Because there were no activities identified, there are no adverse effects.

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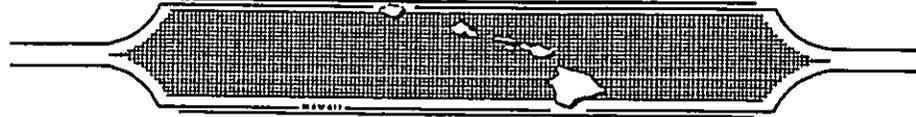
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APPENDIX A
Letter of Inquiry

SCIENTIFIC CONSULTANT SERVICES, Inc.



711 Kapiolani Blvd., Suite 1475 Honolulu, Hawai'i 96813

18 Oct 2002

Dear Sir or Madam:

Scientific Consultant Services (SCS) has been contracted by Maui Ocean Club, to assist them in completing an EIS. Part of our task is to conduct a Cultural Impact Analysis related to further development at the Maui Ocean Club (TMK: 4-4-13:001). This involves assessing the probability of negative impact on cultural values and rights within the project area and its vicinity. According to the *Guidelines for Assessing Cultural Impacts* (Office of Environmental Quality Control, Nov 1997):

The types of cultural practices and beliefs subject to assessment may include subsistence, commercial, residential, agricultural, access-related, recreational, and religious and spiritual customs... The types of cultural resources subject to assessment may include traditional cultural properties or other types of historic sites, both man made and natural which support such cultural beliefs...

It is our initial assessment that there would be no negative impact to cultural resources in the project area or its vicinity, based on the following:

Although the project will involve the demolition of several structures located along the south end of the property, the *lu`au* area, the tennis courts, the exercise facility (on the north end of the property) and most of the on-grade parking lot (see attachment), these areas were previously impacted during the construction of the present facilities.

There will be no change in the property use, as it will continue to be managed for visitors and their activities. The probability of natural occurring native resources on the property or its vicinity is very low. The Kā'anapali area has been under development since the 1960s and existing vegetation was primarily introduced during landscaping for hotel grounds. The Hotel's existing entries and overall traffic flow will be maintained and access to the ocean will not be prevented due to construction, for those who utilize the marine environment.

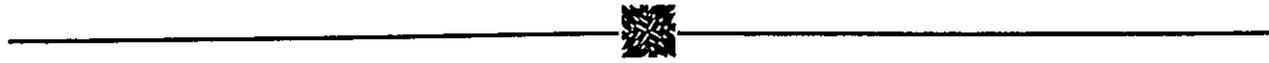
Please contact me at our SCS Honolulu office at (808) 597-1182 with any suggestions or recommendations concerning this Cultural Impact Analysis.

Sincerely yours,

Leann McGerty,
Senior Archaeologist, Scientific Consultant Services

Ph: 808-597-1182 SCS... SERVING ALL YOUR ARCHAEOLOGICAL NEEDS Fax: 808-597-1193

Neighbor Island Offices • Hawai'i Island • Maui • Kaua'i



APPENDIX K
Preliminary Engineering & Drainage Report

Established 1969

Preliminary Engineering Report For

MARRIOTT MAUI SEQUEL

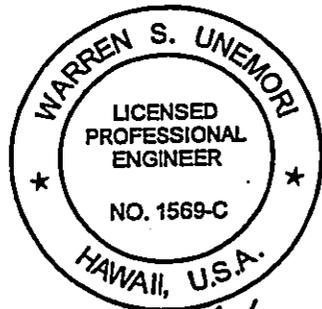
Kaanapali, Lahaina, Maui, Hawaii
TMK: (2) 4-4-13:1

Prepared For:

Chris Hart and Partners
1955 Main Street, Suite 200
Wailuku, Maui, Hawaii 96793

and

Marriott Ownership Resorts, Inc.
Washington D.C.



A handwritten signature in cursive script, appearing to read "Warren S. Unemori", written over a horizontal line.

Warren S. Unemori Engineering, Inc.
Civil and Structural Engineers - Land Surveyors
2145 Wells Street, Suite 403
Wailuku, Hawaii 96793

Date: July, 2002
Revised: September 2002

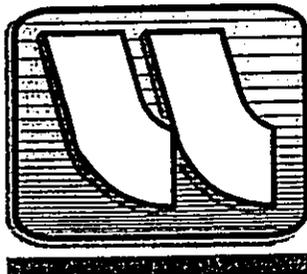


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**PRELIMINARY ENGINEERING REPORT
FOR
MARRIOTT MAUI SEQUEL (MMS)
TMK (2) 4-4-13:01**

I. INTRODUCTION

This report provides a brief description of the project site and available infrastructure. It also evaluates adequacy of existing infrastructure and discusses infrastructural improvements and mitigation environmental measures necessary to support the project.

The 720 room Maui Marriott Hotel was built in 1979 on 15.4 acres of H-2 hotel zoned site. Portions of the hotel rooms were converted to timeshare units in year 2000.

The MMS project is proposing the addition of 146 timeshare residential units. Two 10-story buildings are being proposed with ninety-six (96) units to be constructed on the northerly portion and fifty (50) units on the southerly portion of the site. The 15.4-acre hotel site is generally flat with elevation ranging between 8.0 feet near the shoreline and beach walk, and 13.0 feet along Nohea Drive.

II. EXISTING INFRASTRUCTURE

2.1 Water System

Kaanapali Resort is served by a private water system owned and operated by Aqua Source Company.

The source of potable water for the private water system are four wells with an aggregate design capacity of 3.7 MGD. The current pumping rate of the wells is around 2.9 MGD.¹⁾ The total water consumption for the existing 391 hotel rooms and 154 timeshare units in June 2002 was 4,904,000 gallons. Assuming 92% occupancy this translates to around 300 gals. per unit, per day.

2.2 Wastewater System

A 12" gravity sewer line on Nohea Kai Drive collects wastewater from hotels on the makai (west) side of this road and directs it into a pump station located approximately 200 feet south east of the MMS project site. This pump station conveys wastewater to the County's 21-inch gravity transmission line on Honoapiilani Highway.²⁾ A pump station near the intersection of Honoapiilani Highway and Kaanapali Parkway and a series of force mains and gravity interceptors then transport wastewater from Kaanapali Resort and Lahaina Town to the Lahaina Wastewater

Kaanapali Resort and Lahaina Town to the Lahaina Wastewater Reclamation Facility (LWRF) south of Honokawai Gulch for treatment and processing.

Using a peaking factor of 2, the County's Division of Wastewater Reclamation (CDWR) estimates that the pump station and transmission system in Kaanapali Resort are presently operating at roughly 67% of capacity. The capacity of the Lahaina Wastewater Reclamation Facility was up-sized in 1995 from 6.7 MGD to 9.0 MGD. The plant also has a design peak flow capacity of 19.8 MGD to accommodate higher wet weather flows for short periods. However, according to the Wastewater Division, recorded daily flows through the facility over the past five months has averaged only around 5 MGD.³⁾

2.3 Drainage

*Marriott Hotel is presently utilizing several dry wells located within the shoreline setback areas to handle runoff from the hotel site.*⁴⁾

Our calculation indicates that there will be no net increase in runoff when the MMS project is completed. This is due to the fact that the impermeable surfaces now provided by structures, parking lots, walkways, and tennis courts will be replaced by comparable impervious areas occupied by the proposed buildings.

The present runoff rates from the north and south portion of property for a 50 year 1 hour storm are estimated at 12.8 and 16.2 cfs respectively. Post-development runoff from these two areas are estimated at 11.9 and 16.4 cfs respectively. New catch basins and storm drain system will be installed to direct the post development flow into the existing dry well systems.

2.4 Solid Waste

Non-recyclable solid waste is presently collected by contracted private firms and transported to the County's solid waste transfer station at Olowalu or directly to the County's land fill site in Puunene in Central Maui.

2.5 Electrical and Telephone Systems

Electrical and telephone distribution systems in Kaanapali Resort have all been constructed underground. The MMS project will be served off the underground distribution system on Nohea Kai Drive.

III. PROPOSED INFRASTRUCTURAL IMPROVEMENTS

3.1 Water System

Based on the consumption rate of 300 gallons per unit per day for the existing hotel and time share complex, the average daily water demand for the 146 time share addition is estimated to total $146 \times 300 = 43,800$ gpd.

Fire flow for hotel zoned districts is 2,000 gpm. The existing source, storage and transmission system can readily provide this fire flow rate. Moreover, since the timeshare units will be equipped with fire sprinklers and the building will be of Type 1 non-combustible construction, the fire flow demand is expected to be less than 2,000 gpm after all the appropriate credits (basis for reduction) are applied.

3.2 Wastewater System

On the assumption that 80% of the potable water used ends up as wastewater, each additional timeshare unit is expected to generate 240 gpd. The County's Division of Wastewater Reclamation (CDWR) uses 250 gpd for hotel rooms without laundry facilities. At this more conservation rate, the project is expected to generate around 36,500 gpd of wastewater.

Based on our discussion with the staff at the County's Division of Wastewater Reclamation, the existing pump station and force main in Kaanapali Resort as well as the County's transmission and Wastewater Reclamation Facility in Lahaina all have ample reserve capacity to handle the additional wastewater that will be generated by the proposed projects.

3.3 Drainage

Although there will be no net increase in runoff resulting from the project and notwithstanding the fact that the County's "Rules for Storm Drainage Facilities require the mitigation of the increase in runoff only, additional subsurface detention facilities will be installed wherever space permits. These facilities will be integrated with the existing dry well system to provide more retention capacity for the project onsite.

3.4 Solid Waste

Construction solid waste will be handled in accordance with the County's solid waste policy, recycling materials that may be reusable whenever feasible.

3.5 Electrical and Telephone Systems

According to the system engineering staff at MECO, they have adequate capacity to handle the additional load that will be created by the proposed 146 timeshare units.⁵⁾

IV. CONCLUSION

Based on our evaluation of the existing infrastructure serving the project site and implementation of the mitigation measures mentioned above, it is our professional opinion that the project will not have any significant adverse impact on the existing infrastructure and environment.

V. REFERENCES

- 1) Special Management Area Permit Application for Maui Ocean Club dated April 1999 by Chris Hart and Partners.
- 2) Map provided by County Division of Wastewater Reclamation.
- 3) Phone conversation with staff at County Division of Wastewater Reclamation.
- 4) Site plan provided by client.
- 5) E-mail from system engineer Don Takahata of MECO.

**APPENDIX A
PRELIMINARY DRAINAGE REPORT**

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

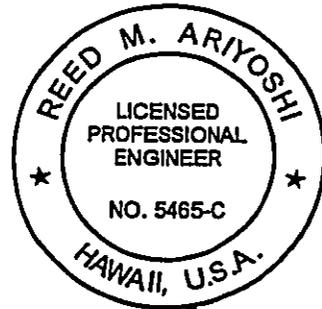
Established 1969

Preliminary Drainage Report for

Maui Marriott Resort

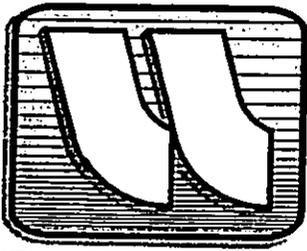
Ka'anapali, Maui, Hawaii
TMK: (2) 4-4-13: 01

Prepared For:
Marriott Ownership Resorts, Inc.
Washington D.C.



A handwritten signature in cursive script that reads "Reed M. Ariyoshi".

Date: July 15, 2002



WARREN S. UNEMORI ENGINEERING, INC.
Civil and Structural Engineers - Land Surveyors
Wells Street Professional Center - Suite 403
2145 Wells Street
Wailuku, Maui, Hawaii 96793

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EXHIBITS

- 1.) General Location Map
- 2.) Site Section Locations
- 3.) Soil Classification Map
- 4.) Flood Insurance Map

APPENDICES

- A. Hydrologic Calculations

**Preliminary Drainage Report
for
Maui Marriott Resort**

I. Introduction

This report has been prepared to examine both the existing drainage conditions and the proposed drainage plan for the project development.

II. Proposed Project

A. Site Location:

The project site is located in Ka'anapali, on the island of Maui, in the State of Hawaii. The Maui Marriott Resort is in West Maui, adjacent to Nohea Kai Drive, and approximately 600 feet west of the Ka'anapali Parkway-Nohea Kai Drive Intersection. The resort encompasses an area of approximately 15.9 acres. Portions of the existing resort are proposed to be improved, and the site has been divided into two separate sections for the purpose of this report (See Exhibit 1). Area 1 is located on the south side of the resort, from the north boundary of the existing ballroom facility to the southerly boundary of the property (See Exhibit 2). Area 2 is located on the north side of the resort, from the north wall of the Molokai Wing to the northerly boundary of the property (See Exhibit 2).

Area 1 encompasses an area of approximately 3.2 acres, and Area 2 encompasses an area of approximately 4.3 acres.

B. Project Description:

Area 1: (South Side)

The proposed plan is to demolish the existing parking garage structure, corresponding parking lot, and Ballroom. A new main parking lot and structure will be constructed, along with two (2) new tennis courts, a

separate multi-story timeshare structure, and an adult swimming pool and deck.

Area 2: (North Side)

The proposed plan is to remove the asphalt paved parking lot on the northerly side of the resort, tennis courts, and clubhouse facilities. A new multi-story parking structure, a multi-story timeshare structure, an asphalt paved service road, and a large adult swimming pool and deck will be constructed in its place.

III. Existing Conditions:

A. Topography and Soil Conditions:

Both project sites are relatively flat, consisting primarily of parking decks, roads, and tennis courts. The entrance driveway located in Area 2, on the east side of the resort, has the most dramatic slope (sloping down toward Nohea Kai Dr.) with an approximate average grade of 3 percent.

According to the *Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii*, prepared by the United States Department of Agriculture, Soil Conservation Service, there are three (3) soil classifications found on the project site. The dominant soil type is the Jaucas Sand, 0 to 15 percent slopes (JaC). The remaining soil types are the Kealia Silt Loam (KMW) and Beaches (BS).

Jaucas Sand is classified as having very slow runoff and a severe wind erosion hazard. The Kealia Silt Loam is characterized as having slow to very slow runoff, and severe wind erosion. The Beaches is characterized as areas consisting mainly of light colored sand derived from coral and seashells. (See Exhibit 3)

B. Drainage:

Area 1:

Onsite surface runoff from Area 1 project site currently generates approximately 12.8 cfs for a 50-yr. recurrence interval 1-hour duration storm. The majority of the surface runoff volume being generated by the existing parking structure and parking lot is being intercepted by grated inlet type catch basins and an existing underground drainage system and directed into two (2) existing dry wells located in the landscape areas between the ocean and the existing concrete beach walkway. The remaining portion of the onsite runoff sheet flows either into the two (2) existing dry wells or landscaped areas.

Area 2:

Onsite surface runoff from Area 2 project site currently generates approximately 16.2 cfs for a 50-yr. recurrence interval 1-hour duration storm. The majority of the surface runoff volume being generated by the existing parking lot is intercepted by grated inlet type catch basins and an underground drainage system and conveyed to a drywell located in the landscape area between the ocean and concrete beach walkway.

The majority of the surface runoff volume being generated by the existing tennis courts currently sheet flows into the adjacent landscape and lawn areas.

C. Flood and Tsunami Zone:

According to community-panel number 150003 0153 C of the Flood Insurance Rate Map, dated September 17, 1997, the majority of the Maui Marriot resort site is located in zone C, which is an area exposed to minimal flooding. The remaining portion of the project site is situated within zones A4 and V12. Zone A4 is an area of 100 year flood where base flood elevation has been determined. Zone V12 is an area where 100 year coastal flooding occurs.

The proposed structures within Areas 1 and 2 are located inland of the shoreline setback line and flood zone A-4. Therefore, all habitable structures will be located within Zone C. (See Exhibit 4)

IV. Drainage Plan:

A. General:

The design criteria that will be utilized to minimize the impact of surface runoff is as follows:

1. There will be minimal alteration to the natural drainage pattern.
2. Onsite surface runoff is expected to be directed to the existing drainage system as it is currently doing.

According to our calculations, the post development onsite surface runoff volumes generated from Areas 1 and 2 are expected to be approximately 11.9 cfs and 16.4 cfs, respectively for a 50-yr. recurrence interval 1-hour duration storm. Therefore, these project sites will have a net decrease of approximately 0.7 cfs.

The primary reason for the decrease in onsite surface runoff is due to a reduction in impervious areas and an increase in landscape area. According to our calculations (See Appendix A), the weighted runoff coefficient C, is lower in the proposed site plan than the current conditions.

The proposed drainage plan for the subject project is to intercept portions of the surface runoff generated after development and convey the intercepted surface runoff to a new subsurface detention facility to be installed in both Areas 1 and 2 where space permits. The new subsurface detention facilities will be connected to the existing dry wells to provide additional retention capacity.

A summary of pre and post development onsite surface runoff volumes is tabulated below. The post development surface runoff does not include the reduction in surface runoff as a result of installing a subsurface drainage system for each site section.

<u>Project Site</u>	<u>Pre-Dev. Q. (cfs)</u>	<u>Post-Dev. Q. (cfs)</u>	<u>Net Change Decrease (cfs)</u>
Area 1	12.8	11.9	(-)0.9
Area 2	16.2	16.4	(+)0.2

B. Hydrologic Calculations:

The hydrologic calculations are based on the "Rules for the Design of Storm Drainage Facilities in the County of Maui", Title MC-15, Chapter 4 and the "Rainfall Frequency Atlas of the Hawaiian Islands", Technical Paper No. 43, U.S. Department of Commerce, Weather Bureau.

The Rational Formula:

$$Q = C * I * A$$

where,

Q = Flow rate (cfs)

C = Runoff Coefficient

I = Rainfall intensity (in/hr)

A = Drainage area (acres)

The hydrologic calculations for this project may be found in Appendix A.

C. Conclusion:

The majority of the surface runoff generated by the proposed development will be intercepted and conveyed to a new subsurface detention system which will be installed in each Site Area for temporary storage. A small release line will connect the new subsurface detention system to the existing dry wells onsite for added storage capacity. According to our calculations after development, the Area 1 and Area 2 project sites will have a net decrease of approximately 0.9 cfs and 0.2 cfs, respectively. (See Appendix A) This net decrease will be further reduced by the new subsurface detention facilities which will be installed in

conjunction with this project.

By maintaining the existing natural drainage flow pattern and by routing the onsite surface runoff generated by the proposed development through a subsurface detention facility, it is our professional opinion that the proposed development will not have any adverse affect on the existing facilities onsite or the coastal ecosystem.

Carlos R. Rivera
Prepared by:
Carlos R. Rivera

Reed M. Ariyoshi
Approved by:
Reed M. Ariyoshi, P.E.

V. References

1. *Soil Survey of Islands Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii.* August 1972. United States Department of Agriculture, Soil Conservation Service.
2. *Flood Insurance Rate Map, Maui County, Hawaii.* Community-Panel Number 150003 0153 C. September 17, 1997. Federal Emergency Management Agency, Federal Insurance Administration.
3. *Rules for the Design of Storm Drainage Facilities in the County of Maui.* July 1995. Department of Public Works and Waste Management, County of Maui.

Exhibits

1. General location map
2. Site Section locations
3. Soil classification map
4. Flood insurance map

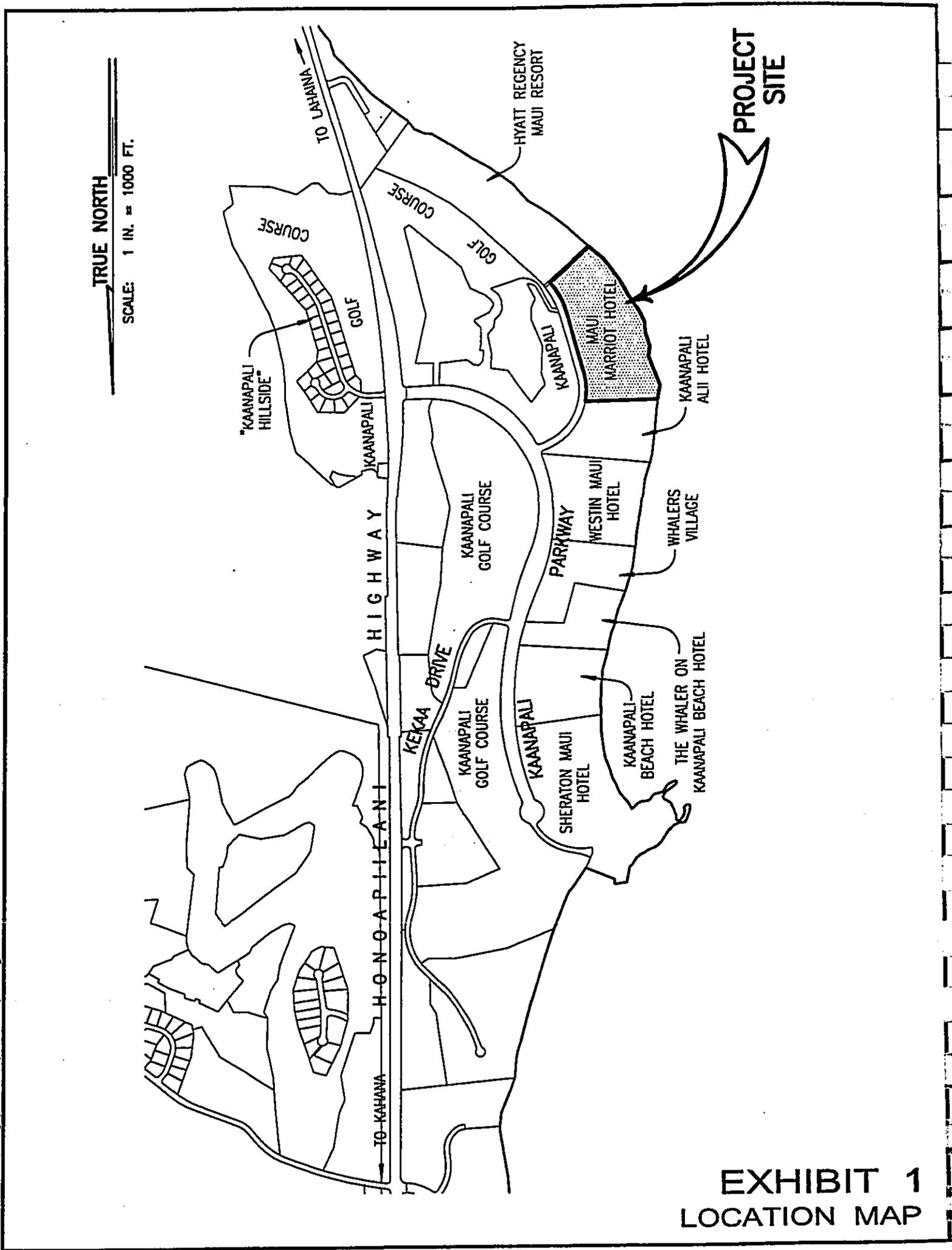


EXHIBIT 1
LOCATION MAP

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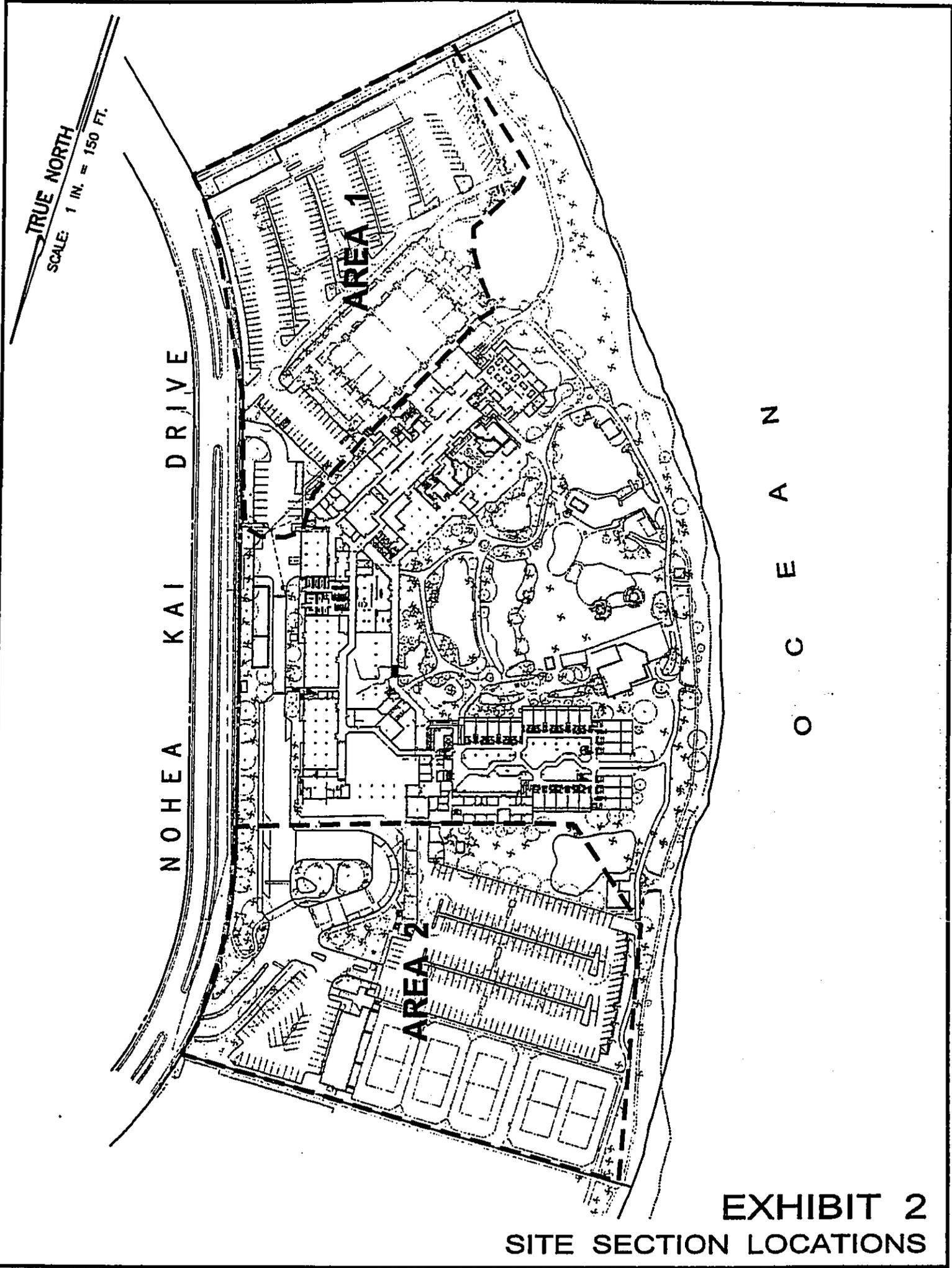


EXHIBIT 2
SITE SECTION LOCATIONS

Appendix A : Hydrologic Calculations

Hydrologic Calculations

Warren S. Unemori Engineering, Inc.
 Wells Street Professional Center
 2145 Wells Street, Suite 403
 Wailuku, Maui, Hawaii 96793

Date: July, 2002

Weighted "Cw" Runoff Coefficient Used
 Impermeable 0.95
 Landscaped 0.22

PreDevelopment

Area 1		
	Total Landscaped Area (Ac.)	0.55
	Total Impermeable Area (Ac.)	2.67
	Total Area (Ac.)	3.22
Weighted C	$Cw = (.55*0.22 + 2.67*0.95)/3.22$	0.83
	Drainpath (ft)	780
	Slope (%)	0.13
Time of Concentration	Tc (min.)	13
Intensity	I (50yr) in/hr	4.8
Flow Rate (cfs)	$Q (50yr) = CIA = .83*4.8*3.22$	12.83

Area 2		
	Total Landscaped Area (Ac.)	1.14
	Total Impermeable Area (Ac.)	3.13
	Total Area (Ac.)	4.27
Weighted C	$Cw = (1.14*0.22 + 3.13*0.95)/4.27$	0.76
	Drainpath (ft)	620
	Slope (%)	0.56
Time of Concentration	Tc (min.)	11
Intensity	I (50yr) in/hr	5.0
Flow Rate (cfs)	$Q (50yr) = CIA = .76*5*4.27$	16.23

Post Development**Area 1**

	Total Landscaped Area (Ac.)	1.12
	Total Impermeable Area (Ac.)	2.10
	Total Area (Ac.)	3.22
Weighted C	$C_w = (1.12 \cdot 0.22 + 2.10 \cdot 0.95) / 3.22$	0.70
	Drainpath (ft)	400
	Slope (%)	0.5
	(note: calculated value for S was 0.13, a min. value of 0.5 was assumed)	
Time of Concentration	Tc (min.)	9
Intensity	I (50yr) in/hr	5.3
Flow Rate (cfs)	$Q (50yr) = CIA = 0.70 \cdot 5.3 \cdot 3.22$	11.94

Area 2

	Total Landscaped Area (Ac.)	2.12
	Total Impermeable Area (Ac.)	2.14
	Total Area (Ac.)	4.27
Weighted C	$C_w = (2.12 \cdot 0.22 + 2.14 \cdot 0.95) / 4.27$	0.70
	(note: Actual calculated value is 0.59. 0.7 was assumed as min. value)	
	Drainpath (ft)	350
	Slope (%)	0.56
Time of Concentration	Tc (min.)	8
Intensity	I (50yr) in/hr	5.5
Flow Rate (cfs)	$Q (50yr) = CIA = .7 \cdot 5.5 \cdot 4.27$	16.44

02proj/02009/dwgs/exhibits/flid-ins00.dwg

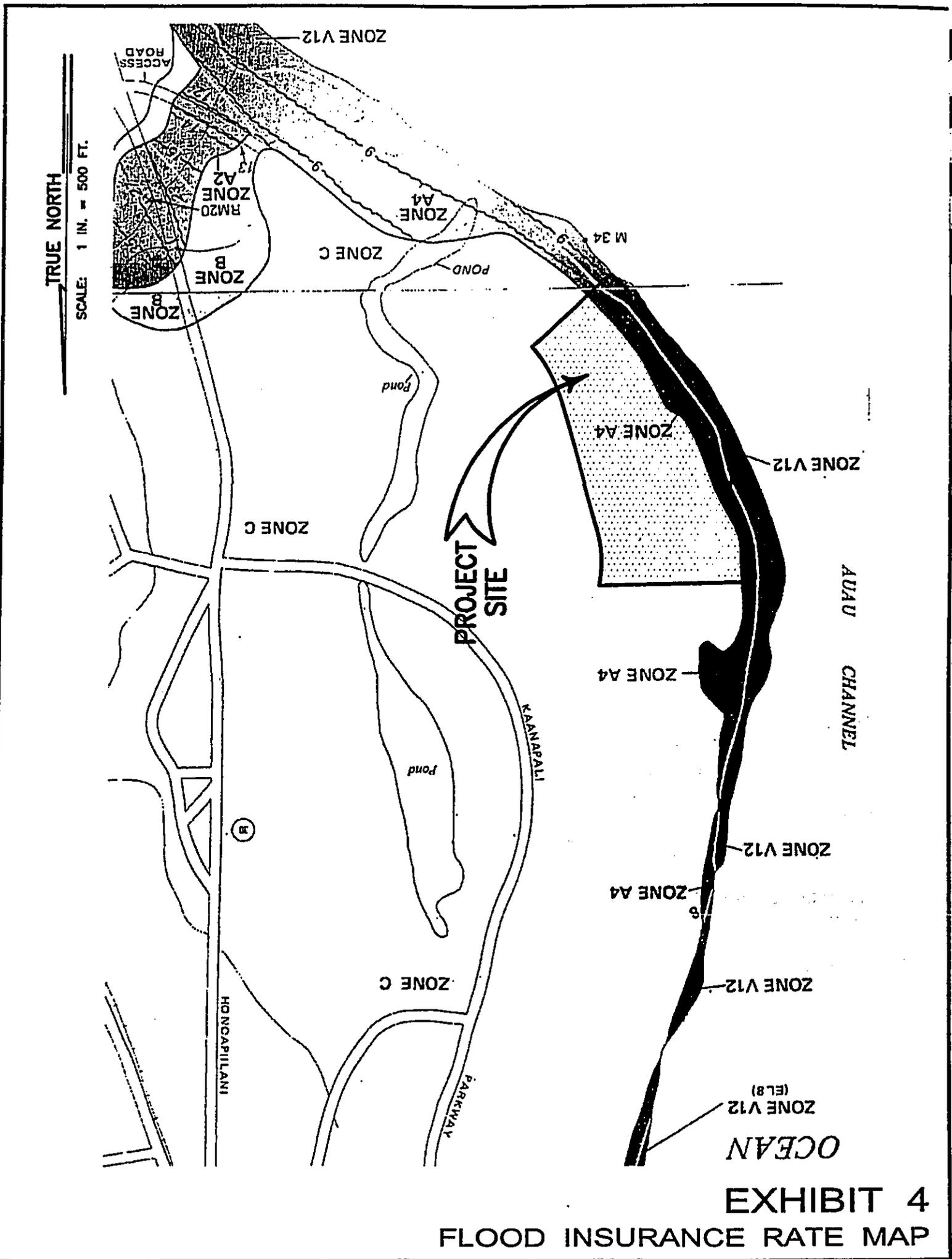


EXHIBIT 4
FLOOD INSURANCE RATE MAP



APPENDIX L
Draft Traffic Impact Assessment Report

TRAFFIC IMPACT ASSESSMENT REPORT FOR
MAUI MARRIOTT OCEAN CLUB

IN KAA NAPALI, MAUI, HAWAII

DRAFT REPORT

Prepared For

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1. INTRODUCTION

Phillip Rowell and Associates has been retained by Chris Hart & Partners of Wailuku to prepare a Traffic Impact Assessment Report for the proposed addition of the Maui Marriot Hotel to the Marriott Ocean Club at Kaanapali, Maui, Hawaii. This study is required as part of the Special Management Area (SMA) Permit application.

This introductory chapter discusses the location of the project, the proposed development plan, and the study methodology.

Project Location and Description

1. The proposed project is located along the makai side of Nohea Kai Drive in the Kaanapali area of West Maui. The general location on Maui is shown in Figure 1.
2. At the time of the traffic surveys (June 2002), the Maui Marriott consist of 154 timeshare units and 391 resort hotel rooms.
3. Upon completion of the project, the Maui Marriott Ocean Club will consist of 180 one-bedroom timeshare units and 277 multi-bedroom timeshare units. The total number of timeshares will be 457.
4. The 277 multi-bedroom timeshare units will have lockout units. A lockout unit is a room that can be used as either a bedroom for the timeshare or a separate hotel unit that can be rented separately.



Figure 1
PROJECT LOCATION MAP

5. The existing driveways into and out of the Marriott will be retained. There are three driveways. The first is the main entrance at the north end of the project. This driveway is referred to as Drive A. The second driveway, Drive B, is approximately 600 feet south of Drive A. This driveway is one-way outbound and is used primarily by service vehicles and shuttle buses. The third driveway, Drive C, is located at the south end of the project and provides access to and egress from the garage. Figure 2 is a site plan indicating the locations of these driveways.

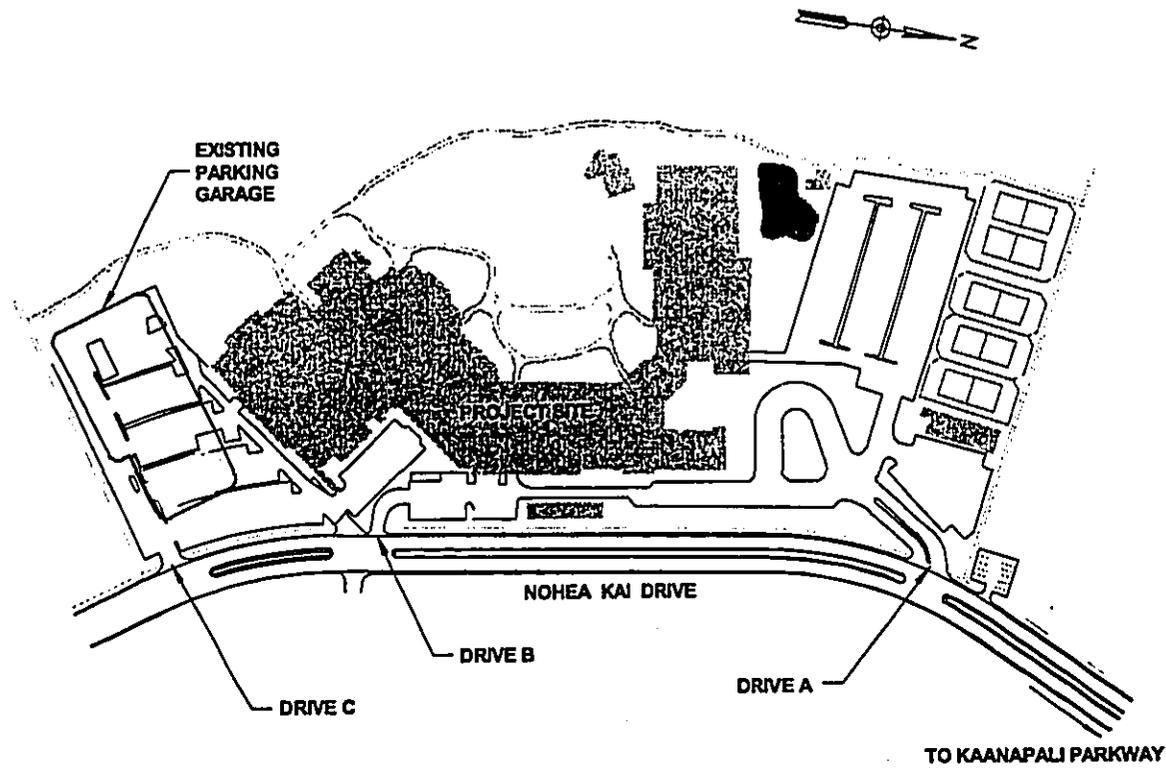


Figure 2

ADJACENT ROADWAY NETWORK

Study Area

A preliminary trip generation analysis was performed as input in defining the study area. The trip generation analysis, which is described in Chapter 3 of this report, concluded that the additional traffic generated by the project will be minimal. Therefore, it was determined that the study area could be limited to Nohea Kai Drive between Kaanapali Parkway and Drive C, the southern boundary of the Marriott property. The intersection of Nohea Kai Drive at Kaanapali Parkway is included in the study area.

Study Methodology and Order of Presentation

Existing traffic volumes at the study intersections were determined from traffic counts performed during June, 2002. Intersection configurations and traffic control information were also collected in the field at the time of the traffic counts. Other data collected included speed limits and right-of-way controls.

Using the data collected, existing traffic operating conditions in the vicinity of the project were determined. The methodology for unsignalized intersections described in the 2000 *Highway Capacity Manual (HCM)*¹ was used to determine the level-of-service (LOS) at the study intersections.

Existing traffic conditions, the LOS concept and the results of the LOS analysis for existing conditions are presented in Chapter 2.

Cumulative traffic conditions are defined as future traffic conditions without the proposed project during the design year. The year 2007 was used as the design year. This does not necessarily represent the project completion date. It is a future date used to estimate background traffic projections. A description of the process used to estimate 2007 cumulative traffic volumes and the resulting cumulative traffic projections are presented in Chapter 3.

The next step in the traffic analysis was to estimate the peak-hour traffic that would be generated by the proposed project. This was done using standard trip generation procedures outlined in the *Trip Generation Handbook*². The procedure is described in Chapter 4.

These trips were distributed based on the available approach and departure routes. The project-related traffic was then superimposed on 2007 cumulative traffic volumes at the study intersections. The HCM methodology was used again to conduct a LOS analysis for cumulative plus project conditions. The results of this analysis were compared to 2007 cumulative conditions to determine the incremental impacts of this project. The analysis of the project-related impacts and the conclusions of the analyses are presented in Chapter 5.

¹ *Highway Capacity Manual*, Institute of Transportation Engineers, Washington, D.C., 1997

² *Trip Generation Handbook*, Institute of Transportation Engineers, Washington, D.C., October 1998

2. EXISTING CONDITIONS

This chapter presents the existing traffic conditions on the roadways adjacent to the proposed project. The level-of-service (LOS) concept and the results of the LOS analysis for existing conditions are also presented. The purpose of this analysis is to establish the base conditions for the determination of the impacts of the project which are described in a subsequent chapter.

Existing Roadway and Traffic Conditions

Access to and egress from the project is via three driveways along Nohea Kai Drive. These driveways will be retained for the future development plan.

Nohea Kai Drive is a two-way divided roadway. The roadway is not striped for four lanes but there is sufficient width to do so in the future. The analysis performed for this study assumed that Nohea Kai Drive would operate as a two-way, two-lane divided roadway.

Kaanapali Parkway is also a two-way divided roadway. It is not striped for two lanes in each direction. However, there is sufficient width for two lanes in each direction and traffic operates accordingly. Therefore, the following analyses assumed that this roadway is a four-lane divided roadway. The intersection of Kaanapali Parkway at Nohea Kai Drive is unsignalized.

Peak hour traffic volumes for the intersection of Nohea Kai Drive at Kaanapali Parkway are shown in Figure 3. The traffic volumes include large trucks, buses and motorcycles. They do not include golf carts, mopeds or bicycles. The counts for these volumes were performed during June, 2002. We were informed that the Marriott was approximately 90% occupied at the time of the surveys. Therefore, the traffic counts represent traffic conditions during peak visitor periods at Kaanapali resort.

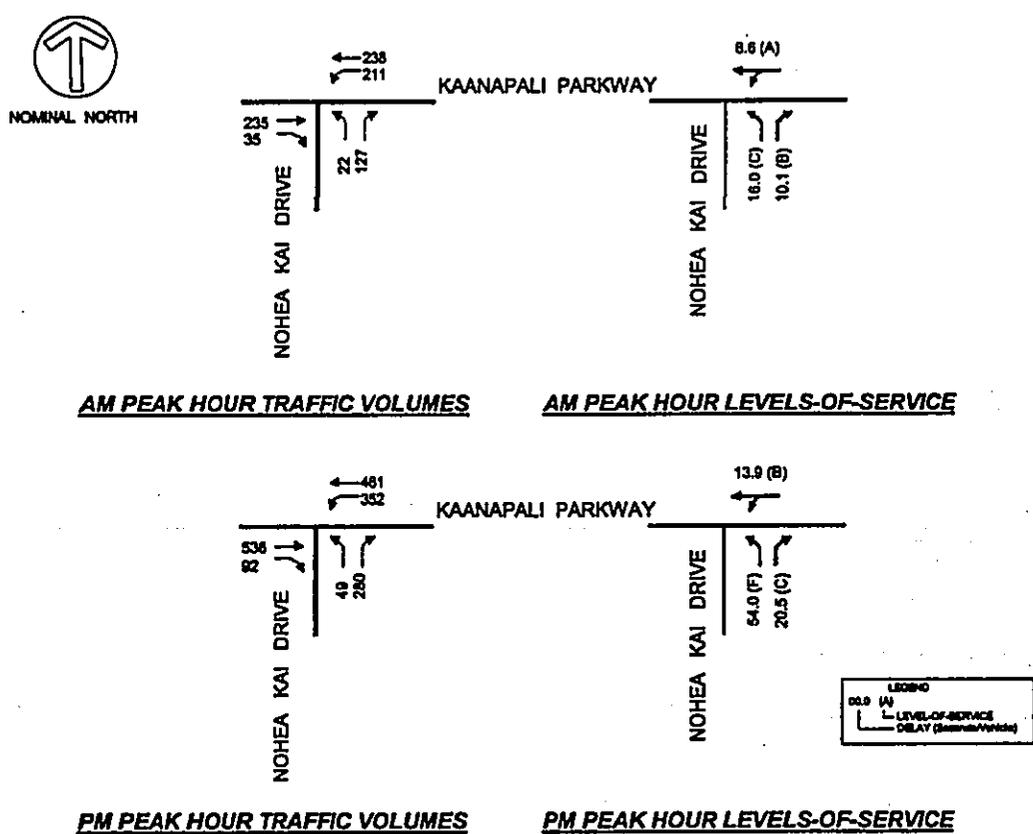


Figure 3

EXISTING (2002) PEAK HOUR TRAFFIC VOLUMES AND LEVELS-OF-SERVICE

Level-of-Service Concept

Signalized Intersections

The operations method described in the 2000 Highway Capacity Manual (HCM) was used to analyze the operating efficiency of the signalized intersections adjacent to the study site. This method involves the calculation of a volume-to-capacity (V/C) ratio and average vehicle delay which is related to a level-of-service.

"Level-of-Service" is a term which denotes any of an infinite number of combinations of traffic operating conditions that may occur on a given lane or roadway when it is subjected to various traffic volumes. Level-of-service (LOS) is a qualitative measure of the effect of a number of factors which include space, speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience.

There are six levels-of-service, A through F, which relate to the driving conditions from best to worst, respectively. The characteristics of traffic operations for each level-of-service are summarized in Table 1. In general, LOS A represents free-flow conditions with no congestion. LOS F, on the other hand, represents severe congestion with stop-and-go conditions. Level-of-service D is typically considered acceptable for peak hour conditions in urban areas.

Corresponding to each level-of-service shown in the table is a volume/capacity ratio. This is the ratio of either existing or projected traffic volumes to the capacity of the intersection. Capacity is defined as the maximum number of vehicles that can be accommodated by the roadway during a specified period of time. The capacity of a particular roadway is dependent upon its physical characteristics such as the number of lanes, the operational characteristics of the roadway (one-way, two-way, turn prohibitions, bus stops, etc.), the type of traffic using the roadway (trucks, buses, etc.) and turning movements.

Table 1 Level-of-Service Definitions for Signalized Intersections⁽¹⁾

Level of Service	Interpretation	Volume-to-Capacity Ratio ⁽²⁾	Stopped Delay (Seconds)
A, B	Uncongested operations; all vehicles clear in a single cycle.	0.000-0.700	<10.0
C	Light congestion; occasional backups on critical approaches	0.701-0.800	10.1-20.0
D	Congestion on critical approaches but intersection functional. Vehicles must wait through more than one cycle during short periods. No long standing lines formed.	0.801-0.900	20.1-35.0
E	Severe congestion with some standing lines on critical approaches. Blockage of intersection may occur if signal does not provide protected turning movements.	0.901-1.000	35.1-80.0
F	Total breakdown with stop-and-go operation	>1.001	>80.0

Notes:

- (1) Source: Highway Capacity Manual, 2000.
(2) This is the ratio of the calculated critical volume to Level-of-Service E Capacity.

Unsignalized Intersections

Like signalized intersections, the operating conditions of intersections controlled by stop signs can be classified by a level-of-service from A to F. However, the method for determining level-of-service for unsignalized intersections is based on the use of gaps in traffic on the major street by vehicles crossing or turning through that stream. Specifically, the capacity of the controlled legs of an intersection is based on two factors: 1) the distribution of gaps in the major street traffic stream, and 2) driver judgement in selecting gaps through which to execute a desired maneuver. The criteria for level-of-service at an unsignalized intersection is therefore based on delay of each turning movement. Table 2 summarizes the definitions for level-of-service and the corresponding delay.

Table 2 Level-of-Service Definitions for Unsignalized Intersections⁽¹⁾

Level-of-Service	Expected Delay to Minor Street Traffic	Delay (Seconds)
A	Little or no delay	<10
B	Short traffic delays	10.1 to 15.0
C	Average traffic delays	15.1 to 25.0
D	Long traffic delays	25.1 to 35.0
E	Very long traffic delays	35.1 to 50.0
F	See note (2) below	>50.1

Notes:

- (1) Source: *Highway Capacity Manual, 2000.*
 (2) When demand volume exceeds the capacity of the lane, extreme delays will be encountered with queuing which may cause severe congestion affecting other traffic movements in the intersection. This condition usually warrants improvement of the intersection.

Level-of-Service Analysis of Existing Conditions

The results of the Level-of-Service analysis for the intersection of Kaanapali Parkway at Nohea Kai Drive are shown in Table 3. Shown in the table are the average delay per vehicle and the levels-of-service. The levels-of-service are also shown graphically in Figure 3.

Table 3 Existing Levels-of-Service

Intersection and Movement	AM Peak Hour		PM Peak Hour	
	Delay ¹	LOS ²	Delay ¹	LOS ²
Kaanapali Parkway at Nohea Kai Drive				
Westbound Left & Thru	8.6	A	13.9	B
Northbound Left	16.0	C	54.0	F
Northbound Right	10.1	B	20.5	C

NOTES:
(1) Delay in seconds per vehicle.
(2) LOS denotes Level-of-Service calculated using the operations method described in *Highway Capacity Manual*.

The conclusions of this analysis are that all controlled traffic movements at the study intersection, except for the northbound left turn during the afternoon peak hour, operate at a high level of service (LOS C or better) and delays are minimal. The northbound left turn operates at LOS F during the afternoon peak hour. However, the delay per vehicle is less than one minute.

Other conditions observed during the traffic surveys are:

1. Despite the LOS B shown for the westbound left turn and through movement, left turns from Kaanapali Parkway to Nohea Kai Drive are congested during the afternoon peak period. Queues up to ten vehicles in length were observed.
2. Because of the long delays for left turns from and onto Kaanapali Parkway, drivers are taking risks to make the turning maneuver.
3. Speeding vehicles were observed along Kaanapali Parkway. Several near misses were observed as drivers turning left from Nohea Kai Drive misjudged the speed of these approaching vehicles.
4. Pedestrian traffic is insignificant at the study intersection.
5. Less than ten large vehicles, such as truck and buses, were observed during the peak periods. Therefore, the impact of these large vehicles is minimal.

3. PROJECT CUMULATIVE TRAFFIC CONDITIONS

The purpose of this chapter is to discuss the assumptions and data used to estimate 2007 cumulative traffic conditions. Cumulative traffic conditions are defined as future traffic volumes without the proposed project.

Future traffic growth consists of two components. The first is ambient background growth that is a result of regional growth and cannot be attributed to a specific project. The second component is estimated traffic that will be generated by other development projects in the vicinity of the proposed project.

Background Traffic Growth

The *Maui Long Range Transportation Plan*³ does not provide future traffic projections for Kaanapali Parkway and Nohea Kai Drive. However, this study concluded that traffic in Maui would increase an average of 1.6% per year from 1990 to 2020. This growth rate was used to estimate the background growth between 2002 and 2007, the design year for this project. The growth factor was calculated to be 1.135 using the following formula:

$$F = (1 + i)^n$$

where F = Growth Factor

i = Average annual growth rate, or 0.016

n = Growth period, or 8 years

³ Kaku Associates, October 1996

Related Projects

The second component in estimating background traffic volumes is traffic resulting from other proposed projects in the vicinity. Related projects are defined as those projects that are under construction or have been approved for construction and would significantly impact traffic in the study area. Related projects may be development projects or roadway improvements.

It was determined that the only related project that would impact traffic along Nohea Kai Drive is the future expansion the Hyatt Regency. A specific development plan has not yet been made public but preliminary information indicates that the tentative plan is for approximately 100 timeshare units. A trip generation analysis was performed and the estimated traffic assigned to the appropriate traffic movements at the study intersections.

2007 Cumulative Traffic Projections

2007 cumulative traffic projections were calculated by expanding existing traffic volumes by the appropriate growth rates and then superimposing traffic generated by related projects. In summary, the assumptions used to estimate the cumulative traffic volumes are:

1. Existing traffic along Kaanapali Parkway and Nohea Kai Drive was increased by 1.6% per year from 2002 to 2007, or 13.5%.
2. Traffic from an additional 100 time-share units was added to the traffic volume along Nohea Kai Drive and Kaanapali Parkway.

The resulting 2007 cumulative peak hour traffic volumes are shown in Figure 4.

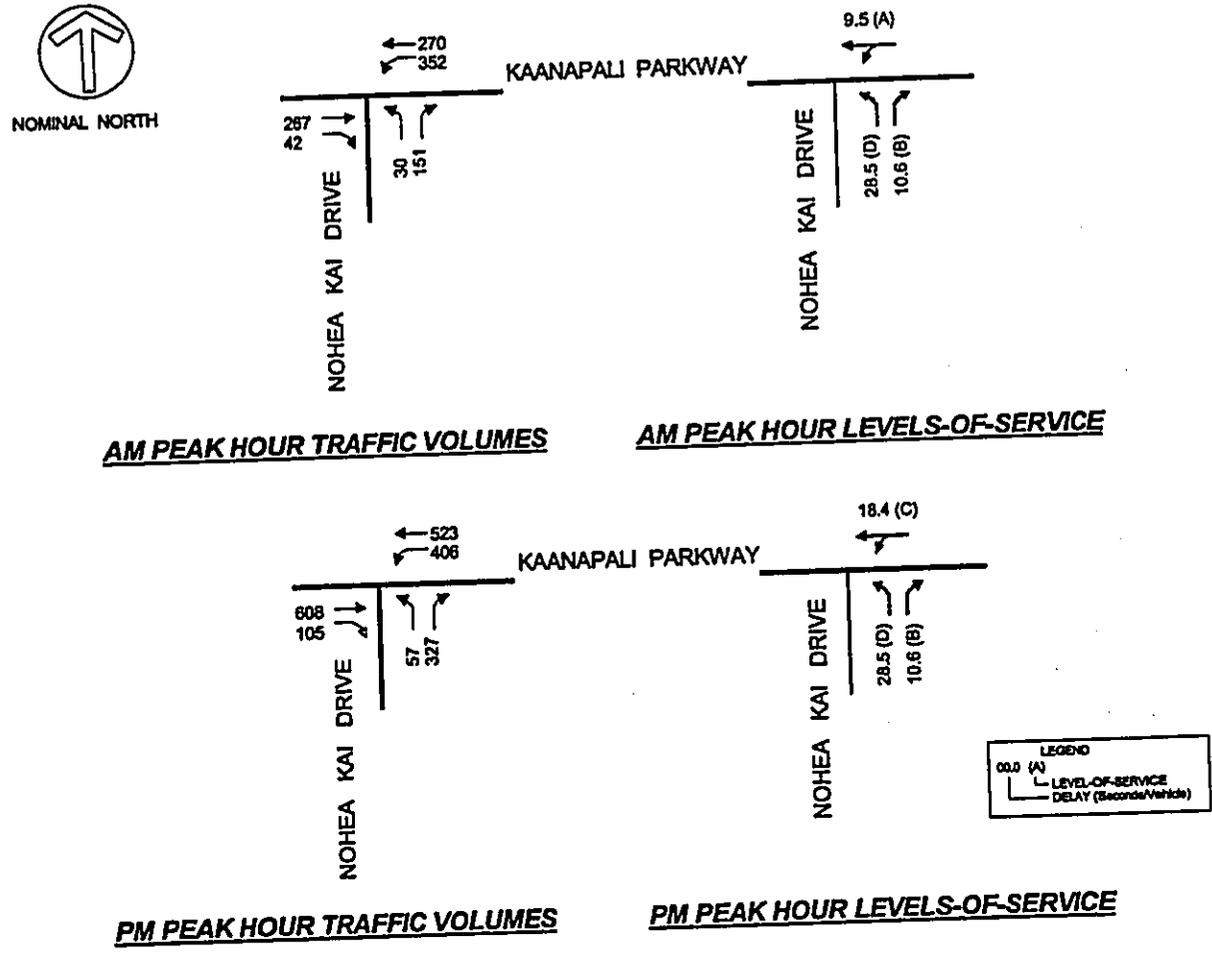


Figure 4
2007 CUMULATIVE PEAK HOUR TRAFFIC VOLUMES AND LEVELS-OF-SERVICE

4. PROJECT-RELATED TRAFFIC CHARACTERISTICS

This chapter discusses the methodology used to identify the traffic-related impacts of the proposed project. Generally, the process involves the determination of weekday peak-hour trips that would be generated by the proposed project, distribution and assignment of these trips on the approach and departure routes, and finally, determination of the levels-of-service at affected intersections and driveways subsequent to implementation of the project. This chapter presents the generation, distribution and assignment of project generated traffic and the cumulative plus project traffic projections. The results of the level-of-service analysis of cumulative plus project conditions is presented in the following chapter.

Methodology

1. Estimate the peak hour traffic generated by the existing development.
2. Estimate the peak hour traffic generated by the proposed development.
3. Calculate the net increase (or decrease) of peak hour trips into and out of the site.
4. Assign the additional traffic to the adjacent roadway network.
5. Estimate 2007 cumulative plus project traffic volumes by adding the additional traffic volumes generated to and from the site and the 2007 background traffic volumes discussed in the previous chapter.

Project Trip Generation

Future traffic volumes generated by a project are estimated using the procedures described in the *Trip Generation Handbook*,⁴ published by the Institute of Transportation Engineers. Typically, this method uses trip generation rates to estimate the number of trips that a proposed project will generate during the peak hours. The *Trip Generation Handbook* recommends that when possible, site specific trip generation rates be obtained and used for the trip generation analysis of a project. *Trip Generation*⁵ is the standard reference for trip generation rates in lieu of site specific trip generation rates or local trip generation rates defined by the reviewing agencies.

The trip generation analysis was performed using the following assumptions:

1. At the time of the travel surveys, the Maui Marriott consists of 154 timeshare units and 391 hotel rooms.
2. Upon completion, the project will consist of 180 one-bedroom timeshare units and 277 multi-bedroom time-share suites for a total of 457 timeshare units.
3. The multi-bedroom timeshare units will have an adjacent "hotel room", referred to as a "lock out," that may be used as part of the timeshare suite or a separate hotel room. For this study, it was assumed that the lock out would be used as a resort hotel room. A maximum of 20%, or 55, of the units would be used as hotel rooms at any one time.
4. The traffic characteristics of the timeshare units are comparable to those of hotel suites.
5. The traffic characteristics of the hotel rooms are comparable to those of occupied resort hotel rooms.
6. The timeshare units and the hotel units are 100% occupied.

Table 4 is a summary of the existing and proposed development plans.

Table 4 Summary of Existing and Proposed Development Plans

Type of Unit	Existing	Proposed	Equivalent Use for Trip Generation Analysis
Timeshare Unit	154	457	Suite Hotel Unit
Hotel Unit	391	55	Resort Hotel Unit
Total	545	512	

The trip rates and the estimated number of peak hour trips that the existing and proposed development plans will generate are shown in Table 5 and 6, respectively. Since the peak hour of the project may not occur during the peak hour of the adjacent street, the trip generation analysis was calculated for the peak hour of the adjacent street and the peak hour of the generator. This was done to determine during which period the project would have the greatest traffic impacts.

⁴ Institute of Transportation Engineers, *Trip Generation Handbook*, Washington, D.C., 1998, p. 7-12

⁵ Institute of Transportation Engineers, *Trip Generation, An Informational Guide*, Sixth Edition, Washington, D.C., 1997

The net change in the number of trips generated by the project is shown in Table 7.

Table 5 Trip Generation Analysis of Existing Development Plan

Time Period	Direction	Resort Hotel Rooms			Timeshares (Suites Hotel Room)			Total
		Rate or %	Units	Trips	Rate or %	Units	Trips	
AM Peak	Total Trips per Unit	0.37	391	145	0.48	154	74	219
Hour of	% Inbound	72%		104	67%		50	154
Adjacent	% Outbound	28%		41	33%		24	65
Street								
PM Peak	Total Trips per Unit	0.49		192	0.55		85	277
Hour of	% Inbound	43%		83	42%		36	119
Adjacent	% Outbound	57%		109	58%		49	158
Street								
AM Peak	Total Trips per Unit	0.47	391	184	0.52	154	80	264
Hour of	% Inbound	63%		116	67%		54	170
Generator	% Outbound	37%		68	33%		26	94
PM Peak	Total Trips per Unit	0.59		231	0.55		85	316
Hour of	% Inbound	50%		116	42%		36	152
Generator	% Outbound	50%		115	58%		49	164

Table 6 Trip Generation Analysis of Proposed Development Plan

Time Period	Direction	Resort Hotel Rooms			Timeshares (Suites Hotel Room)			Total
		Rate or %	Units	Trips	Rate or %	Units	Trips	
AM Peak	Total Trips per Unit	0.37	55	20	0.48	457	219	239
Hour of	% Inbound	72%		14	67%		147	161
Adjacent	% Outbound	28%		6	33%		72	78
Street								
PM Peak	Total Trips per Unit	0.49		27	0.55		251	278
Hour of	% Inbound	43%		12	42%		105	117
Adjacent	% Outbound	57%		15	58%		146	161
Street								
AM Peak	Total Trips per Unit	0.47	55	26	0.52	457	238	264
Hour of	% Inbound	63%		16	67%		159	175
Generator	% Outbound	37%		10	33%		79	89
PM Peak	Total Trips per Unit	0.59		32	0.55		251	283
Hour of	% Inbound	50%		16	42%		105	121
Generator	% Outbound	50%		16	58%		146	162

Table 7 Net Change of Site Generated Traffic

Time Period	Direction	Existing	Proposed	Net Change
AM Peak	Total Trips per Unit	219	239	20
Hour of Adjacent Street	% Inbound	154	161	7
	% Outbound	65	78	13
PM Peak	Total Trips per Unit	277	278	1
Hour of Adjacent Street	% Inbound	119	117	-2
	% Outbound	158	161	3
AM Peak	Total Trips per Unit	264	264	0
Hour of Generator	% Inbound	170	175	5
	% Outbound	94	89	-5
PM Peak	Total Trips per Unit	316	283	-33
Hour of Generator	% Inbound	152	121	-31
	% Outbound	164	162	-2

As shown, during the morning peak hour of the adjacent street, the proposed project will add 20 additional trips to the adjacent traffic stream. During the afternoon peak hour, the proposed development plan will generate one additional trip. During the morning of the generator, the project will generate the same number of trips as the existing. During the afternoon peak hour of the project, the project will generate 33 less trips than the existing project. Therefore, the most significant traffic impacts will be during the peak hour of the adjacent street. The traffic impact assessment therefore analyzes the peak hour of the adjacent street rather than the peak hour of the generator.

The Institute of Transportation Engineers recommends that a traffic impact study should be performed if, in lieu of another locally preferred criterion, development generates an additional 100 vehicle trips in the peak direction (inbound or outbound) during the site's peak hour.⁶ Based on the criterion, a traffic impact study is not warranted. To date, the County of Maui has not established criteria for projects within its jurisdiction.

Table 8 is a comparison of the estimated number of trips that the project will generate compared to the estimated number of trips generated by the Marriott Hotel, which was originally 720 rooms. The trips shown are the peak hourly trips generated by the generator, which are typically higher than the peak hour of the adjacent street. As shown, the estimated number of peak hour trips generated by the proposed Ocean Club is 11% less than the 720 hotel during the morning peak hour and 23% less during the afternoon peak hour. The conclusion of this analysis is consistent with the previous trip generation analysis that the proposed project will reduce the number of peak trips generated to and from the site compared to the Maui Marriott Hotel.

⁶ Institute of Transportation Engineers, *Traffic Access and Impact Studies for Site Development, A Recommended Practice*, 1991, page 5.

Table 8 Trip Generation Analysis Comparison: Previous Hotel Use Versus Proposed Timeshare Use

Period & Direction		Existing Hotel (2000) ⁽¹⁾⁽²⁾	Proposed Timeshare ⁽¹⁾	Change	
				Number	Percent
Total		295	264	-31	-11%
AM Peak Hour	Inbound	186	175	-11	-6%
	Outbound	109	89	-20	-18%
Total		367	283	-84	-23%
AM Peak Hour	Inbound	184	121	-63	-34%
	Outbound	183	162	-21	-11%

Notes:

1. Trips shown are peak hourly trips of the generator.
2. Based on 720 resort hotel rooms with 100% occupancy

2007 Cumulative Plus Project Projections

Because the locations of parking will be re-arranged, trips into and out of the driveways will be redistributed. Therefore, project-generated traffic was distributed and assigned along the anticipated approach routes to the project site based on the directional distribution of existing peak hour traffic along Kaanapali Parkway and Nohea Kai Drive and the redistribution of on-site parking at the Maui Marriott to estimate future traffic volumes upon completion of the project.

The assumptions used to distribute and assign the project generated traffic are:

1. The locations and configurations of the existing driveways will be retained.
2. The project's future parking spaces will be located so that 75% of the spaces will be accessed via the existing main driveway, which is referred to as Drive A. The remaining spaces will be accessed via the existing driveway at the south end of the site, which is referred to as Drive C.
3. Drive B, which is between Drives A and C, is an exit only and is used by maintenance vehicles, vendors and shuttle buses to exit the site.

Cumulative plus project traffic conditions are defined as 2007 background traffic conditions plus project related traffic. 2007 cumulative plus project traffic volumes with the project were estimated by superimposing the peak hourly traffic generated by the proposed project on the 2007 cumulative peak hour traffic volumes presented in Chapter 3. The traffic projections for 2007 cumulative plus project conditions are shown on Figures 5 and 6 for the morning and afternoon peak periods, respectively.

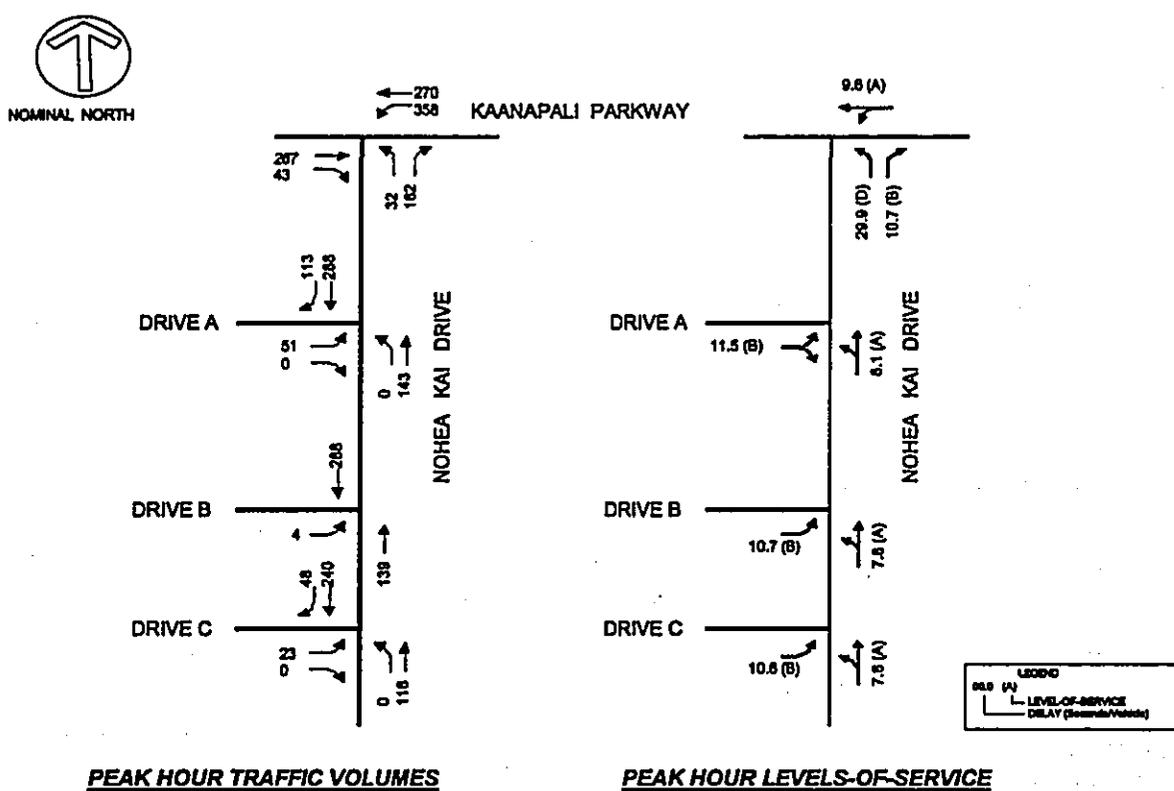


Figure 5
2007 CUMULATIVE PLUS PROJECT AM PEAK HOUR CONDITIONS

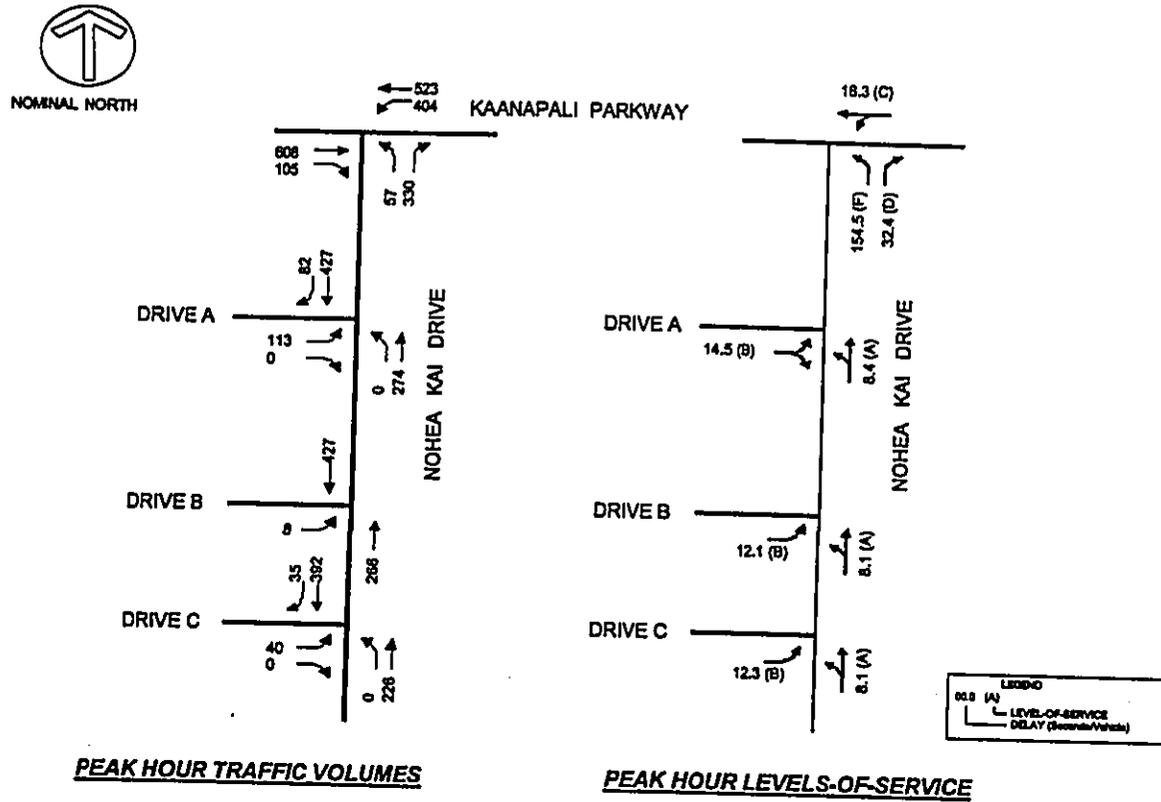


Figure 6
2007 CUMULATIVE PLUS PROJECT PM PEAK HOUR CONDITIONS

5. TRAFFIC IMPACT ASSESSMENT

The purpose of this chapter is to summarize the results of the level-of-service analysis of future conditions with the proposed project. This analysis identifies any potential traffic operational deficiencies. If deficiencies are anticipated, mitigation measures are identified and assessed.

Level-of-Service Analysis of 2007 Conditions

Since a traffic impact analysis is not warranted based on criteria established by the Institute of Transportation Engineers, a level-of-service analysis was performed for 2007 conditions with project generated traffic to identify potential problem locations where improvement may be necessary.

The level-of-service analysis was performed using the following assumptions:

1. All intersection approaches are one lane in and one lane out.
2. All intersections are unsignalized.

The results of the level-of-service analysis for the study intersections are shown in Table 9. Shown in the table are average vehicle delays and the Levels-of-Service.

Table 9 Level-of-Service Analysis for 2007 Peak Hour Conditions⁽¹⁾

Intersection and Movement	AM Peak Hour				PM Peak Hour			
	Cumulative		Cumulative Plus Project		Cumulative		Cumulative Plus Project	
	Delay ¹	LOS ²	Delay	LOS	Delay	LOS	Delay	LOS
Kaanapali Parkway at Nohea Kai Drive								
Westbound Left & Thru	9.5	A	9.6	A	18.4	C	18.3	C
Northbound Left	28.5	D	29.9	D	158.7	F	154.5	F
Northbound Right	10.6	B	10.7	B	31.7	D	32.4	D
Nohea Kai Drive at Drive A								
Northbound Left & Thru			8.1	A			8.4	A
Eastbound Left & Right			11.5	B			14.5	B
Nohea Kai Drive at Drive B								
Northbound Thru			7.8	A			8.1	A
Eastbound Left			10.7	B			12.1	B
Nohea Kai Drive at Drive C								
Northbound Left & Thru			7.8	A			8.1	A
Eastbound Left & Thru			10.6	B			12.3	B

NOTES:

(1) Delay in seconds per vehicle.

(2) LOS denotes Level-of-Service calculated using the operations method described in *Highway Capacity Manual*. Level-of-Service is based on delay.

The conclusions of the level-of-service analysis are:

1. There is no change in the LOS of the controlled movements at the study intersections.
2. During the afternoon peak hour, left turns from northbound Nohea Kai Drive to westbound Kaanapali Parkway will operate at LOS F without and with the project.
3. During the afternoon peak hour, right turns from northbound Nohea Kai Drive to eastbound Kaanapali Parkway will operate at LOS D without and with the project.
4. Traffic movements into and out of the Maui Marriott site will operate at LOS A or B, without and with the project.

Since the levels-of-service are the same without and with the project, the impact of the proposed project is insignificant and no mitigation measures are recommended. However, operational problems exist at the intersection of Kaanapali Parkway at Nohea Kai Drive. These problems will be aggravated as traffic increases as a result of ambient background growth and related projects. Since these problems are not the result of the proposed project, mitigation should be coordinated with other development projects in the Kaanapali Resort.

Construction Related Traffic Impacts

During construction, it is anticipated that there will be a sizeable work force and that there will be numerous deliveries of construction materials. These deliveries are typically is larger, heavy trucks that have a negative impact on traffic operations in the area, both relative to intersection levels-of-service and restricted traffic flows when these vehicles park on-street. To mitigate these construction related traffic impacts, the following mitigation measures are recommended:

1. Arrival and departure of construction workers should be scheduled to occur during non-peak traffic hours. Typically, the peak hours of traffic are from 6:30 AM to 8:30 AM and from 3:00 PM to 6:00 PM. If this schedule cannot be satisfied, construction workers should be shuttled to and from the construction site from an off-site parking lot.
2. Construction workers should be encouraged to carpool or van-pool to and from the construction site.
3. Deliveries of construction materials and removal of debris should also be scheduled for off-peak periods.
4. At no time should construction vehicles or delivery vehicles be allowed to park on-street. All parking should on-site.
5. If a portion of Nohea Kai Drive must be temporarily closed, this should be scheduled to occur during off-peak periods. A Traffic Control Officer should be retained to direct traffic around the temporary lane closure and the appropriate construction area signing should be in place. The construction area signing must be consistent with the standards of the *Manual of Uniform Traffic Control Devices*⁷ and the County of Maui.

⁷ US Department of Transportation, Federal Highway Administration, *Manual of Uniform Traffic Control Devices*, Washington, D.C., 2000

6. SUMMARY AND CONCLUSIONS

1. The proposed project is located along the makai side of Nohea Kai Drive in the Kaanapali area of West Maui.
2. At present (July 2002), the Maui Marriott consist of 154 timeshare units and 391 resort hotel rooms. Upon completion of the project, the Maui Marriott Ocean Club will consist of 180 one-bedroom timeshare units and 277 multi-bedroom timeshare units, a total of 457 timeshare units.
3. The existing driveways into and out of the Marriott will be retained. There are three driveways. The first is the main entrance at the north end of the project. This driveway is referred to as Drive A. The second driveway, Drive B, is approximately 600 feet south of Drive A. This driveway is one-way outbound and is used primarily by service vehicles and shuttle buses. The third driveway, Drive C, is located at the south end of the project and provides access to and egress from the garage.
4. Access to and egress from the project is via three driveways along Nohea Kai Drive. These driveways will be retained for the future development plan.
5. The conclusions of the analysis for existing conditions are that all controlled traffic movements at the study intersection, except for the northbound left turn during the afternoon peak hour, operate at a high level of service (LOS C or better) and delays are minimal. The northbound left turn operates at LOS F during the afternoon peak hour. However, the delay per vehicle is less than one minute.

6. Other conditions observed during the traffic surveys are:
 - a. Left turns from Kaanapali Parkway to Nohea Kai Drive are congested during the afternoon peak period. Queues up to ten vehicles in length were observed.
 - b. Because of the long delays for left turns from and onto Kaanapali Parkway, drivers are taking risks to make the turning maneuver.
 - c. Speeding vehicles were observed along Kaanapali Parkway. Several near misses were observed as drivers turning left from Nohea Kai Drive misjudged the speed of these approaching vehicles.
 - d. Pedestrian traffic is insignificant at the study intersection.
 - e. Less than ten large vehicles, such as truck and buses, were observed during the peak periods. Therefore, the impact of these large vehicles is insignificant.
7. 2007 cumulative traffic projections were calculated by expanding existing traffic volumes by the appropriate growth rates and then superimposing traffic generated by related projects. In summary, the assumptions used to estimate the cumulative traffic volumes are:
 - a. Existing traffic along Kaanapali Parkway and Nohea Kai Drive was increased by 1.6% per year from 2002 to 2007, or 13.5%.
 - b. Traffic from an additional 100 time-share units at the Hyatt Regency was added to the traffic volume along Nohea Kai Drive and Kaanapali Parkway.
8. The following methodology was used to estimate the additional traffic that the proposed project will generate:
 - a. Estimate the peak hour traffic generated by the existing development.
 - b. Estimate the peak hour traffic generated by the proposed development.
 - c. Calculate the net increase (or decrease) of peak hour trips into and out of the site.
 - d. Assign the additional traffic to the adjacent roadway network.
 - e. Estimate 2007 cumulative plus project traffic volumes by adding the additional traffic volumes generated to and from the site and the 2007 background traffic volumes discussed in the previous chapter.
9. The trip generation analysis was performed using the following assumptions:
 - a. At the time of the travel surveys, the Maui Marriott consists of 154 timeshare units and 391 hotel rooms.
 - b. Upon completion, the project will consist of 180 one-bedroom timeshare units and 277 multi-bedroom time-share suites for a total of 457 timeshare units.
 - c. The multi-bedroom timeshare units will have an adjacent "hotel room", referred to as a "lock

out," that may be used as part of the timeshare suite or a separate hotel room. For this study, it was assumed that the lock out would be used as a resort hotel room. A maximum of 20%, or 55, of the units would be used as hotel rooms at any one time.

- d. The traffic characteristics of the timeshare units are comparable to those of hotel suites.
 - e. The traffic characteristics of the hotel rooms are comparable to those of occupied resort hotel rooms.
 - f. The timeshare units and the hotel units are 100% occupied.
10. Since the peak hour of the project may not occur during the peak hour of the adjacent street, the trip generation analysis was calculated for the peak hour of the adjacent street and the peak hour of the generator. This was done to determine during which period the project would have the greatest traffic impacts. It was determined from the analysis that the greatest impacts would be during the peak hour of the adjacent street.
11. The proposed project will add 20 additional trips to the adjacent traffic stream during the morning peak hour and one additional trip during the afternoon peak hour.
12. The Institute of Transportation Engineers recommends that a traffic impact study should be performed if, in lieu of another locally preferred criterion, development generates an additional 100 vehicle trips in the peak direction (inbound or outbound) during the site's peak hour.⁹ Based on the criterion, a traffic impact study is not warranted. To date, the County of Maui has not established criteria for projects within its jurisdiction.
13. Since a traffic impact analysis is not warranted based on criteria established by the Institute of Transportation Engineers, a level-of-service analysis was performed for 2007 conditions with project generated traffic to identify potential problem locations where improvement may be necessary.
14. The conclusions of the level-of-service analysis for cumulative plus project conditions are:
- a. There is no change in the level-of-service of the controlled movements at the study intersections.
 - b. During the afternoon peak hour, left turns from northbound Nohea Kai Drive to westbound Kaanapali Parkway will operate at LOS F without and with the project.
 - c. During the afternoon peak hour, right turns from northbound Nohea Kai Drive to eastbound Kaanapali Parkway will operate at LOS D without and with the project.
 - d. Traffic movements into and out of the Maui Marriott site will operate at LOS A or B, without and with the project.

⁹ Institute of Transportation, *Traffic Access and Impact Studies for Site Development, A Recommended Practice*, 1991, page 5.

15. Since the levels-of-service are the same without and with the project, the impact of the proposed project is insignificant and no mitigation measures are recommended. However, operational problems exist at the intersection of Kaanapali Parkway at Nohea Kai Drive. These problems will be aggravated as traffic increases as a result of ambient background growth and related projects. Since these problems are not the result of the proposed project, mitigation should be coordinated with other development projects in the Kaanapali Resort.

16. During construction, it is anticipated that there will be a sizeable work force and that there will be numerous deliveries of construction materials. These deliveries are typically larger, heavy trucks that have a negative impact on traffic operations in the area, both relative to intersection levels-of-service and restricted traffic flows when these vehicles park on-street. To mitigate these construction related traffic impacts, the following mitigation measures are recommended:
 - a. Arrival and departure of construction workers should be scheduled to occur during non-peak traffic hours. Typically, the peak hours of traffic are from 6:30 AM to 8:30 AM and from 3:00 PM to 6:00 PM. If this schedule cannot be satisfied, construction workers should be shuttled to and from the construction site from an off-site parking lot.
 - b. Construction workers should be encouraged to carpool or van-pool to and from the construction site.
 - c. Deliveries of construction materials and removal of debris should also be scheduled for off-peak periods.
 - d. At no time should construction vehicles or delivery vehicles be allowed to park on-street. All parking should on-site.
 - e. If a portion of Nohea Kai Drive must be temporarily closed, this should be scheduled to occur during off-peak periods. A Traffic Control Officer should be retained to direct traffic around the temporary lane closure and the appropriate construction area signing should be in place. The construction area signing must be consistent with the standards of the *Manual of Uniform Traffic Control Devices*⁹ and the County of Maui.

⁹ US Department of Transportation, Federal Highway Administration, *Manual of Uniform Traffic Control Devices*, Washington, D.C., 2000



APPENDIX M
EISPN Comments & Response Letters

INSERT COMMENT/RESPONSE LETTERS HERE

Maui Ocean Club Sequel Project
EISPN Comment Letter Index
 Last Updated: 12/10/02

Comment Date		EISPN Transmittal Date
Dated	Received	
		Federal Agencies
		U.S. Department of Agriculture
24-Oct	28-Oct	22-Oct Natural Resources Conservation Service
24-Oct	28-Oct	22-Oct Department of the Army
		22-Oct U.S. Fish and Wildlife Service
		State Agencies
		Department of Business, Economic, Development & Tourism
		22-Oct Office of Planning
		Department of Health
20-Nov	25-Nov	22-Oct Clean Water Branch
		22-Oct Office of Environmental Quality Control
		22-Oct District Environmental Health Program
		Department of Land and Natural Resources
20-Nov	22-Nov	22-Oct Land Division
12-Nov	22-Nov	Div: Aquatic Resources
1-Nov	22-Nov	Div: State Parks
5-Nov	22-Nov	Div: Maui Office
22-Nov	26-Nov	22-Oct Land Division
19-Nov	26-Nov	Div: Engineering Branch
19-Nov	26-Nov	Div: Commission on Water Resource Management
26-Nov	5-Dec	22-Oct State Historic Preservation Division
		Department of Transportation
		22-Oct Office of the Director
		22-Oct Maui District Engineer
25-Oct	29-Oct	22-Oct Office of Hawaiian Affairs
		Maui County Agencies
		23-Oct Department of Fire Control
22-Nov	2-Dec	23-Oct Department of Parks and Recreation
		23-Oct Department of Planning
		23-Oct Police Department
25-Nov	2-Dec	23-Oct Department of Public Works and Waste Management
19-Nov	21-Nov	23-Oct Department of Housing and Human Concerns
20-Nov	25-Nov	23-Oct Department of Water Supply
		23-Oct Office of the Mayor
		Non-Governmental Organizations
		22-Oct Ka'anapali Operations Association
		22-Oct Hyatt Regency Maui
		22-Oct Ka'anapali Ali'i Condominium AOAO
22-Nov	22-Nov	22-Oct Ka'anapali Golf Estates Community Association, Inc.
		30-Oct Ka'anapali Vista (Dr. Ben Azman)
		2-Nov Ka'anapali Ali'i Owners Meeting Distribution (20 copies)
7-Nov	7-Nov	John W. Bergholt (K Ali'i Unit Owner)



Our People...Our Islands...In Harmony
210 Imi Kala Street, Suite #209, Wailuku, HI 96793-2100

October 24, 2002

Mr. Christopher L. Hart, A.S.L.A.
Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, Hawaii 96793

RECEIVED
OCT 28 2002

CHRIS HART & PARTNERS
Landscape Architecture & Planning

Dear Mr. Hart,

SUBJECT: Comments on the Maui Ocean Club Sequel Project EISPN
TMK: 4-4-013: 001

We have no comment on the prepared Environmental Impact Statement for the subject parcel.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Neal S. Fujiwara".

Neal S. Fujiwara
District Conservationist

c. Mr. Joe Alueta, Maui Department of Planning
Office of Environmental Quality Control



December 10, 2002

Mr. Neal S. Fujiwara
Natural Resources Conservation Service
Department of Agriculture
210 Imi Kala Street, Suite 209
Wailuku, Hawaii 96793-2100

Dear Mr. Fujiwara:

RE: Maui Ocean Club Sequel
Environmental Impact Statement Preparation Notice
TMK: (2) 4-4-013:001 Ka'anapali, Maui, Hawaii

Thank you for your October 24, 2002 "no comment" in response to the Environment Impact Statement Preparation Notice for the subject project.

If you have any further questions, please do not hesitate to call me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect-Planner

c: Mr. Steve Busch



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

REPLY TO
ATTENTION OF

October 24, 2002

Regulatory Branch

Mr. Christopher L. Hart, President
Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, Hawaii 96793

RECEIVED
OCT 28 2002

CHRIS HART & PARTNERS
Landscape Architecture & Planning

Dear Mr. Hart:

This letter responds to your request for comments on the Environmental Impact Statement Preparation Notice for the Maui Ocean Club Sequel Project, dated October 18, 2002. Based on the information you provided I have determined that there are no waters of the United States including wetlands which would be affected at the project site and therefore a Department of the Army (DA) permit will not be required for this project.

If you have any questions concerning this determination, please contact William Lennan of my staff at 438-6986 or FAX 438-4060, and reference File No. 200300111.

Sincerely,

George P. Young, P.E.
Chief, Regulatory Branch



December 10, 2002

Mr. George P. Young
Department of the Army, Engineer District, Honolulu
Fort Shafter, Hawaii 96858-5440

Dear Mr. Young:

RE: Maui Ocean Club Sequel
Environmental Impact Statement Preparation Notice
TMK: (2) 4-4-013:001 Ka'anapali, Maui, Hawaii

Thank you for your October 24, 2002 letter in regards to the Environment Impact Statement Preparation Notice for the subject project. We acknowledge that no waters or wetlands will be affected by the project and a Department of the Army permit will not be required.

If you have any further questions, please do not hesitate to call me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect-Planner

c: Mr. Steve Busch

BENJAMIN J. CAYETANO
GOVERNOR



BRUCE S. ANDERSON, Ph.D., M.P.H.
DIRECTOR OF HEALTH

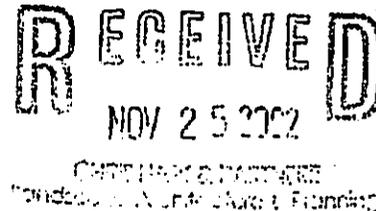
STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EMD / CWB

11036PKP.02

November 20, 2002

Mr. Christopher L. Hart, A.S.L.A.
President
Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, Hawaii 96793-1706



Dear Mr. Hart:

**Subject: Environmental Impact Statement Preparation Notice
Maui Ocean Club Sequel Project**

The Department of Health, Clean Water Branch (CWB) has reviewed the subject document and has the following comments:

1. The Army Corps of Engineers should be contacted to identify whether a Federal permit (including a Department of Army permit) is required for this project. If it is determined that a Federal permit is required for the subject project, then a Section 401 Water Quality Certification would also be required from our office.
2. If the construction project involves any of the following activities, a National Pollutant Discharge Elimination System (NPDES) permit coverage is required for each activity:
 - a. Construction activities, including clearing, grading, and excavation that result in the disturbance of equal to or greater than five (5) acres of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the commencement of the construction activities.

Note: After March 10, 2003, an NPDES permit will be required for construction activities, including clearing, grading, and excavation that result in the disturbance of one (1) acre or more.

- b. Discharges of hydrotesting water.
- c. Discharges of construction dewatering effluent.

Mr. Christopher L. Hart, A.S.L.A.

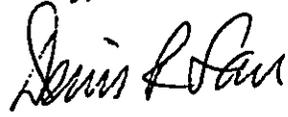
November 20, 2002

Page 2

The CWB requires that Notices of Intent (NOI) for NPDES general permits be submitted 30 days before the commencement of the respective activities. The amendments to HAR, Chapter 11-55, may also require a copy of the NOI or NPDES permit application to be submitted to the State Department of Land and Natural Resources, State Historic Preservation Division. The NOI forms can be picked up at our office or downloaded from our website at <http://www.state.hi.us/doh/eh/cwb/forms/index.html>.

Should you have any questions, please contact Ms. Kris Poentis of the Engineering Section, CWB, at (808) 586-4309.

Sincerely,



DENIS R. LAU, P.E., CHIEF
Clean Water Branch

KP:ndp



December 10, 2002

Mr. Denis R. Lau
Clean Water Branch
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Dear Mr. Lau:

RE: Maui Ocean Club Sequel
Environmental Impact Statement Preparation Notice
TMK: (2) 4-4-013:001 Ka'anapali, Maui, Hawaii

Thank you for your November 20, 2002 letter in response to the Environment Impact Statement Preparation Notice for the subject project. We offer the following response to your comments:

1. We have contacted the Army Corps of Engineers and they have responded by letter, dated October 24, 2002, "that there are no waters of the United States including wetlands which would be affected at the project site and therefore a Department of the Army (DA) permit will not be required for this project."
2. We understand that if the construction project involves any of the activities listed in your letter, a National Pollutant Discharge Elimination System (NPDES) permit is required for each activity and we will appropriately apply for approval.

If you have any further questions, please do not hesitate to call me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect-Planner

c: Mr. Steve Busch

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 565
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

GILBERT S. COLOMA-AGARAN, CHAIRPERSON
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LANNEL NISHOKA

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COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS

November 26, 2002

RECEIVED
DEC - 5 2002

CHRIS HART & PARTNERS
Kona/maui Architecture & Planning

Christopher L. Hart
Chris Hart and Partners
1955 Main Street, Suite 200
Wailuku, Hawaii 96793-1706

LOG NO: 31181
DOC NO: 0211CD32

Dear Mr. Hart,

SUBJECT: *Chapter 6E-42 Historic Preservation Review Pertaining to the Environmental Impact Statement Preparation Notice for the Proposed Maui Ocean Club Sequel, Marriot Resort, Ka'anapali Hanaka'o'o Ahupua'a, Lahaina District, Island of Maui*
TMK: (2) 4-4-013:001 (previously 4-4-006:029)

Thank you for the opportunity to review and comment on the Environmental Impact Statement Preparation Notice for the proposed Maui Ocean Club Sequel, Marriot Resort, Ka'anapali, which was received by our staff October 23, 2002.

Based on the Environmental Impact Statement (EIS) Preparation Notice, which was prepared pursuant to the EIS Law (Hawaii Revised Statutes, Chapter 343) and the EIS Rules (Administrative Rules, Title 11, Chapter 200), we understand the proposed undertaking consists of an expansion of the resort's facilities. The expansion will include the addition of two new villa unit buildings, parking structures, site amenities, landscaping, and some demolition. The proposed demolitions will include the existing ballroom, parking structure (located along the south end of the property), the luau area, the tennis courts, the exercise facility (located between the tennis courts and existing hotel structure). In addition, the existing primary structure is currently undergoing renovations to convert the 720-room hotel to a 312-room resort.

The Ka'anapali area in general is likely to have once been the location of pre-Contact farming, perhaps with scattered houses. An archaeological assessment was conducted of this property in 1979 by Archaeological Research Center of Hawaii. This cursory appraisal did not identify any historic sites. The report documenting the assessment (Ching 1979) further states that the subject property has been extensively altered by previous grading and land filling. In 2000, during excavations for a swimming pool an inadvertent discovery of disarticulated human skeletal remains representing a minimum of a single individual (State Site 50-50-03-4985) were identified on the subject property. During the subsequent archaeological monitoring conducted by Archaeological Services Hawaii additional disarticulated human skeletal remains were identified. To date we have not received archaeological reports documenting the initial inadvertent burial nor have we received a report documenting the findings of the archaeological monitoring.

Christopher L. Hart
Page 2

At present, we understand the Scientific Consultant Services is conducting a phased archaeological inventory survey of the subject property. We look forward to reviewing the inventory survey report and will be better able to provide comments for the proposed undertaking upon our review of this document.

We would like to reiterate that to date we have not received an Archaeological Monitoring Report documenting the findings of the monitoring conducted during the pool installation by Archaeological Services Hawaii, in 2000. In addition, we are awaiting the submittal of a Burial Treatment Plan for the above-mentioned burials. No construction activities should commence until we have accepted the monitoring report and inventory survey report and the Burial Treatment Plan has been accepted by the Maui/Lana'i Island Burial Council.

If you have any questions, please call Cathleen Dagher at (808) 692-8023.

Aloha,



Don Hibbard, Administrator
State Historic Preservation Division

CD:jen



December 11, 2002

Mr. Don Hibbard, Administrator,
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhikewa Building, Room 555
601 Kamokila Boulevard
Kapolei Hawaii 96707

AT: Dr. Cathleen Dagher

RE: Marriott Maui Ocean Club Sequel Project
Comments on Environmental Impact Statement Preparation Notice
Chapter 6E-42 Historic Preservation Review

Dear Mr. Hibbard,

Thank you for providing comments on the Marriott's Maui Ocean Club Sequel Project EISPN. We will be including your comment letter and this response in the Draft Environmental Impact Statement (Draft EIS). Upon completion of the Draft EIS, a copy will be sent to you for your review and comment.

According to your letter dated November 26th 2002, your department is awaiting a Archaeological Monitoring Report from Archaeological Services Hawaii and a Burial Treatment Plan related to the inadvertent discovery made during the installation of a pool in the Maui Ocean Club courtyard.

Thank you for bringing this to our attention; the Monitoring Report and Burial Treatment Plan will be submitted to your department for review and approval.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,

Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Steve Busch, MVCI
Archeological Services Hawaii

LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI HAWAII 96795-1206 • PHONE: 808-242-1955 • FAX: 808-242-1956

BENJAMIN J. CAYETANO
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. Box 621
HONOLULU, HAWAII 96809

NOV 20 2002

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE
COMMISSION
LAND
STATE PARKS

Chris Hart & Partners, Inc.
1955 Main Street Suite 200
Wailuku, Hawaii 96793

L-2975/2843

Subject: Comments on the Maui Ocean Club Sequel Project EISPN

Gentlemen:

Please accept our apology in not responding to your request sooner. A copy of your request was distributed within the Department.

The Department of Land and Natural Resources has no response to offer at this time.

Should you have any questions, please contact Nicholas Vaccaro of the Land Division, Support Services Branch at 587-0438.

Sincerely,

DIERDRE S. MAMIYA
Administrator

Cc: Land Board Member
Maui Planning Department
OEQC

RECEIVED
NOV 22 2002

CHRIS HART & PARTNERS
Landscape Architecture & Planning

DIVISION OF AQUATIC RESOURCES	
DIRECTOR	Suspense Date: <input checked="" type="checkbox"/>
COM FISHERIES	Draft Reply <input type="checkbox"/>
AD REC/ENV	Reply Direct <input type="checkbox"/>
AD RECR/N	Comments <input type="checkbox"/>
STAFF SVCS	Information <input type="checkbox"/>
FISH DEV	Comp Act & File <input type="checkbox"/>
STATISTICS	History to: _____
AFPC	Comments to: DEPARTMENT OF LAND AND NATURAL RESOURCES
EDUCATION	Records: _____
SECRETARY	_____
OFFICE SVCS	LD/NAV
FRS/AD	<input checked="" type="checkbox"/>



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 LAND DIVISION
 P.O. BOX 621
 HONOLULU, HAWAII 96809

RECEIVED
 OCT 29 10 10 58

AQUATIC RESOURCES
 BOATING AND OCEAN RECREATION
 CONSERVATION AND
 RESOURCES ENFORCEMENT
 CONVEYANCES
 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 LAND DIVISION
 STATE PARKS
 WATER RESOURCE MANAGEMENT

October 29, 2002

LD/NAV
 Ref.: MAUIOCEANCLUB.CMT

L-2975/2843
 Suspense Date: 11/15/02

MEMORANDUM:

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 NOV 22 2002

TO: → XXX Division of Aquatic Resources (Doc Sent)
 XXX Division of Forestry & Wildlife (Doc Sent)
 XXX Division of State Parks (Doc Sent)
 Division of Boating and Ocean Recreation
 **XXX Commission on Water Resource Management
 Land Division Branches:
 **XXX Planning and Technical Services
 **XXX Engineering Branch
 XXX Maui District Land Office (Doc Sent)

CHRIS HART & PARTNERS
 Landscape Architecture & Planning

OCT 30 2002

FROM: *for* Dierdre S. Mamiya, Administrator *Charles*
 Land Division

SUBJECT: Environmental Impact Statement Preparation Notice
 Project: Maui Ocean Club Sequel
 Consultant: Chris Hart & Partners, Inc.
 Applicant: Marriott Vacation Club International

Please review the Document (September 2002), covering the subject matter and submit your comments (if any) on Division letterhead (signed and dated) within the time requested above.

Should you need more time to review the subject matter, please contact Nicholas A. Vaccaro at ext.: 7-0384.

**NOTE: One (1) copy of the Document is available for your review in the Land Division Office, room 220.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

(X) We have no comments.
at this time
 We will review the DEIS

() Comments attached.
 Signed: *D. Mamiya*
 Date: *11/12/02*

278

- ADMINISTRATOR
- ASST ADMIN
- DEV BR
- PLAN BR
- RES MGT BR
- CLERICAL
- ADMIN ASST
- INTERP BR



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 LAND DIVISION
 P.O. BOX 621
 HONOLULU, HAWAII 96809

- AQUATIC RESOURCES
- BOATING AND OCEAN RECREATION
- CONSERVATION AND
- RESOURCES ENFORCEMENT
- CONVEYANCES
- FORESTRY AND WILDLIFE
- HISTORIC PRESERVATION
- LAND DIVISION
- STATE PARKS
- WATER RESOURCE MANAGEMENT

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- COMMENTS & REC
- DRAFT REPLY
- FILE
- FOLLOW UP
- INFO
- RUN COPIES
- TURN DUE
- SEE ME

October 29, 2002

LD/NAV
 Ref.: MAUI OCEAN CLUB.CMT

L-2975/2843
 Suspense Date: 11/15/02

MEMORANDUM:

TO: XXX Division of Aquatic Resources (Doc Sent)
 XXX Division of Forestry & Wildlife (Doc Sent)
 → XXX Division of State Parks (Doc Sent)
 Division of Boating and Ocean Recreation
 **XXX Commission on Water Resource Management
 Land Division Branches:
 **XXX Planning and Technical Services
 **XXX Engineering Branch
 XXX Maui District Land Office (Doc Sent)

FROM: *for* Dierdre S. Mamiya, Administrator *Charlene*
 Land Division

SUBJECT: Environmental Impact Statement Preparation Notice
 Project: Maui Ocean Club Sequel
 Consultant: Chris Hart & Partners, Inc.
 Applicant: Marriott Vacation Club International

Please review the Document (September 2002), covering the subject matter and submit your comments (if any) on Division letterhead (signed and dated) within the time requested above.

Should you need more time to review the subject matter, please contact Nicholas A. Vaccaro at ext.: 7-0384.

**NOTE: One (1) copy of the Document is available for your review in the Land Division Office, room 220.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

() We have no comments. () Comments attached.

RECEIVED
 NOV 22 2002

Signed: *[Signature]*
 Date: *11/1/02*

CHRIS HART & PARTNERS
 Landscape Architecture & Planning

OCT 31 10 30 AM '02

RECEIVED
DIVISION OF
LAND MANAGEMENT

202 NOV -4 PM 12: 08



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

October 29, 2002

LD/NAV
Ref.: MAUIOCEANCLUB.CMT

L-2975/2843
Suspense Date: 11/15/02

MEMORANDUM:

TO: XXX Division of Aquatic Resources (Doc Sent)
XXX Division of Forestry & Wildlife (Doc Sent)
XXX Division of State Parks (Doc Sent)
Division of Boating and Ocean Recreation
**XXX Commission on Water Resource Management
Land Division Branches:
**XXX Planning and Technical Services
**XXX Engineering Branch
→ XXX Maui District Land Office (Doc Sent)

FROM: *for* Dierdre S. Mamiya, Administrator
Land Division *Charlene*

SUBJECT: Environmental Impact Statement Preparation Notice
Project: Maui Ocean Club Sequel
Consultant: Chris Hart & Partners, Inc.
Applicant: Marriott Vacation Club International

Please review the Document (September 2002), covering the subject matter and submit your comments (if any) on Division letterhead (signed and dated) within the time requested above.

Should you need more time to review the subject matter, please contact Nicholas A. Vaccaro at ext.: 7-0384.

**NOTE: One (1) copy of the Document is available for your review in the Land Division Office, room 220.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

We have no comments.

Comments attached.

Signed: *Jan K. Ryan*

Date: 11-5-02

RECEIVED
NOV 22 2002

CHRIS HART & PARTNERS
Landscape Architecture & Planning



December 10, 2002

Ms. Dierdre Mamiya
Department of Land Natural Resources, Land Division
P.O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Mamiya:

RE: Maui Ocean Club Sequel
Environmental Impact Statement Preparation Notice
TMK: (2) 4-4-013:001 Ka'anapali, Maui, Hawaii

Thank you for your November 20, 2002 "no response to offer at this time" letter in regards to the Environment Impact Statement Preparation Notice for the subject project.

If you have any further questions, please do not hesitate to call me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect-Planner

c: Mr. Steve Busch

BENJAMIN J. CAYETANO
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. Box 621
HONOLULU, HAWAII 96809

NOV 22 2002

GILBERT S. COLOMA-AGARAN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

ERIC T. HIRANO
DEPUTY DIRECTOR

LINNEL T. NISHIOKA
DEPUTY DIRECTOR FOR
THE COMMISSION ON WATER
RESOURCE MANAGEMENT

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE
COMMISSION
LAND
STATE PARKS

Chris Hart & Partners, Inc.
1955 Main Street Suite 200
Wailuku, Hawaii 96793

L-2975/2843

Subject: Comments on the Maui Ocean Club Sequel Project EISPN

Gentlemen:

Attached is a copy of the Commission on Water Resource Management and the Engineering Branch comments. The Department of Land and Natural Resources has no other comment to offer at this time.

Should you have any questions, please contact Nicholas Vaccaro of the Land Division, Support Services Branch at 587-0438.

Sincerely,

for Charlene E. Unohi
DIERDRE S. MAMIYA
Administrator

Cc: Land Board Member

RECEIVED
NOV 26 2002

CHRISTOPHER S. HARRIS
1955 Main Street Suite 200
Wailuku, Hawaii 96793



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 LAND DIVISION
 P.O. BOX 821
 HONOLULU, HAWAII 96809

AQUATIC RESOURCES
 BOATING AND OCEAN RECREATION
 CONSERVATION AND
 RESOURCES ENFORCEMENT
 CONVEYANCES
 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 LAND DIVISION
 STATE PARKS
 WATER RESOURCE MANAGEMENT

October 29, 2002

LD/NAV
 Ref.: MAUIOCEANCLUB.CMT

L-2975/2843
 Suspense Date: 11/15/02

MEMORANDUM:

TO: XXX Division of Aquatic Resources (Doc Sent)
 XXX Division of Forestry & Wildlife (Doc Sent)
 XXX Division of State Parks (Doc Sent)
 Division of Boating and Ocean Recreation
 **XXX Commission on Water Resource Management
 Land Division Branches:
 **XXX Planning and Technical Services
 → **XXX Engineering Branch
 XXX Maui District Land Office (Doc Sent)

FROM: *for* Dierdre S. Mamiya, Administrator *Chalene*
 Land Division

SUBJECT: Environmental Impact Statement Preparation Notice
 Project: Maui Ocean Club Sequel
 Consultant: Chris Hart & Partners, Inc.
 Applicant: Marriott Vacation Club International

Please review the Document (September 2002), covering the subject matter and submit your comments (if any) on Division letterhead (signed and dated) within the time requested above.

Should you need more time to review the subject matter, please contact Nicholas A. Vaccaro at ext.: 7-0384.

**NOTE: One (1) copy of the Document is available for your review in the Land Division Office, room 220.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

() We have no comments.

(X) Comments attached.

RECEIVED
 NOV 22 2002

Signed: *AK*

Date: _____

CHRIS HART & PARTNERS
 Landscape Architecture & Planning

*OCT 30 PM 10:32 HARTER & LEON

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/NAV
Ref.: MAUIOCEANCLUB.CMT

COMMENTS

We have reviewed the *Environmental Impact Statement Preparation Notice* for the subject project and concur that the project site is located in Special Flood Hazard Areas (SFHA) C, A4, and V12 according to the Flood Insurance Rate Map (FIRM) panel 0153C (effective: September 17, 1997). The National Flood Insurance Program (NFIP) does not have any specific regulations for development within Zone C (No shading), however development within Zone A4 and V12 is regulated.

Zone C is an area of minimal flooding. Zone A4 is an area of the 100-year flood where base flood elevations and flood hazard factors are determined. Zone V12 is an area of the 100-year coastal flood with velocity (wave action) where base flood elevations and flood hazard factors are determined.

The project must comply with rules and regulations of the National Flood Insurance Program (NFIP) and all applicable County Flood Ordinances. If there are questions regarding the NFIP, please contact the State Coordinator, Mr. Sterling Yong, of the Department of Land and Natural Resources at 587-0248. If there are questions regarding flood ordinances, please contact applicable County representative.

Title 44 of the Code of Federal Regulations states the specific requirements for A and V zone designations.

Should you have any questions, please call Mr. Eric Yuasa of the Project Planning Section at 587-0229.

Signed: Andrew M. Monks
for ERIC T. HIRANO, MANAGER-CHIEF ENGINEER

Date: 11/19/02

RECEIVED
NOV 22 2002

CHRIS HART & PARTNERS
Landscape Architecture & Planning

N:\WLD\MAKAI\SUZIE\MAUI\MauiOceanMaui133.DOC



December 11, 2002

Mr. Eric T Hirano, Manager-Chief Engineer
Department of Land and Natural Resources
Land Division, Engineering Branch
PO Box 621
Honolulu HI 96809

AT: Mr. Eric Yuasa

RE: Marriott Maui Ocean Club Sequel Project
Comments on Environmental Impact Statement Preparation Notice

Dear Mr. Hirano,

Thank you for providing comments on the Marriott's Maui Ocean Club Sequel Project EISPN. We will be including your comment letter and this response in the Draft Environmental Impact Statement (Draft EIS). Upon completion of the Draft EIS, a copy will be sent to you for your review and comment.

Your letter dated November 19th 2002 confirms that the project site is located in Special Flood Hazard Areas C, A4 and V12. We understand that the project will need to comply with the rules and regulation of the National Flood Insurance Program and the applicable County Flood Hazard District Ordinance.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,

Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Steve Busch, MVCI

LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 203 • WAILUCHA, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 FAX: 808-242-1986

RECEIVED



02 OCT 31 A10:56

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

COMMISSION ON WATER
RESOURCE MANAGEMENT

LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

October 29, 2002

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

LD/NAV
Ref.: MAUIOCEANCLUB.CMT

L-2975/2843
Suspense Date: 11/15/02

MEMORANDUM:

TO: XXX Division of Aquatic Resources (Doc Sent)
XXX Division of Forestry & Wildlife (Doc Sent)
XXX Division of State Parks (Doc Sent)
Division of Boating and Ocean Recreation
→ **XXX Commission on Water Resource Management
Land Division Branches:
**XXX Planning and Technical Services
**XXX Engineering Branch
XXX Maui District Land Office (Doc Sent)

FROM: *for* Dierdre S. Mamiya, Administrator *challenge*
Land Division

SUBJECT: Environmental Impact Statement Preparation Notice
Project: Maui Ocean Club Sequel
Consultant: Chris Hart & Partners, Inc.
Applicant: Marriott Vacation Club International

Please review the Document (September 2002), covering the subject matter and submit your comments (if any) on Division letterhead (signed and dated) within the time requested above.

Should you need more time to review the subject matter, please contact Nicholas A. Vaccaro at ext.: 7-0384.

**NOTE: One (1) copy of the Document is available for your review in the Land Division Office, room 220.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

() We have no comments.

() Comments attached.

RECEIVED
NOV 22 2002

Signed: _____

Date: _____

Chris Hart & Partners
Landscape Architecture & Planning

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



RECEIVED
2002 NOV 21 P 3:33

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

GILBERT S. COLOMA-AGARAN
CHAIRPERSON

BRUCE S. ANDERSON
MEREDITH J. CHING
CLAYTON W. DELA CRUZ
BRIAN C. NISHIDA
HERBERT M. RICHARDS, JR.

LINNEL T. NISHIOKA
DEPUTY DIRECTOR

November 19, 2002

RECEIVED
NOV 26 2002

TO: Ms. Dede Mamiya, Administrator
Land Division

FROM: Linnel T. Nishioka, Deputy Director
Commission on Water Resource Management (CWRM)

SUBJECT: Maui Ocean Club Expansion, Ka'anapali EIS Prep Notice

FILE NO.: MAUIOCEANCLUB.CMT

CHRIS HART & PARTNERS
Landscape Architecture & Planning

Thank you for the opportunity to review the subject document. Our comments related to water resources are marked below.

In general, the CWRM strongly promotes the efficient use of our water resources through conservation measures and use of alternative non-potable water resources whenever available, feasible, and there are no harmful effects to the ecosystem. Also, the CWRM encourages the protection of water recharge areas, which are important for the maintenance of streams and the replenishment of aquifers.

- We recommend coordination with the county government to incorporate this project into the county's Water Use and Development Plan.
- We recommend coordination with the Land Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- We are concerned about the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
- A Well Construction Permit and/or a Pump Installation Permit from the Commission would be required before ground water is developed as a source of supply for the project.
- The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit from the Commission would be required prior to use of this source.
- Groundwater withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- We are concerned about the potential for degradation of instream uses from development on highly erodible slopes adjacent to streams within or near the project. We recommend that approvals for this project be conditioned upon a review by the corresponding county's Building Department and the developer's acceptance of any resulting requirements related to erosion control.
- If the proposed project includes construction of a stream diversion, the project may require a stream diversion works permit and amend the instream flow standard for the affected stream(s).
- If the proposed project alters the bed and banks of a stream channel, the project may require a stream channel alteration permit.
- OTHER:

If there are any questions, please contact Charley Ice at 587-0251.



December 11, 2002

Ms. Linnel T. Nishioka, Deputy Director
Department of Land and Natural Resources
Commission on Water Resource Management
PO Box 621
Honolulu HI 96809

AT: Charley Ice

RE: Marriott Maui Ocean Club Sequel Project
Comments on Environmental Impact Statement Preparation Notice

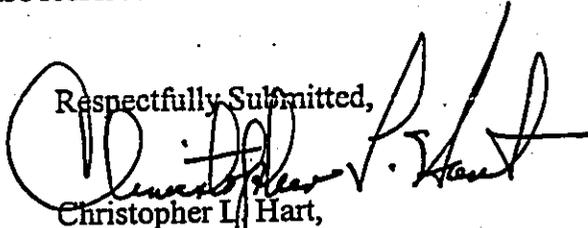
Dear Ms. Nishioka,

Thank you for providing comments on the Marriott's Maui Ocean Club Sequel Project EISPN. We will be including your comment letter and this response in the Draft Environmental Impact Statement (Draft EIS). Upon completion of the Draft EIS, a copy will be sent to you for your review and comment.

Your letter dated November 19th 2002 recommends coordination with the county government to incorporate this project into the County's Water Use and Development Plan. As noted in the EISPN, the applicant's property is serviced by a private water system. The applicant is, however, responding to requests and comments from the Maui County Department of Water Supply that were initiated in the Environmental Review Process.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,


Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Steve Busch, MVCI

PHONE (808) 594-1888

FAX (808) 594-1865



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD#02-810

October 25, 2002

Mr. Christopher L. Hart
Chris Hart & Partners, Inc.
1955 Main Street - Suite 200
Wailuku, HI 96793

RECEIVED
OCT 29 2002

CHRIS HART & PARTNERS
landscape Architecture & Planning

**SUBJECT: MAUI OCEAN CLUB SEQUEL - EIS PREPARATION
NOTICE**

Dear Mr. Hart:

Thank you for the opportunity to review the above referenced EIS Preparation Notice, which will result in the expansion of the facilities at the Marriott Vacation Club International.

The Office of Hawaiian Affairs (OHA) has no comments at this point in time. If you have any questions, please contact Jerry B. Norris at 594-1847 or email him at jnorris@oha.org.

Sincerely,

A handwritten signature in black ink that reads "Ernest Kimoto".

Ernest Kimoto
Acting Director
Hawaiian Rights Division

cc: Maui Planning Department
Office of Environmental Quality Control



December 10, 2002

Mr. Ernest Kimoto
Hawaiian Rights Division
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Mr. Kimoto:

RE: Maui Ocean Club Sequel
Environmental Impact Statement Preparation Notice
TMK: (2) 4-4-013:001 Ka'anapali, Maui, Hawaii

Thank you for your October 25, 2002 "no comment at this point in time" response to the Environment Impact Statement Preparation Notice for the subject project.

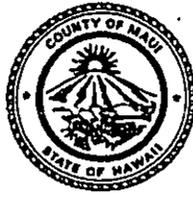
If you have any further questions, please do not hesitate to call me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect-Planner

c: Mr. Steve Busch

JAMES "KIMO" APANA
Mayor



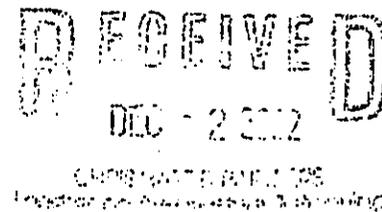
FLOYD S. MIYAZONO
Director

GLENN T. CORREA
Deputy Director

DEPARTMENT OF PARKS & RECREATION
1580-C Kaahumanu Avenue, Wailuku, Hawaii 96793

(808) 270-7230
Fax (808) 270-7934

November 22, 2002



Christopher L. Hart, President
Chris Hart & Partners, Inc.
1955 Main Street
Wailuku, Hawaii 96793

**RE: Maui Ocean Club Sequel
Environmental Impact Statement Preparation Notice**

Dear Mr. Hart:

Thank you for the opportunity to review and comment on the Marriot Vacation Club International's (MCVI) Maui Ocean Club Sequel project's Environmental Impact Statement Preparation Notice.

At this time we have no comment to offer concerning the aforementioned action. Should you have any questions or need of additional information, please call me or Patrick Matsui, Chief of Parks Planning & Development at 808-270-7387.

Sincerely,

A handwritten signature in cursive script that reads "Floyd S. Miyazono".
Floyd S. Miyazono
Director

c: Patrick Matsui, Chief of Parks Planning & Development

Quality Seamless Service – Now and for the Future



December 10, 2002

Mr. Floyd S. Miyazono
Department of Parks & Recreation
1580-C Kaahumanu Avenue
Wailuku, Hawaii 96793

Dear Mr. Miyazono:

RE: Maui Ocean Club Sequel
Environmental Impact Statement Preparation Notice
TMK: (2) 4-4-013:001 Ka'anapali, Maui, Hawaii

Thank you for your November 22, 2002 "no comment" in response to the Environment Impact Statement Preparation Notice for the subject project.

If you have any further questions, please do not hesitate to call me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect-Planner

c: Mr. Steve Busch

JAMES "KIMO" APANA
Mayor

DAVID C. GOODE
Director

MILTON M. ARAKAWA, A.I.C.P.
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
**DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT**
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration

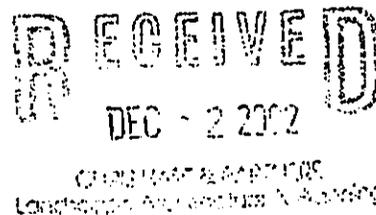
TRACY TAKAMINE, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

JOHN D. HARDER
Solid Waste Division

November 25, 2002



Mr. Christopher L. Hart
CHRIS HART & PARTNERS, INC.
1955 Main Street, Suite 200
Wailuku, Maui, Hawaii 96793

Dear Mr. Hart:

**SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
MAUI OCEAN CLUB SEQUEL
TMK: (2) 4-4-013:001**

We reviewed the subject environmental impact statement preparation notice and have the following comments:

1. Although wastewater system capacity is currently available as of November 15, 2002, the developer should be informed that wastewater capacity cannot be ensured until the issuance of the building permit.
2. The developer is not required to pay assessment fees for this area at the current time although the developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.
3. Wastewater contribution calculations are required before a building permit is issued. Indicate on the plans the ownership of each easement. The County will not accept sewer easements that traverse private property.
4. Commercial kitchen facilities within the proposed project shall comply with pre-treatment requirements.

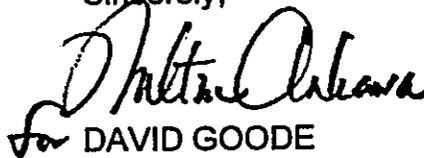
Quality Seamless Service – Now and for the Future

Mr. Christopher L. Hart
November 25, 2002
Page 2

5. Non-contact cooling water and condensate should not drain to the wastewater system.
6. A signed Hold-Harmless Agreement shall be executed and is required before giving recommendations for final subdivision approval.
7. Construction of this project shall comply with the provisions of Chapter 20.08, Maui County Code, the grading ordinance and the Maui County drainage rules; and shall provide erosion, sediment and dust measures during construction. Any fill placed within the Shoreline Setback Area shall be composed of only sand as defined by the grading ordinance.

If you have any questions regarding this letter, please call Milton Arakawa at 270-7845.

Sincerely,


for DAVID GOODE
Director

DG:RMN:mnc
S:\LUCACZM\mauiocclub.wpd



December 10, 2002

Mr. David Goode
Department of Public Works and Waste Management
200 South High Street
Wailuku, Hawaii 96793

Dear Mr. Goode:

RE: Maui Ocean Club Sequel
Environmental Impact Statement Preparation Notice
TMK: (2) 4-4-013:001 Ka'anapali, Maui, Hawaii

Thank you for your November 25, 2002 letter in response to the Environment Impact Statement Preparation Notice for the subject project. We offer the following response to your comments:

1. We are aware that wastewater system capacity is currently available as of November 15, 2002, and that wastewater capacity cannot be ensured until the issuance of the building permit.
2. We are aware that the developer is not required to pay assessment fees for this area at the current time and that the developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.
3. Wastewater contribution calculations shall be provided as part of the building permit application. The ownership of each sewer easement will be indicated on the engineering site plan, and we understand the County will not accept sewer easements that traverse private property.
4. We understand that any proposed commercial kitchen facilities within the proposed project shall comply with pre-treatment requirements.
5. We understand that non-contact water and condensate should not drain into the wastewater system.
6. We understand that a Hold-Harmless Agreement shall be executed and is required before giving recommendations for final subdivision approval.

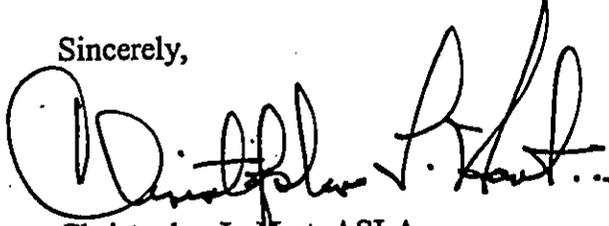
LANDSCAPE ARCHITECTURE AND PLANNING
1955 MAUI STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 • FAX: 808-242-1956

Mr. David Goode, Director
Department of Public Works and Waste Management
Re: Maui Ocean Club Sequel
December 10, 2002
Page 2

7. Finally, we understand that construction of this project shall comply with the provisions of Chapter 20.08, Maui County Code, the grading ordinance and the Maui County drainage rules; and shall provide erosion, sediment and dust measures during construction. Any fill placed within the Shoreline Setback Area shall be composed of only sand as defined by the grading ordinance.

If you have any further questions, please do not hesitate to call me.

Sincerely,



Christopher L. Hart, ASLA
Landscape Architect-Planner

c: Mr. Steve Busch
Mr. Warren Unemori, P.E.



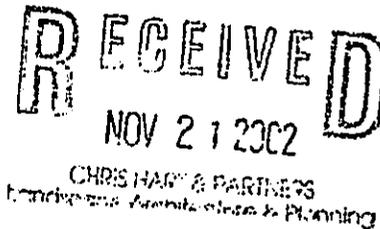
DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

JAMES "KIMO" APANA
Mayor
ALICE L. LEE
Director
PRISCILLA P. MIKELL
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165

November 19, 2002

Mr. Christopher L. Hart, A.S.L.A.
President, Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, Hawaii 96793



Dear Mr. Hart:

SUBJECT: MAUI OCEAN CLUB SEQUEL PROJECT

We have reviewed the Environmental Impact Statement Preparation Notice (EISPN) for the subject project and would like to offer the following comments:

1. Please include in the draft Environmental Impact Statement (EIS), detailed floor plans showing how the 720 hotel rooms are being converted to 312 time-share units.
2. Our comments regarding the applicability of Chapter 2.94, Maui County Code (Affordable Housing Policies For Hotel-Related Developments) will be provided during our review of the draft EIS.

Thank you for the opportunity to comment. We are returning the draft EISPN for your use.

Very truly yours,

ALICE L. LEE
Director

ETO:hs
Enclosure

c: Housing Administrator
Department of Planning
Office of Environmental Quality Control

TO SUPPORT AND ENHANCE THE SOCIAL WELL-BEING OF THE CITIZENS OF MAUI COUNTY

PRINTED ON RECYCLED PAPER ♻️



December 10, 2002

Ms. Alice L. Lee
Department of Housing & Human Concerns
200 South High Street
Wailuku, Hawaii 96793

Dear Ms. Lee:

RE: Maui Ocean Club Sequel
Environmental Impact Statement Preparation Notice
TMK: (2) 4-4-013:001 Ka'anapali, Maui, Hawaii

Thank you for your November 19, 2002 letter in response to the Environment Impact Statement Preparation Notice for the subject project. We offer the following response to your comments:

1. Detailed unit floor plans showing how the hotel rooms are being converted will be made a part of the draft EIS.
2. The applicant for the subject project will comply with Chapter 2.94, Maui County Code (MCC), if applicable, in the context of the previously executed housing agreement in connection with the hotel project, dated November 9, 1984.

If you have any further questions, please do not hesitate to call me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect-Planner

c: Mr. Steve Busch



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
P.O. BOX 1109
WAILUKU, MAUI, HAWAII 96793-7109
Telephone (808) 270-7816 • Fax (808) 270-7833

RECEIVED
NOV 25 2002

CHRIS HART & PARTNERS, INC.
1955 MAIN STREET SUITE 200
WAILUKU, MAUI, HAWAII 96793

November 20, 2002

Chris Hart & Partners, Inc.
1955 main Street Suite 200
Wailuku HI 96793
Attn: Mr. Chris Hart

Subject: Comments on the Maui Ocean Club Sequel Project EISPN - Construction of 2 Ten Story Buildings, Parking Structures, Site Amenities, Pools and Spas, and Landscaping

Dear Mr. Hart:

Thank you for the opportunity to provide comments on the EISPN for this project.

The subject property is being served by a private water company. Using per acre standard guidelines, the sequel project which encompasses 15.4 acres, would use approximately 262,000 gpd. Page 17 of the document mentioned that the average daily demand for hotels is 300 gpd/unit and fire flow for hotel zoned districts is 2,000gpm. The Water System Standards specifies a guideline of 350 gallons per unit or 17,000 gallons per acre for resorts. Fire flow requirements for are 2,500gpm flow for 2 hour durations at 250 feet spacing.

The aquifer under this project is the Honokowai Aquifer which has an estimated sustainable yield of 8 MGD. Based on pumpage report received from the Commission on Water Resource Management (CWRM), current pumpage on Honokowai Aquifer is 2.898 MGD. CWRM reports that this may be an underestimate as there are gaps in the reporting from users at this aquifer.

The applicant will be required to submit fire, domestic and irrigation calculations according to standards. Fire demand is determined by fire flow calculations performed by a licensed engineer. The approved fire flow calculation methods for use include: "Fire Flow" - Hawaii Insurance Bureau, 1991 and "Guide for the Determination of Required Fire Flow" - Insurance Services Office, 1974.

The 1996 West Maui Community Plan lists policies and objectives for water and utilities. One of these objectives include, "Study the feasibility of integrating all regional water system into a public water system to be managed and operated by the County". In order to achieve this, a plan for the eventual acquisition by the County of Maui of all private water systems within the region has to be developed. Integration of water systems may provide improved emergency back-up, reliability and system hydraulics. The Department of Water Supply seeks the cooperation of major land owners and private water system providers in the development of acceptable feasibility study framework for system integration.

By Water All Things Find Life

The project is located in Maui Planting Plan-Plant Zones 3 and 5. We are pleased to note the use of native plants in the landscape design of this project. In the event of any modifications in the landscape design, we have attached a list of appropriate plants for the zones as well as potentially invasive plants to avoid .

We recommend that the following water conservation measures be included in the draft EA and integrated in the project design and construction:

Use brackish and/or reclaimed water for non-potable water uses, such as dust control and irrigation during and after construction.

Utilize Low-Flow Fixtures and Devices: Maui County Code Subsection 16.20A.680 requires the use of low-flow water fixtures and devices in faucets, showerheads, urinals, water closets, and hose bibs. Water conserving washing machines, ice-makers and other units are also available.

Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day. Refer to the attached handout, "The Costly Drip". The applicant should establish a regular maintenance program.

Prevent Over-Watering By Automated Systems: Provide rain-sensors on all automated irrigation controllers. Check and reset controllers at least once a month to reflect the monthly changes in evapotranspiration rates at the site. As an alternative, provide the more automated, soil-moisture sensors on controllers.

Look for Opportunities to Conserve Water: A few examples of these are as follows: When clearing driveways, etc. of debris, use a broom instead of a hose. When washing cars, use a hand-operated spray nozzle instead of an open hose. Additionally, check for leaks in faucets and toilet tanks.

In order to protect ground and surface water resources, we encourage the applicant to adopt best management practices (BMPs) designed to minimize infiltration and runoff from all construction and vehicle operations. We have attached sample BMPs for principle operations for your reference. Additional information can be obtained from the State Department of Health.

Should you have any questions, please contact our Water Resources and Planning Division at 270-7199.

Sincerely,


David Craddick
Director

eam

c: Engineering Division
Planning Department
Office of Environmental Quality Control
Applicant, with attachments:

The Costly Drip
Maui County Planting Plan - Plant Zones 3 & 5 - "Saving Water in the Yard - What and How to Plant in your Area"
A Checklist of Water Conservation Ideas for Condominiums
Ordinance 2108 - "An Ordinance Amending Chapter 16.20 of the Maui County Code, Pertaining to the Plumbing Code"
Selected BMP's from "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters"-EPA
References from "The Megamanual- Nonpoint Source Management Manual" - Commonwealth of Massachusetts

By Water All Things Find Life



December 10, 2002

Mr. David Craddick
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793

Dear Mr. Craddick:

RE: Maui Ocean Club Sequel
Environmental Impact Statement Preparation Notice
TMK: (2) 4-4-013:001 Ka'anapali, Maui, Hawaii

Thank you for your November 20, 2002 letter in response to the Environment Impact Statement Preparation Notice for the subject project. We offer the following response to your comments:

1. The applicant will comply with water system standard guidelines as they are applicable to the project.
2. The water conservation measures suggested will be incorporated into the draft EIS.

If you have any further questions, please do not hesitate to call me.

Sincerely,

Christopher L. Hart, ASLA
Landscape Architect-Planner

c: Mr. Steve Busch



December 10, 2002

Ms. Kathleen Giambalvo
Kaanapali Golf Estates Community Association, Inc.
10 Ho'ohui Road
Lahaina, Hawaii 96761

Dear Ms. Giambalvo:

RE: Maui Ocean Club Sequel
Environmental Impact Statement Preparation Notice
TMK: (2) 4-4-013:001 Ka'anapali, Maui, Hawaii

Thank you for your November 22, 2002 letter in response to the Environment Impact Statement Preparation Notice for the subject project. Even though the Kaanapali Golf Estate projects are mauka of Honoapiilani Highway and remote from the Marriott Ocean Club site, we want to maintain positive communication with your association.

Please notify your members of our project through your newsletter. If there is additional interest, we will work with your office to schedule a project presentation and comment meeting during the draft EIS comment period.

If you have any further questions, please do not hesitate to call me.

Sincerely,

Christopher I. Hart, ASLA
Landscape Architect-Planner

c: Mr. Steve Busch

JOHN W. BERGHOLT
2930 Camino Diablo, Suite 300
Walnut Creek, CA 94597
Telephone (925) 932-7785
Facsimile (925) 932-8316

November 7, 2002

VIA FACSIMILE AND FIRST CLASS MAIL

Maui Planning Department
County of Maui
250 South High Street
Wailuku, HI 96793

Attn: Mr. John Min, Director

Re: Maui Ocean Club Sequel

Dear Mr. Min:

The purpose of this letter is to provide input for and to request that we become a consulted party with respect to the proposed Maui Ocean Club Sequel. A copy of the front page of the Environmental Impact Statement Preparation Notice (hereafter "EISPN") is attached for ready reference as Exhibit "A".

BACKGROUND

My wife and I are owners of unit 481 in the Kaanapali Alii Condominiums. Our unit is on the eighth floor of building four of the Alii and the unit will directly overlook both the proposed construction and whatever is ultimately constructed on the north (Napili) side of the existing Marriott. Utilizing Figure 6 from the EISPN, I have marked the location of our unit (please see Exhibit "B"). Unit 481 is a one-bedroom/den, including a lanai, and covers approximately 1450 square feet. We recently undertook extensive renovation and upgrading of the unit (at a cost of about \$170,000), and have recently been re-classified as "A/Premiere", Classic Resorts' highest rating for units in their rental program. The published "rack" or undiscounted rate for our unit is over \$400/night, and information on the Classic Resorts website indicates that the rate will be at or near \$500/night in 2003. As an "A/Premiere" unit, we expect sustained occupancy levels at or near 80%, barring unforeseen events. We have owned the unit since 1990 and hope to retire in it. However, for the next ten years (we are both 55 years of age), we expect to keep the unit in the rental program except for periodic (and short) vacations.

Our concerns regarding the proposed construction on the Napili side are three-fold: (1) has adequate notice been given to all impacted and potentially-impacted homeowners in the Alii; (2) has the Applicant (Marriott) considered siting alternatives for the Napili building which would mitigate loss of private view corridors for owners of units in the southern tip of building four (i.e., above and below our unit, as well as our unit); and (3) has the Applicant considered or made arrangements to compensate Alii owners for the loss of rental income and/or loss of use

Maui Planning Department
Re: Maui Ocean Club Sequel
November 7, 2002
Page 2

which will necessarily be occasioned by the construction of the Napili building. The EISPN is silent as to these issues, although it does admit they are issues.

A. Has adequate notice been given?

In August of 2002, we went to the Alii for a short combined business and pleasure trip. Our renovation contractor had just completed his work, and we needed to approve the unit and identify any punch list items outstanding. We went through the unit with Mark Altier, General Manager of the Association of Apartment Owners of Kaanapali Alii. Mr. Altier is the on-site manager for Classic Resorts. Classic Resorts classifies the rental units, inspects them for fitness, and Mr. Altier worked with us to develop a renovation plan. As such, and since Classic Resorts has a vested interest in guest satisfaction, as well as owner satisfaction, Mr. Altier spent approximately an hour going over our unit, helping us to identify minor items to be addressed by the contractor.

At the end of his "punch list" visit to our unit, Mr. Altier advised us that he had become aware of the proposed Marriott construction plans. He described to us, as best he could, the height of the building, its nature, and its footprint. While he said he had not seen a site plan, he had been advised that the northwest edge of the Napili building would be somewhere in the middle of the existing middle tennis court. He also said that he didn't know exactly what the construction schedule was planned to be, but that he suspected construction would take some time, that the rentability of our unit would be affected by the construction, and that the proposed footprint would adversely impact our ocean view. He told us that the Marriott construction would be an issue at the annual Homeowners meeting in November of 2002 and thought we might want to attend. While we had not attended an annual meeting in ten years, we immediately made plans to attend.

In early October of 2002, we received the Annual Meeting notice, along with the agenda, from Mr. Altier (Exhibit "C"). Neither the agenda nor the "New Business" section of the materials received made any mention of the Marriott construction (see Exhibit "D"). While there was a general insertion in the agenda's new business of "[A]ny Other Business to Properly Come Before the Meeting", there was nothing to suggest either that the Marriott was contemplating new construction nor that the EISPN was to be filed shortly and that the Marriott representatives would be making a presentation at the meeting and soliciting comments from the owners attending. While the EISPN reflects a preparation date of September, 2002 (Exhibit "A"), we were advised at the meeting, on November 2, 2002, that it was not filed until October 23, 2002, well after the agenda for the annual meeting had been set and the agendas sent out by Mr. Altier.

The EISPN, in its Introduction (¶E on page 2), states that "[T]he applicants met with the following . . ." Included in the list is the Kaanapali Alii Condominiums. Since one cannot speak to a condominium, one must assume that Marriott believes it met with certain representatives of the Alii Homeowners. The paragraph continues to state that "the applicant has modified the

Maui Planning Department
Re: Maui Ocean Club Sequel
November 7, 2002
Page 3

proposed improvements for the EISPN based upon these consultations." In Paragraph "F" of the Introduction, on pages 2-3, the EISPN states that "individuals may request a copy of the EISPN and shall have a period of thirty days from the publication date in which to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action."

The EISPN states, correctly, that the Kaanapali Alii, in some fashion, was notified prior to October 23. Obviously, Mr. Altier knew about the proposed construction in August. But the EISPN goes on to note, correctly, that "individuals" as well as associations may comment on the EISPN and request status as a consulted party. Several observations lead to the question "has adequate notice been given?"

There is nothing within the EISPN, nor in the agenda for the annual meeting, which suggests that all impacted or potentially-impacted Alii homeowners even know about the proposed construction, much less the contents of the EISPN or the impact the proposed construction may well have on their personal use of their unit or its ability to be rented at a fair price, for a fair amount of time. For those owners who, fortuitously enough, attended the meeting and were able to obtain a copy of the EISPN (only twenty copies were provided by the applicant's representatives even though the attendees far exceeded that, even accounting for attendees on a "per unit" basis), the applicant's representatives advised that any substantive comments must be submitted by November 22. Even for those attending and able to receive a copy, is twenty days (November 2 - November 22) adequate? As noted below, there will be both short- and long-term impact by the proposed construction on our unit. Disregarding the long-term effect of the loss of view corridor (which will admittedly have no effect on the interior units of the Alii or the north sides of buildings one and two, which face the Westin Hotel), the construction will have an impact on the Alii across-the-board *during construction itself* which only a skilled real estate/hospitality economist can evaluate. It is unreasonable to assume that twenty days from the time the owners attending were actually notified is adequate. This will be (if it is approved), a long construction process with substantial adverse impacts, absent mediation. It will also generate substantial profits for the applicant. An adequate time for comment from actual notice by all Alii owners should be provided.

Recommendation: The Planning Department, as a condition of the consideration of the EISPN, should require applicant to mail copies of the EISPN to all Alii owners. The mailing should be accompanied with a "plain English" cover letter that the proposed development and its construction may impact your property and that you have a reasonable time (not to exceed sixty days) to provide comments regarding matters you think are a problem. The mailing should be followed up with or include comments (such as this letter) from other Alii owners.

Maui Planning Department
Re: Maui Ocean Club Sequel
November 7, 2002
Page 4

B. Does the EISPN adequately address the view corridor loss to southern facing units in Building Four of the Alii?

The EISPN acknowledges that private views from adjacent properties may be "potentially affected." (see Part III, "Description", ¶A(8) at page 13.) Indeed, they will be. At the annual meeting on November 2, applicant's architect, Norm Hong, utilized Figure 6 of the EISPN to illustrate how applicant's Napili building would not adversely impact the ocean views from Building 3, the building immediately makai (west) of our Building. The dashed line from the southeast corner of Building Three on Figure 6 (see Exhibit "B") to the edge of the existing construction illustrates the "line of sight". It is undisputed that Building Three will have no lost ocean view corridor.

However, it is also clear that the proposed plan makes no allowances for Building Four. Our unit, and those directly above and below, all have both lanais and living room windows which provide magnificent ocean views. During the time immediately following the November 2 meeting, we took several photographs of that view. In addition, Marriott representatives placed wooden markers on the tennis court indicating the edge of the footprint of the proposed building. Thus, the photographs illustrate exactly what, and how much, of the views from the lanai and the living room window will be lost.

The photographs, along with editorial comments to show the view impact, are appended as Exhibit "E". The photographs are hardly professional; they were taken with a disposable camera. The unit is available for viewing by the Planning Department, the applicant, or its representatives. A personal observation will verify the view which would be lost both from the lanai and the living room (in passing, you would also lose some ocean view from the dining room window, but the lanai and living room views are much larger issues).

The photographs also suggest that simply moving the proposed construction twenty to twenty-five feet to the east from its present footprint would preserve the view corridor of the ocean as it presently exists.

Recommendation: The EISPN should adequately address the visual impact on the southern facing corner units of Building Four of the Alii, with sight lines and photographs, and discuss alternatives, such as moving the proposed construction twenty to twenty-five feet east, using layered or "wedding cake" floor set-backs (i.e., the ground floor and the initial floor or two are within the proposed footprint, but the construction then tapers back in "wedding cake" fashion to preserve views), etc.

Maui Planning Department
Re: Maui Ocean Club Sequel
November 7, 2002
Page 5

- C. Does the EISPN adequately address the construction schedule, its length, or its impact on the Kaanapali Alii owners and visitors?

In Part II of the EISPN ("Description of Property and Proposed Action", ¶C "Phasing" at page 7), applicant notes that the Napili Building will be completed in January 2008. However, the EISPN is silent as to when construction will begin, or what "construction" is as used throughout the EISPN. I believe we were advised at the November 2 meeting that construction would commence in early 2005 with the removal and demolition of the existing tennis courts and associated structure. However, this fact (if it is a fact) is not reflected anywhere in the EISPN. If it is true, then it means the Alii will be next to a construction zone for three years. Our unit, in particular, will have a bird's eye view the entire time, rendering the unit totally uninhabitable for some periods (pile driving is a good example), marginally inhabitable at others (I am sure you have been by the new construction of the Westin timeshares north of Black Rock; we have, and it's noisy, dusty and, well, a construction zone), and less desirable for vacationers looking for their piece of paradise until the final construction (including interior work) is concluded. People who pay \$500/night do not expect to live with a construction project next door.

The EISPN has what appear to be proposed "Findings" starting at page 23 which state in ¶10 on page 25 "[T]he project is expected to create short-term construction-related impacts are (sic) that can and will be mitigated."

To begin with, the EISPN should have a construction schedule, in plain English, which explains what will be happening when, what noise will be generated (i.e., at this period we will be doing work which will need the use of electric or other equipment, such as saws, which will generate loud and high-pitched variable noises, etc.), and whether, in the opinion of the applicant, property use or rentability would be impacted. Marriott's representative at the November 2 meeting felt the impact during construction would be minimal, based on applicant Marriott's experience during its major pool and landscape renovation. Anecdotally, I personally remember the ads in the San Francisco Chronicle during that period where Marriott virtually gave away the interior rooms overlooking the construction zone. If, as the applicant representative stated at the November 2 meeting, few complained during the construction, it was because the price of the accommodation was already factored into the room rate reduction and the business plan.

The point is that the EISPN must address when construction is planned to start, what the construction will involve in terms of noise, dust, and other micro-environmental impacts, and then allow Alii owners to comment, request more information, allow the Planning Department to request more information, or all of the above. In addition, the applicant should present not only to the Planning Department but also consulted parties the accommodations and excise tax information for the construction period of the Marriott pool and landscape work. Since such taxes are based on receipts, when compared to taxes paid immediately before and after the work

Maui Planning Department
Re: Maui Ocean Club Sequel
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Page 6

was completed, the Planning Department (and others) will have a better read on the impact of the prior Marriott renovation work on the Marriott itself.

It appears without doubt that there will be substantial impact to the Alii in general, and unit owners in particular, during construction. Rental days (occupancy) and rental rates (revenue per night) will both suffer. In particular cases, such as ours (where our unit has a view only a construction manager would love during construction), the impact will be substantial. The math is simple. With an "A/Premiere" unit with a rack rate for 2003 projected at nearly \$500/night, at 80% occupancy, the unit should generate annual revenue of \$144,000. Over a three-year period, even assuming the unit is rented to the best of Classic Resort's ability, the nuisance created by the construction will have direct economic impact on us, those to whom we pay excise and accommodations taxes, Classic Resorts and their employees and staff. Stated quite simply, if Alii units are out of service, they don't need to be cleaned, repaired, serviced or attended.

The economic impact of construction is hard to mitigate short of equitable compensation to those affected. You can work shorter days (such as from 10:00 a.m. to 3:00 p.m., when activity would presumably irritate guests in the Alii the least), but such shortened workdays merely elongate the overall number of days of construction. I don't think that is something anyone wants. You can maximize off-site construction activity which generates noise (such a pre-fabrication of materials otherwise sawn-on-site), but that still does not eliminate the presence of the construction zone itself. And, frankly, would anyone want to book a vacation in paradise next to a construction zone unless the accommodation was essentially "comped"? However, if applicant, as a professional hotelier, feels mitigation in addition to equitable compensation is possible, the EISPN should address such mitigation ("impacts. . . can and will be mitigated", ¶10 at page 25).

Recommendation: The EISPN should discuss the construction schedule in detail, as well as the various activities associated with each phase of construction, and the nuisance(s) created by them. The EISPN should address the economic effect of the construction during the construction period on the Alii; the amount of revenues reasonably anticipated to be lost, the impact on excise and accommodations taxes, and the impact on workers and management at the Alii. In providing information, the applicant should provide the Planning Department and all consulted parties with information, room-by-room, of excise and accommodations taxes collected, room rates, occupancy rates, and the like, so that the impact of the recent renovations at the Marriott itself are reflected properly in the impact considerations. This economic data should both precede and follow the Marriott renovations.

Maui Planning Department
Re: Maui Ocean Club Sequel
November 7, 2002
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CONCLUSION

Joan and I appreciate the opportunity to be able to comment on the EISPN. We hope the Planning Department provides a similar opportunity for all others at the Alii, and that the EISPN addresses the additional concerns we have regarding view loss and economic (rental) impact.

Very truly yours,

John W. Bergholt

John W. Bergholt

Enclosures: Exhibits A-E

cc: Mr. Robert Gordon, President, Owners Association

Mr. Steve Busch
Marriott Vacation Club International

Mr. Norman Hong
Group 70 International, Inc.

Mr. Christopher L. Hart
Chris Hart & Partners

Enclosures
to ccs: Exhibits A-E (unconformed to color)
Color copies of photos 1-3

Exhibit "A"

**ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Maui Ocean Club Sequel

MARRIOTT RESORT • KAA NAPALI • MAUI • HAWAII

Prepared for:

(Accepting Agency)
Maui County Planning Department

and

(Owner)
Marriott Vacation Club International

Submitted by:

Chris Hart and Partners
Landscape Architecture and Planning
1955 Main Street, Suite 200
Wailuku, Hawaii 96793
Phone: 242-1955
Fax: 242-1956



**CHRIS
HART**
A PARTNERS, INC.

SEPTEMBER 2002



Dear Kaanapali Alii Owner:

The enclosed informational packet includes the official Annual Meeting Notice and a Proxy Form (yellow) and some very important information about the agenda and issues to be voted on at the Annual Meeting. Please read all of the information very carefully. Since it is important that you fully understand all of the issues, do not hesitate to contact us with any questions you may have.

Proxy Instruction

The meeting Proxy is color-coded yellow and is easily identified in your informational packet. **Please carefully read and complete the Proxy Form.**

You have the following options concerning the appointment of your Proxy:

1. You may direct that your Proxy is given for Quorum purposes only; or
2. You may designate any person to be your proxy as long as the person will be in attendance at the meeting. If you select this option, print the name of the individual whom you appoint as Proxy; or
3. You may designate the Board of Directors as a whole, in which case the vote will be made on the basis of the preference of the majority of the Board; or
4. You may designate the Directors present at the meeting share the vote, each member receiving an equal percentage.

You may return the Proxy Form by facsimile or by mail. **It must be received at Kaanapali Alii no later than 4:30 p.m. (Hawaii Standard Time) on Thursday, October 31, 2002.**

KAANAPALI ALII
ATTN: ADMINISTRATION OFFICE (PROXY)
50 NOHEA KAI DRIVE
LAHAINA, HAWAII 96761

FACSIMILE NUMBER : (808) 661-0147

Association of Apartment Owners

Kaanapali Beach • 50 Nohea Kai Drive • Lahaina, Maui, Hawaii 96761 • (808) 667-1400

Kaanapali Alii Homeowners
September 30, 2002
Page two . . .

Also included in this packet is an agenda, information on the owners whose names have been placed in nomination for election to the Board of Directors, the 2002-03 Budget and Notes and a self addressed return envelope. This envelope is marked with your unit number so that management can track the establishment of a quorum.

Please feel free to call if you have any questions.

Sincerely,
ASSOCIATION OF APARTMENT OWNERS
OF KAA NAPALI ALII



Mark J. Altier
General Manager

MJA:cde

Enclosures

DOCUMENTS CAPTURED AS RECEIVED

Exhibit "D"

**ASSOCIATION OF APARTMENT OWNERS
OF KAA NAPALI ALII**

ANNUAL MEETING

NOVEMBER 2, 2002

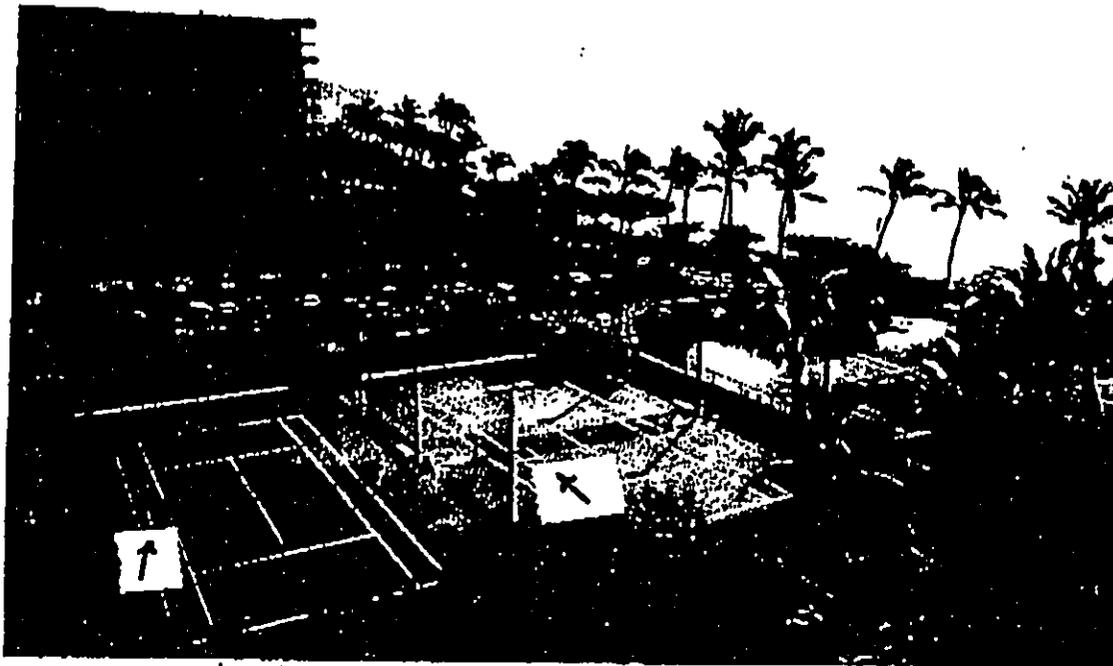
AGENDA

- I. CALL TO ORDER
- II. PROOF OF NOTICE OF MEETING - QUORUM
- III. MINUTES OF PRECEDING MEETING
- IV. ANNUAL REPORT
- V. ELECTION OF DIRECTORS
- VI. UNFINISHED BUSINESS
- VII. NEW BUSINESS
 - Ratification of the Budget for 2002-03
 - IRS Rollover Resolution
 - Any Other Business to Properly Come Before the Meeting
- VIII. ADJOURNMENT

EXHIBIT "E"
PHOTOGRAPHS



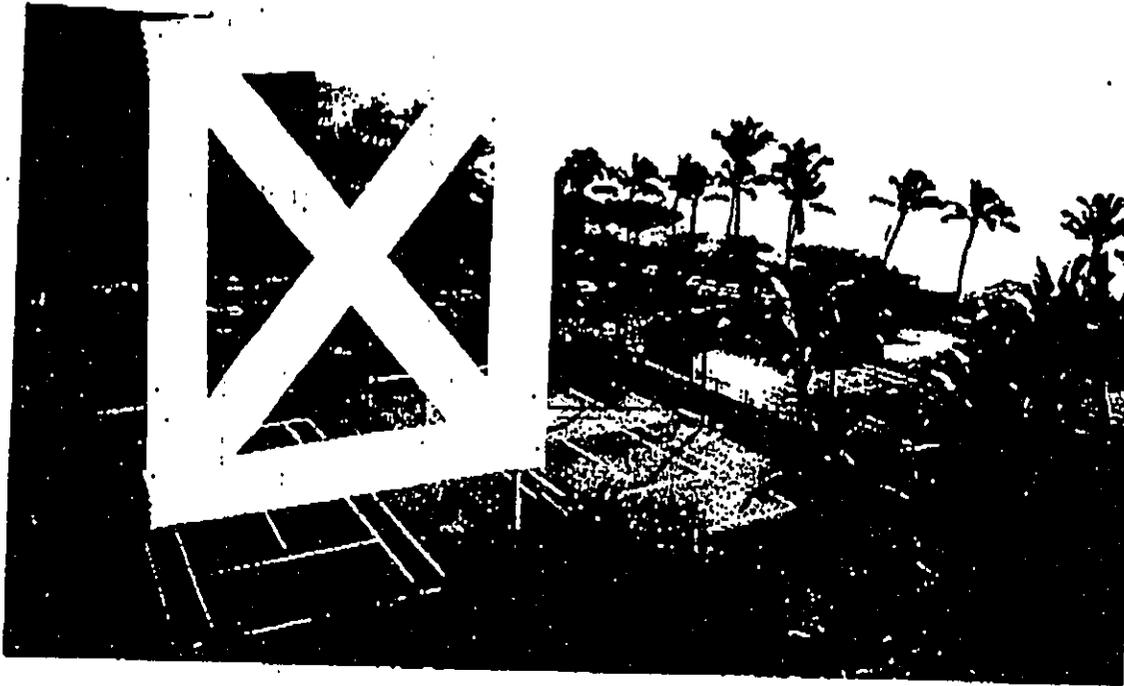
DOCUMENTS CAPTURED AS RECEIVED



View from Unit 481 lanai. Arrows point to footprint markers placed on tennis courts by Applicant's representatives on November 2, 2002.

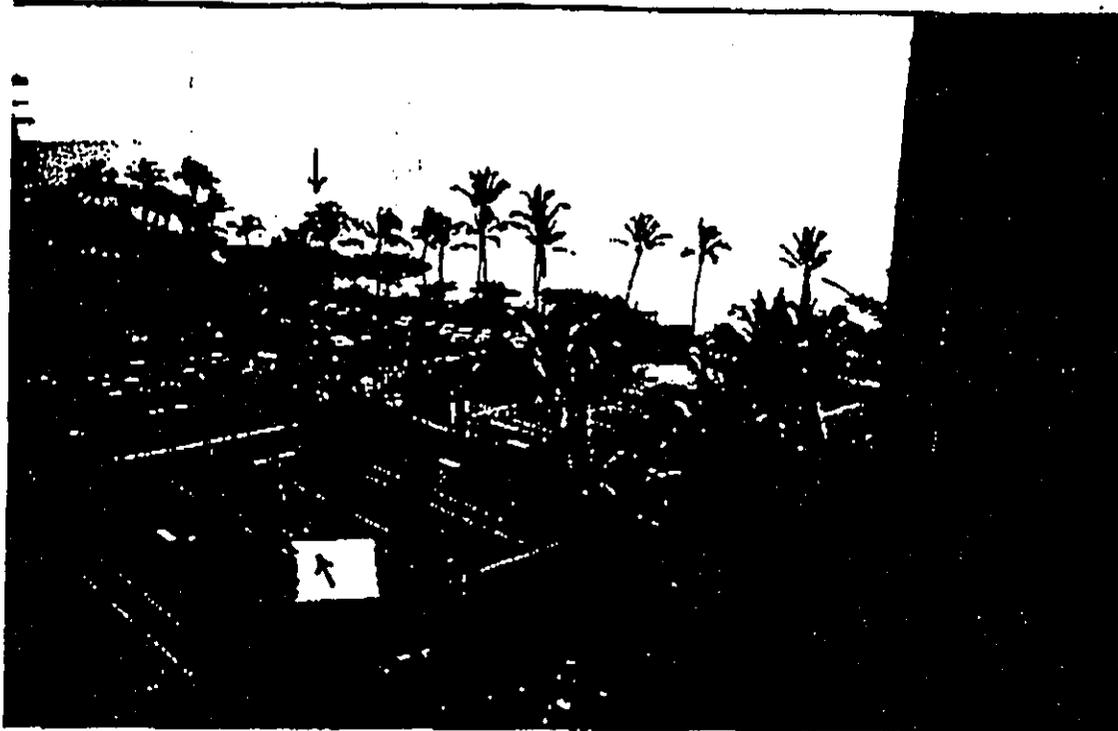
Photo 1

DOCUMENTS CAPTURED AS RECEIVED



View from Unit 481 lanai (same as Photo 1) but with tape placed to demonstrate view lost with proposed Napili building.

Photo 1(a)



View from Unit 481 lanai. Existing Marriott structure appears in upper left, Alii Building Three at right. Top arrow points to palm tree line marking edge of view loss from proposed Napili building. Bottom arrow points to same footprint marker shown in Photo 1.

Photo 2

DOCUMENTS CAPTURED AS RECEIVED



View from Unit 481 lanai (same as Photo 2) but with
tape placed to demonstrate view lost with proposed
Napili building.

Photo 2(a)

DOCUMENTS CAPTURED AS RECEIVED



View from living room window of Unit 481. Arrow marks palm tree line marking edge of view loss from proposed Napili building.

Photo 3

DOCUMENTS CAPTURED AS RECEIVED



View from living room window of Unit 481 (same as Photo 3) but with tape placed to demonstrate view lost with proposed Napili building.

Photo 3(a)



December 11, 2002

Mr. John W. Bergholt
2930 Camino Diablo, Suite 300
Walnut Creek, CA 94597

RE: Marriott Maui Ocean Club Sequel Project
Comments on Environmental Impact Statement Preparation Notice

Dear Mr. Bergholt,

Thank you for providing comments on the Marriott's Maui Ocean Club Sequel Project EISPN. We will be including your comment letter and this response in the Draft Environmental Impact Statement (Draft EIS). Upon completion of the Draft EIS, a copy will be sent to you for your review and comment.

Below, we have addressed the topics (A, B, & C) you addressed in your letter dated November 7th 2002.

A. Has adequate notice been given?

We will answer this question in two parts, relating to purpose and processing of the EISPN, and secondly, to provide you information regarding our advance meetings with representatives with the Ka'anapali Ali'i residential condominium.

The EISPN: Environmental Impact Statement Notice

The EISPN is *the notice* that a party is preparing an Environmental Impact Statement. There is no notice of the notice. Hawaii's environmental review law (Chapter 343 Hawaii Revised Statutes) and accompanying rules (Chapter 11-200, Hawaii Administrative Rules) do however, establish the method in which a notice (EISPN) is advertised. Pursuant to the Rules, the notice of availability of the EISPN was published in the October 23, 2002 edition of the "Environmental Notice", a bi-monthly (publicly available) bulletin issued by the State Department of Health's Office of Environmental Quality Control. Pursuant to the Rules, the EISPN comment period is 30-days, starting on the date of publication. Therefore, the end of the comment period is correctly stated as November 22, 2002.

For your additional information, Marriott provided your condominium's General Manager several copies of the EISPN at the start of the comment period. We were requested by your AOAO to bring 20 additional copies to the membership meeting

LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1725 • PHONE: 808-242-1155 • FAX: 808-242-1958

held on November 2nd. We distributed further copies of the EISPN as requested by condominium owners.

Advance Meetings with the Ka'anapali Ali'i (Pre-Consultation)

The "Sequel Project" team has met early and often with many representatives of the Ka'anapali Ali'i residential condominium. Initial meetings with your general manager and AOAO started in May of 2002. A list of our meetings is included below. A summary of each meeting will be included in the Draft EIS For your review.

5/21/02	Initial presentation to General Manager, Owners Association
7/26/02	Presentation to Board of Directors & Owners - Westin Hotel
8/12/02	Discussions with KA "Marriott Task Force"
10/30/02	Discussions with Condominium Rental Associations
11/02/02	Presentation at Annual Owners Meeting- Westin Hotel

B. Does the EISPN adequately address the view corridor loss to southern facing units in Building Four of the Alii?

In answering this question, we will clarify the difference between an EISPN and an EIS.

The purpose of the EISPN is to solicit comments from knowledgeable or affected parties to determine what topics and studies should be included in the preparation of an assessment document. The EISPN is not meant to contain elaborate detail about the project or potential impacts.

The Draft EIS is the first assessment document to address the specific details of the project action, potential impacts, and mitigation measures. The Draft and Final EIS are the documents that will include detailed information on specific types of impacts, including impacts to views and visual resources.

The Draft EIS prepared for this project will contain a section that details the visual resources in the project area, applicable studies of visual resources, potential impacts and mitigation measures. The Draft EIS will contain an exhibit that shows how the different site plans have evolved to increase the ocean views from the Ka'anapali Ali'i building No. 4.

You will be allowed to review and comment on the data presented in the Draft EIS. Comments received during the specified 45-day comment period will be included in the Final EIS.

Letter to Mr. John W. Bergholt
Maui Ocean Club Sequel Project: EISPN Comments
December 11, 2002
Page 3 of 3

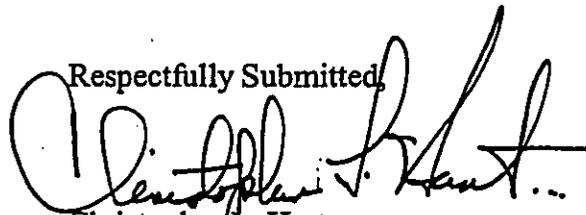
C. Does the EISPN adequately address the construction schedule, its length, or its impact on the Kaanapali Alii owners and visitors?

As noted in the answer to question B, the Draft and Final EIS are the appropriate documents for detailed project information, not the EISPN.

The Draft EIS will contain a detailed construction schedule, and identify construction related impacts, and where applicable, mitigation measures. The Draft EIS will also include a separate socio-economic impact analysis prepared by a qualified consultant. The analysis will address potential impacts to the Ka'anapali Ali'i condominium owner/renters such as yourself.

Thank you for participating in the environmental review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Steve Busch, MVCI



APPENDIX N
Wind Velocity Study & Addenda

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INCORPORATED

**PEDESTRIAN DISCOMFORTING
WIND STUDY
MARRIOTT'S MAUI SEQUEL
KA'ANAPALI, MAUI, HAWAII**

**761 NEESON RD, STE 12
MARINA, CA 93933 USA
1-831- 883-1533
1-831- 883-1535 FAX
wwlca@aol.com**

for

Marriott Ownership Resorts, Inc.

by

Jon D. Raggett, PhD, SE
President, West Wind Laboratory, Inc.

Job No. 02-02

December 2002

WEST WIND LABORATORY

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- B RESULTS OF THE WIND TUNNEL TESTS**
- C CONCLUSIONS AND DISCUSSION**
- D PEDESTRIAN LEVEL WINDS
AROUND THE KA'ANAPALI ALII CONDOMINIUMS**

APPENDICES

- 1 WIND ENVIRONMENT AT THE SITE**
- 2 FACILITIES**
- 3 MODEL**
- 4 REFERENCES**

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CHAPTER A

INTRODUCTION AND OBJECTIVES OF THE STUDY

The subject of this study is the Marriott Maui Sequel with the proposed addition of two 10-story residence towers and two parking garages. This complex is located at Ka'anapali, Maui, Hawaii. The existing structure consists of a single "V" shaped structure, 9 stories high (formerly the Maui Marriott Resort). It was the study of previous studies to evaluate various schemes to mitigate troublesome pedestrian level discomforting winds in the lobby area (References 1 and 2).

A plan of the existing structure, with the proposed towers, with the proposed parking garages, and with the two condominium buildings nearby to the north are shown on Figure A.1. The drawings of the additions were provided to the West Wind Laboratory by the addition architects, Group 70, on October 7, 2002.

The objectives of the study were to identify pedestrian level discomforting winds around and through the proposed additions for winds from the prevailing wind direction (NNE-NE), and to evaluate whether or not the proposed additions would adversely impact winds in the lobby areas of the existing structure, which are already troublesome, again for winds from the prevailing wind directions. Pedestrian level mean wind speeds were measured on a small scale model (1:192) of the entire complex in a wind tunnel.

It should be emphasized that wind pressures for the design of glass and cladding on the proposed additions, and wind pressures for the design of the structural frames of the proposed additions were not included in this wind study.

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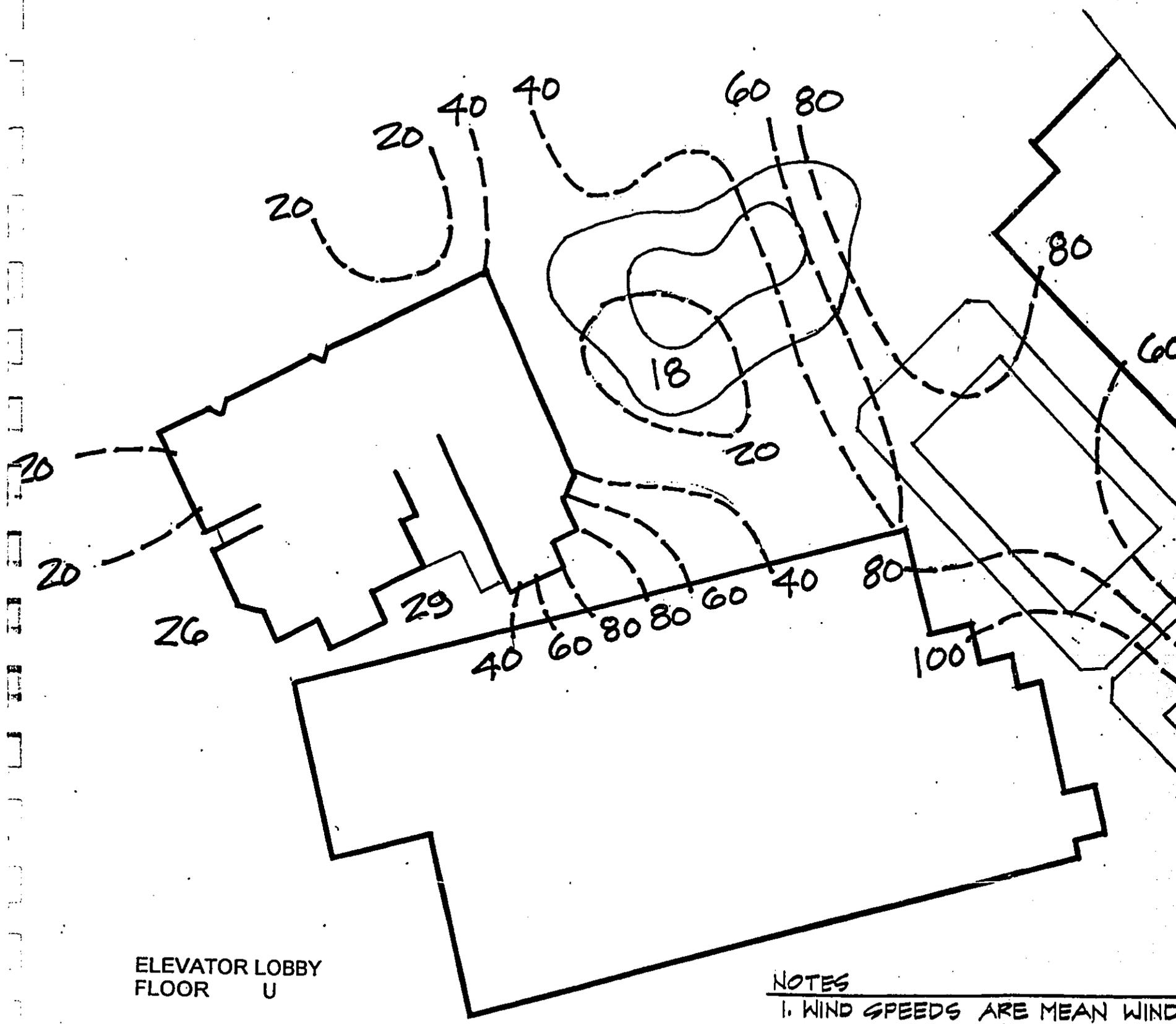
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CHAPTER B **RESULTS OF THE WIND TUNNEL TESTS**

Results of the wind tunnel tests are mean wind speed contours through and around the entire complex, presented as a percentage of a mean wind speed, at an elevation of 5 feet above grade, in an open field, upwind of the complex. The prevailing wind direction has been determined to be 34 degrees with a large percentage of all winds coming from directions plus or minus 22.5 degrees from the prevailing wind direction (Reference 2). The contours were generated from wind speeds measured at 102 locations through and around the entire complex.

Shown on Figures B.1, B.2, and B.3 are mean wind speed contours for the new configuration (with the additions), for winds from 11.5 degrees. Shown on Figures B.4, B.5, and B.6 are mean wind speed contours for the new configuration, for winds from 34 degrees. Shown on Figures B.7, B.8, and B.9 are mean wind speed contours for the new configuration, for winds from 56.5 degrees. Shown on Figures B.10, B.11, and B.12 are mean wind speed contours for the existing configuration (without the two residence towers and without the two parking garages), for winds from 11.5 degrees, 34 degrees, and 56.5 degrees respectively.





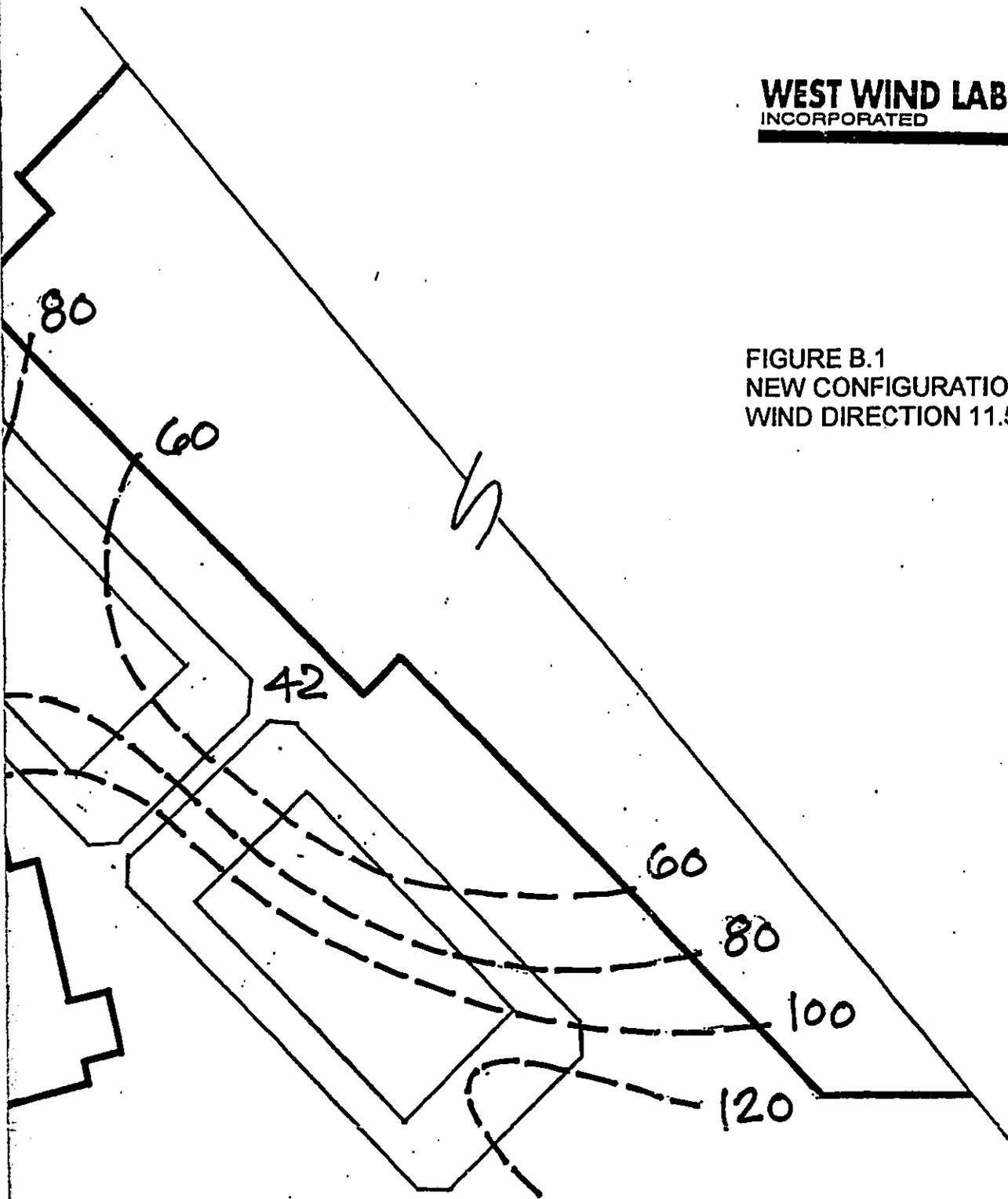
ELEVATOR LOBBY FLOOR	U
10	49
8	25
6	26

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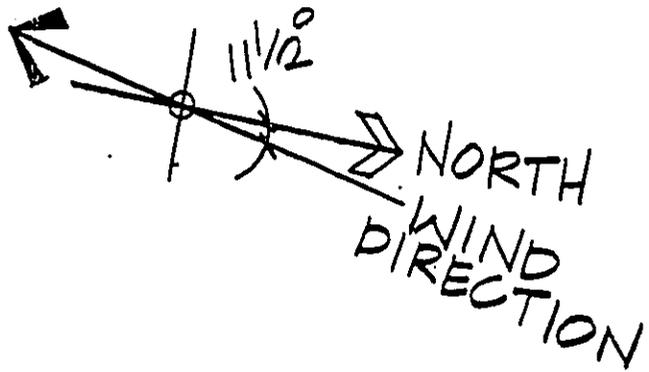
1. WIND SPEEDS ARE MEAN WIND AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
2. THE REFERENCE WIND SPEED IS MEAN-FREE-STREAM WIND SPEED UPSTREAM FROM THE PROJECT, AT AN ELEVATION OF 5 FT ABOVE GRADE.

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FIGURE B.1
NEW CONFIGURATION
WIND DIRECTION 11.5 DEGREES

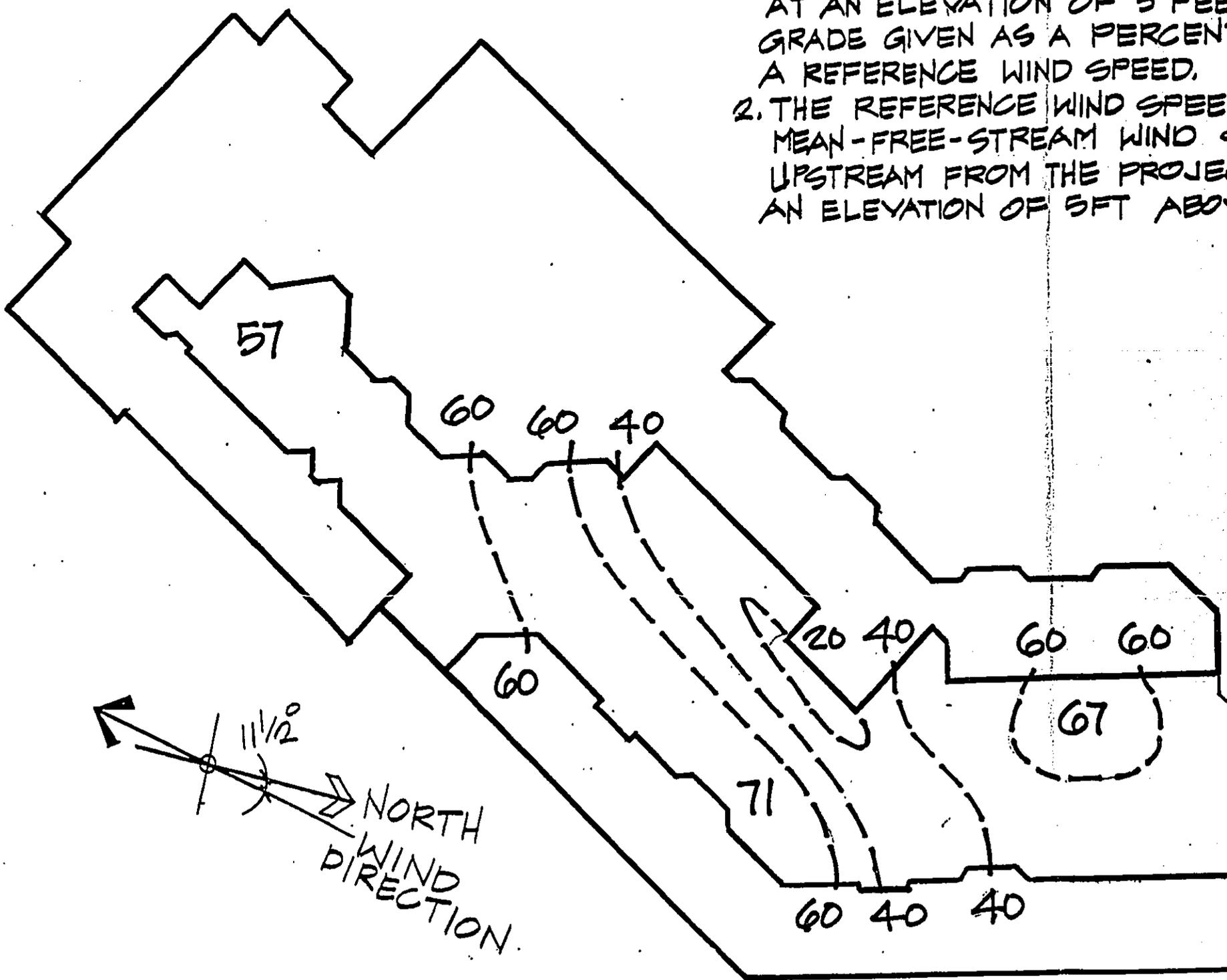


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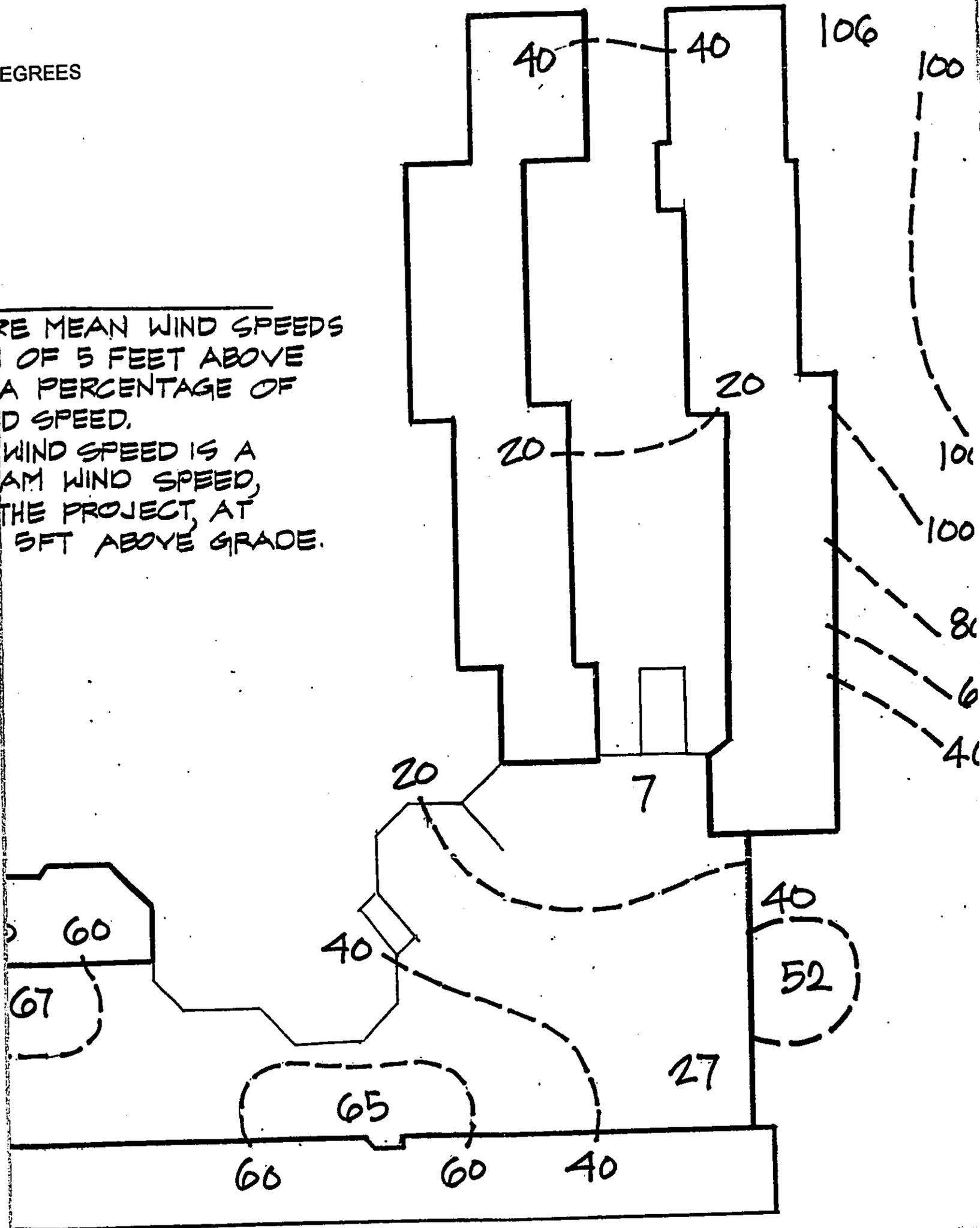
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2. THE REFERENCE WIND SPEED IS THE MEAN-FREE-STREAM WIND SPEED UPSTREAM FROM THE PROJECT AT AN ELEVATION OF 5 FT ABOVE GRADE.

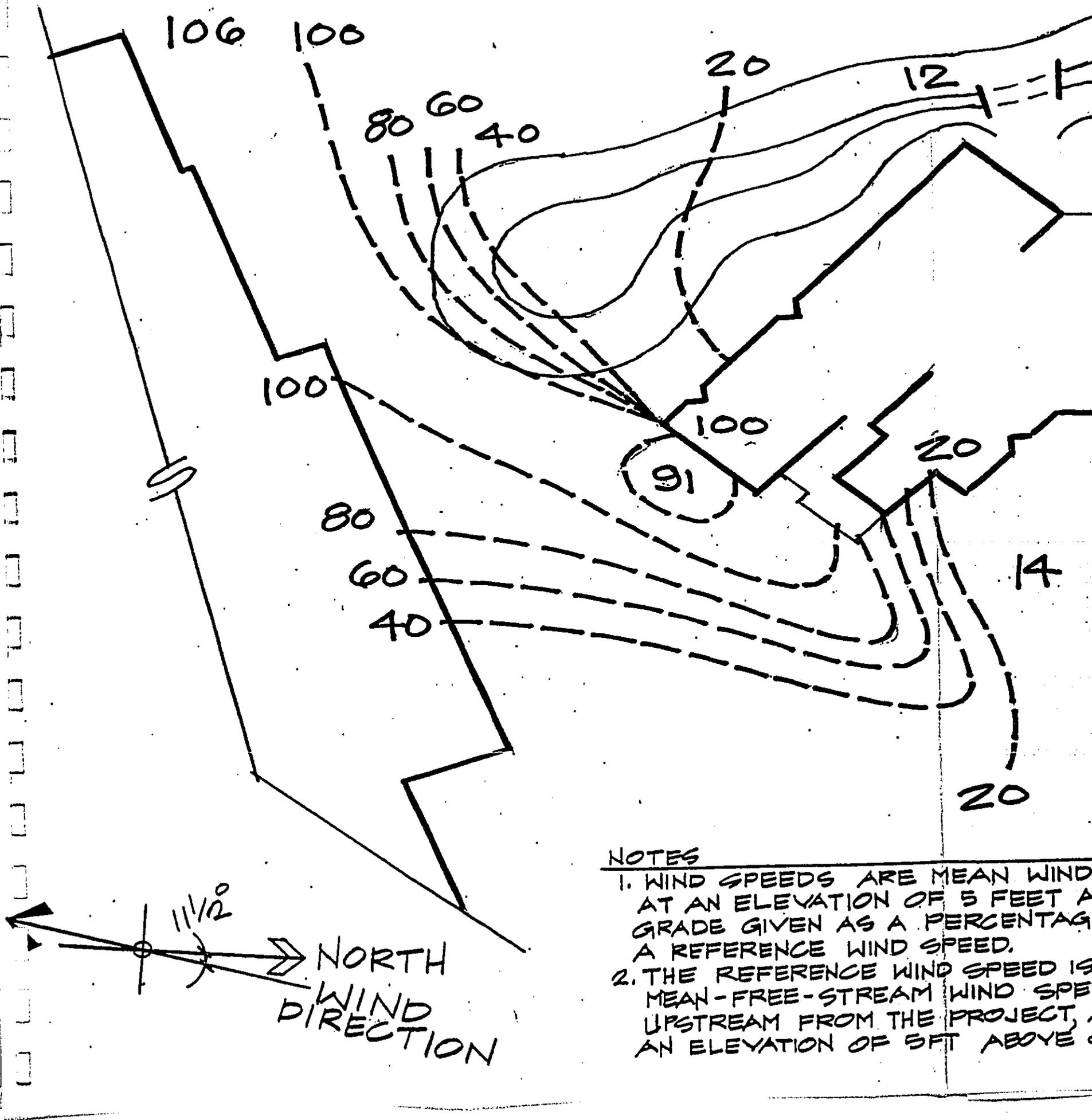


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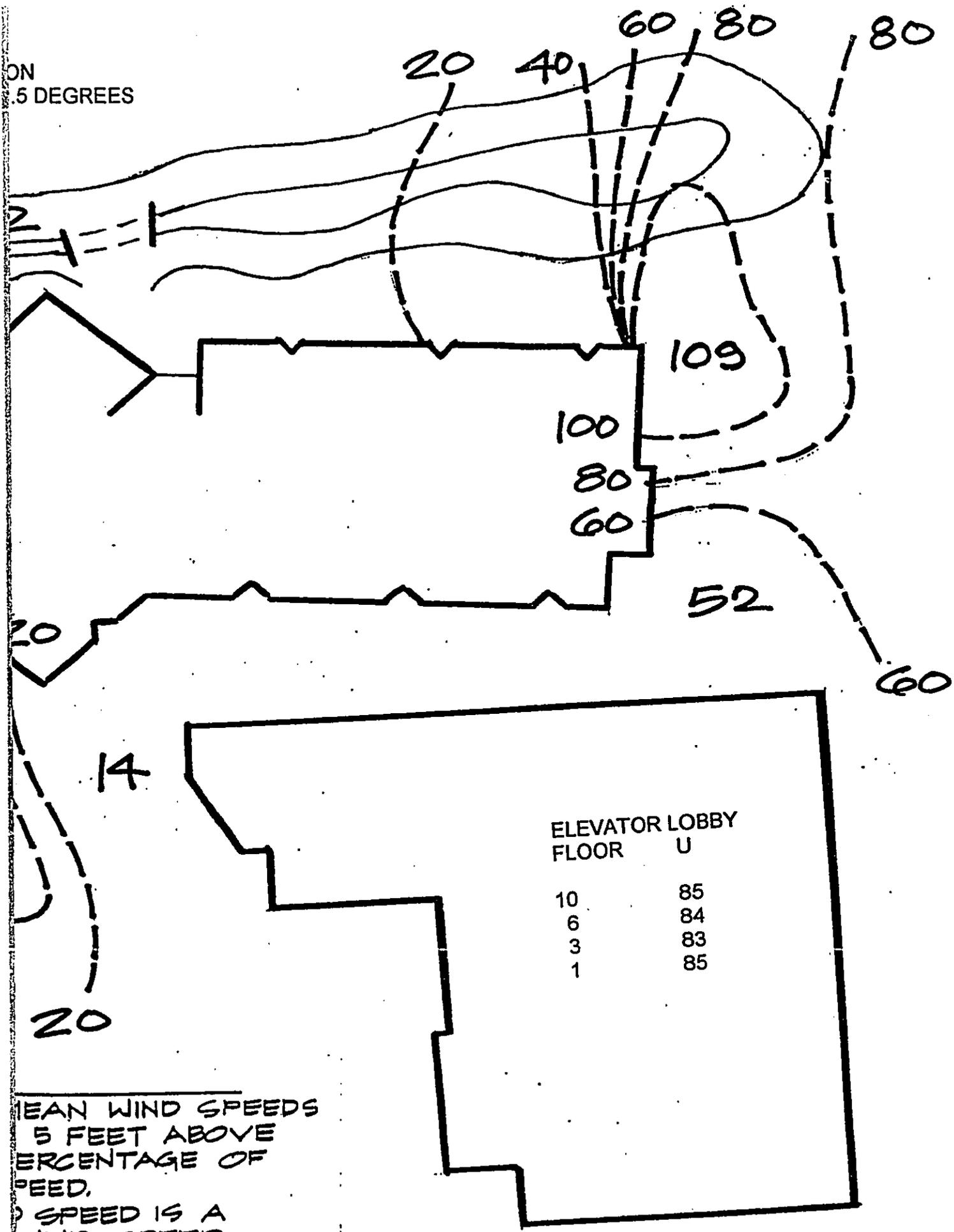




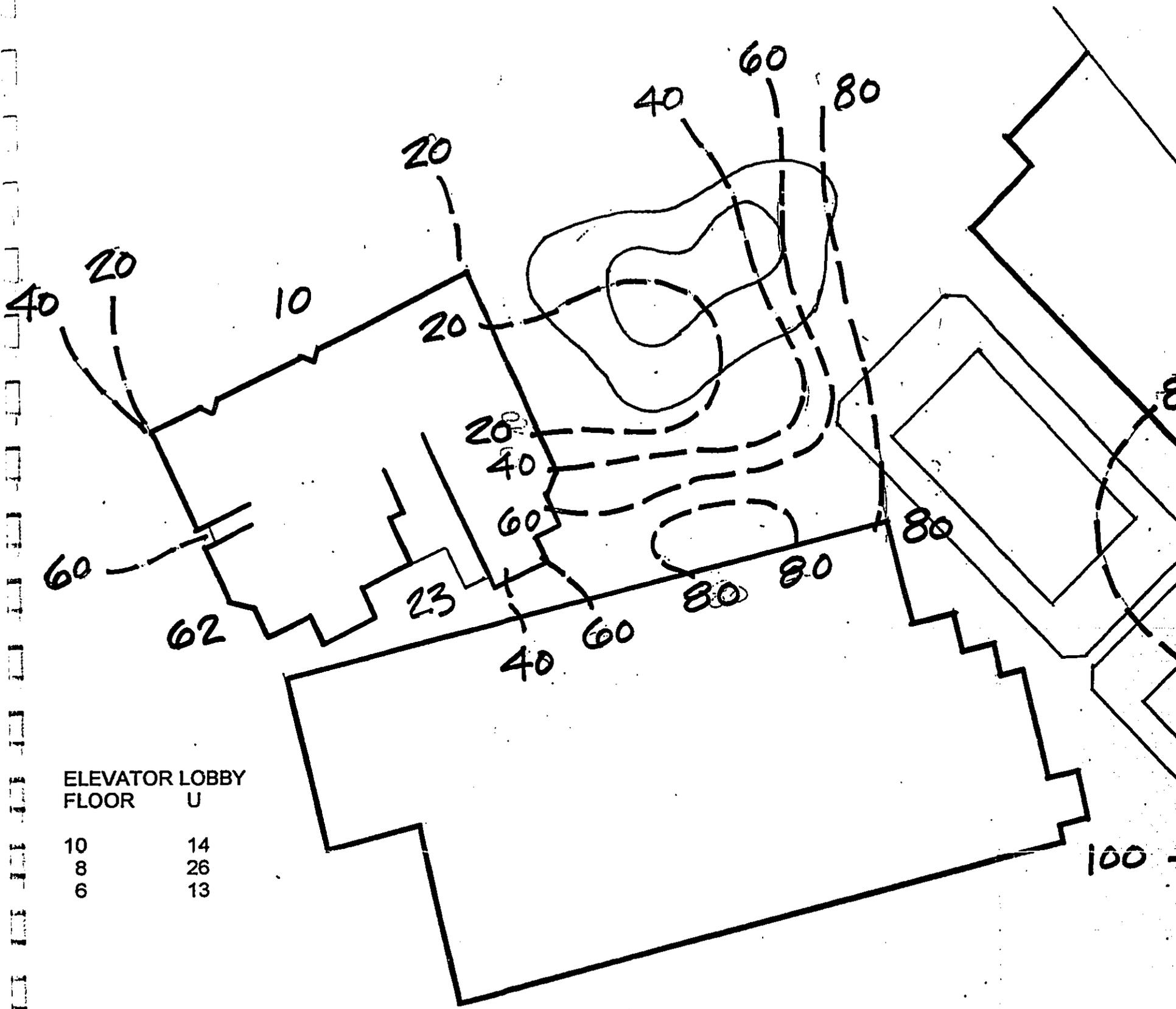
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1. WIND SPEEDS ARE MEAN WIND AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
2. THE REFERENCE WIND SPEED IS MEAN-FREE-STREAM WIND SPEED UPSTREAM FROM THE PROJECT, AT AN ELEVATION OF 5 FT ABOVE GRADE.

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FLOOR U

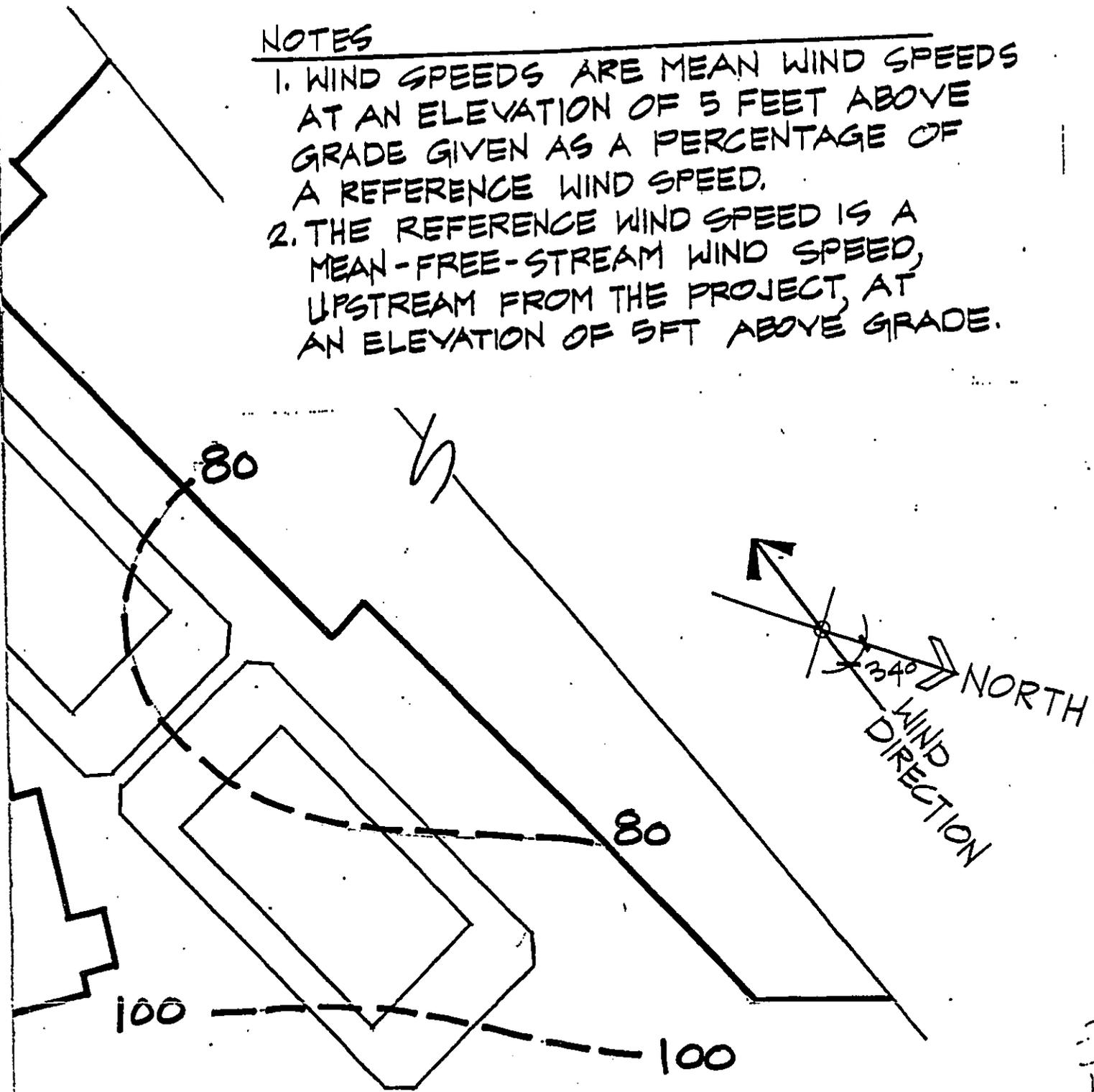
10	14
8	26
6	13

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FIGURE B.4
NEW CONFIGURATION
WIND DIRECTION 34 DEGREES

NOTES

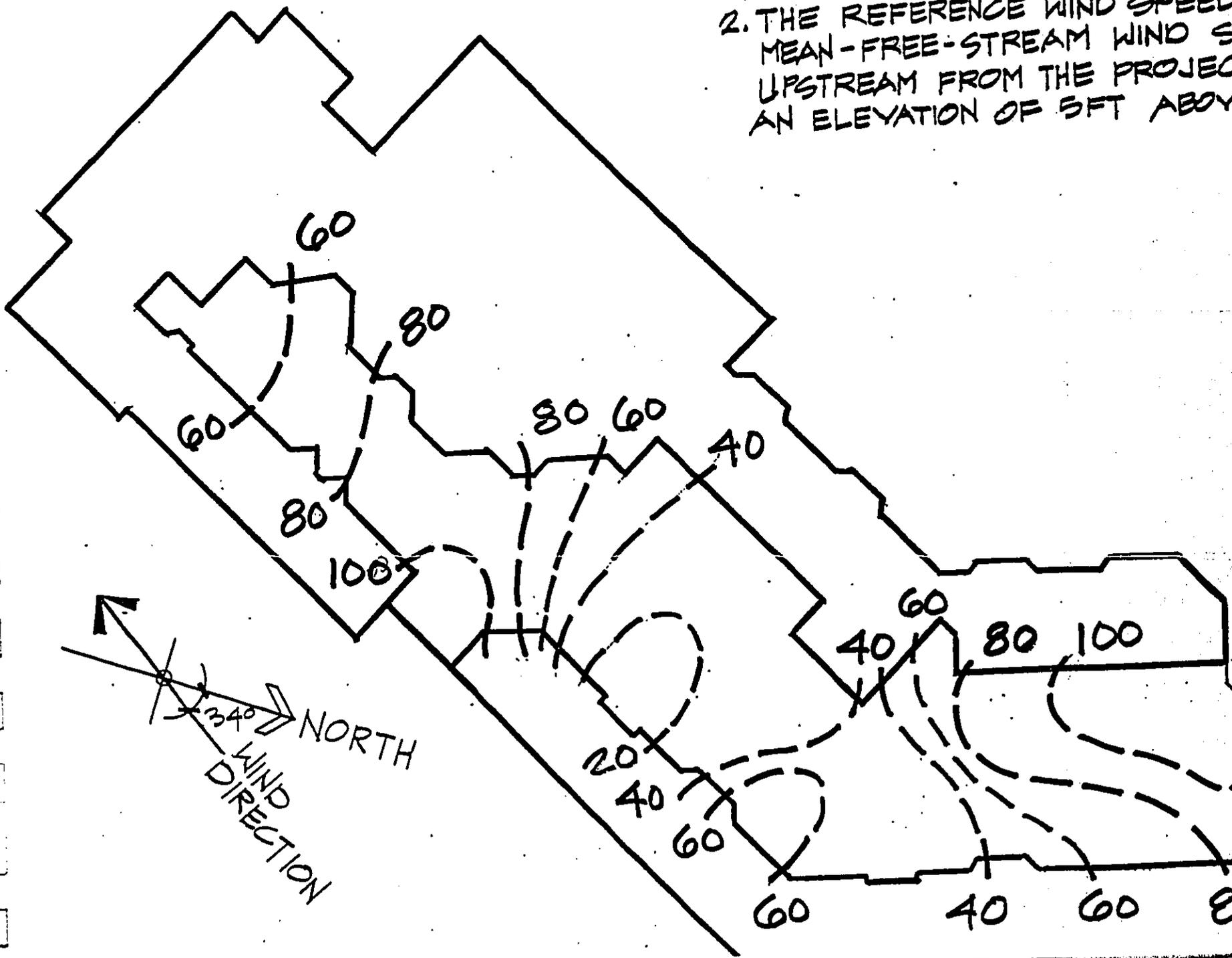
1. WIND SPEEDS ARE MEAN WIND SPEEDS AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
2. THE REFERENCE WIND SPEED IS A MEAN-FREE-STREAM WIND SPEED, UPSTREAM FROM THE PROJECT, AT AN ELEVATION OF 5 FT ABOVE GRADE.



300
100

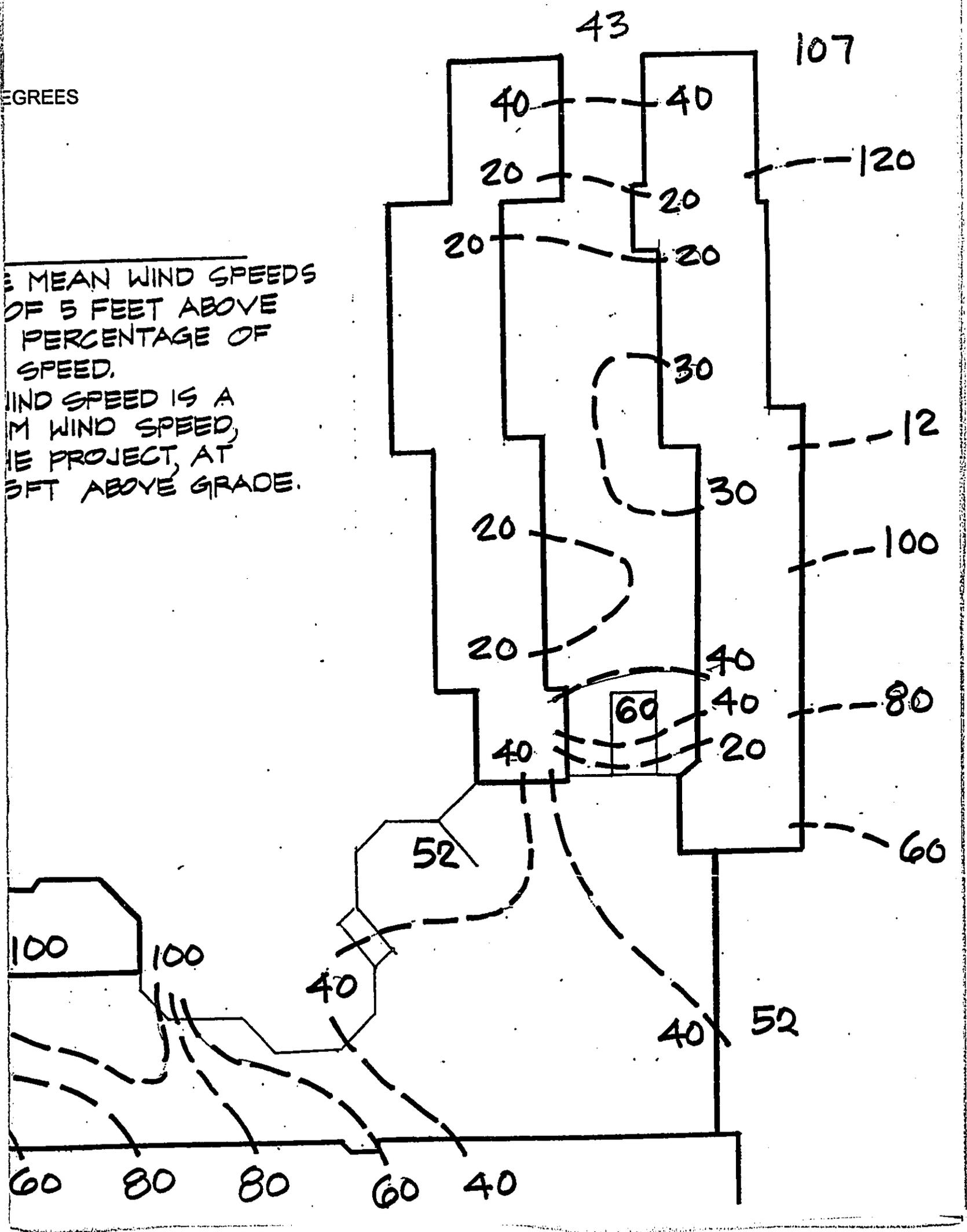
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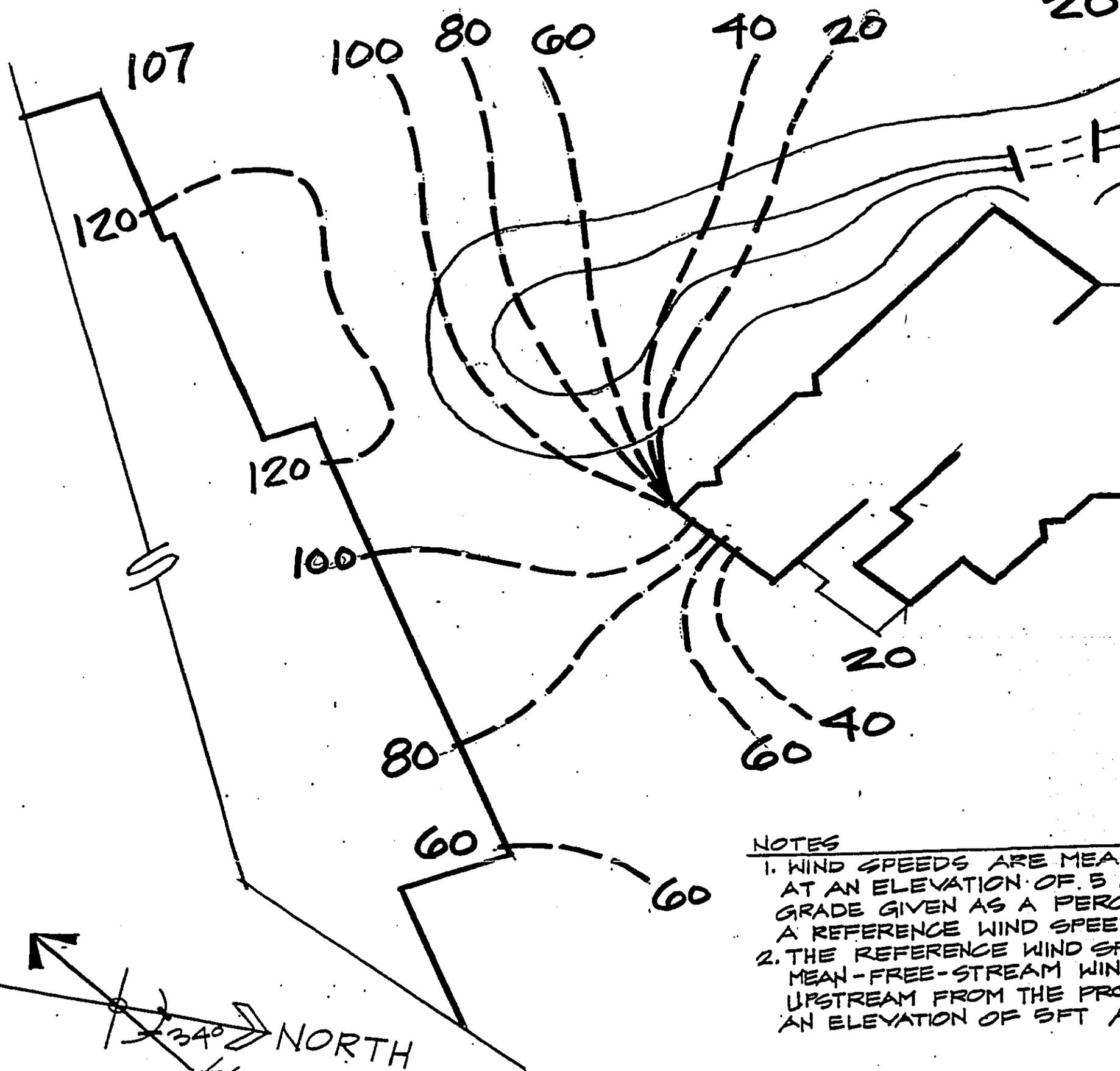
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2. THE REFERENCE WIND SPEED IS THE MEAN-FREE-STREAM WIND SPEED UPSTREAM FROM THE PROJECT AT AN ELEVATION OF 5 FT ABOVE GRADE.



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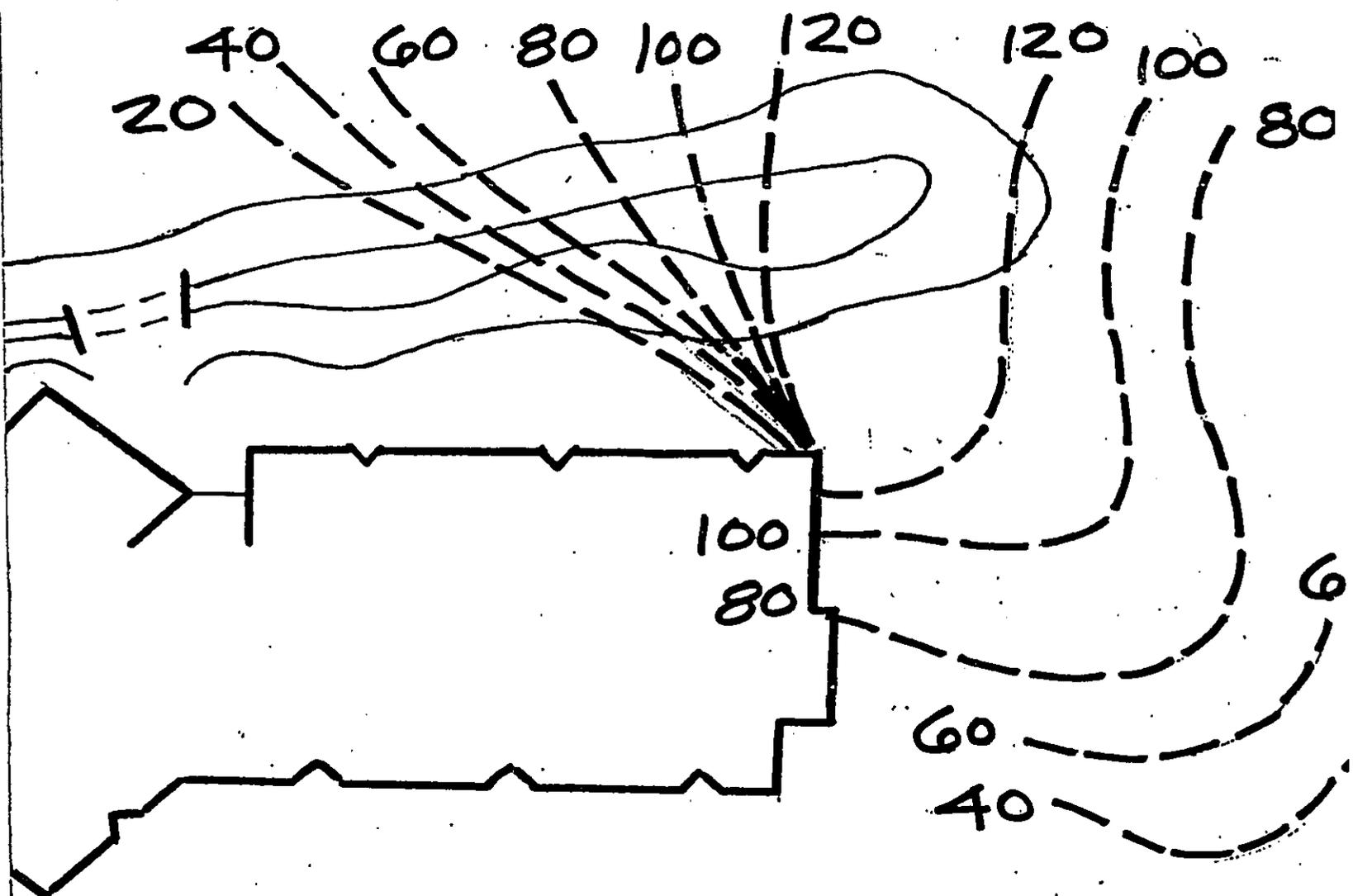


NOTES

1. WIND SPEEDS ARE MEAN AT AN ELEVATION OF 5 FEET GRADE GIVEN AS A PERCENT OF A REFERENCE WIND SPEED
2. THE REFERENCE WIND SPEED IS THE MEAN-FREE-STREAM WIND SPEED UPSTREAM FROM THE BUILDING AT AN ELEVATION OF 5 FT

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FIGURE B.6
NEW CONFIGURATION
WIND DIRECTION

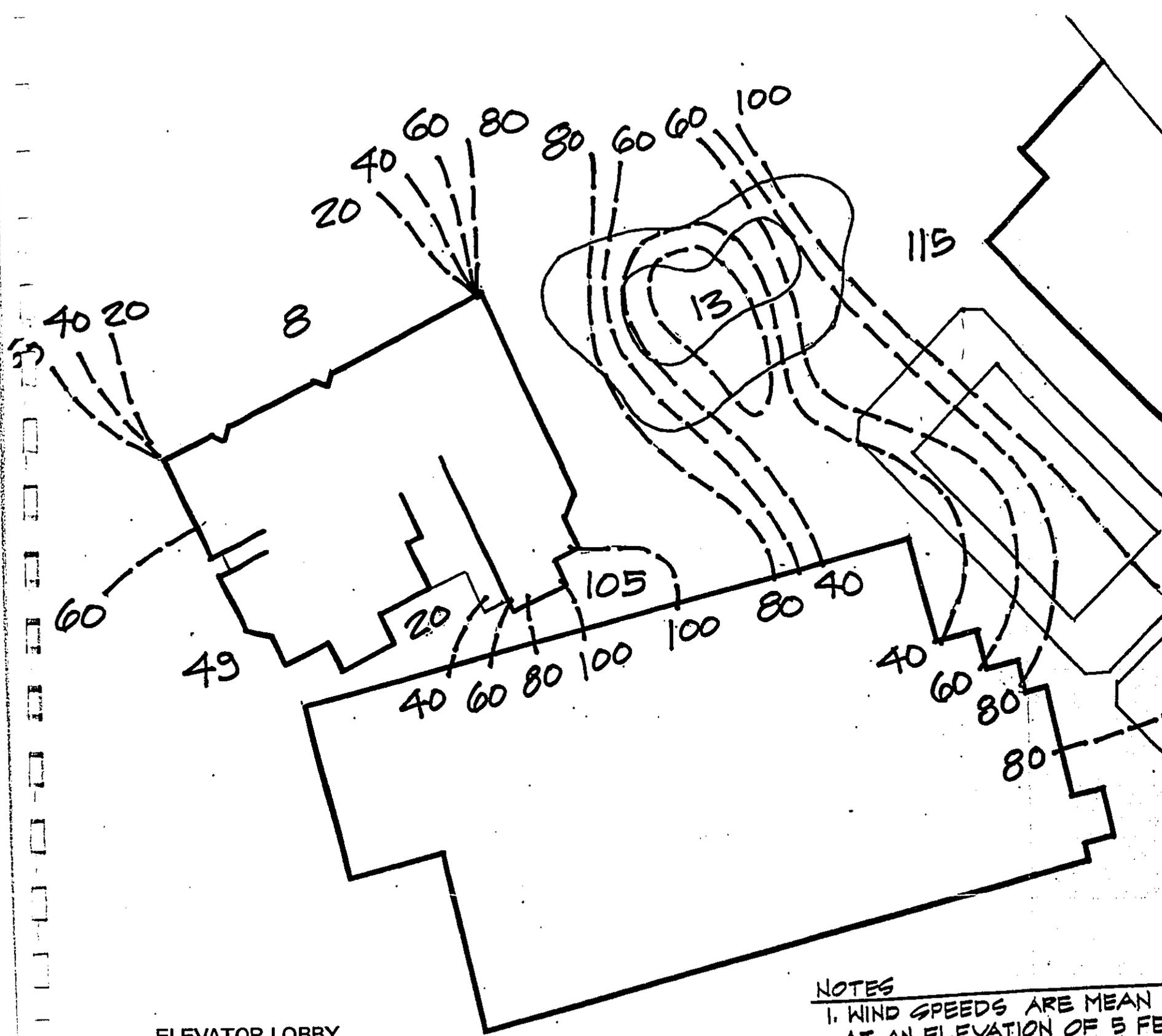


ELEVATOR LOBBY	
FLOOR	U
10	84
6	79
3	110
1	82

ARE MEAN WIND SPEEDS
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FIGURE B.6
 NEW CONFIGURATION
 WIND DIRECTION 34 DEGREES

34°
 NEW



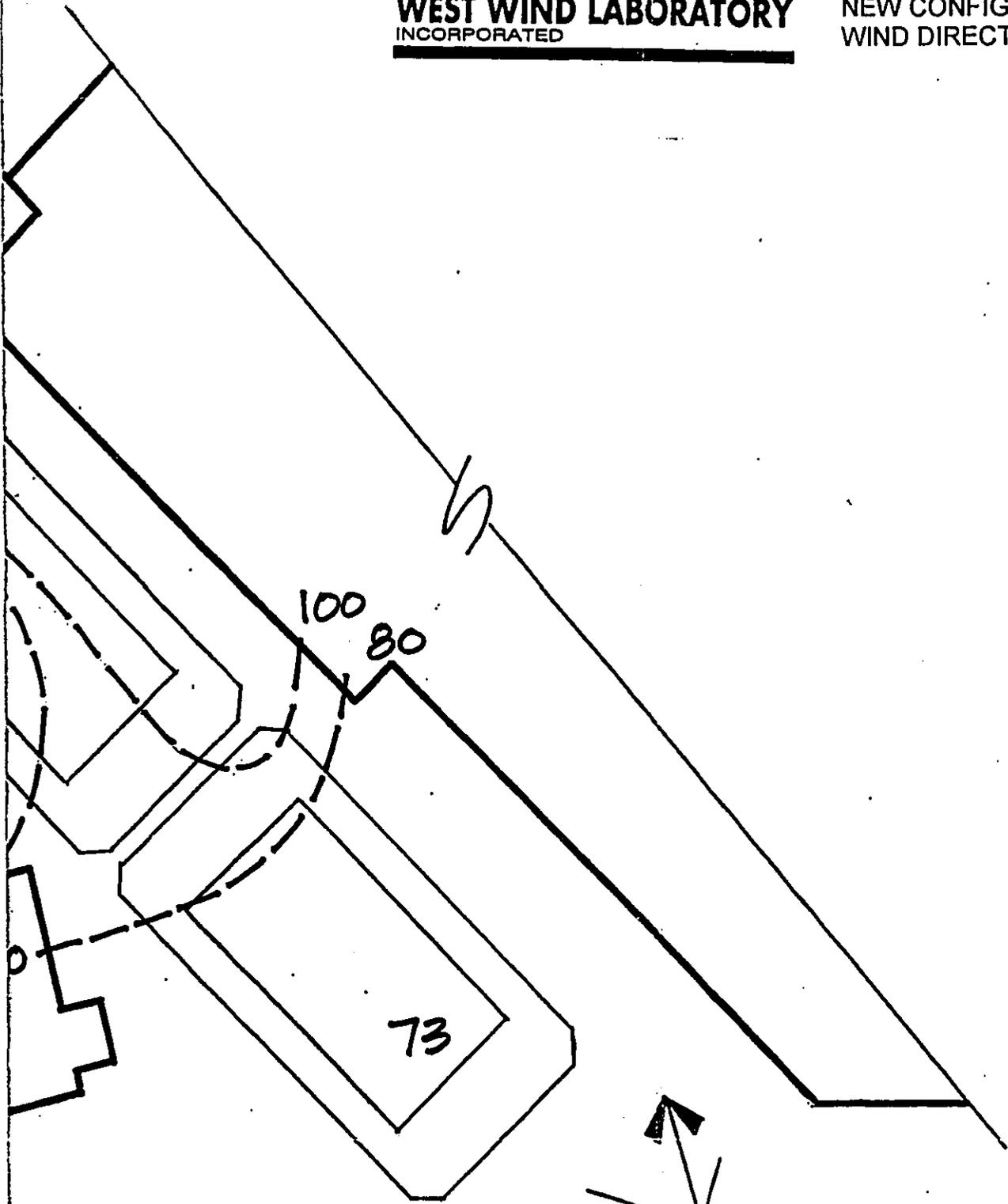
ELEVATOR LOBBY FLOOR	U
10	29
8	49
6	49

NOTES

1. WIND SPEEDS ARE MEAN AT AN ELEVATION OF 5 FEET GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
2. THE REFERENCE WIND SPEED IS THE MEAN-FREE-STREAM WIND SPEED UPSTREAM FROM THE PROJECT AT AN ELEVATION OF 5 FT ABOVE GRADE.

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FIGURE B.7
NEW CONFIGURATION
WIND DIRECTION 56.5 DEGREES



ARE MEAN WIND SPEEDS
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E WIND SPEED IS A
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E 5FT ABOVE GRADE.

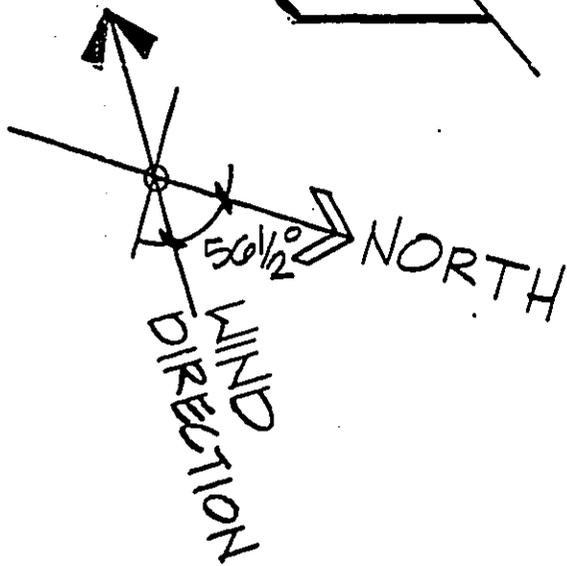
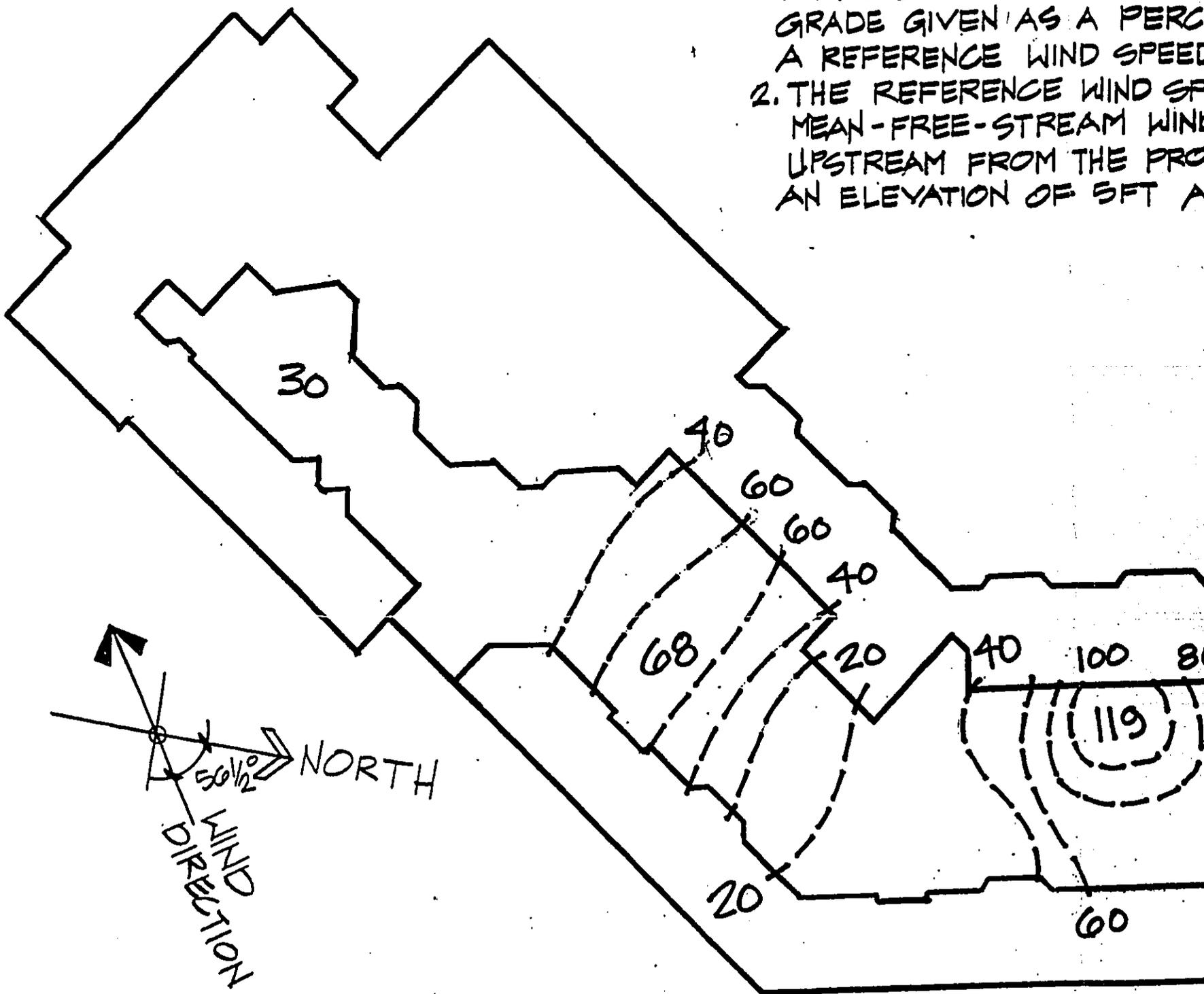


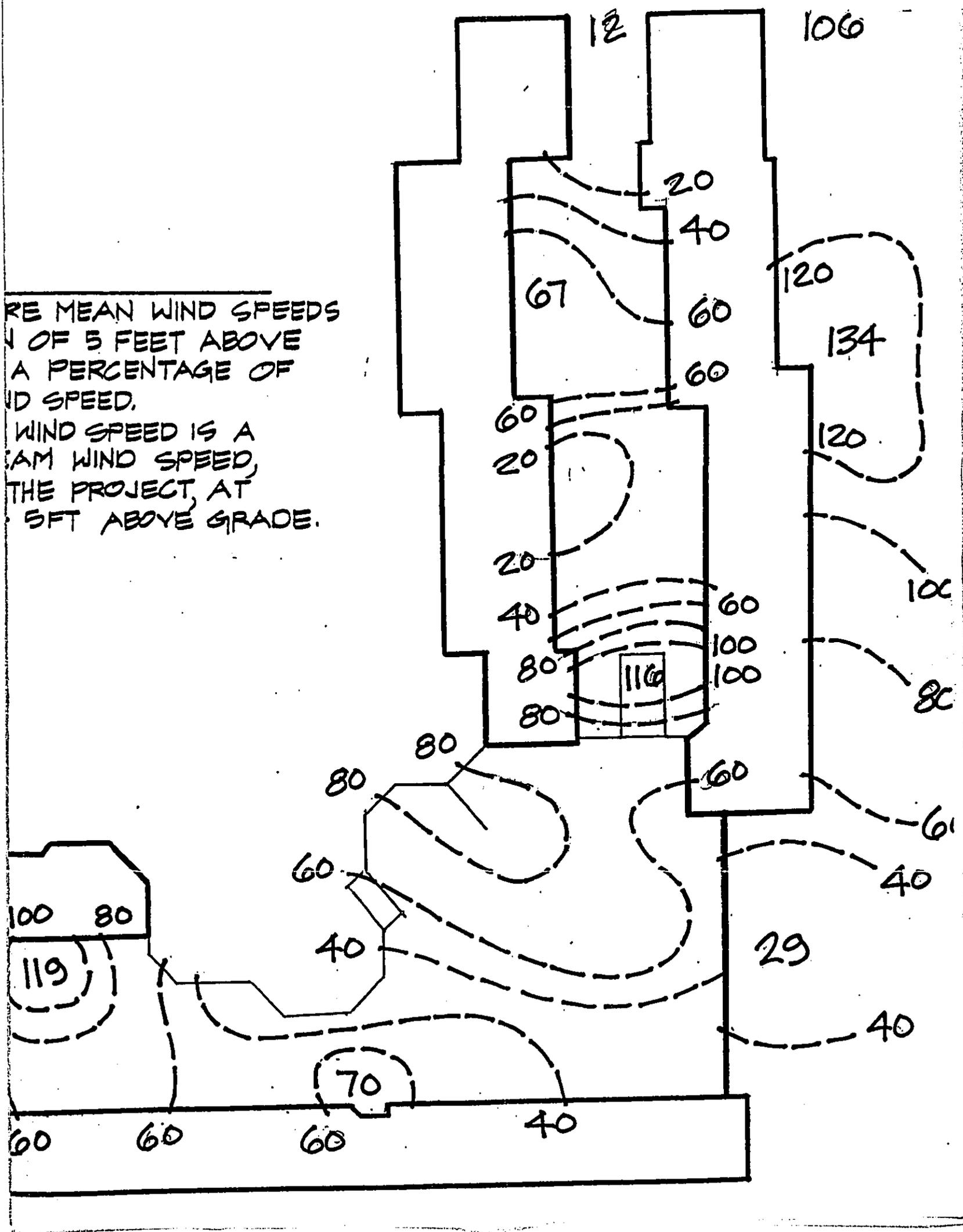
FIGURE B.8
NEW CONFIGURATION
WIND DIRECTION 56.5 DEGREES

NOTES

1. WIND SPEEDS ARE MEAN AT AN ELEVATION OF 5 FT GRADE GIVEN AS A PERCENT A REFERENCE WIND SPEED
2. THE REFERENCE WIND SPEED IS MEAN-FREE-STREAM WIND SPEED UPSTREAM FROM THE PROBLEM AT AN ELEVATION OF 5 FT A



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 THE PROJECT, AT
 5 FT ABOVE GRADE.



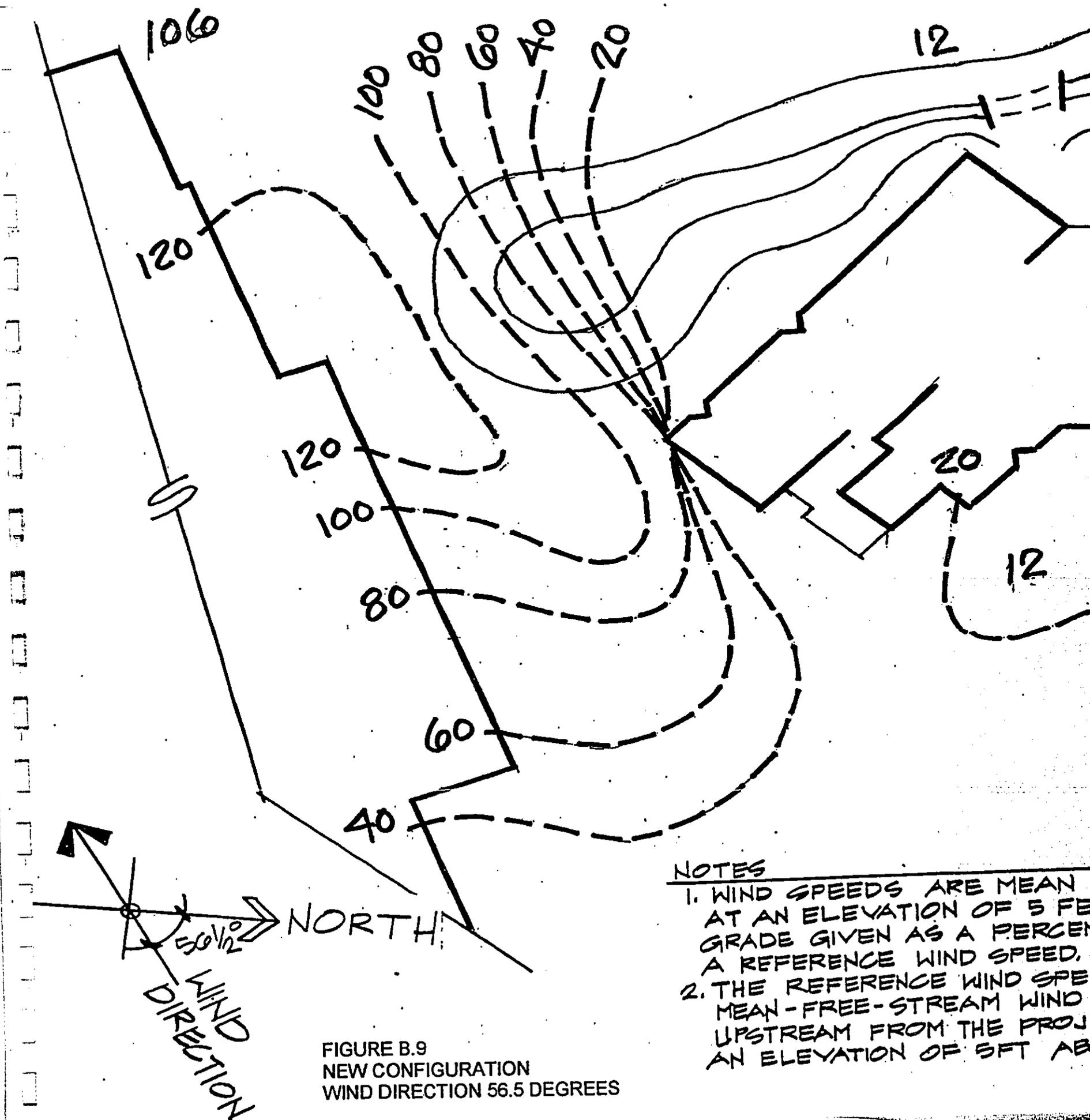
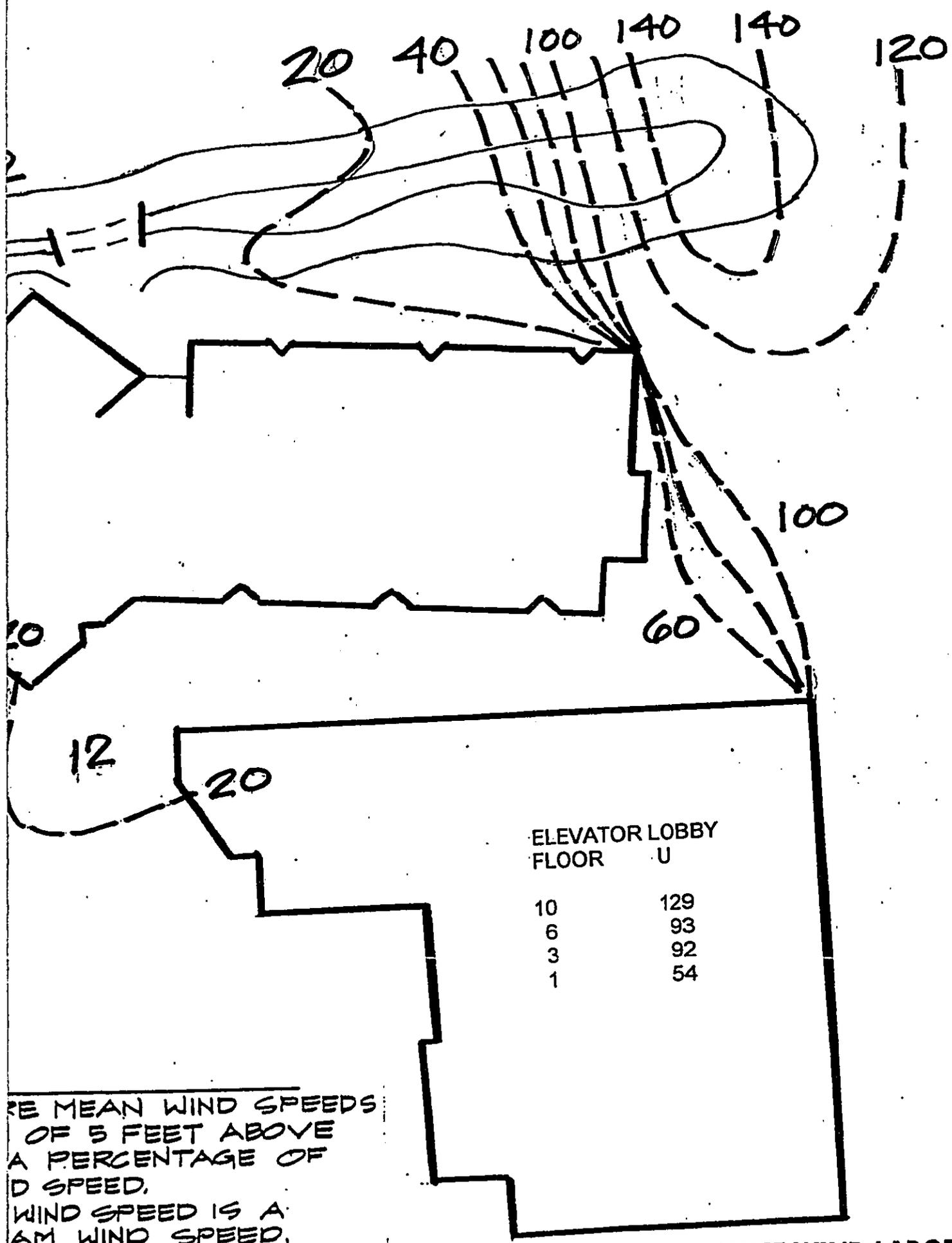


FIGURE B.9
 NEW CONFIGURATION
 WIND DIRECTION 56.5 DEGREES

NOTES

1. WIND SPEEDS ARE MEAN AT AN ELEVATION OF 5 FEET GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
2. THE REFERENCE WIND SPEED IS THE MEAN-FREE-STREAM WIND SPEED UPSTREAM FROM THE PROJECT AT AN ELEVATION OF 5 FT ABOVE GRADE.



ELEVATOR LOBBY FLOOR	U
10	129
6	93
3	92
1	54

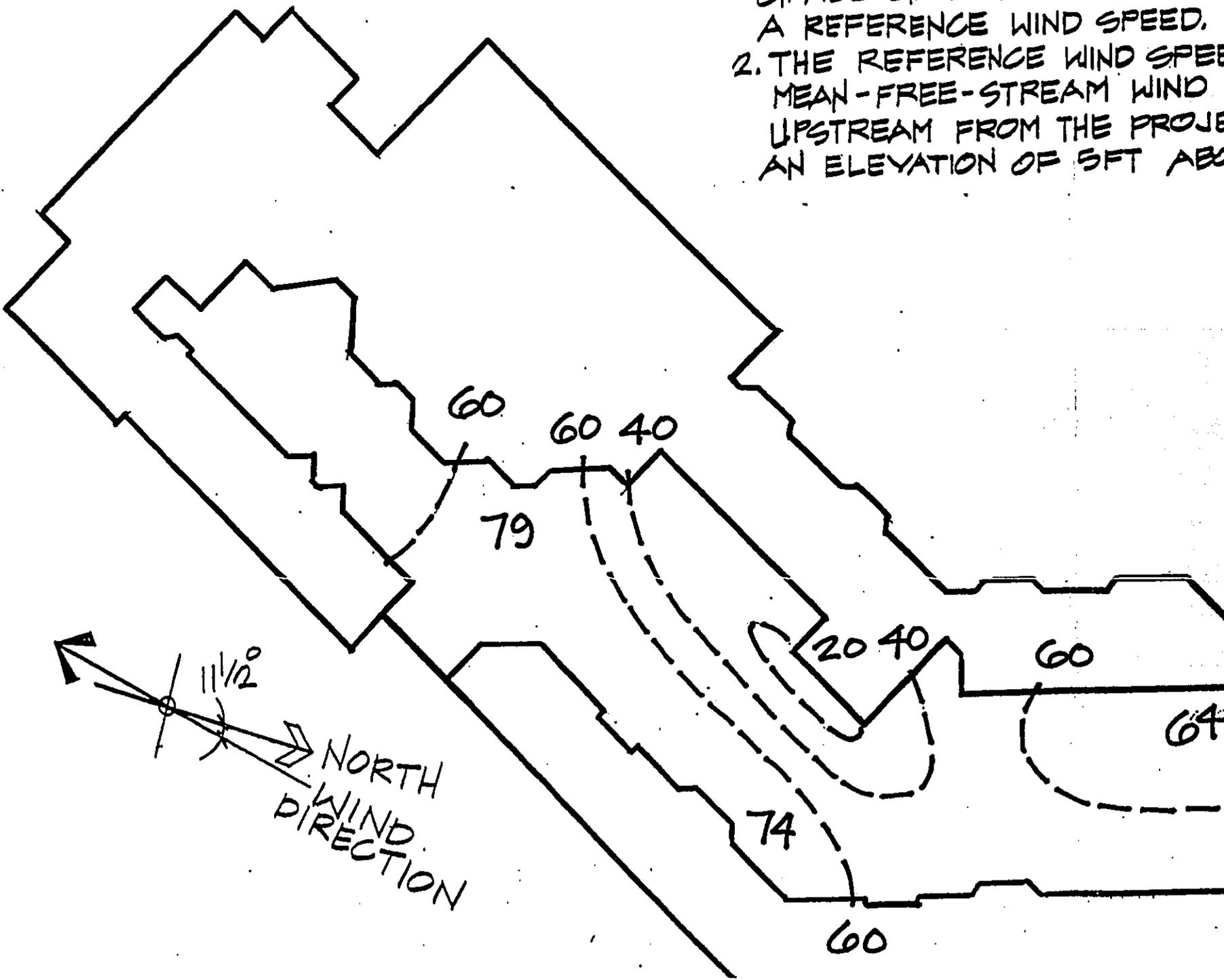
RE MEAN WIND SPEEDS OF 5 FEET ABOVE A PERCENTAGE OF D SPEED. WIND SPEED IS A AM WIND SPEED, THE PROJECT, AT 5 FT ABOVE GRADE.

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FIGURE B.10
EXISTING CONFIGURATION
WIND DIRECTION 11.5 DEGREES

NOTES

1. WIND SPEEDS ARE MEAN AT AN ELEVATION OF 5 FEET GRADE GIVEN AS A PERCENT A REFERENCE WIND SPEED.
2. THE REFERENCE WIND SPEED IS MEAN-FREE-STREAM WIND UPSTREAM FROM THE PROJECT AT AN ELEVATION OF 5 FT ABOVE GRADE.



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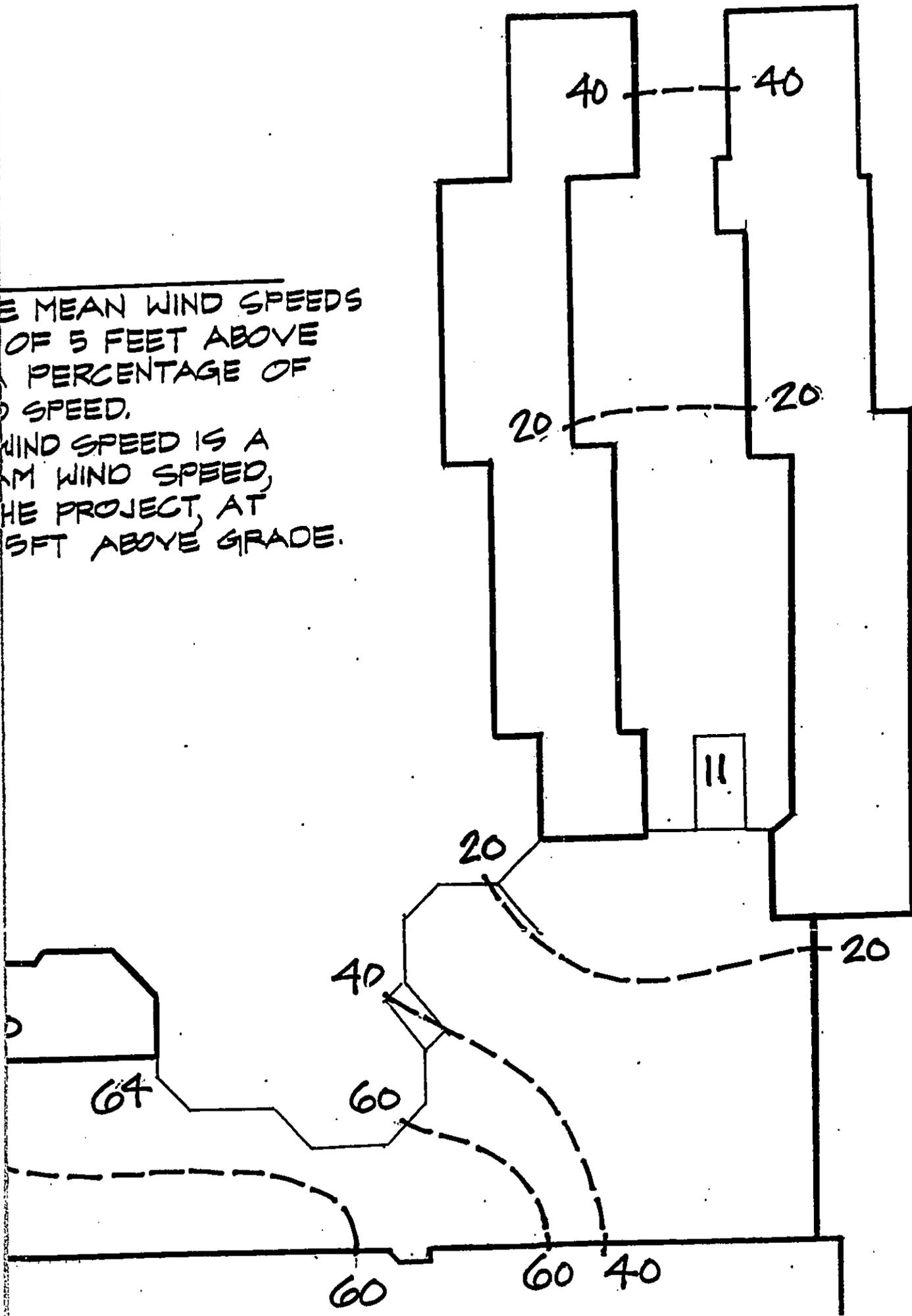
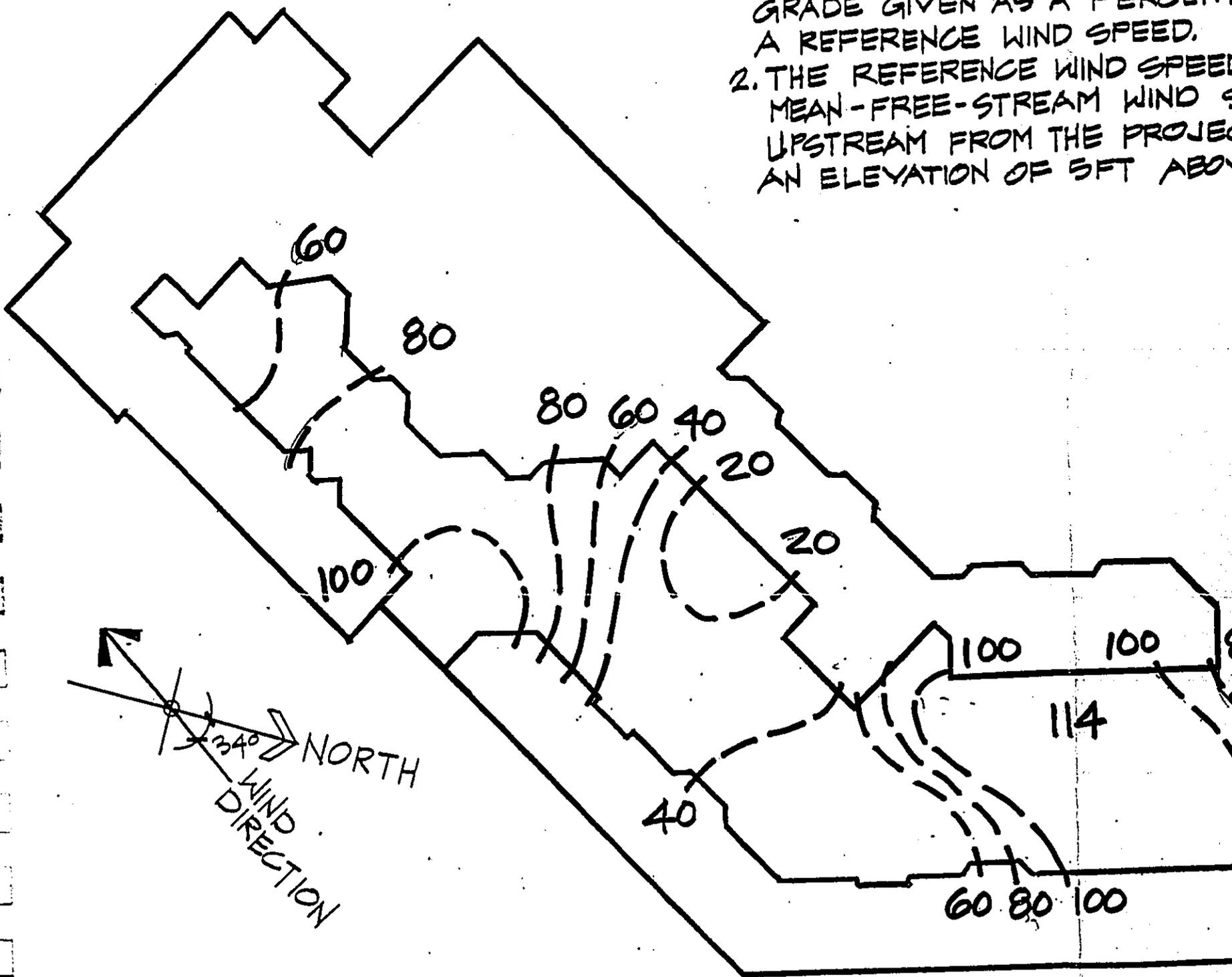


FIGURE B.11
EXISTING CONFIGURATION
WIND DIRECTION 34 DEGREES

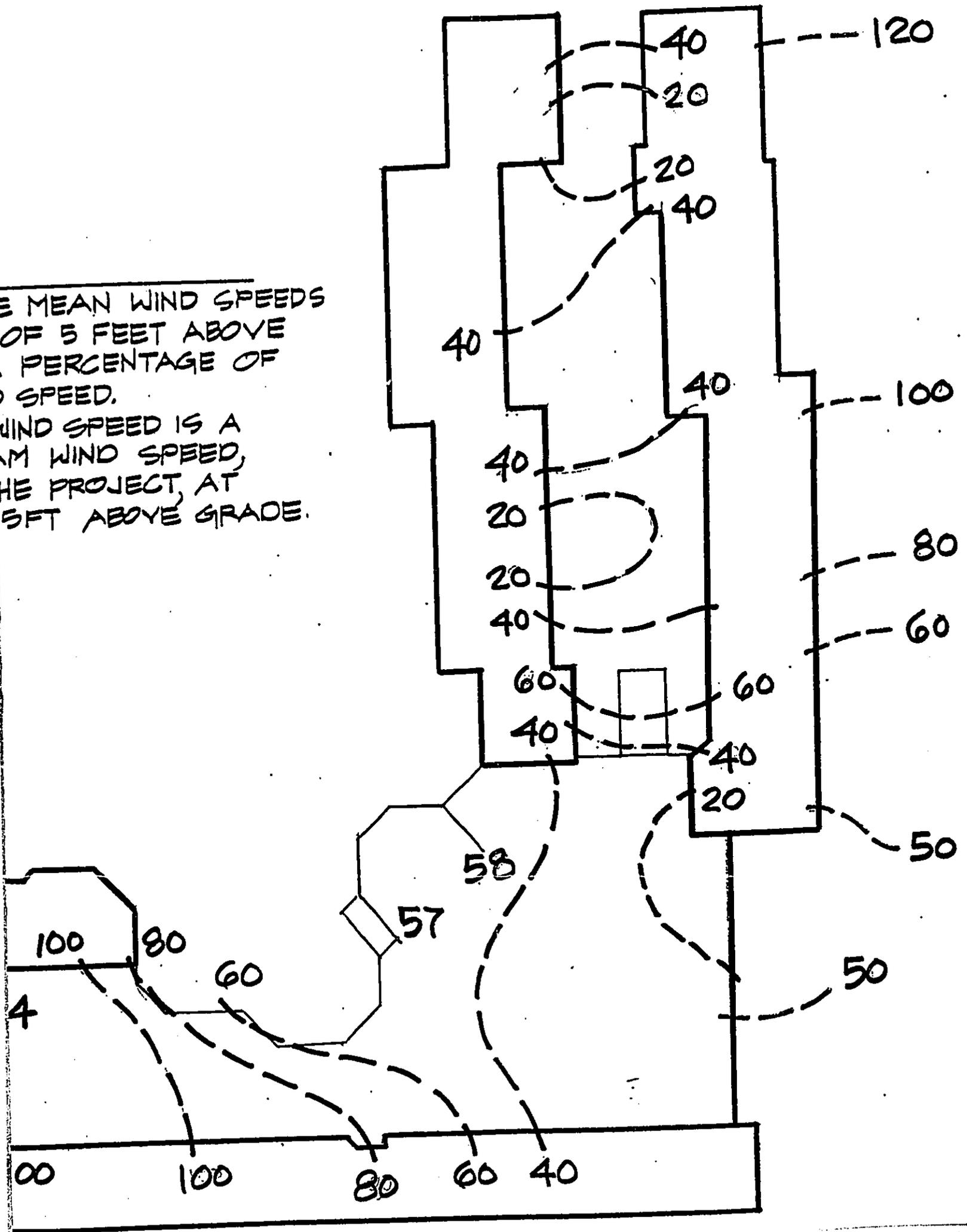
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1. WIND SPEEDS ARE MEAN WIND SPEEDS AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
2. THE REFERENCE WIND SPEED IS THE MEAN-FREE-STREAM WIND SPEED UPSTREAM FROM THE PROJECTED AREA AT AN ELEVATION OF 5 FT ABOVE GRADE.



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5 FT ABOVE GRADE.

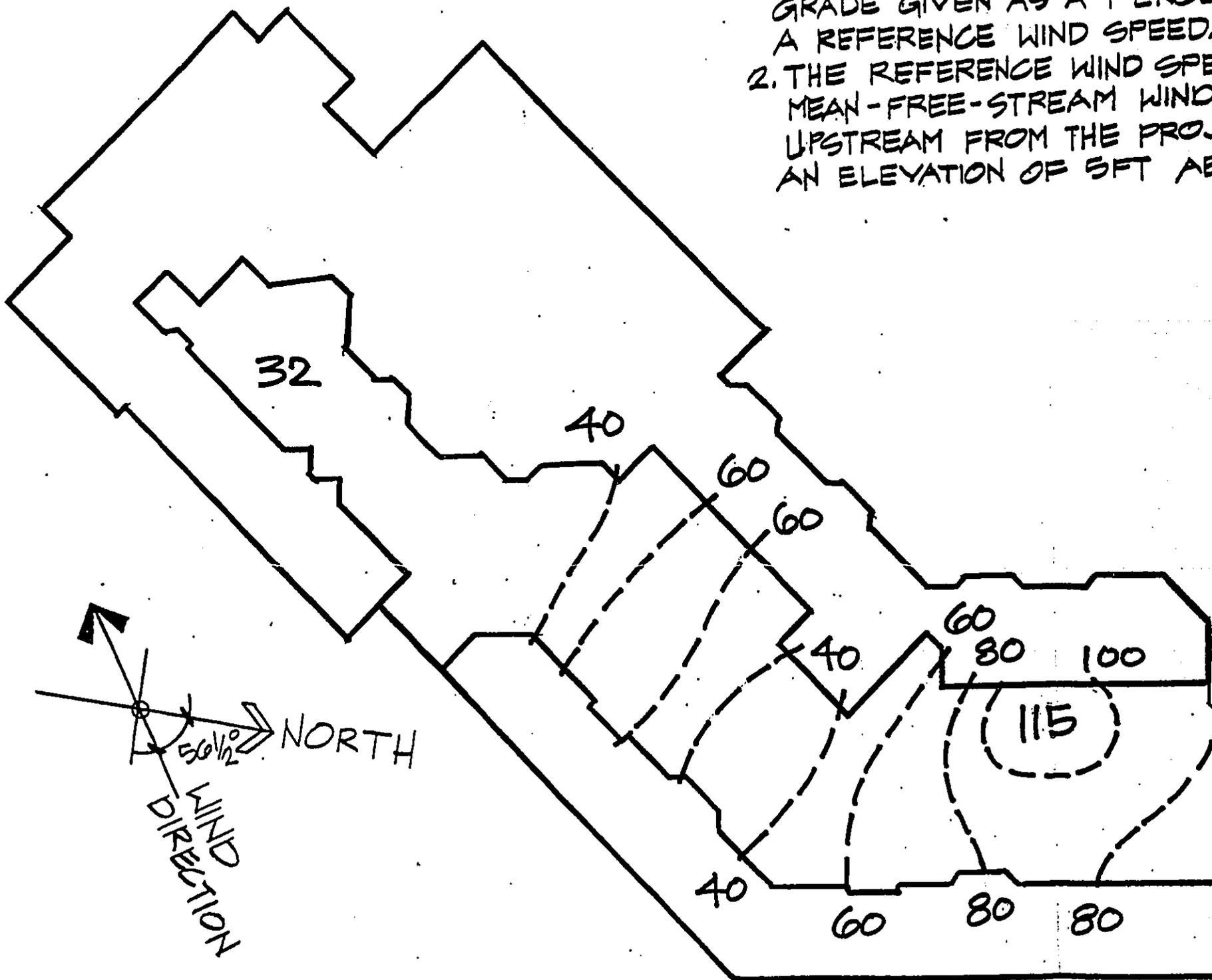


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FIGURE B.12
EXISTING CONFIGURATION
WIND DIRECTION 56.5 DEGREES

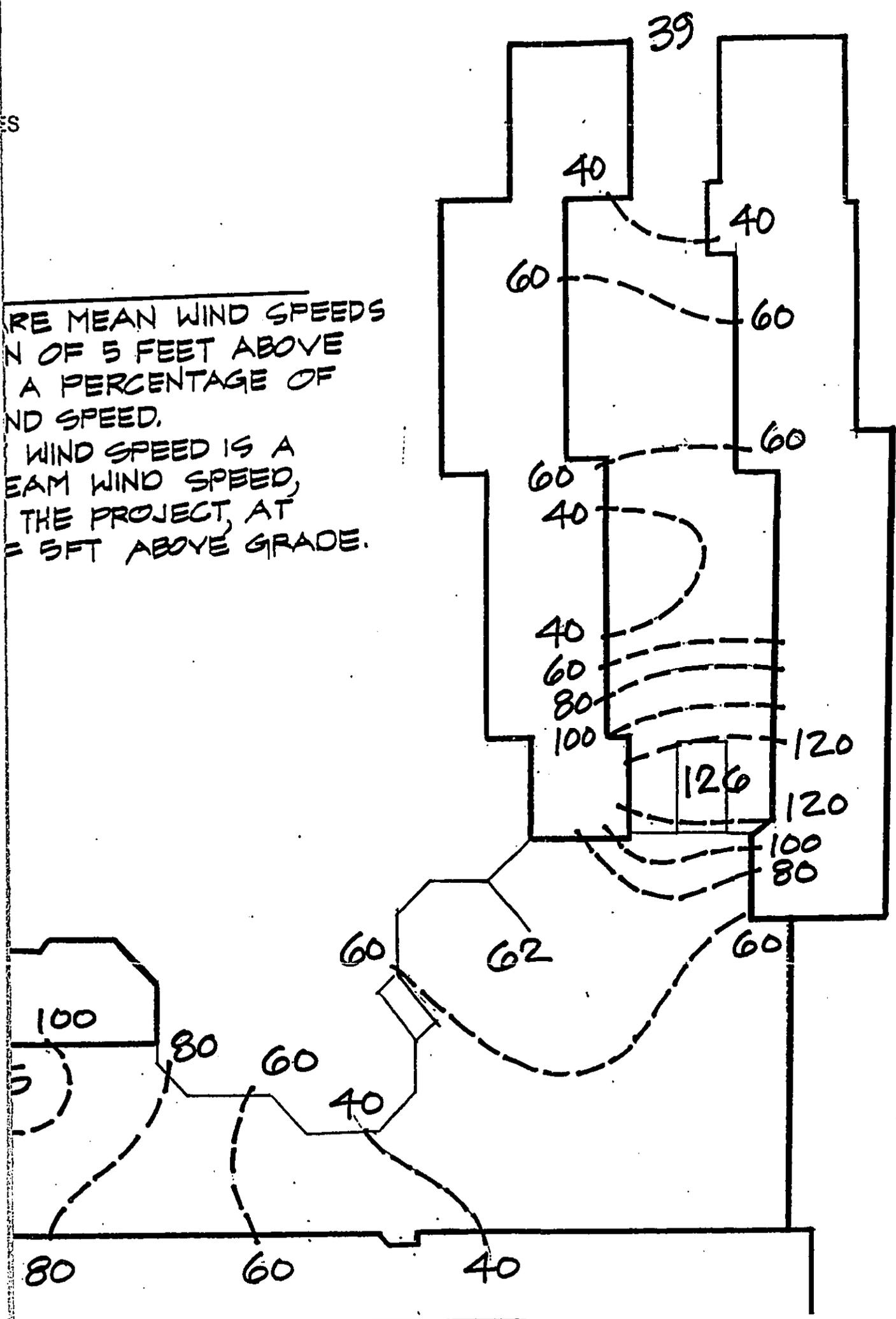
NOTES

1. WIND SPEEDS ARE MEAN AT AN ELEVATION OF 5 FT GRADE GIVEN AS A PERCENT A REFERENCE WIND SPEED.
2. THE REFERENCE WIND SPEED IS MEAN-FREE-STREAM WIND SPEED UPSTREAM FROM THE PROJECT AT AN ELEVATION OF 5 FT ABOVE GRADE.



5

ARE MEAN WIND SPEEDS
N OF 5 FEET ABOVE
A PERCENTAGE OF
ND SPEED.
WIND SPEED IS A
EAM WIND SPEED,
THE PROJECT, AT
= 5 FT ABOVE GRADE.



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CHAPTER C CONCLUSIONS AND DISCUSSION

From the results presented in Chapter B, it is evident that the wind environment in the existing structure lobby spaces, in general, will not be adversely impacted with the addition of the new towers and parking structures. In a few cases (most notably in the breakfast room/bar area of the lobby) for winds from 56.5 degrees, wind speeds will be higher with the new additions. However, in general, mean wind speeds in the existing lobby areas will be slightly less with the new additions than they are now. That is not to say that the problem winds in the existing lobby areas (particularly in the breakfast room/bar area if the sliding doors and windows are left open) will be eliminated with the new additions. They simply will not be aggravated with the new additions.

What constitutes a discomforting wind, particularly in Hawaii, is very subjective. It is very dependent upon temperature, exposure to the sun, whether or not it is raining, etc., etc. On an overcast, somewhat cool day (for Hawaii), a 3 or 4 mph wind may be discomforting while sitting outside reading a newspaper. On a hot sunny day, in the sun, a 10 mph wind might be very refreshing and desirable. With that in mind, areas will be defined as being "windy" or "not windy" only, without greater qualification.

As identified in Appendix 1 (wind environment at the site) a "typical" wind speed from the prevailing wind direction (34 degrees) was determined to be 11.5 mph. If the wind is blowing from a prevailing wind direction (in general from 11.5 degrees to 56.5 degrees centered on 34 degrees), with a typical wind speed of 11.5 mph, then it will be blowing at 11.5 mph on 100% contours; greater than 11.5 mph if the contour is greater than 100%, and less than 11.5 mph if the contour is less than 100%. With these definitions, the following conclusions can be made:

SOUTH TOWER (LAHAINA)

1. At the swimming pool, for any of the wind directions studied, there will be portions of the pool and pool deck where it will not be particularly windy, but there will also be portions that will always be windy (at least after 11:00 am when the trade winds begin blowing).
2. At the elevator lobby it should not be particularly windy. When the winds do blow, there will be a constant breeze through the halls if the openings to the south are left open. If those winds are troublesome, they could be stopped completely with glazing at the south end of the hall (while it remains open at the elevator lobby).
3. The tennis courts may be a bit windy in the afternoon. Strong winds are shown in the tennis court area (the wind screens around the tennis courts will help, but maybe not too

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much). The longitudinal axis of the tennis courts is aligned with the wind direction which will minimize the effectiveness of the wind screens (which are far apart from end to end of the tennis courts). Furthermore, winds will be coming down from the existing structure which will also reduce the effectiveness of the wind screens. Tennis will be best played in the mornings before the trade winds begin to blow.

4. The walkway from the garage to the elevator lobby will be windy, but not at the elevator lobby itself. The winds will not be stronger, however, than they are out in an open field.

NORTH TOWER (NAPILI)

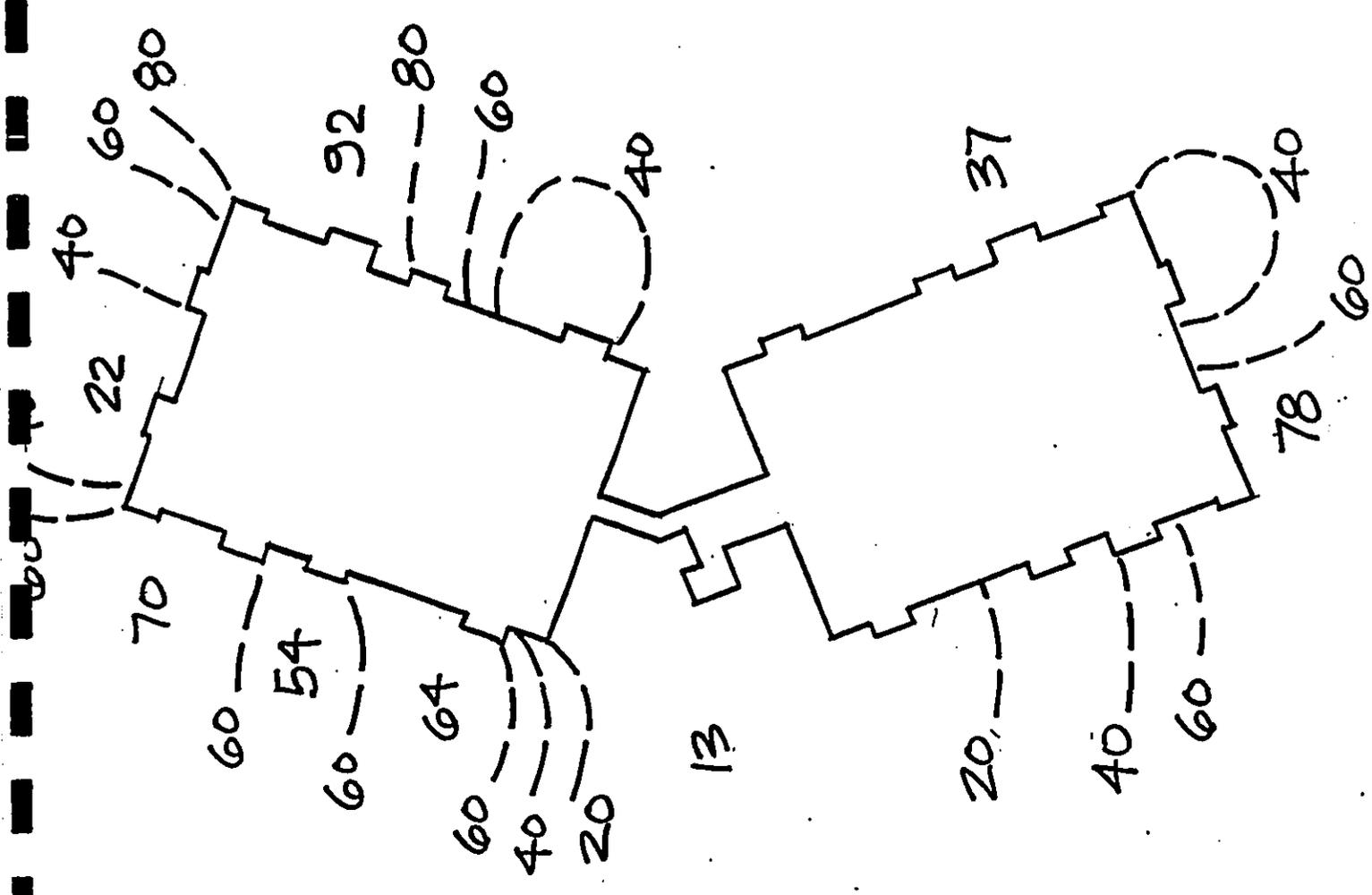
5. The north and south ends of the swimming pool and pool deck will be windy for winds for the entire prevailing wind direction range (they are funneled through this area, in a constant direction, independent of the exact wind direction) by the condominium towers to the north and the existing structure to the south. Again, this will occur after 11:00 am, after which the trade winds blow. Similarly, for winds from the complete prevailing wind range, the large center portion of the pool and pool deck will be protected. Any part of the pool is suitable for swimming, of course, but the center portion will be preferable for sun bathing (unless a breeze is desired for cooling).
6. As it is designed, the elevator lobby at most floors will be windy from the entire prevailing wind directing range. This wind can, however, be totally eliminated with a solid or glazed wall on the east side of the elevator lobby (which can remain totally open to the south).
7. If the east side of the elevator lobby is made solid (to the wind), then there will be suction at both ends of the hall. Strong winds through the hall would, therefore, not be likely, even with both ends of the hall open.
8. The walkway from the parking garage to the residence tower should not be windy.

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CHAPTER D **PEDESTRIAN LEVEL WINDS** **AROUND THE KA'ANAPALI ALII CONDOMINIUMS**

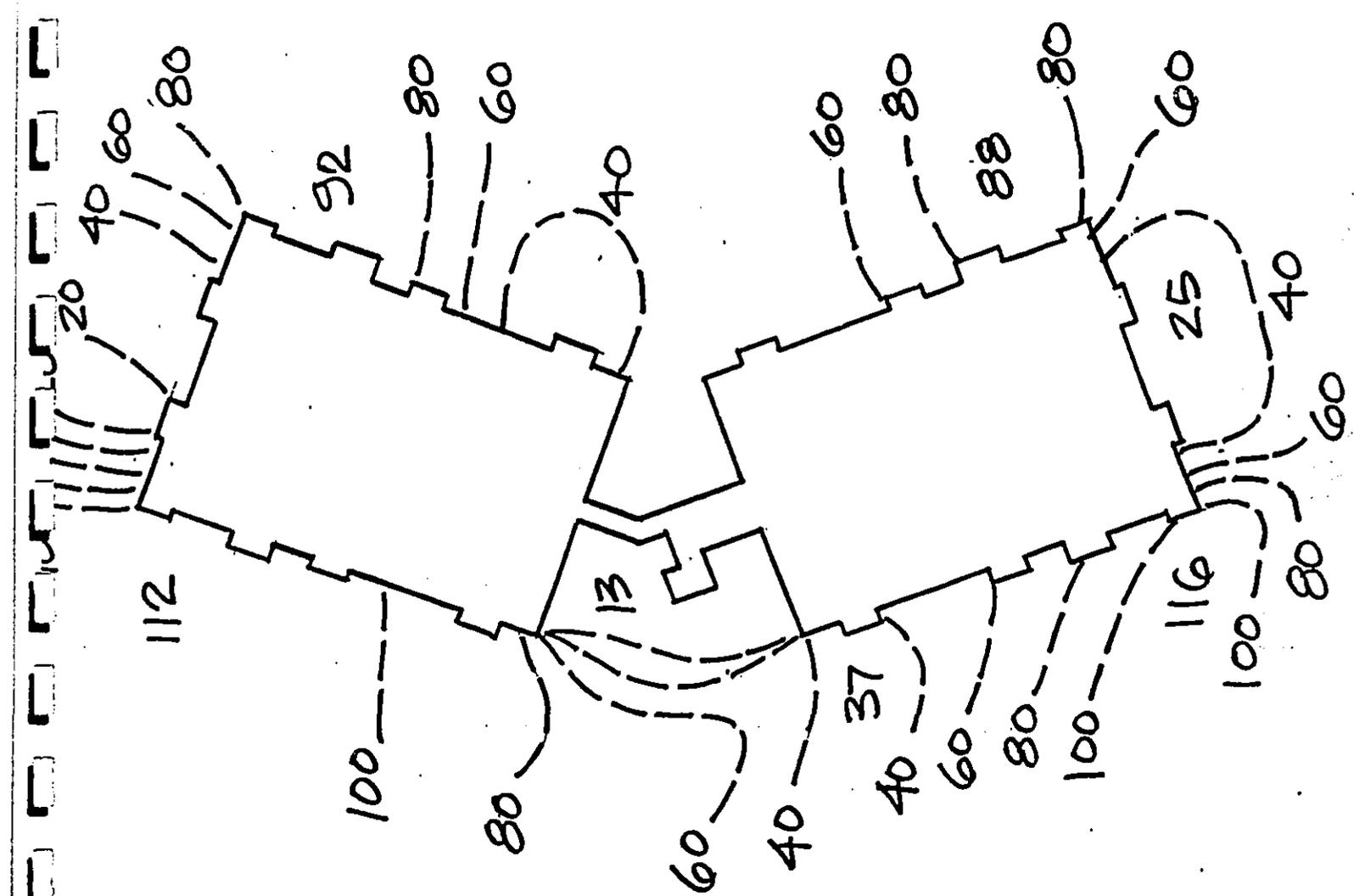
Pedestrian level wind speeds, as a percentage of the reference wind speed (mean free stream wind speed, in an open field, upstream of the project, at an elevation of 5 feet above grade) for the configuration with the new additions at the Marriott Maui are shown on Figure D.1 for winds from 11.5 degrees; Figure D.2 for winds from 34 degrees; and Figure D.3 for winds from 56.5 degrees. Pedestrian level wind speeds for the existing configuration are shown on Figure D.4 for winds from 11.5 degrees; Figure D.5 for winds from 34 degrees; and Figure D.6 for winds from 56.5 degrees.



- NOTES**
1. WIND SPEEDS ARE MEAN WIND SPEEDS AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
 2. THE REFERENCE WIND SPEED IS A MEAN-FREE-STREAM WIND SPEED, UPSTREAM FROM THE PROJECT, AT AN ELEVATION OF 5 FT ABOVE GRADE.

FIGURE D.1
 NEW CONFIGURATION
 WIND DIRECTION 11.5 DEGREES

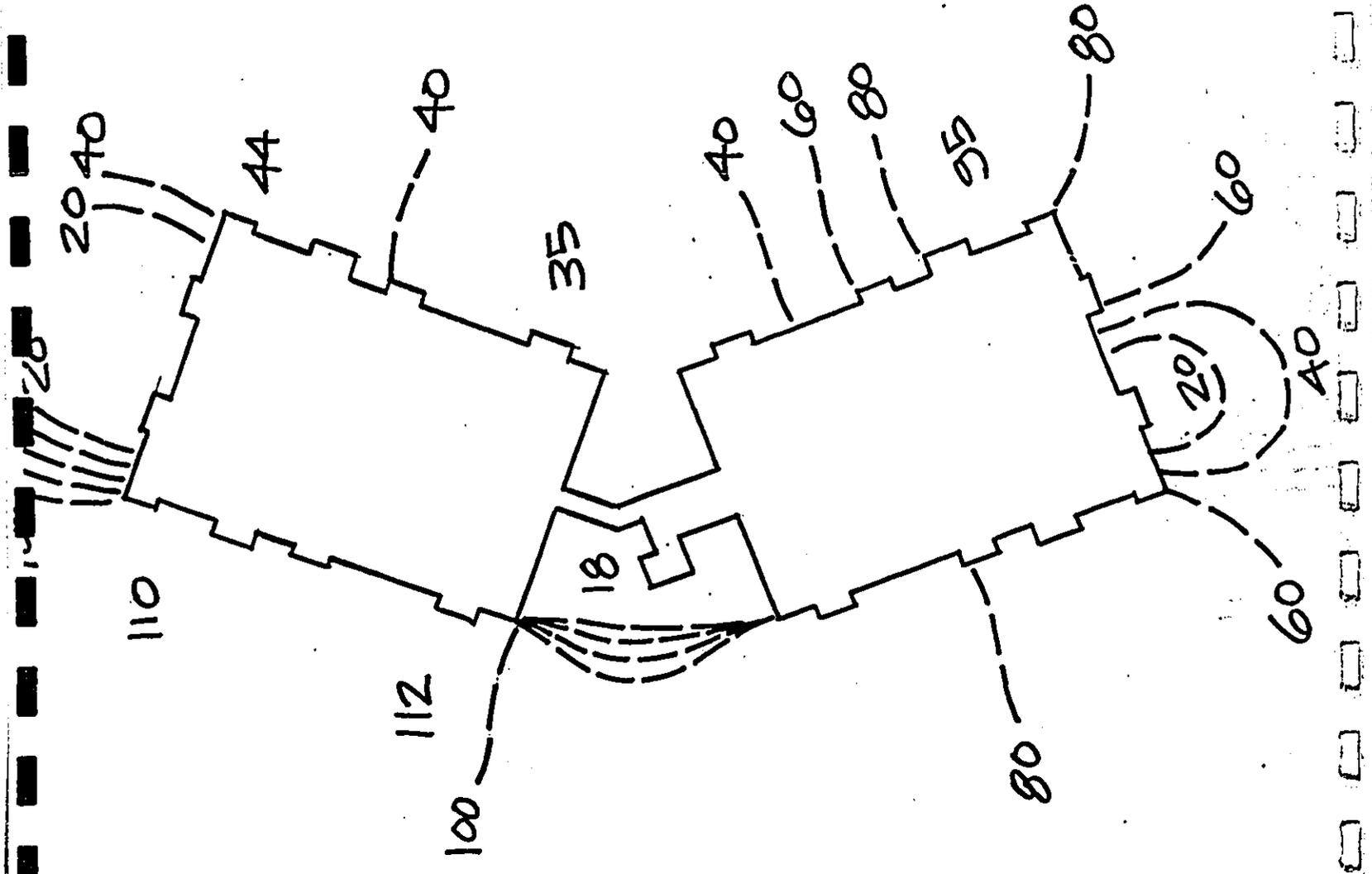
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- NOTES**
1. WIND SPEEDS ARE MEAN WIND SPEEDS AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
 2. THE REFERENCE WIND SPEED IS A MEAN-FREE-STREAM WIND SPEED, UPSTREAM FROM THE PROJECT, AT AN ELEVATION OF 5 FT ABOVE GRADE.

FIGURE D.2
 NEW CONFIGURATION
 WIND DIRECTION 34 DEGREES

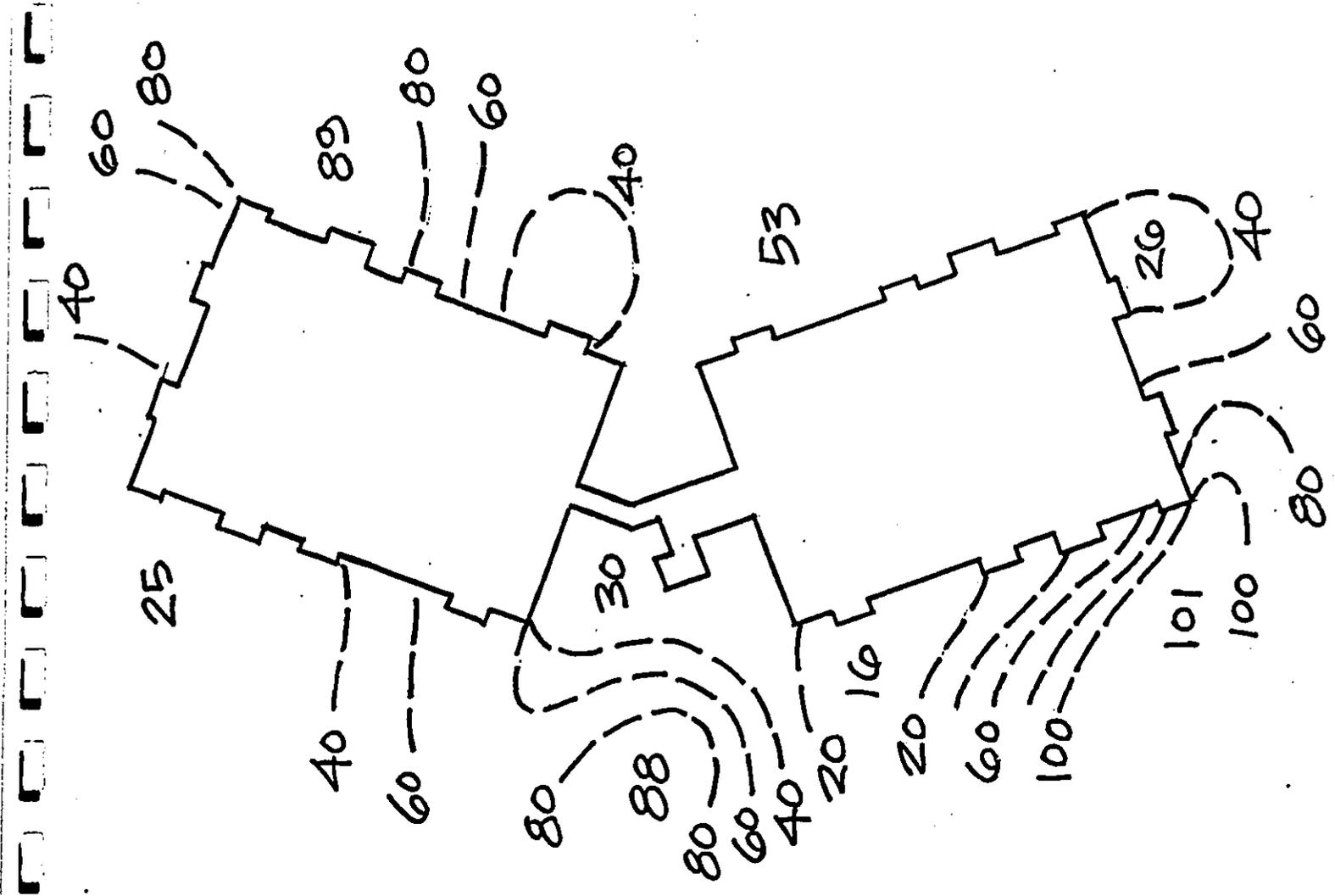
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- NOTES
1. WIND SPEEDS ARE MEAN WIND SPEEDS AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
 2. THE REFERENCE WIND SPEED IS A MEAN-FREE-STREAM WIND SPEED, UPSTREAM FROM THE PROJECT, AT AN ELEVATION OF 5 FT ABOVE GRADE.

FIGURE D.3
 NEW CONFIGURATION
 WIND DIRECTION 56.5 DEGREES

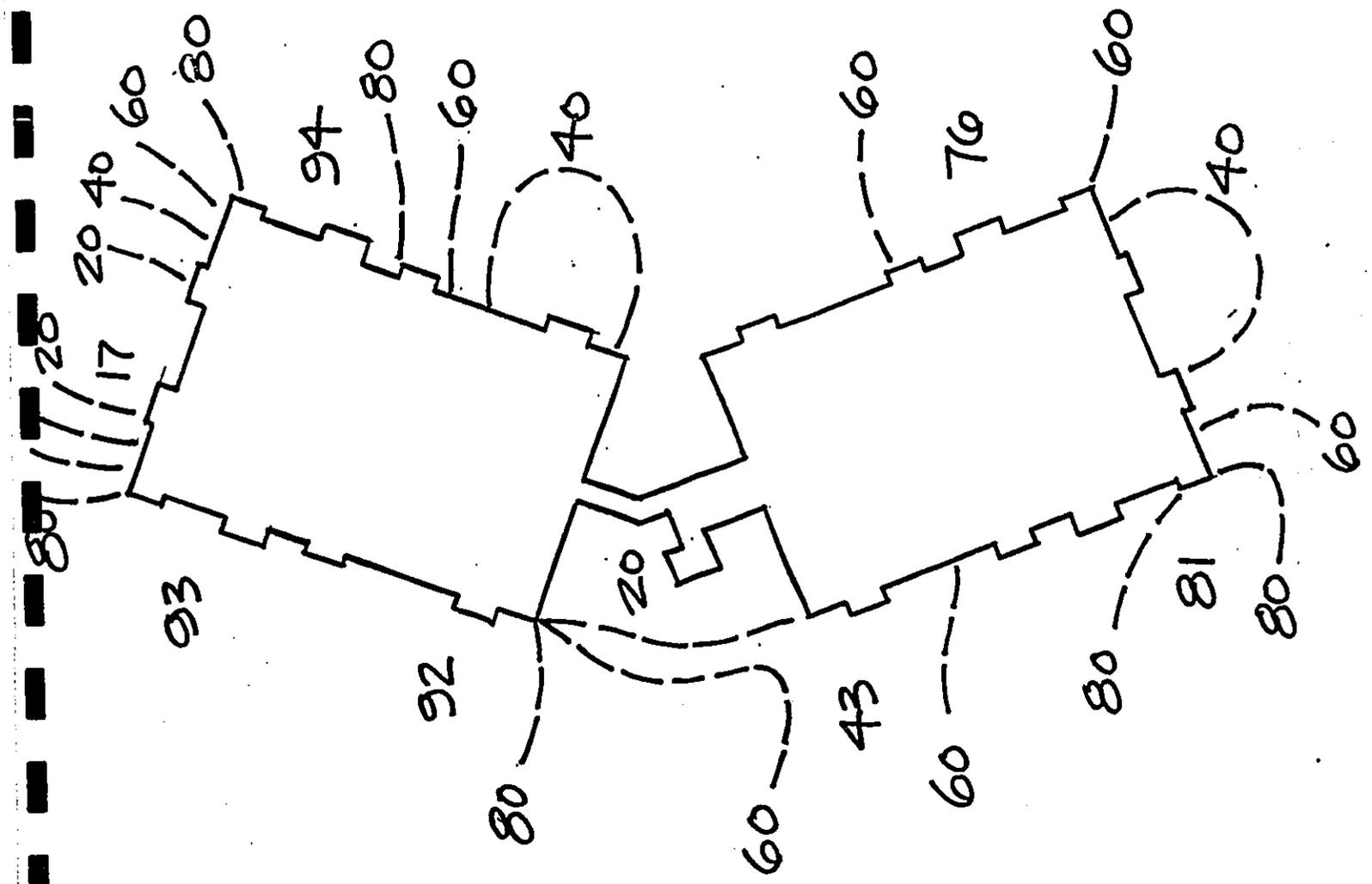
WEST WIND LABORATORY
 INCORPORATED



- NOTES**
1. WIND SPEEDS ARE MEAN WIND SPEEDS AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
 2. THE REFERENCE WIND SPEED IS A MEAN-FREE-STREAM WIND SPEED, UPSTREAM FROM THE PROJECT, AT AN ELEVATION OF 5 FT ABOVE GRADE.

FIGURE D.4
 EXISTING CONFIGURATION
 WIND DIRECTION 11.5 DEGREES

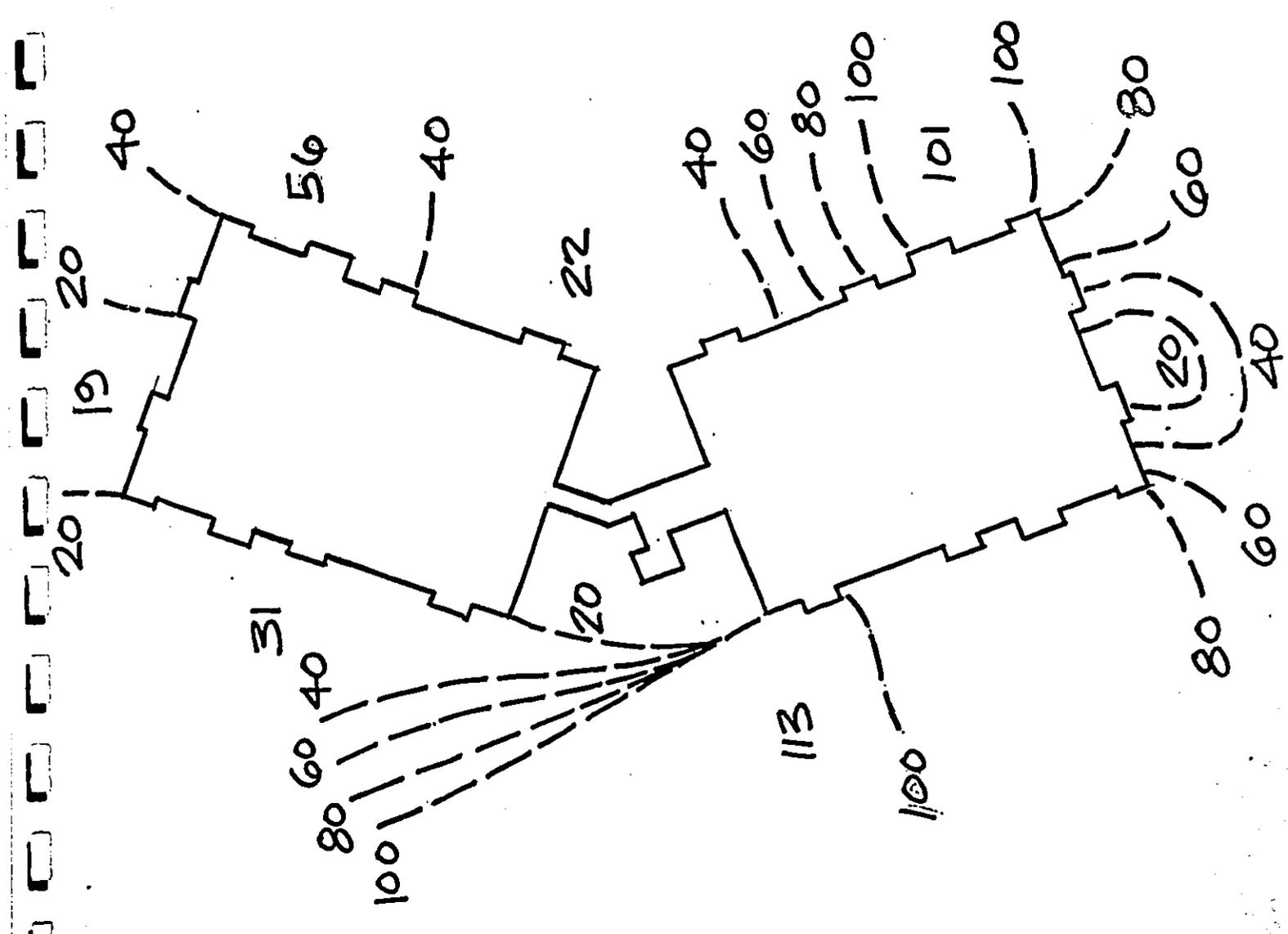
WEST WIND LABORATORY
 INCORPORATED



- NOTES**
1. WIND SPEEDS ARE MEAN WIND SPEEDS AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
 2. THE REFERENCE WIND SPEED IS A MEAN-FREE-STREAM WIND SPEED, UPSTREAM FROM THE PROJECT, AT AN ELEVATION OF 5FT ABOVE GRADE.

FIGURE D.5
 EXISTING CONFIGURATION
 WIND DIRECTION 34 DEGREES

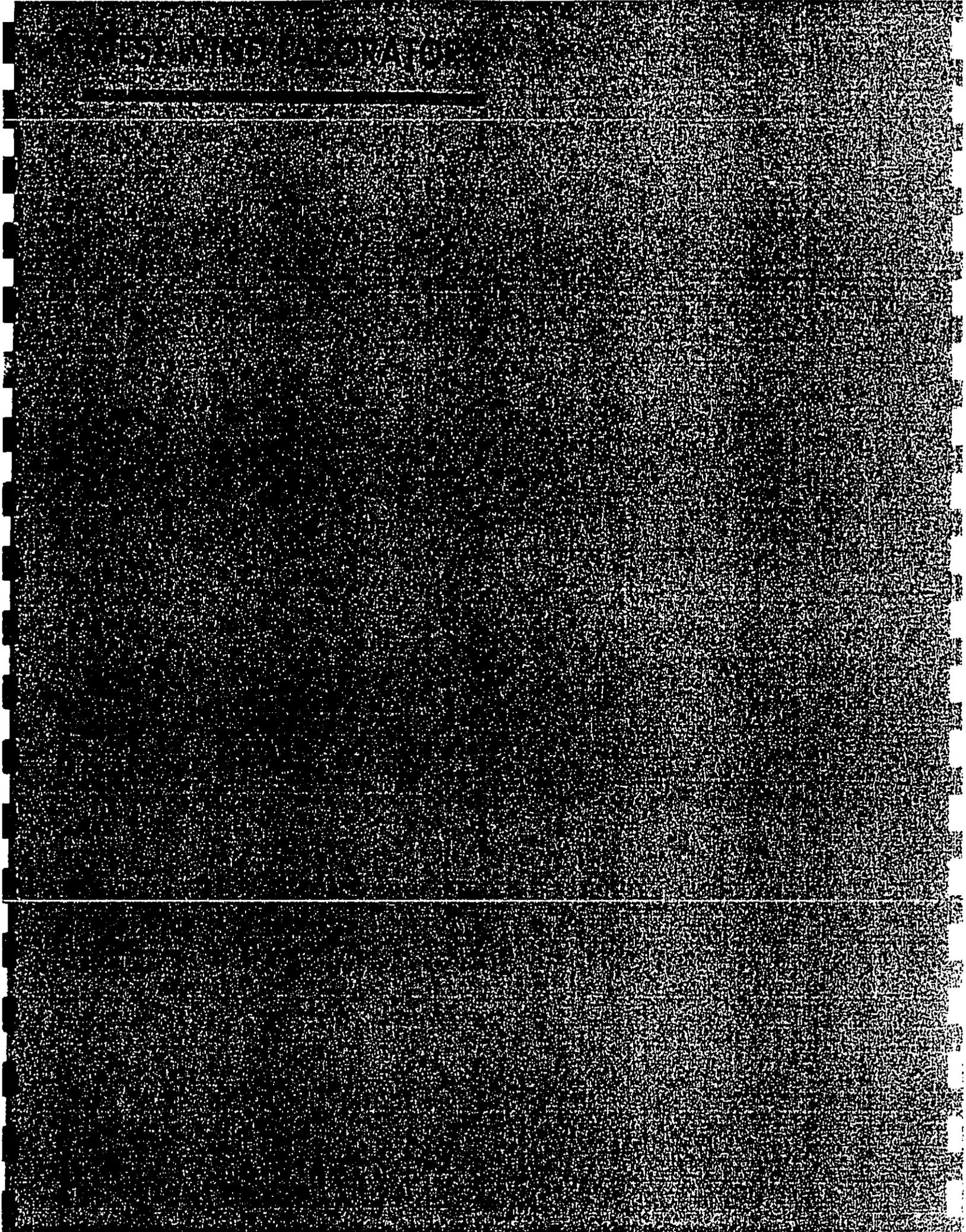
WEST WIND LABORATORY
 INCORPORATED



- NOTES**
1. WIND SPEEDS ARE MEAN WIND SPEEDS AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
 2. THE REFERENCE WIND SPEED IS A MEAN-FREE-STREAM WIND SPEED, UPSTREAM FROM THE PROJECT, AT AN ELEVATION OF 5 FT ABOVE GRADE.

FIGURE D.6
 EXISTING CONFIGURATION
 WIND DIRECTION 56.5 DEGREES

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DOCUMENTS CAPTURED AS RECEIVED

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APPENDIX 1 WIND ENVIRONMENT AT THE SITE

Detailed, historical wind data is not readily available for Ka'anapali. One source is the *Atlas of Hawaii* (Ref 3). Wind rose data from that source shows that winds come from north 5% of the time; north-northeast, 14% of the time; northeast, 19% of the time; and east-northeast, 9% of the time. Winds therefore come from the four directions noted 47% of the time, are calm 10% of the time, and come from the other twelve directions 43% of the time (most significantly from the south and southwest directions).

Mr. Ted Suzuki (then of Englekirk & Hart, Inc.), for the study described in Ref (1) recorded wind speeds on 1/4/83. At the Ka'anapali airstrip, at a 5 foot elevation, at hourly intervals beginning at 1:00 pm, winds were recorded from the NE, NNE, NNE, and NE directions, with mean wind speeds of 13.8, 11.5, 11.5, and 9.2 mph respectively. These winds were considered to be "typical" trade winds by personnel at the Maui Marriott Resort. Although it is not a scientific average, a 11.5 mph wind, at an elevation of 5 feet above grade, from the northeast or north-northeast direction at the Ka'anapali Airstrip will be considered to be a "typical" trade wind. For consistency with the previous reports (Ref 1 and 2), a specific wind direction of 34 degrees will be assumed for this "typical" wind.

The exposures to the northeast at the Ka'anapali Airstrip and at the Maui Marriott Resort are both considered to be "open". A surface roughness length of 5 cm was assumed to be appropriate for both exposures. The assumed "typical" trade wind at the Ka'anapali Airstrip will therefore be assumed to equal a "typical" trade wind at the Maui Marriott Resort.

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APPENDIX 2 FACILITIES

The West Wind Laboratory, Inc. owns and operates two wind tunnels. Most studies are performed in the 1 x 4-m open return type atmospheric boundary layer wind tunnel designed specifically for bridge section model and full-bridge model testing. Drawings of the wind tunnel are shown on Figure 2.1. Wind speed profiles upstream and downstream from the section model test section are shown in Figures 2.2 and 2.3. Shown in Figure 2.4 is the boundary layer at one end plate. Wind speeds are continuously variable from 0 to 6.1 m/sec.

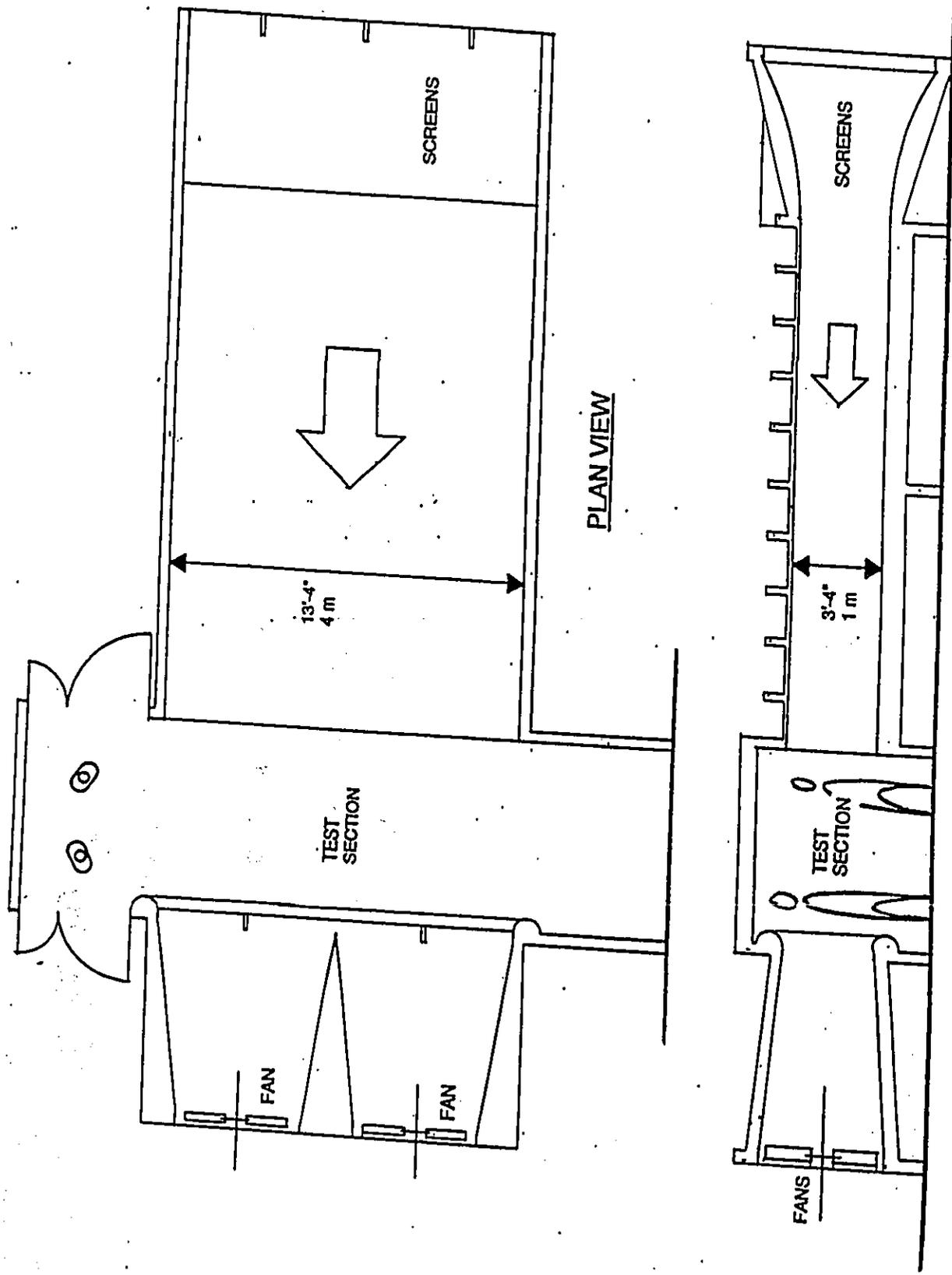
The test section is open without walls or a ceiling. Ambient pressures within the test chamber therefore are essentially constant. Furthermore, winds can flow around and over the models without constriction (as in the full-scale environment). Therefore, blockage effects are minimal, i.e., wind speed will not be artificially accelerated around the model because there are no walls to constrict and accelerate the flow.

The wind tunnel extends 6.1 m upstream from the test section without flair or constriction. Atmospheric boundary layers can be generated in this space with the use of spires and blocks on the wind tunnel floor.

The second wind tunnel owned and operated by the West Wind Laboratory, Inc. is a 0.92 x 0.92-m open return type wind tunnel. This tunnel also has an open test section. Atmospheric boundary layers are not generated in this wind tunnel. Wind speeds are variable up to a wind speed of 5 m/sec. This tunnel is designed specifically for section model testing. This tunnel is shown in Figure 2.5.

Model displacements, and force transducer displacements are measured with Macro Sensors PRH-812-050 LVDT Transducers and Macro Sensors LPC-2000 Signal Conditioners. Mean wind speeds are measured with a Sierra Instruments Model 618 Air Velocity Meter. Mean and fluctuating wind speeds are measured with a total head tube and Setra System, Inc. 239 Pressure Transducer.

Analog signals from the transducers are digitized on a ComputerBoards PCM-DAS08 Analog to Digital Converter.

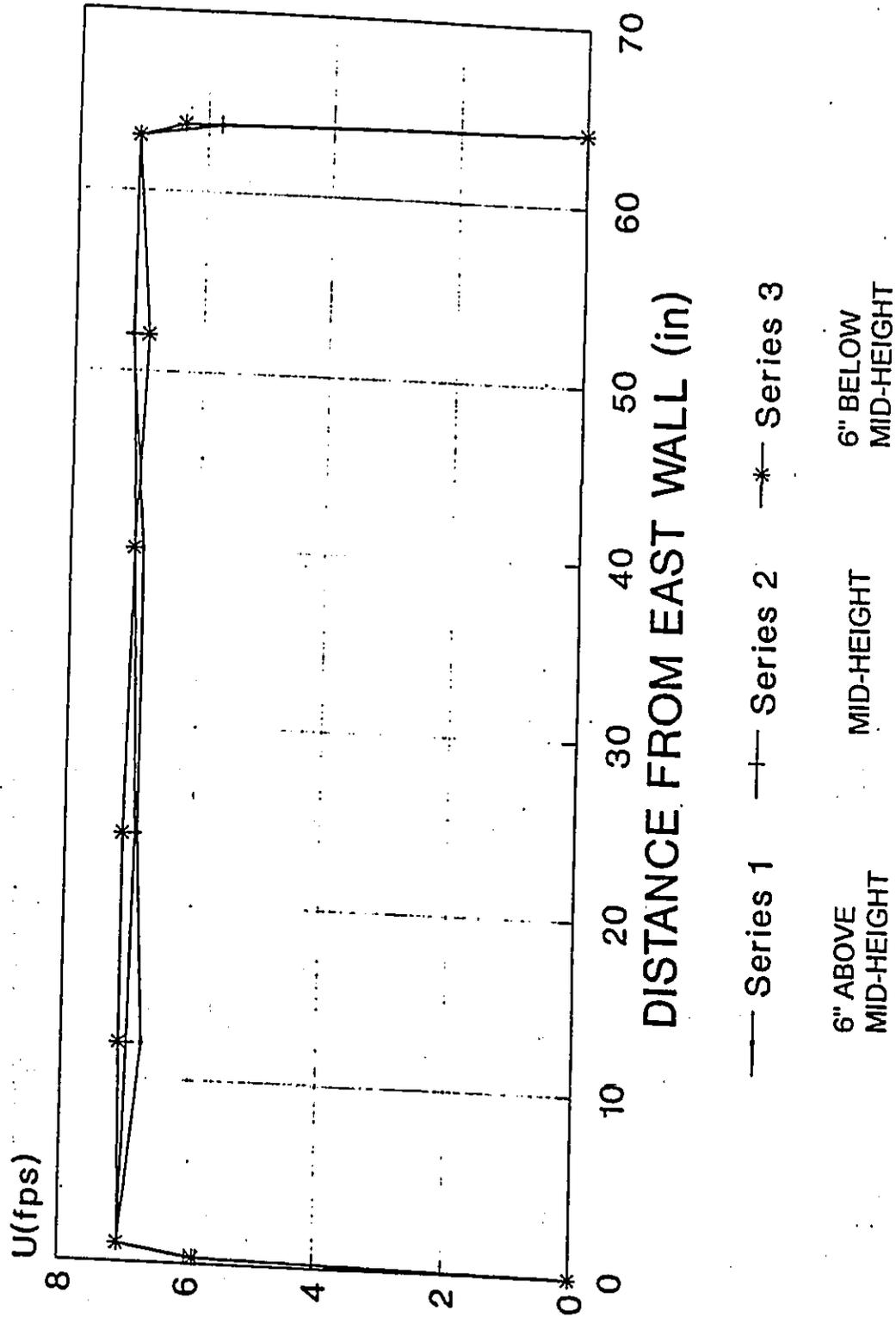


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SECTION

FIGURE 2.1
 1 x 4-m ATMOSPHERIC BOUNDARY LAYER WIND TUNNEL

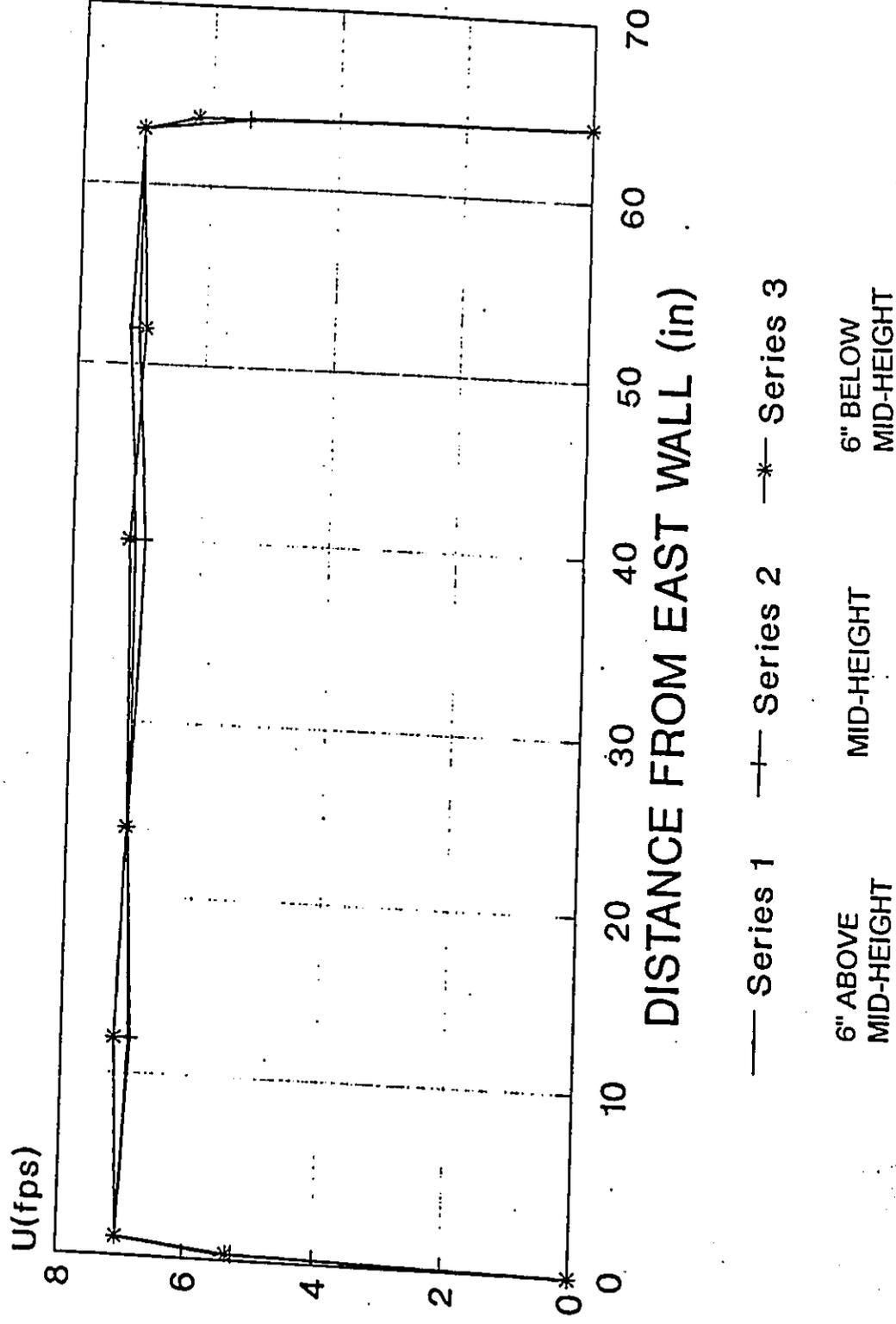
MEAN VELOCITY PROFILE 0.5 METER UPSTREAM



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FIGURE 2.2

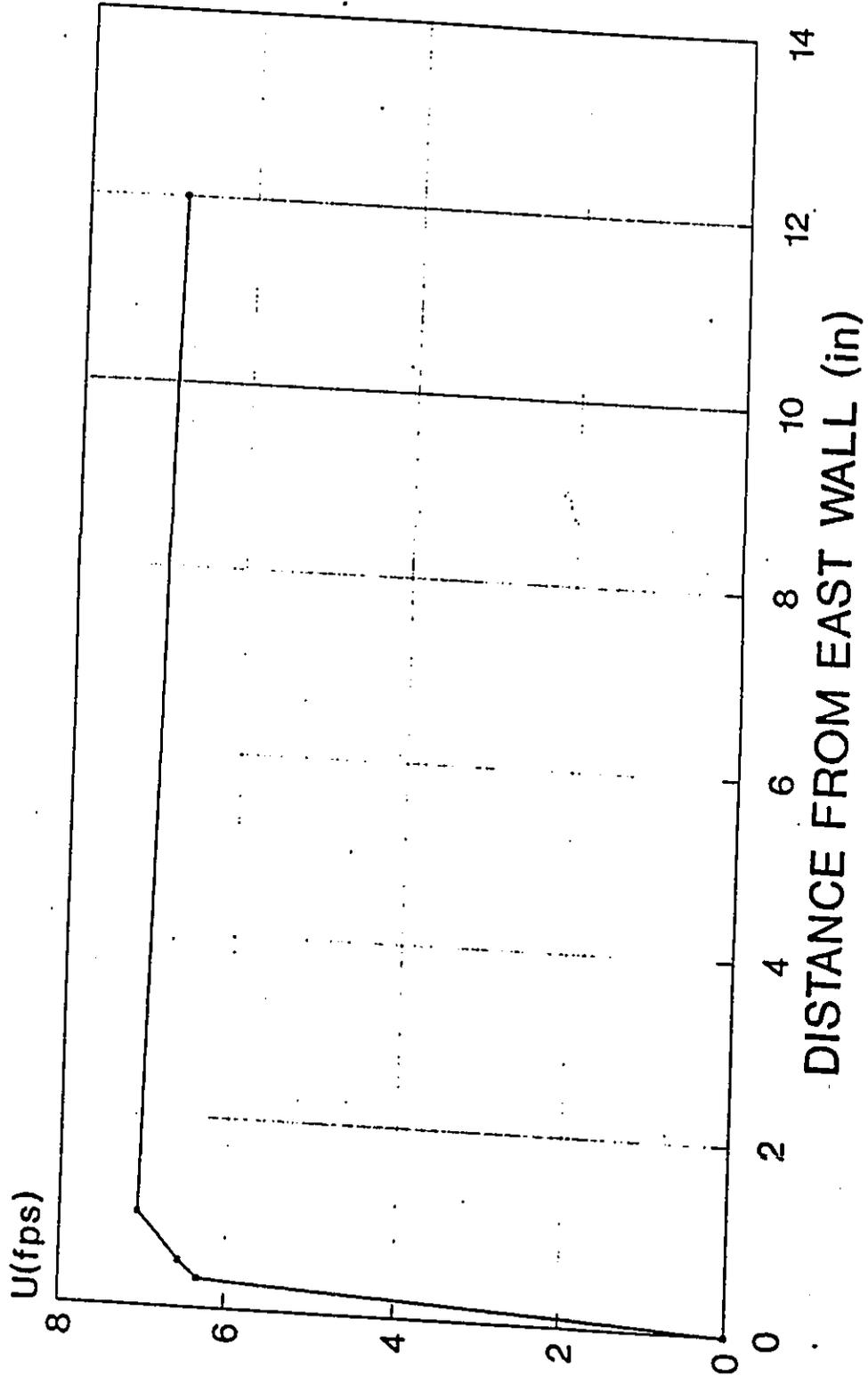
MEAN VELOCITY PROFILE 0.5 METER DOWNSTREAM



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FIGURE 2.3

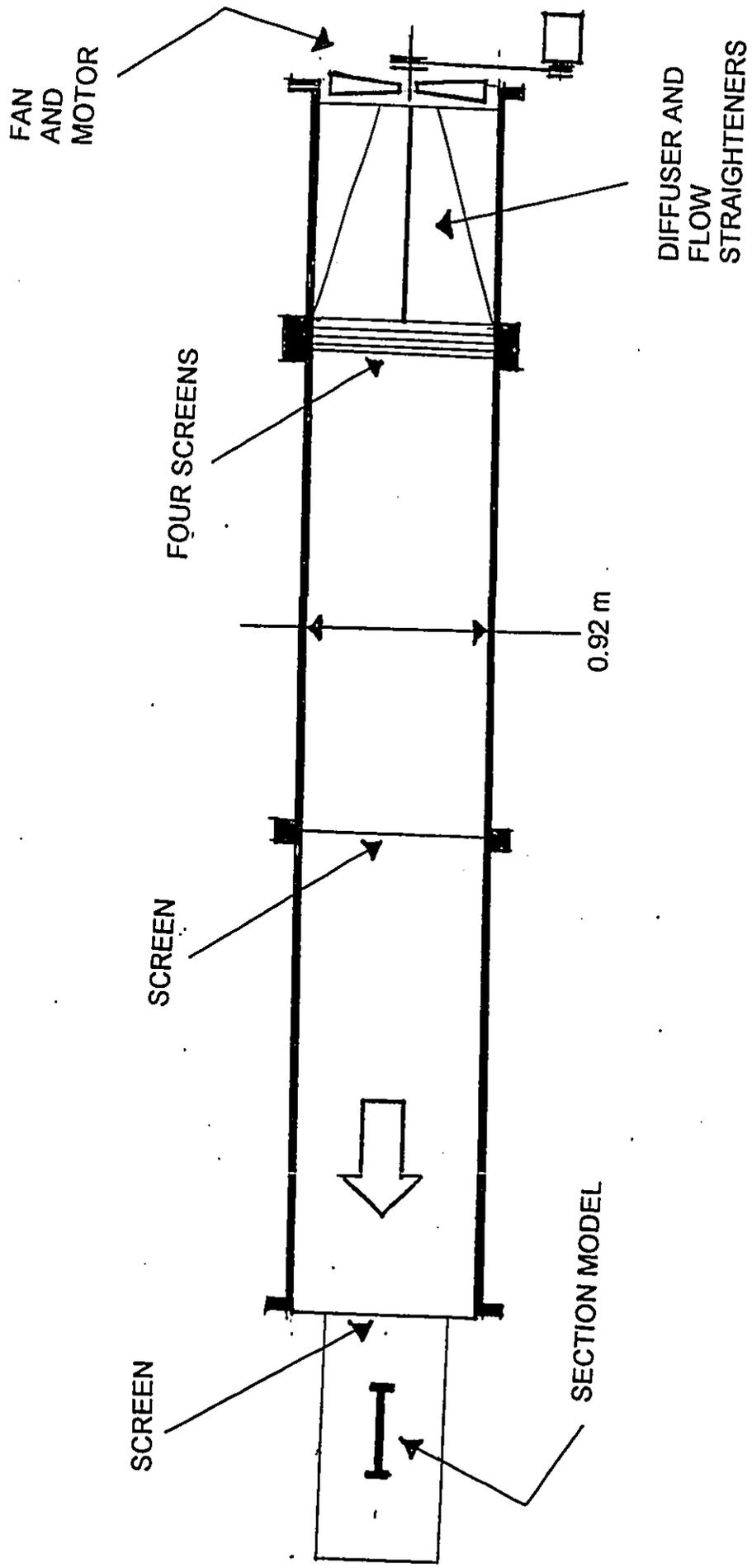
MEAN VELOCITY PROFILE SIDE BOUNDARY LAYER



MID-HEIGHT

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FIGURE 2.4



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FIGURE 2.5
0.92 x 0.92-m SECTION MODEL WIND TUNNEL

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APPENDIX 3 MODEL

A model of the entire complex, the two condominium buildings to the north of the complex, and the terrain, was modeled to a scale of 1:192 (1/16 inch - 1 foot). The model was made of mat board and cardboard. All buildings and parking garages were removable so the new and existing configurations could be tested. The model in the wind tunnel is shown in Figure 3.1.

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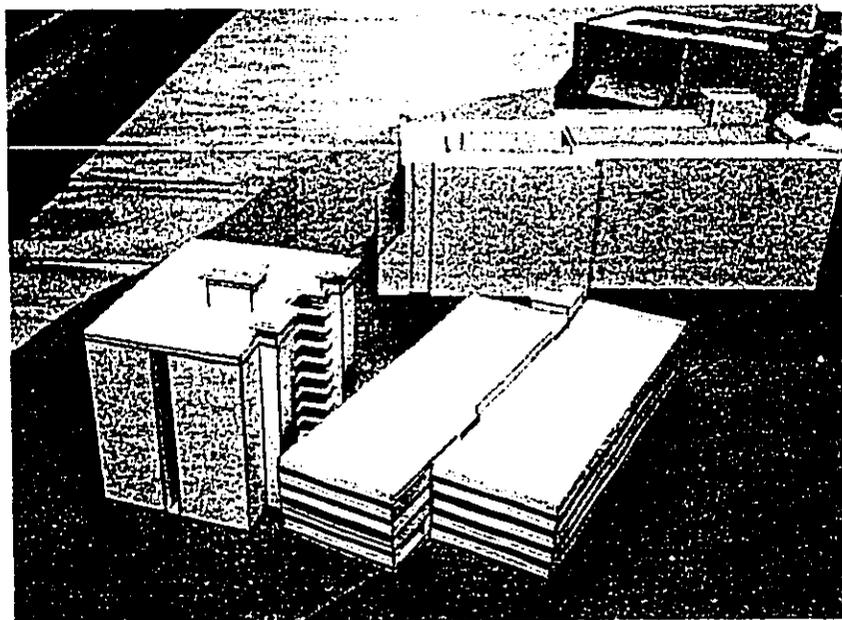
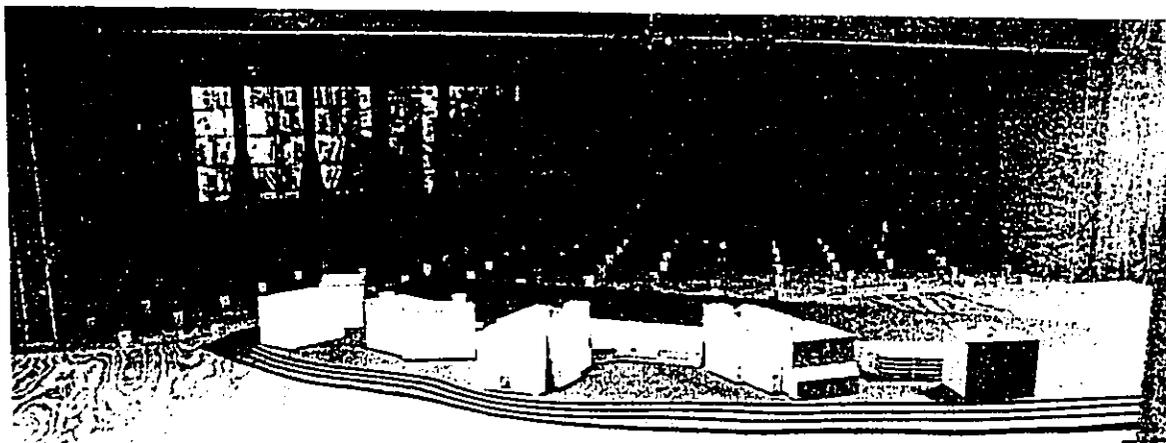
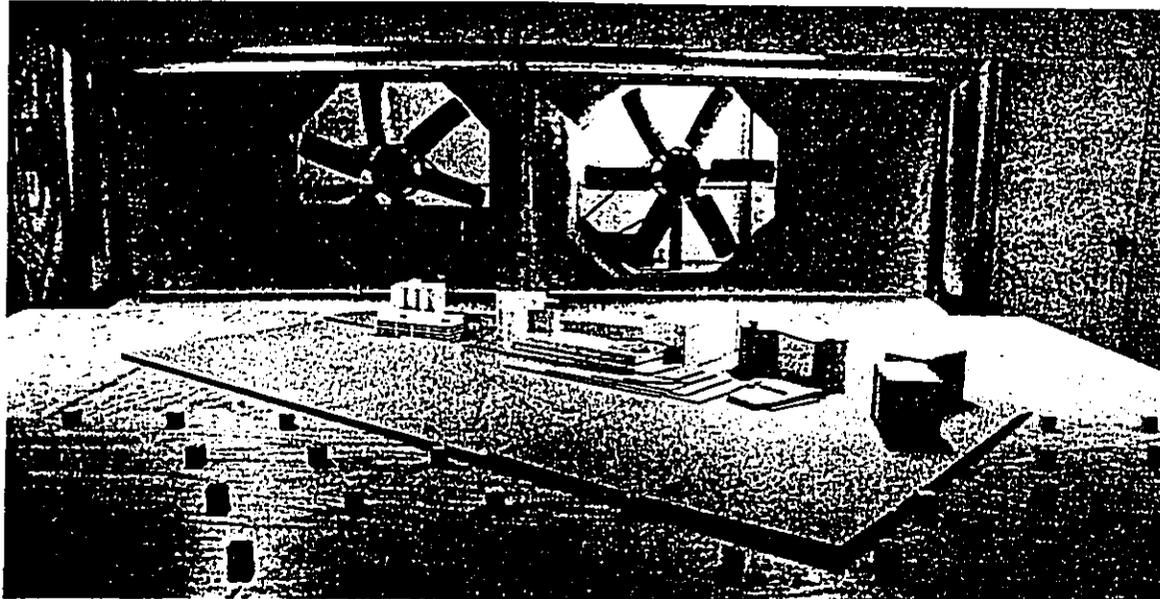


FIGURE 3.1

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APPENDIX 4 REFERENCES

1. "Wind Study of the Maui Marriott Resort, Kaanapali, Maui", Englekirk & Hart, Inc. and J. D. Raggett & Associates, Inc., Job No. 82-G819, May 1983.
2. "Study of Pedestrian Discomforting Winds for the Maui Marriott Resort, Kaanapali, Maui, Hawaii, West Wind Laboratory, W890921, October 1989.
3. *Atlas of Hawaii*, University of Hawaii Press, Hawaii, 1973.

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**PEDESTRIAN DISCOMFORTING
WIND STUDY
MARRIOTT'S MAUI SEQUEL
KA'ANAPALI, MAUI, HAWAII
(SUPPLEMENT)**

**761 NEESON RD, STE 12
MARINA, CA 93933 USA
1-831-883-1533
1-831-883-1535 FAX
wwlca@aol.com**

for

Marriott Ownership Resorts, Inc.

by

**Jon D. Raggett, PhD, SE
President, West Wind Laboratory, Inc.**

Job No. 02-02

April 2003

WEST WIND LABORATORY
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- A INTRODUCTION AND OBJECTIVES**
- B RESULTS OF THE WIND TUNNEL TESTS**
- C CONCLUSIONS AND DISCUSSION**
- REFERENCES**

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CHAPTER A INTRODUCTION AND OBJECTIVES OF THE STUDY

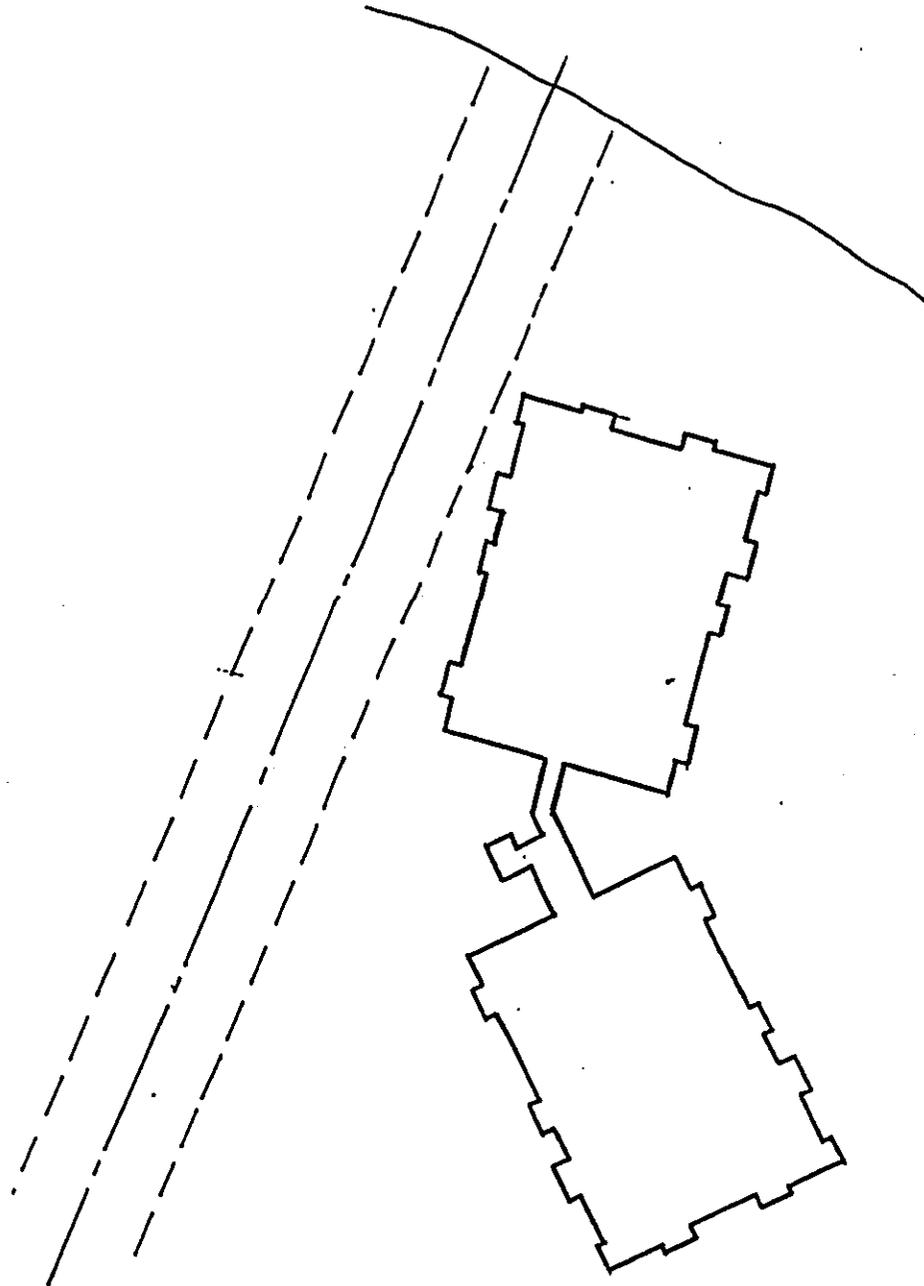
The objective of this supplement study was to investigate the wind impacts on the Ka'anapali Alii Condominiums with three optional additions to the Marriott Maui Resort. This is a supplement to the report "Pedestrian Discomforting Wind Study, Marriott's Maui Sequel, Ka'anapali, Maui, Hawaii, for Marriott Ownership Resorts, Inc., December 2002", (Ref 1). Appendices to that report are not duplicated here.

A typical wind at the site comes from the direction 34 degrees with an average wind speed of 11.5 mph at an elevation of 5 feet above grade in an open field with an unobstructed upwind exposure (see Ref 1).

The options studied in this supplement are shown on Figures A.1 to A.4. Option 0 is the existing condition. Options 1 through 3 are all 10-story high towers. Photographs of models of the four options are shown on Figures A.5 and A.6.

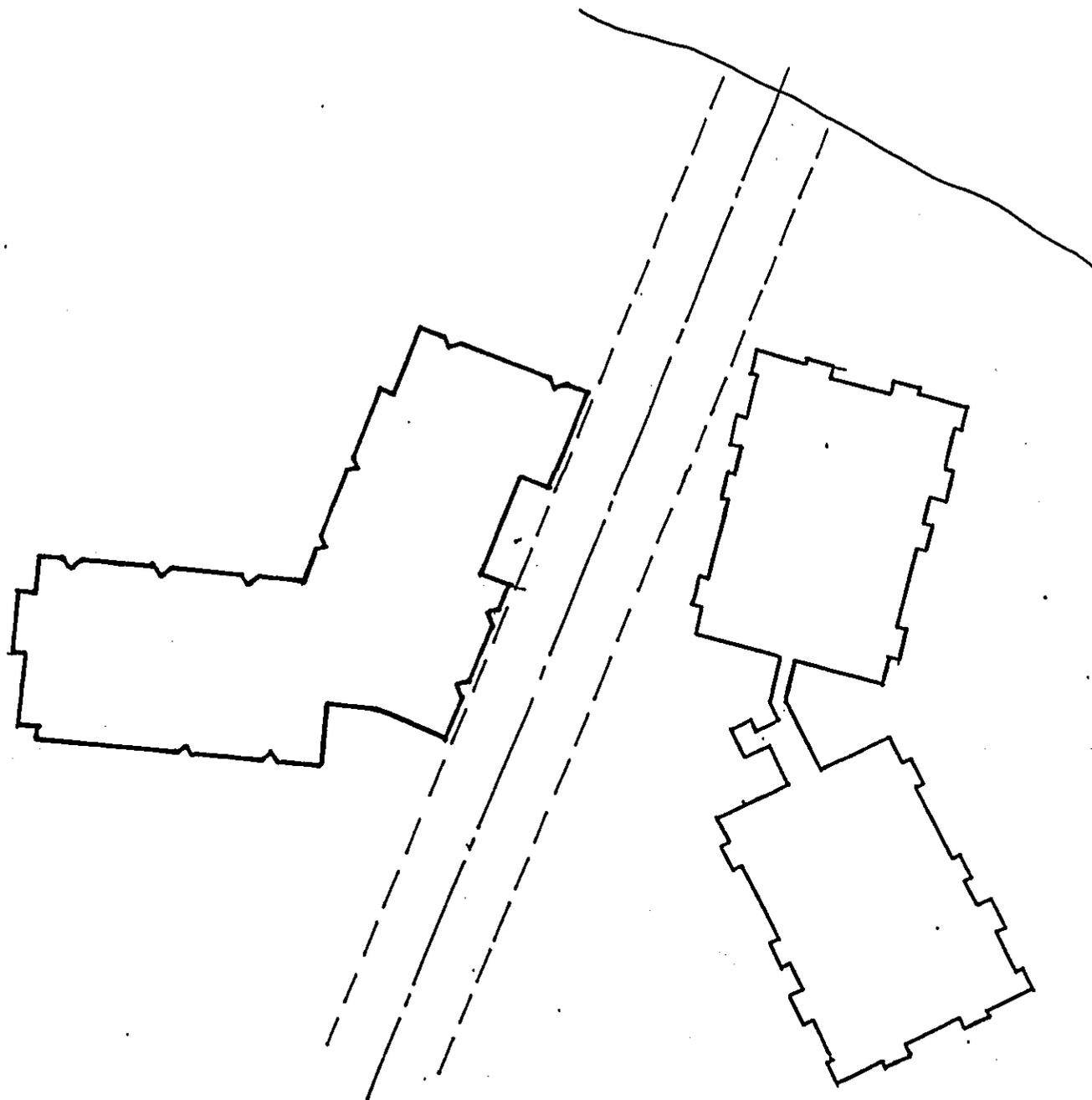
The focus of this study was the wind environment (for the four options, for winds from 34 degrees and plus or minus 22.5 degrees from this prevailing wind direction) at the ground level along the southern side of the western-most towers of the Ka'anapali Alii Condominiums, and up their faces. Any wind impacts from the proposed optional additions to the Maui Marriott Resort would be greatest in this area.

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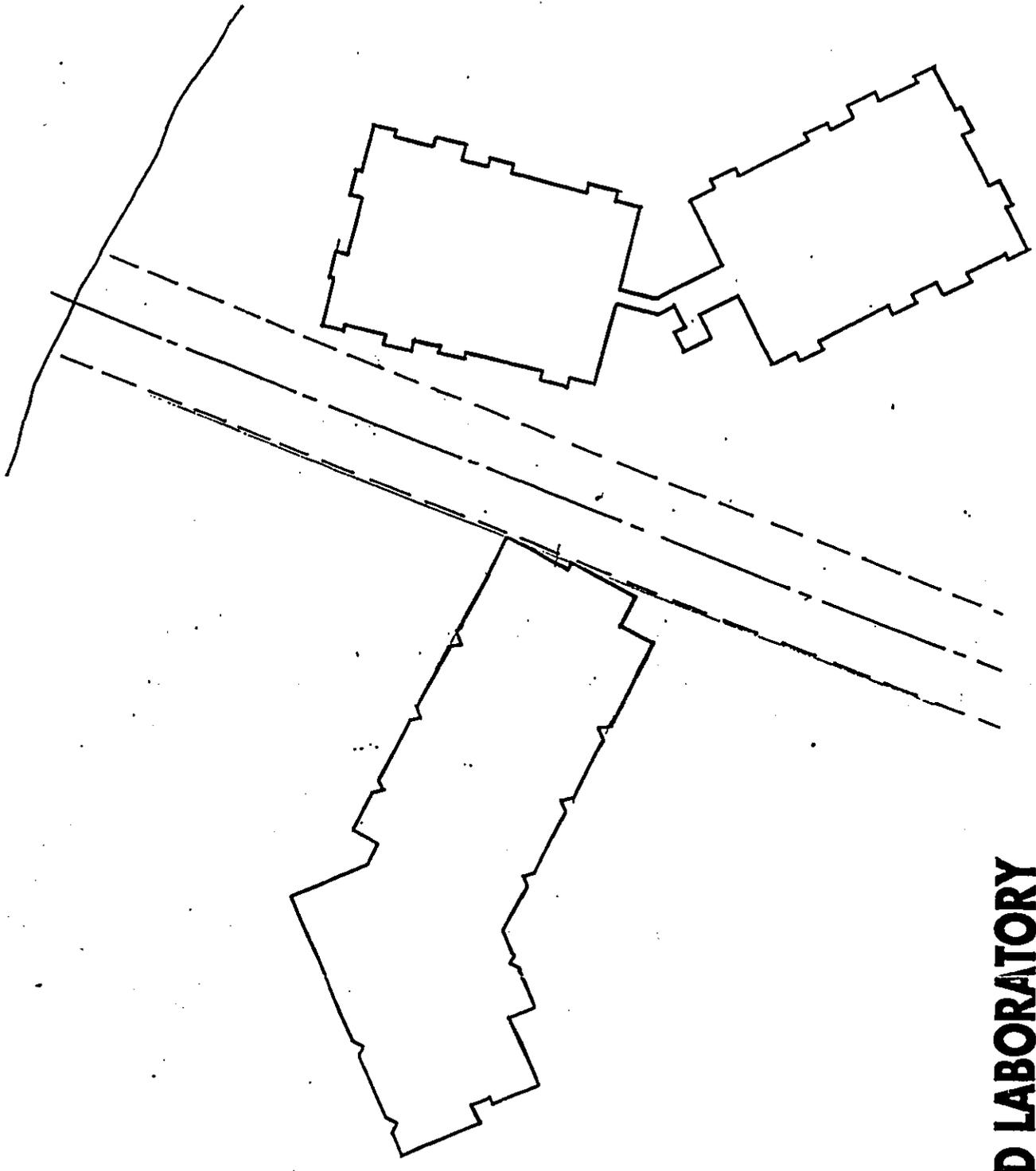


OPTION 0
FIGURE A.1

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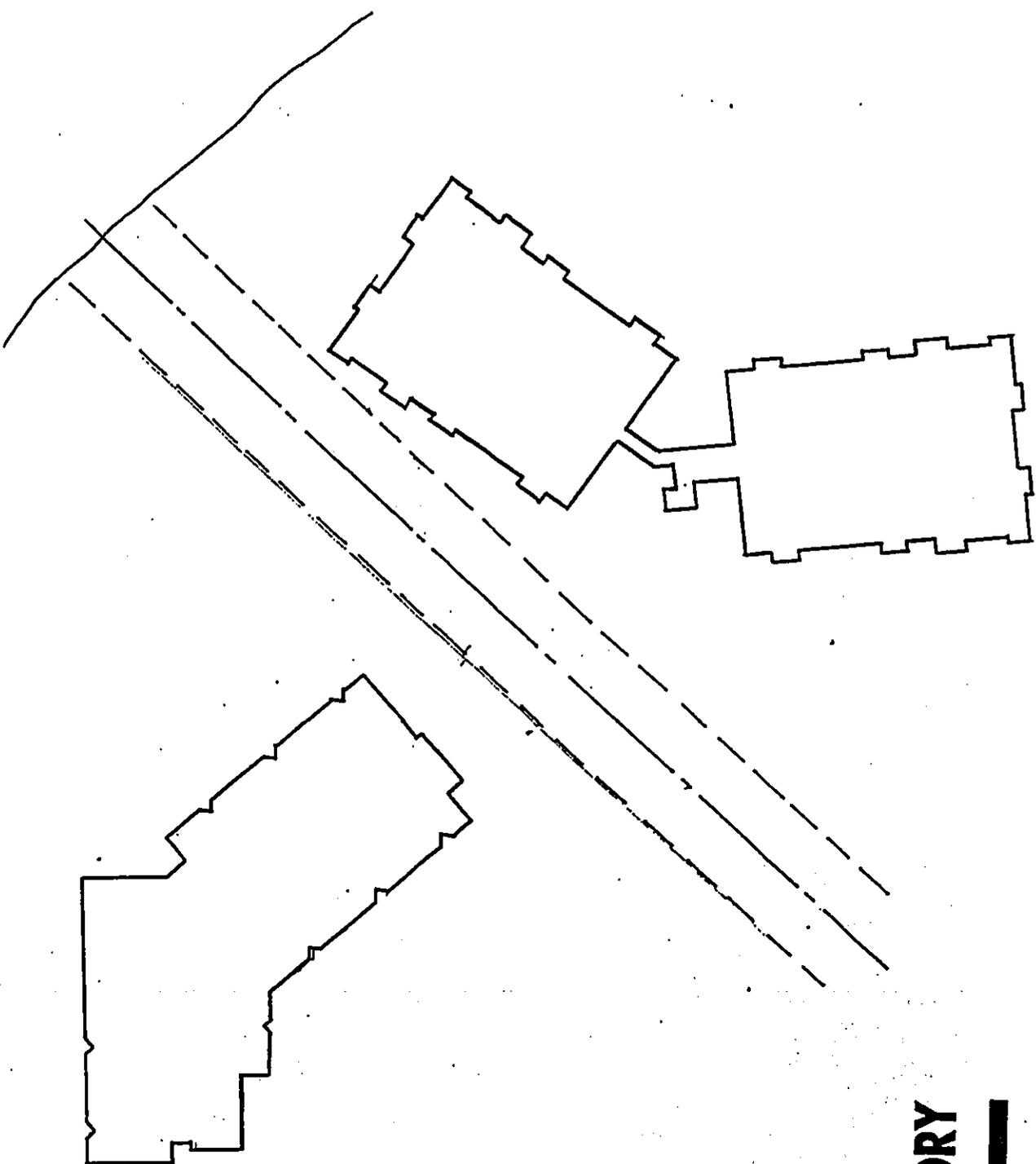
OPTION 1
FIGURE A.2



OPTION 2
FIGURE A.3

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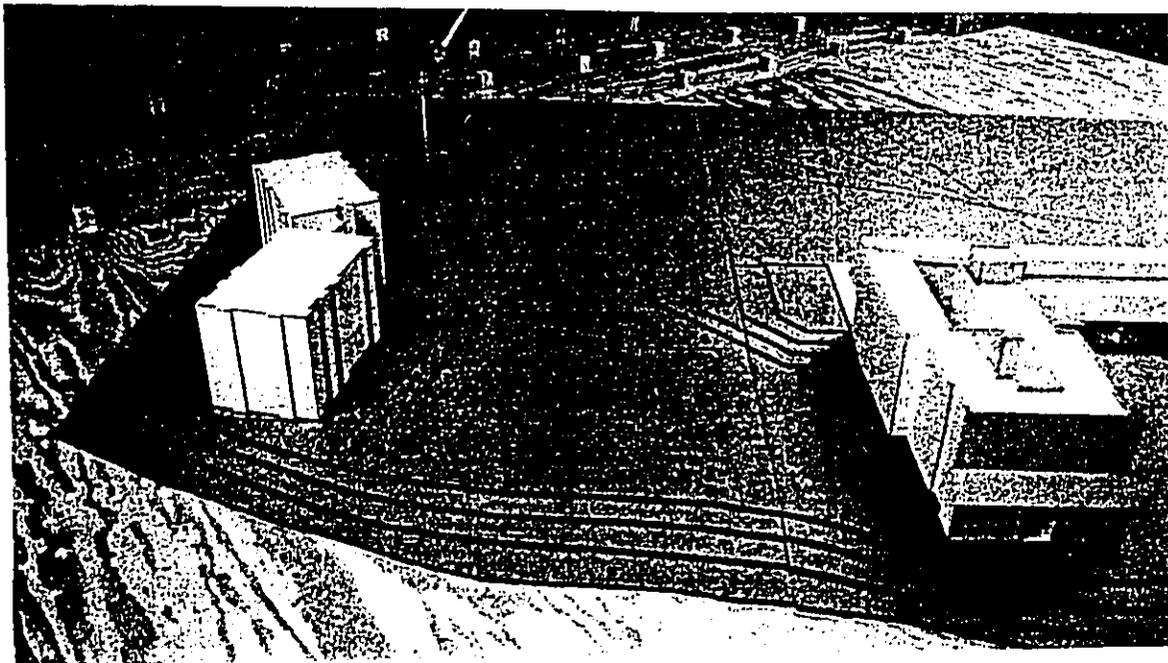


OPTION 3
FIGURE A.4

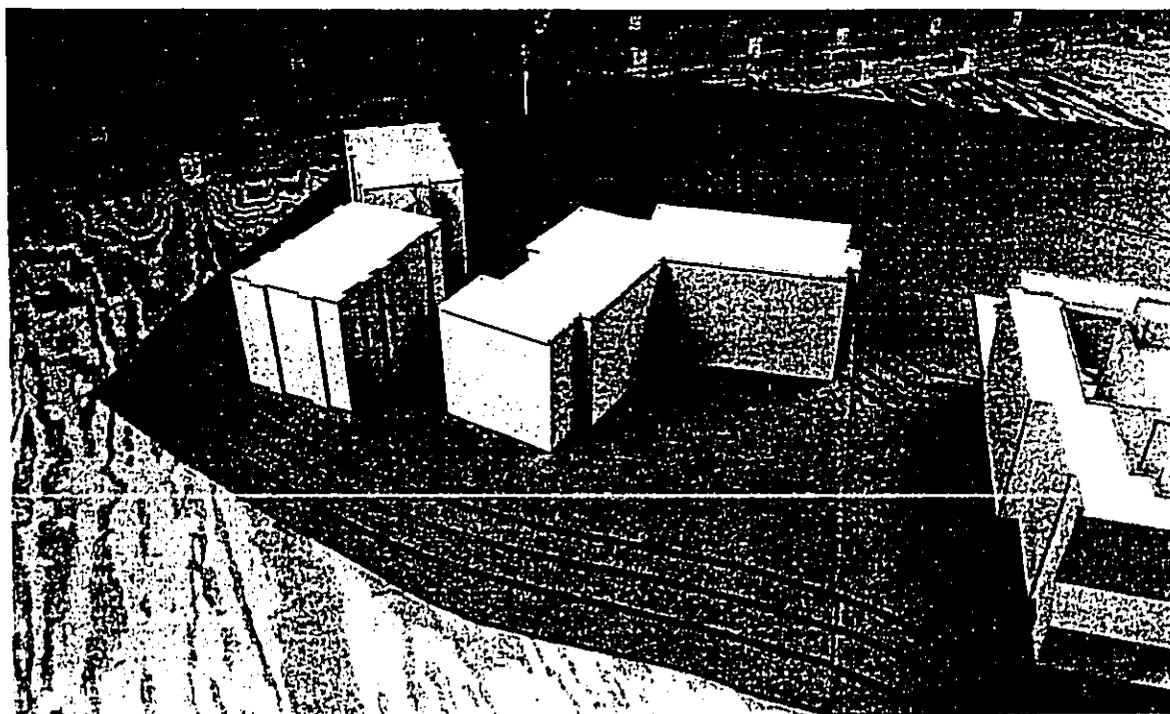
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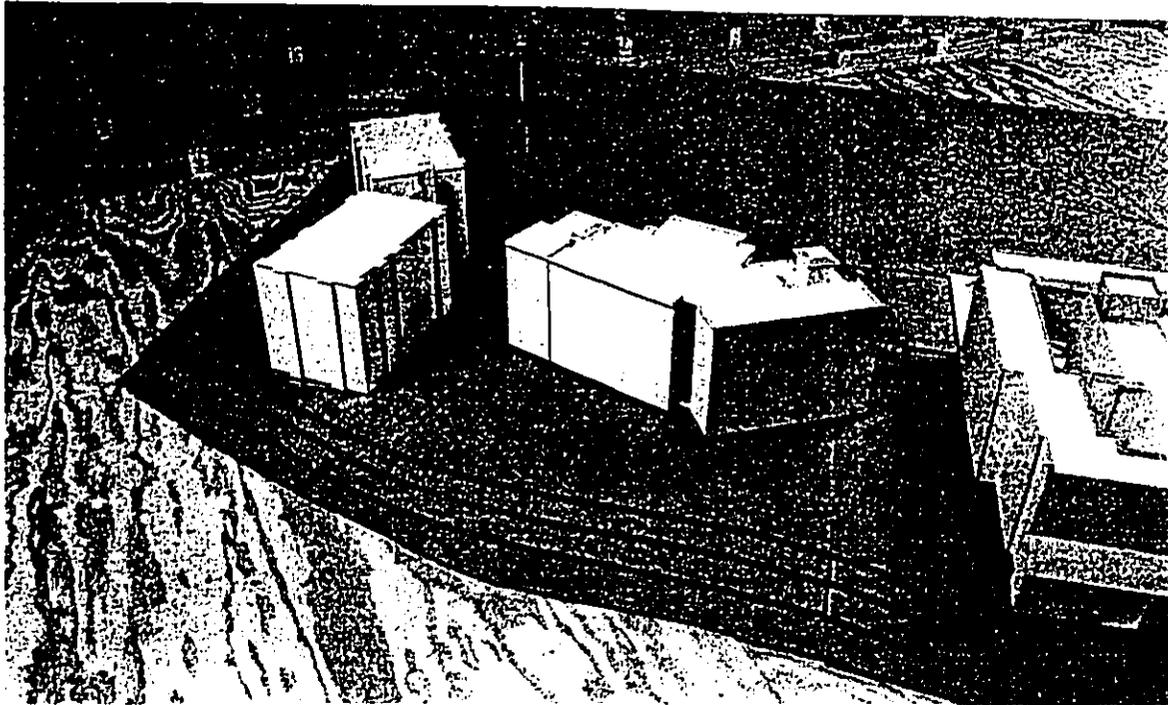
OPTION 0



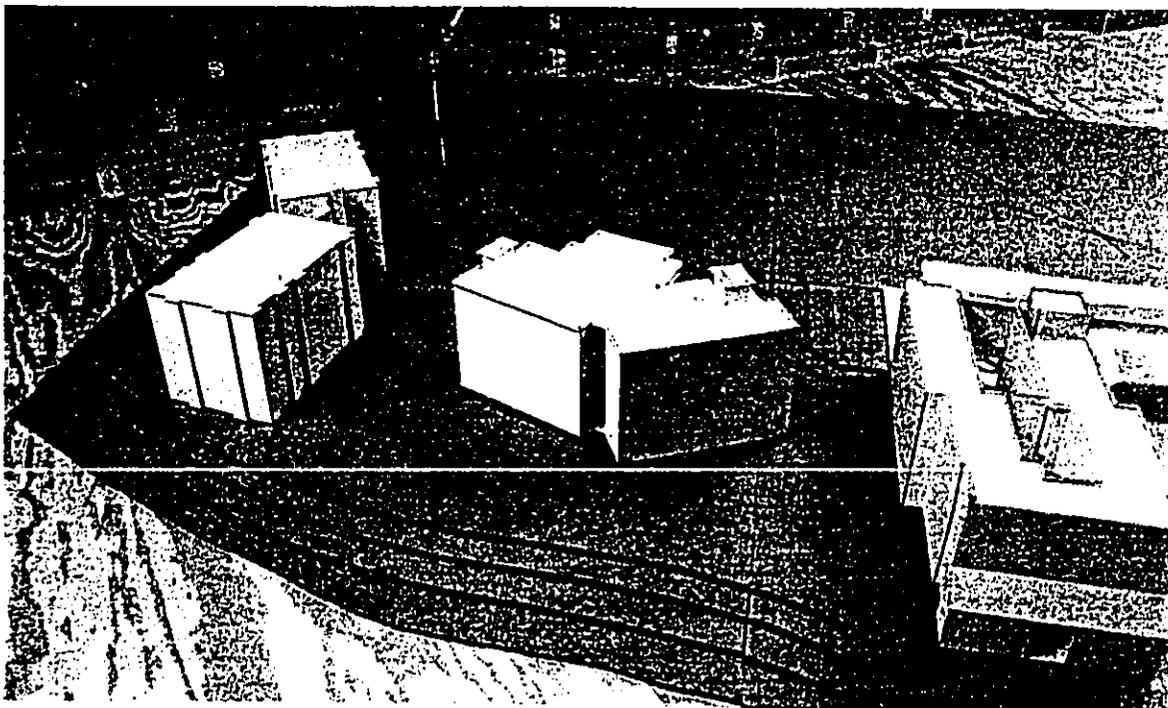
OPTION 1

FIGURE A.5

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OPTION 2



OPTION 3

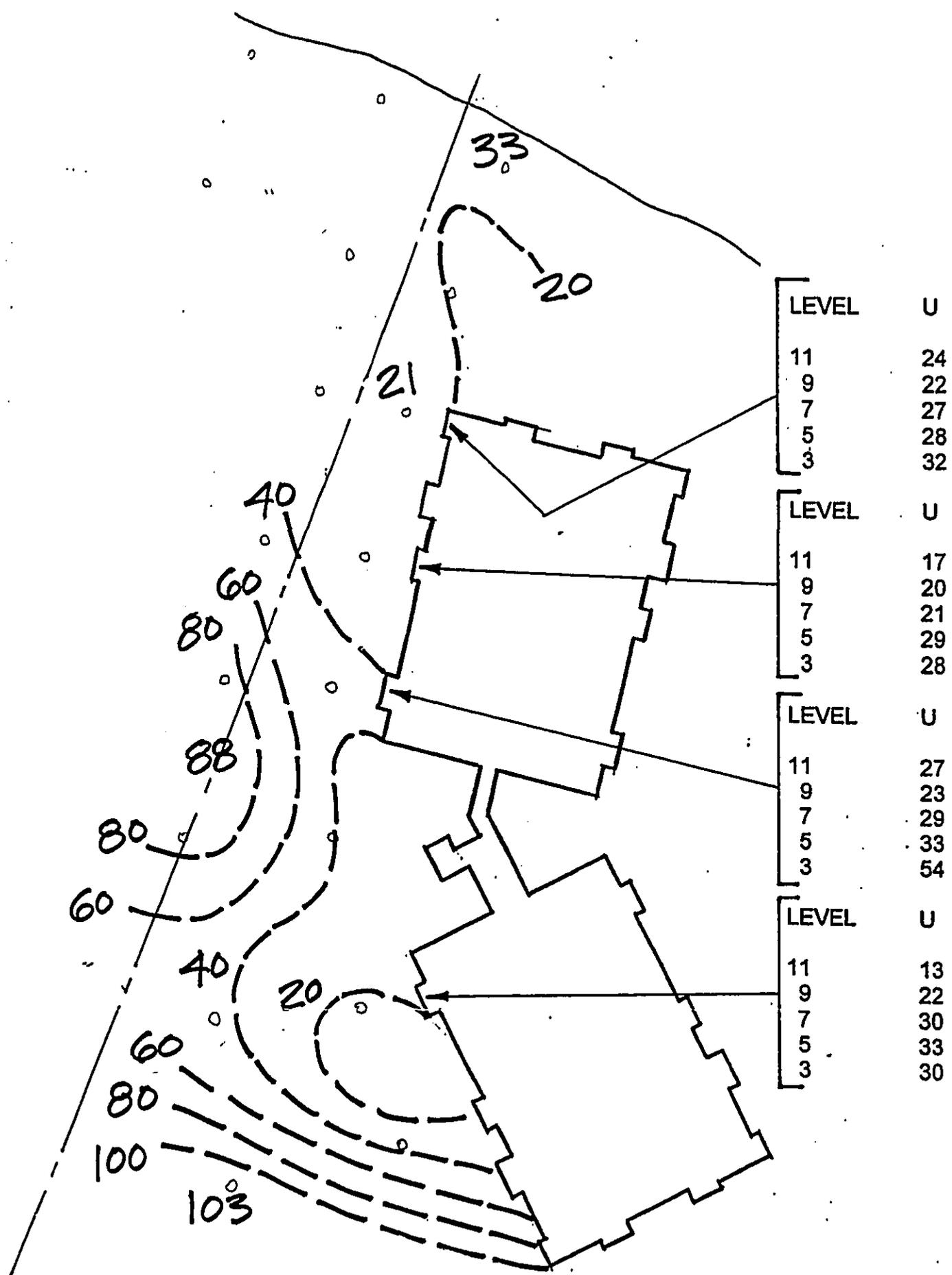
FIGURE A.6

WEST WIND LABORATORY

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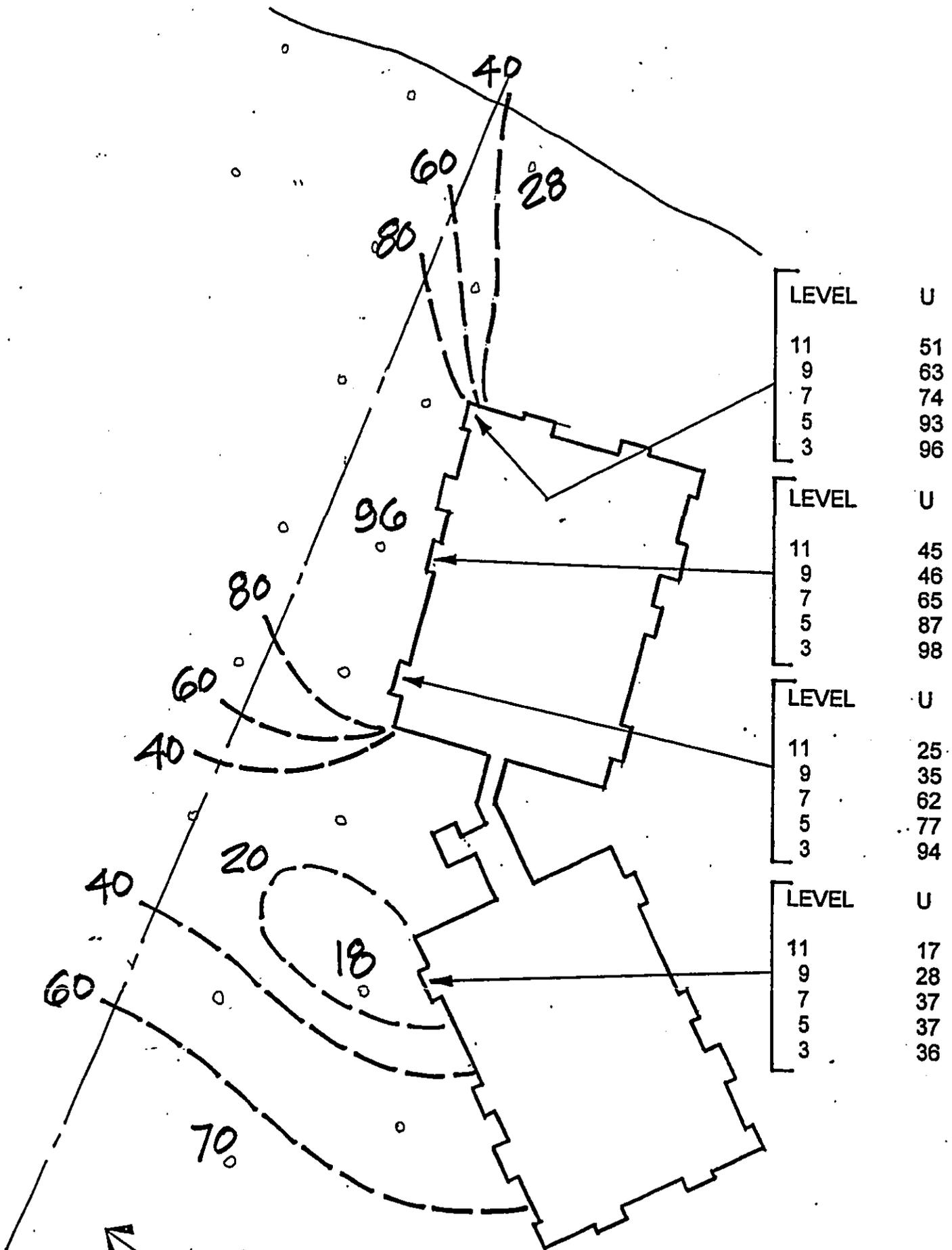
CHAPTER B RESULT OF THE WIND TUNNEL TESTS

The results of the wind tunnel tests are presented on Figures B.1 through B.12. On Figures B.1 through B.4 are mean wind speeds for the four optional configurations for winds from 11.5 degrees. On Figures B.5 through B.8 are mean wind speeds for the four optional configurations for winds from 34 degrees (the prevailing wind direction). On Figures B.9 through B.12 are mean wind speeds for the four optional configurations for winds from 56.5 degrees.



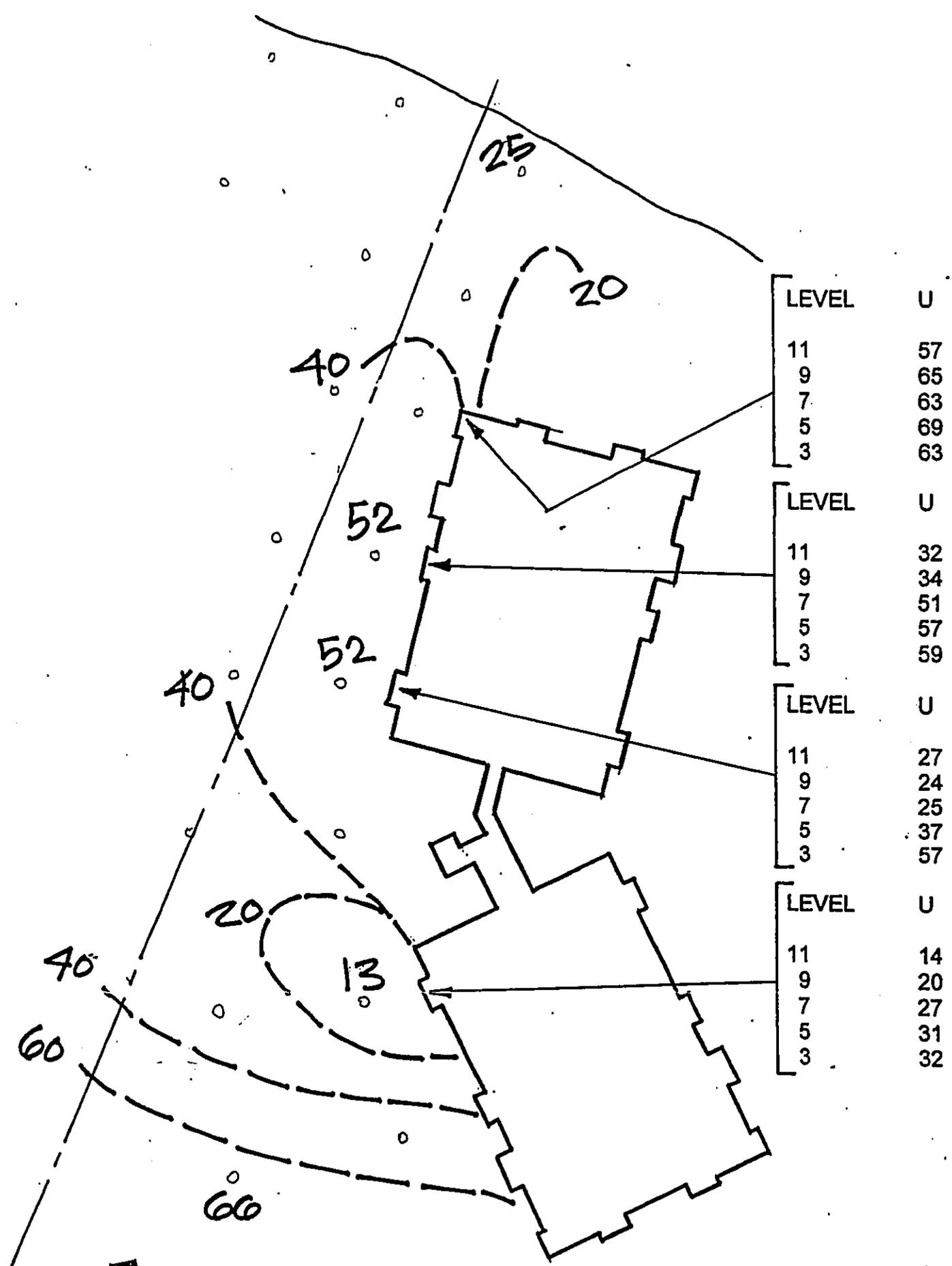
NOTES

1. WIND SPEEDS ARE MEAN WIND SPEEDS AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
2. THE REFERENCE WIND SPEED IS A MEAN-FREE-STREAM WIND SPEED, UPSTREAM FROM THE PROJECT, AT AN ELEVATION OF 5FT ABOVE GRADE.



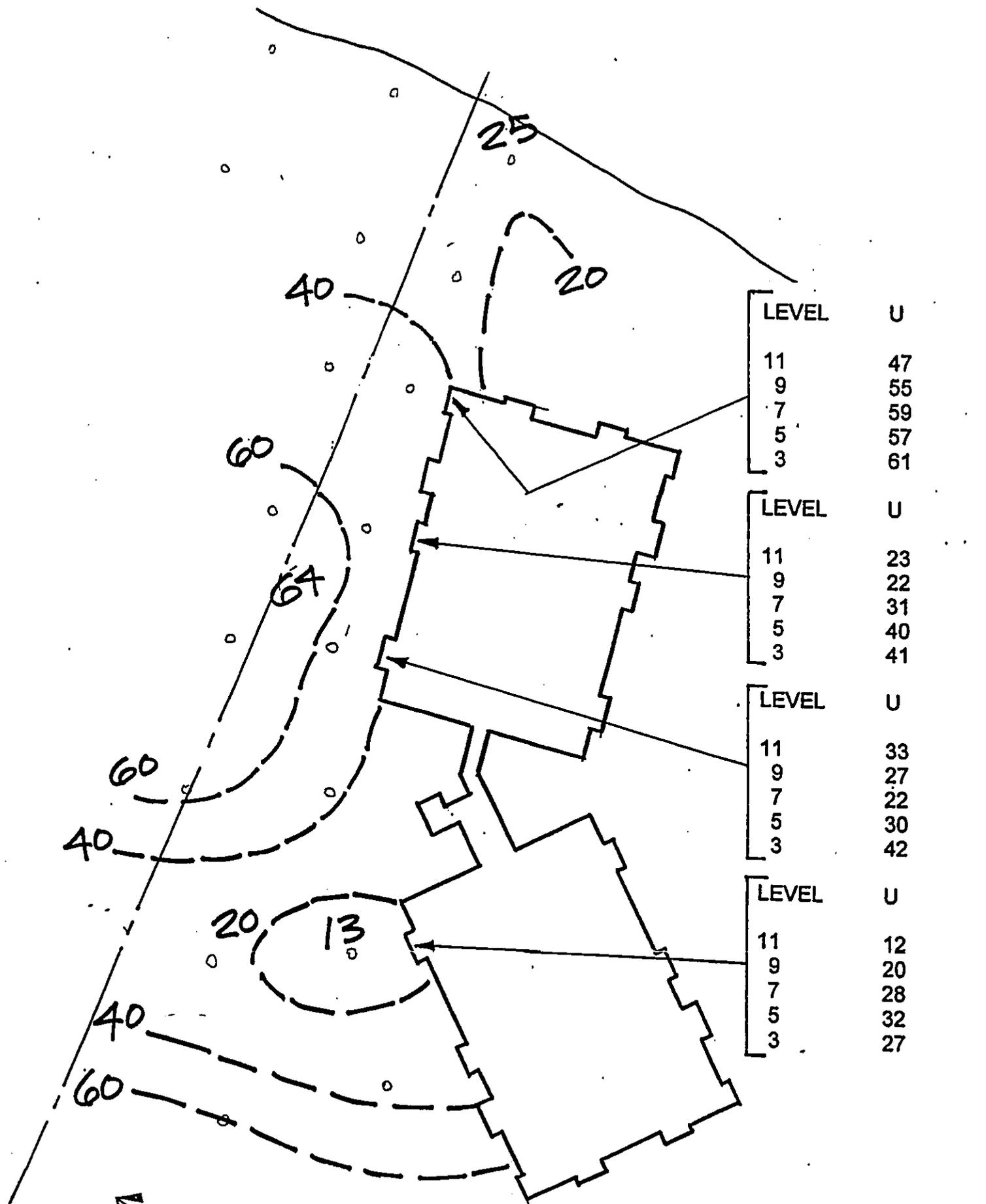
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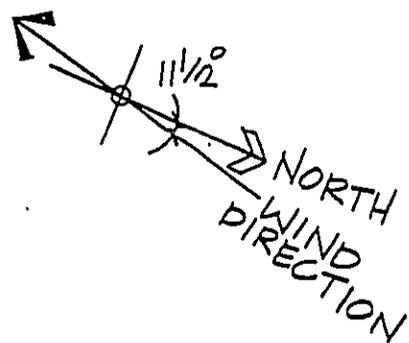


LEVEL	U
11	47
9	55
7	59
5	57
3	61

LEVEL	U
11	23
9	22
7	31
5	40
3	41

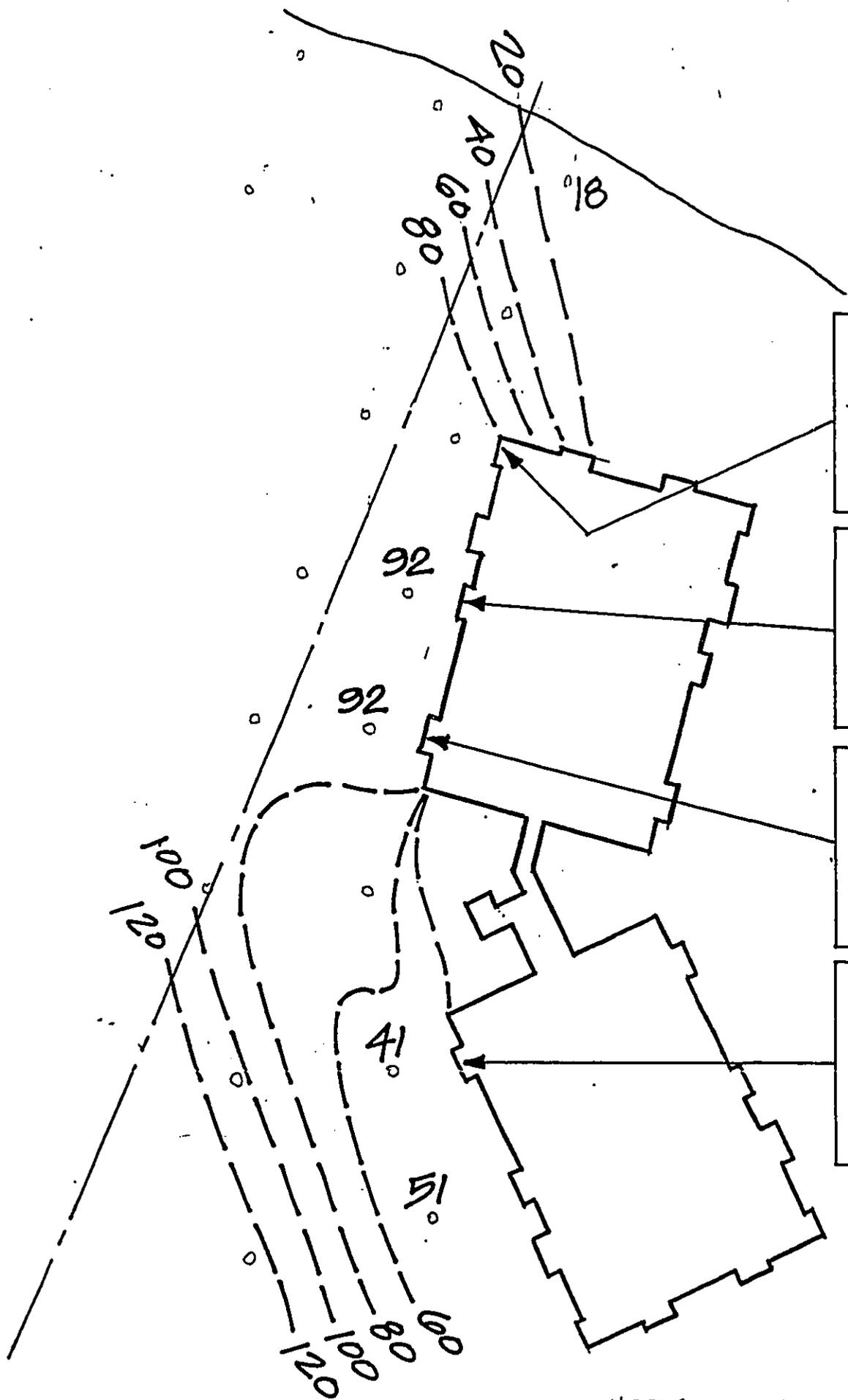
LEVEL	U
11	33
9	27
7	22
5	30
3	42

LEVEL	U
11	12
9	20
7	28
5	32
3	27



NOTES

1. WIND SPEEDS ARE MEAN WIND SPEEDS AT AN ELEVATION OF 5 FEET ABOVE GRADE GIVEN AS A PERCENTAGE OF A REFERENCE WIND SPEED.
2. THE REFERENCE WIND SPEED IS A MEAN-FREE-STREAM WIND SPEED, UPSTREAM FROM THE PROJECT, AT AN ELEVATION OF 5FT ABOVE GRADE.



LEVEL	U
11	32
9	43
7	56
5	66
3	71

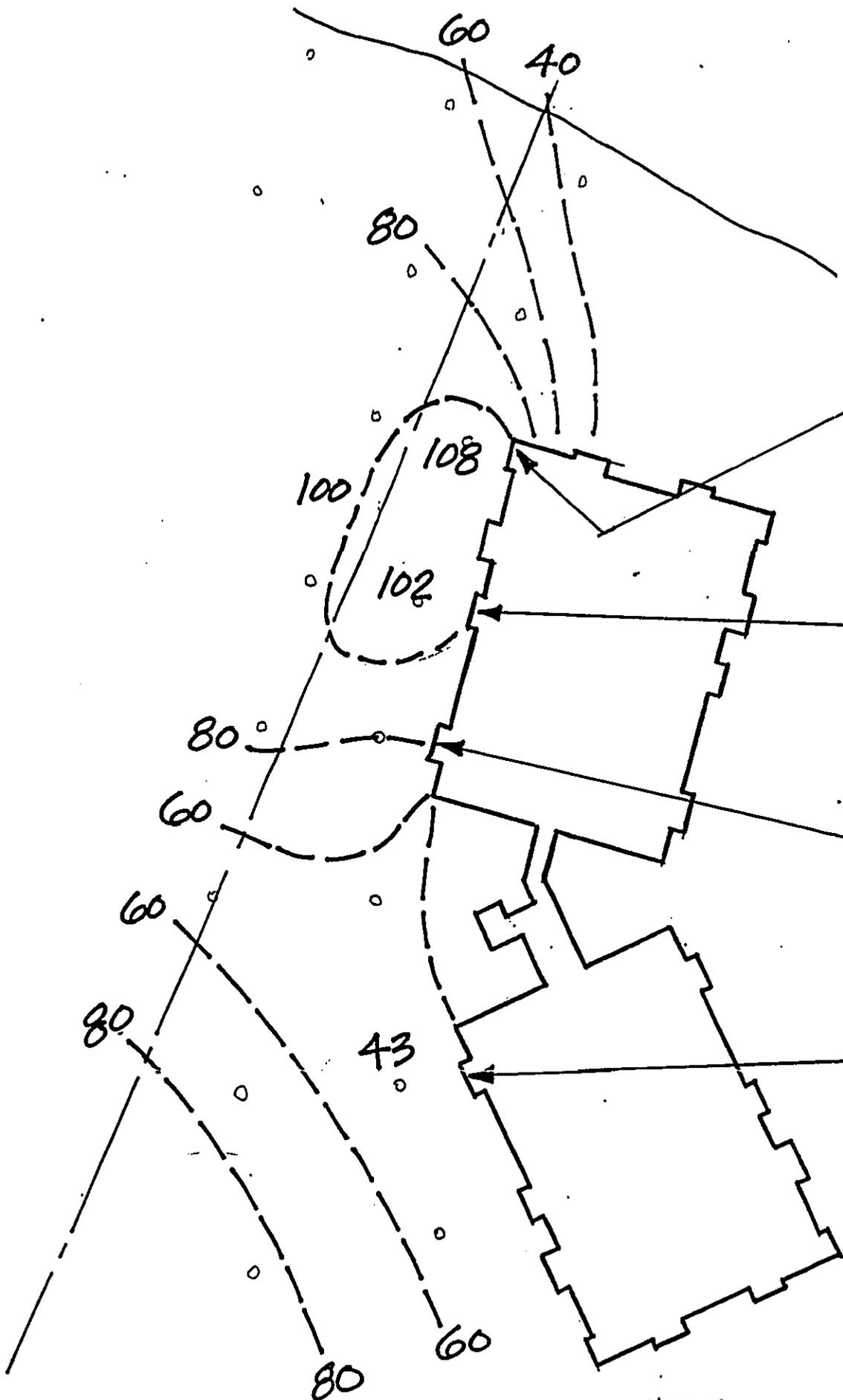
LEVEL	U
11	24
9	38
7	62
5	74
3	76

LEVEL	U
11	17
9	26
7	59
5	86
3	94

LEVEL	U
11	43
9	54
7	52
5	40
3	32

NOTES

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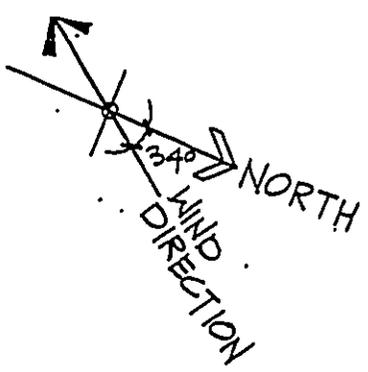
LEVEL	U
11	83
9	78
7	78
5	90
3	97

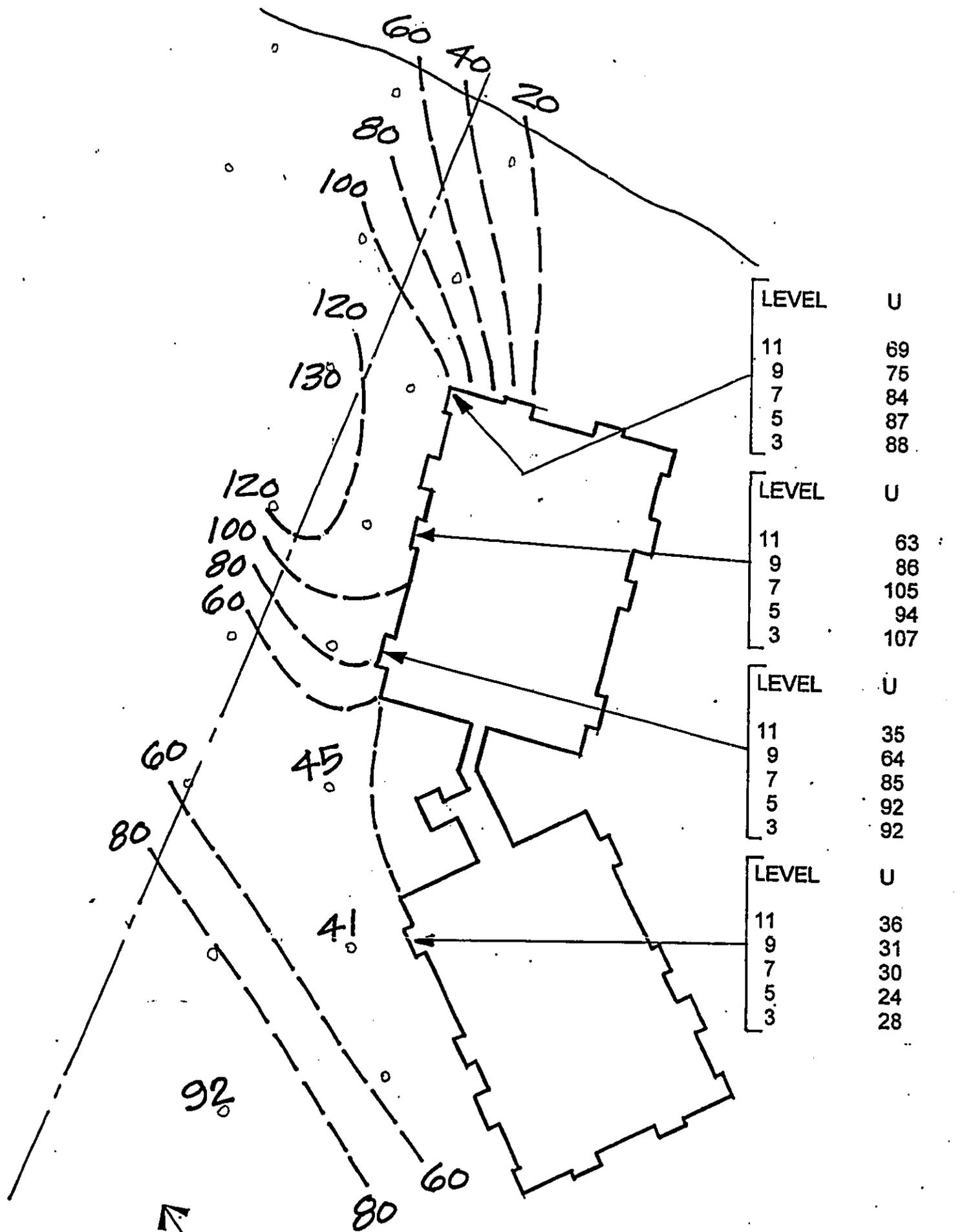
LEVEL	U
11	57
9	71
7	73
5	79
3	98

LEVEL	U
11	13
9	57
7	78
5	89
3	91

LEVEL	U
11	27
9	28
7	26
5	25
3	29

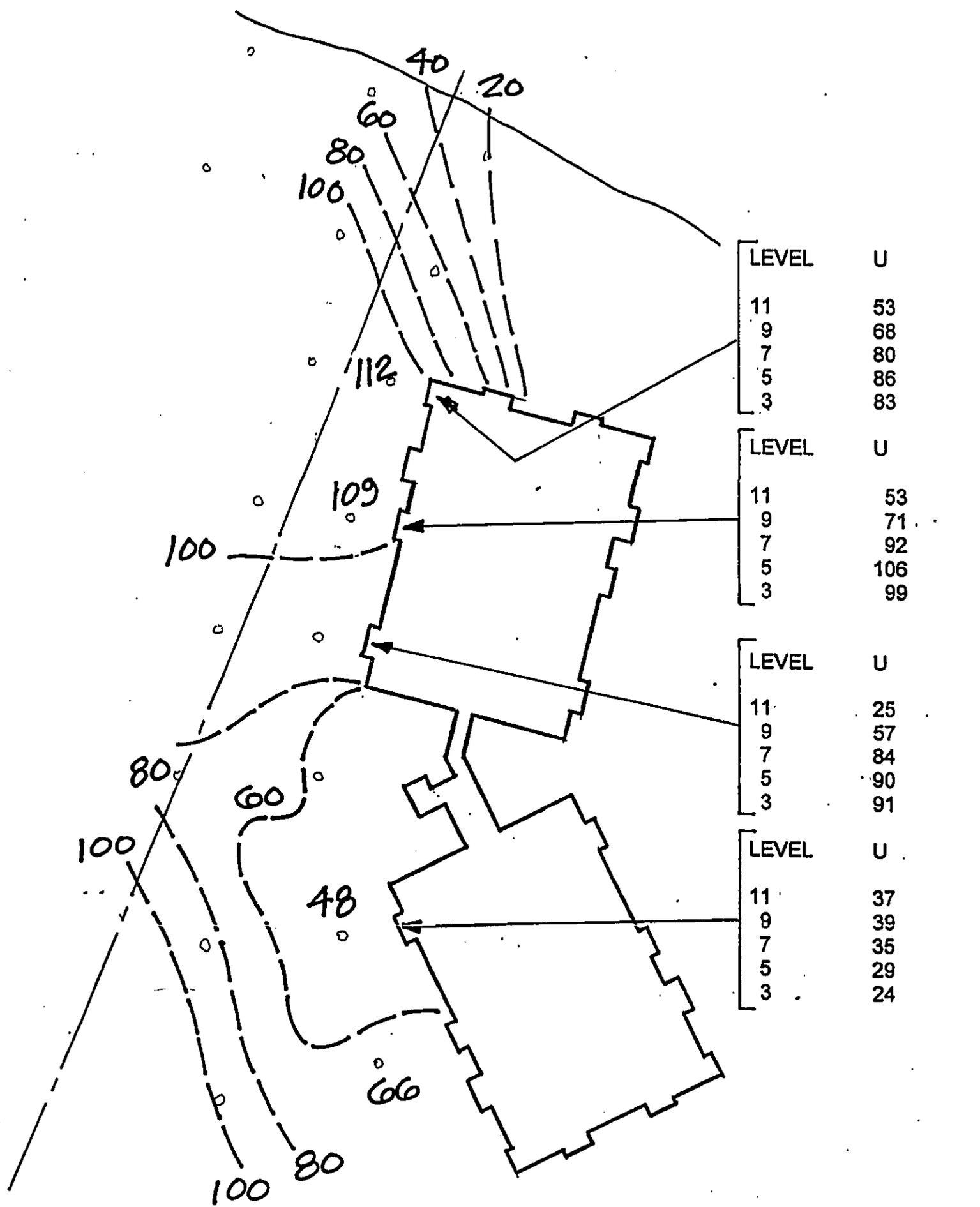
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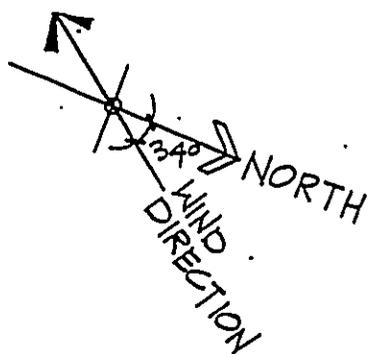
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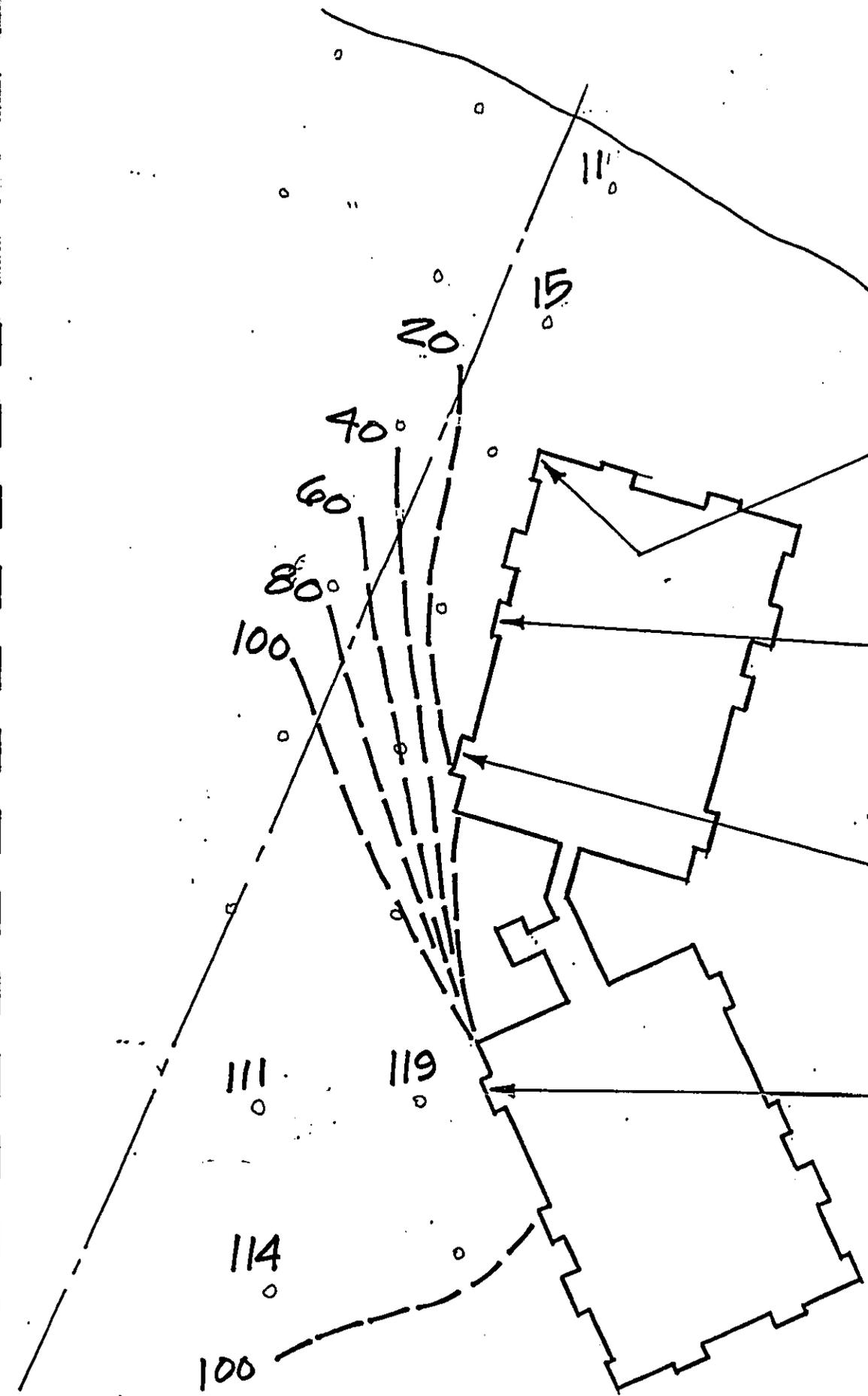
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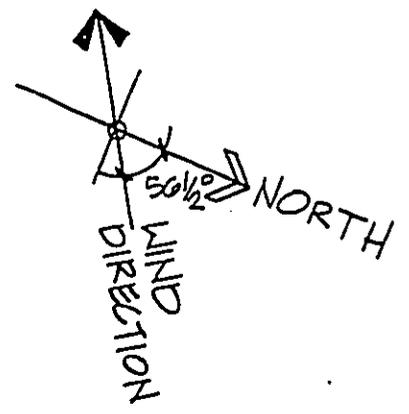


LEVEL	U
11	37
9	66
7	67
5	42
3	28

LEVEL	U
11	50
9	80
7	59
5	33
3	14

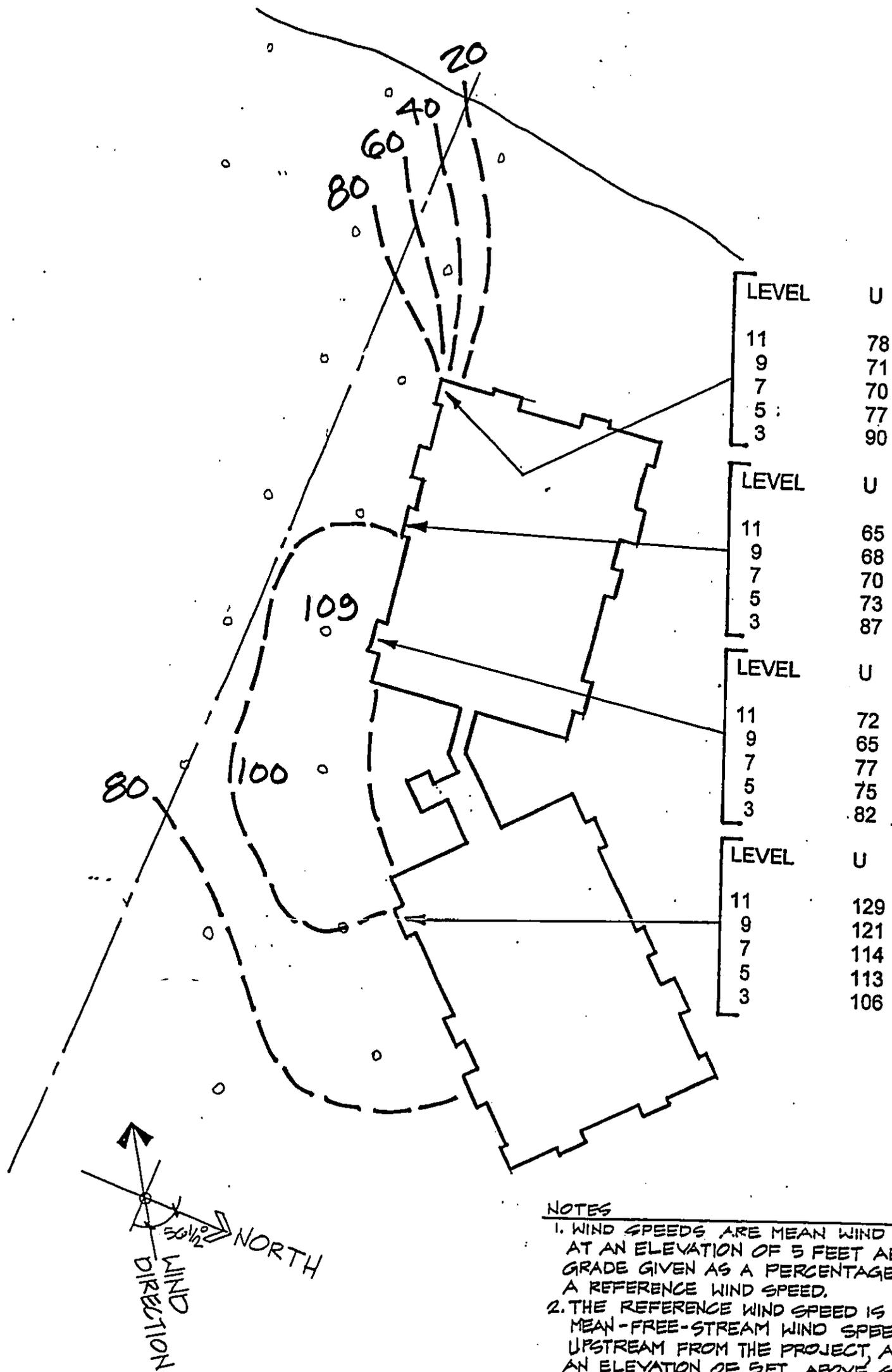
LEVEL	U
11	86
9	48
7	55
5	48
3	33

LEVEL	U
11	141
9	123
7	109
5	114
3	111



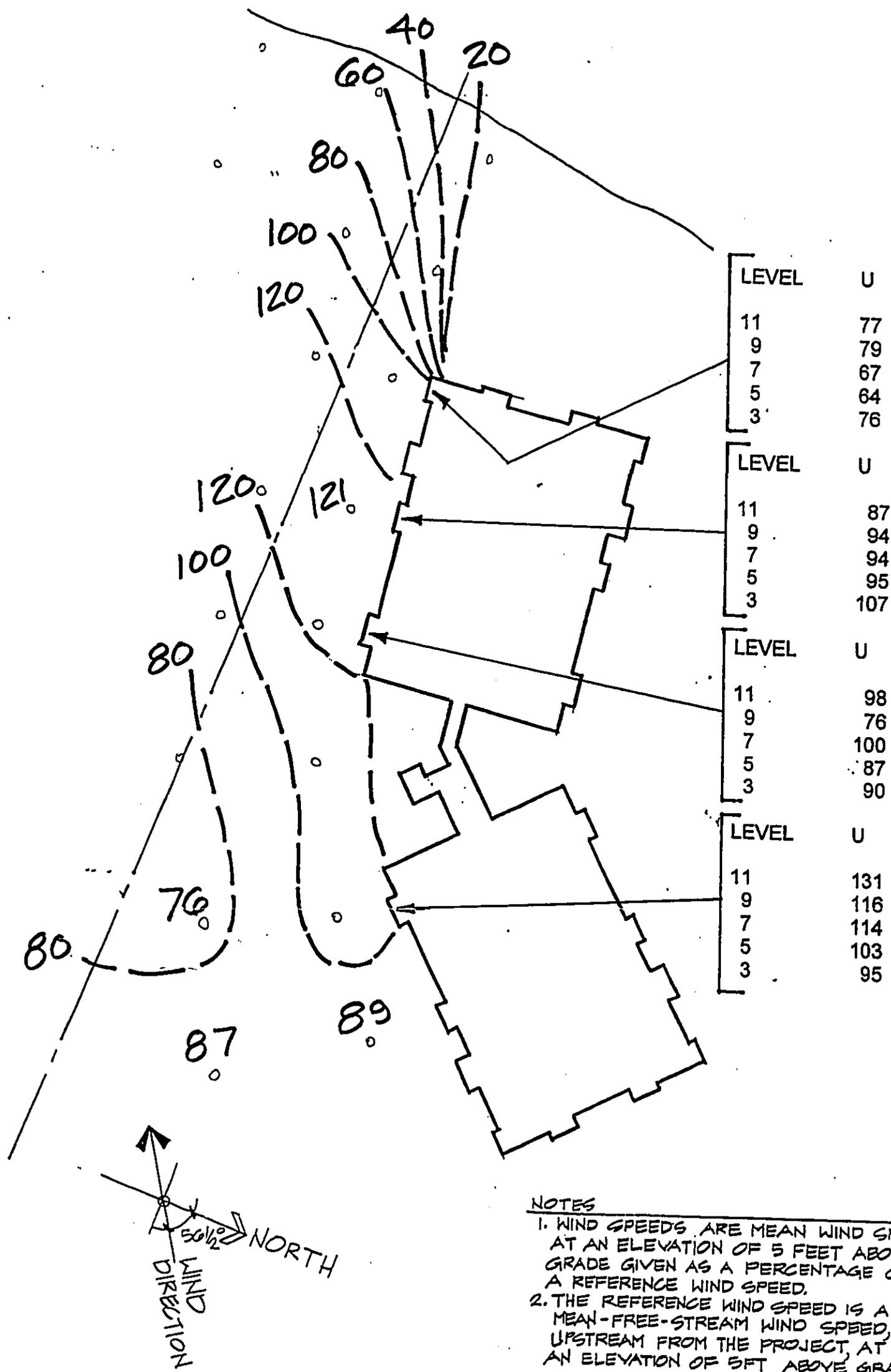
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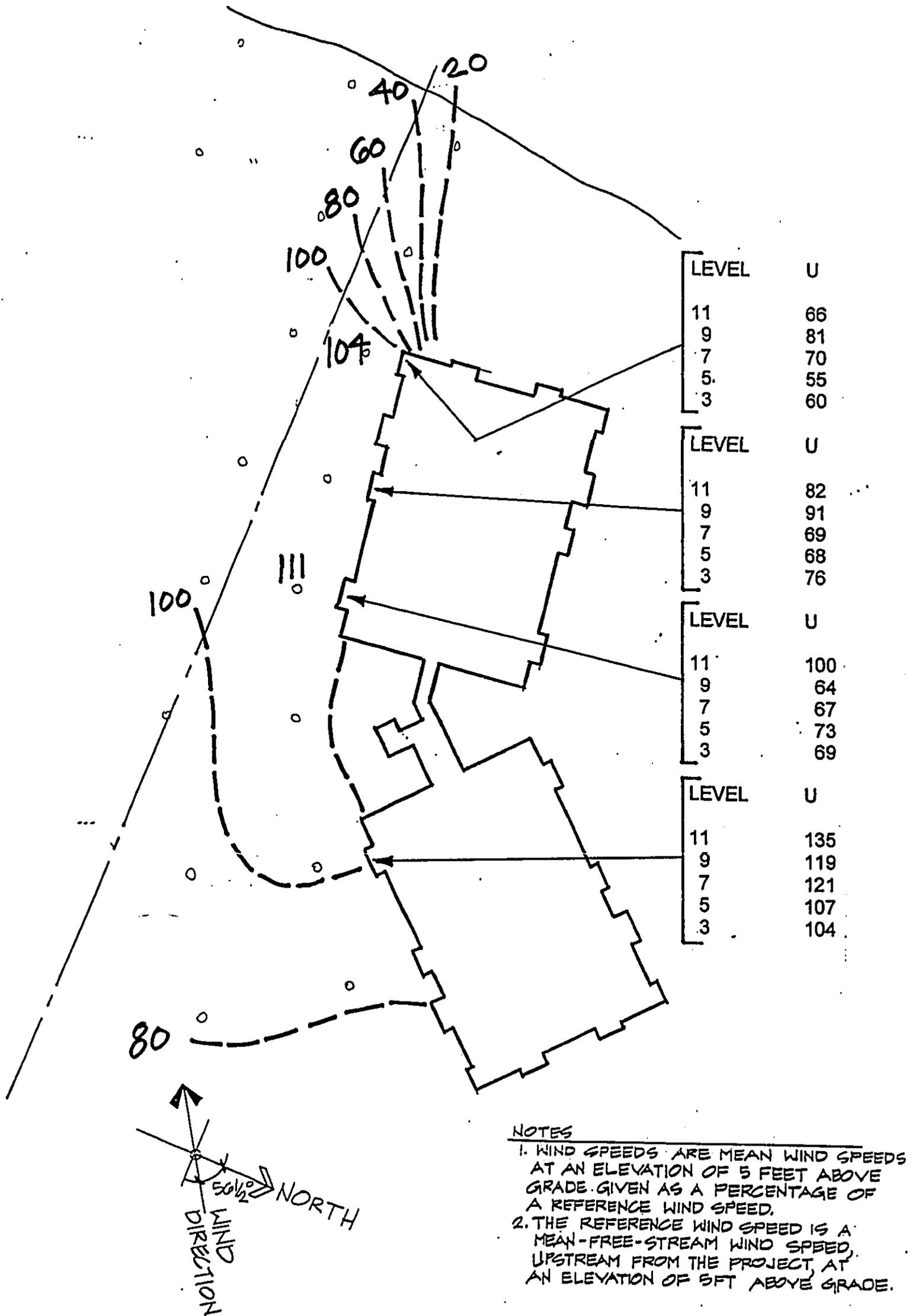
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CHAPTER C CONCLUSIONS AND DISCUSSION

From the results presented in Chapter B, the following conclusions can be made:

- 1) All Options 1, 2, and 3 increase winds in front of, and up along the south face of the western most structure of the Ka'anapali Alii Condominiums, for the three wind directions studied. In general all Options 1, 2, 3 decrease winds in front of, and up the face of the second western most structure of the Ka'anapali Alii condominiums.
- 2) None of the amplified (with the presence of Options 1, 2, and 3) wind speeds, at the ground level and up the face of the condominiums, exceed the ambient wind speed that *one would experience in one's face at a nearby open field location by more than about 10%*, for any of the three wind directions studied.
- 3) The wind speeds up the face of the condominiums increased *least* with Option 1, most with Option 2, and slightly less for Option 3 for winds from the prevailing wind direction (34 degrees) and from 56.5 degrees. For winds from 11.5 degrees, wind speeds increased most with Option 1, and were about the same for Options 2 and 3.
- 4) Lanais up the face of the condominiums, that are protected now, may experience higher wind speeds across the faces of their faces with the addition of any of Options 1, 2, or 3. Wind speeds were measured at the faces of the outer most projections of the condominiums, not in the recessed lanais. I do not know the specific lanai geometry to know whether or not there will be a specific wind discomfort problem on the lanais.
- 5) Wind speeds on the beach, just at the condominium property line, may increase somewhat with the addition of any of the options. However, none of the increased wind speeds are nearly as great as they are presently (124%) at the north edge of the existing Maui Marriott Resort. If there is no wind scour there, there certainly will be no wind scour at the condominiums with the additions of Options 1, 2, or 3.

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REFERENCES

- 1) West Wind Laboratory, Inc., "PEDESTRIAN DISCOMFORTING WIND STUDY, MARRIOTT'S MAUI SEQUEL, KA'ANAPALI, MAUI, HAWAII", for Marriott Ownership Resorts, Inc., December 2002

WEST WIND LABORATORY INCORPORATED

MEMO

TO: Norman Hong
Cc:
FROM: Jon Raggett
DATE: 6/11/03
SUBJECT: MAUI MARRIOTT SEQUEL BUILDINGS
EXPECTED WIND SPEEDS
OPTIONS 4 AND 5

761 NEESON RD, STE 12
MARINA, CA 93933 USA
1-831-883-1533
1-831-883-1535 FAX
wwlca@aol.com

Norman-

As we have discussed, softening the edges of wind screens (and the Napili Sequel Building is a large wind screen) always reduces extreme wind speeds at its edges. In your Option 3, for prevailing winds, vortices from the northeast top corner of the building push winds down into the gap between the Napili Sequel building and the condominium complex to the north. If the northeast top corner of the building is softened (by stepping back from 10 to 8 stories) the corner vortex will be reduced in strength, and so too will be the winds in the gap between the two buildings.

In our previous study, for prevailing winds, we showed that the winds in the gap were stronger for Option 2 than for Option 3 (the Napili Sequel Building in Option 2 is closer to the condominium complex than in Option 3). If the Napili Sequel Building is moved away from the condominium complex (as it is in Option 5 relative to Option 4), for buildings of the same height, it is reasonable to assume that the winds in the gap will be less for the case with the larger separation distance, i.e., the Option 5 case.

The Napili Sequel Building for Option 5 is taller than Option 4, however. The width of Option 5 is narrower than Option 4 (perpendicular to the prevailing wind direction). The projected area of Option 5 is about the same as Option 4, so the blockage effect of the two options should be similar, and so winds around Option 5 and Option 4 should be similar, if they were both located in the same location. Since, however, the gap is larger for Option 5 than it is for Option 4, winds in the gap for Option 5 should be less than they would be for Option 4 (which should be less than they would be for Option 3).

The general exposures of Maui Marriott, the Maui Marriott Sequel Buildings, and the condominium complex to the north for prevailing winds, and for Kona winds are roughly similar. It is, therefore, reasonable to assume that wind speeds in the gap between the Napili Sequel Building and the condominium complex to the north, will be similar for prevailing and Kona winds (for similar strength reference winds) but obviously in opposite directions. Again, too, for Kona winds, wind speeds in the gap will probably be least for Option 5, then Option 4, then Option 3.

DOCUMENTS CAPTURED AS RECEIVED

APPENDIX O
Study of Private View Impacts from the Ka'anapali
Alli Condominium



CORRECTION

THE PRECEDING DOCUMENTS(S)

HAS BEEN REPHOTOGRAPHED

TO ASSURE LEGIBILITY

SEE FRAME(S)

IMMEDIATELY FOLLOWING



APPENDIX O
Study of Private View Impacts from the Ka'anapali
Ali'i Condominium

INDEX

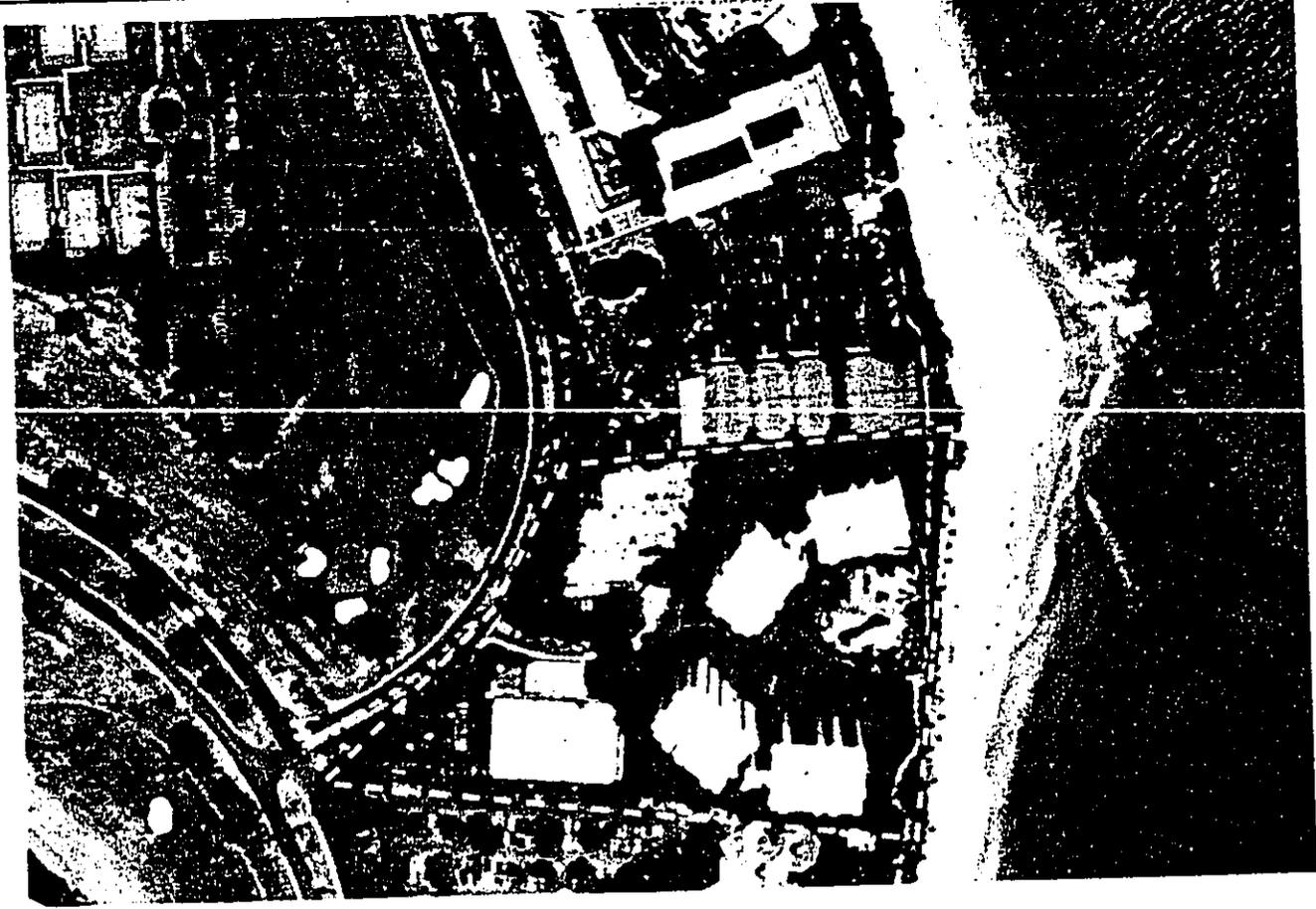
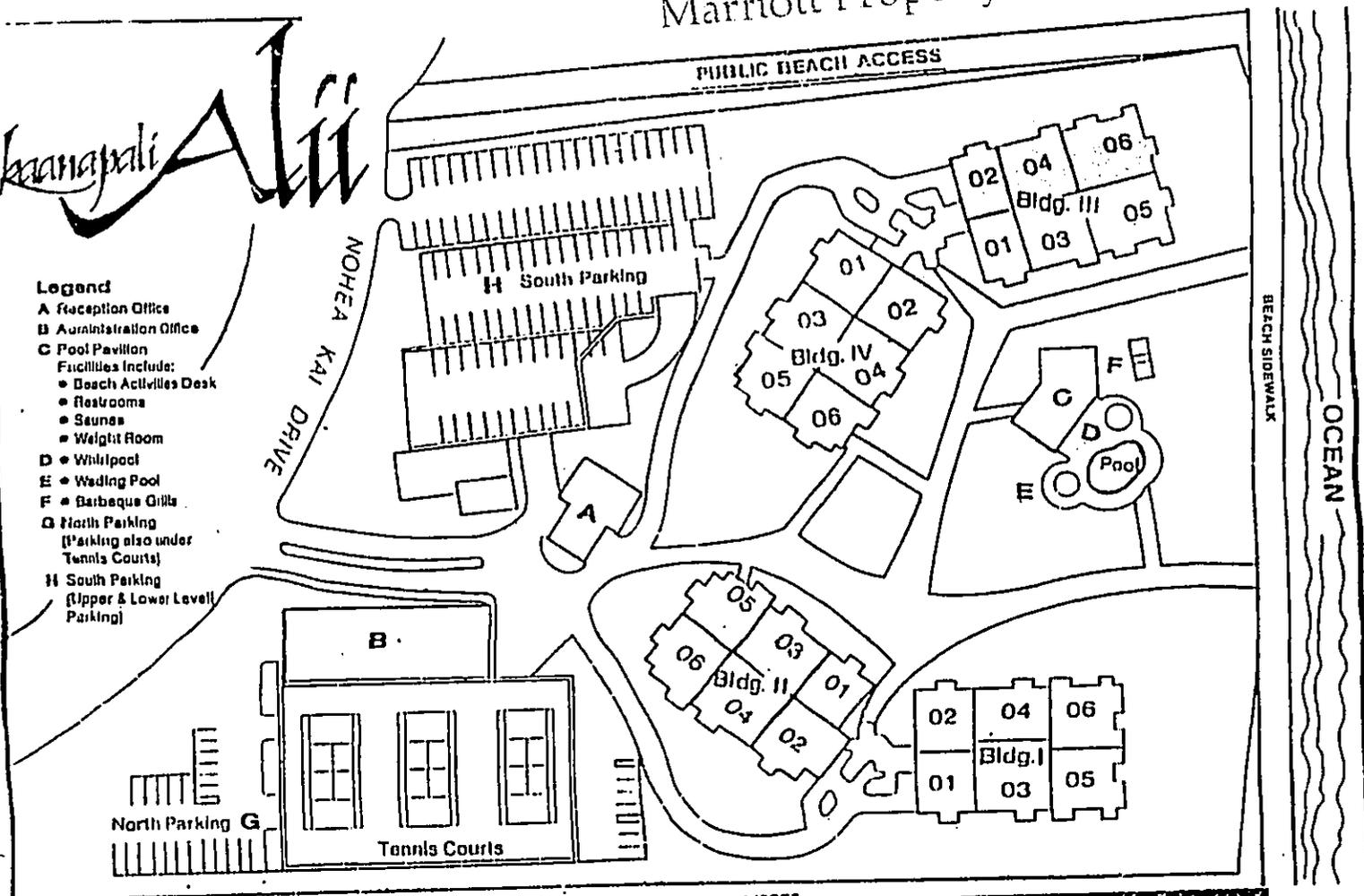
Study of Private View Impacts from the Ka'anapali Ali'i Condominium

- I. Site Plan and Aerial Photo of the KAC
- II. Unit Matrix of KAC units facing the Maui Ocean Club Project, identifying:
 - KAC building and unit numbers
 - Locations of the units of commenting & concerned owners
 - View Classifications for each unit
 - Photograph locations
- III. Comparison of Plans for the proposed Napili Building: Design Options 1-5
- IV. View corridor simulations from KAC Buildings 3&4
 - Unit 4105 Primary Balcony View identifying landward extent of Napili Building by Option # (The building would appear to the *right* of the vertical lines)
 - Unit 4105 Off-Set Balcony View identifying landward extent
 - Unit 4103 Primary Balcony View identifying landward extent
 - Unit 4103 Off-Set Balcony View identifying landward & seaward extents (The building would appear *between* the vertical lines)
 - Unit 4103 Lean out View identifying landward & seaward extents
 - Unit 4101 Primary Balcony View identifying landward extent
 - Unit 4101 2nd Balcony View identifying seaward extent (The building would appear to the *left* of the vertical lines)
 - Unit 4101 Living Room View identifying seaward extent
 - Unit 392 Primary Balcony View identifying seaward extent
 - Unit 392 Bedroom View identifying seaward extent
 - Unit 394 Primary Balcony View identifying landward & seaward extents
 - Unit 394 Bedroom View identifying landward & seaward extents
 - Unit 344 Primary Balcony View identifying landward & seaward extents
 - Unit 344 Bedroom View identifying landward & seaward extents
 - Unit 386 2nd Balcony View identifying seaward extent
- V. Rendering from KAC Buildings 3&4
 - Unit 392
 - Unit 4101

Marriott Property

Kaanapali Alii

- Legend**
- A Reception Office
 - B Administration Office
 - C Pool Pavilion
 - Facilities Include:
 - Beach Activities Desk
 - Restrooms
 - Saunas
 - Weight Room
 - D Whirlpool
 - E Wading Pool
 - F Barbeque Grills
 - G North Parking (Parking also under Tennis Courts)
 - H South Parking (Upper & Lower Level Parking)



Ka'anapali Ali'i Condominium
Units Facing the Marriott Property

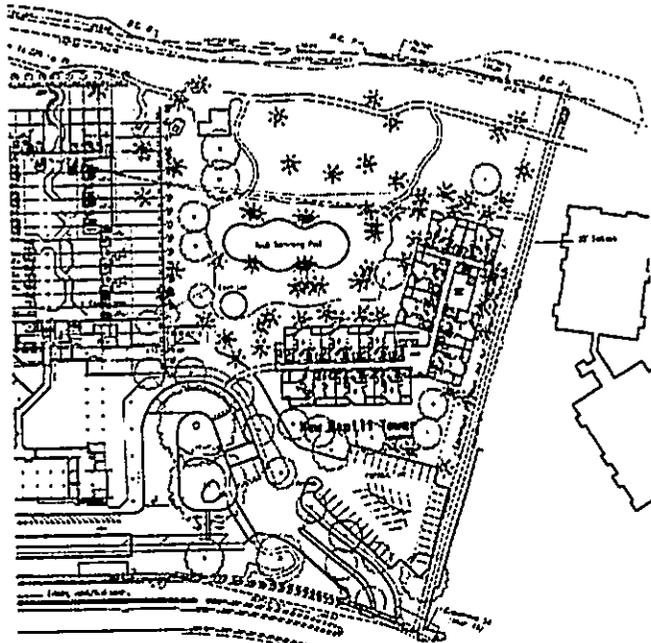
BUILDING 3			BUILDING 4		
	3114	3112	4111	4113	4115
	3104	3102	Bonn 4101	Rachner 4103	4105
	394	392	491	493	495
	384	382	Bergholt 481	483	485
	374	372	471	473	475
	364	362	461	463	465
	354	352	451	Block 453	455
	Romaine 344	342	T Hall 441	443	445
	Cartwright 334	332	Paul 431	433	435
	324	322	421	423	425
	314	312	411	413	415

Operator's Unit View Designation

 Partial Ocean View
  Ocean View
  Garden View
  Mountain View
  View Panorama Location

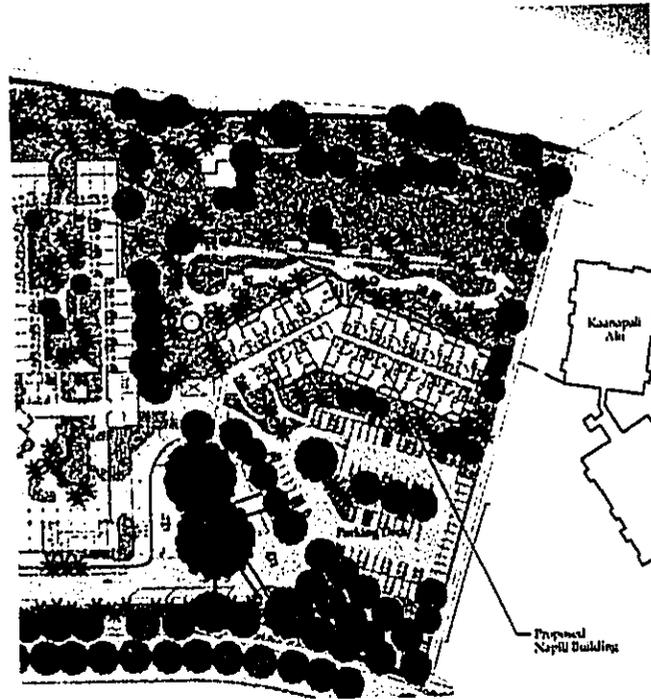
MAY 9, 2003





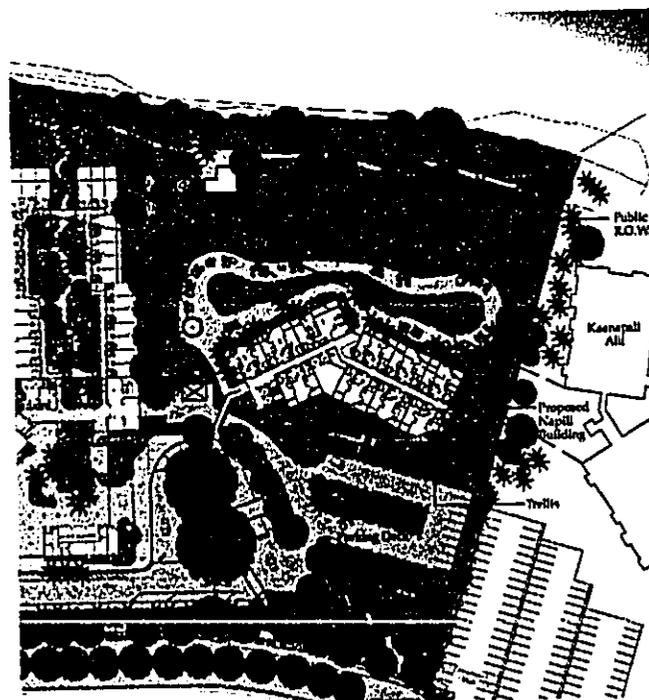
Option 1.

The location for the proposed Napili tower that respects all zoning and shoreline setbacks, and optimizes the potential views from the new building and existing Maui Ocean Club guestrooms.



Option 2.

The location of the Napili tower showing a voluntary "sight line" setback that preserves the existing ocean view corridor of the KA seaward tower. This option was developed and presented to the Ka'anapali Ahi'i during the pre-consultation period.



Option 4.

This option was developed after the Draft EIS review period. It incorporated recommendations from KAC owners in KAC Building 4 who asked the Napili building be rotated clockwise to increase the ocean view corridor from these units. The design also incorporates a stepped 8/10-story height suggested by the KOA.

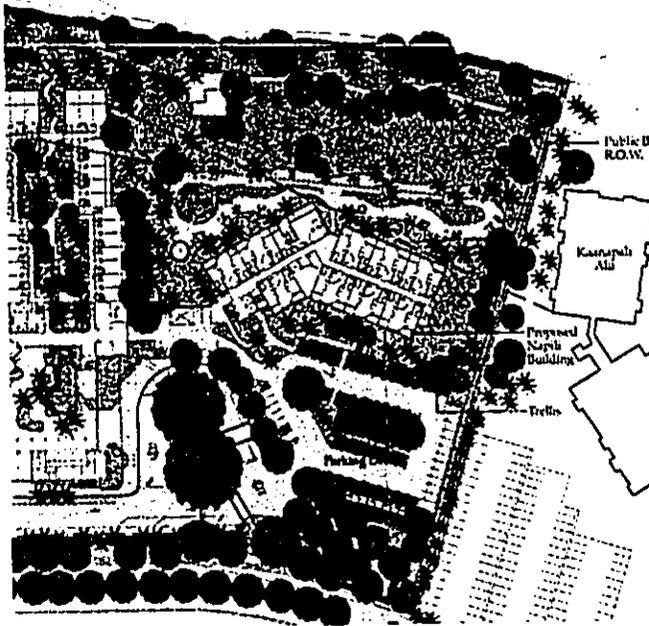
The layout of the pool is modified to site all pool structure behind the shoreline setback area.

View corridors are increased however building separation is decreased from ~110 to ~100 feet.

Additionally, the rotation necessitates a reduction in parking at the proposed north parking structure and orients the view of the proposed units more toward the KAC buildings.

Option 2.

The location of the Napili tower with a voluntary "sight line" break that preserves the existing view corridor of the KA ward tower. This option was developed and presented to the Napili Ali'i during the pre-consultation period.



Option 3.

The location of the proposed Napili tower with a decreased building width. The benefit of this option is increased distance between the proposed building and the KA towers and improved ocean views from the corner units of the landward tower. This option was developed at the suggestion of KA unit owners during the pre-consultation period. This option was the preferred alternative depicted in the EISPN and Draft EIS.

Building separation under this option is ~110 feet.

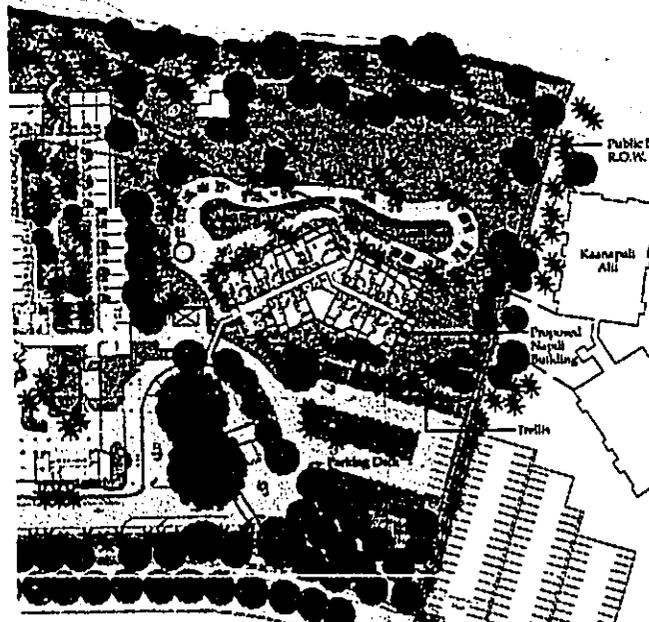
Option 4.

This option was developed after the Draft EIS review period. It incorporated recommendations from KAC owners in KAC Building 3 who asked the Napili building be rotated clockwise to increase the view corridor from their units. The design also incorporates a stepped 8/10-story height suggested by the KOA.

The layout of the pool is modified to place all pool structure behind the preline setback area.

View corridors are increased, however building separation is decreased from ~110 to ~100 feet.

Additionally, the rotation necessitates a reduction in parking in the proposed north parking structure and orients the views of proposed units more towards KAC buildings.



Option 5.

This option was developed with additional input by owners of KAC units in Building 3&4. The option slims the Napili building by eliminating another 2 bays nearest the KAC. Building separation is increased to ~130 feet & view corridors are increased. The design incorporates a stepped 10/12-story height.

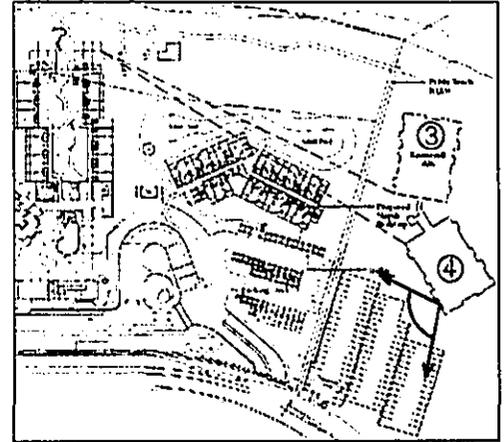
The layout of the pool is modified to increase separation from the KAC.

Marriott's
MAUI OCEAN CLUB

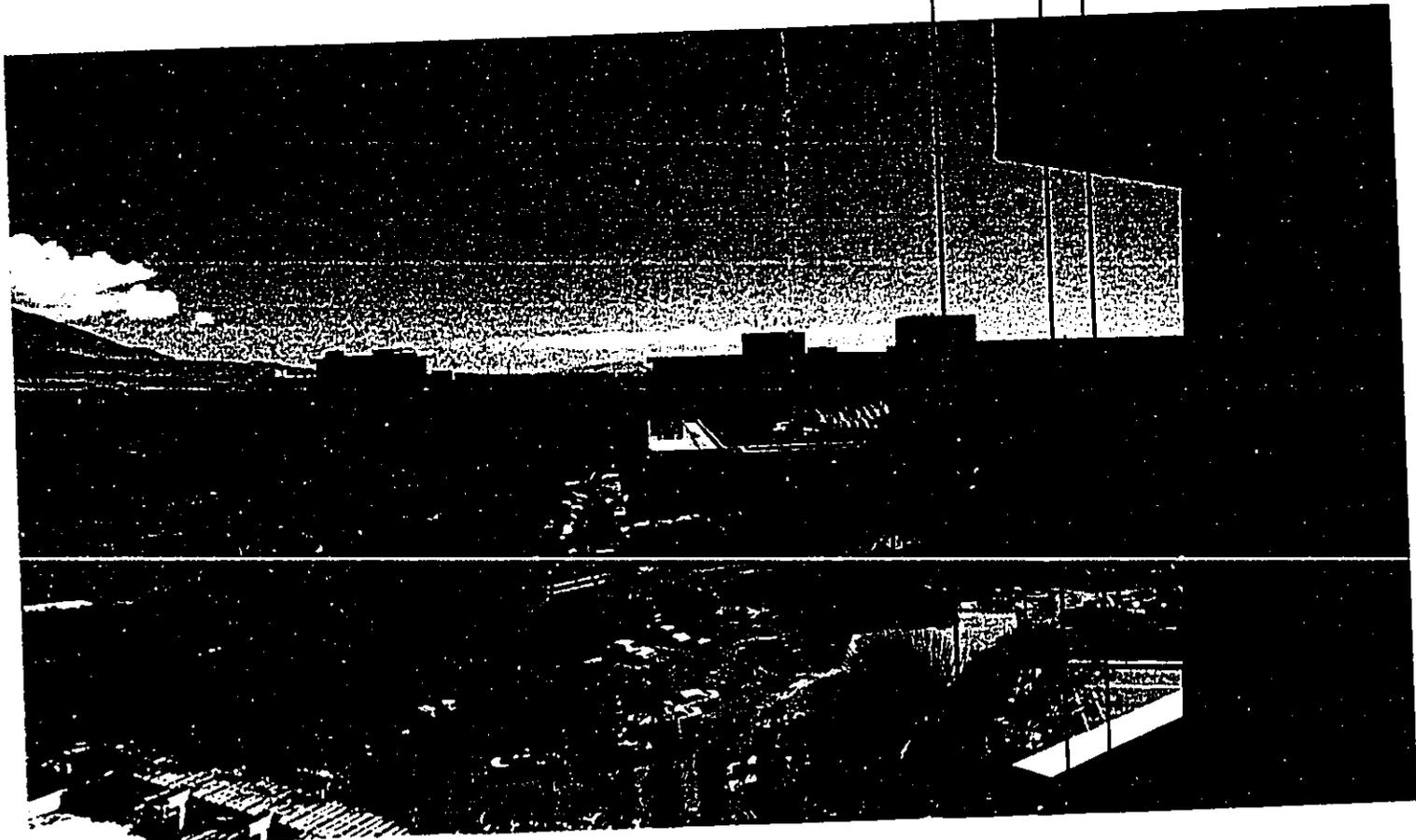
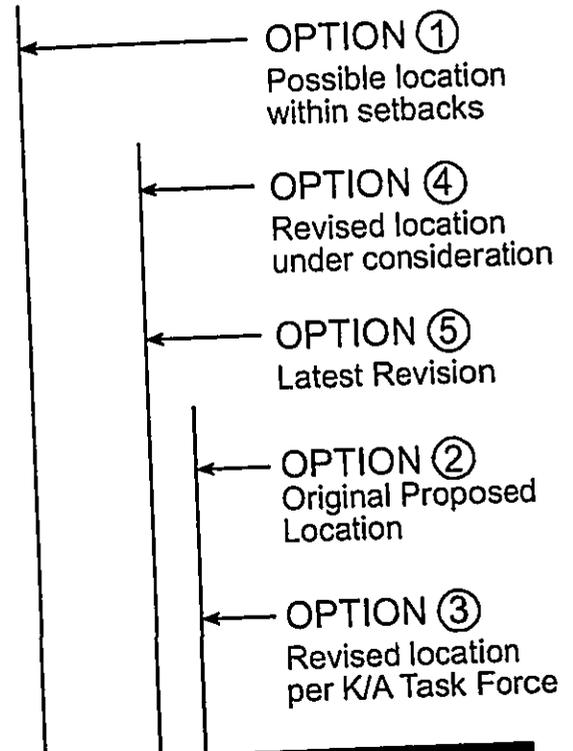
The Evolution of Site Plan Alternatives
(Showing the North Section of the Marriott Property)



KEY PLAN



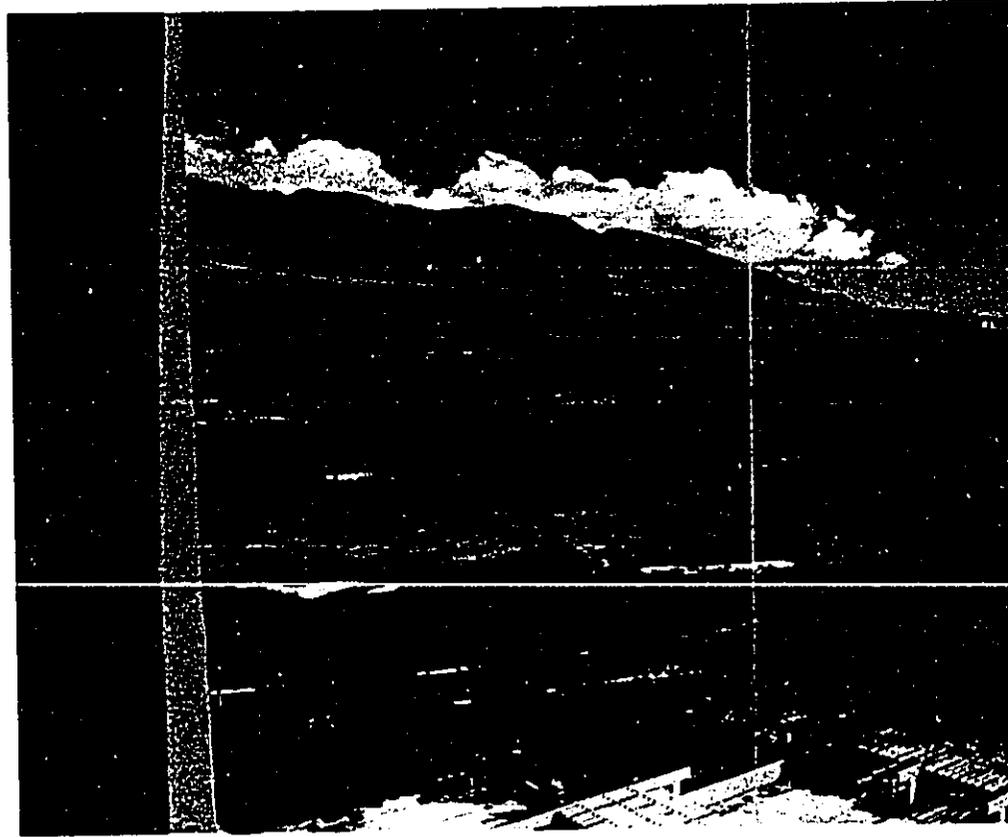
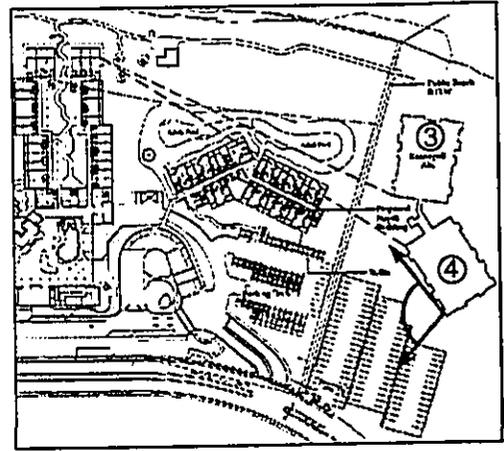
Kaanapali Alii, Unit 4105, Primary Balcony View



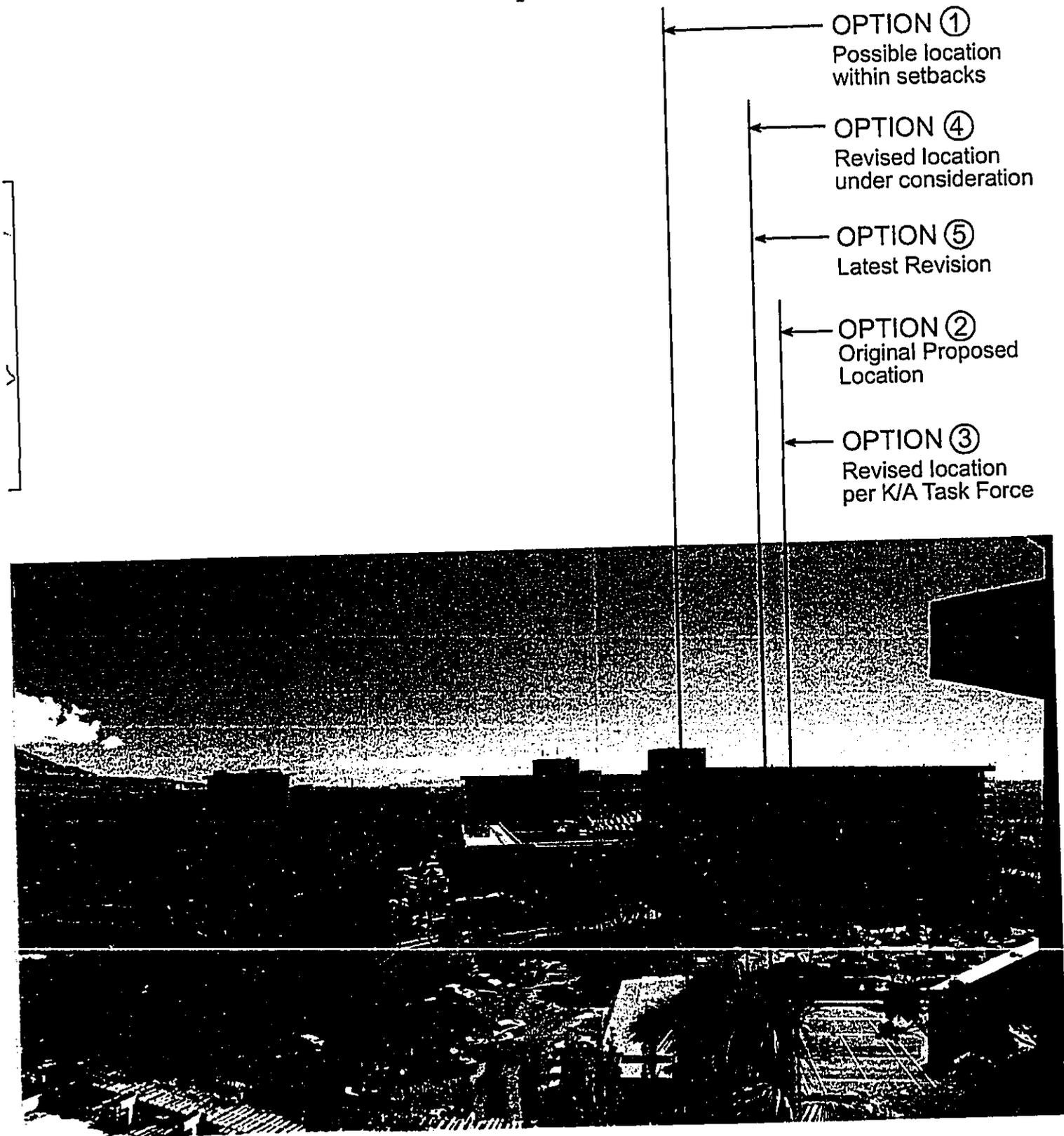
22 May 2003



KEY PLAN



Kaanapali Alii, Unit 4105, Off-set Balcony View



OPTION ①

Possible location
within setbacks

OPTION ④

Revised location
under consideration

OPTION ⑤

Latest Revision

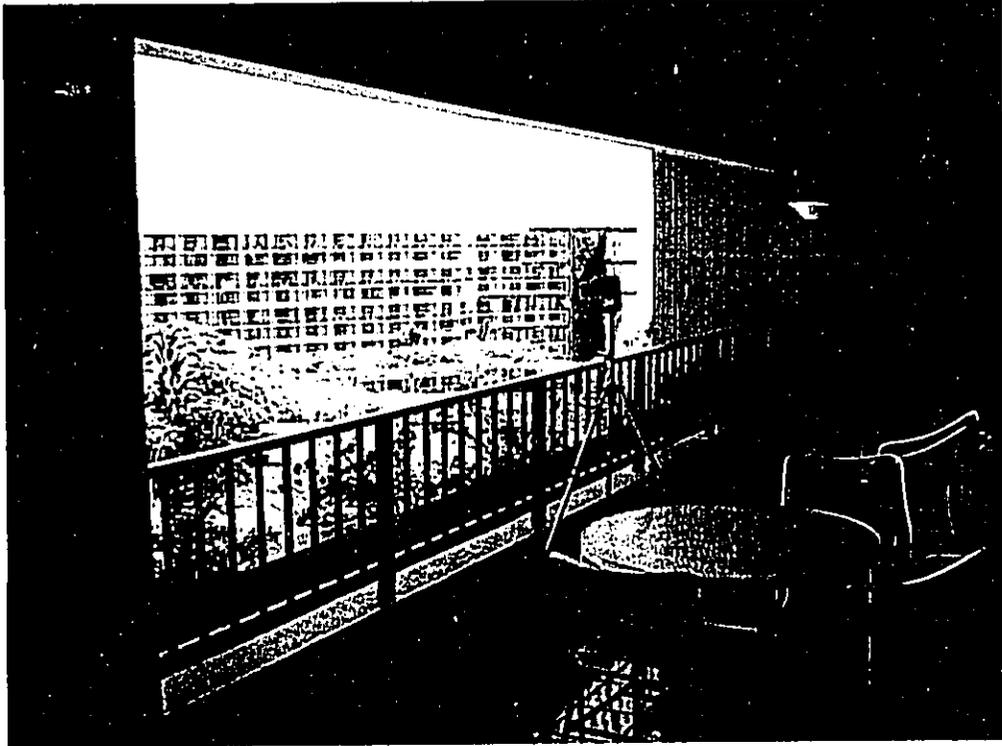
OPTION ②

Original Proposed
Location

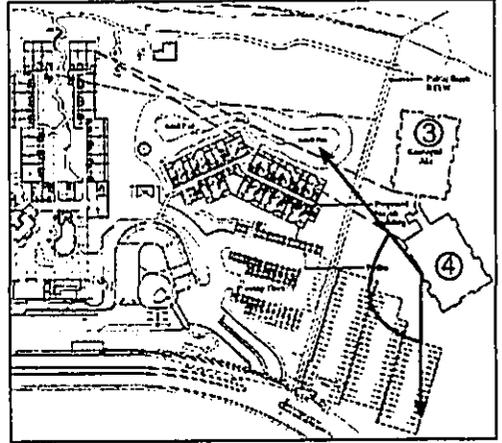
OPTION ③

Revised location
per K/A Task Force

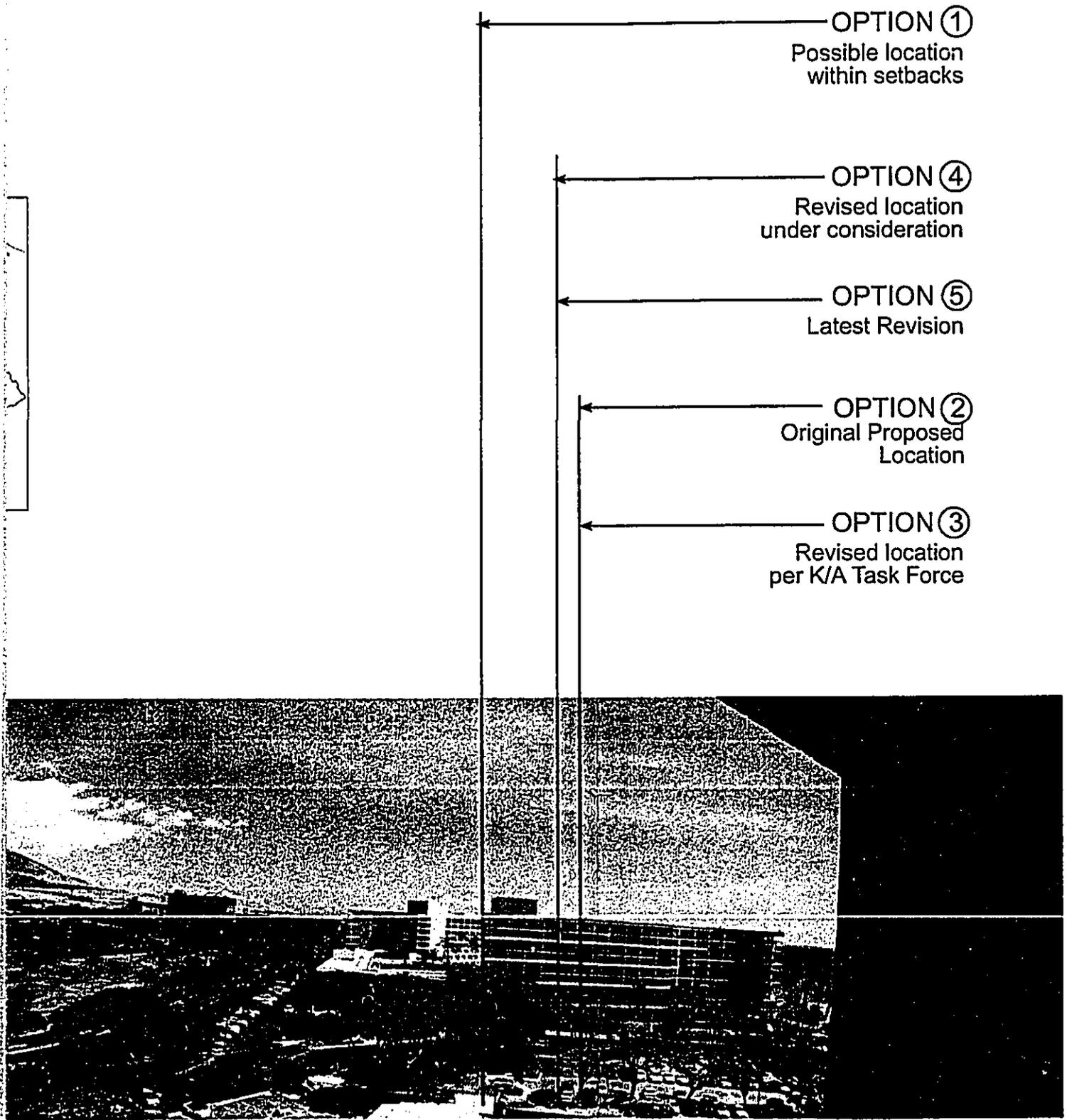
22 May 2003



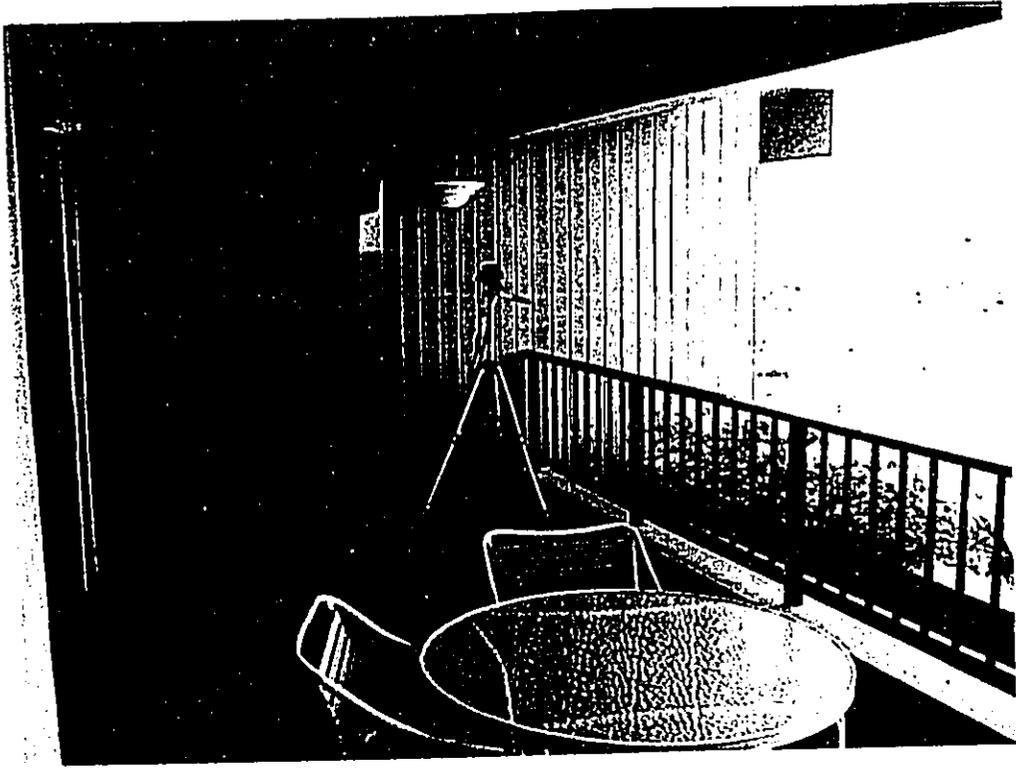
KEY PLAN



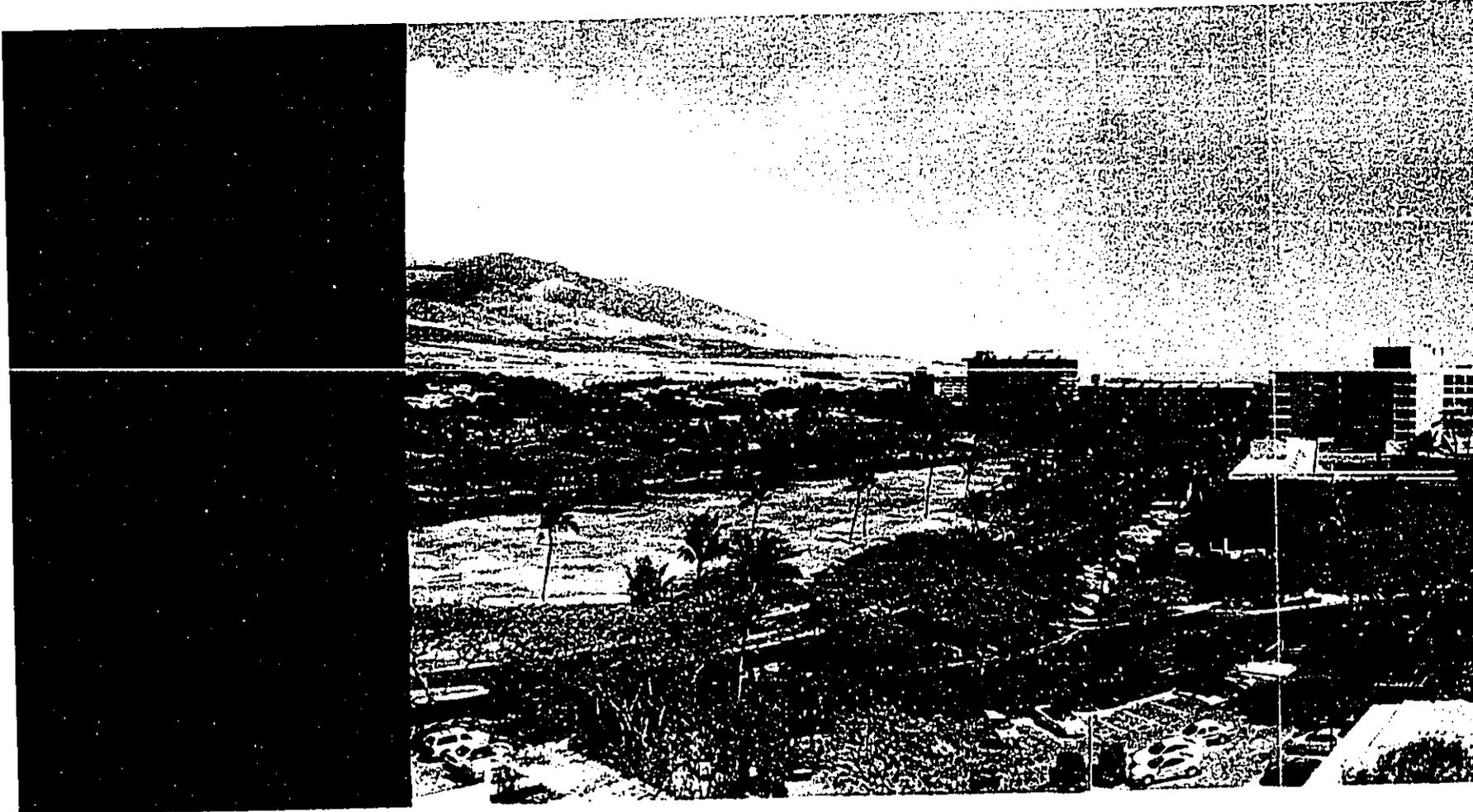
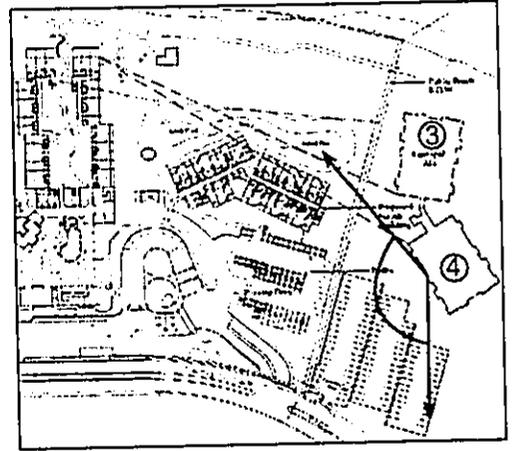
Kaanapali Alii, Unit 4103, Primary Balcony View



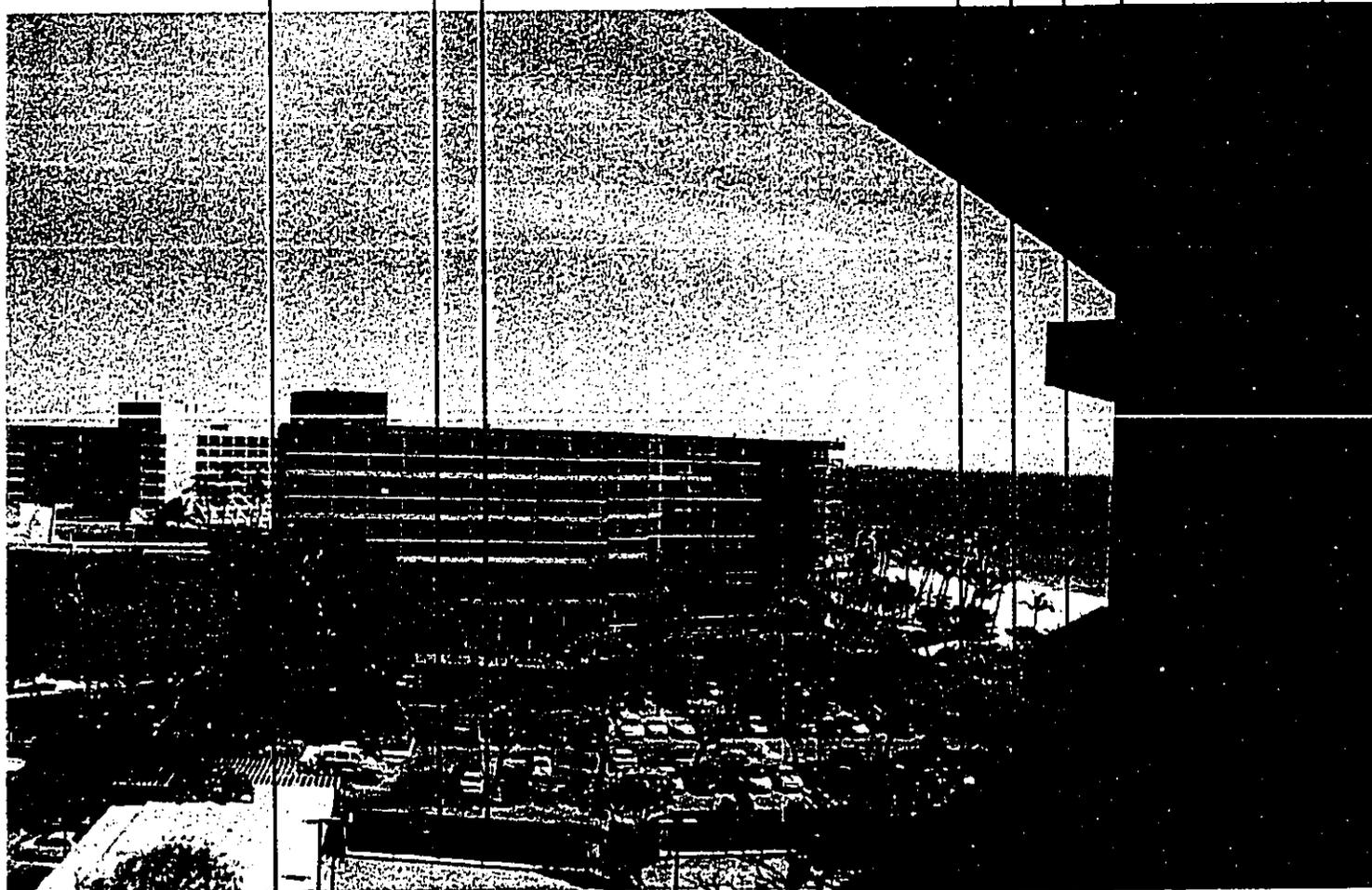
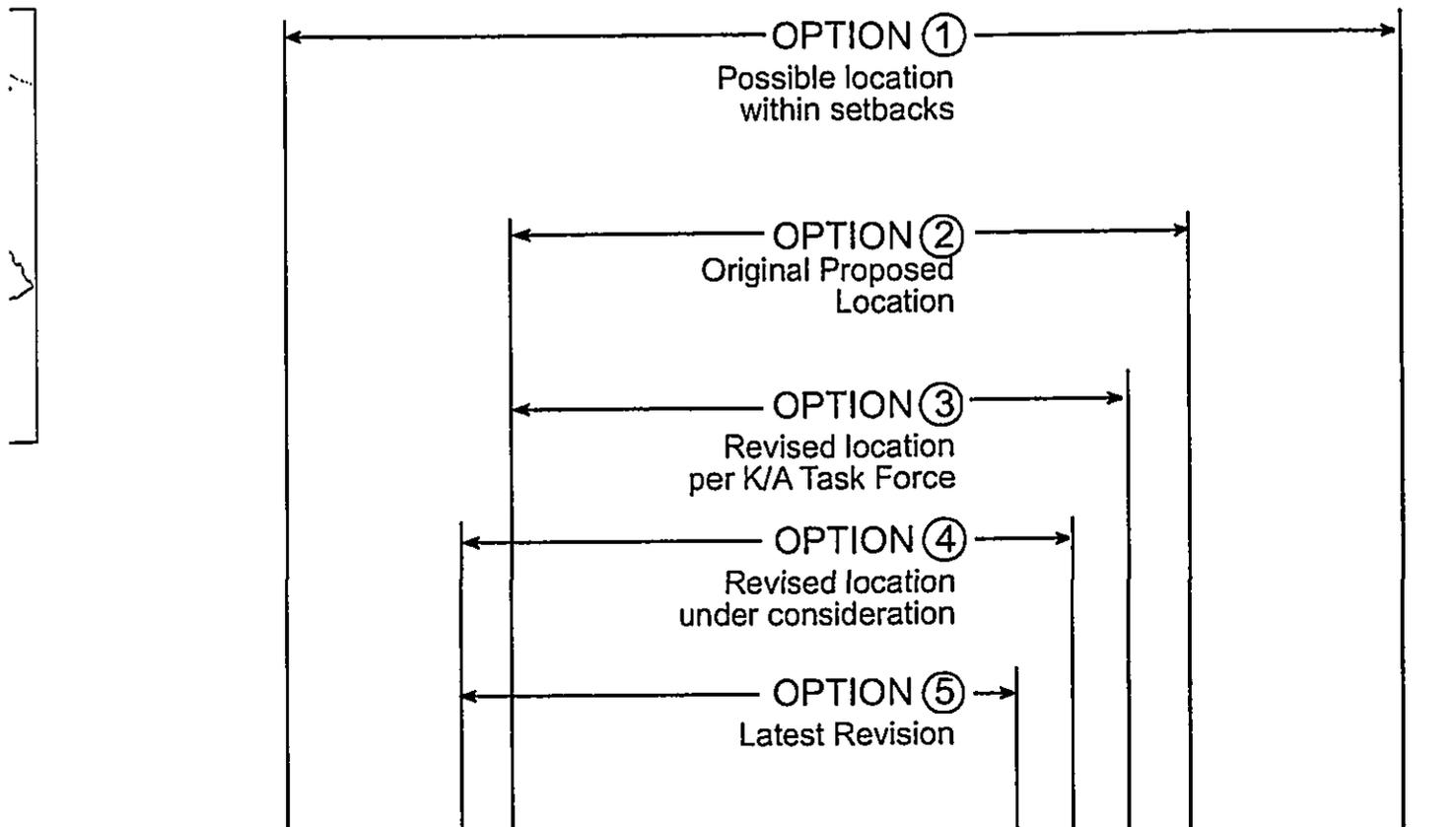
22 May 2003



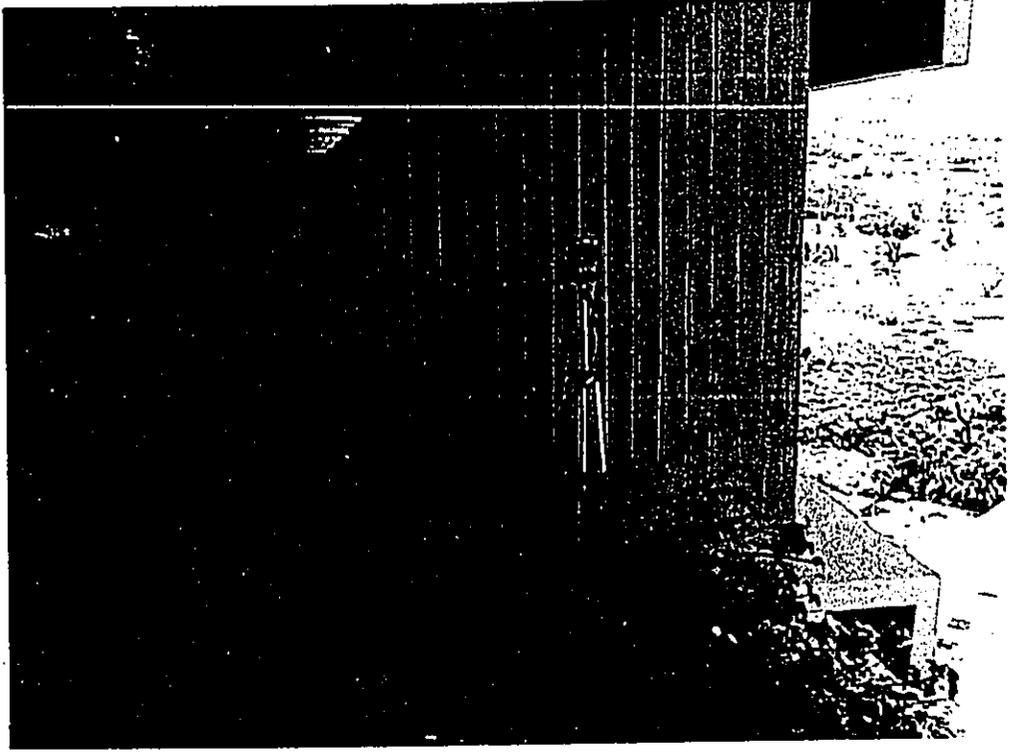
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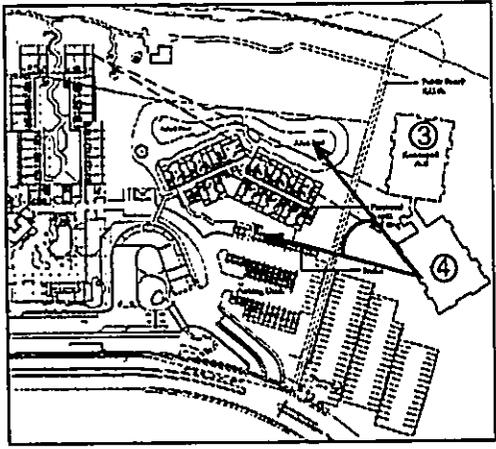
Kaanapali Alii, Unit 4103, Off-set Balcony View



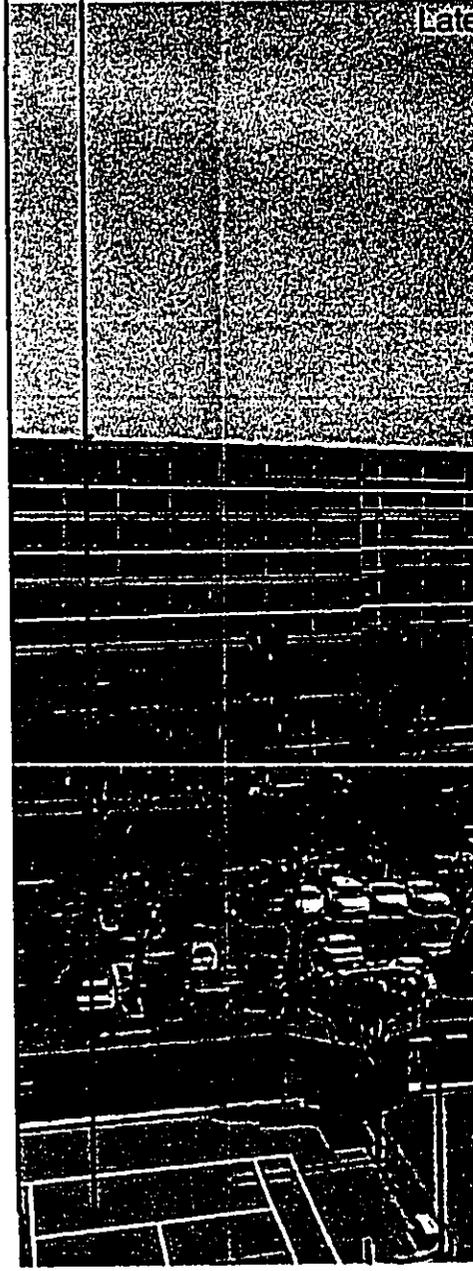
22 May 2003



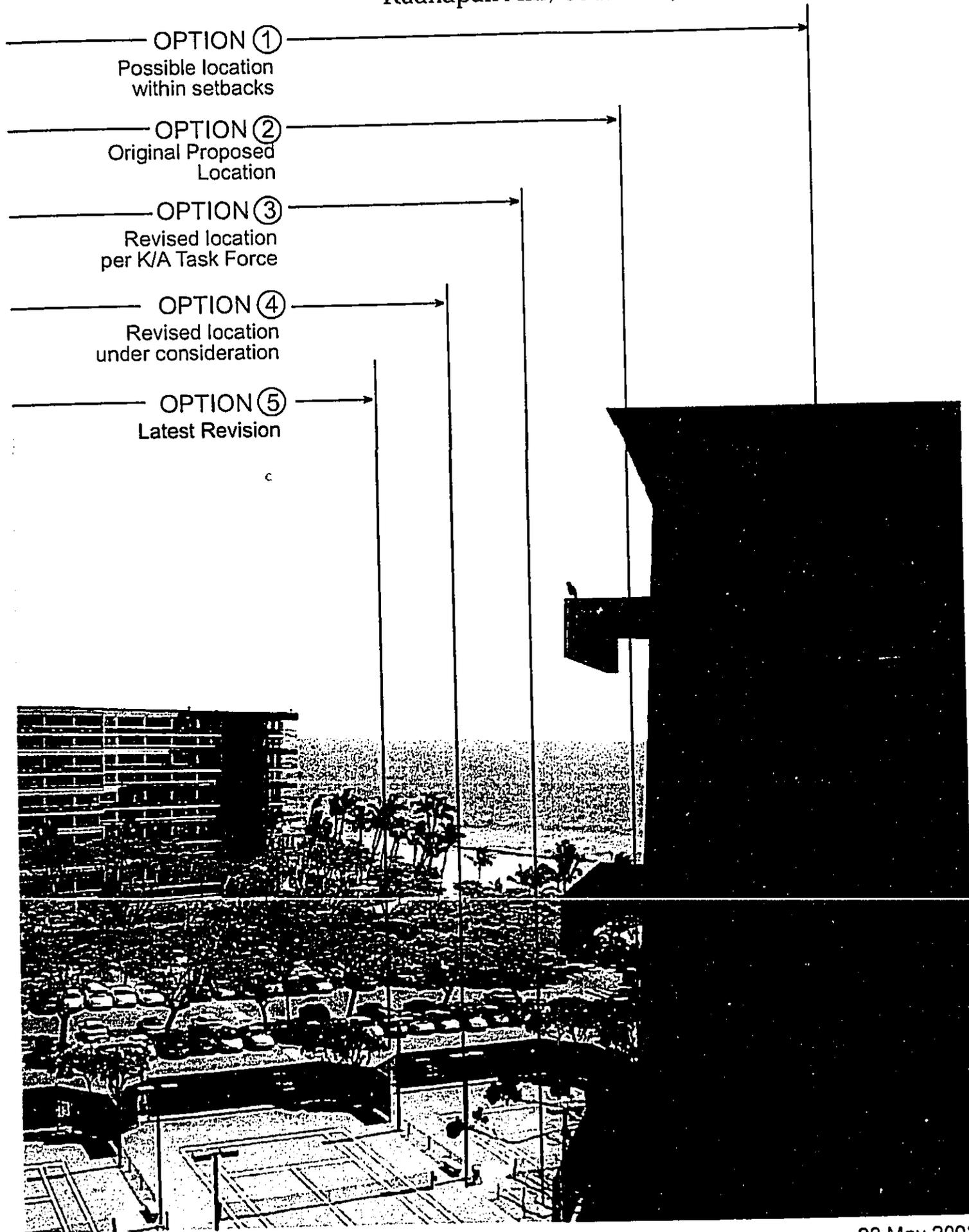
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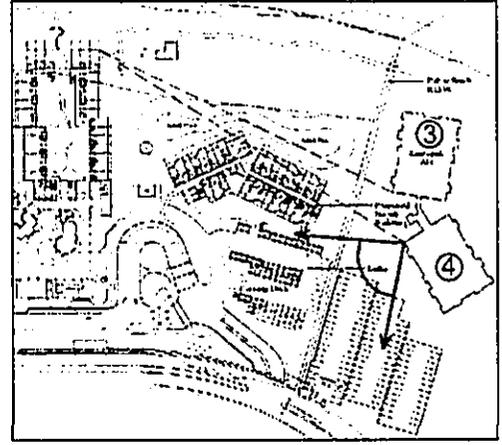
Kaanapali Alii, Unit 4103, Lean-out Balcony View



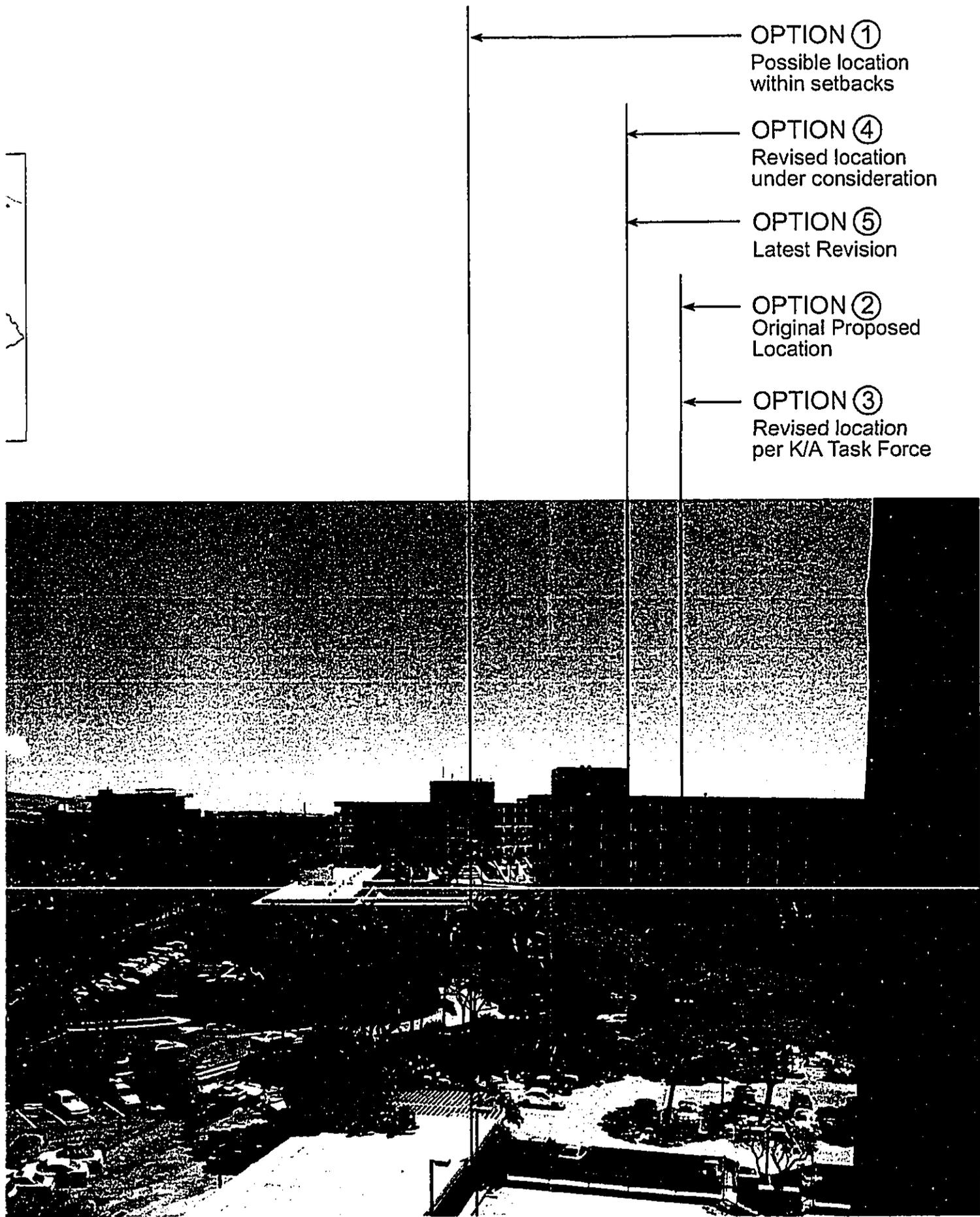
22 May 2003



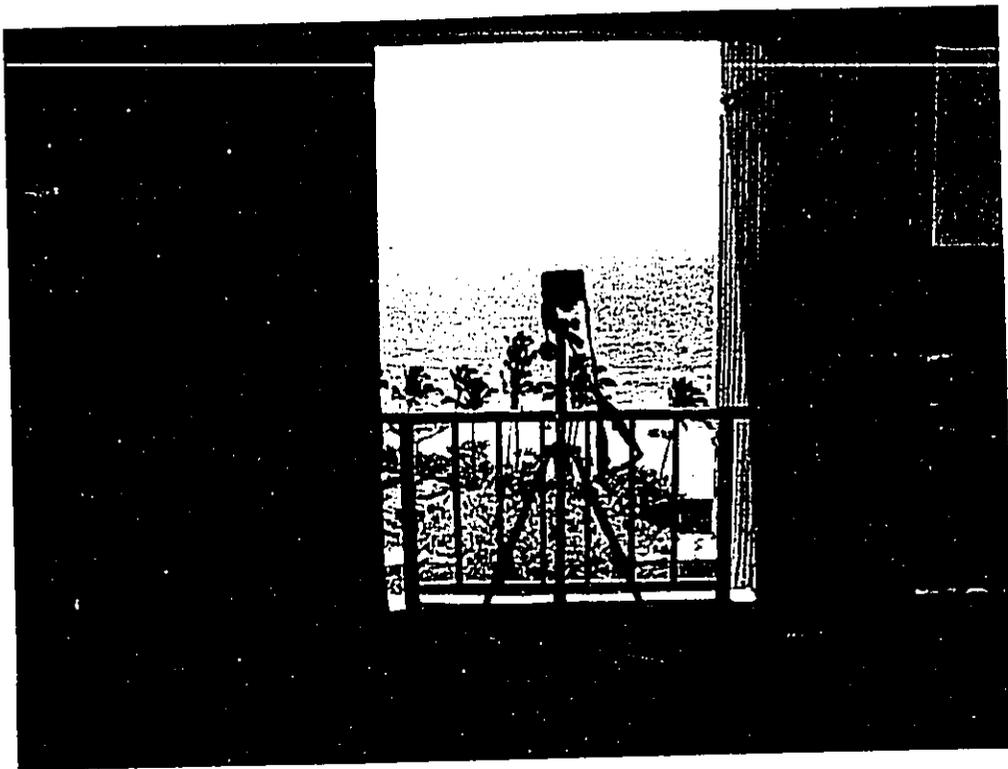
KEY PLAN



Kaanapali Alii, Unit 4101, Primary Balcony View:



22 May 2003



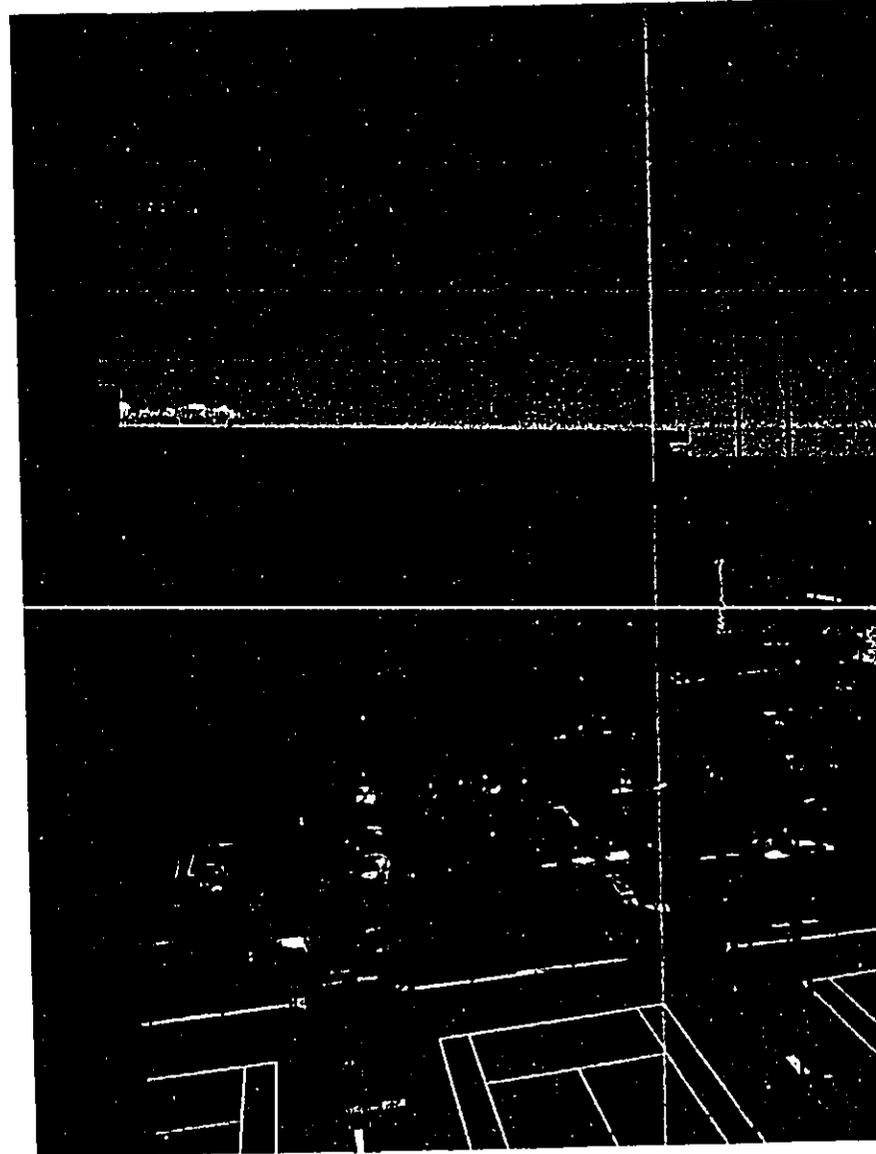
OPTION ① —
Possible location
within setbacks

OPTION ② —
Original Proposed
Location

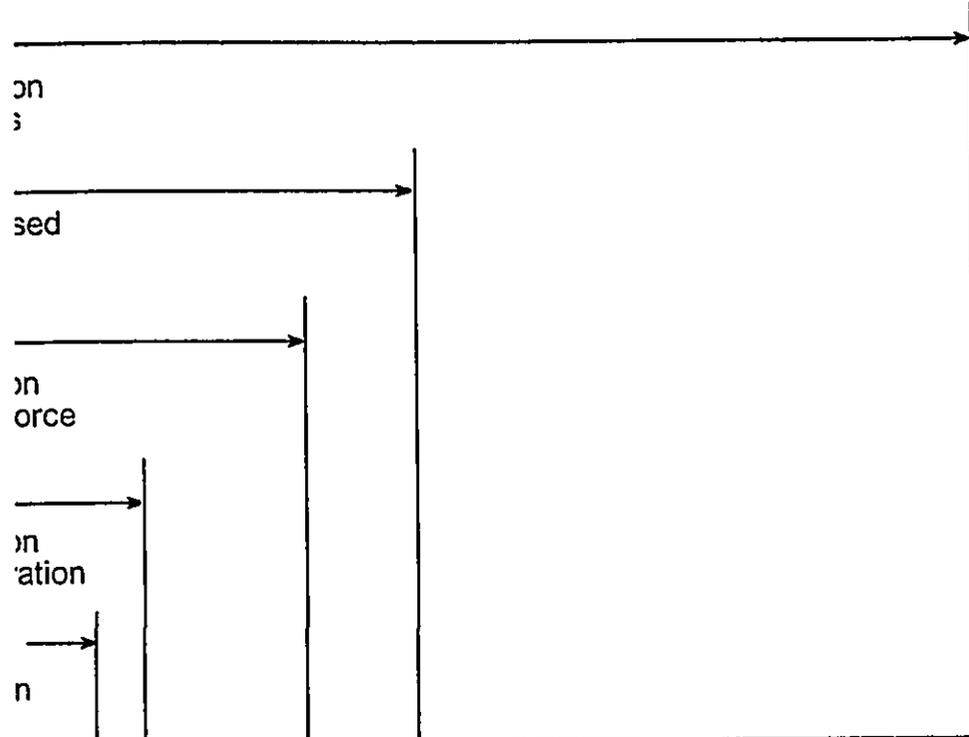
OPTION ③ —
Revised location
per K/A Task Force

OPTION ④ —
Revised location
under consideration

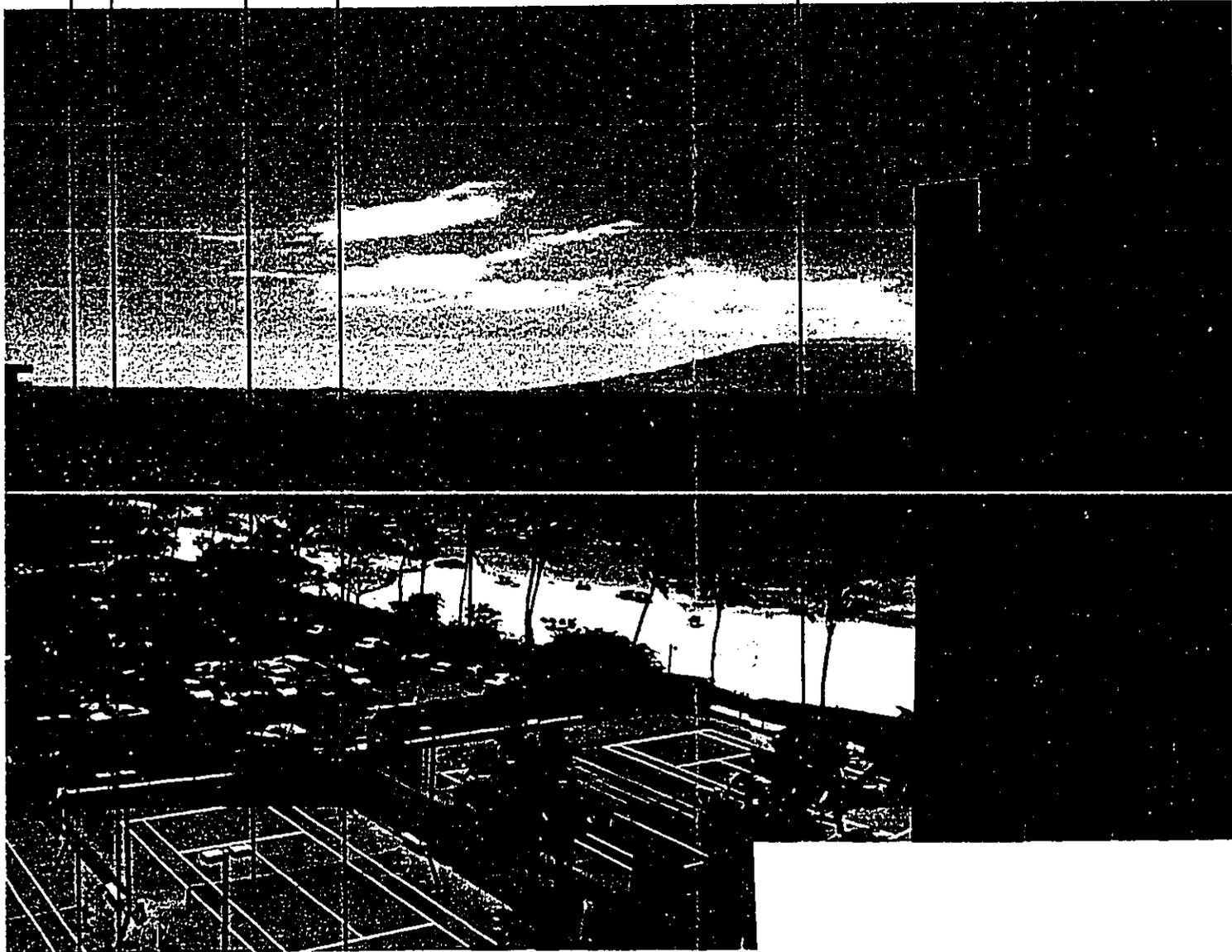
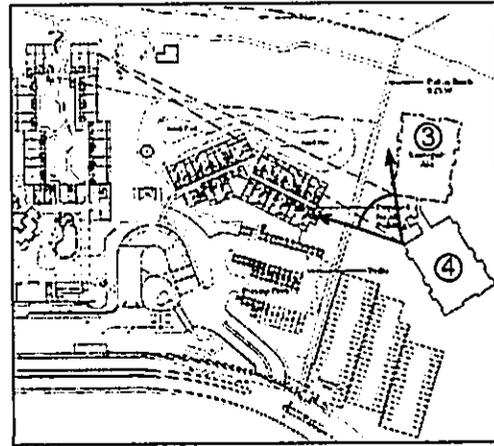
OPTION ⑤ —
Latest Revision



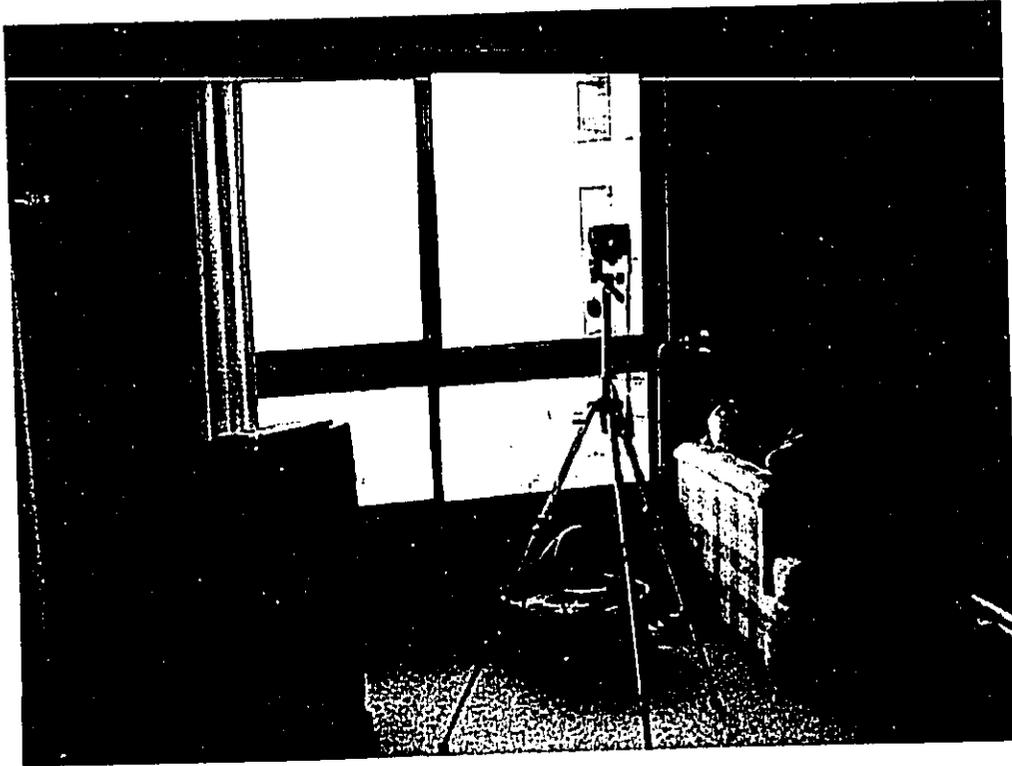
Kaanapali Alii, Unit 4101, Secondary Balcony View:



KEY PLAN



22 May 2003



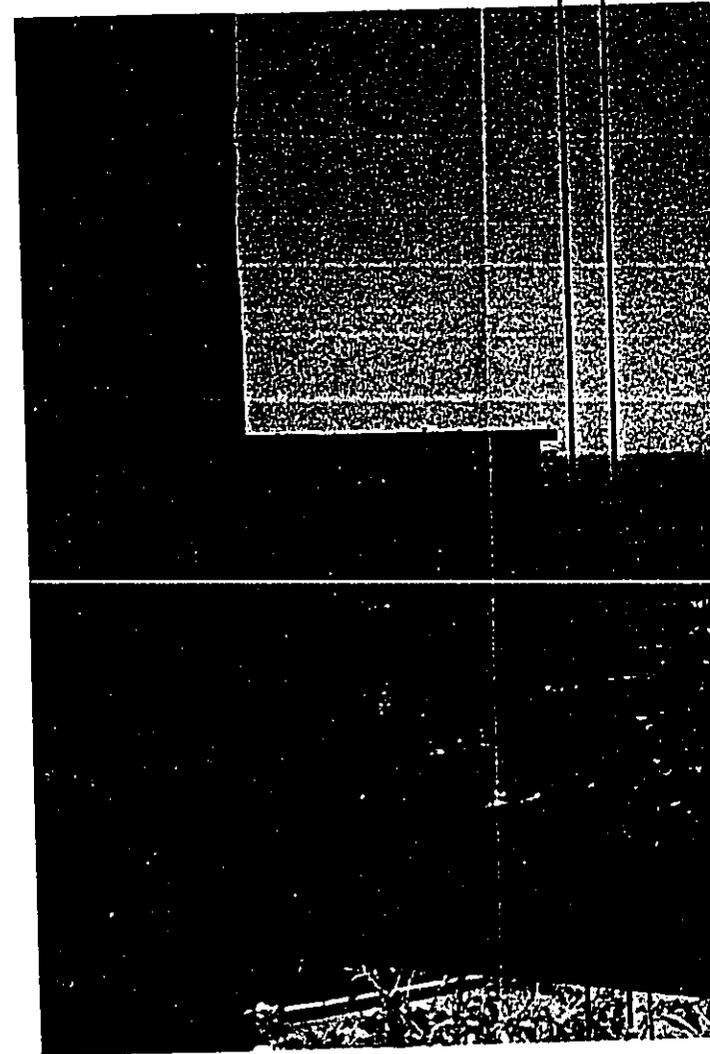
OPTION ① —
Possible location
within setbacks

OPTION ② —
Original Proposed
Location

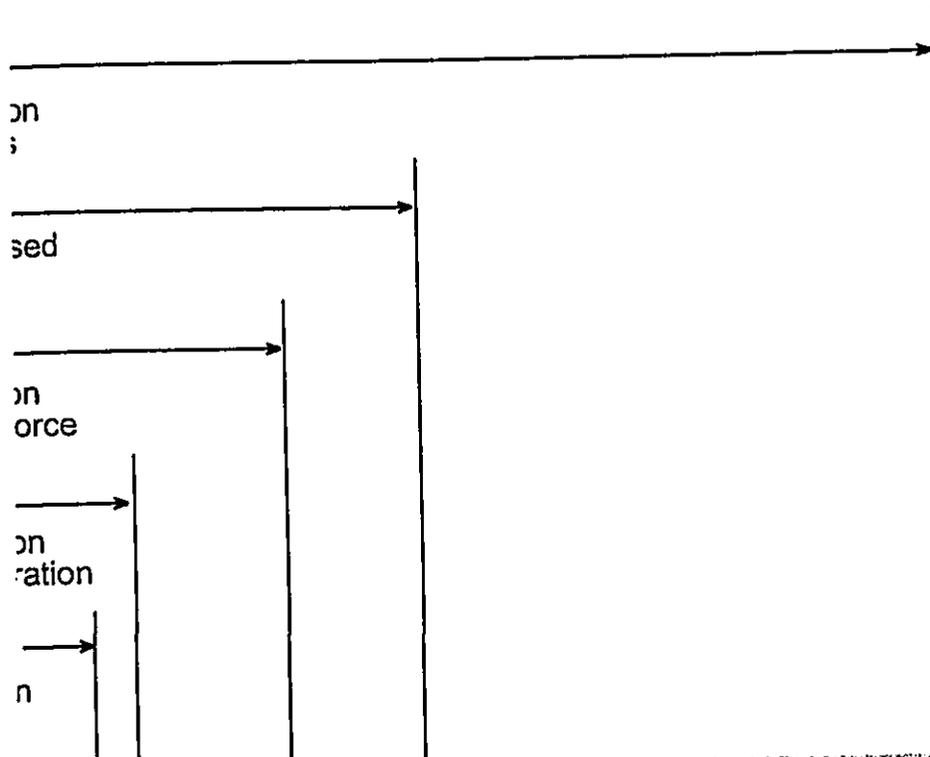
OPTION ③ —
Revised location
per K/A Task Force

OPTION ④ —
Revised location
under consideration

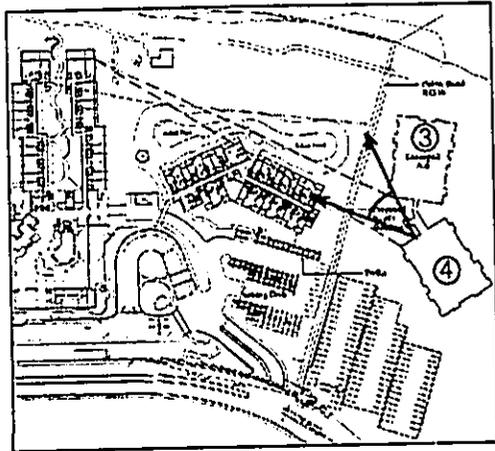
OPTION ⑤ —
Latest Revision



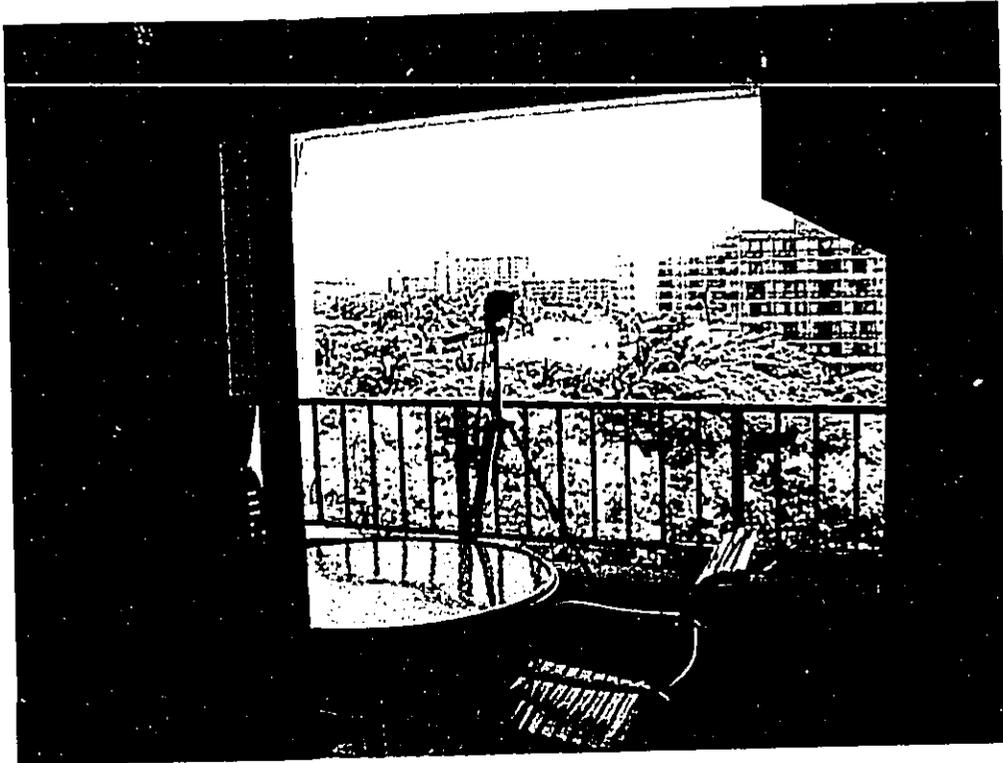
Kaanapali Alii, Unit 4101, Living Room



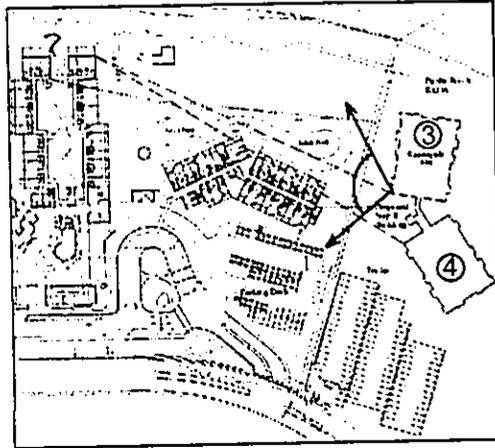
KEY PLAN



22 May 2003



KEY PLAN



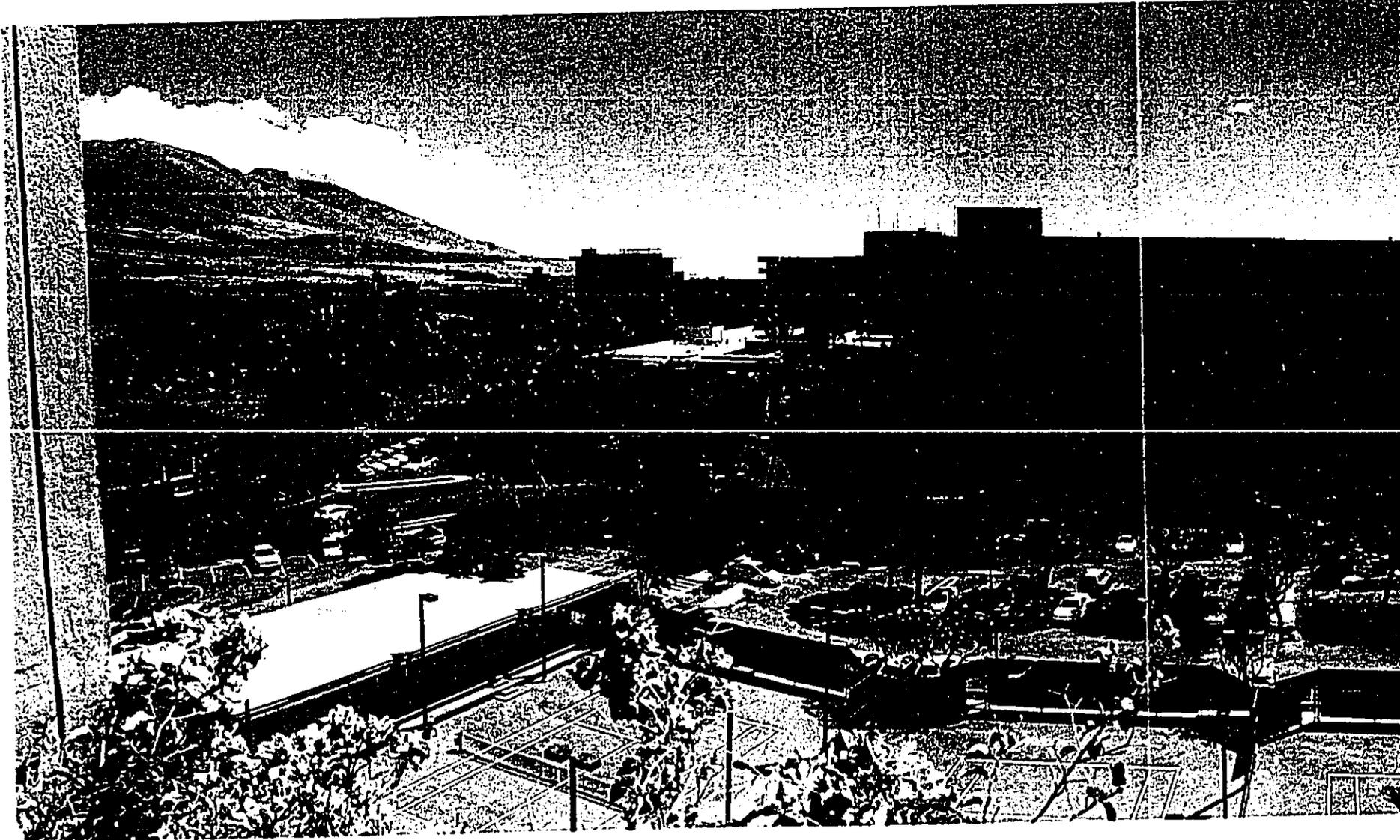
OPTION ①
Possible location
within setbacks

OPTION ②
Original Proposed
Location

OPTION ③
Revised location
per K/A Task Force

OPTION ④
Revised location
under consideration

OPTION ⑤
Latest Revision



Kaanapali Alii, Unit 392, Primary Balcony View:

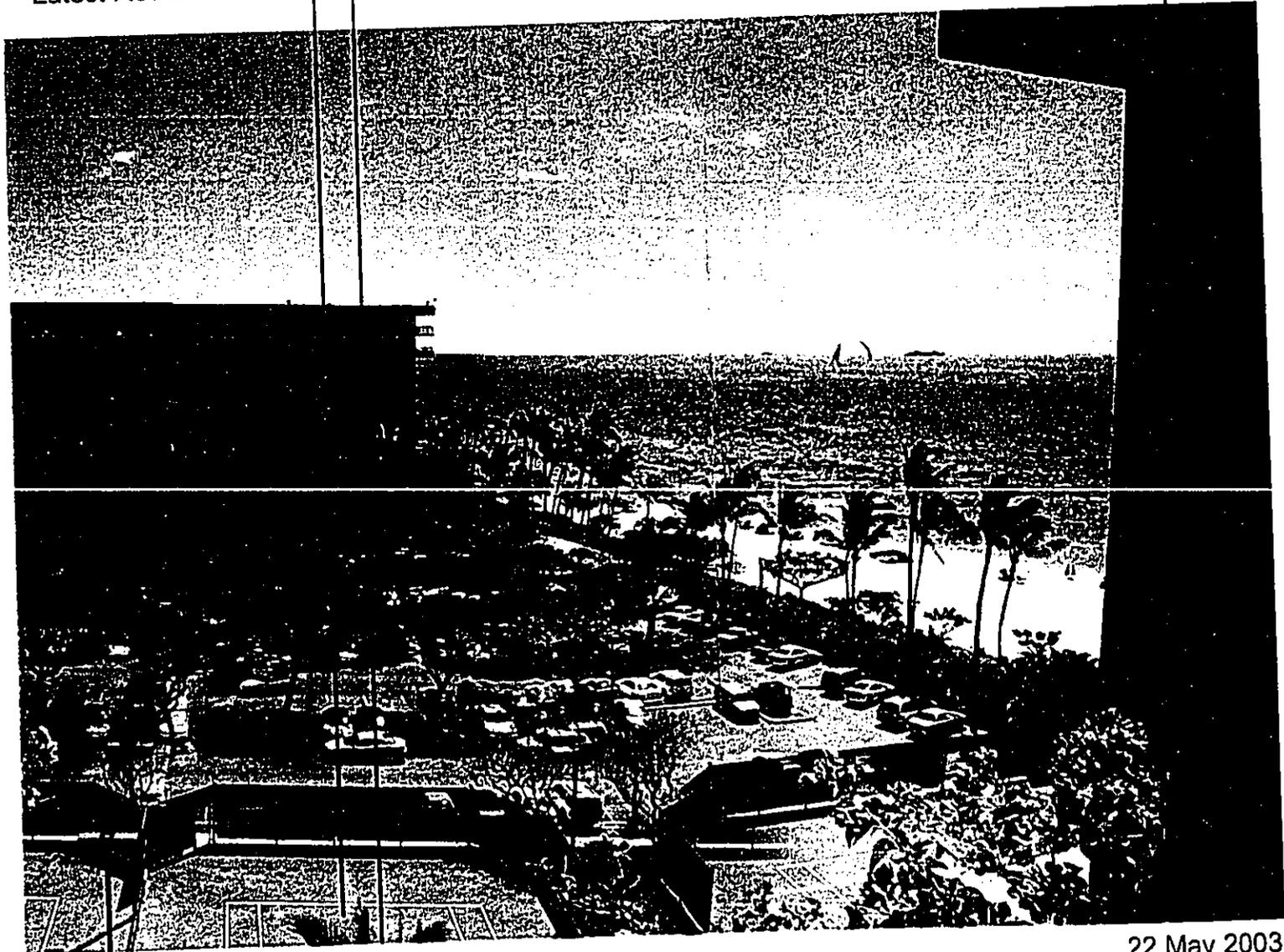
OPTION ①
Possible location
within setbacks

OPTION ②
Original Proposed
Location

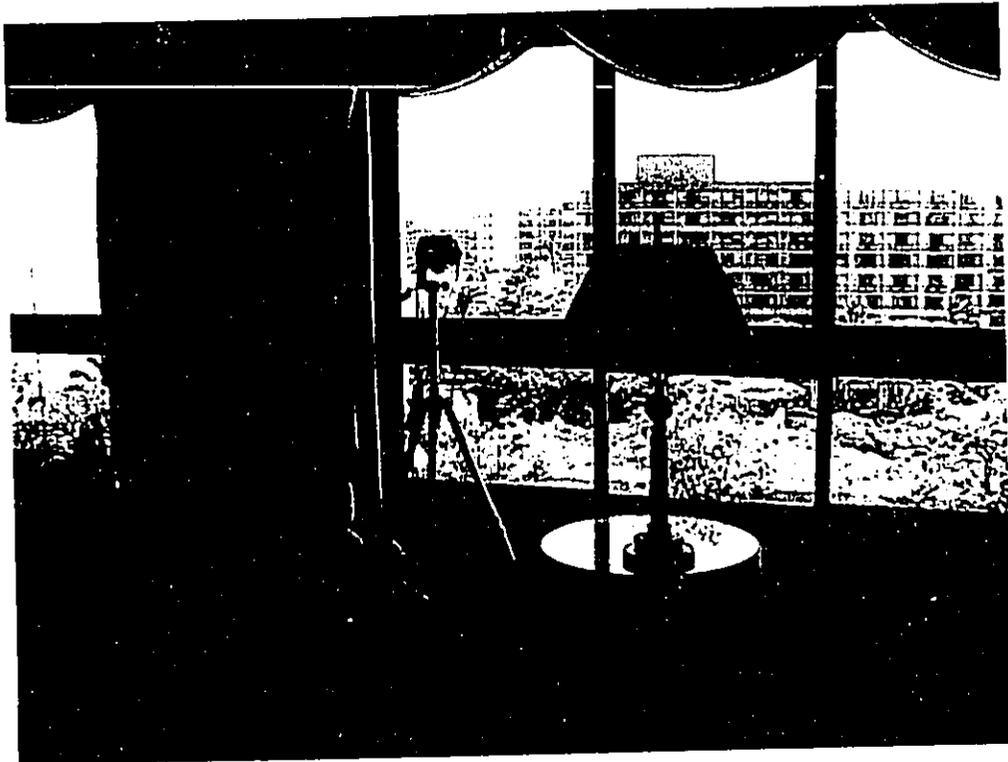
OPTION ③
Revised location
per K/A Task Force

OPTION ④
Revised location
under consideration

OPTION ⑤
Latest Revision



22 May 2003



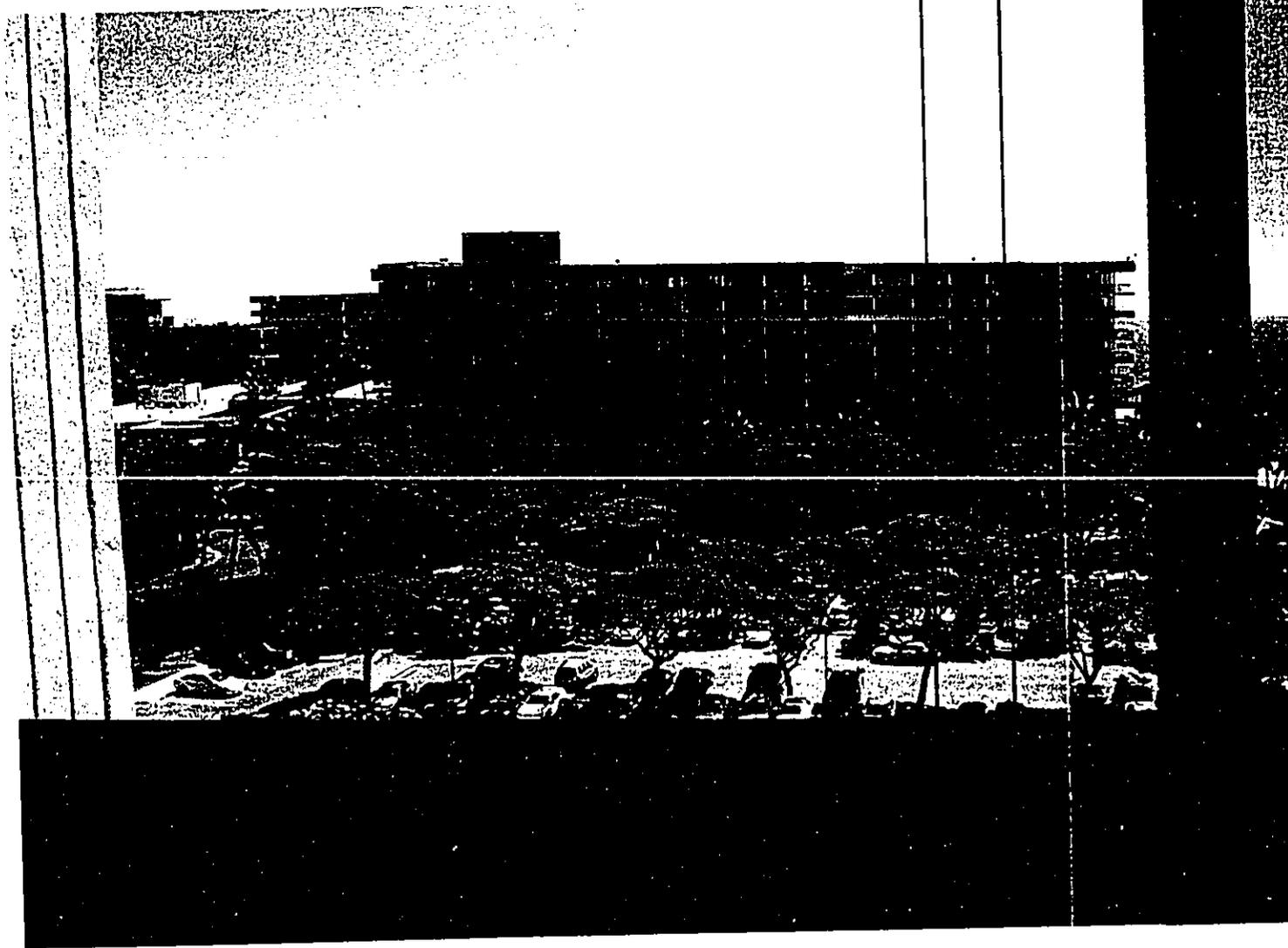
OPTION ① —
Possible location
within setbacks

OPTION ② —
Original Proposed
Location

OPTION ③ —
Revised location
per K/A Task Force

OPTION ④ —
Revised location
under consideration

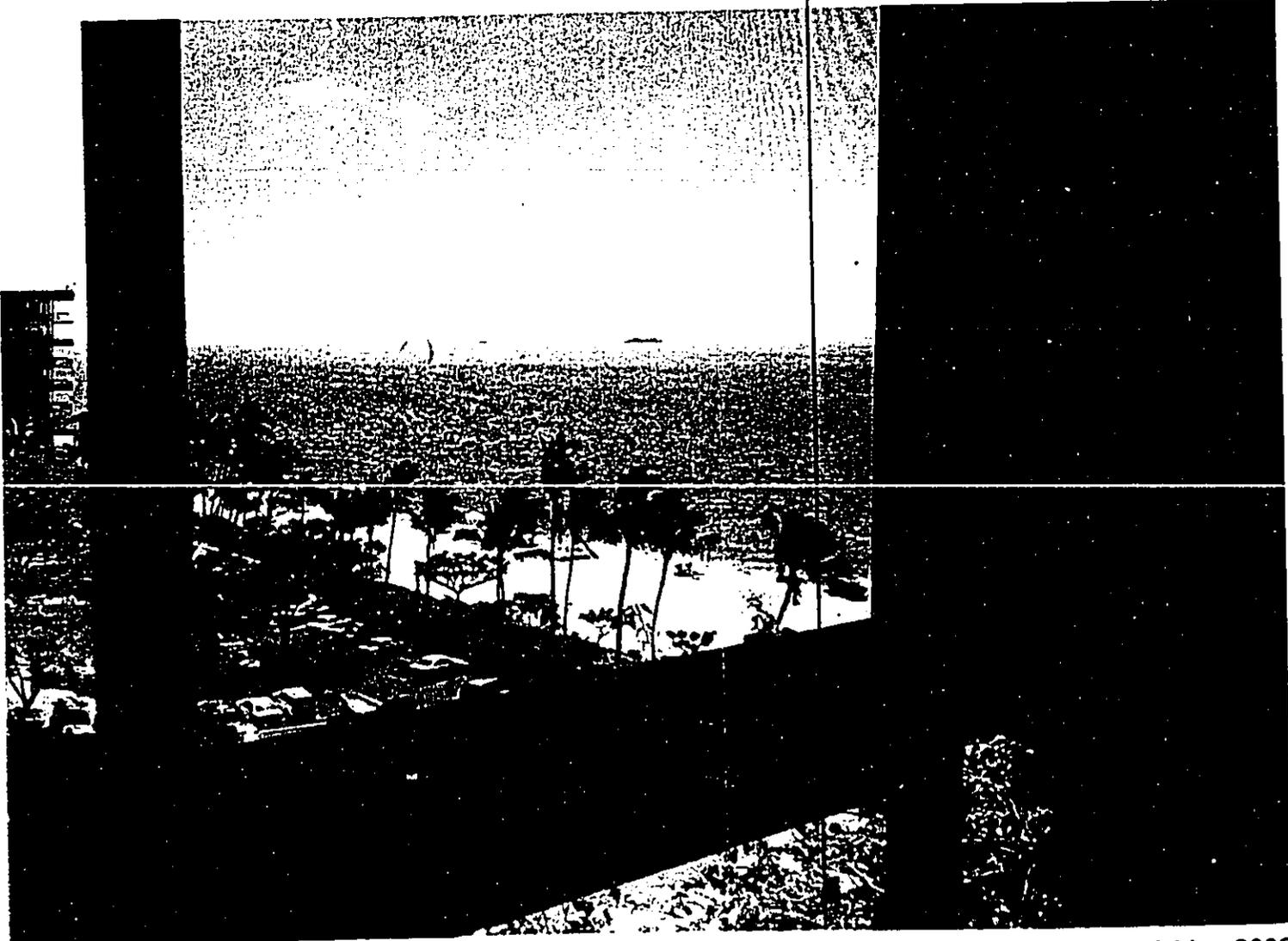
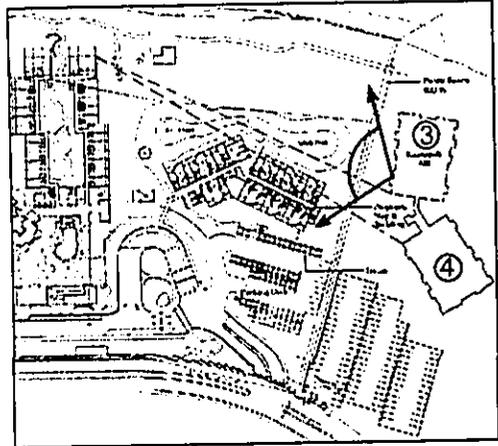
OPTION ⑤ —
Latest Revision



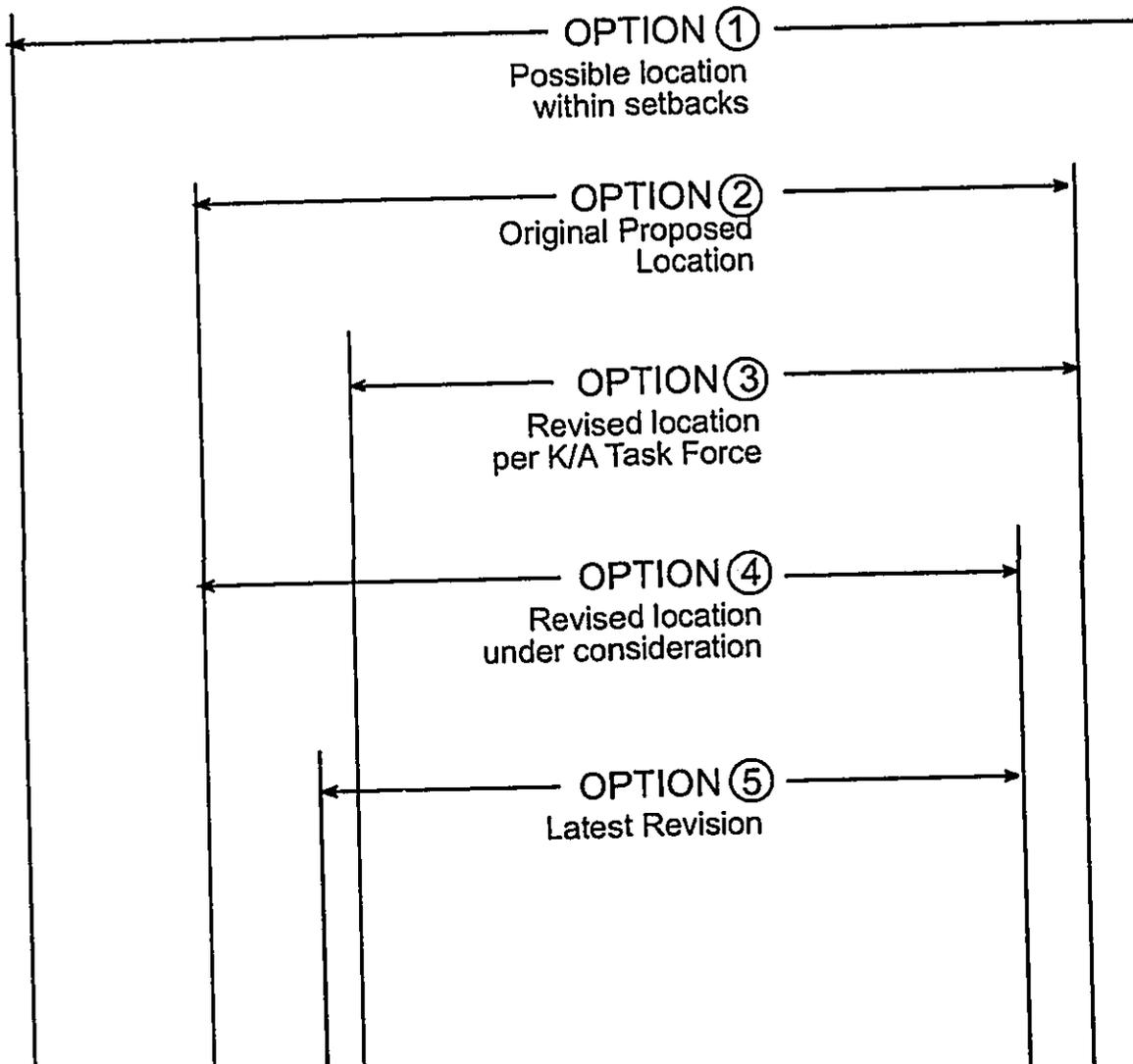
Kaanapali Alii, Unit 392, Bedroom View:



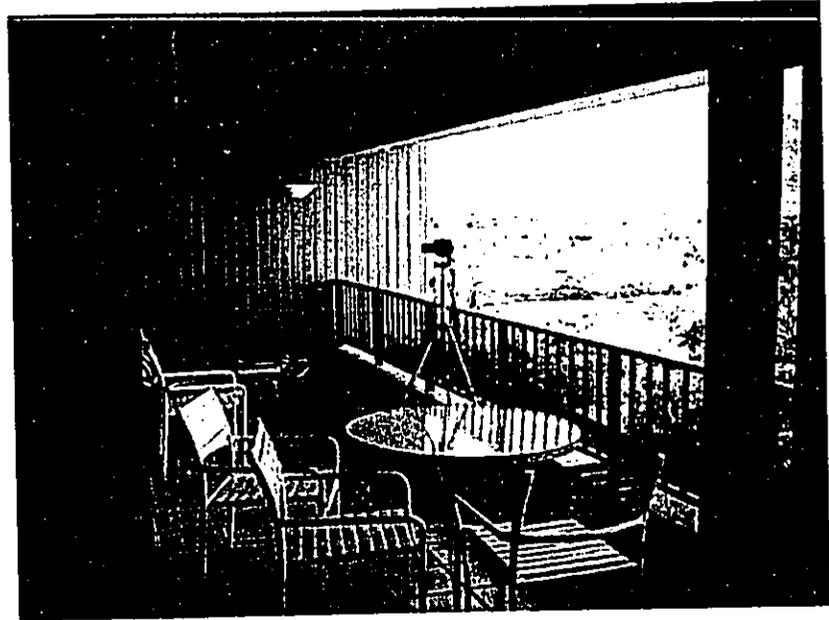
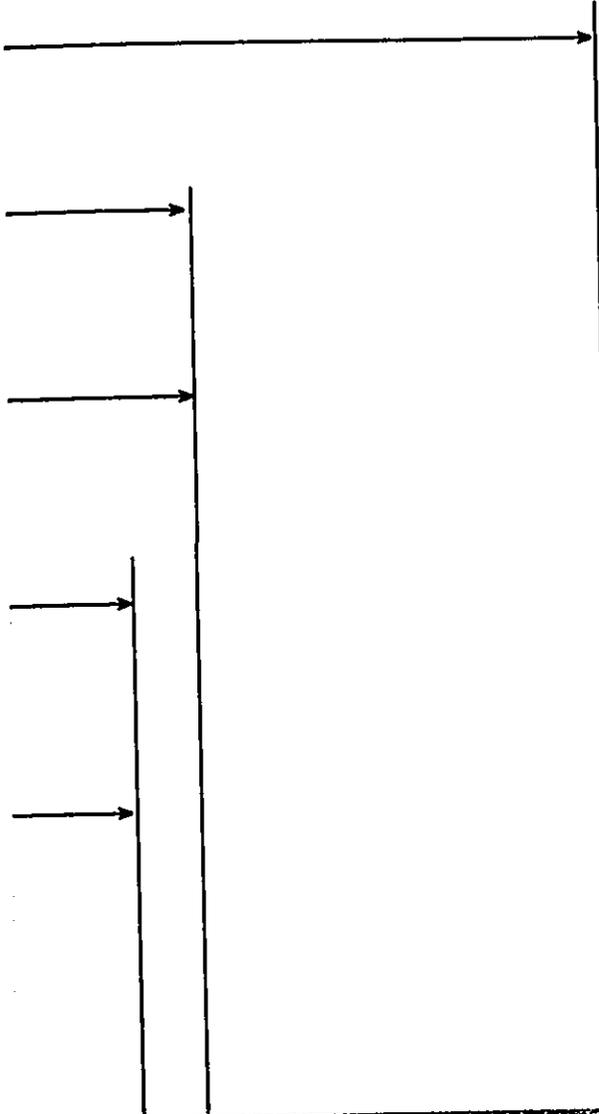
KEY PLAN



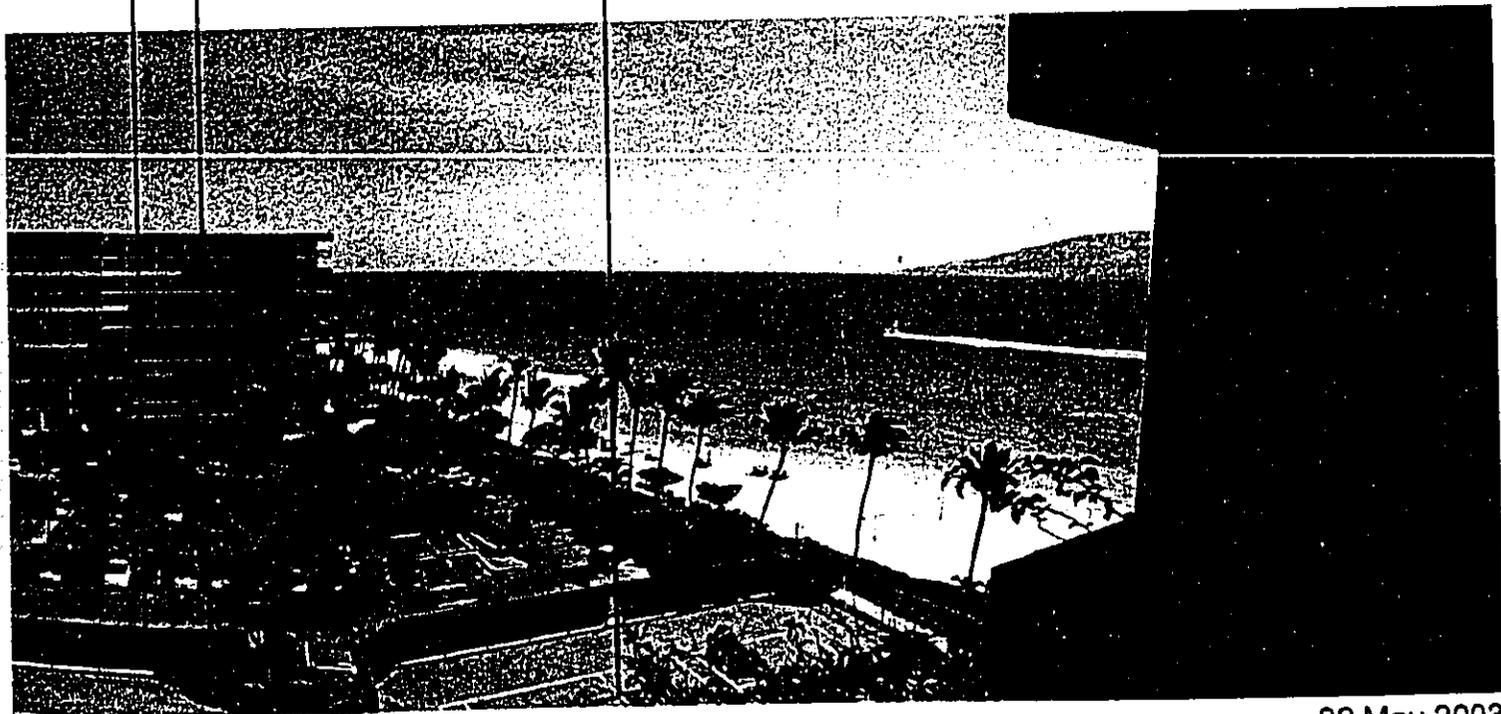
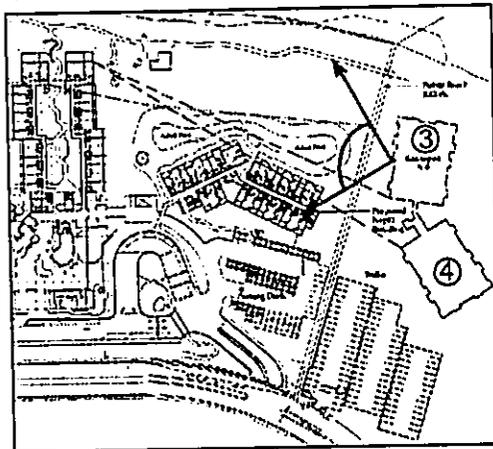
22 May 2003



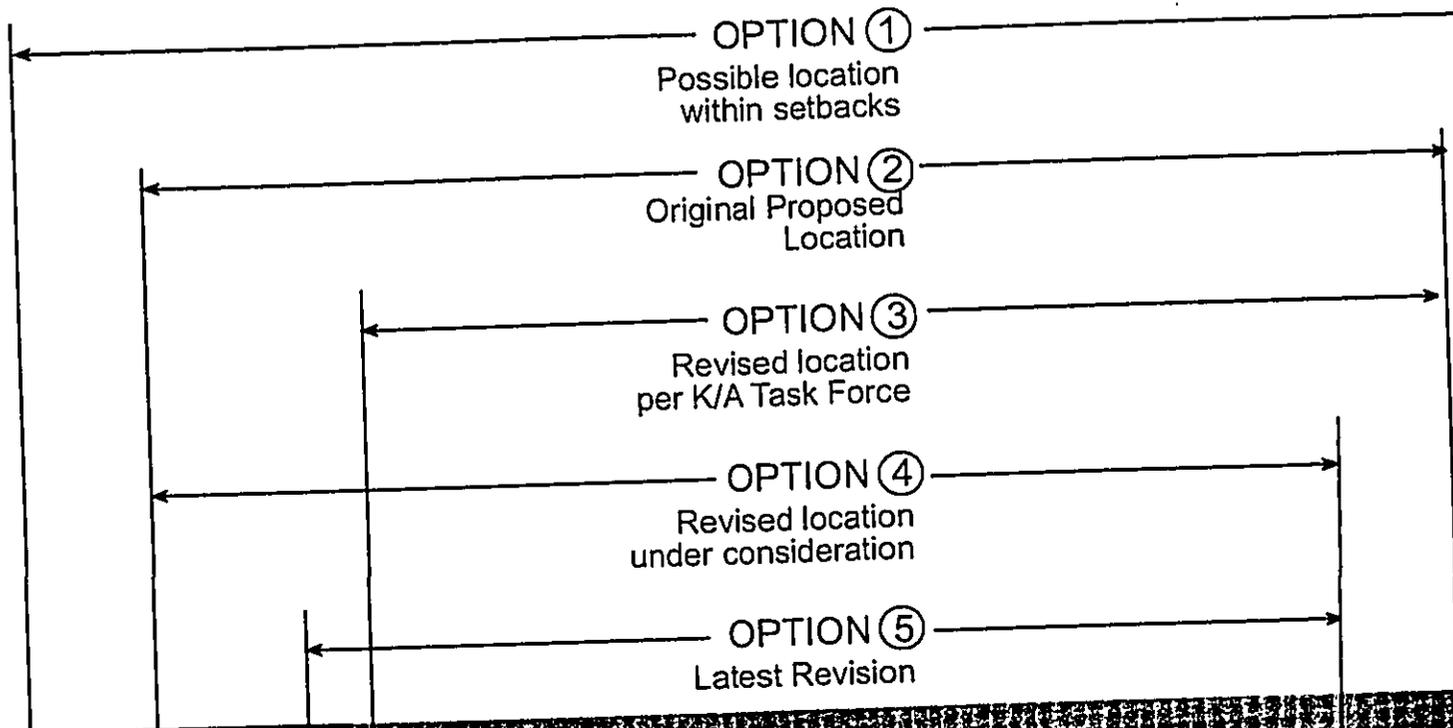
Kaanapali Alii, Unit 394, Primary Balcony View



KEY PLAN



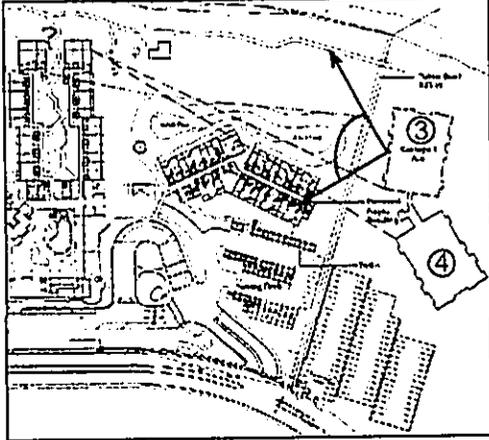
22 May 2003



Kaanapali Alii, Unit 394, Bedroom View

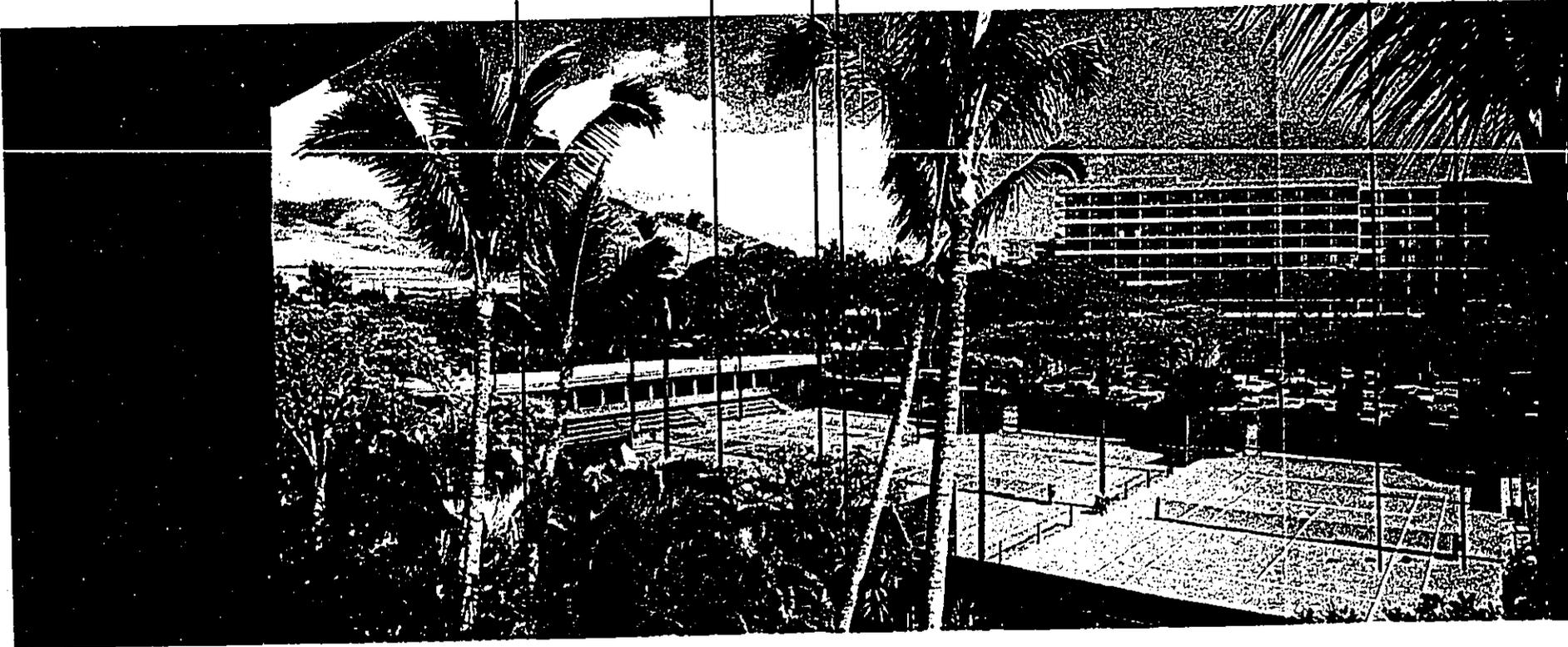
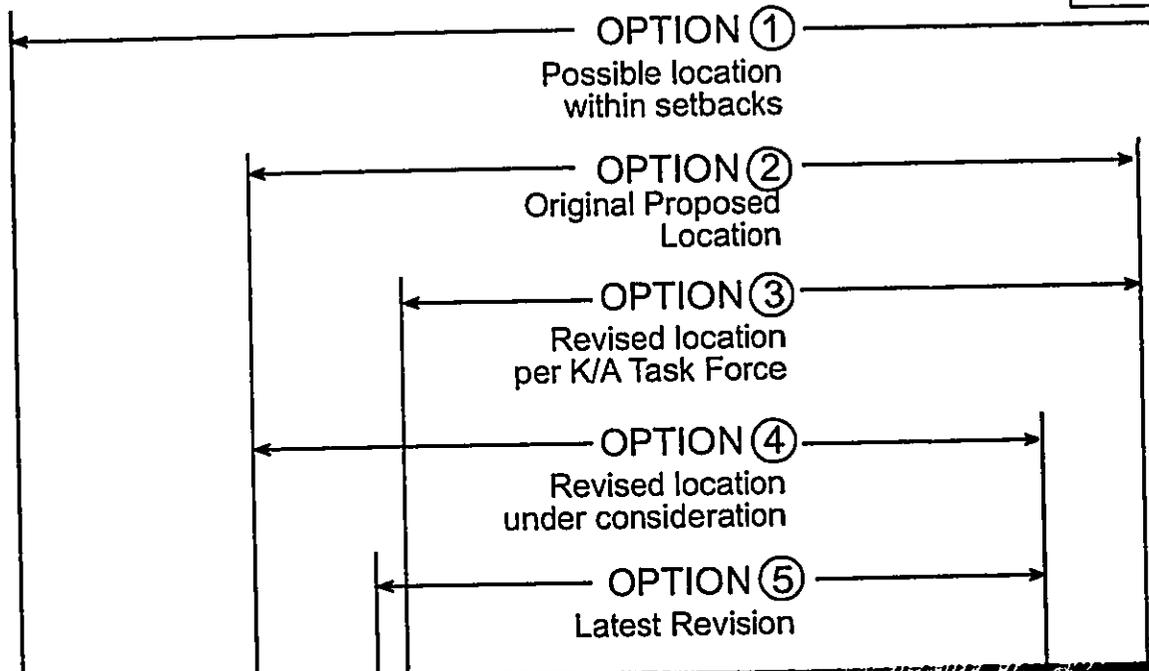
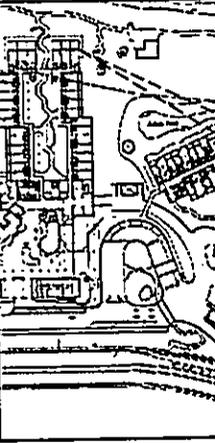


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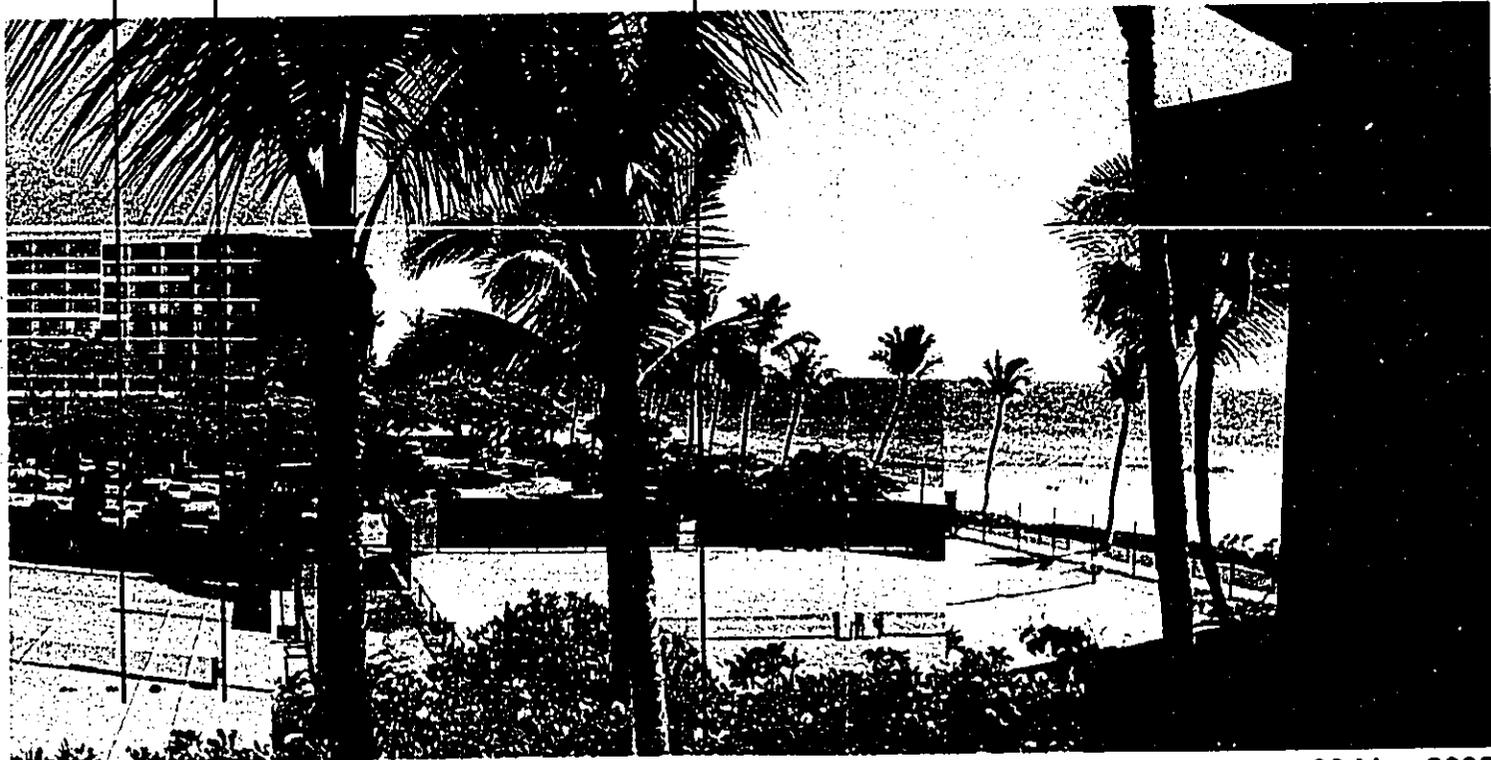
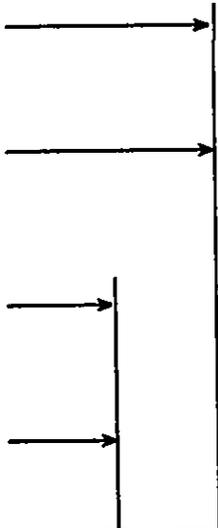
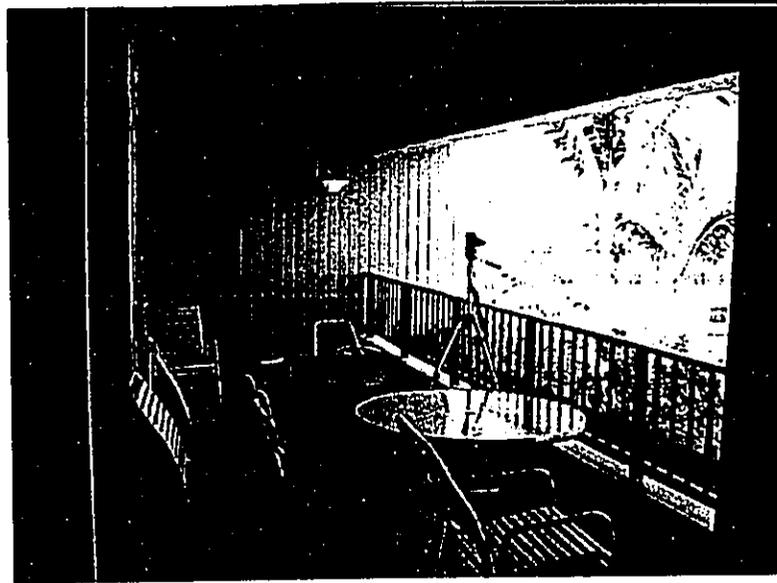
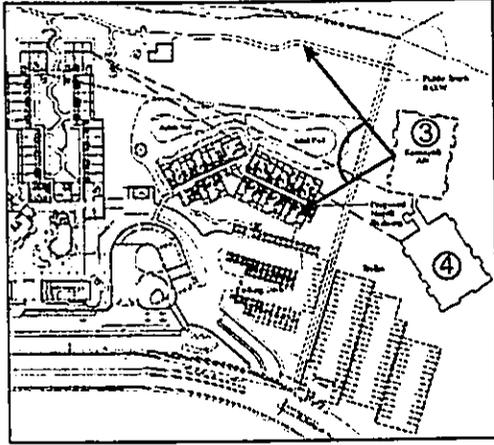
22 May 2003

KEY PLAN

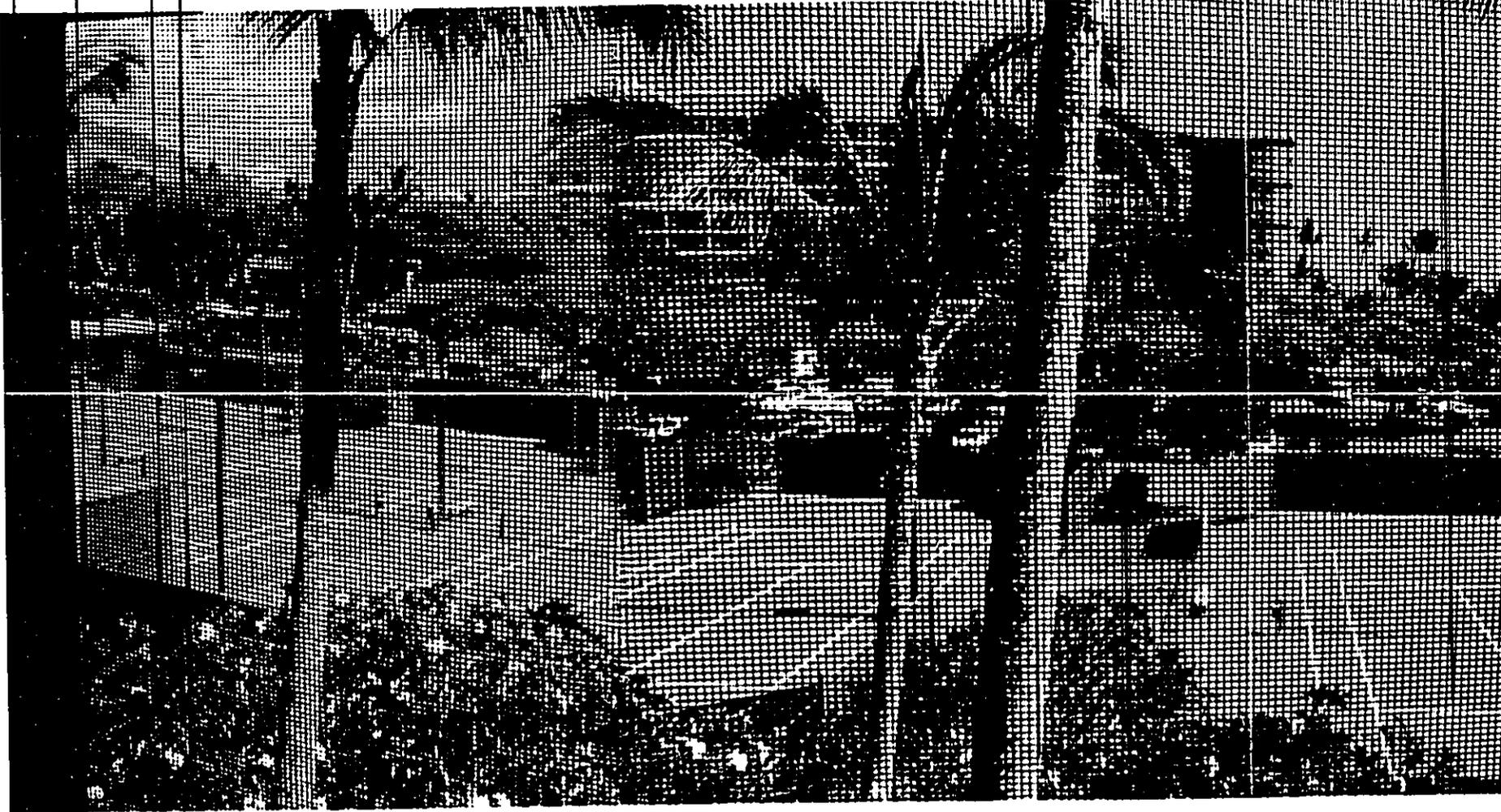
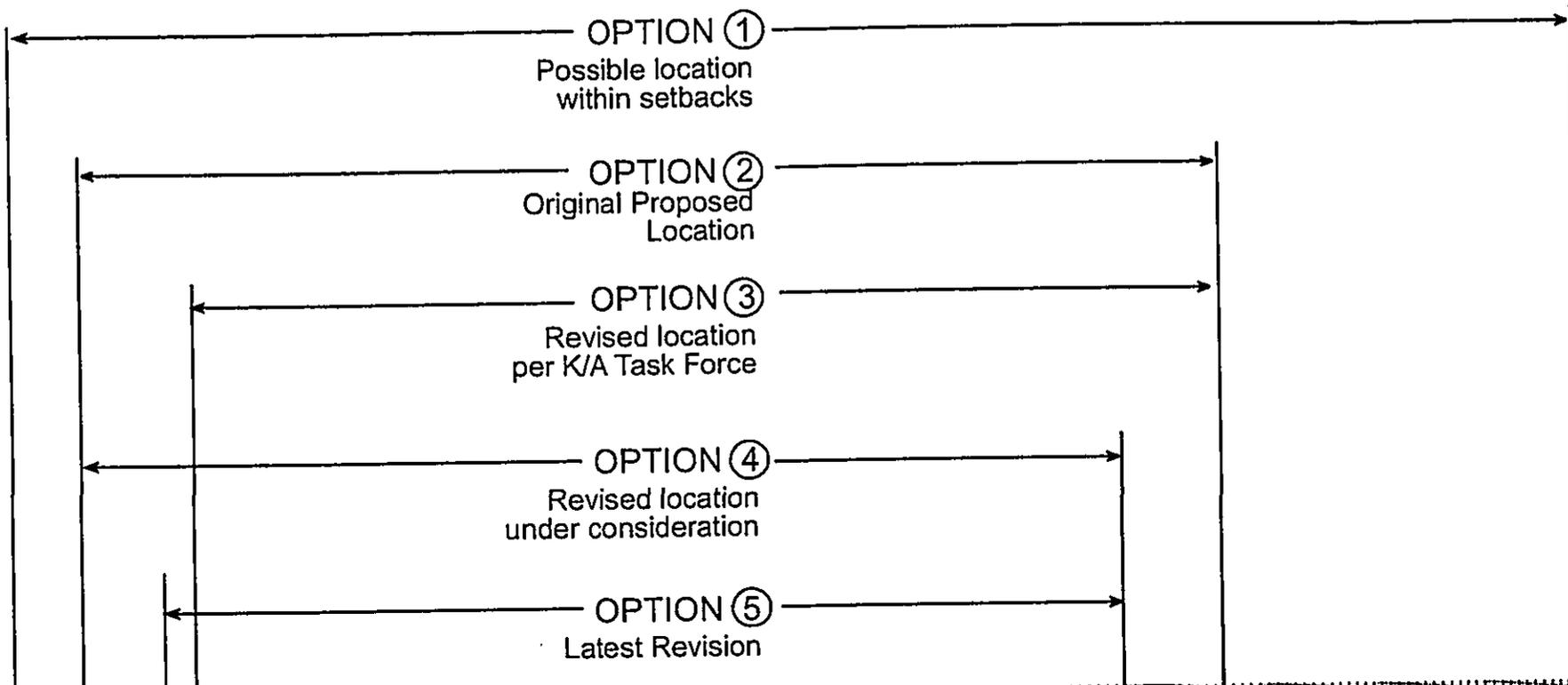


Kaanapali Alii, Unit 344, Primary Balcony View

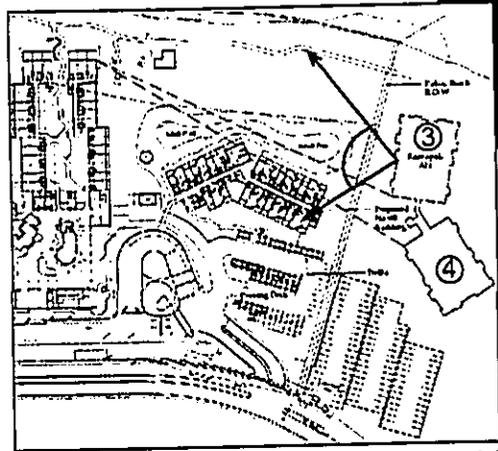
KEY PLAN



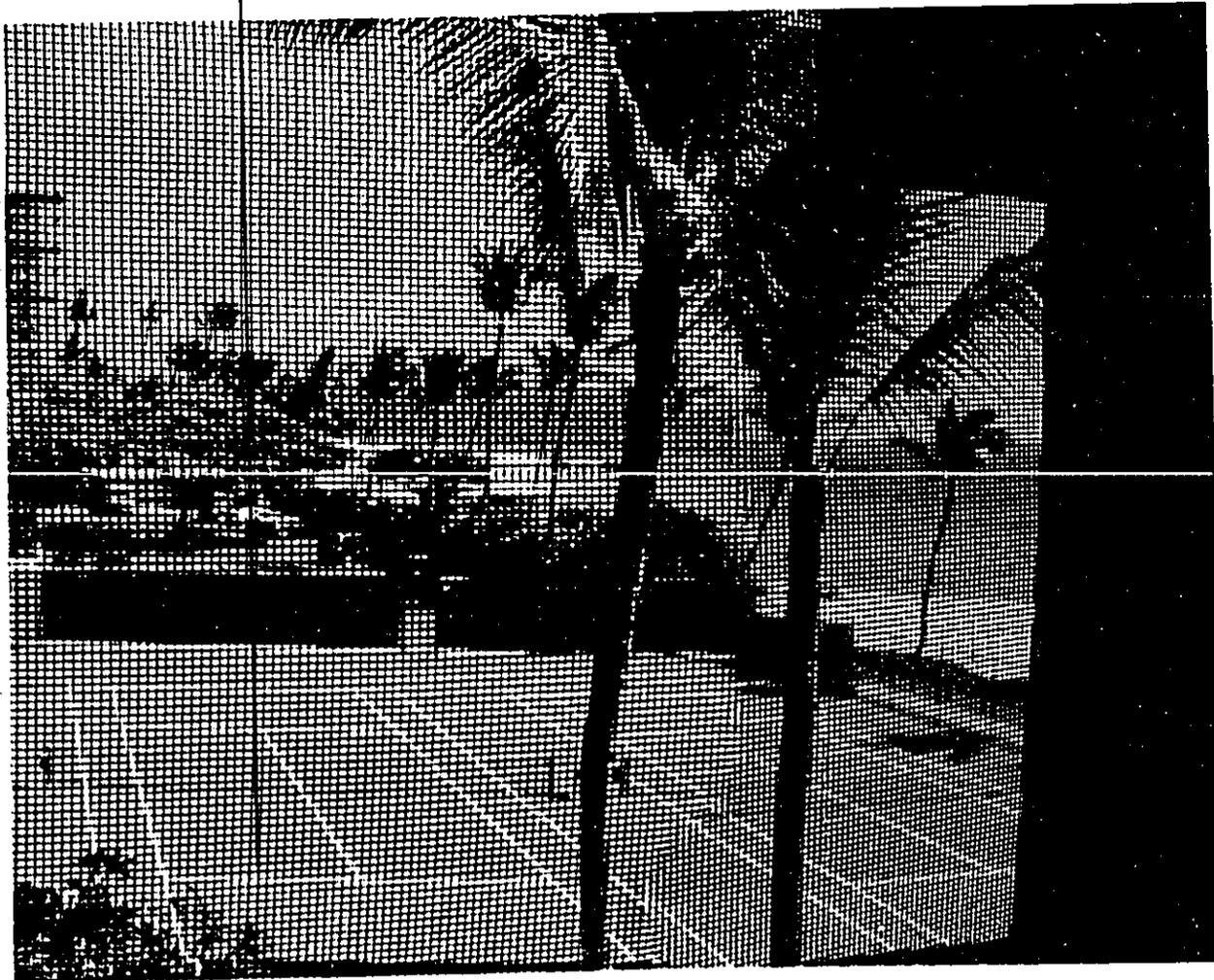
22 May 2003



Kaanapali Alii, Unit 344, Bedroom View



KEY PLAN



22 May 2003

OPTION ①
Possible location
within setbacks

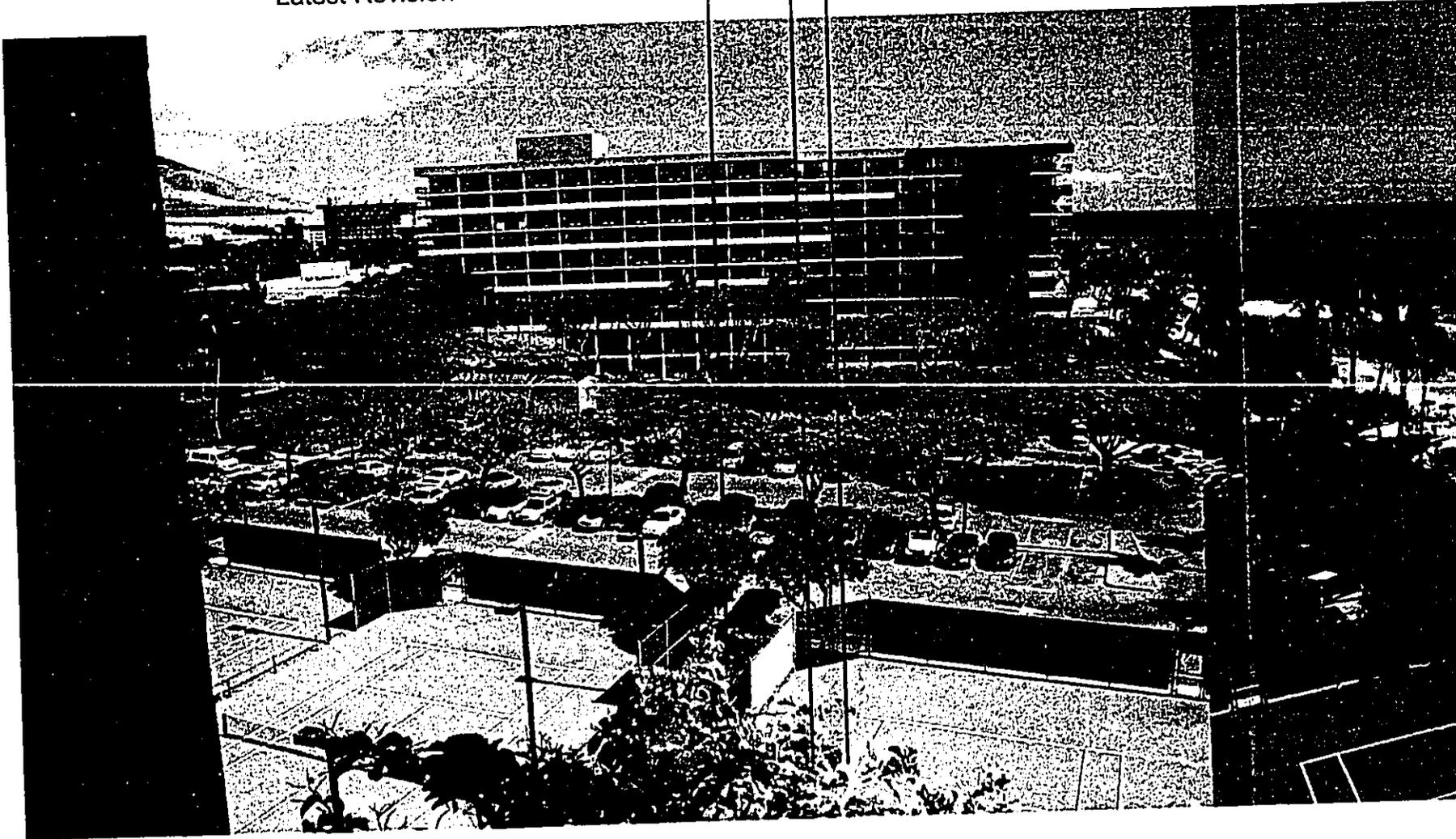
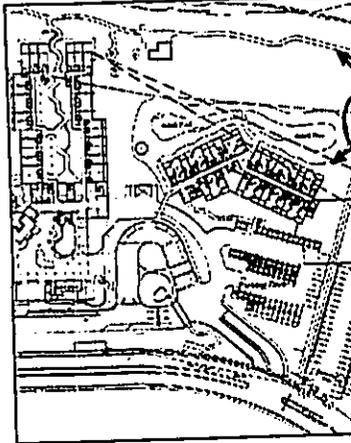
OPTION ②
Original Proposed
Location

OPTION ③
Revised location
per K/A Task Force

OPTION ④
Revised location
under consideration

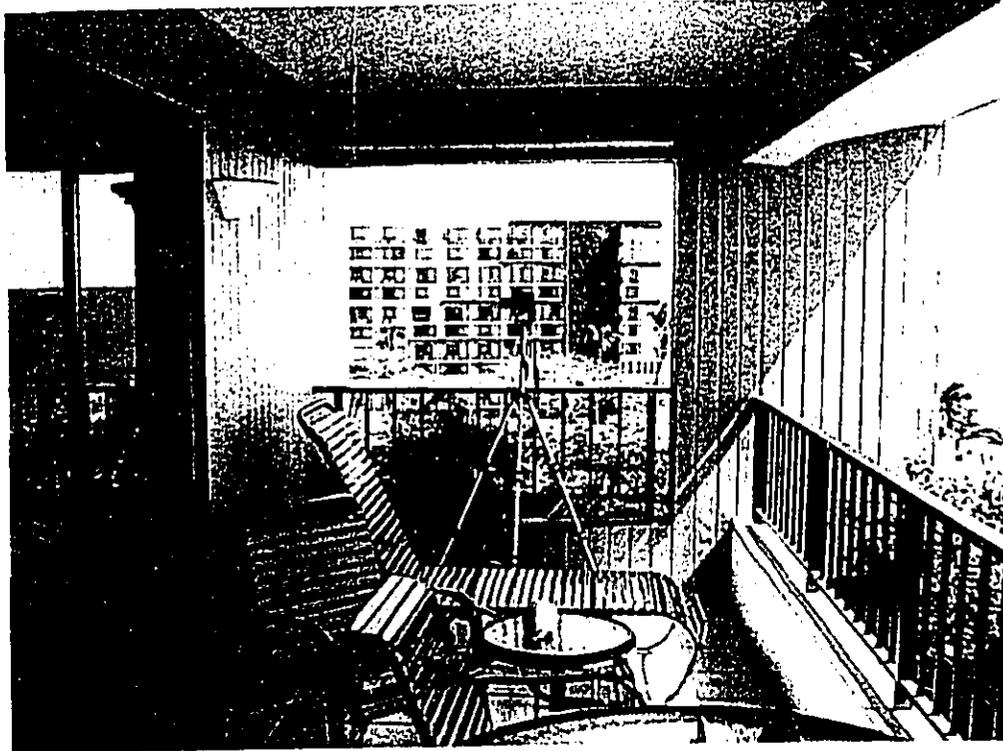
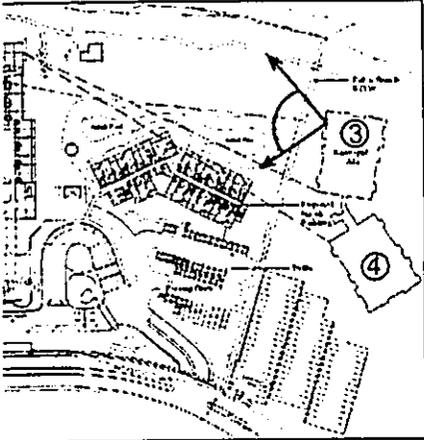
OPTION ⑤
Latest Revision

KEY PLAN

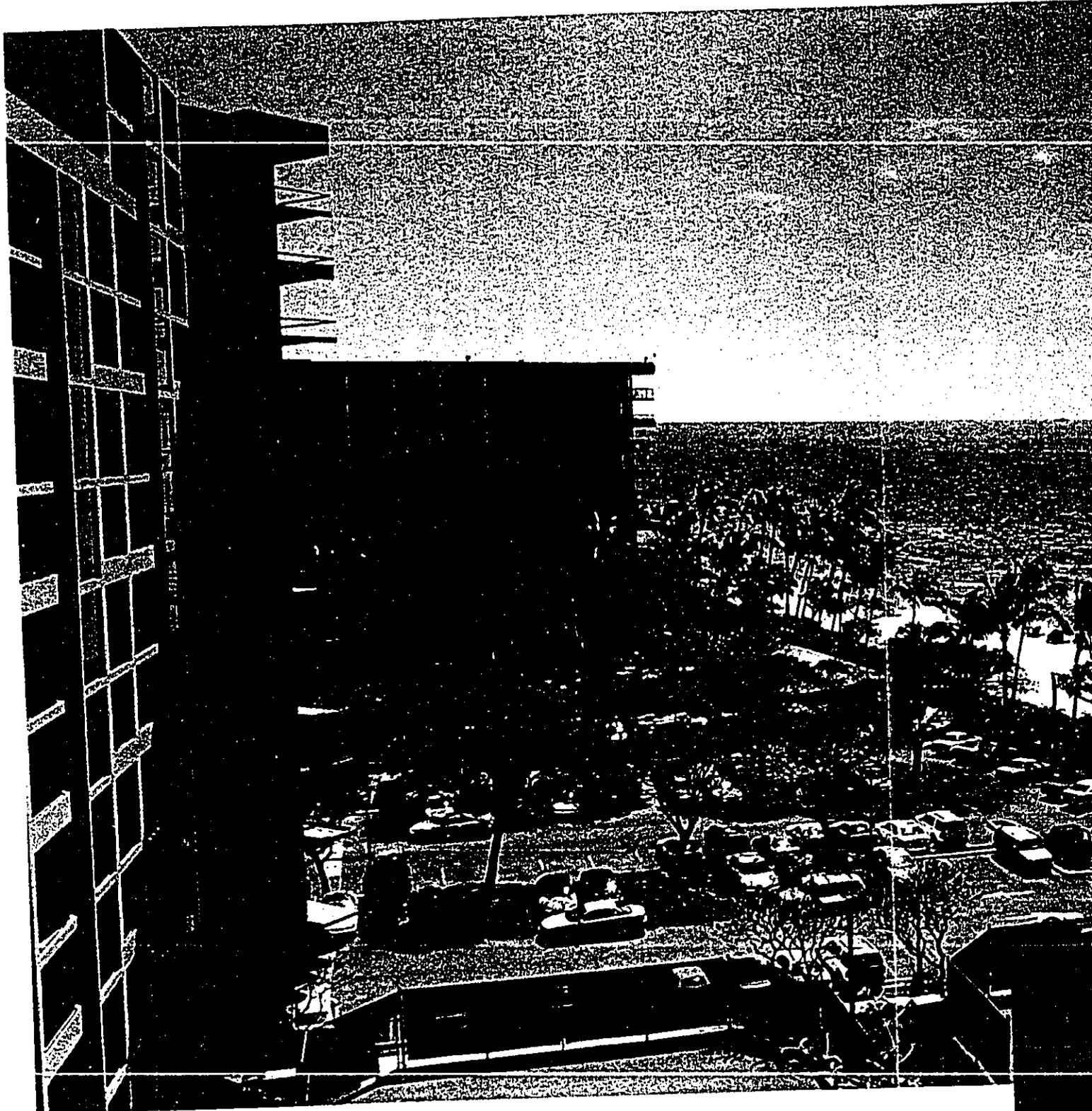


Kaanapali Alii, Unit 386, Secondary Balcony View

PLAN



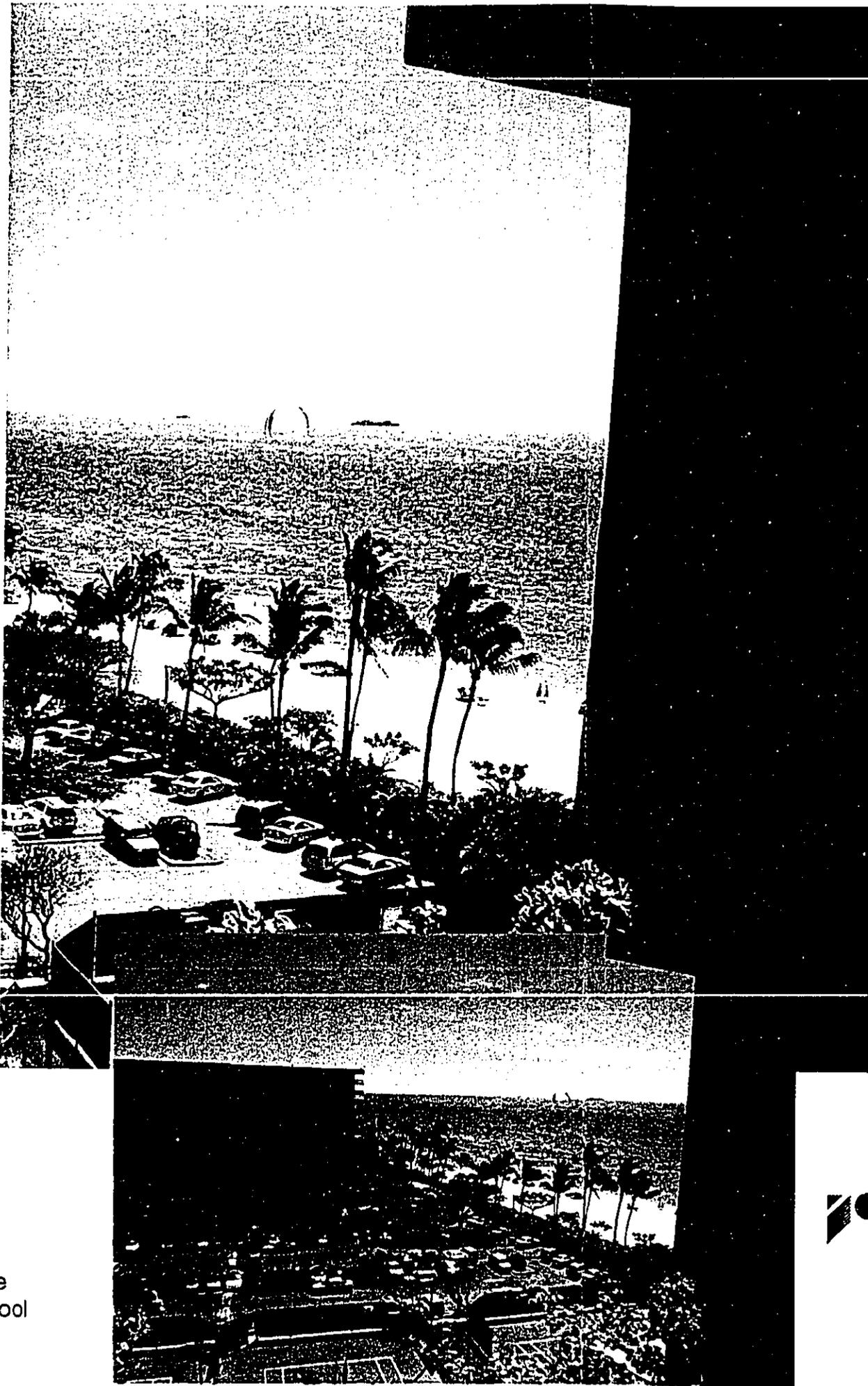
22 May 2003



View from Kaanapali Alii Apartment 392

Marriott's
MAUI OCEAN CLUB

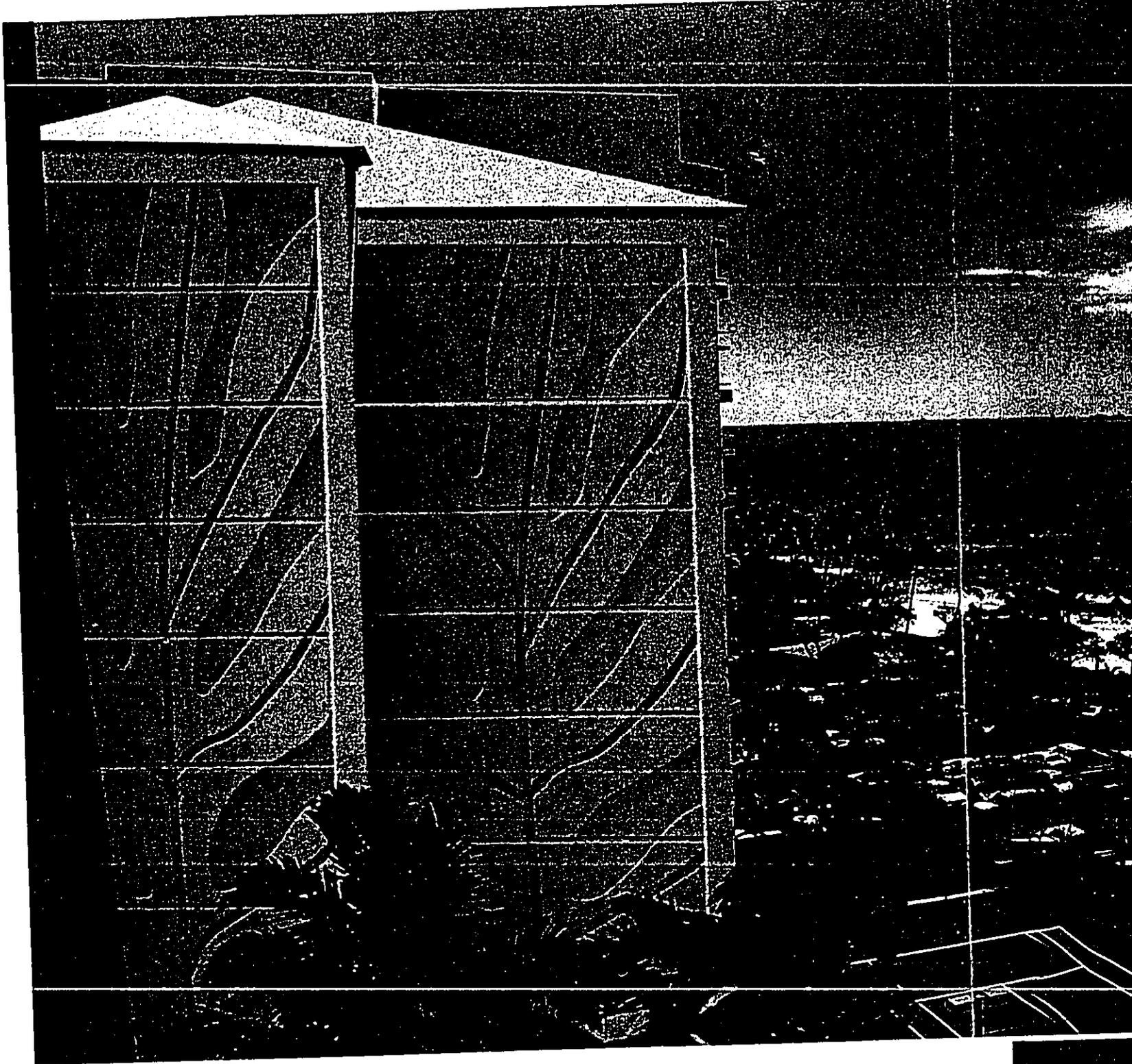
Note: The simulation is only of the visible sections of of the proposed Napili building and does not include proposed pool or landscape improvements.



001

 GROUP 70
INTERNATIONAL

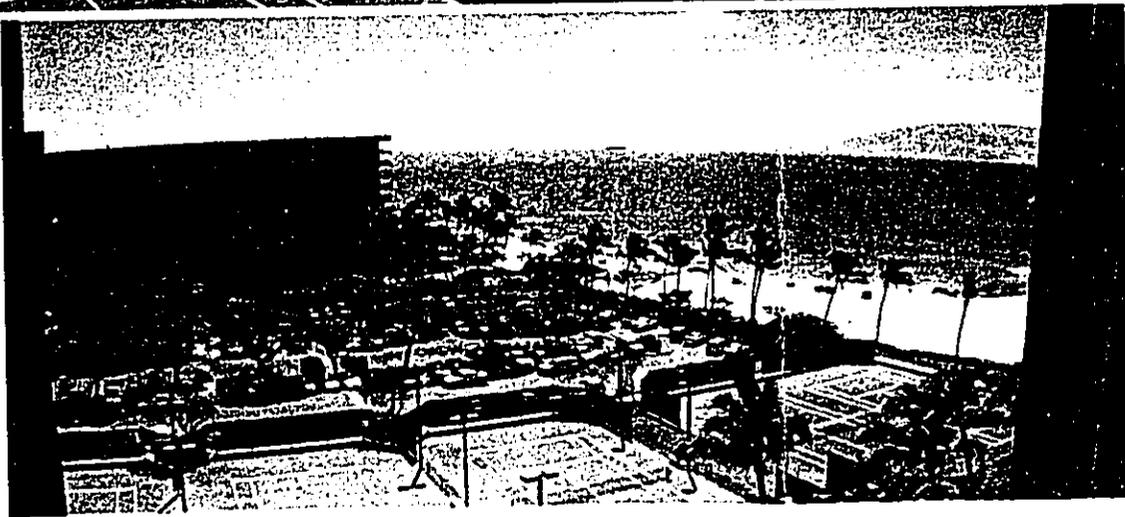
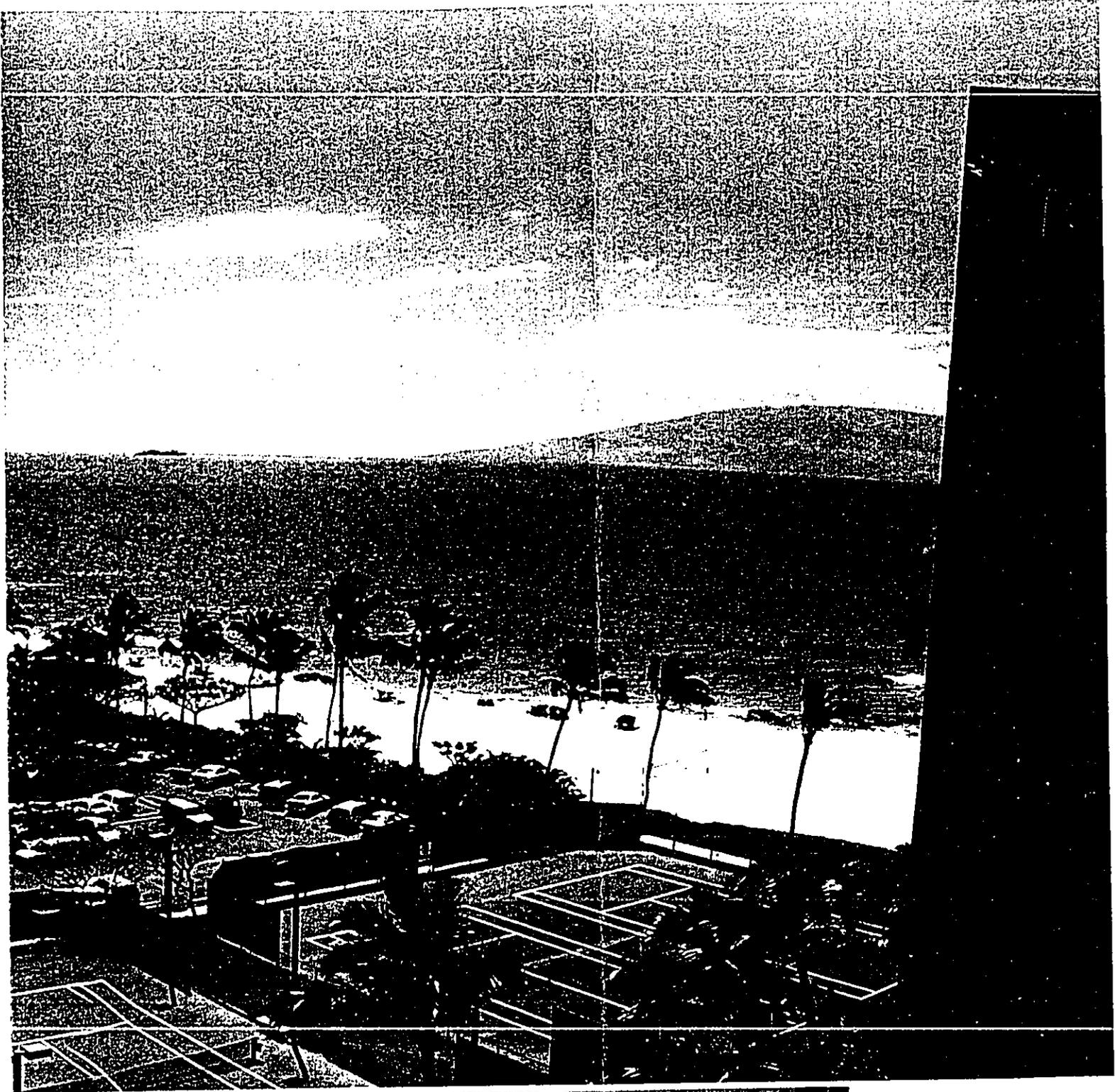
5 June 2003



View from Kaanapali Alii Apartment 4101

Marriott's
MAUI OCEAN CLUB

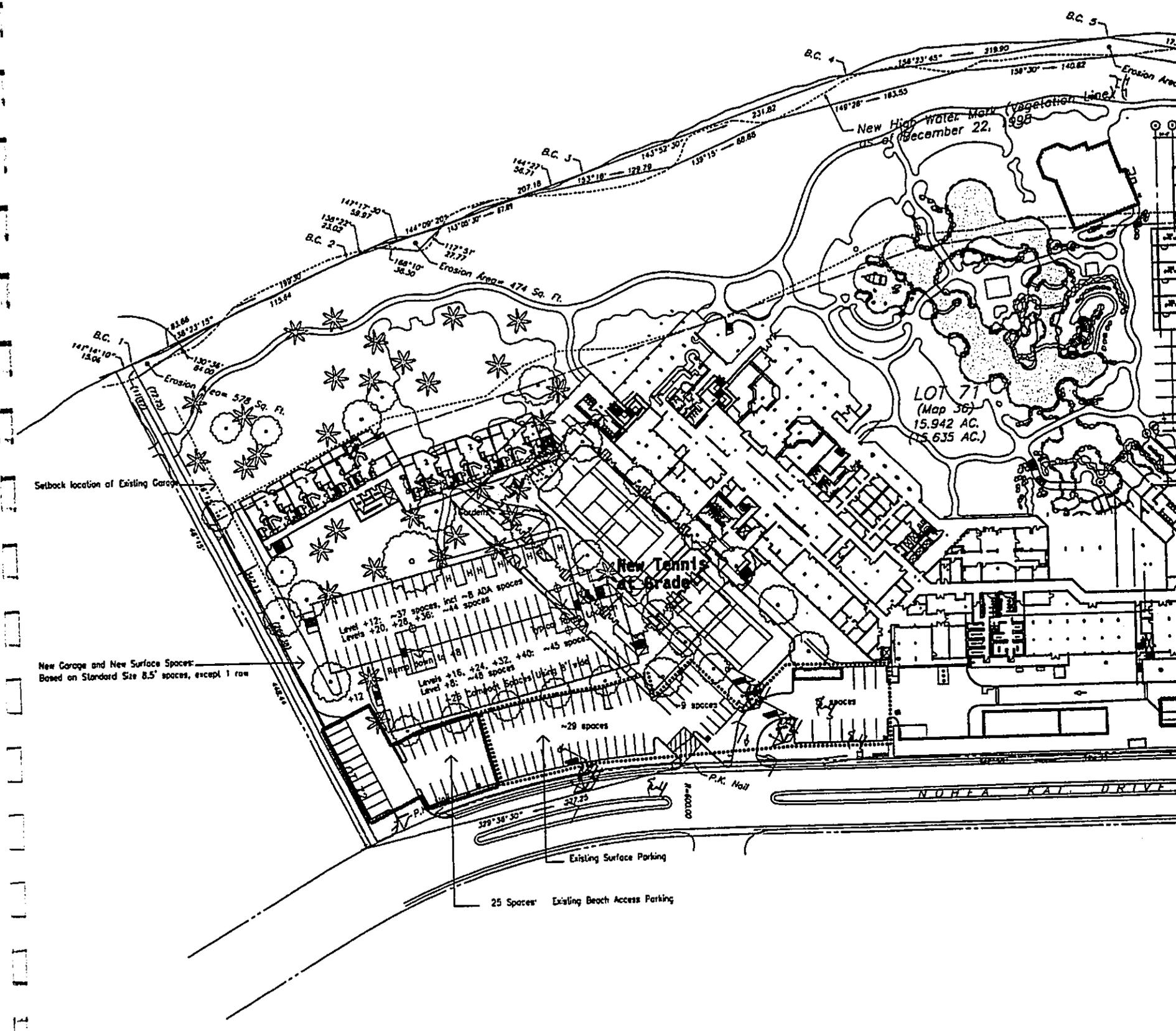
Note: The simulation includes the visible sections of of the proposed Napili building and minor landscaping. It does not include proposed pool or major landscape improvements.



 GROUP 70
INTERNATIONAL

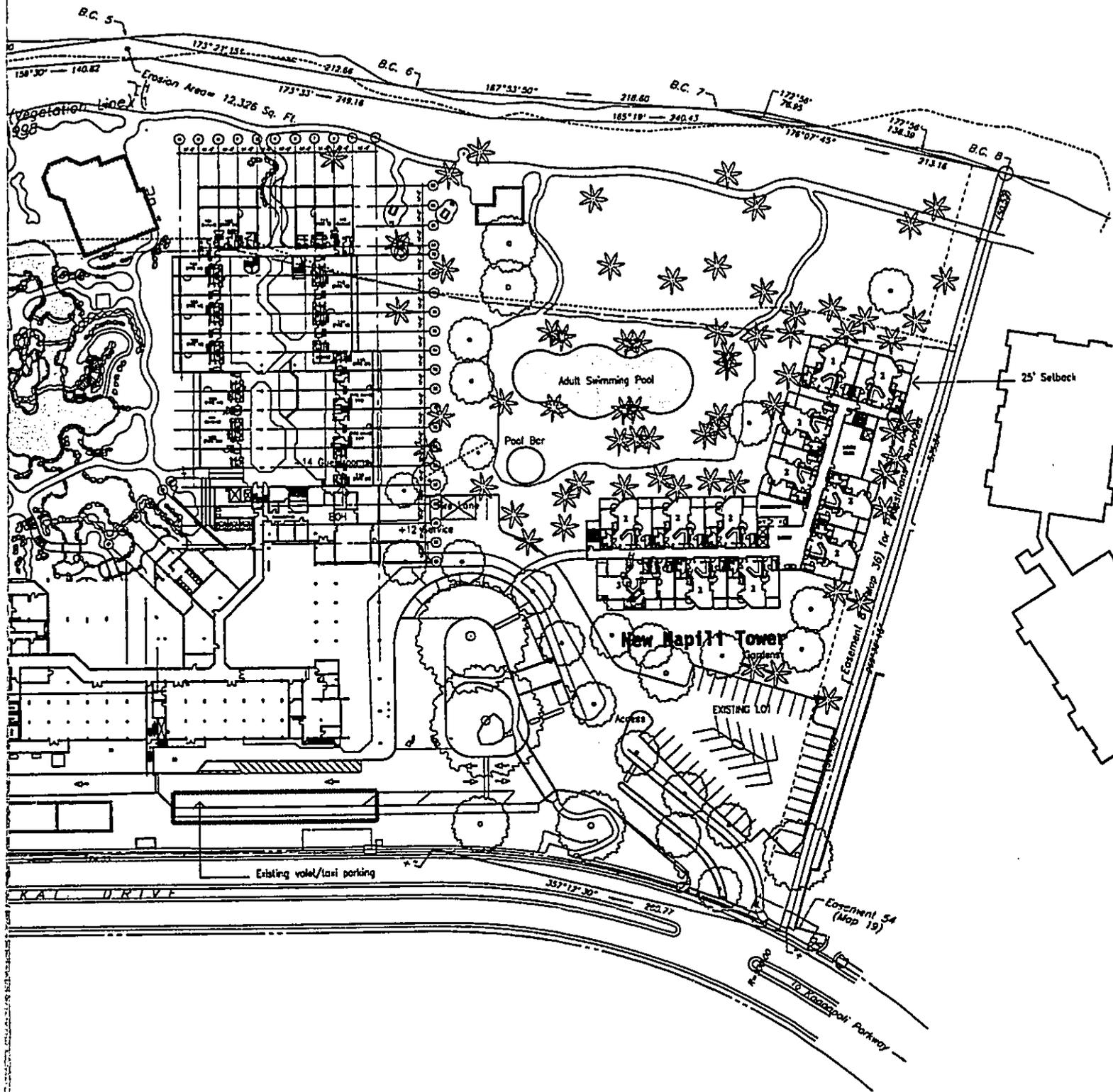
5 June 2003

APPENDIX P
Design and Siting Options 1-5



COURT LEVEL (0) SITE PLAN

OPTION 1

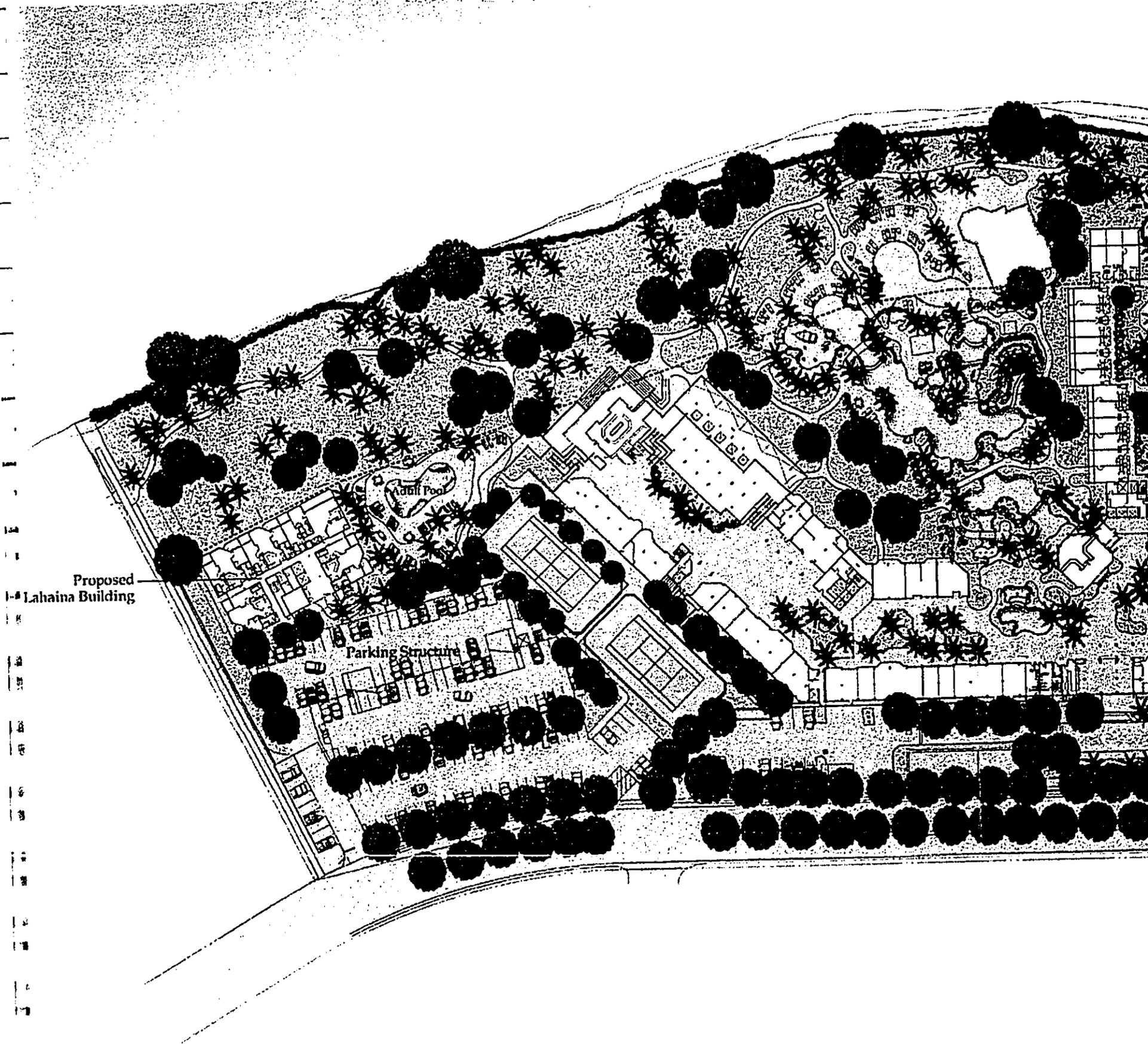


GROUP 70
INTERNATIONAL



Drawing Scale 1" = 50' full, 100' half
02jan_napili_TS.dwg

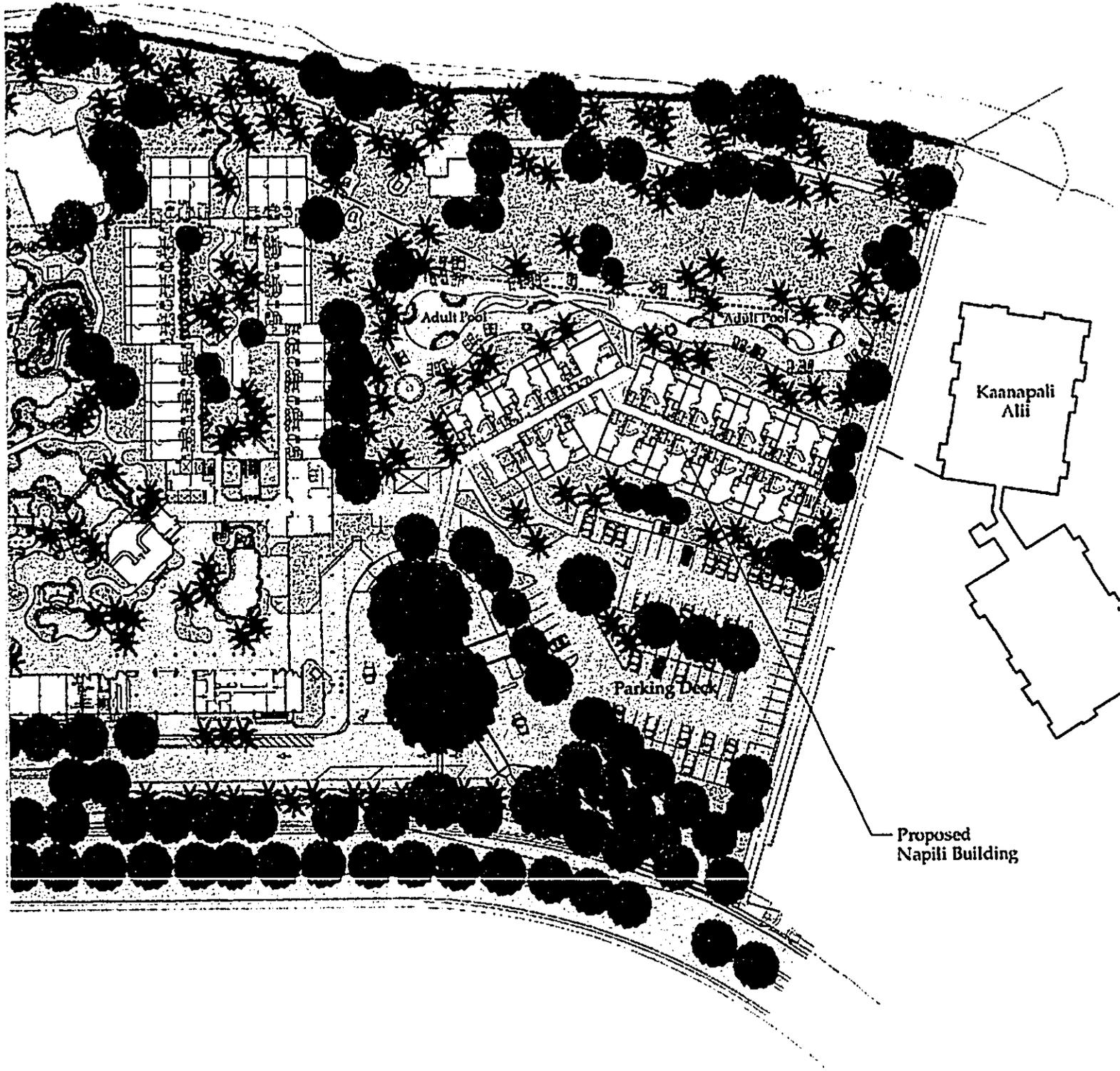
19 March 2002



Marriott's
MAUI OCEAN CLUB

Sequel Buildings - Site Plan

OPTION 2

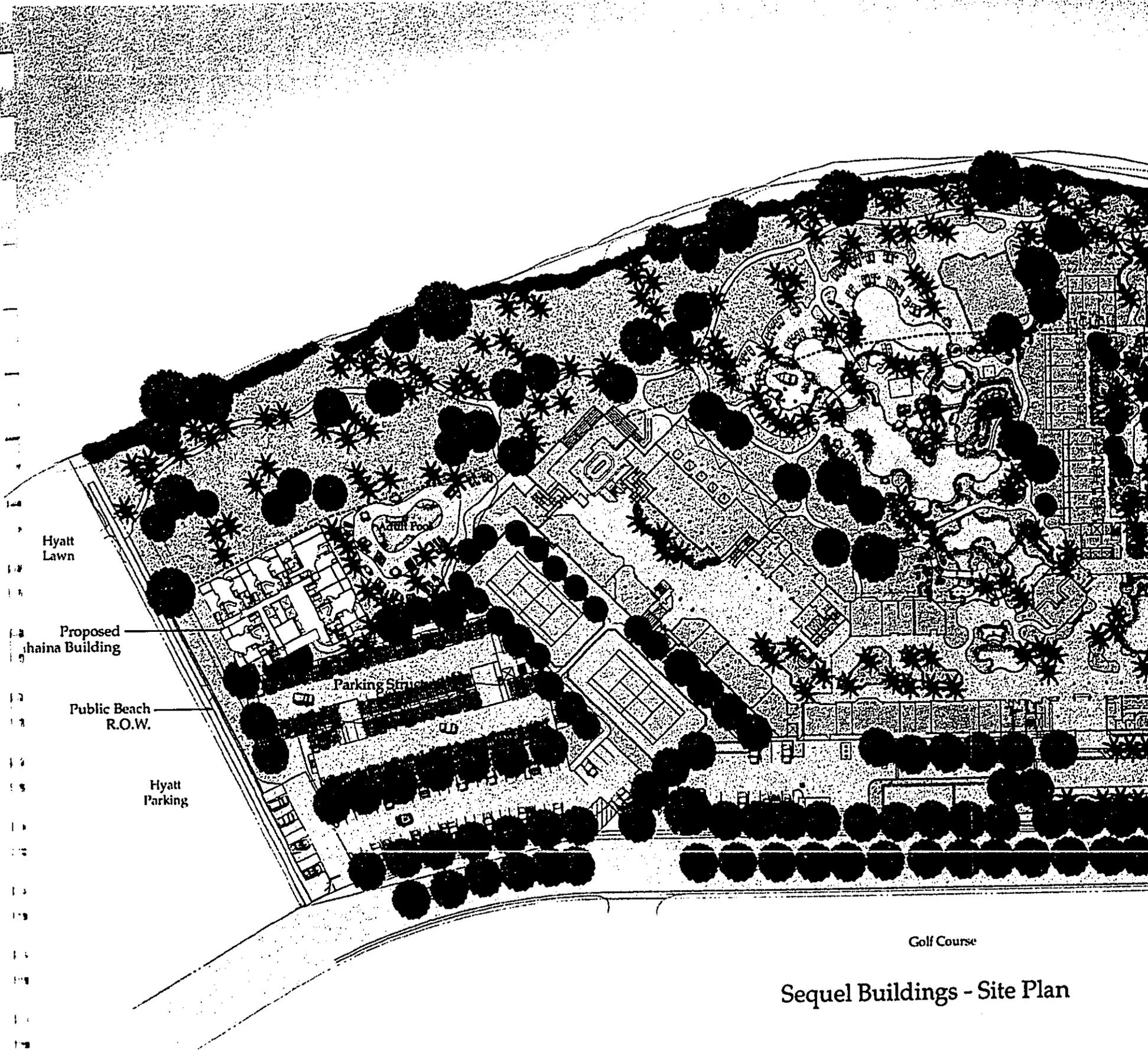


Plans - Site Plan



GROUP 70
INTERNATIONAL

10 May 2002



Hyatt
Lawn

Proposed
Mahina Building

Public Beach
R.O.W.

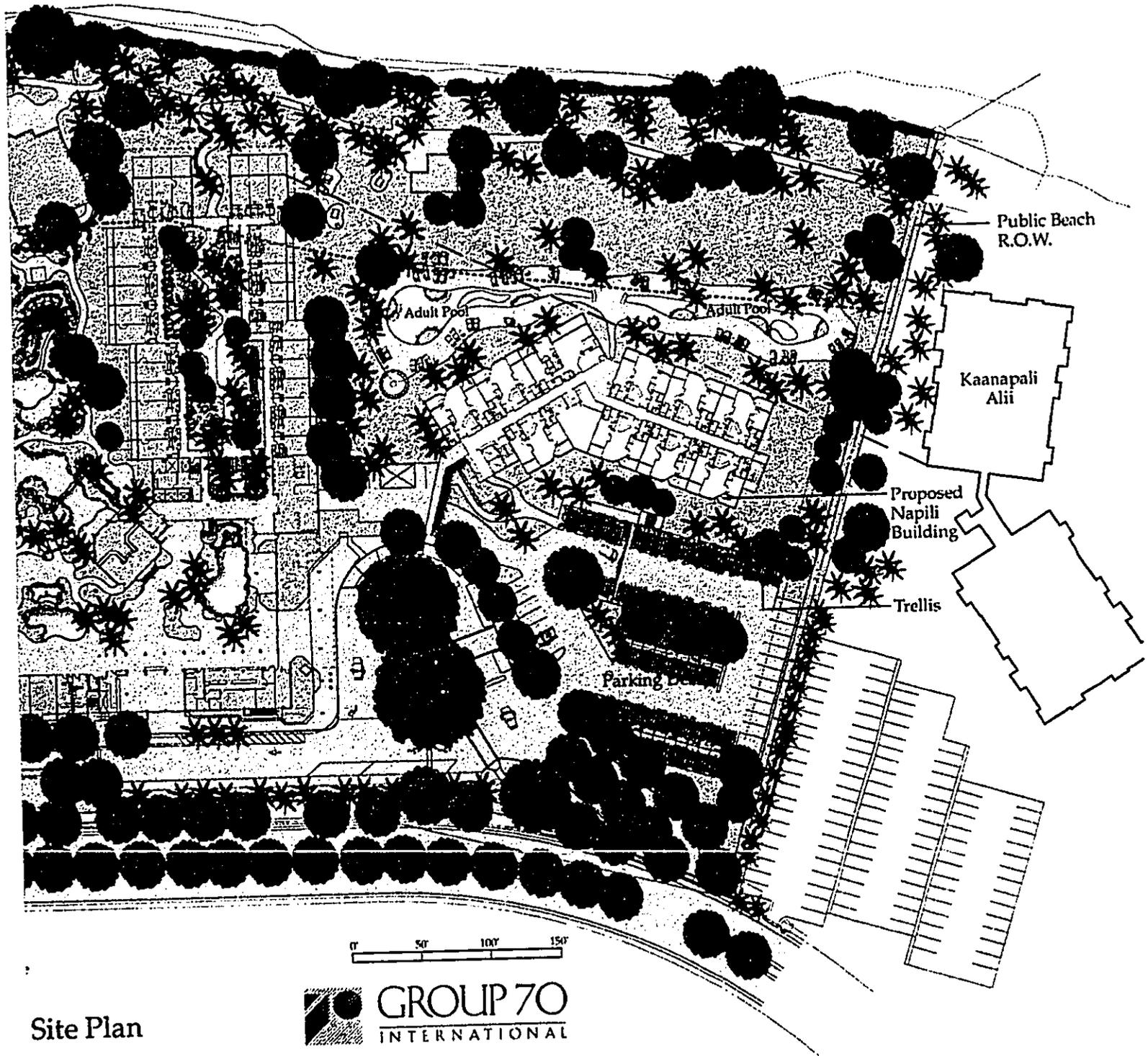
Hyatt
Parking

Parking Structure

Golf Course

Sequel Buildings - Site Plan

OPTION 3

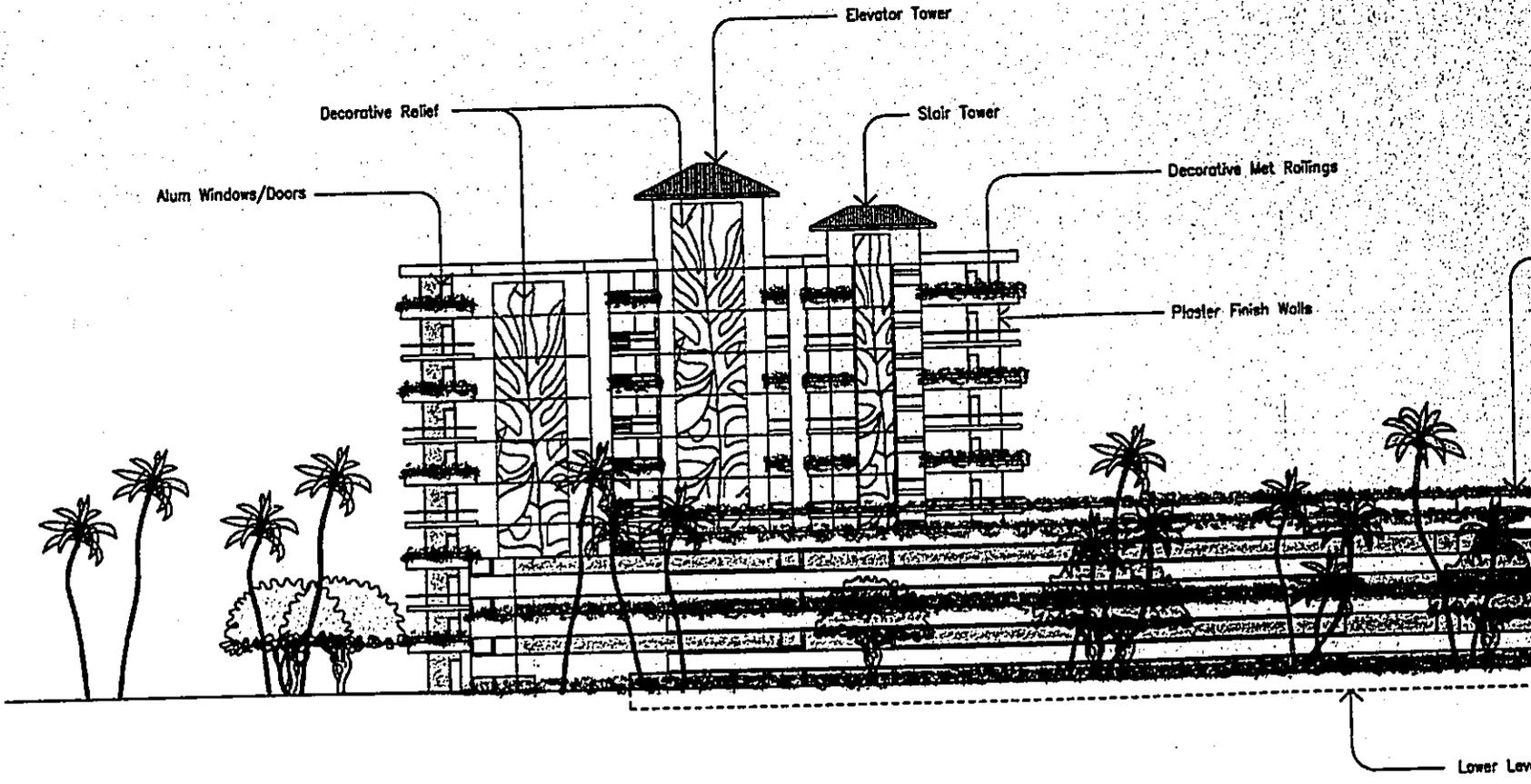
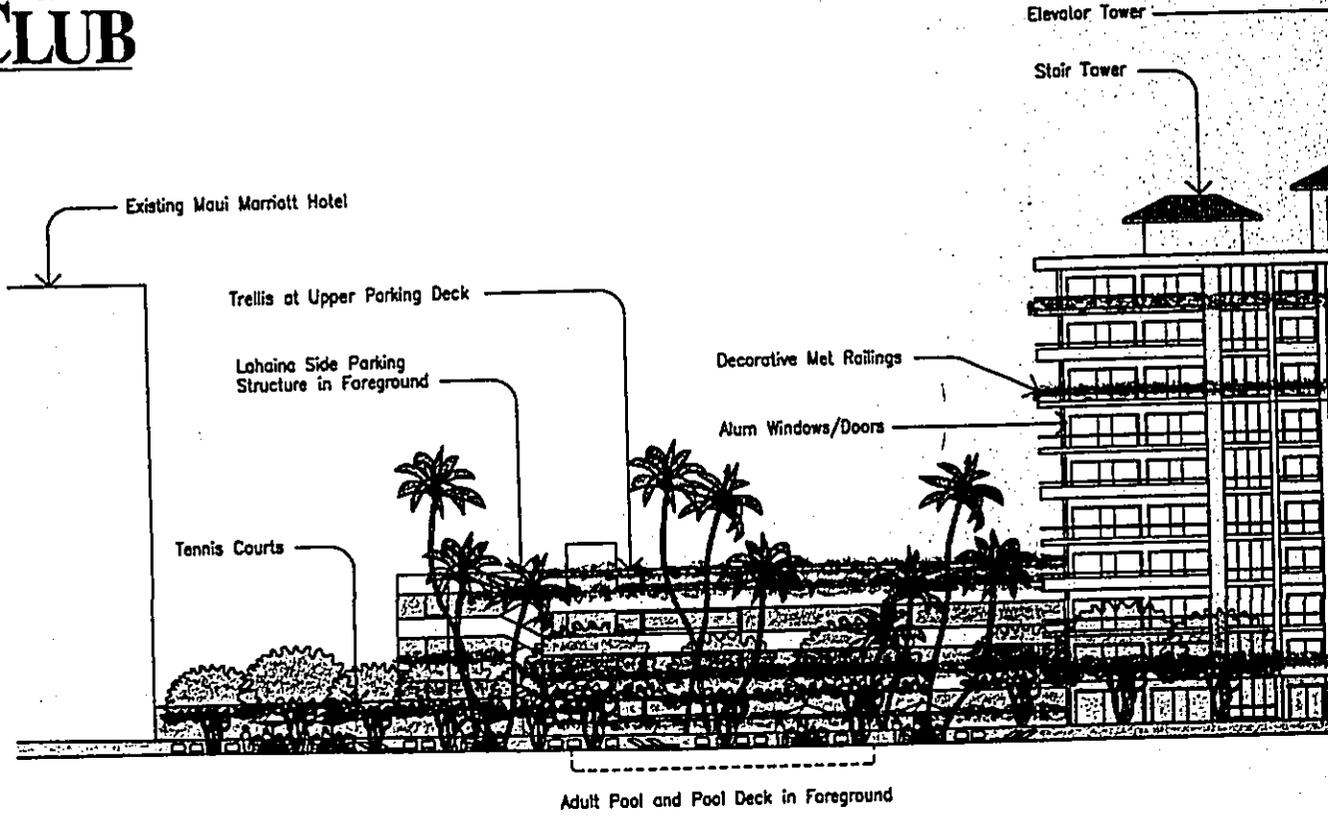


Site Plan

 **GROUP 70**
INTERNATIONAL

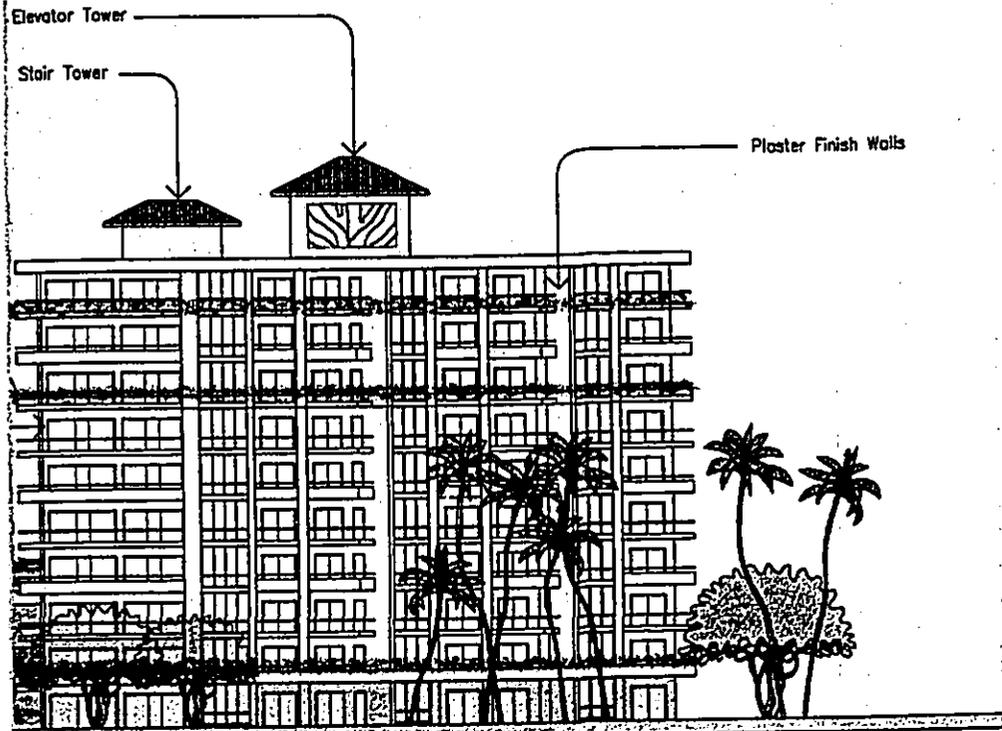
27 November 2002

Marriott's MAUI OCEAN CLUB



OPTION 3

Makai View
(looking towards Mountain)

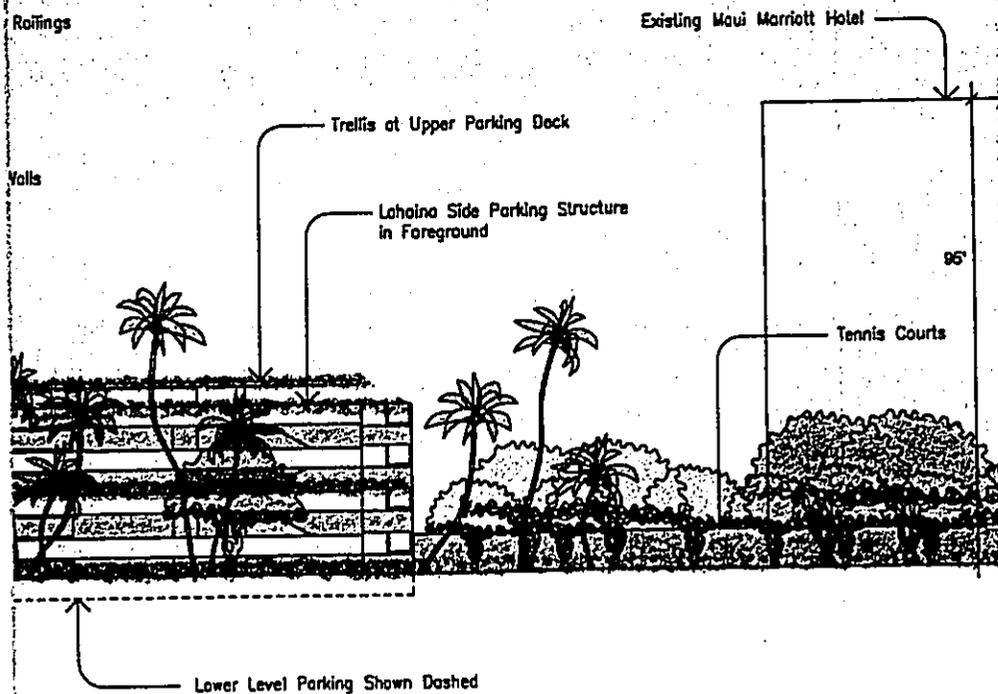


0' 10' 20' 40' 60'

 GROUP 70
INTERNATIONAL

27 November 2002

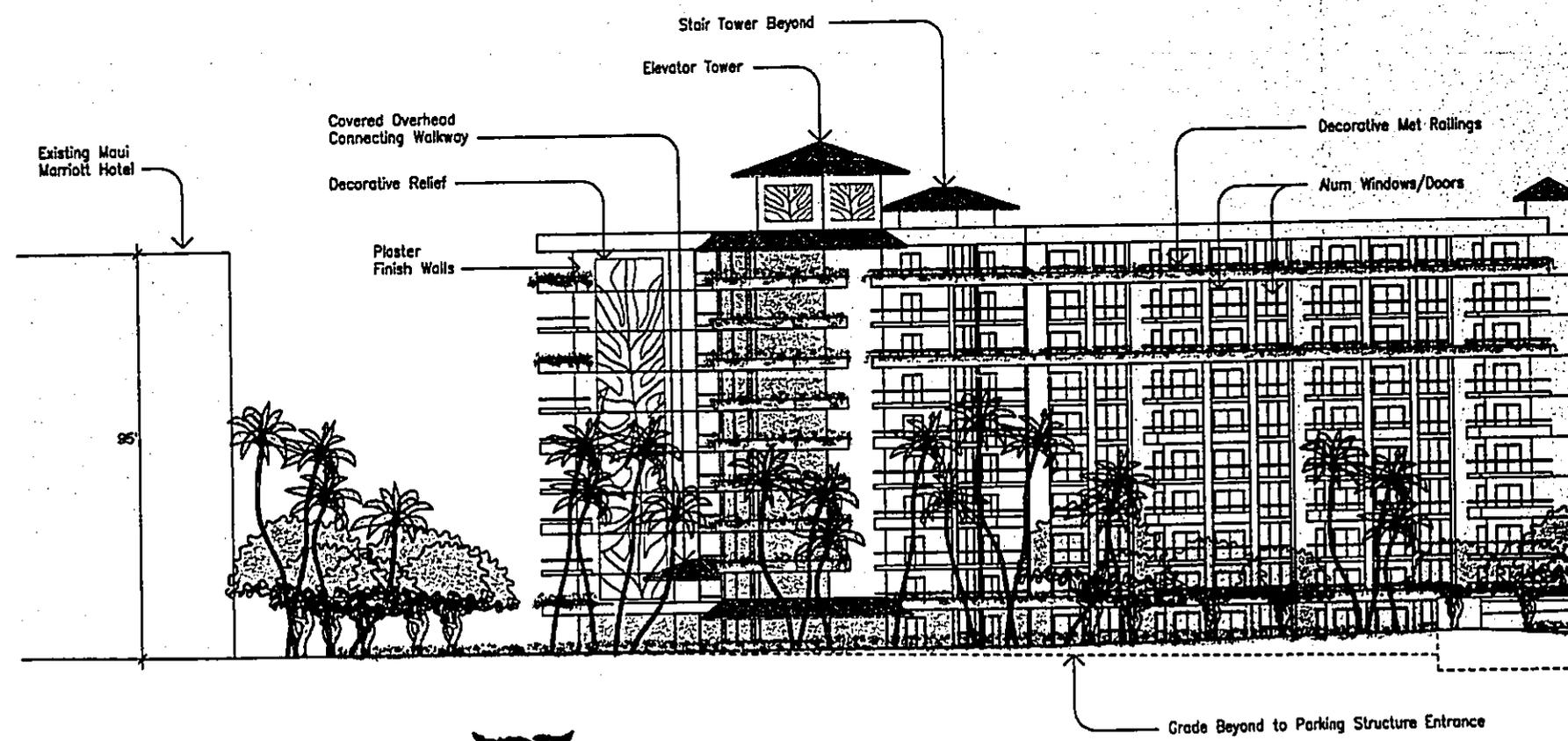
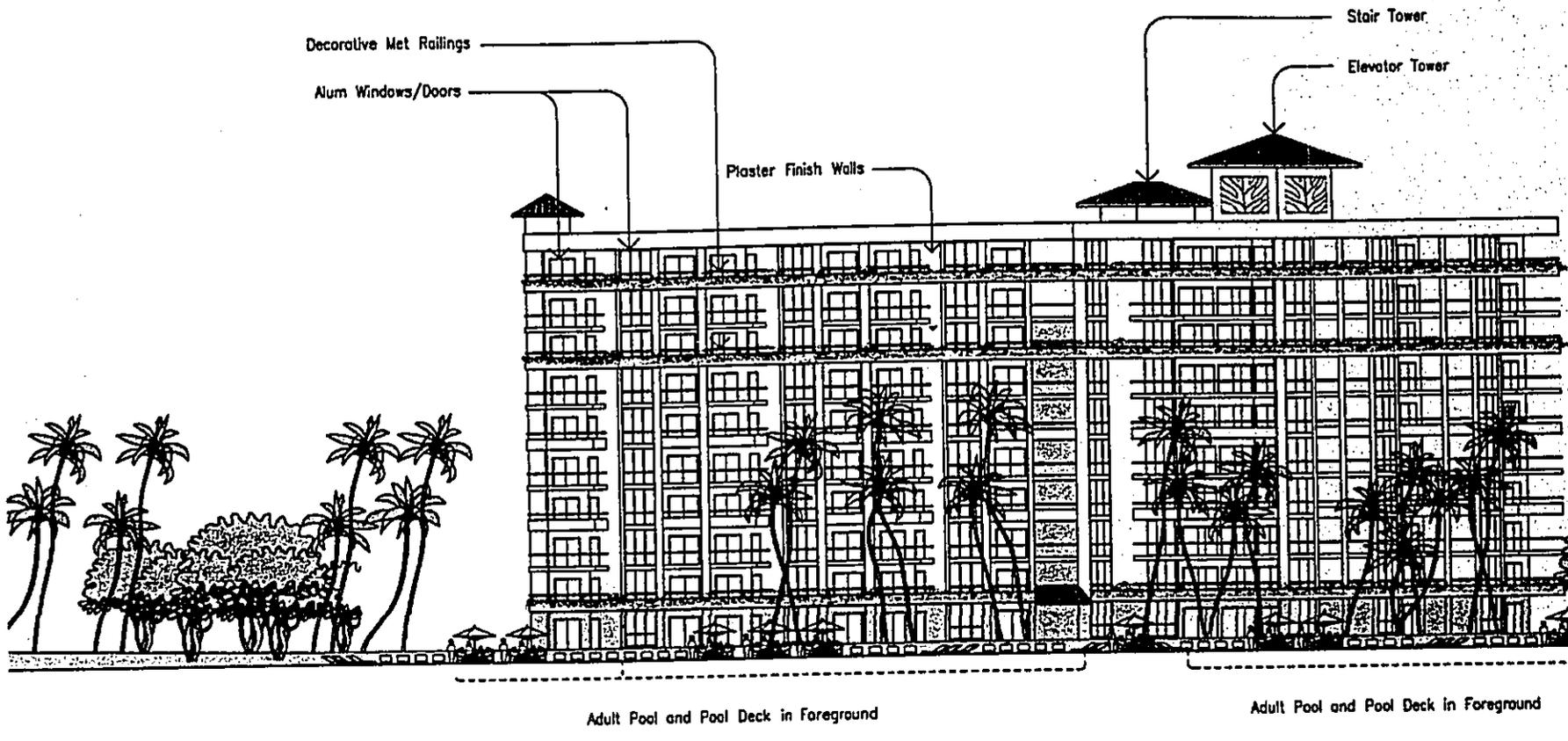
Mauka View
(looking towards ocean)



0' 10' 20' 40' 60'

 GROUP 70
INTERNATIONAL

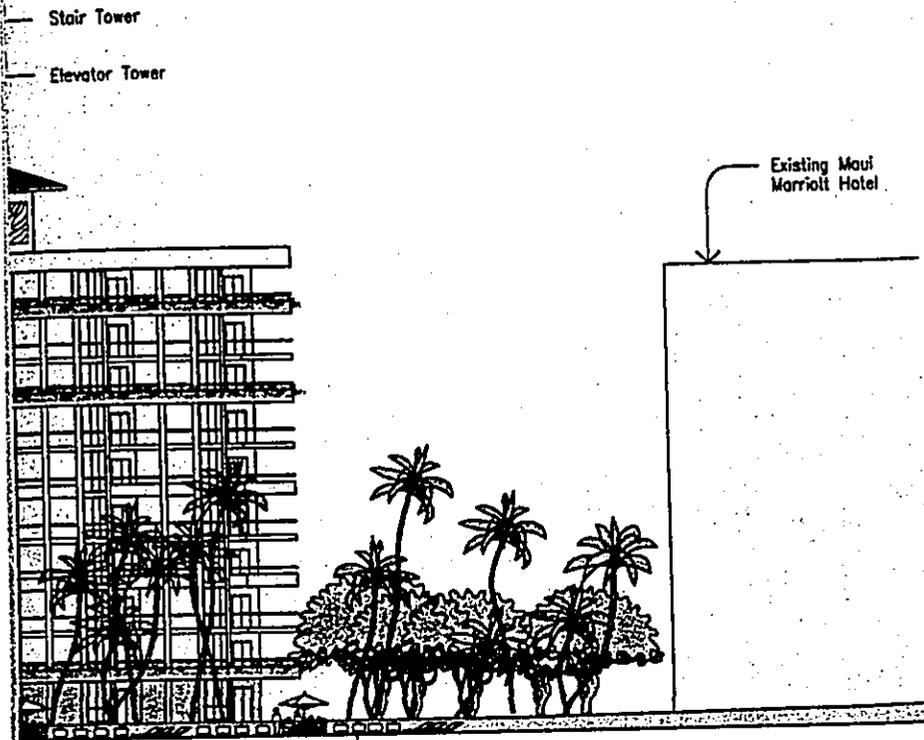
10 October 2002



Marriott's
MAUI OCEAN CLUB

OPTION 3

Makai View
(looking towards Mountain)

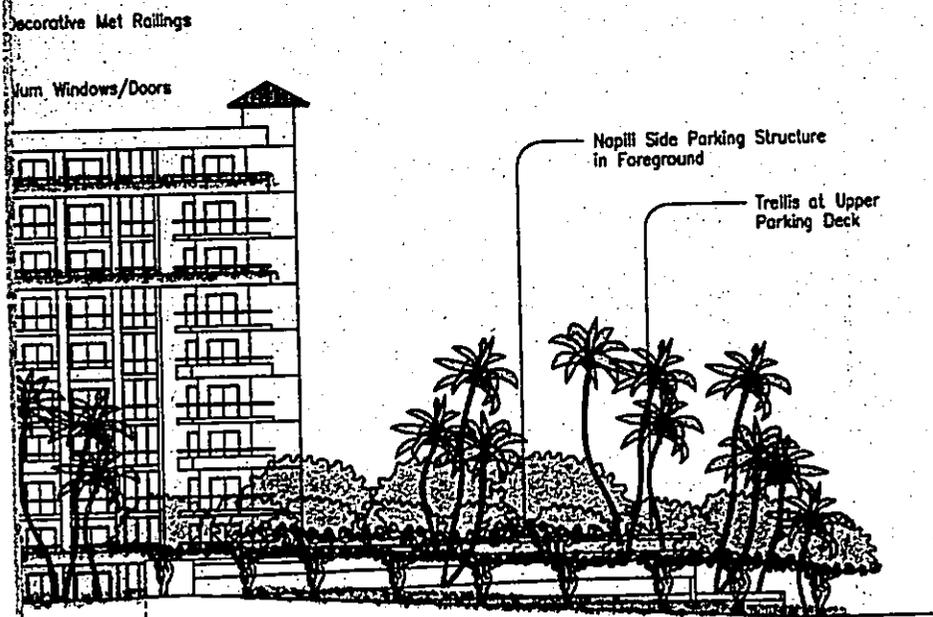


GROUP 70
INTERNATIONAL

27 November 2002

and Pool Deck in Foreground

Mauka View
(looking towards ocean)

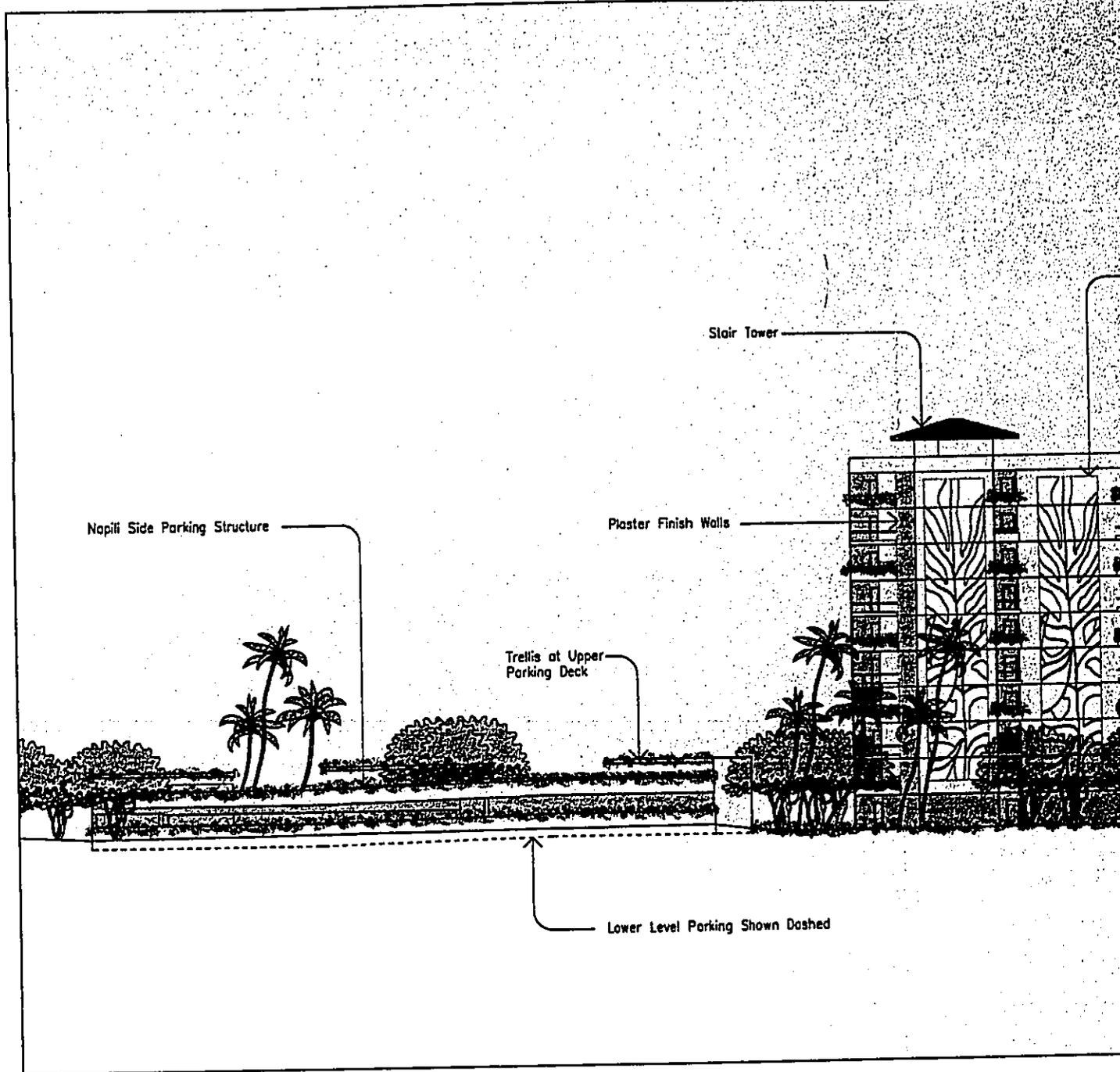


GROUP 70
INTERNATIONAL

10 October 2002

ing Structure Entrance

Lower Level Parking Shown Dashed

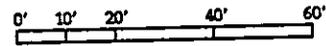
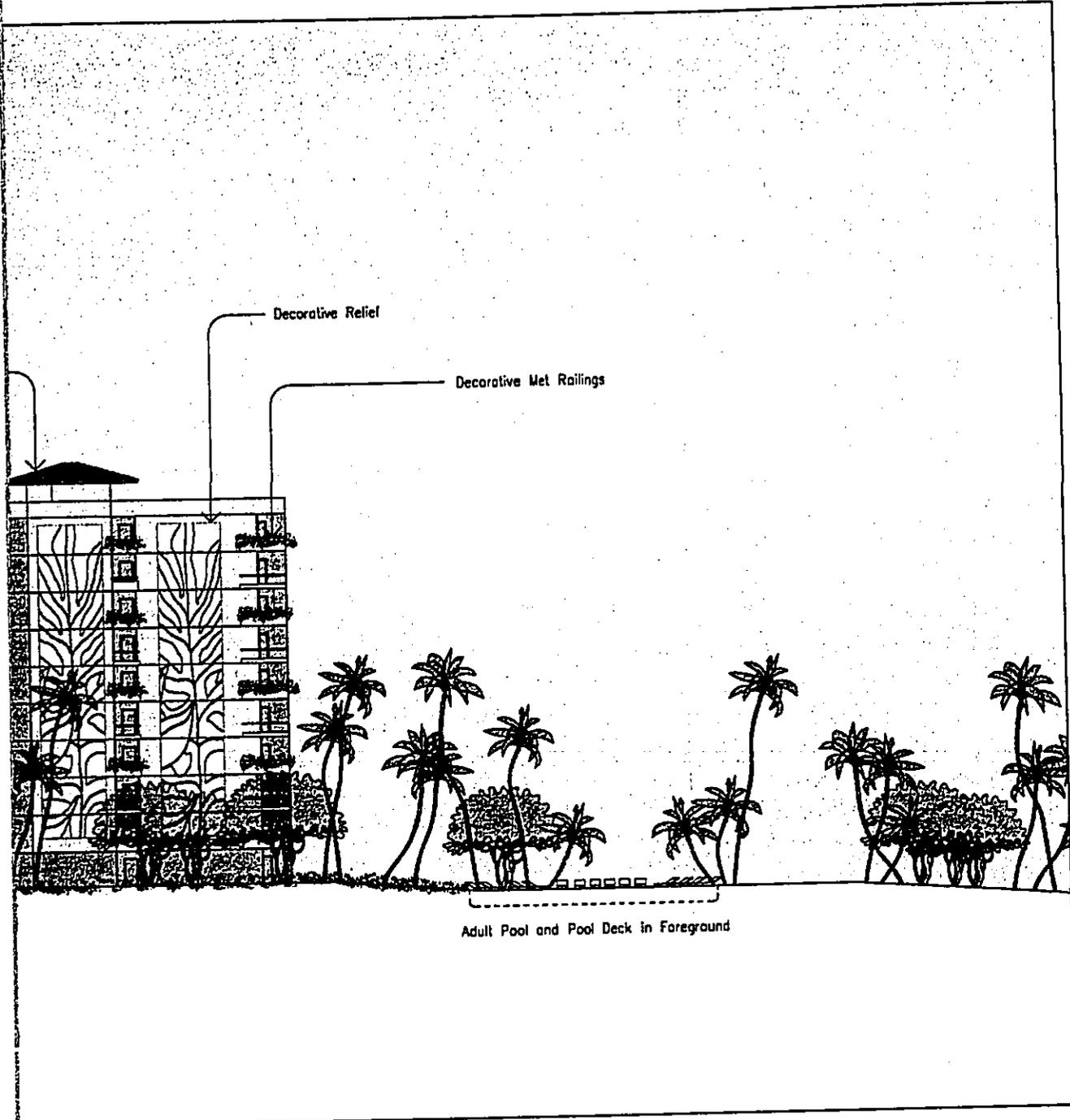


Napili Side Elevation

Sequel Buildings - Napili Side N

Marriott's
MAUI OCEAN CLUB

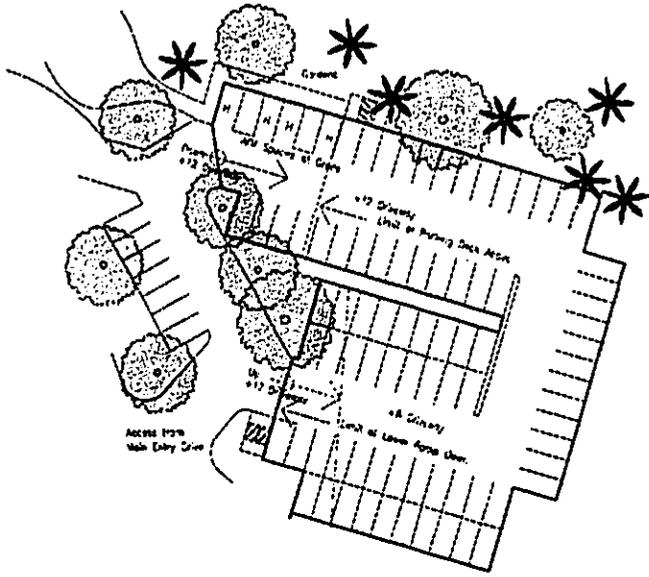
OPTION 3



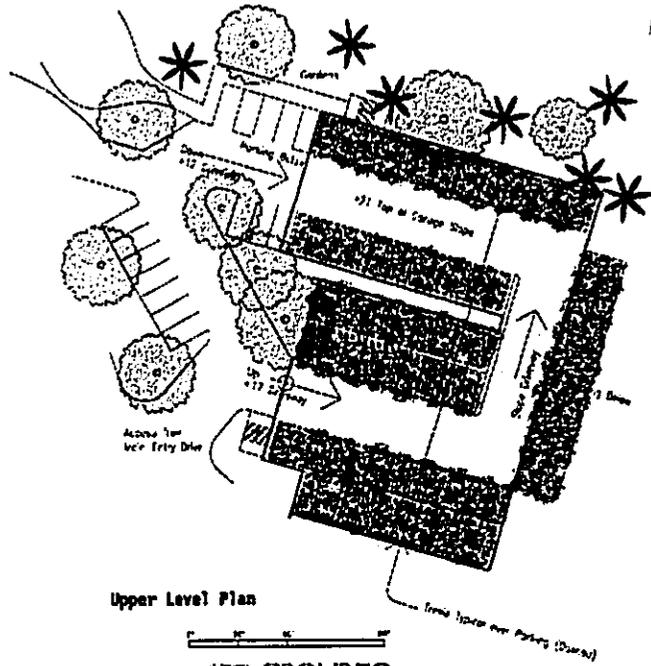
Napili Side New Wing

 **GROUP 70**
INTERNATIONAL

27 November 2012



Lower Ground Level Plan

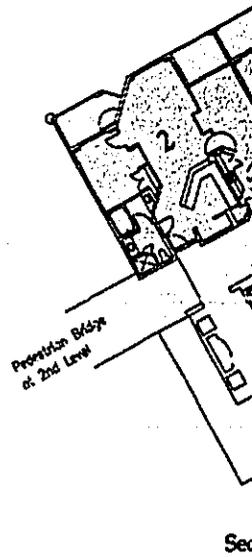
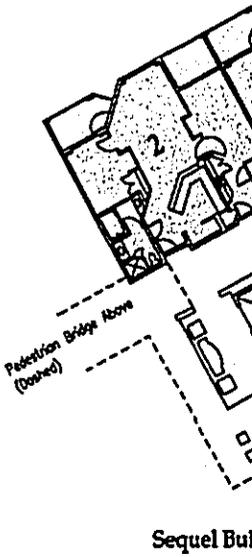


Upper Level Plan

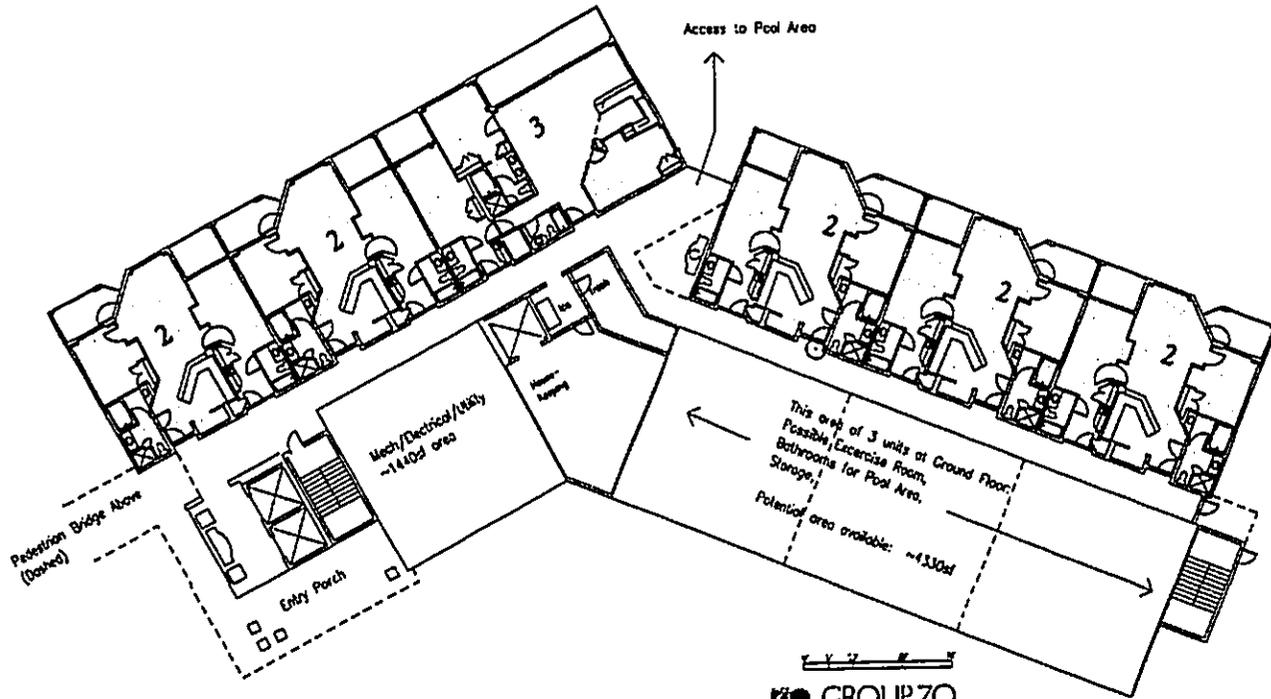
Sequel Buildings -Napili Side Parking Structure Floor Plans



Marriott's
MAUI OCEAN CLUB

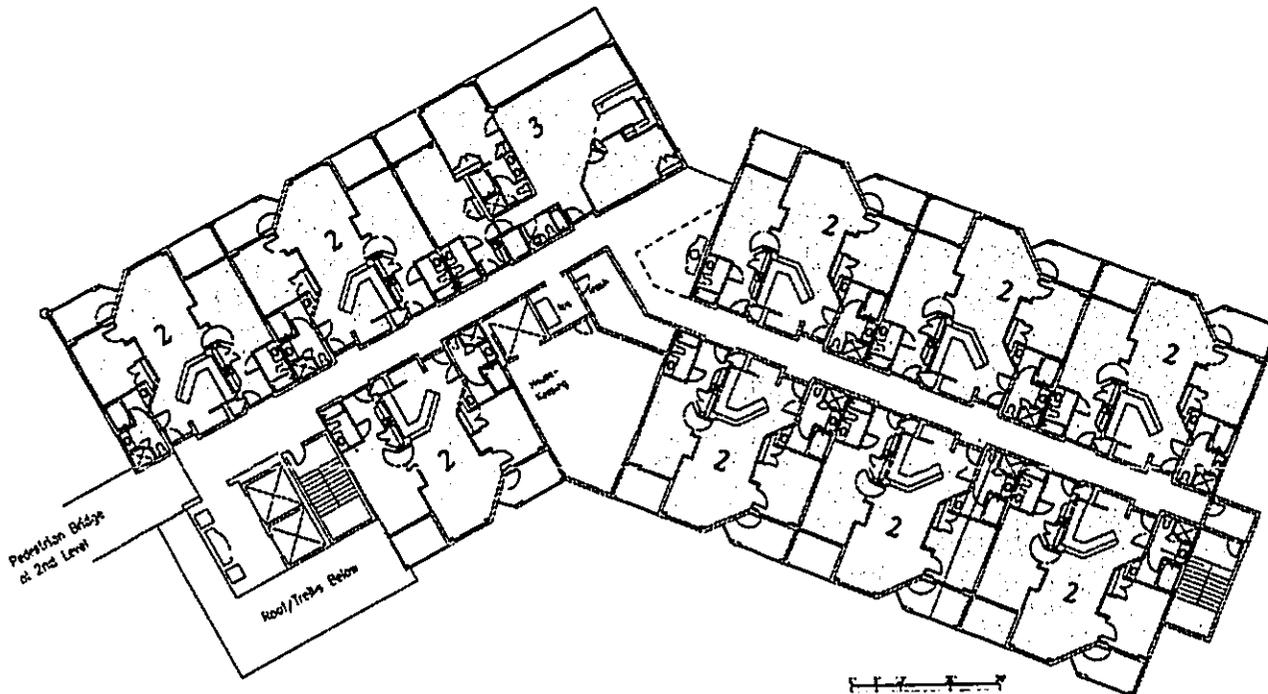


OPTION 3



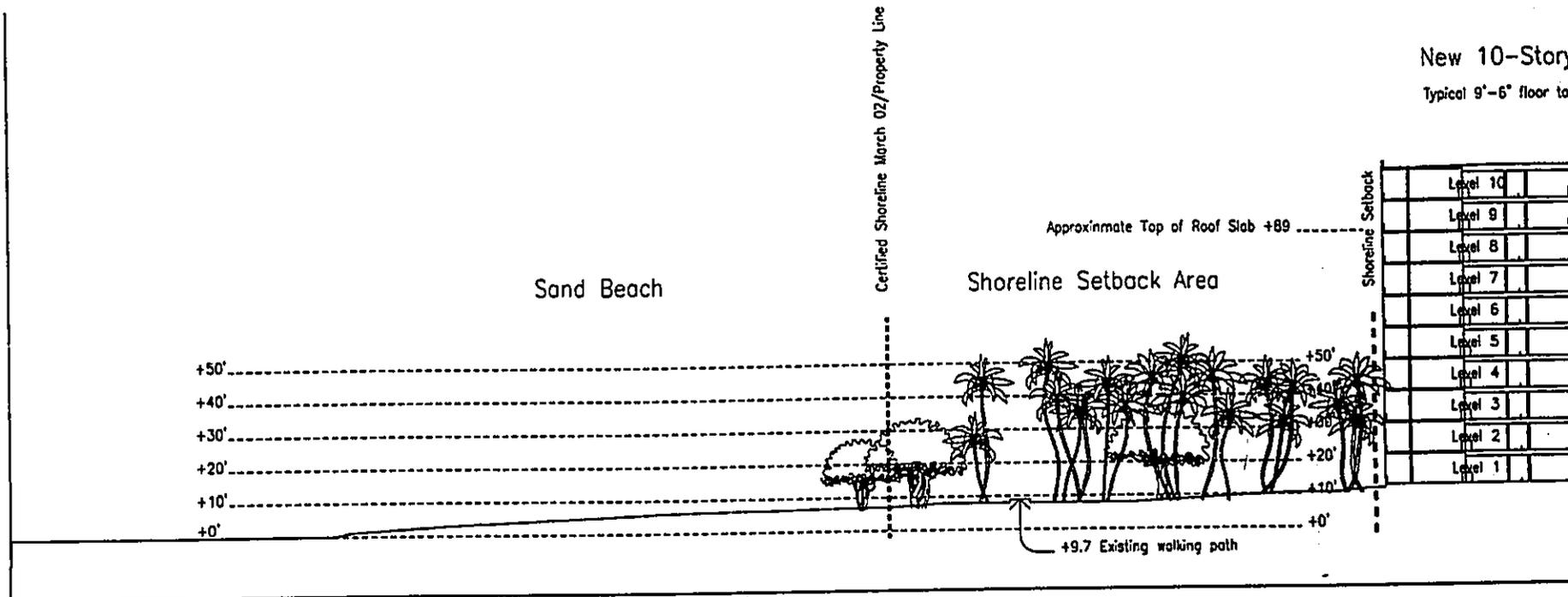
Sequel Buildings - Napili Side Building Ground Floor Plan

GROUP 70
INTERNATIONAL
27 November 2002

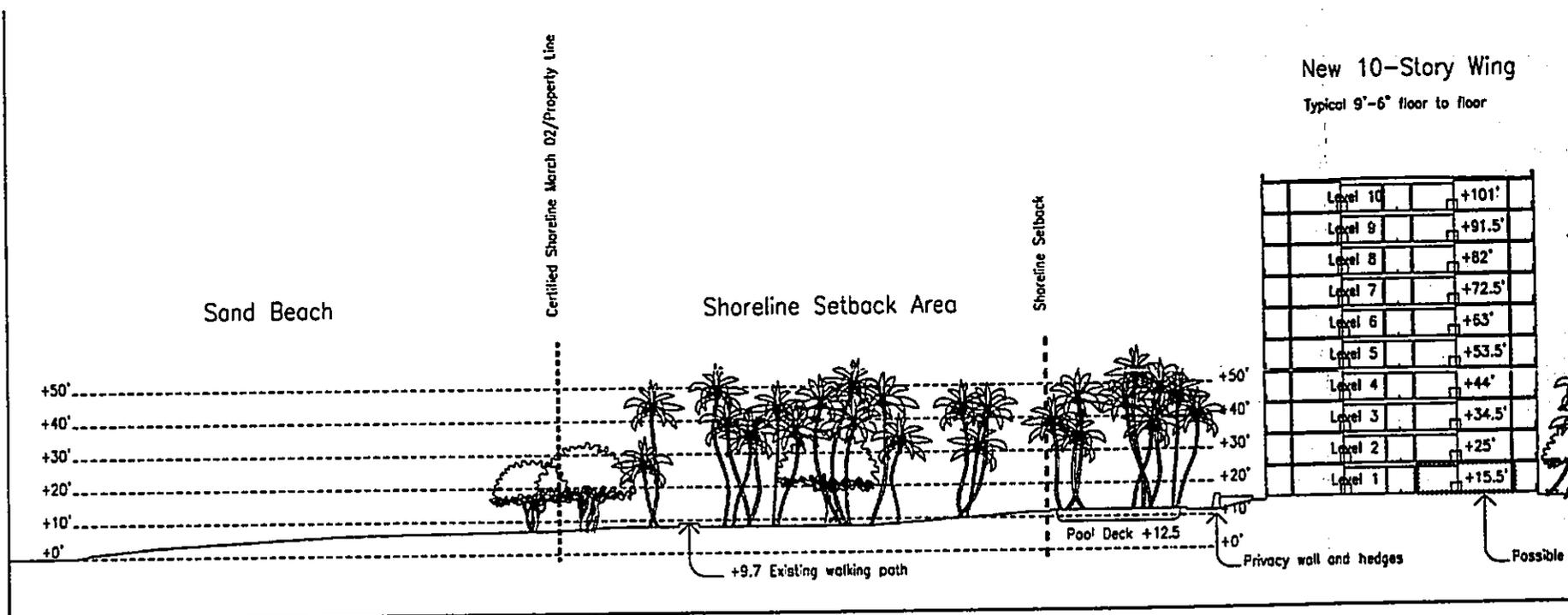


Sequel Buildings - Napili Side Building Typical Floor Plan

GROUP 70
INTERNATIONAL
27 November 2002



Site Section 2: Lahaina Side New Wing



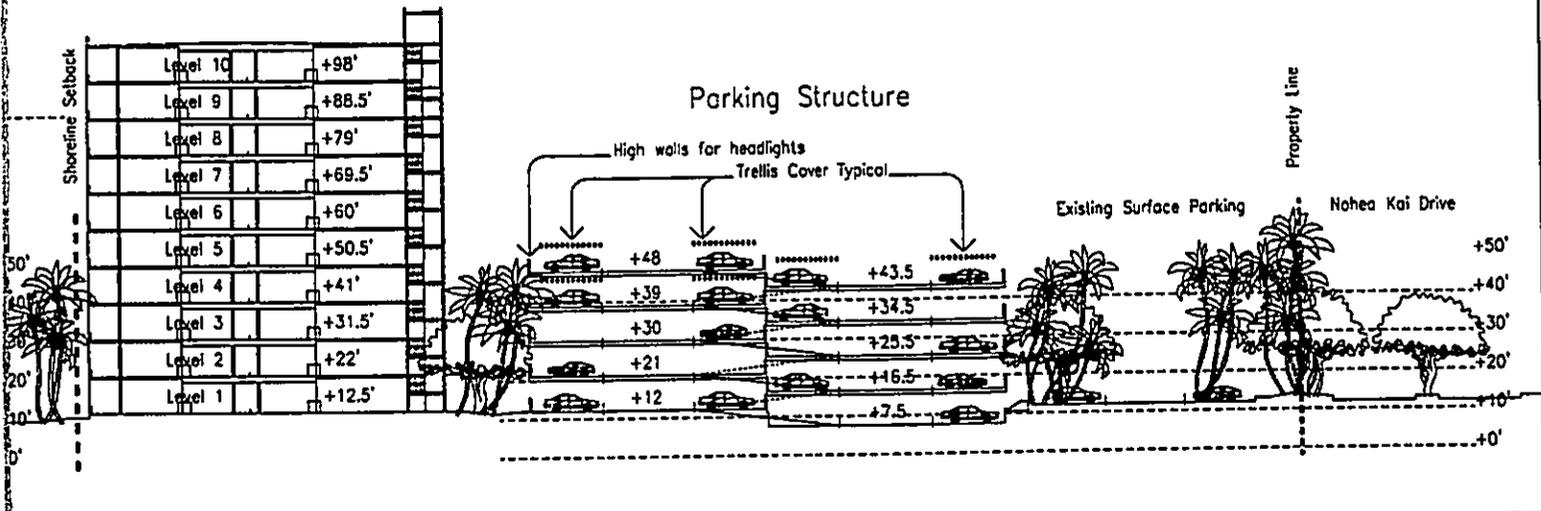
Marriott's
MAUI OCEAN CLUB

Site Section 1: Napili Side New Wing

OPTION 3

New 10-Story Wing

Typical 9'-6" floor to floor



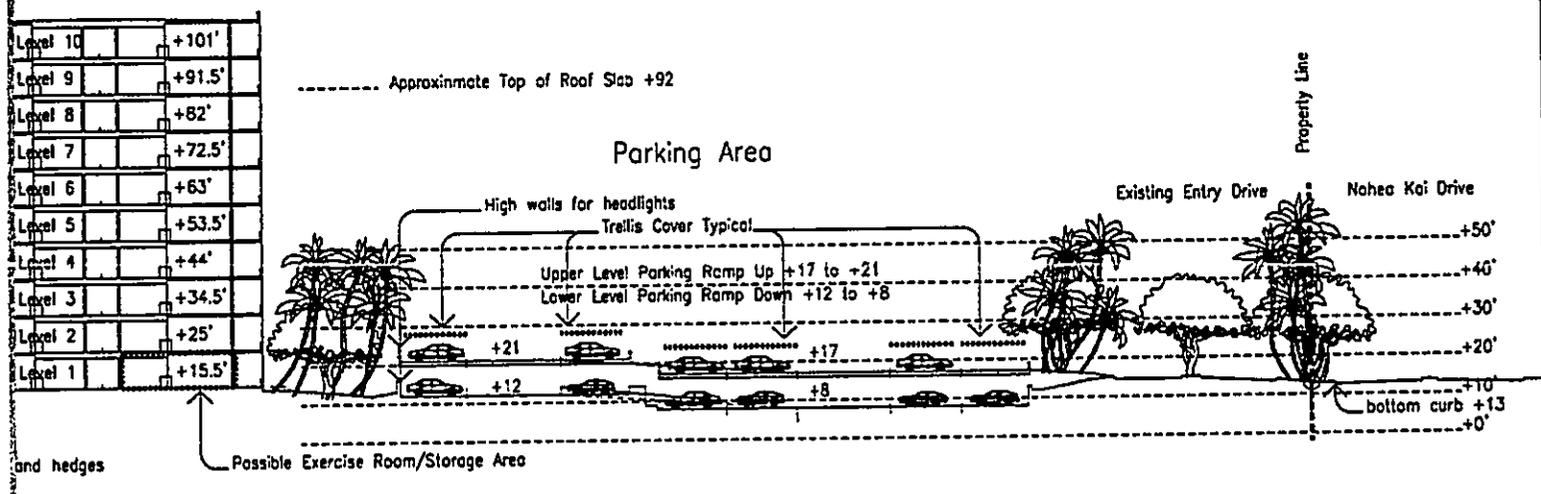
Side New Wing



27 November 2002

New 10-Story Wing

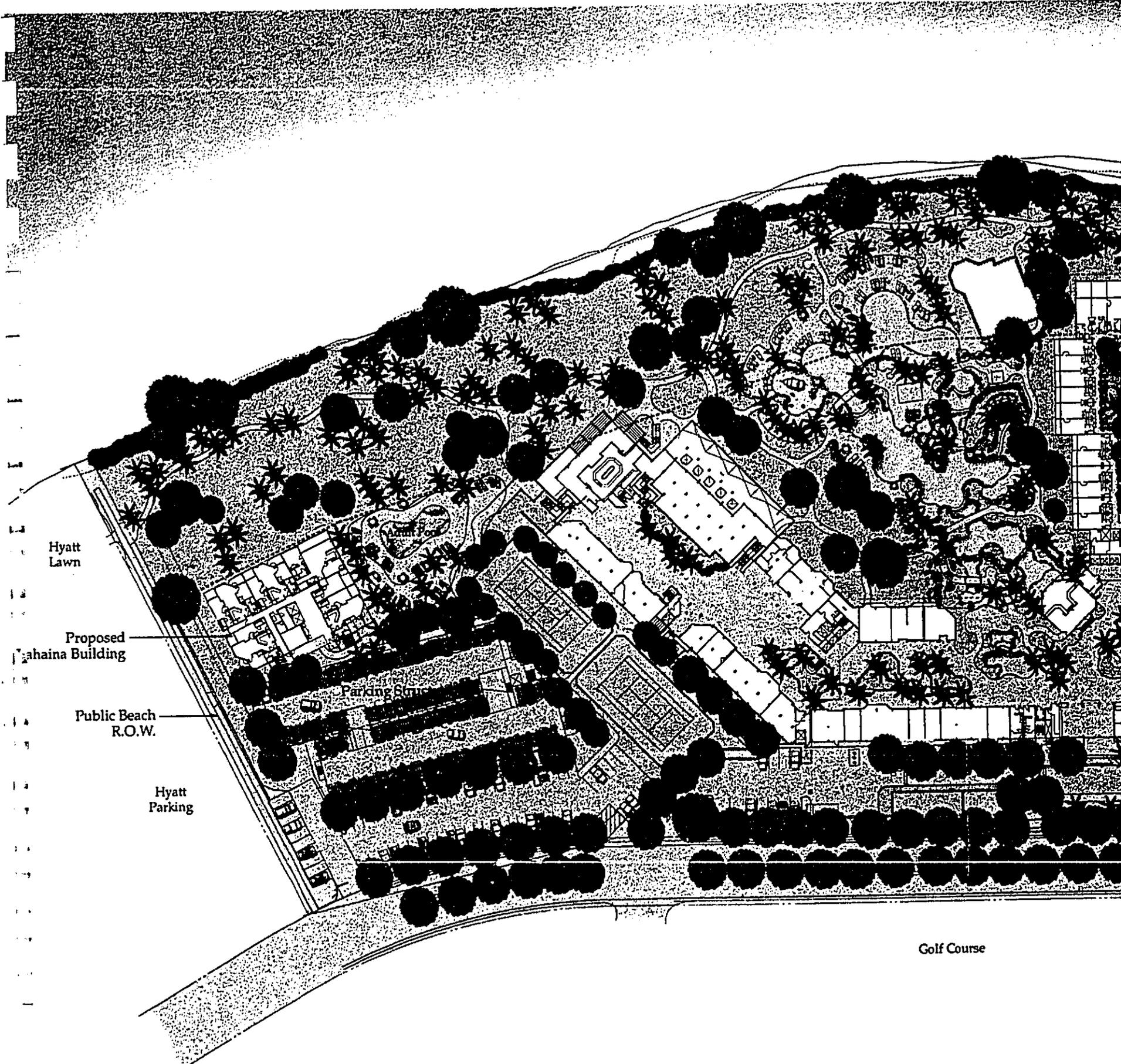
Typical 9'-6" floor to floor



Side New Wing



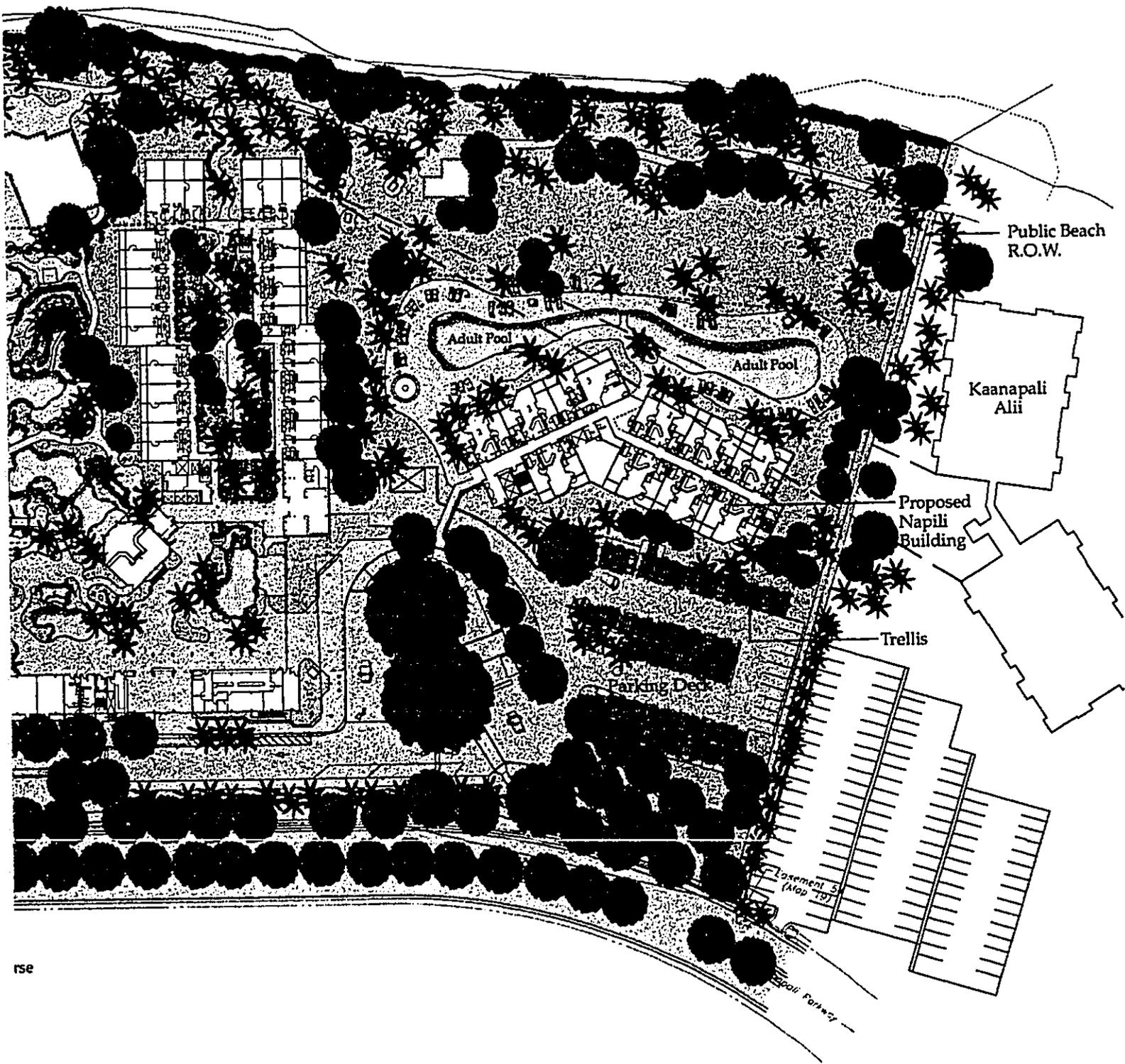
27 November 2002



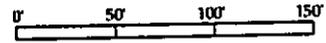
Marriott's
MAUI OCEAN CLUB

Sequel Buildings - Site Plan

OPTION 4



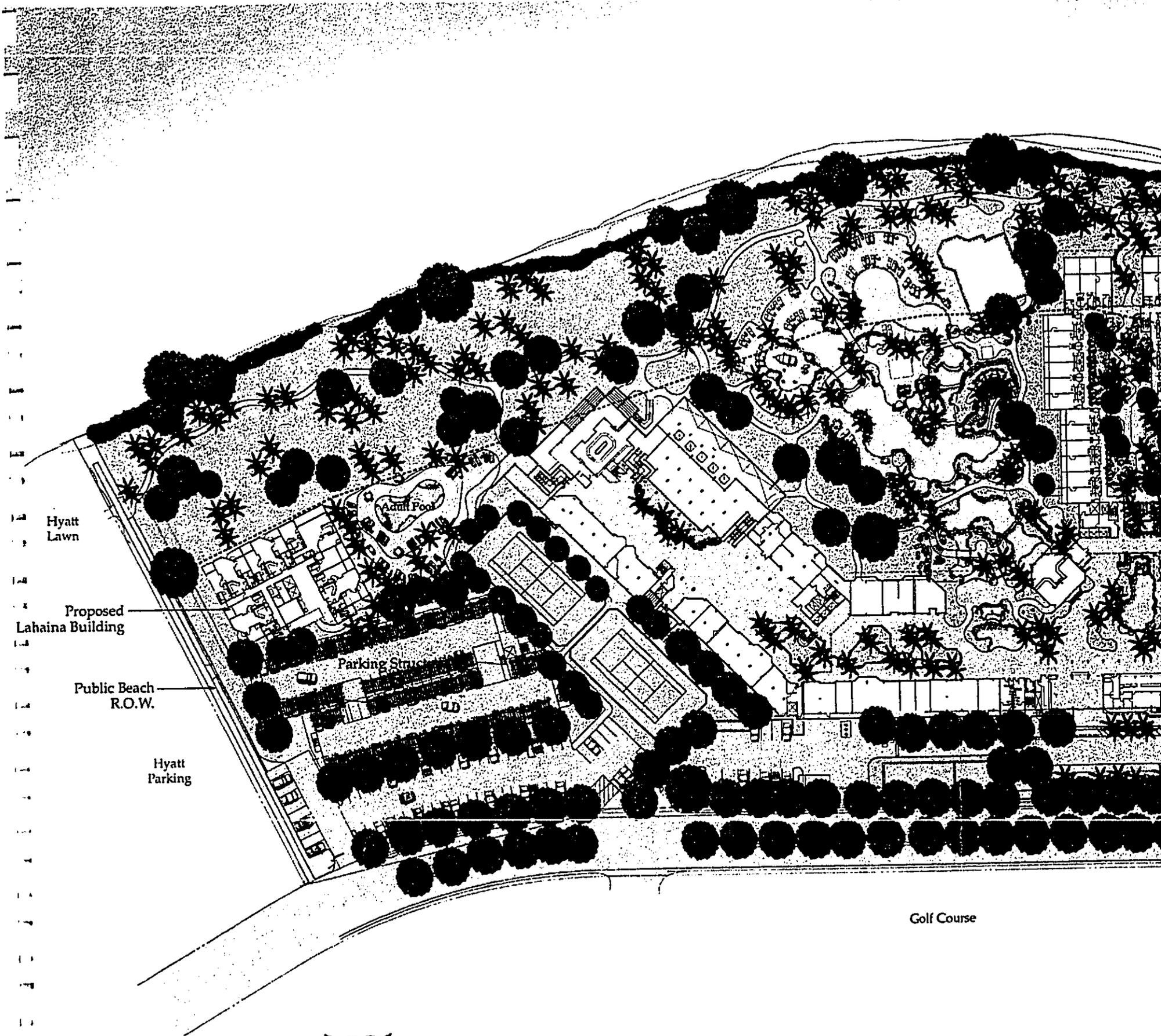
rse



GROUP 70
INTERNATIONAL

14 April 2003

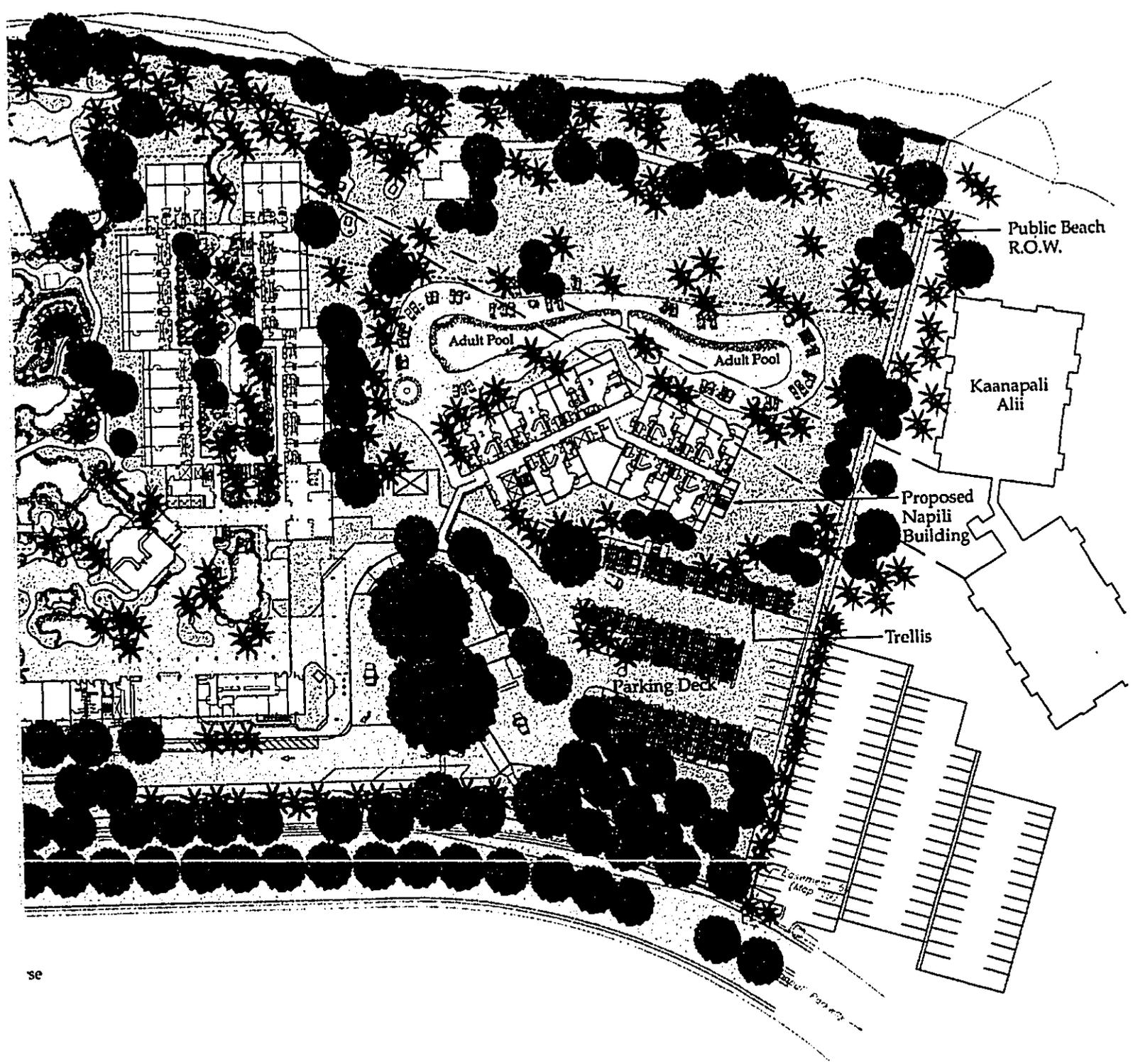
gs - Site Plan



Marriott's
MAUI OCEAN CLUB

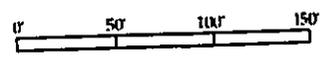
Sequel Buildings - Site Plan
10/12 Scheme (143 Units)

OPTION 5



se

gs - Site Plan
(143 Units)



GROUP 70
INTERNATIONAL

21 May 2003
(Revised)

Option 5

**Elevations, Sections and other Plans are included
in the Figures Section**



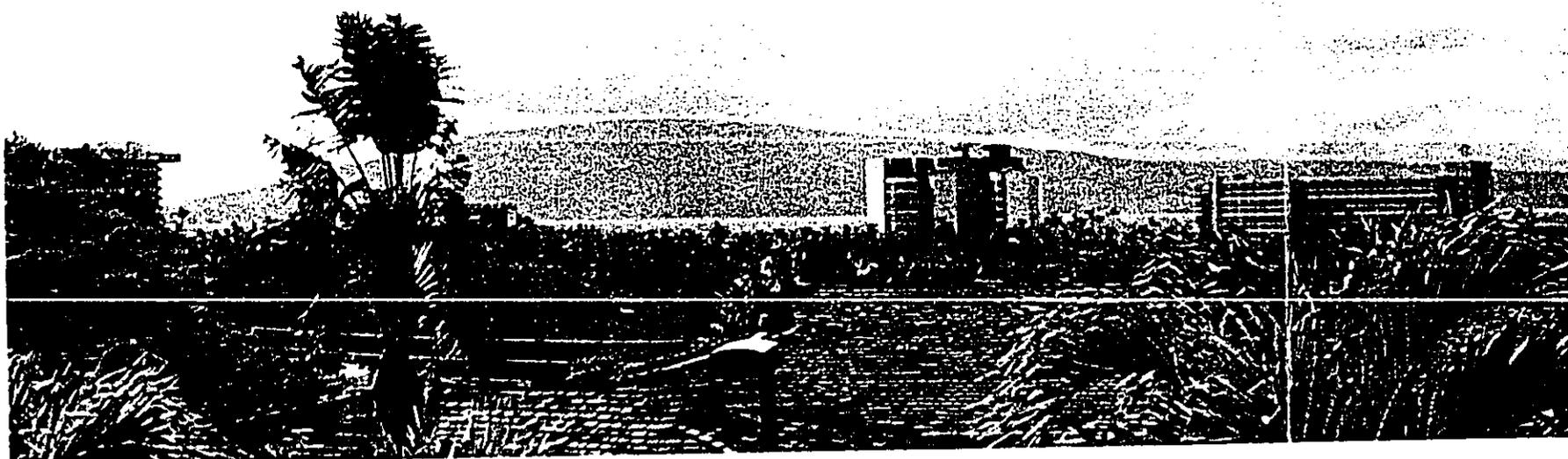
APPENDIX Q
Simulated View of Project from the Ka'anapali
Vista Neighborhood

View over the Hyatt Regency

View over the Maui Ocean

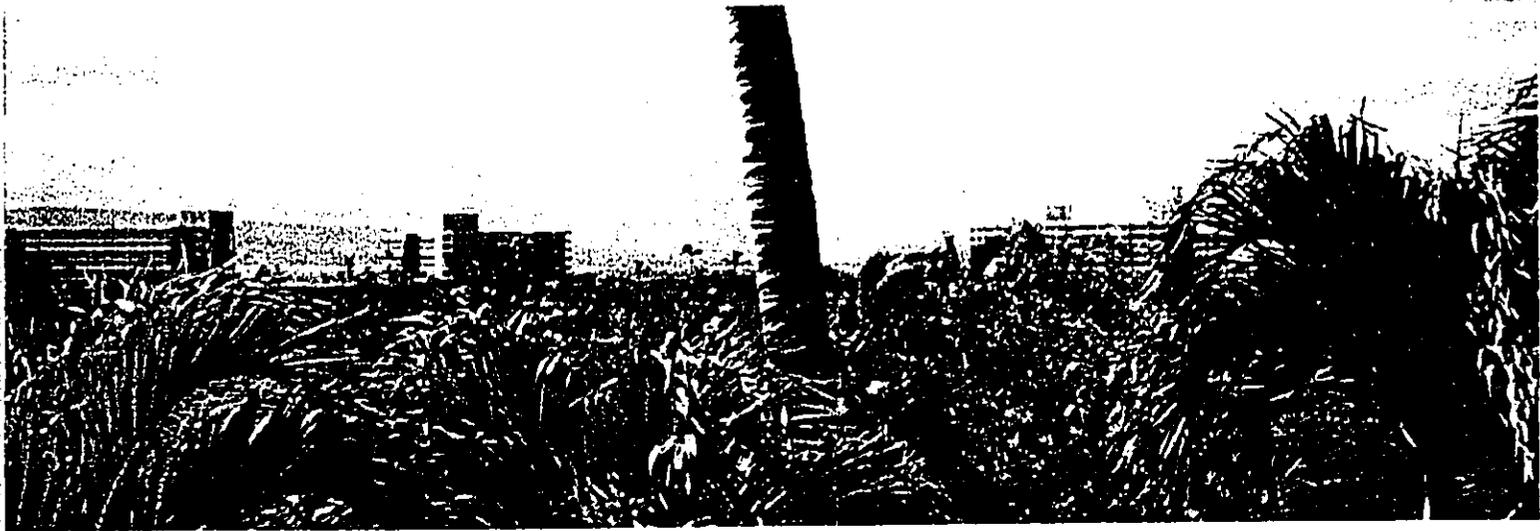


Existing View

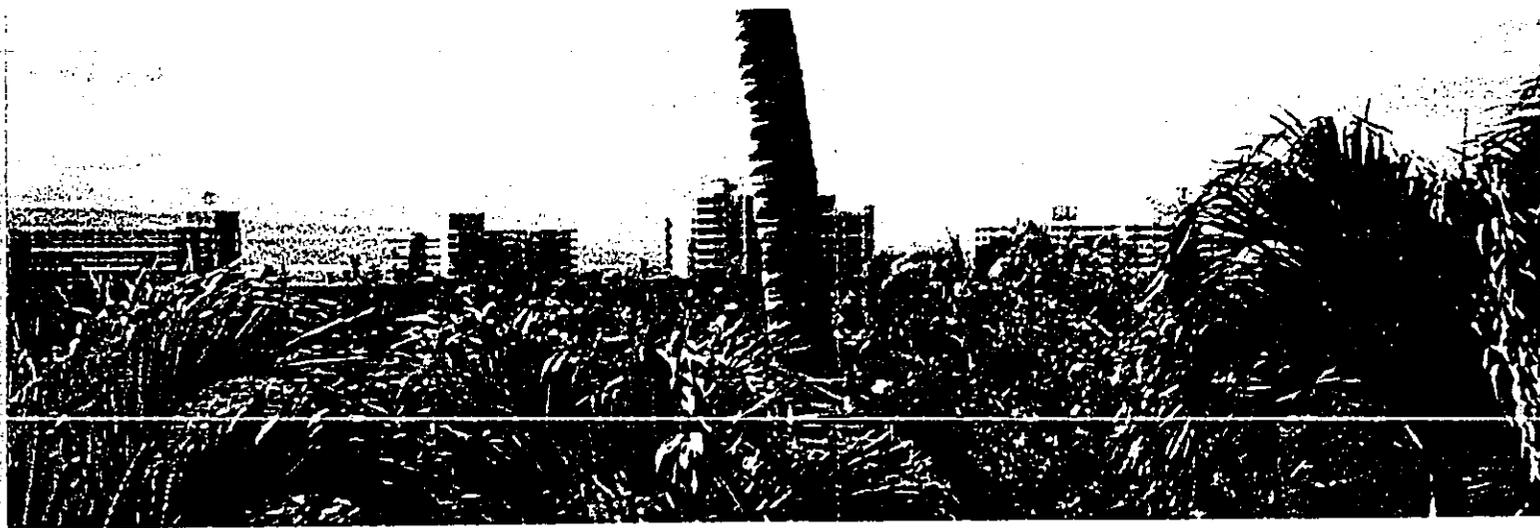


View showing proposed Sequel Project (Option 5)

View over the Maui Ocean Club



View over the Ka'anapali Ali'i



Simulated View From Leland Residence
Ka'anapali Vista Neighborhood
June 26, 2003



APPENDIX R
Project and Draft EIS Community Comment
Letters & Responses

**Maui Ocean Club Sequel Project
Community Project & DEIS Comment Letters**

	<u>Dated</u>	<u>Received</u>
Ka'anapali Resort		
<u>General:</u>		
1. Ka'anapali Operations Association	02/14/03	02/18/03
<u>Ka'anapali Ali'i Associations:</u>		
1. Classic Resorts	02/20/03	02/21/03
2. KA Rental Owners Corp.	02/21/03	02/24/03
3. Donna Leong, Cades Shutte	02/21/03	02/24/03
<u>Ka'anapali Ali'i Individual Owners:</u>		
1. Rich & Karen Rachner	02/03/03	02/03/03
2. Del & Evelyn Smart	02/04/03	02/06/03
3. Mark & Mary Happ	02/03/03	02/12/03
4. Hazel & Roger Finato	02/13/03	02/18/03
5. Greg & Tamera Paul	02/18/03	02/19/03
6. Irene & Byron Smith		02/19/03
7. Joe & Barbara Bonn	02/15/03	02/19/03
8. Robert W. Kindrachuk, MD	02/18/03	02/24/03
9. Paula J. Kindrachuk	02/19/03	02/24/03
10. John Gruendl Jr.	02/19/03	02/24/03
11. John Gruendl Sr.	02/19/03	02/24/03
12. Dunnion Law Firm	02/20/03	02/24/03
13. Mr. Isaac Hall	02/21/03	02/21/03
14. Bill & Marilyn Hoelsken		02/21/03
15. James K Hitch	02/21/03	02/24/03
16. Gerald & Barbara Romain	02/21/03	02/24/03
17. Mr. John W. Bergholt	02/22/03	02/24/03

INDEX

(Community) Comment Letters & Responses

General Letters issued by the Applicant

- Draft EIS Notification Letter to KAC 01/07/03
 - Post DEIS Status Memorandum* 07/08/03
- *Referenced in response letters below

Community Comment Letters

	<u>Dated</u>	<u>Received</u>	<u>Response</u>
Ka'anapali Resort			
1. Ka'anapali Operations Association	02/14/03	02/18/03	7/08/03
Ka'anapali Ali'i Condominium			
<u>Owner & Rental Associations:</u>			
2. Classic Resorts	02/20/03	02/21/03	7/08/03
3. KA Rental Owners Corp.	02/21/03	02/24/03	7/08/03
4. Donna Leong, Cades Shutte	02/21/03	02/24/03	7/08/03
<u>Individual Owners:</u>			
5. Rich & Karen Rachner	02/03/03	02/03/03	7/08/03
6. Del & Evelyn Smart	02/04/03	02/06/03	7/08/03
7. Mark & Mary Happ	02/03/03	02/12/03	7/08/03
8. Hazel & Roger Finato	02/13/03	02/18/03	7/08/03
9. Greg & Tamera Paul	02/18/03	02/19/03	7/08/03
10. Irene & Byron Smith	not dated	02/19/03	7/08/03
11. Joe & Barbara Bonn	02/15/03	02/19/03	7/08/03
12. Robert W. Kindrachuk, MD	02/18/03	02/24/03	7/08/03
13. Paula J. Kindrachuk	02/19/03	02/24/03	7/08/03
14. John Gruendl Jr.	02/19/03	02/24/03	7/08/03
15. John Gruendl Sr.	02/19/03	02/24/03	7/08/03
16. Dunnion Law Firm	02/20/03	02/24/03	7/08/03
17. Mr. Isaac Hall	02/21/03	02/21/03	7/08/03
18. Bill & Marilyn Hoelsken	not dated	02/21/03	7/08/03
19. James K Hitch	02/21/03	02/24/03	7/08/03
20. Gerald & Barbara Romain	02/21/03	02/24/03	7/08/03
21. Mr. John W. Bergholt	02/22/03	02/24/03	7/08/03



January 7, 2003

Unit Owners
Ka'anapali Ali'i Residential Condominium
Ka'anapali Resort
Lahaina, Maui

Dear Condominium Owner,

On behalf of your neighboring property owner on Ka'anapali Beach, we wish to personally inform you that the Marriott Vacation Club International has filed a Draft Environmental Impact Statement and applied for a Special Management Area (SMA) Permit to expand and renovate the Maui Ocean Club located at 100 Nohea Kai Drive. Our firm, Chris Hart & Partners, Inc. will be assisting MVCI in obtaining the necessary permits for the project.

The proposed project consists of the addition of two new villa unit buildings for vacation ownership, parking structures, site amenities, and landscape planting. Work will also entail demolition of existing on grade parking, tennis courts, a ballroom, a luau facility, and a parking garage. The project will dramatically increase the amount of landscape planted open space along the shoreline.

In 2000, MVCI began converting the units of the 720-room Maui Marriott Hotel into a 312-unit timeshare facility known as the "Maui Ocean Club". The proposed addition will add 146 units. A site plan is included with this letter.

MVCI has met several times with the Ka'anapali Ali'i managers, AOAO directors, unit owners, and rental agents to discuss how we can least disturb the project during the construction phase and minimize impacts to your views across our property. As a result of these meetings, there are several positive design aspects to the project, including:

- The Sequel project will replace the nearshore tennis courts and on-grade parking with landscape planting, thereby improving views along the shoreline and towards the ocean, especially from Ka'anapali Ali'i Tower 3.

LANDSCAPE ARCHITECTURE AND PLANNING

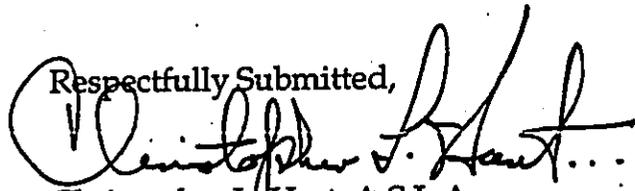
1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 • FAX: 808-242-1956

- We have designed an off-street parking plan so that the majority of parking is on the south side of the Marriott property, thereby reducing the size of the parking garage nearest your project.
- The proposed (1.5 story) Napili parking garage will be screened with landscape planted trellises, similar to the treatment of your parking garage.
- Children's facilities will be in the central pool; the pool nearest the Ka'anapali Ali'i will be designed for adult use.
- The proposed Napili building will be aligned so that its narrow end faces the Ka'anapali Ali'i
- The Napili building will incorporate horticultural relief as architectural articulation into the building façade, to enhance the aesthetic design and reduce the perceived scale
- MSCI has voluntarily sited the proposed Napili building landward of the mandatory setbacks. This will completely preserve ocean views from the Ka'anapali Ali'i's Tower 3, and preserve the majority of the ocean view corridor across the Marriott property from the corner units of Tower 4. A figure is included showing the siting options developed in coordination with the various Ka'anapali Ali'i groups.

In addition to the enclosed figures, we have sent several copies of the Draft Environmental Impact Statement (EIS) to you Association of Apartment Owners (AOAO). If you desire to participate in the Environmental Review Process, you may submit comments on the Draft EIS by February 22, 2003.

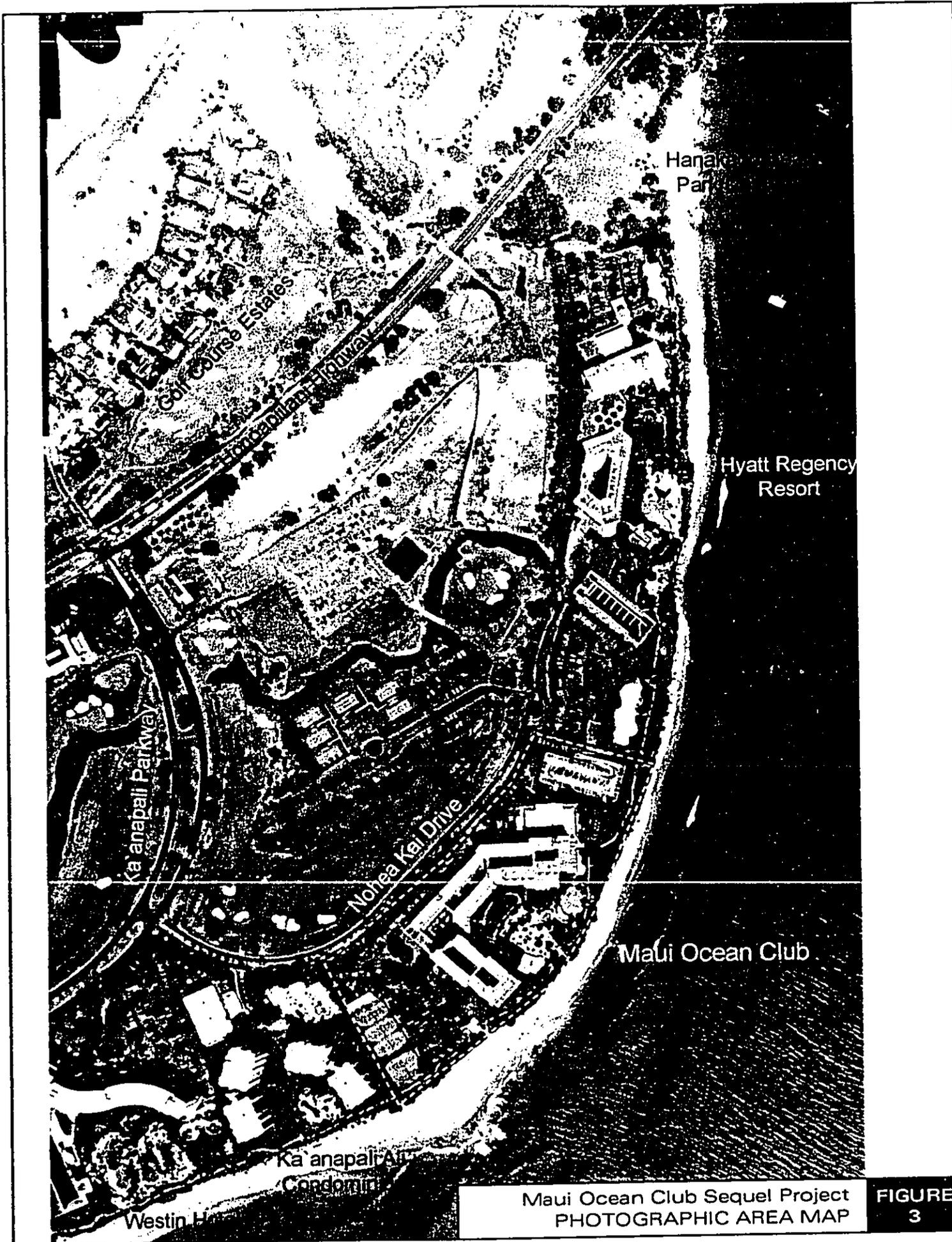
If you have any questions about the project, please feel free to call myself or Mr. Robb Cole of our office at (808) 242-1955.

Respectfully Submitted,



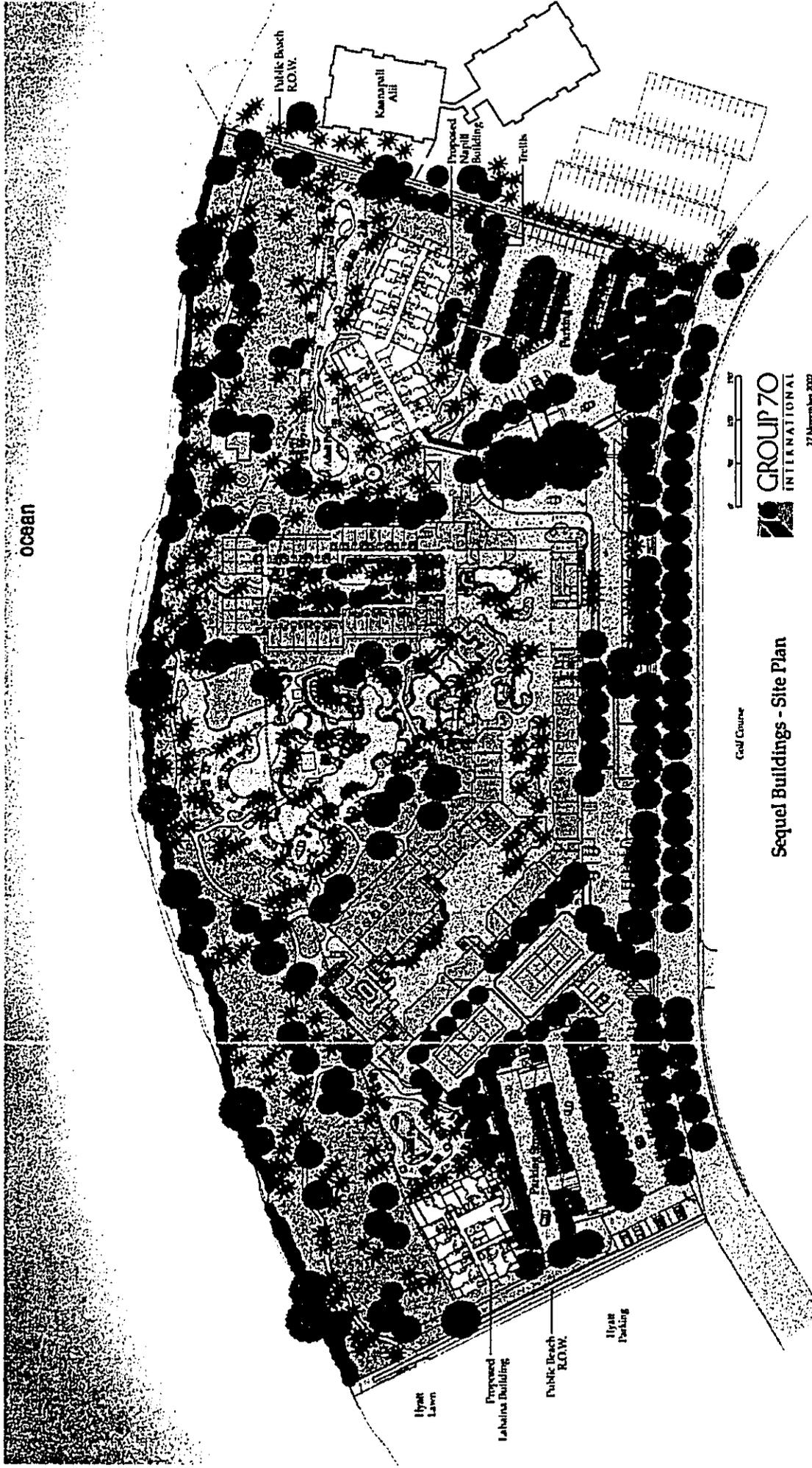
Christopher L. Hart, A.S.L.A.
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Ka'anapali Ali'i AOAO
Mark Altier, Ka'anapali Ali'i General Manager



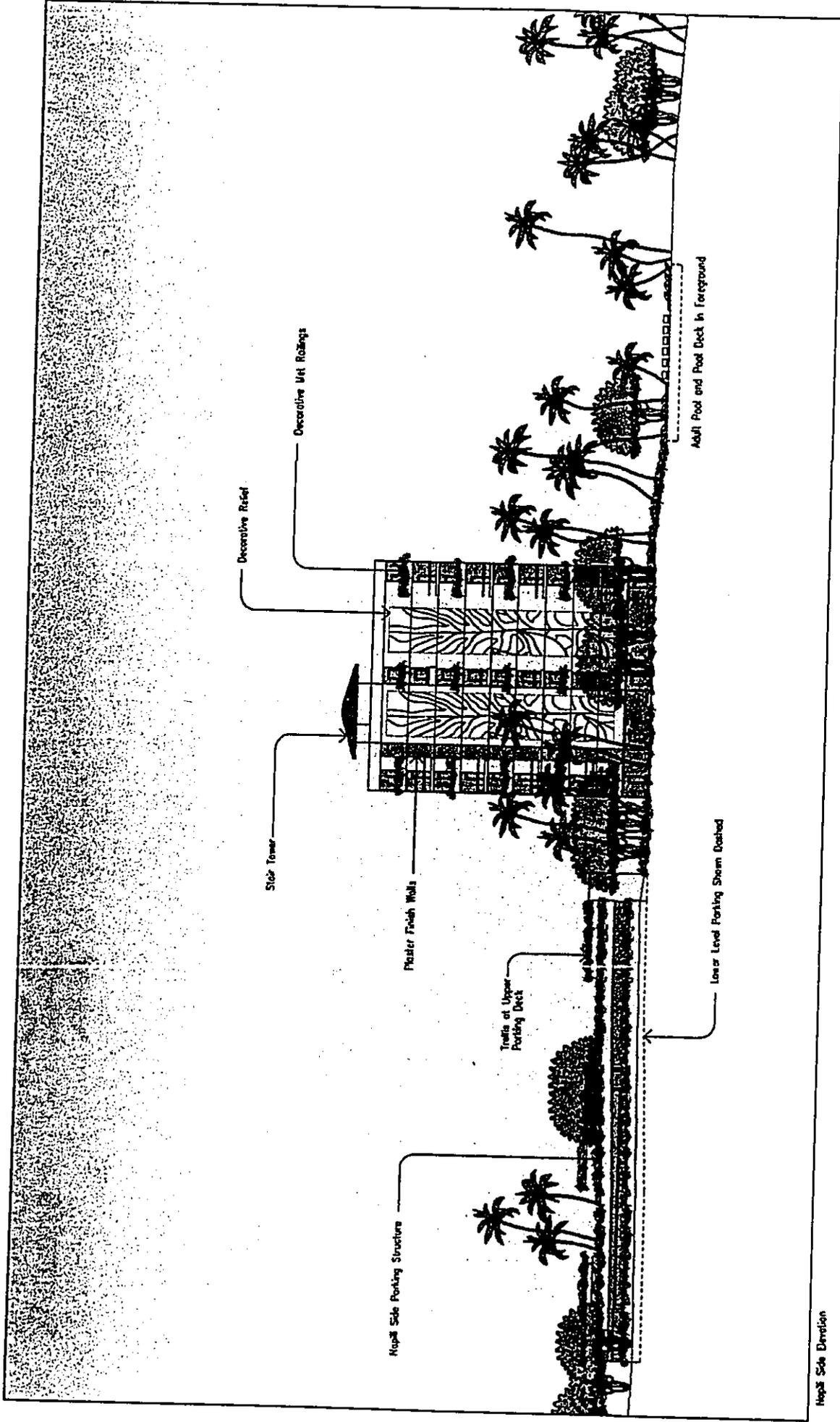
Maui Ocean Club Sequel Project
PHOTOGRAPHIC AREA MAP

FIGURE
3





MAUI OCEAN CLUB



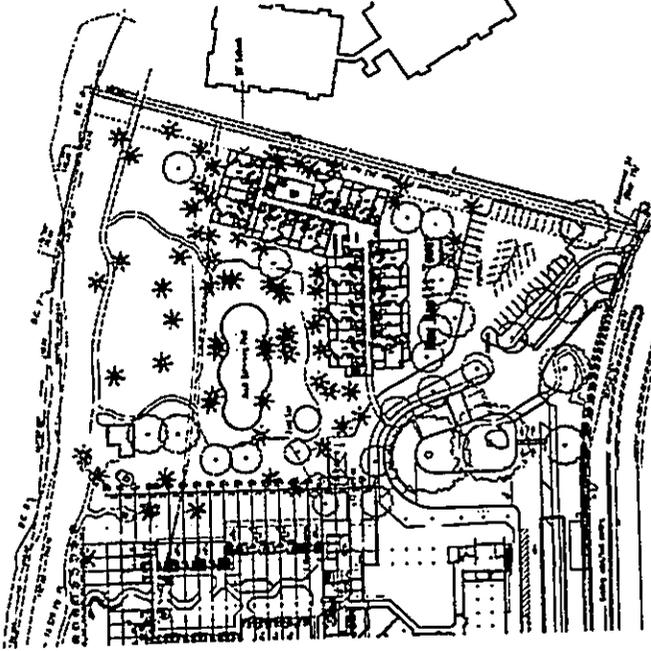
GROUP 70
INTERNATIONAL

27 November 2002

Sequel Buildings - Napili Side New Wing

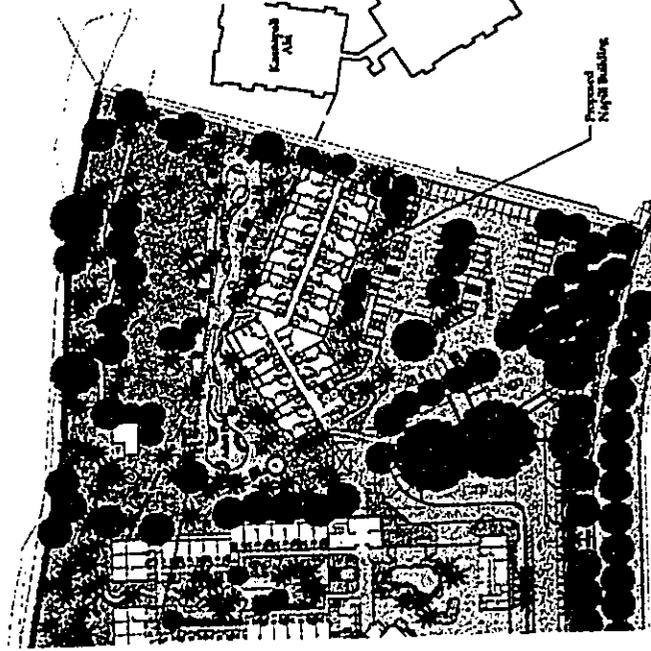
Marriott's
MAUI OCEAN CLUB





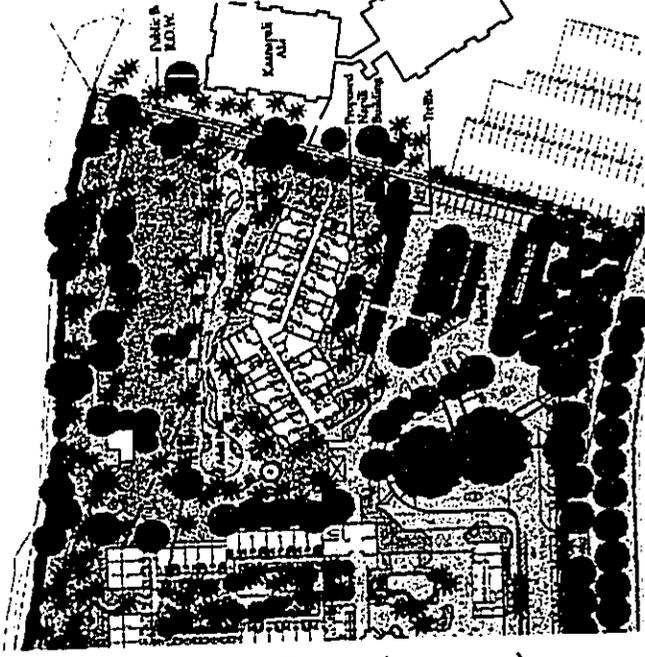
Option 1.

The location for the proposed Napili tower that respects all zoning and shoreline setbacks, and optimizes the potential views from the new building.



Option 2.

The location of the Napili tower showing a voluntary "site line" setback that preserves the entire ocean view of the Ka seaward tower. This option was developed and presented to the Ka'anapali Aii'i during the pre-consultation period.



Option 3.

The location of the proposed Napili tower with a decreased building width. The benefit of this option is increased distance between the proposed building and the KA towers and improved ocean views from the corner units of the landward tower. This option was developed at the suggestion of KA unit owners during the pre-consultation period. This option is the preferred alternative currently depicted in the EISPN and Draft EIS.

Marriott's
MAUI OCEAN CLUB

The Evolution of Site Plan Alternatives
(Showing the North Section of the Marriott Property)

Maui Ocean Club Sequel Project
Status Memorandum of July 8th, 2003
Primary Issues & Concern of the KAC

Dear Owners and Associations of the Ka'anapali Ali'i Condominium,

The following letter is provided to address many of the major issues and concerns identified by the Ka'anapali Ali'i Condominium (KAC), since the issuance of the Maui Ocean Club Sequel Project's Draft Environmental Impact Statement in January 2003.

In addition to formal comment letters on the Draft EIS, MVCI and its design team have been corresponding and meeting with the staff, rental organizations, and individual owners of the KAC via email and telephone. MVCI also hosted two owner meetings, one in Ka'anapali on April 28, 2003 and one in Northern California on May 14, 2003. Many of the KAC owners whose units face the Marriott property have been involved in the process. The input, feedback, and suggestions from these owners have helped to identify and/or clarify many of the primary issues related the development of the Sequel Project. These issues include:

- 1) Loss of Views
- 2) "Waikiki-ization"
- 3) Guest Density
- 4) Loss of Rental Income
- 5) Construction Noise
- 6) Dirt, Dust & Cleaning
- 7) Operational Noise - Pools, Bars, and Luaus
- 8) Wind

We have included discussion and the status of each of these items below. This letter will be included in our formal responses to the comment letters received during the Draft EIS comment period and will be included in the Final EIS.

- 1) *Loss of Views.* The impact to private views from the KAC units has been the primary concern expressed by the KAC through comment letters, email, telephone, and during the meetings hosted by MVCI and the KAC. Overall, the dialogue on design & siting has been very productive. Many of the owners have made practical suggestions, which MVCI has been able to incorporate, including:
 - Increasing the distance between the proposed Napili Building and the KAC by removing the two end bays closest to the KAC
 - Re-distributing units from the north (Napili) side to the south (Lahaina) building and by building higher
 - Ensuring that the flat roof section of the proposed Napili Building are not visible from the KAC

- Rotate the proposed Napili building clockwise to increase the ocean view corridor from the KAC Building 4

These inputs have been incorporated into what is being called "Design Option 5", which will be the "preferred option" in the Final EIS. This option will benefit the KAC over previous options as follows:

- There will be wider ocean view corridors for those in KAC Building 4. Those in Building 3 will retain the full ocean view corridor between the KAC and the existing Marriott building.
- The separation between the proposed Napili building and the KAC will increase to approximately 130 feet. This is an increase from ~110 feet in Option 3, ~100 feet under Option 4, and ~70 feet under Option 2.

In order to better communicate the benefits of the new siting option, we will be including exhibits in the Final EIS that indicate the extent of view corridor available under each siting & design option. The exhibits will be based upon actual photographic panoramas taken from the (6) stacks of the KAC (from buildings 3&4) that face the Marriott property. These exhibits will be included as Appendix O in the Final EIS. This Appendix will also include renderings of the proposed building as seen from the KAC.

For your information, a more exhaustive discussion of the design alternatives study is included in section II-D of the Final EIS. Appendix P will include available plans and elevations from the first four options.

MVCI is pursuing siting and design options favorable to the Ka'anapali Ali'i Condominium in good faith and with the intent of maintaining a mutually beneficial relationship as "good neighbors". MVCI nevertheless notes that the KAC has not purchased a viewshed easement across the Marriott property, and has no "right" to views across the Marriott property. Therefore, compensation proposed for any loss of property value due to the lawful implementation of the Sequel project is not required or justified.

Some owners of units at the lower levels of the stacks have expressed concerns that our landscaping may obscure the views from their units. For your information and piece of mind, MVCI is not planning to wall-off the KAC with low level landscaping; our plans are to plant the area in an open fashion comparable to our treatment of the shoreline areas fronting the property. Prior to construction, we will share our landscape plan with the KAC AOA for review and comment.

- 2) *"Waikiki-ization"/ Guest Density.* Several KAC owners have expressed concerns regarding the "density" of the Sequel Project, including both
- Building density, i.e., the gross increase of building development, and the "walling off" of the coastline by high-rise development, and

- The projected number of guests which will be utilizing the property, and the impact that additional guests will have on traffic, beach resources, and general welfare of the region.

To address the issue of gross development, we acknowledge that the floor area devoted to guestrooms will necessarily increase due to the Sequel Project, however, the proposed expansion is well within County zoning restrictions, and will result in lower density project than the existing KAC. The respective *floor area to lot size ratio* (FAR) of each project is included below. Similarly, the *lot coverage to lot size ratio* (LC) for each project is listed below. In terms of lot coverage, the Sequel project is comfortably within the county allocation and also less dense than the KAC development.

	<u>MOC Sequel Opt 5</u>	<u>KAC</u>	<u>Allowed by County</u>
FAR	130%	142+%	150%
LC	28%	31%	35%

Second, regarding the "walling off" of the coastline due to high-rise development, the Sequel project will maintain a substantial amount of view corridor between its high-rise buildings. While there are no official restrictions, guidelines, or specifications for measurement, we have included the general view corridor (VC) ratios for the respective developments below. We note that the Sequel project is significantly less dense than the KAC.

	<u>MOC Sequel Opt 5</u>	<u>KAC</u>
VC	38%	26%

Lastly, we wish to clarify that the expected guest-count of the completed, stabilized Sequel project is less than the high-season guest counts experienced during the Marriott's operation as a 720-room Hotel. The stabilized timeshare resort is anticipated to draw around 1400-1500 persons. By comparison, the Hotel experienced more pronounced seasonal fluctuations where guest counts ranged between 1200 and 1700 guests. The average guest counts for each project are roughly the same.

Simply expressed, the transition from a (densely packed) hotel to a (luxury) timeshare style of accommodation has increased the amount of "floor space" per person, and reduced the unit and guest count. The addition of the Sequel guestrooms will raise the unit and guest count from that of the original conversion of the property, but not to peak levels of the original Hotel. We estimate the average guest count of the Maui Ocean Club & Sequel Projects will be equivalent to that of the Hotel when it was operating at 81% occupancy.

Since the average guest load will be similar, and the MOC Sequel project will have fewer guests during peak periods, we anticipate no intensification of visitor

related impacts such as traffic and the use of public facilities. Since the Sequel project includes the construction of two new on-site pools, we expect our impact on off-site beach resources to be significantly less than during the Marriott's operation as a Hotel.

We base our guest projections on the best industry data, the actual use characteristics of Marriott's other timeshare resorts in Hawaii, and actual use data from the Maui Ocean Club and Maui Marriott Hotel. Additional details on guest projections have been included within Table 1 of the Final EIS.

We were also asked to compare the full utilization of the Hotel versus the Timeshare facility. This would include 100% occupancy of every unit (and every lockoff unit for the timeshare) and full use of every room by the maximum party size allowed. Under these circumstances, the TS facility would still have a lower guest count than the Hotel (2746 versus 2880 guests).

- 3) *Loss of Rental Income.* MVCI acknowledges that construction related atmosphere (noise, views, and potentially, dust) may be unpleasant to the residents and guests of the KAC, and these disturbances may make your unit less attractive to potential renters during the construction period.

While construction can be an unpleasant process, MVCI is dedicated to being a good neighbor, and plans to implement construction practices that are in many cases more stringent than the standards allowable by law in order to minimize the impacts of the construction period. In the following sections, we discuss our plans to minimize impacts due to noise and dust.

While some KAC owners have recommended direct monetary compensation for lost rents, MVCI strongly disagrees that such direct compensation is warranted. Essentially, we feel that such mitigation is equivalent to having to pay a neighbor for the right to develop our property. Given the amount of development performed by MVCI, we see no reason to set such a precedent. Disagreement on this point will be noted in the Final EIS.

Despite disagreement on the subject of direct compensation, we are seeking a win/win resolution to the rental issue. As a potential solution, we are in early discussions with Classic Resorts (and will soon include the KAC Rental Owners Corporation (ROC)) towards an agreement where MVCI could boost occupancy at the KAC by utilizing KAC units for our timeshare preview clients and regular timeshare owners. These negotiations are being made good faith and with the intent of establishing a mutually beneficial agreement.

A further in-depth discussion of socio-economic impacts can be found in section III-B of the Final EIS.

- 4) **Construction Noise.** MVCI has been researching measures and practices that can be implemented to reduce both the noise levels and duration of construction activities.

While we continue to research alternatives to a pile foundation, the sub-surface soil conditions at the site preclude many of the available alternatives. While it may be the least desirable of the options, pile driving may be the only viable one. Accordingly, we have paid considerable attention to lessening the effects of foundation pile driving, which can be the noisiest of the construction operations.

Standard pile driving practices permitted by the Department of Health make use of diesel pile drivers, which emit impact noises in the range of 100-105 decibels - the equivalent of noisy mill or discothèque. MVCI has been researching more modern equipment that is being used in noise sensitive environments on Oahu. We have recently completed acoustical measurements of a pile driving operation utilizing a hydraulic driving head, which qualifies as a "semi-quiet" pile driver under industry standards (emitting impact noises in the to 80-90 decibel range at 100 feet). For comparison, 80 decibels is roughly equivalent to city traffic, and 90 decibels is roughly equivalent to the sound level of a motorcycle or lawn mower.

MVCI plans to use these quieter hydraulic pile drivers for its operations, and plans to further quiet and speed operations with the following measures:

- Use multiple pile drivers where possible to reduce the driving period
- Use of impact-noise reducing hammer-cushions,
- Use of pile driver shrouds when safety considerations allow their use
- Pre-drill the pile locations to approximately 80 feet in order to speed operations and reduce hammer operations
- Schedule pile driving to occur during the lower KAC occupancy periods
- In addition, we have agreed to allow the KAC AOA to review and comment on our pile driving methodology as those plans are finalized.

Further, effects of noise from the construction of the Napili building foundation and superstructure should be lessened the by the increased building separation that will occur under Design Option 5. In addition, MVCI plans to locate the concrete staging area towards the Lahaina side of the superstructure on the mauka side, to better shield the noise from the KAC.

For your information, construction activities will be permitted under a Department of Health Noise Permit. The Noise Permit restricts the hours when construction noise can exceed 60 decibels to between 8:00 AM to 4:30 PM.

A further discussion of noise impacts is included in section III-A-4 of the Final EIS.

- 5) **Dirt, Dust & Cleaning.** MVCI acknowledges the potential for dirt and construction dust impacts to the KAC during the construction phase of the Sequel Project. MVCI's construction contract will specify that the contractor's responsibilities will include the cleaning of the KAC units and common areas with respect to project-related dirt and dust.

Such requirements notwithstanding, we intend to address and mitigate such impacts before they happen. The project will include best management practices (BMP's) to control both dust and project runoff during the construction period. These include:

- Containment of materials in the project area with a combination dust/silt fence.
- Consistent, thorough watering of the site for dust control
- Prompt re-vegetation of stripped areas
- Proper covering of loose materials and stockpiles

Our grading plans will be reviewed by both the State and the County to ensure that they are adequate and comply with best-management-practices (methods to control dust and runoff). In addition the KAC AOAO will have the opportunity to review and comment on the project grading plans.

Air quality impacts are addressed in section III-A-3 of the Final EIS.

- 6) **Operational Noise - Pools, Bars, and Luau.** Operational noise from the pool, pool bar, and luau facility has been a frequently expressed concern from KAC owners. We offer the following information in regard to potential noise from these operations:

We are designing the Napili Pool so that its amenities encourage primarily adult use. Only the (existing) central pool will contain facilities specially designed for children's use such as water slides, children's pools, and the shipwreck replica. Families with children and pool users wanting active features such as the water slides will be attracted to the existing main pool complex, rather than the proposed new Napili pool.

Per the latest site design (Option 5), the pool area has been moved further away from the property line and is now ~85 feet from Building 3 of the KAC. The hours for the Napili pool will be 7:00 AM to sunset (around 7:00 PM).

We feel that the location, design, and limited hours of operation will make the new pool area less noisy than the current use of the area as a parking lot and tennis facility, especially in the evening hours.

Hours for the Napili Pool Bar will be the same as the pool. The Pool Bar will be situated on the south side of the Napili Building and will not be visible from buildings 3 & 4 of the KAC.

It should also be recognized that noise from the pool area will also be controlled for the comfort and convenience of our own MOC guests whose units are in much closer proximity to the pool area.

There are no plans to relocate the luau grounds to the north side of the property. In fact, the luau will cease operations altogether with the commencement of construction of the proposed Lahaina Building.

Wind. A study was conducted by West Wind Laboratory Inc. at their laboratory located in Marina, California, to determine the impact of the proposed sequel buildings to the existing Maui Ocean Club building and to the neighboring Ka'anapali Ali'i Condominium building to the north. The study was conducted in December 2002 and March 2003 by Dr. Jon D. Raggett, PhD, SE, a leading national authority in the analysis of wind velocity impact on built structures and the environment. The study involved wind tunnel testing of three-dimensional models at prevailing wind directions at the ground level and along the vertical faces of the structures. The study was based initially on the proposed sequel configuration as described in the DEIS (Option 3) and was subsequently expanded to include the configurations of Options 1 & 2.

The studies were undertaken to identify potential (undesirable) wind speed acceleration in the gap between the proposed Napili Sequel and the Ka'anapali Ali'i Condominium and similar acceleration along the face of either building. The findings of the studies are summarized below:

- All three optional layouts described in the DEIS will increase winds along the south face of Ka'anapali Ali'i Building 3. The impact on Building 4 is negligible.
- None of the wind speeds, at the ground level and up the faces of the KA condominiums, exceed the ambient wind speed that one would experience in one's face at a nearby open field location.
- The wind speeds up the face of the KA condominiums Bldg 3 increase least with Option 1, most with Option 2, and slightly less for Option 3.
- Balconies up the face of Bldg 3, which are protected now, may experience higher wind speeds across the faces of the balconies with the addition of any of Options 1, 2, or 3. It should be noted that the balconies along the south face of Bldg 3 are recessed, and not projecting, from the face of the

building. In addition, these balconies have planters along their outer faces. These factors will diminish the impact of the higher winds across the faces of these balconies.

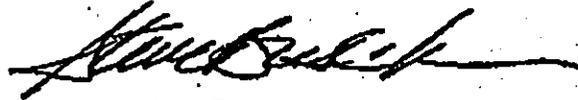
Due to further development of Design Options after the Draft EIS review period, the lab was asked to address the potential change in wind impacts regarding (the latest) design options 4 & 5. Additionally, we inquired to the affects of non-prevailing "Kona winds". The resulting analysis is summarized as follows:

- The stepped (10/12 story) building design in Options 4 & 5 will reduce vortex winds at the corner of the proposed building and thus reduce wind acceleration between the proposed building and the KA Condominium.
- The wind speeds between the proposed building and the KA Condominium should be least for Option 5, then Option 4, then Option 3.
- It is reasonable to assume that wind speeds in the between the proposed building and the KA Condominium due to "Kona winds" will be similar to the effect of similar strength prevailing winds, but obviously in opposite directions. Again too, for Kona winds, wind speeds in the gap will probably be least for Option 5, then Option 4, then Option 3.

Since Design Option #5 will increase the separation between the KAC Building 3 and the proposed Napili Tower from 110 feet (under option #3) to ~130 feet, wind effects are anticipated to be even less than the (negligible amounts) identified in the analysis of options # 1, 2, & 3. The Final EIS will include the wind study with additional reference to design options #4 & 5 as Appendix N.

Thank your for your participation in the Environmental Assessment Process. If you have questions regarding this letter, please contact me at (808) 674-3501.

Respectfully Submitted,



Steve Busch
Regional Vice President
Development & Construction

02/09/03

KAANAPALI OPERATIONS ASSOCIATION, INC.

2530 KEKAA DRIVE, RM. B-2

LAHAINA, HAWAII 96761

TELEPHONE (808) 661-7370

FAX LINE (808) 661-7371

FEBRUARY 14, 2003

'03 FEB 18 P1:51

Mr. Michael Foley
Planning Director
County of Maui Planning Department
250 South High Street
Wailuku, Maui HI 96793

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Subject: Marriott's Maui Ocean Club New Sequel Buildings
Attention: Mr. Joe Alueta, Staff Planner

Dear Mr. Foley and Alueta:

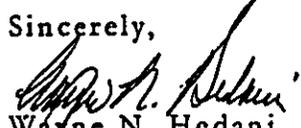
My name is Wayne N. Hedani, President of KaaNapali Operations Association, Inc., (KOA) writing on behalf of our Board of Directors. KOA is a non-profit corporation established in 1996 to assume administration of the Declaration of Restrictions and Design Guidelines for The KaaNapali Beach Resort, where the above applicant proposes the Marriott's Maui Ocean Club New Sequel Buildings.

While KOA supports the applicant and the jobs and investment which is represented by the planned improvements, we would like to inform the Planning Department, The Maui Planning Commission and Urban Design Review Board, that the project has not yet secured KOA's Architectural Review approval which is required under the governing documents applicable to the property.

KOA has no objection to the applicant proceeding with its application at this time, however we request the County consider requiring the applicant obtain KOA's Architectural Review approval prior to the commencement of construction of improvements proposed under this application.

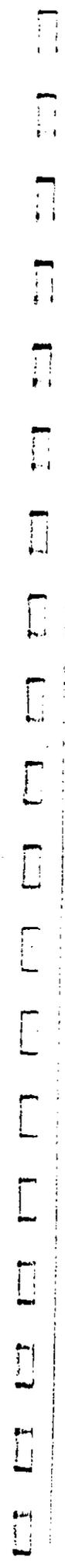
The Architectural Review Committee, which advises KOA on matters of architectural review, is currently in ongoing discussions with the applicant on the design issues of the project. The concerns, we believe, will be amicably resolved before any improvements are initiated. Please feel free to call me should you have any questions on the above. .

Sincerely,


Wayne N. Hedani
President

KaaNapali Operations Association, Inc.

cc: Mr. Steve Busch, V.P. Marriott Vacation Club
KOA Board of Directors
KOA Architectural Review Committee





**CHRIS
HART**
& PARTNERS, INC.

July 8, 2003

Mr. Wayne N. Hedani, President
Kaanapali Operations Association, Inc.
2530 Kekaa Drive, Room B-2
Lahaina, HI 96761

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Hedani,

We are in receipt of your comments dated 2/14/2003. We have addressed your comments below. Your letter will be included in the Final Environmental Impact Statement.

1. *County Enforcement of KOA Restrictions.* We respectfully disagree with your request that the County of Maui should consider requiring KOA approval before granting any County-related construction approvals. We feel that Governmental involvement is inappropriate in a private (civil) agreement, specifically- the Resort's design review process and/or enforcement of the Resort's CC&Rs.

MVCI has consistently represented that it is seeking KOA approval for all improvements related to the Maui Ocean Club Sequel Project. We agree that the project designs can be amicably resolved between KOA and MVCI ahead of County administered permits.

If further clarification is necessary, please call.

Respectfully Submitted,

Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI
CC: Joe Alueta, Maui Planning Department

LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 • FAX: 808-247-1956

C L A S S I C R E S O R T S

February 20, 2003

RECEIVED
FEB 21 2003

Marriott Vacation Club International
c/o Mr. Chris Hart
Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, HI 96793

Office of Environmental Quality Control
235 S. Beretania Street, Suite 702
Honolulu, HI 96813

Mr. Joe Alueta, Staff Planner
Maui Planning Department
250 S. High Street
Wailuku, HI 96793

Re: Comments on the Maui Ocean Club Sequel Project Draft EIS

Gentlemen:

Classic Resorts is both the Association manager and the exclusive on-site rental management company for Kaanapali Alii. The company and its approximately 130 employees who work exclusively at Kaanapali Alii, will be significantly and severely impacted during the construction of the Marriott Napili Tower as part of its expanded time share development.

We believe the level of noise and dust activity during various stages of construction will render all of Kaanapali Alii unrentable for a time, and many units unrentable for virtually the entire period of construction of the Napili Tower. We could not disagree more with the conclusions reached in *Section 9. Impact to Adjoining Properties (page 31) of DEIS, and Appendix I, Section 5.2.1 of the SMS Socio Economic Impact Assessment*. No one from SMS nor the Marriott and its planners has knowledge of Alii rental occupancies, actual room rates, returns to owners, operating expenses of the property or similar economic data from which to draw their conclusions. In addition, we know first hand the negative guest response even the smallest improvement projects can elicit, let alone the impact of a project the size of this one.

Due to the uniqueness of its management contracts with approximately 195 renting owners, Classic Resorts assumes all the operating costs for the hotel operations of the property meaning maintenance, front desk, concierge, housekeeping, administration, beach activities, etc. Neither the condominium owners nor the Association of Apartment Owners contribute to this overhead structure. Given the significant fall off of occupancy due to construction, Classic Resorts could not afford to keep many of its 130 employees employed during the disruptive construction periods. Many of our employees have worked at Kaanapali Alii since its opening in 1982. The employees of Kaanapali Alii are all Maui based.

RESORT MANAGEMENT
180 DICKENSON STREET, SUITE 201 • LAHAINA • MAUI • HAWAII 96761
CORPORATE OFFICE (808) 667-1111 • FAX (808) 667-1121

Marriott Vacation Club International
Office of Environmental Quality Control
Mr. Joe Alueta, Maui Planning Department
February 20, 2003

Page two

And while it may be true there will be a short term increase in construction employment due to the project, it is not clear how many of those construction workers will come from the Maui population.

Marriott states that it was able to keep its hotel operation going during its pool construction at reduced rates. That does not equate to the Alii situation on several levels:

- First, Alii has a higher rate structure than the Marriott's and guest expectation levels are higher. The type and extent of construction activity created by the Marriott will not be attractive to our guest base, no matter the cost.
- Second, if it was feasible to attract guests at a lower rate, the cost of operating Alii on a per room basis is significantly higher than that of the Marriott given the size of the units and the guaranteed returns to owners.
- Third, the extent of the Marriott pool expansion does not compare with the scope of the Lahaina and Napili Towers construction.
- Fourth, the Marriott courtyard work was done as a precursor to future financial returns. For Alii owners and guests, the Marriott's construction activity will have no such reward. Rather, Alii owners and Classic Resorts will have the short term economic impact of dramatically lower revenues, and the long term impact of marginalized views and a building in close proximity. These two factors have the potential for making Alii less desirable for vacations and investment going forward.

It is also my belief the DEIS dramatically underestimates the time Alii Buildings three and four will be impacted as well as the entire Alii project.

- Alii's first exposure to construction begins in June 2005 and lasts for 42 days, with the demolition of the tennis court area and the construction of the temporary parking lots.
- In June 2006, and lasting 391 days, is the construction of the Napili Tower. We estimate the buildings to be severely impacted for 80% of this time.
- When pile driving takes place for 70 days, all of Alii would be unrentable.

Marriott Vacation Club International
Office of Environmental Quality Control
Mr. Joe Alueta, Maui Planning Department
February 20, 2003

Page three

In discussions with the General Manager of Maui Kaanapali Villas, he stated he had guest complaints and room moves due to the construction for the Starwood North Beach Project and that project is at least 1,000 feet away from his property. The Napili Towers will be no more than 110 feet away from Kaanapali Alii, with construction activity being even closer.

Despite DEIS statements to the contrary, there will be short and long term economic consequences for Alii employees, Alii homeowners, and Classic Resorts. We would hope these constituencies are considered during the planning and construction processes.

Sincerely,
Classic Resorts Limited



Jeff Halpin
President

JH:ii



July 8, 2003

Mr. Jeff Halpin, President
Classic Resorts
180 Dickenson Street, Suite 201
Lahaina, HI 96761

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Halpin,

We are in receipt of your comments dated 2/20/2003. We have addressed your comments below. Your letter will be included in the Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. **Disagreement over the Extent and Duration of Construction Impacts.** Given that Classic Resorts disagrees significantly with the Socio-Economic Study presented in the Draft EIS, we have included discussion of this disagreement in the revised Socio-Economic study and text of the Final EIS.
2. **Clarification of MOC Construction Impacts.** We wish to note that the Maui Ocean Club improvements were not limited to redevelopment of the courtyard area as it is insinuated in your letter. The improvements included the conversion of individual hotel bays to one and two-bedroom timeshare suites. Such conversion required the demolition of interior walls and re-construction activities. MVCI was able to keep its hotel operations during this period, albeit at reduced rates.

3. *Reducing Impacts in the Planning and Construction Phases.* MVCI aims to reduce impacts to the KAC by incorporating the best practical construction practices, and designing the project to minimize impacts.

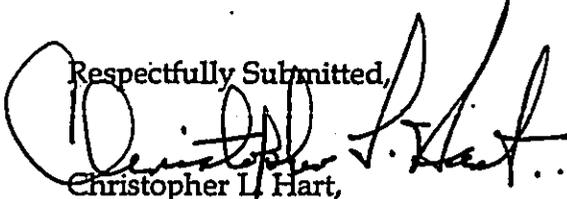
Please see to the discussion on building siting & private views in the attached memo (item #1). The latest design option for the project (#5) was developed after the Draft EIS review period. It provides better view corridors for the KAC and increases the separation between the projects to 130 feet. The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).

MVCI is also actively seeking to reduce noise impacts during the construction phase. Our research into alternative pile driving technologies has revealed that there are significantly quieter driving technologies (See the addendum to Appendix C: Environmental Noise Impact Assessment). Our treatment of construction noise impacts is discussed in items #4 of the attached memo. Noise impacts are addressed in section III-A-4 of the Final EIS.

MVCI has informed us that you have been instrumental in the advancement of the program in which MVCI could utilize KAC guestrooms for preview guests and timeshare owners in its vacation club program. In the program MVCI would benefit through the increased inventory available for its program, and the KAC would benefit via additional occupancy of its units, a win-win solution.

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,


Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

**KAANAPALI ALII
RENTAL OWNERS CORPORATION**

50 Nohea Kai Drive • Lahaina, Hawaii 96761

February 21, 2003

RECEIVED
FEB 24 2003
CHRIS HART & PARTNERS, INC.
Lahaina, Hawaii 96761

Marriott Vacation Club International
c/o Mr. Chris Hart
Chris Hart & Partners, Inc
1955 Main St. Ste. 200
Wailuku, HI. 96793

Office of Environmental Quality Control
235 S. Beretania St. Ste. 702
Honolulu, HI. 96813

Mr. Joe Alueta Staff Planner
Maui Planning Department
250 S. High St.
Wailuku, HI. 96793

Re: MVCI Sequel Project Draft EIS

Gentlemen:

The undersigned are Officers & Directors of the Kaaanapali Alii Rental Owners Corporation. (ROC) We represent approximately 194 renting owners who are under management contracts with Classic Resorts LTD. We are aware that the proposed Sequel Building Tower on the Napili Side will negatively impact the existing Kaaanapali Alii in general and buildings three and four specifically.

We were appreciative of the presentation that was put on at our Annual Homeowners Meeting in November, but it appears that many concerns of our owners have not been addressed. As the representative of the Alii renting owners, we have received input from a volunteer group of concerned renting owners. Although their concerns might differ from owner to owner, it is the consensus of opinion that they are unified about several issues, as is the ROC.

We are requesting that consideration be given to the following common issues:::

1. That any Napili side Tower be placed in such a manner as to preserve the existing view corridors at the Alii's buildings three and four. If current plan constraints disallow this, then consideration should be given to downsizing the Napili Tower's density to lessen the impact to the Alii buildings. Any loss of views would downgrade a unit's rental and real estate value. The lowering of unit values and future sales prices would adversely impact the entire Kaaanapali Alii apartment project..

**KAANAPALI ALII
RENTAL OWNERS CORPORATION**

50 Nohea Kai Drive • Lahaina, Hawaii 96761

Page 2

2. Due to the noise, dust, and general disruption to the area created by the demolition and construction, a majority if not all the Alii units will be unrentable and/or uninhabitable for significant periods of time.

Many renting owners need income to sustain their investment. We believe the Marriott needs to, in some fashion, mitigate the negative economic impact of their construction as well as loss of owner use.

3. We would like written assurance from the Marriott and proper local authority that there be no Luau activity near the Napili Tower, that any proposed pool and pool bar be placed away from the Alii side of the Tower, and that no food or beverage operations in proximity to the proposed Napili Tower be opened earlier than 11:00 a.m. and close no later than 7:00 p.m.

4. That any proposed landscaping take into consideration the possible blockage of ocean view corridors both now and in the future due to growth, such as palm trees.

You will probably be receiving individual letters from many of our renting owners but we want you to be aware of the position, as stated above, that the Officers & Directors of the Rental Owners Corporation are taking with regard to your proposed project.

If any of the above needs clarification, our Directors & Officers as well as members of our volunteer group of concerned homeowners, would make ourselves available to meet with any of the addressees listed above at a time that could be arranged, that would be mutually agreeable.

Respectfully submitted:

John T. Gidre' President
Alan Josefsberg Vice President
Martin Casden Secretary
James K. Hitch Treasurer

Thomas Yaley Director
Con Nguyen Director
Rich Rachner Dir .and Marriott Expansion Liaison



July 8, 2003

Ka'anapali Ali'i Rental Owners Corporation
50 Nohea Kai Drive
Lahaina, HI 96761

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear associated Officers & Directors of the Ka'anapali Ali'i Rental Owners Corporation,

We are in receipt of your letter dated 2/21/2003 regarding the Maui Ocean Club Sequel Project. Although your letter was in a format expressing your general concerns rather than commenting directly on the data provided in the Draft EIS, we will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

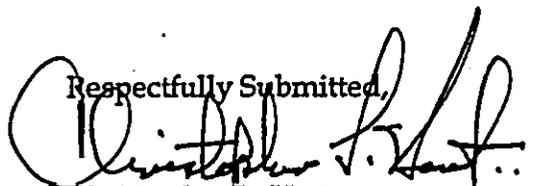
The memo addresses many of the concerns listed in your letter. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. *View Corridors from KA Buildings 3 and 4.* You may be pleased to know that additional siting & design options for the Napili building have been developed with input of several KAC owners. The resultant plan (#5) will lessen view impacts to the KAC, and increases separation between the projects. Please refer to the discussion on private views in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).

2. **Construction Impact Mitigation.** In response to the your questions regarding lost rents during construction, we have included information regarding MVCI's position, and current status of discussions regarding this issue in the attached memo (item #3). Socio-economic impacts are discussed in section III-B of the Final EIS.
3. **Accessory Uses.** For your information, there are no plans to relocate the luau grounds to the north side of the property. In fact, the luau will cease operations altogether with the commencement of construction of the proposed Lahaina Building. The pool bar will be located on the south side of the proposed Napili pool and will be open during typical daylight hours (~7AM to ~7pm). MVCI has indicated that they would not oppose such conditions being attached to the project's SMA permit.
4. **Landscaping & KAC Views.** As reflected in the site plan included in the EIS, MVCI's intention is to create an open space environment adjacent to the shoreline and between the KAC and proposed Napili building. It is not MVCI's intent to wall-off the KAC buildings with landscaping. The primary element will be grass lawn, with punctuation by various trees and shrubs similar to existing landscape planting on the property. MVCI recognizes that there are concerns that trees could obscure views by KAC unit owners, and has informed the AOO that it is willing to provide a preliminary landscape plan to the KAC for review and comment prior to construction of landscape improvements. We note that the removal of the screens that shield the existing tennis courts will enhance the view corridors from the lower units in KAC buildings 3&4.

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

February 21, 2003

VIA FACSIMILE AND CERTIFIED MAIL

Mr. Chris Hart
Marriott Vacation Club International
c/o Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, Hawai'i 96793

Dear Mr. Hart:

Re: Comments on Draft Environmental Impact Statement for
Maui Ocean Club Sequel Project

The AOA of Ka'anapali Ali'i Condominium ("KAC") appreciates the opportunity to comment on the Draft Environmental Impact Statement ("DEIS") prepared for the Maui Ocean Club Sequel Project (the "Project"). Marriott Vacation Club International ("Marriott"), the owner of the Project, is proposing to demolish certain existing structures within the Maui Ocean Club Resort identified by tax map key no. (2) 4-4-013:001 ("Resort") and to add two new villa unit buildings, parking structures, site amenities, and landscaping. KAC is concerned that the Ka'anapali Ali'i Condominium (located immediately to the north of the Project), and its constituent members, will be adversely impacted by the Project as proposed. Therefore, KAC submits the following comments on the DEIS.

1. **Seismic Vibration**

KAC is concerned that seismic vibration generated by construction on the Project will cause damage to KAC structures. The DEIS does not discuss this issue. The Final Environmental Statement ("FEIS") should address this problem in at least three ways.

First, the FEIS should contain a mitigation plan for impacts caused by seismic vibration generated by construction and pile driving. As part of that plan, Marriott should consider and adopt best management practices ("BMPs") approved by the appropriate governmental agency during construction to reduce and minimize the amount of seismic vibration reaching beyond the Resort's property line. For example, Marriott should consider, and perhaps should implement, pre-drilling pile locations before pile driving. Pre-drilling is identified in the DEIS as a potential mitigation measure for noise impacts, DEIS at 15, but Marriott should also commit to

Donna Y. L. Leong
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FEB 24 2003

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IMANAGEDB:460217.4

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considering, and perhaps adopting, pre-drilling as part of its mitigation plan for seismic vibration impacts.

Second, the FEIS should contain a monitoring plan for seismic vibration. The plan should include seismographic monitoring, by an independent and qualified geotechnical engineer, of "particle velocity" during construction and pile driving. The vibration levels measured at the Resort's property line must be within governmental guidelines. Marriott's mitigation plan should state that construction or pile driving will not occur until and unless it is done in a manner that complies with those guidelines.

Third, we ask that the FEIS state that Marriott will provide KAC with notice of, and an opportunity to comment on, the exact methodology used to drive piles and to undertake other construction activities that may cause seismic vibration before commencing such activities.

2. Visual Resources

The discussion of the Project's impact on visual resources in the FEIS should disclose that the erection of the Lahaina and Napili buildings will add to the perception of crowding along the Ka'anapali Beach skyline. Figure 15A of the DEIS, which shows a simulated view looking makai from Kekaa Drive, demonstrates that the proposed Napili building will fill the existing open space corridor between the Maui Ocean Club building and the KAC buildings. To the extent that infill buildings obstruct or crowd the views of existing hotel and apartment properties like KAC, they will contribute to a perception of crowding within the Ka'anapali Resort and, consequently, decrease its desirability as a resort destination.

In addition, the FEIS should clarify the impact of the Project on the views from units in KAC. The development of the Napili building will undeniably alter and diminish the quality of the ocean views from apartments in the two KAC towers facing the Napili building. The statement under "Option 2" of Figure 16 of the DEIS that the "'site line' [sic] setback . . . preserves the entire ocean view of the KA seaward tower" is misleading. The existing sight line from the KAC seaward tower to the ocean is already constricted by existing Resort buildings. The proposed siting of the Napili building preserves this constricted line of sight. The statement and the diagram are misleading because, due to its height and proximity, the proposed Napili building will loom large in the view cone of individuals looking out of Lahaina-facing KAC apartments. The FEIS should revise Figure 16 and the descriptions of the options in order to represent accurately the impact of the Project on the views from seaward-facing KAC units.

Furthermore, numerous requests have been made by KAC of Marriott to provide KAC with simulated views looking makai (at perhaps several angles) from the two KAC buildings immediately adjacent to the Napili building. The FEIS should contain such simulated views, from various viewpoints.

3. Parking

The draft construction schedule in the DEIS (Appendix B) indicates that temporary surface parking lots will be constructed and in place from July 2005 to late June or early July 2006. The DEIS does not state where on the Resort property these parking lots will be situated. In addition, no potential impacts associated with the construction and use of the temporary parking lots are discussed in the DEIS. The FEIS should identify the location of the temporary parking lots and discuss any associated impacts, such as drainage, runoff, noise, and air quality, and measures to mitigate those impacts.

4. Noise

The DEIS does not adequately discuss short-term construction noise impacts and long-term noise impacts from the adult pools and parking structure proposed for the Project. Although the DEIS identifies noise impacts due to construction and potential mitigation measures, it does not specify which mitigation measures will be used.

In addition, the DEIS states that "[n]o long-term acoustical impacts were anticipated with the completion of construction . . ." DEIS at 15. However, the siting of certain features of the Project suggests that reported average noise levels along the KAC property line, which are relatively low and less than 58.2 dBA, will be exceeded. Appendix C, Table 2. Two adult pools will be built alongside the makai side of the new Napili building located across from KAC. Pool activities and voices emanating from people using the pool or amenities offered in the pool area will generate noise above normal ambient levels. The DEIS does not discuss these noise impacts and mitigation measures related to these impacts. The FEIS should address these concerns. As a related matter, if alcoholic beverages will be served at the proposed adult pools, the noise limits of the Maui Liquor Control office must be met. The FEIS should specify that activity at the pools will be controlled to comply with the legal noise limits.

The Environmental Noise Impact Assessment attached as Appendix C to the DEIS also identifies as a potential source of noise the use of the parking structure that will service the new Napili building. According to the Assessment, "noise levels from the proposed parking structure may be equivalent or higher depending on the construction materials of the structure, e.g., a brushed or broomed concrete finish in lieu of smooth concrete ramps would help reduce tire squeal in the parking structure." Appendix C at § 6.0. However, the DEIS does not specify what materials will be used to build the parking structure and how effective those materials will be in reducing noise. The DEIS also does not describe the mitigation measures that will be taken to minimize noise generated from the parking structure. KAC is concerned that vehicles entering and exiting the parking structure will create an unacceptable amount of noise, especially during the evening. Therefore, the FEIS should contain a mitigation plan for reduction of noise generated by use of the parking structure.

If potential noise impacts from the adult pools, parking structure, or other outdoor activities associated with the Project are not expected due to the circumstances of the proposal or because of implementation of noise mitigation measures, the FEIS should state so clearly and definitively.

5. Surface Runoff and Drainage

The DEIS does not adequately discuss the environmental impact of surface runoff caused by construction. Marriott states in the DEIS that it intends to obtain a NPDES permit. The FEIS should state which type of permit (i.e., general or individual) that Marriott will seek to obtain and whether the permit is being sought in anticipation of construction-related runoff into the ocean.

Moreover, with respect to construction and post-development surface runoff, KAC requests notice of, and the opportunity to comment on, Marriott's detailed grading and drainage plans (including mitigation and prevention measures) before they are submitted to governmental agencies for review and comment, which presumably will occur before construction commences.

6. Dust

The FEIS should contain a mitigation plan using BMPs to control fugitive dust and erosion. The DEIS suggests using dust/silt containment fences around project work areas, watering and re-vegetating bare areas, and covering truck loads. DEIS at 14. While these measures are helpful, KAC is uncertain whether they are part of a comprehensive mitigation plan for dust control. If so, the FEIS must explain the mitigation plan in detail. KAC requests notice of, and opportunity to comment on, Marriott's plan for dust control before it is submitted to governmental agencies for review and comment, which presumably will occur before construction commences.

7. Recreational Resources

The DEIS states that the Project will add on-site recreational resources. DEIS at 29. The recreational resources identified in the DEIS consist of two new pools within the Resort property and the creation of more open space near the shore but within the Resort property. However, the DEIS does not identify the specific recreational activities and amenities that will be offered to guests of the Resort. The FEIS should include this information FEIS because environmental impacts may result from certain activities or amenities.

8. Cumulative Impacts

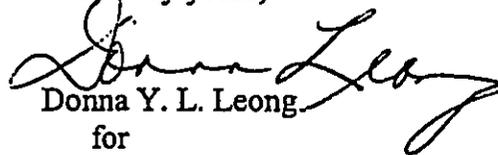
In considering whether the environmental effects reviewed in a DEIS are significant, the accepting agency is to "evaluate the overall and cumulative effects of an action." Hawai'i

Letter from D. Leong to C. Hart
February 21, 2003
Page 5 of 5

Administrative Rules § 11-200-12(a). The DEIS states that "[i]t is likely that the proposed project will preclude further residential development of the project." DEIS at 42. The FEIS should confirm whether any more structures are contemplated within the Resort property in the future. If the answer is yes, the cumulative impacts of the proposed Project and the contemplated improvements in the future must be analyzed together. Otherwise, Marriott should confirm that no new development, other than the Project, will occur within the Resort.

Again, KAC appreciates the opportunity to participate in the environmental review process. Please forward to me a copy of the FEIS when it is complete. Thank you.

Very truly yours,



Donna Y. L. Leong

for

CADES SCHUTTE

A Limited Liability Law Company

c: Robert Gordon
Joe Alueta, Maui Planning Department
Office of Environmental Quality Control
Elijah Yip, Esq.



July 8, 2003

Ms. Donna Y. L. Leong
Cades Schutte
1000 Bishop Street, Suite 1200
Honolulu, HI 96813

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Ms. Leong,

We are in receipt of your comments dated 2/21/2003. We have addressed your comments below. Your letter will be included in the Final Environmental Impact Statement.

1. **Seismic Vibration.** We have included a discussion of seismic impacts due to pile driving in section III-A-2 of the Final EIS. The discussion includes and commits to pre-drilling as a mitigation measure.

In researching seismic issues with the Ka'anapali Ali'i Staff and the project's acoustic consultant (who is qualified to perform seismic monitoring) the following information was uncovered. First, the Condominium's guest towers are built upon piles that extend to the basalt "bedrock" underlying Ka'anapali Beach. By design, such deep foundation systems effectively insulate the supported structures from settlement of underlying soils strata. Accordingly, any affect on subsurface soil strata resulting from vibration from a pile driving operation on the Maui sequel project would not result in settlement of the KAC unit towers. Secondly, in researching of the monitoring option, the applicant was unable to identify any Federal, State, or County requirements or guidelines related to allowable seismic disturbances. For these reasons, the applicant does not consider monitoring as an effective measure, and the Final EIS does not contain a seismic monitoring plan.

We wish to note that it is in MCVI's own interest to minimize any nuisance impacts during the pile-driving phase of construction. The Maui Ocean Club's Lanai building will be renovated by ~2005 and in operation during the

construction of the Napili building. MOC guests in the Lanai building are closer to the Napili building footprint than the Ka'anapali Ali'i (80 versus 130 feet).

Lastly, the applicant is willing to provide notice of and allow the Ka'anapali Ali'i Condominium to review and comment on pile driving plan prior to implementation. This commitment will be included via this letter, which will be included in the Final EIS.

2. **Visual Resources.** The Final EIS contains additional simulated views of the proposed project in context with existing development, including a view from the (upland) Ka'anapali Vista Neighborhood, and a view from Ka'anapali Beach. The FEIS discloses that the proposed building will lessen existing view corridors, and notes differences in subjective evaluations of the resultant skyline (Section II-A-8).

Additional documentation of the views from the Ka'anapali Ali'i Condominium is included in Appendix O of the Final EIS. The Appendix contains view-corridor overlays for all six stacks of the Condominium's buildings 3&4 that face the Marriott property. We have also included a rendering of the project as seen from each building.

3. **Parking.** The north parking lot will be expanded over the former tennis courts to create additional parking while the existing parking structure on the south end of the property is demolished and the Lahaina Sequel and new parking structure is constructed in its place. Section II-C of the Final EIS has been expanded to include discussion on this temporary parking lot.
4. **Noise.** The Final EIS contains additional discussion of operational noise impacts related to the pools and parking structures. Selected mitigation measures are identified separate from potential measures. Noise impacts are discussed in Section III-A-4 of the Final EIS.
5. **Surface Runoff and Drainage.** The project's construction areas will be designed to contain all surface runoff on-site. The State Department of Health's Clean Water Branch indicates that a "General" NPDES permit will be required.

As further design plans are developed regarding grading and drainage, the AOA of KA will be given notice and the opportunity to review such plans. It should be noted that there will be a significant reduction of impervious surfaces on the Napili Sequel site as compared to the existing tennis courts and on-grade parking area. In addition, any drainage will be handled on-site without run-off to neighboring properties.

6. *Dust.* As mentioned above, we will provide the AOAO of KA opportunity to review and comment on the project's grading and drainage plans, which will include recommended BMPs. The project is still in a conceptual stage, where significant modifications could be made during the SMA permitting stage. Consequently, plans identifying specific BMPs and their locations are premature at this time.

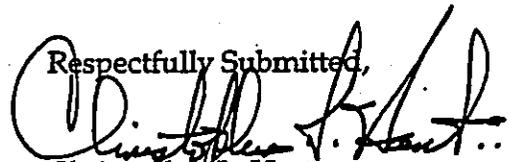
7. *Recreational Resources.* There are no unusual physical features, amenities, or activities planned in the Sequel Project. The Draft EIS includes discussion of the pool, pool deck, and pool bar. Standard services and amenities for these improvements include lounge chair / cabana facilities, towel service, and food/bar service. As mentioned in the Draft EIS, the pools are designed without "children's features" to discourage noisier activities at these pools.

For your information, the Luau facility will cease operations upon construction of the Lahaina building.

8. *Cumulative Impacts.* According to MVCI, there are no other developments for the Maui Ocean Club in the research or planning stage.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

February 3, 2003

03/483
To: MVCI, care of
Mr. Chris Hart
Chris Hart & Partners, Inc.
1955 Main St., Suite 200
Wailuku, HI, 96793

Office of Environmental Quality Control
235 S. Beretania St., Suite 702
Honolulu, Hawaii 96813

✓ Mr. Joe Alueta
Staff Planner
Maui Planning Dept
250 South High Street
Wailuku, HI, 96793

'03 JAN 24 12:04

~~DEPT OF PLANNING
COMMUNITY DEVELOPMENT
JAN 24 2003~~

DEPT OF PLANNING
COMMUNITY DEVELOPMENT
JAN 24 2003

'03 FEB -3 P1:35

Subject: Comments on the Maui Ocean Club Sequel Project Draft EIS

From: Rich and Karen Rachner, Kaanapali Alii Unit #4113 Owners

We very much appreciated the Marriott presentation re the Sequel Project at the November 2, 2002 Kaanapali Alii Homeowners Meeting and the willingness of Marriott representatives to answer questions and consider owner input. In addition, the January 7, 2003, Chris Hart letter to Kaanapali Alii owners served a very useful purpose, and we thank MVCI for taking the time to so clearly communicate this information to us. We further appreciate the opportunity to offer our personal input to this Draft EIS. Hopefully, the dialogue between the Alii and Marriott can continue to be constructive, candid, and result in a win-win solution.

Following is a summary of our concerns and related recommendations:

(1) We purchased our unit, #4113 (11th floor, middle stack of building #4---mountain and Marriott sides), in 1988 because of the beautiful mountain view and because of the excellent view of the ocean. Please see attached picture of the current ocean view from the lanai of our unit.

As suggested by the Marriott people, after the Homeowners Meeting, we viewed the placement of the "orange 2x4's" on the tennis courts and

visualized the proposed Marriott Napili building. To say the least, we were quite discouraged when we realized that our entire view of the ocean would be blocked by the proposed Napili building. This current proposed placement would eliminate the beautiful view of the ocean we currently enjoy and have a serious, negative financial impact on the future value of our unit, and other units in the "3" stack of building four. (We have been unable to enter units in the other stacks of buildings three and four, so our comments will be regarding the impact on views from the middle stack of Building #4.)

As a minimum, our request and recommendation is for the Marriott to change a specific "sight line" as follows--- currently, on Marriott building location option #3, a "sight line" runs from the ocean front corner of the Marriott to the mountain side corner of Alii building #3. We propose that this "sight line" run from the ocean front corner of the Marriott to the mountain side corner of Alii building #4. This would preserve the current ocean views for all units of Building #4, and reduce the negative impact on the views of building #3. Perhaps, this could be done by further rotation of the proposed Napili building, moving it closer to the existing Marriott buildings, and/or further back from the ocean. Hopefully, this could be accomplished with minimum change and without any negative impact to the ocean views for the proposed new Marriott units, resulting in a win-win solution for both the Marriott and Alii.

The above sight line change proposal is just one idea, and we do not claim to be experts in the area of landscape design. But, what we do suggest is that the Marriott attempt to minimize the negative impact on the current Alii views by any combination of the following: (a) moving as much of the proposed expansion to the Hyatt side of the Marriott property, instead of the Alii side----it appears that the distance between the Marriott and Hyatt is sufficiently large so that there will not be any negative impact on existing Hyatt "sight lines" to the ocean, even if the Marriott buildings are made larger and taller on the Hyatt side (b) move any remaining proposed expansion on the Alii side closer to the existing Marriott buildings to create as much space as possible between the Alii and Marriott (c) make the Alii end of the proposed Marriott building as attractive as possible (d) consider making the proposed Marriott Napili building taller (and therefore not as long) so that it is even further away from the Alii lot line (e) make any new Marriott Building on the Alii side the same height as the Alii so that neither Alii nor Marriott occupants have to look at each others' roof top, and (f)

AS A MINIMUM, CHANGE THE SIGHT LINE AS SUGGESTED ABOVE.

We do very much appreciate the fact that MVCI has voluntarily sited the proposed Napili building landward of the mandatory setbacks, as outlined in "The Evolution of Site Plan Alternatives", Figure #16 in the Draft EIS. As Mr. Chris Hart points out in his January 7, 2003 letter to Kaanapali Alii owners, the current option #3 "completely preserves the ocean views from Alii Building #3...and preserves the majority of the ocean view... from the corner units of Alii Building #4". Unfortunately, it does not retain any of the beautiful view from the middle stack of Building #4, in which our unit is located. Hopefully, this letter will create the awareness as to the potential damage to the ocean views from the middle stack of units in Alii Building #4. Unfortunately, this awareness was apparently lacking in the earlier consultations and discussions with the Kaanapali Alii Board and various Groups, because they apparently did not realize that we have such a beautiful view of the ocean from our middle stack units.

In summary of this "ocean view" issue, the Draft EIS repeatedly mentions that there are potential negative view impacts to Kaanapali Alii units, and further, that the Marriott is attempting to minimize any negative impact. We appreciate this goal very much, and hope that this letter will provide input which will help the MVCI achieve that goal.

(2) During construction, do everything possible to minimize noise, unsightliness, dust and any other negative impact on the Alii owners and guests, and compensate the Kaanapali Alii for building, window, and unit cleaning due to Marriott construction.

(3) The Draft EIS frequently refers to the potential of lost rent for Alii owners due to the long demolition and construction period. As a result, we suggest that the Marriott work with designated representatives from the Alii to develop a policy, process and formula to compensate affected Alii owners for lost rent related to the Marriott Sequel Project.

(4) Due to the potential evening noise disturbance from the Marriott Luau, commit to keeping the Luau on the Hyatt side of the Marriott property.

Please contact us if you need any clarification to the points raised in this memo, and thanks for considering our input. In addition, we would

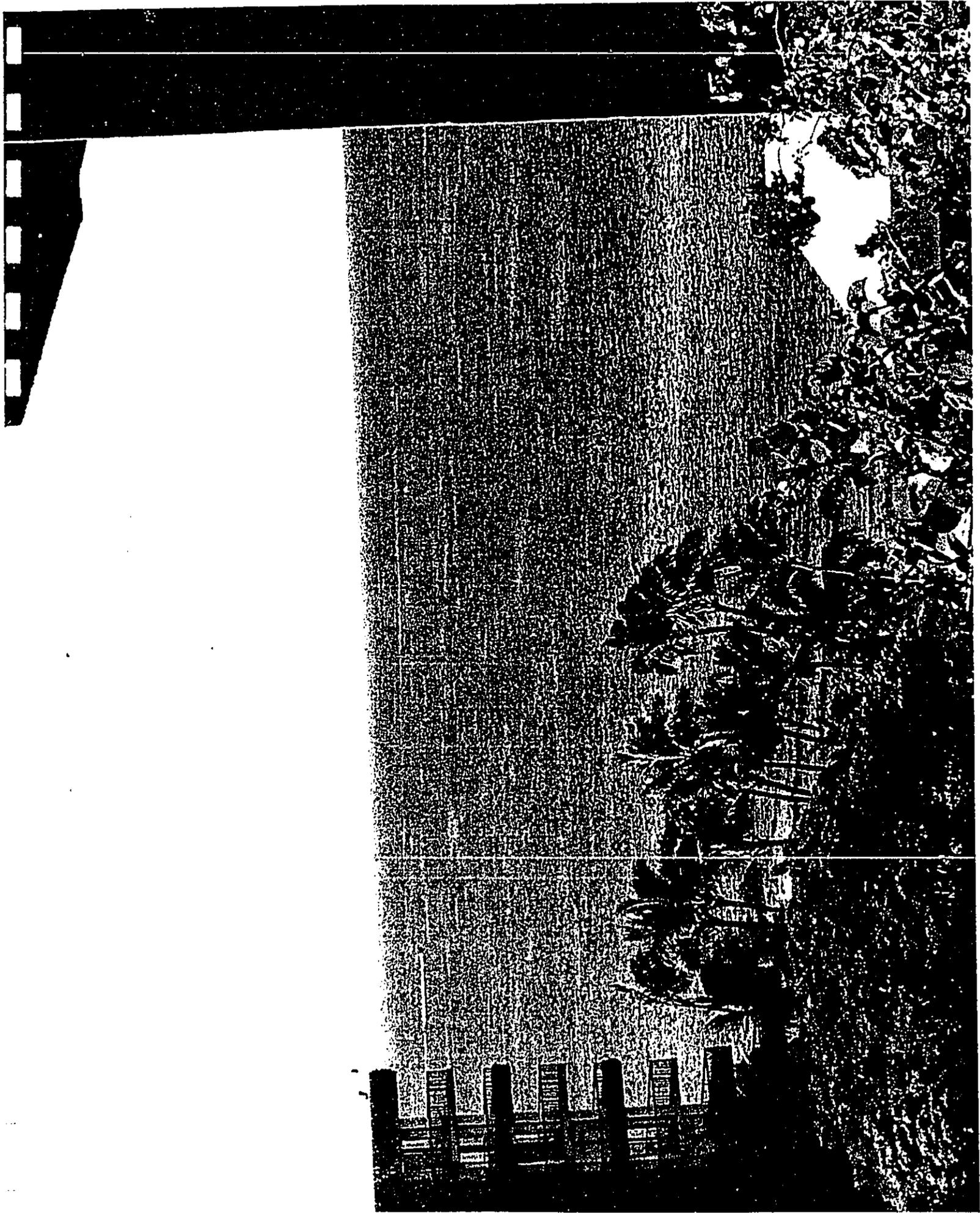
appreciate the opportunity for "consultation" in the future as the Sequel Project develops. (Phone 248-761-0131)

Respectfully submitted,



Richard J. and Karen M. Rachner
4514 Lakeshore Ct.
Brighton, Michigan 48116

Cc: Mr. Steve Busch, Regional VP, Construction and Development, MVCI
Mr. Bob Gordon, Kaanapali Alii Board President
Mr. Terry Gidre, Kaanapali Alii Rental Owners Corporation President
Mr. Mark Altier, Classic Resorts General Manager
Mr. Herb Graw, Kaanapali Alii Marriott Subcommittee Chairman





July 8, 2003

Richard J. and Karen M. Rachner
4514 Lakeshore Ct.
Brighton MI 48116

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Rich & Karen Rachner,

We are in receipt of your letter dated 2/3/2003 regarding the Maui Ocean Club Sequel Project. Although your letter was in a format expressing your general concerns rather than commenting directly on the data provided in the Draft EIS, we will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

We thank you for attending the April 28th and May 14th meetings by phone.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

The memo addresses many of the concerns listed in your letter. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

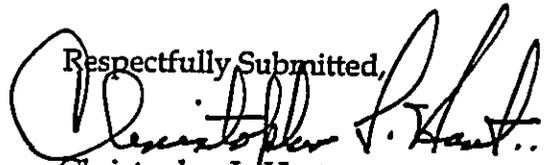
1. *Views from KA Units.* Please refer to the discussion on private views in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).
2. *Construction Related Physical Impacts.* MVCI's treatment of construction-related impacts is discussed as items #4 & 5 of the attached memo.

Letter to Richard J. and Karen M. Rachner
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

3. *Loss of Rents.* In response to your questions regarding lost rents, we have included information regarding MVCI's position and the current status of discussions regarding this issue in the attached memo (item #3). Socio-economic impacts are discussed in greater depth in section III-B of the Final EIS.
4. *Luau Facilities.* There are no plans to relocate the luau grounds to the north side of the property. In fact, the luau will cease operations altogether with the commencement of construction of the proposed Lahaina Building.

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

03/558

10124 wedge PKwy. #125
Reno. Nv. 89511
Telephone (775) 852-1957

February 4, 2003

MVCI, care of
Chris Hart and Partners, inc
1955 Main Street Suite 200
Wailuku, HI, 96793
Att: Mr. Chris Hart

'03 FEB -6 12:22

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Office of Environmental Quality Control

Maui Planning Department
250 South High Street
Wailuku, HI, 96793
Phone: (808) 270-7735
Contact: Mr. Joe Alueta, Staff Planner

Comments on the Maui Ocean Club Sequel Project Draft EIS

Concerns regarding the Napili Building

1-Noise from pool

- A. move away from property line equal to building side set back.
- B. No pool bar on Alii side of pool.
- C. Pool hours for "Adult only" pool.

2-No Luau on Napili Side

3-Landscaping needs to be low growing, not over 3 -4 ft.

4-privacy from Napili lanai's looking into ours.

5-Lost view from Alii buildings 3 and 4.

6-Beach erosion

7-Loss of morning sun light caused by a 10 story building.

8-Complete loss of rents when Pile driving construction is being done.

9-Loss of rent when outside of building is going up, due to noise. We will have to reduce our rates by at least 50% during that time.

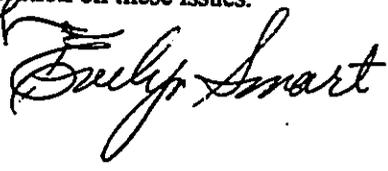
10-Loss of rents when inside work is being done due to noise. We would have to reduce our rates by at least 25% during that time.

11-We are concerned about the construction noise, dust and dirt that will be going into our condo and also on the outside.

12-Move Napili building back as far as possible and as close as possible to existing Marriott building to keep view loss at a minimum.

13-Traffic on the 2 lane road between lahinia and the airport is already over crowded and the Marriott time share and Westin Time share will only make it worse. Some of these projects need to be stopped until these roads are widened to handle the additional traffic.

Thank you for your consideration on these issues.

Del Smart

 Evelyn and Del Smart
 Unit 314 kaanapali Alii



**CHRIS
HART**
& PARTNERS, INC.

July 8, 2003

Evelyn and Del Smart
18124 Wedge Parkway, #125
Reno, Nevada 89511

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Evelyn and Del Smart,

We are in receipt of your letter dated 2/4/2003 regarding the Maui Ocean Club Sequel Project. Although your letter was in a format expressing your general concerns rather than commenting directly on the data provided in the Draft EIS, we will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

We thank you for attending the April 28th meeting (by phone) and the meeting held in Northern California on May 14, 2003.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

The memo addresses many of the concerns listed in your letter. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. *Noise from Pool.* We have provided clarification and update regarding the pools and Luau activities in item #6 in the attached memo.
2. *Luau.* There are no plans to relocate the luau grounds to the north side of the property. In fact, the luau will cease operations altogether with the commencement of construction of the proposed Lahaina Building.

3. *Landscaping.* View related issues related to landscape planting and the design & siting of the proposed Napili Building are addressed in item #1 of the attached memo. The KAC AOA will have the opportunity to review and comment on the landscape plans prior to construction.
4. *Privacy.* The primary factors contributing to privacy between proposed MVCI and existing KAC units are the separation between the developments and the directional orientation of the buildings. Unfortunately for both parties, the KAC units are oriented towards the Marriott property (especially in Building 3), and the closest units are only ~35 feet from the mutual property boundary.

MVCI design considerations for privacy thus involve orienting the building favorably and providing building separation by the siting of the proposed Napili building. In the latest design option (#5), we have oriented the proposed Napili Building so that the primary view direction is nearly 90 degrees different than that the orientation of the Building 3 units at the KAC. With this orientation, KA unit owners will be facing the end of the proposed Napili Building, rather than having the projects' units facing each other. Secondly, the building has been sited back from the shoreline setback, which situates it more in line with the "knuckle" between KAC buildings 3&4 rather than in front of either. Lastly, our design option #5 increases the setback from the mutual property boundary from ~30 feet (in option #2) to ~85 feet. With design option #5, the building separation between the respective projects will result in the closest units being ~135 feet apart.

5. *Views.* Please refer to the discussion on private views in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).
6. *Beach Erosion.* We have addressed the issue of wind velocity impacts in the attached Memo (issue #7), which discusses a wind velocity impact study prepared for the Sequel Project. The study will be included in Appendix N and the findings of the study will be summarized in section III-A-11 of the Final EIS.

Dr. Jon D. Raggett, PhD, SE of West Wind Laboratory Inc., a leading national authority in the analysis of wind velocity impact on built structures and the environment, was consulted on the potential impact of the proposed structures on the beach and shoreline erosion. Dr. Raggett, who conducted the wind study analysis for the proposed sequel buildings, has stated that the proposed sequel buildings will have no negative impact on the movement of the shoreline. To the contrary, given the prevailing wind direction, the proposed sequel buildings will actually help to shield and minimize any impact of wind on the beach and

shoreline. A study by the University of Hawaii (UH Coastal Erosion Map for Ka'anapali - see Appendix E of the DEIS) further validates this by its findings that the seasonal movement of sand on the beach fronting the property and Ka'anapali Resort is due to seasonal fluctuations of dominant wave direction, not wind impact.

7. *Sun Shadows.* Figure 13 in the Draft EIS shows the results of a computerized sun/shade study prepared by Group 70 International. The study analyzed the impact of the shadows of the proposed two sequel buildings to the existing hotel and to the KAC in the mornings and afternoons during the winter and summer solstices (December 21 and June 21 respectively). The results of the study indicate that the proposed sequel buildings will not have an impact on the existing hotel or on the KAC buildings during the two study periods. Since both periods are at the extreme ranges of sun angles, with the most extreme during the winter, it can be concluded that there will be no impact throughout the year.
8. *Lost Rents- Pile Driving.*
9. *Lost Rents- Exterior construction.*
10. *Lost Rents- Internal Finishing.* In response to the your questions regarding lost rents, we have included information regarding MSCI's position and current status of discussions regarding this issue in the attached memo (item #3). Socio-economic impacts are discussed in greater depth in section III-B of the Final EIS.
11. *Construction Impacts.* MSCI's treatment of construction-related impacts is discussed as items #4 & 5 of the attached memo.
12. *Building Siting.* Please refer to the discussion on private views in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).
13. *Traffic.* As elaborated in the issue #2 of the Memo, the expected guest-count of the completed, stabilized Sequel project is less than the high-season guest counts experienced during the Marriott's operation as a 720-room Hotel. The stabilized timeshare resort is anticipated to draw around 1400-1500 persons. By comparison, the Hotel experienced more pronounced seasonal fluctuations where guest counts ranged between 1200 and 1700 guests. The average guest counts for each project are roughly the same.

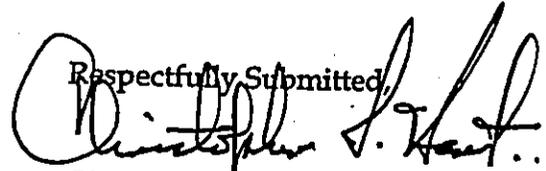
Since the average guest loads will be similar, and the MOC Sequel project will have fewer guests during peak periods, we do not anticipate intensification of visitor related impacts such as traffic and the use of public facilities. The Final

Letter to Evelyn and Del Smart
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 4 of 4

EIS addresses traffic impacts in section III-D and provides a breakdown of the anticipated guest-count in Table 1.

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

3/5-43
February 3, 2003

Maui Planning Commission
Michael Foley Director of Planning
250 South High Street
Wailuku, Hawaii 96793

'03 FEB 12 P1:24

Re: Marriott Vacation Club International at Kaanapali

Dear Mr. Foley:

We are a Condominium owner at the Kaanapali Alii.

We have concerns regarding the proposed project that the Marriott Vacation Club International has planned. (MVCI)

We met with a representative of Chris Hart's company on October 23, 2002.

It was a meeting with approximately eight Kaanapali Homeowners.

We all had questions and Suzanne, the representative from Chris Hart's company, told us that she was not familiar with the project, but was only there to write down our thoughts and report back to them.

We voiced some of these concerns at our Homeowners meeting on November 2, 2002.

Unfortunately, our concerns were not answered to our satisfaction or ignored by the Chris Hart team that was at our meeting.

One of our concerns with this project, as neighboring condominium owners, is the density impact that this will have on Kaanapali Alii.

DENSITY

MVCI began converting the 720-room Maui Marriott Hotel into a 312-unit timeshare facility.

The proposed addition will add 146-units for a total of 458-units.

When it was a hotel, the occupancy was based on approximately two people to a room. (720 x 2 = 1,440)

As a timeshare facility we are looking at 458-units with approximately 4 or 5 people to a unit with full kitchen facilities. (458 x 5 = 2,290)

It could be an increase of 850 people at full occupancy.

If all the units are not used by timeshare owners, MVCI has said that they

would be available to rent them out to others.

Nohea Kai Drive is the only entrance into this area and dead ends, limiting the flow of traffic.

During construction, there will be two phases of work, the South side Tower and the North side double Tower.

"...Each phase of work would take approximately 18 months." This will create extra traffic during construction as well as generating more guest traffic on completion.

NOISE LEVEL:

During construction (approximately 36 months) there will be demolition to the ballroom, parking structure, luau area, tennis courts and exercise facility. Much of the on-grade parking would be removed also.

It was never addressed as to the start and end time of each workday.

Is it to be a 5-day workweek? If the time frame of completion is not met, will the work continue on into the weekends and earlier and later each day?

Either way this noise level will impact the rentals at the Kaanapali Alii during this entire time frame.

No one wants to come to a vacation resort, pay top dollar, and share the noise of demolition and construction, as well as the pollution, dust and debris.

This is supposed to be a relaxing time to enjoy the facilities of a deluxe vacation area.

POLLUTION:

How will the dust be controlled during this period?

With the Kaanapali Alii right next door, has concern been given to daily, weekly or monthly clean up of the Kaanapali Alii; such as, washing down the walls, windows, lanais, walkways, swimming pools, whirlpool spa, gardens and the car port just to name a few areas?

WIND FACTOR:

At this time, there is a large air space between the Kaanapali Alii and the first building of the Marriott.

With the proposed construction of the Napili building, a wind factor could occur, effecting the beach areas and possibly the shifting of the sand more so then is being done now.

By the seasonally varying conditions, the sand shifts during the summer moving to the north and reversing itself in the winter.

The Deis is mentioned in the Environmental Impact Statement and says "will suggest mitigation measures AS APPLICABLE" What is applicable and why hasn't a study been prepared so that all of the interested parties could review same?

FINANCIAL:

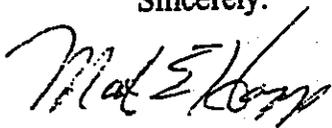
Has any thought been given to the loss of rentals by Kaanapali Alii owners, especially in buildings 3 and 4. Also the use of other guest facilities for our guest's, such as the swimming pools of both the Westin and the Marriott (away from the construction)?

A homeowner at our meeting suggested that MCVI should place the smaller of the new buildings next to the Kaanapali Alii. Has this been addressed as yet?

We feel that all of the above comments should be considered and addressed before allowing any further construction to this already overcrowded beach area.

Further comments to us on the above MCVI Environmental Impact Statement should be addressed to the undersigned.

Sincerely:



Mark E. Happ



Mary J. Happ

501 Quail Hill Court Walnut Creek, CA 94595

cc: Mark J. Altier

General Manager, Kaanapali Alii



**CHRIS
HART**
& PARTNERS, INC.

July 8, 2003

Mark E. & Mary J. Happ
501 Quail Hill Court
Walnut Creek, CA 94595

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mark & Mary Happ,

We are in receipt of your letter dated 2/3/2003 regarding the Maui Ocean Club Sequel Project. Although your letter was in a format expressing your general concerns rather than commenting directly on the data provided in the Draft EIS, we will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

The memo addresses many of the concerns listed in your letter. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. *Concerns expressed during Pre-consultation.* We have no record of previous concerns you expressed via conversation at a meeting on October 23rd 2002, however we believe that may have been with SMS, the company which surveyed several Ka'anapali Ali'i owners to identify common concerns in the Socio-Economic Impact Assessment included in Appendix I of the EIS. We are happy to address your written comments below.
2. *Density.* As elaborated in the issue #2 of the Memo, the expected guest-count of the completed, stabilized Sequel project is less than the high-season guest counts experienced during the Marriott's operation as a 720-room Hotel. The stabilized timeshare resort is anticipated to draw around 1400-1500 persons. By comparison, the Hotel experienced more pronounced seasonal fluctuations

LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE: 808-247-1955 • FAX: 808-242-1956

where guest counts ranged between 1200 and 1700 guests. The average guest counts for each project are roughly the same. The Final EIS provides a breakdown of the anticipated guest-count in Table 1.

3. *Traffic.* Since the average guest loads will be similar, and the MOC Sequel project will have fewer guests during peak periods, we do not anticipate intensification of visitor related impacts such as traffic and the use of public facilities. Local traffic will increase during construction due to increased transportation of material to and from the site, and due to the arrival and departure of construction laborers. The Final EIS addresses traffic impacts and mitigation measures in section III-D.
4. *Construction Noise.* MVCI's treatment of construction noise impacts is discussed in items #4 of the attached memo. Noise impacts are addressed in section III-A-4 of the Final EIS.
5. *Dust.* MVCI's treatment of construction dust impacts is discussed in items #5 of the attached memo. Air quality impacts are addressed in section III-A-3 of the Final EIS.
6. *Wind.* We have addressed the issue of wind velocity impacts in the attached Memo (issue #7), which discusses a wind velocity impact study prepared for the Sequel Project. The study will be included in Appendix N and the findings of the study will be summarized in section III-A-11 of the Final EIS.
7. *Loss of Rents.* In response to the your questions regarding lost rents, we have included information regarding MVCI's position, and current status of discussions regarding this issue in the attached memo (item #3). Socio-economic impacts are discussed in section III-B of the Final EIS.
8. *Use of Marriott & Westin Swimming Pools.* The central swimming pools of the Maui Ocean Club and the Ka'anapali Ali'i Condominium are essentially equidistant from the construction zone of the proposed Napili building, and are similarly shielded from the construction zone by the respective multi-story developments. We anticipate that both pools will be habitable during construction and do not feel that providing alternative pool facilities is necessary.
9. *Alternative Siting & Design.* As with the KAC, ownership and use of the Marriott Ocean Club property is divided into various elements (including condominium common area and developer controlled commercial apartments) by an existing Condominium Property Regime. MVCI is precluded from placing a wider building (N-S direction) on the south side of the property due to the limitations of the existing commercial apartment in that area. Expansion of the building in the mauka direction would impact the planned Lahaina side

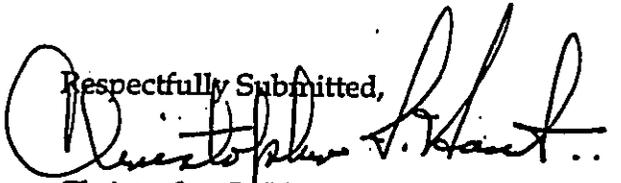
Letter to Mark E. & Mary J. Happ
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 3 of 3

parking structure, necessitating the movement of parking spaces to the smaller parking structure adjacent to the KAC. Increased capacity in that structure would result in the parking structure blocking mauka views from KAC Building 4 units. Further detail on the alternatives study is included in section II-D of the Final EIS.

Despite this limitation, MVCI has been able to respond to KAC design requests and has redistributed many of the units from the north to the south by extending the proposed "Lahaina" Building to 12 stories. This has allowed greater flexibility with the design of the "Napili" building near the KAC. Please see the attached memo (item #1) regarding the benefits of the latest design options.

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,

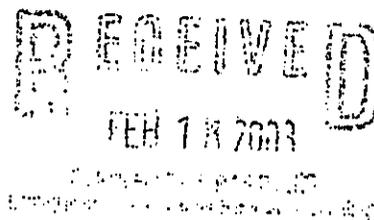


Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

February 13, 2003

MVCI, care of
Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, Hawaii 96793
Attention: Mr. Chris Hart



Office of Environmental Quality Control
235 S. Beretania Street, Suite 702
Honolulu, Hawaii 96813

Maui Planning Department
250 South High Street
Wailuku, Hawaii 96793
Attention: Mr. Joe Alueta, Staff Planner

SUBJECT: COMMENTS ON THE MAUI OCEAN CLUB SEQUEL PROJECT DRAFT EIS

We are in receipt of both a letter from Mr. Chris Hart, dated January 7, 2003, and the draft EIS for the "Maui Ocean Club Sequel Project". We appreciate having the opportunity to respond to the information presented and for Mr. Chris Hart's and Mr. Steve Busch of Marriott's stated sensitivity to the Kaanapali Alii's concerns and their willingness to share information and respond to us during the design process.

In reviewing the site plans provided it is apparent that an effort has been made to maximize views for all parties involved. We recognize Marriott's desire to utilize the very valuable piece of property located between their existing building and the Kaanapali Alii. Needless to say, however, Kaanapali Alii owners on the south and southeast sides will be directly impacted by the planned construction. We have a number of concerns and suggestions which we would like to submit, in hopes of maintaining the highest property values and best views for all parties.

- In examining the proposed site plans it appears that the position currently suggested for the Napili building will have a significantly detrimental effect on views for many Kaanapali Alii units in both buildings Three and Four. In our case, under the current proposal, the very first thing we and our guests will see upon entering our unit is the side of the Napili building. Though it is true that we will still retain our ocean view, looking at the plans on paper may be deceiving and we invite Marriott and its architects and engineers to view the site from our unit to observe the "in our face" placement of the Napili building as it is now proposed. We realize and accept the fact that we are likely to lose some of our mountain view, however, we would appreciate that consideration be given to placing the building sufficiently further back from the ocean and south from the Alii to remove the building from its position directly in front of Kaanapali Alii's, Building Three, "2" stack. We have included a possible placement superimposed on the site plan provided, as well as pictures taken from our unit showing our view as it would be impacted with the currently proposed placement of the Napili building. It appears that with a little further architectural maneuvering, a much more acceptable placement could be accomplished with little difference to the Marriott Ocean Club. Failure to reposition the building has the potential to drastically diminish our property values.

February 6, 2003

Comments on the Maui Ocean Club Sequel Project Draft EIS

Attachment 1 will give you an idea of the view we will have from our lanai and virtually all windows in our unit if the building is placed as indicated in the picture where the 2 X 4's were placed on the tennis courts.

Attachment 2 depicts a suggestion of building placement that will protect all site lines from both buildings three and four of the Kaanapali Alii, retain direct ocean views for all new Marriott units, and retain unobstructed views from the existing Marriott building. This view was accomplished by removing the ocean side and mountain side stacks nearest the existing Marriott building, then shifting the building to its original south position and swiveling the building clockwise, out of the view lines of all Alii units. Several options exist for retaining most of the twenty units that would be removed using this building. Making both the Napili building and Lahaina buildings eleven stories would re-gain thirteen of the twenty units and eliminate roof views from either property. Another alternative is to add the two stacks to the Lahaina building and re-gain all twenty units. Combining those options would result in an additional 15 rooms. In either case, the Marriott would retain more than the 131 rooms initially proposed for the project.

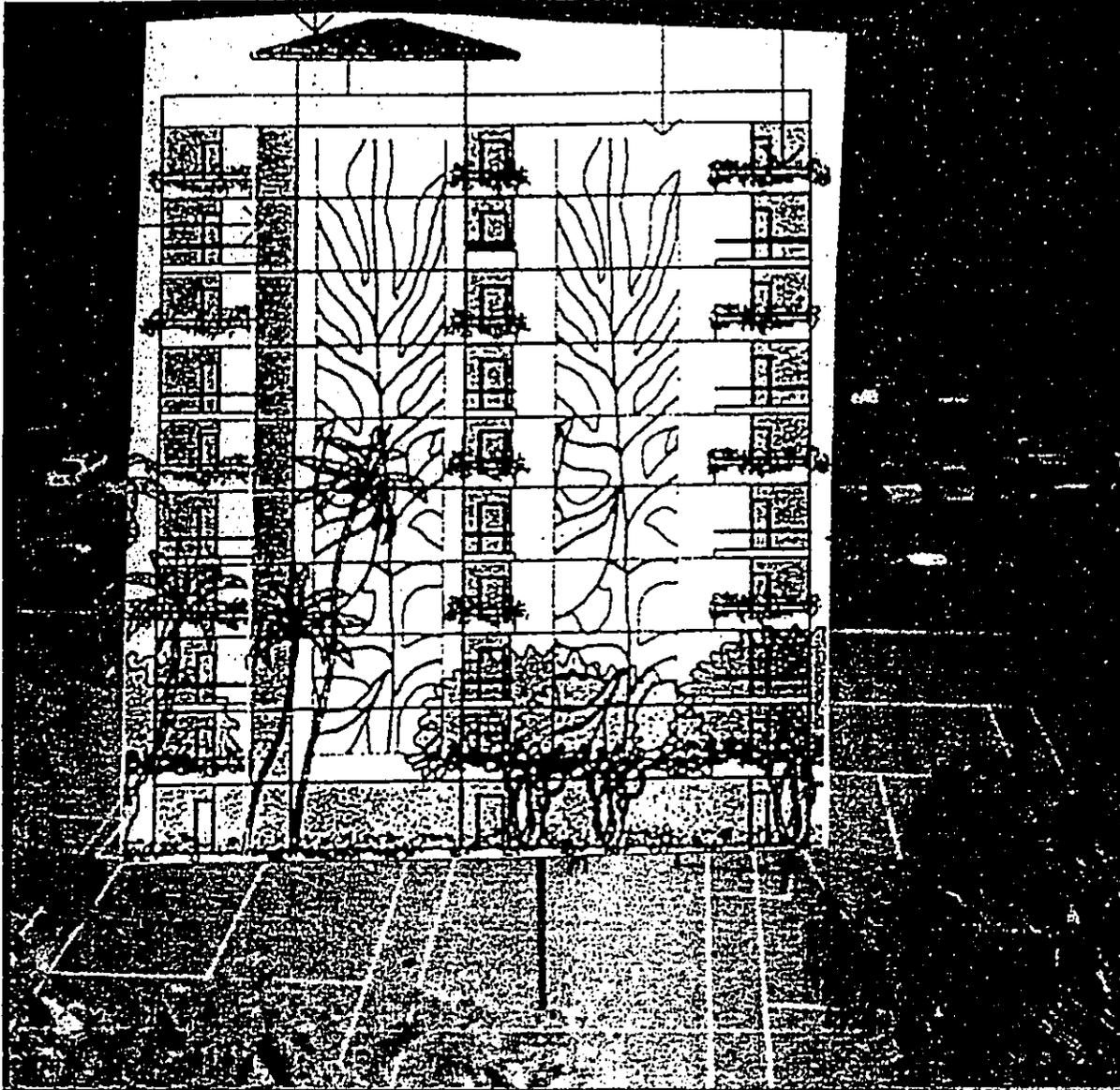
- Familiar Maui winds are another issue of concern. Locating the Napili tower further from the Kaanapali Alii would minimize the possibility of creating a wind tunnel and possible beach erosion.
- We anticipate greatly reduced rental of our unit due to nuisances including demolition and construction noise, pile driving, heavy equipment, dust, dirt, etc. and the general loss of ambiance, resulting in substantial financial losses and we request that equitable compensation be paid to the affected owners.
- In addition, if the Marriott intends to continue presenting luaus, we request a firm written agreement that they will never be held on the north side of the existing Marriott property. Further, that no restaurants be constructed in the area north of the existing Marriott building and that the planned pool bar remain close to that side of the property.
- Dust and dirt created during construction will undoubtedly require additional cleanings of the Alii buildings and individual units. We submit that Marriott assume financial responsibility for the cleanings.

We appreciate Marriott's willingness to work with the Alii Association, the Rental Owners Committee, and Alii owners for mutually agreeable solutions to these concerns. Please feel free to contact us for clarification or discussion on any of the topics in this letter.

Roger Finato
Hazel Finato

Hazel and Roger Finato
319 Boulder Drive
Antioch, California 94509
925-757-7418
Kaanapali Alii Unit #392

Attachment 1



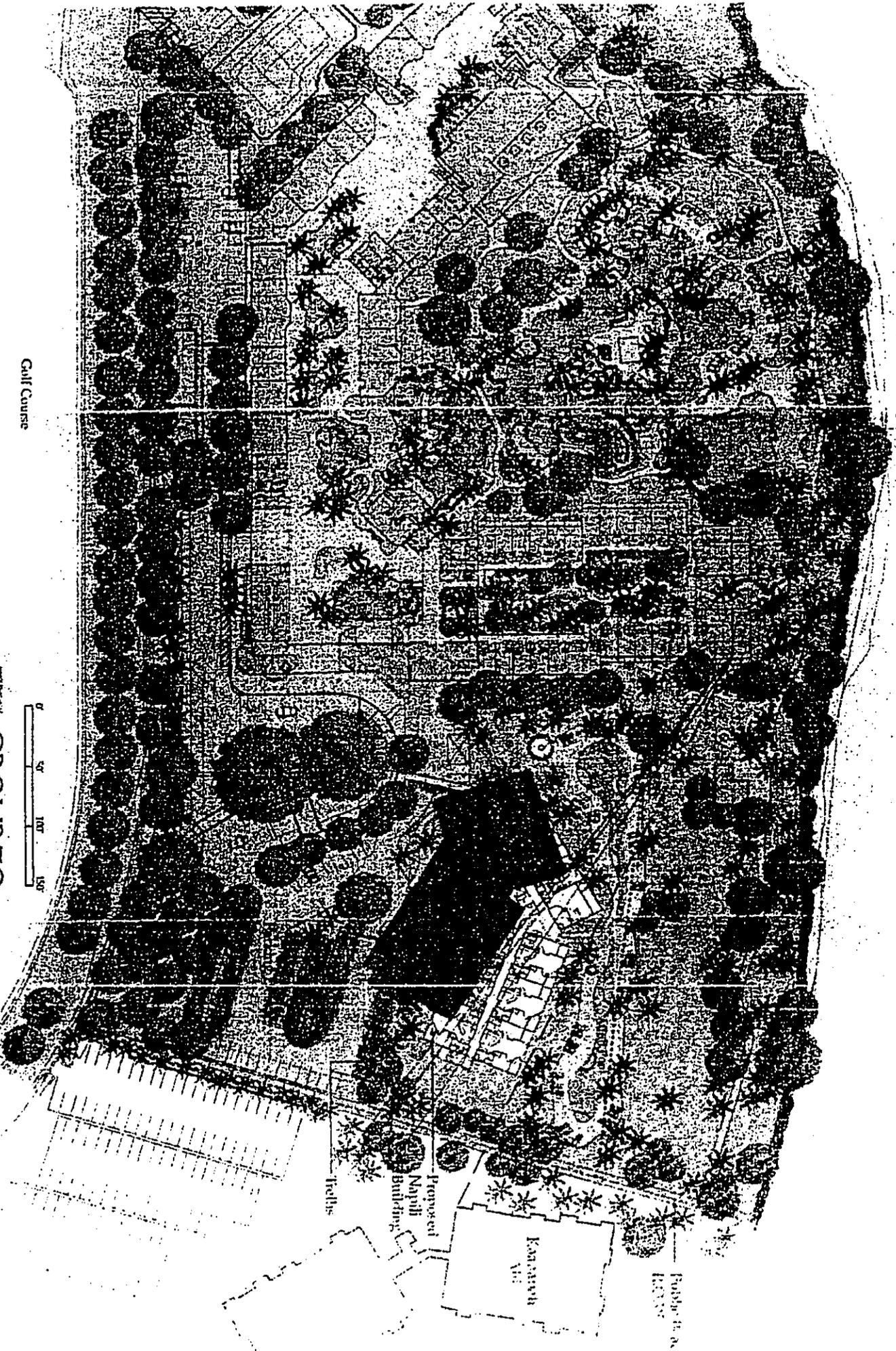
Sequel Buildings - Site Plan

Golf Course



GROUP 70
INTERNATIONAL

27 March 2000





July 8, 2003

Hazel and Roger Finato
319 Boulder Drive
Antioch, CA 94509

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Hazel and Roger Finato,

We are in receipt of your letter dated 2/13/2003 regarding the Maui Ocean Club Sequel Project. We will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

We thank you for attending the meeting held on April 28th by phone and attending the May 14th meeting in Northern California.

For your information, we have attached a Status Memorandum dated June 5th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

The memo addresses some of the concerns listed in your letter. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. *Views and Building Siting.* Please refer to the discussion on private views in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).
2. *Wind.* We have addressed the issue of wind velocity impacts in the attached Memo (issue #7), which discusses a wind velocity impact study prepared for the

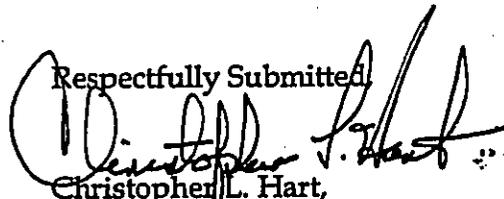
Letter to Hazel and Roger Finato
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

Sequel Project. The study will be included in Appendix N and the findings of the study will be summarized in section III-A-2 of the Final EIS.

3. *Construction Related Economic Impacts.* In response to the your questions regarding compensation for construction related economic impacts, we have included information regarding MVCI's position, and current status of discussions regarding this issue in the attached memo (item #3). Socio-economic impacts are discussed in section III-B of the Final EIS.
4. *Accessory Uses.* There are no plans to relocate the luau grounds to the north side of the property. In fact, the luau will cease operations altogether with the commencement of construction of the proposed Lahaina Building. No restaurants are planned with this project, and the proposed pool bar will be located at the south side of the Napili pool.
5. *Cleanup due to Dust.* MVCI's treatment of construction dust impacts is discussed in items #5 of the attached memo. Air quality impacts are addressed in section III-A-3 of the Final EIS.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

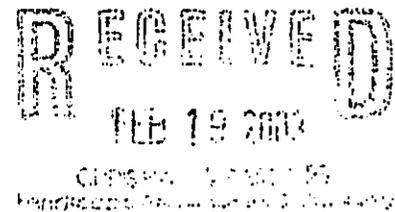
Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

Greg and Tamera Paul
6507 Pacific Avenue, PMB #287
Stockton, CA 95207



February 18, 2003

Mr. Joe Alueta, Staff Planner
Maui Planning Department
250 South High Street
Wailuku, HI 96793

Dear Mr. Alueta:

Without a doubt, the life of a public official is, I'm sure, very difficult. No matter what decisions your department makes you most probably have groups that are pleased and others who are less than pleased with your department's actions.

I am writing this letter as a concerned homeowner at the Kaanapali Alii in regards to the proposed expansion by the Marriott. I'm not arguing they do not have every right to build; given they follow the procedures and permits required by the State and County for their project. As the owners of the property, I'm sure they do. I have also been told the Marriott Corporation has budgeted over 90 million dollars for this project, so I'm sure within their budget they have allocated a percentage to legally deal with any problems that may come their way.

My concerns with their project are as follows:

1. Loss of rental revenue during construction,
2. Loss of our scenic view, and
3. Loss of overall value of our property.

I know my third point can't easily be determined as our property value may or may not be affected by their project and if it were adversely affected, their legal teams could argue that it had nothing to do with their project. However, my first and second point would be very easy to determine.

Mr. Joe Alueta - Maui Planning Department
Page 2

The rental revenue we receive from our home on Maui enables us to be able to afford living in such a beautiful place and, our view from our living room and kitchen is of the ocean and the Island of Lanai.

Your department probably can't do anything about the loss of income my wife and I will incur and the Marriott Corporation probably doesn't even care as I'm sure their position is, "This is just business." So be it. I'm sure that's the same way the officers of Enron felt when they gave all their shareholders and employees the shaft, its just business.

Hopefully your department, if the Marriott Corporation is granted building permits, can have them locate their project so it doesn't ruin our views and also impose regulations "specifying" daily start up and shut down construction hours, in hopes of lessening the noise and other inconveniences caused to the owners and guests of the Kaanapali Alii.

I appreciate you having taken the time to read this letter and it's my hope that your department will take into consideration the concerns that the owners of the Kaanapali Alii property that are affected by the Marriott project have.

Sincerely,



Greg Paul
Unit #431 - Kaanapali Alii

Cc: MSCI
C/o Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, HI 96793
Attn: Mr. Chris Hart



July 8, 2003

Greg and Tamera Paul
6507 Pacific Avenue, PMB# 287
Stockton, CA 95207

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Greg and Tamera Paul,

We are in receipt of your letter dated 2/18/2003 regarding the Maui Ocean Club Sequel Project. Although your letter was in a format expressing your general concerns rather than commenting directly on the data provided in the Draft EIS, we will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

The memo addresses many of the concerns listed in your letter. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

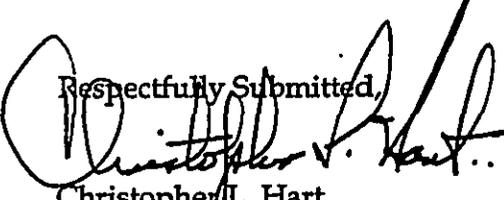
1. *Loss of rental revenue during construction.* In response to your concern regarding lost rents, we have included information regarding MVCI's position and the current status of discussions regarding this issue in the attached memo (item #3). Socio-economic impacts are discussed in greater depth in section III-B of the Final EIS.
2. *Loss of scenic view.* Please refer to the discussion on private views in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).

Letter to Greg and Tamera Paul
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

3. *Loss of overall value of property.* A socio-economic study is included as Appendix I of the Final EIS. The study addresses long-term loss of value for the Ka'anapali Ali'i units facing the Marriott property. The study finds that proposed project would not cause significant losses in property value.
4. *Construction hours.* Construction hours will be limited between 8:00 AM to 4:30 PM and will be otherwise restricted by conditions prescribed by a Department of Health noise permit.

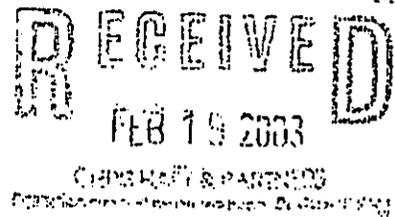
Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,


Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

Irene and Byron Smith
3411 Ledgestone Drive
Austin, Texas 78731



To: MVCI, care of
Chris Hart and Partners, Inc
1955 Main Street Suite 200
Wailuku, HI 96793
Attn: Mr. Chris Hart

Copy to: Office of Environmental Quality Control
235 S. Beretania Street, Suite 702
Honolulu, HI 96813

And: Maui Planning Commission
250 South High Street
Wailuku, HI 96793
Contact: Mr. Joe Alueta, Staff Planner

Subject – Maui Ocean Club Sequel Project Draft EIS
Napili Building

We have been coming to Kaanapali Beach for over 30 years. We have brought our children and now our children are bringing their children. Thus, I would very much like to make you aware of some of our concerns.

Kaanapali Beach is so pretty now with the spacing and greenery. It is beautiful now going on the walkway from the Hyatt through the Sheraton to the Royal Lahanai. We hope that it is not going to turn into a concrete jungle with such an increase in the density that it will take away from the openness and views that we all love.

We are concerned about the taking away the light that we have in our building and making it dark. We hope that if Napili building is built it will be set back as far as possible and as close as possible to existing Marriott building.

We are concerned about the noise factor and loss of the peacefulness. No pool bar on Alii side and pool as far over as possible to existing structure.

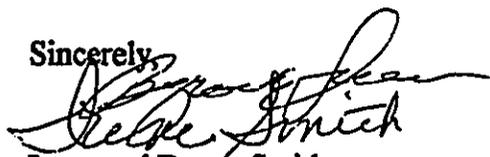
We are very concerned and hope that the Lua and smoke pit will not move from its present location.

We are concerned about the increase in traffic. Traffic problems exist now.

We are concerned about the noise, the dirt, and our inability to rent our units during construction.

We appreciate your consideration to our concerns.

Sincerely,



Irene and Byron Smith
Owners of Unit 322, Kaanapali Alii



July 8, 2003

Irene and Byron Smith
3411 Ledgestone Drive
Austin, Texas 78731

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Irene and Byron Smith,

We are in receipt of your letter dated 2/19/2003 regarding the Maui Ocean Club Sequel Project. Although your letter was in a format expressing your general concerns rather than commenting directly on the data provided in the Draft EIS, we will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

The memo addresses many of the concerns listed in your letter. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. *Density & Views.* Assessment of public views, impacts, and mitigation measures are addressed in Section III-A-9 of the Final EIS. In addition, the proposed buildings are simulated from numerous public and semi-public vantage points.

Please refer to the discussion on private views in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).

LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 • WAILUKII, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 • FAX: 808-242-1956

For your information the project entails removal of many hardened structures adjoining the coastal walkway, which will be replaced with landscape planted lawns. This will create more open space along the coastal walkway, which we feel will create a desirable park-like environment.

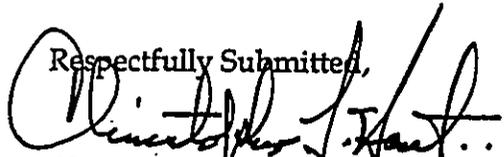
2. *Sun Shadows & Building Siting.* Figure 13 in the Draft EIS shows the results of a computerized sun/shade study prepared by Group 70 International. The study analyzed the impact of the shadows of the proposed two sequel buildings to the existing hotel and to the KAC in the mornings and afternoons during the winter and summer solstices (December 21 and June 21 respectively). The results of the study indicate that the proposed sequel buildings will not have an impact on the existing hotel or on the KAC buildings during the two study periods. Since both periods are at the extreme ranges of sun angles, with the most extreme during the winter, it can be concluded that there will be no impact throughout the year.
3. *Noise.* MVCI's treatment of construction and operational noise impacts are discussed in items #4 and 7 of the attached memo. Noise impacts are addressed in section III-A-4 of the Final EIS.
4. *Pool and Accessory Structures.* There are no plans to relocate the luau grounds to the north side of the property. In fact, the luau will cease operations altogether with the commencement of construction of the proposed Lahaina Building. We have provided clarification and update regarding the pools and Luau activities in item #6 in the attached memo.
5. *Traffic.* As elaborated in the issue #2 of the Memo, the expected guest-count of the completed, stabilized Sequel project is less than the high-season guest counts experienced during the Marriott's operation as a 720-room Hotel. The stabilized timeshare resort is anticipated to draw around 1400-1500 persons. By comparison, the Hotel experienced more pronounced seasonal fluctuations where guest counts ranged between 1200 and 1700 guests. The average guest counts for each project are roughly the same.

Since the average guest loads will be similar, and the MOC Sequel project will have fewer guests during peak periods, we do not anticipate intensification of visitor related impacts such as traffic and the use of public facilities. The Final EIS addresses traffic impacts in section III-D and provides a breakdown of the anticipated guest-count in Table.1

Letter to Irene and Byron Smith
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 3 of 3

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

03/737

Maui Planning Department
250 South High Street
Wailuku, HI 96793
Attention: Mr. Joe Alueta, Staff Planner

U. FEB 19 21 33

February 15, 2003

Dear Mr. Alueta:

I am writing to you regarding the expansion of the Marriott hotel planned as a timeshare in the Kaanapali resort area in Lahaina. I am a property owner at the Kaanapali Alii condo complex next door to the Marriott, and have been coming to Maui since 1978, and to the Alii since 1983, right after it opened.

My unit is located at Building 4- 1001, and will be significantly impacted by the size and placement of the proposed Marriott expansion. I have several comments about their draft EIS and proposed siting of the project:

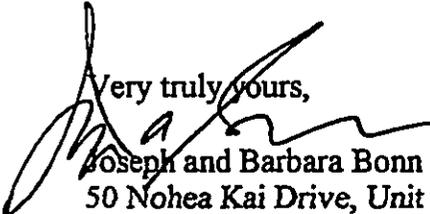
1. Marriott indicates there will be minimal impact on the area because existing rooms have been converted to timeshares, and the new construction will also be timeshare. While the number of units has been reduced in toto, the number of beds, and the ability to subdivide units, has not, so there will be an overall increase in traffic, when visitors and employees are considered. The population density in the Lahaina area is overwhelming the local services such as roads, power, sewer, and water. Combined with additional construction towards Kapalua, the traffic is becoming unmanageable.
2. The zoning for the project area is hotel, however, Marriott proposes to put in time share units, as well as additional pool, luau, and other shoreline amenities. I am against the change in zoning which is changing the overall character of the resort to apartments vs. hotel and resort properties. We need the hotel space to remain to attract convention and business travel, which support the local infrastructure much more than kitchen condo units.
3. The siting of the Marriott building near the Kaanapali Alii will eliminate most of my view corridor of both the mountains and the ocean; for some of the units it will eliminate all of their current views. The only way to preserve this view is to move the project further towards Nohea Kai Drive, and to reduce the size/height of the building.
4. Just as important, when you are out by the main highway, or at any of the residential areas further upmountain, what is now a green belt and a view of the offshore islands will be partially blocked by the 2 new structures. These structures are higher than the original project, and do not blend in with the overall resort.

5. The project is planned to take several years, which is going to result in noise, dust, traffic, and construction mess for one entire end of the Kaanapali resort area, and the South golf course, which is next to these hotels. This will have a negative impact on tourism during this timeframe.

As an alternative to the Marriott proposal, I would suggest that the project be moved 20 feet further from the Kaanapali Alii side property line and 35 feet further back from the beach to mitigate the impact on the Alii owners. I would also recommend a height restriction to preserve the views from further inland.

I appreciate your consideration of the above; you may contact me at the Alii in March, or at my mainland number at 925-831-9269.

Very truly yours,


Joseph and Barbara Bonn
50 Nohea Kai Drive, Unit 4101
Lahaina, HI 96793



July 8, 2003

Joseph & Barbara Bonn
50 Nohea Kai Drive, Unit 4101
Lahaina, HI 96793

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Joseph & Barbara Bonn,

We are in receipt of your letter dated 2/15/2003 regarding the Maui Ocean Club Sequel Project. Although your letter was in a format expressing your general concerns rather than commenting directly on the data provided in the Draft EIS, we will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

We thank you for attending the April 28th meeting (by phone) and the meeting held in Northern California on May 14, 2003.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

The memo addresses your concerns regarding private views and elaborates on density issues such as traffic. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. *Traffic.* As elaborated in the issue #2 of the Memo, the expected guest-count of the completed, stabilized Sequel project is less than the high-season guest counts experienced during the Marriott's operation as a 720-room Hotel. The stabilized timeshare resort is anticipated to draw around 1400-1500 persons. By comparison, the Hotel experienced more pronounced seasonal fluctuations

where guest counts ranged between 1200 and 1700 guests. The average guest counts for each project are roughly the same.

Since the average guest loads will be similar, and the MOC Sequel project will have fewer guests during peak periods, we do not anticipate intensification of visitor related impacts such as traffic and the use of public facilities. The Final EIS addresses traffic impacts in section III-D and provides a breakdown of the anticipated guest-count in Table 1.

2. *Zoning.* The Marriott Property is zoned H2-Hotel. Since timeshare is specifically allowed in the Hotel zone, the project does not require a change in zoning. For your information, the Ka'anapali Ali'i Condominium is also located in the H-2 Hotel zone.
3. *Private Views.* An update to siting & design options for the proposed Napili Building is included (item #1) in the attached memo. Simulated view corridors from the KAC will be included in Appendix O of the Final EIS.
4. *Views from Mauka.* The proposed buildings will partially block views towards the ocean from the highway and mauka development. We have included view simulations from these locations in Figures 14 and Appendix Q.

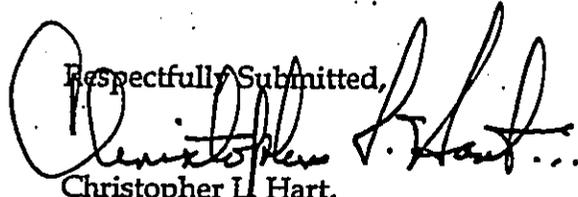
We disagree that the urban design of the project will not blend in with the overall resort. Please note that the latest design option (#5) is included in Figures 10 of the Final EIS. For your information, the project will be presented before the County Urban Design Review Board, who will make a recommendation to the authority granting the projects Special Management Area (SMA) permit. In addition, the project will require the approval of the Ka'anapali Operations Association's design review committee.

5. *Construction Impacts to Local Economy.* We agree that construction activities typically have a negative impact on the immediate environs, which could affect tourist preferences for accommodations and activities. By nature, these construction-related economic impacts are localized and temporary. Similarly, short-term economic benefits will occur due to construction expenditures and labor, and sales of the sequel units. Long-term benefits to the economy are anticipated from the operation of the sequel units. The Final EIS includes analysis of Socio-Economic impacts in section III-B and Appendix I.
6. *Siting & Massing Alternatives.* As discussed in item #1 of the attached Memo, ongoing dialogue between the KAC and MVCI has led to revisions in the project siting & design. The latest option (#5) addresses several of the concerns the KAC owners had with design option (3) presented in the Draft EIS.

Letter to Joseph & Barbara Bonn
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 3 of 3

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,

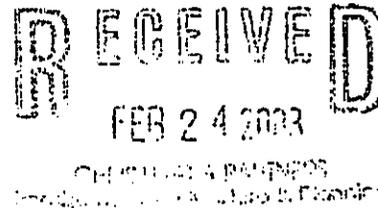


Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

February 18, 2003

MVCI
c/o Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, HI 96793
Attn: Mr. Chris Hart



Dear Mr. Hart

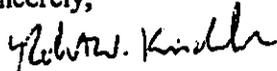
I am writing to express serious reservations about the proposed Marriott expansion at Kaanapali Beach. I am a frequent visitor to Maui, and visit the upper West Side four to five times a year, usually one or two weeks at a time. I come to Kaanapali because it is such a beautiful place. I understand that preservation of view corridors was one of the original tenets of the Amfac master plan. I am very concerned that with this expansion, both the views from the mountains to the beach, and the view from the beach to the mountains, will be obliterated by concrete. Furthermore, I am concerned that this will cause more wind funneling around these structures, which will lead to degradation of the experience on the beach. I am afraid that after the completion of the project, I will experience what I can get by going to Waikiki or the Florida Atlantic Coast, which is an overcrowded unsightly beach with too much hardscape. Needless to say, I no longer travel to these other destinations, and have chosen to spend my travel dollar in Maui instead.

My other major concern is overcrowding. I have seen traffic become an increasing problem on the Westside and on the entire Island. This project will only add to an already strained infrastructure. Furthermore, Maui will not continue to be "Maui", unless some of the development is curbed. I don't see how unbridled development helps "locals" or tourists. Already, I am concerned about the effect that the Westin project will have on Kaanapali.

Just briefly, I would like to express other significant concerns...noise pollution during construction...the probable sedimentation and runoff with resultant damage to the reef off the beach...increased traffic on the highway to Kahului. I have been appalled by the number of fatalities on this road since the Launiupoko development, and the ripple effect on these communities when the road is closed for several hours. This Marriott development will just add more cars on this already overburdened roadway.

In summary, I feel the proposed Marriott development will result in irreversible and irretrievable changes in this beautiful natural resource. I must admit, I recently purchased a unit in the Kaanapali Alii (on the opposite side of the proposed development), and knew full well about the proposed development. Bringing more tourists to this location would probably even help me long term in renting my unit. But, the trade off in the quality of experience at Kaanapali and on Maui is not worth it, in my humble opinion. Please reconsider the advisability of this development.

Sincerely,



Robert W. Kindrachuk, M.D.
32 Cheshire Ct.
Alameda, CA 94502



July 8, 2003

Mr. Robert W. Kindrachuk, M.D.
32 Cheshire Ct.
Alameda, CA 94502

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Kindrachuk,

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The memo addresses many of the concerns listed in your letter. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. *View Corridors.* Assessment of public views, impacts, and mitigation measures are addressed in Section III-A-9 of the Final EIS. In addition, the proposed buildings are simulated from numerous public and semi-public vantage points.

Please refer to the discussion on private views in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).

2. **Traffic.** As elaborated in the issue #2 of the Memo, the expected guest-count of the completed, stabilized Sequel project is less than the high-season guest counts experienced during the Marriott's operation as a 720-room Hotel. The stabilized timeshare resort is anticipated to draw around 1400-1500 persons. By comparison, the Hotel experienced more pronounced seasonal fluctuations where guest counts ranged between 1200 and 1700 guests. The average guest counts for each project are roughly the same.

Since the average guest loads will be similar, and the MOC Sequel project will have fewer guests during peak periods, we do not anticipate intensification of visitor related impacts such as traffic and the use of public facilities. The Final EIS addresses traffic impacts in section III-D and provides a breakdown of the anticipated guest-count in Table 1.

1. **Overcrowding.** While the determination of "overcrowding" is subjective, we wish to inform you that the proposed project will result in a development less dense than the Ka'anapali Ali'i Condominium (KAC) with respect to County measurements of floor-area-ratio and lot coverage. The Sequel project will preserve more view corridors through its property compared to the KAC, and the new buildings will be set back further from the shoreline than existing development.
2. **Construction Noise.** MVCI's treatment of construction noise impacts is discussed in items #4 of the attached memo. Noise impacts are addressed in section III-A-4 of the Final EIS.
3. **Runoff.** Analysis of the necessary construction processes indicates that there is will be no discharge of any materials into the ocean, nor will there be any de-watering required for onsite excavations. The establishment and maintenance of best management practices to control runoff and dust control (BMP's) will ensure that no runoff from the construction site will enter coastal waters.

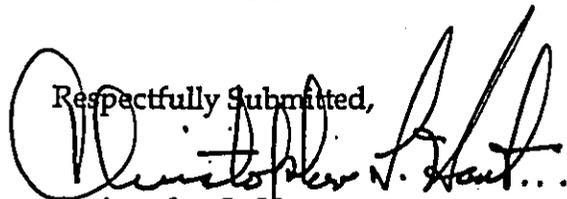
Our grading plans will be reviewed by both the State and the County to ensure that they comply with BMP's for control of dust and runoff.

The project will result in less impervious surfaces at the project site, which will reduce the potential for long-term drainage impacts.

Discussion of dust and drainage impacts are included in sections III-A, III-C and Appendix K of the Final EIS.

Letter to Robert W. Kindrachuk, M.D.
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 3 of 3

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,

Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MSCI

February 19, 2003

Re: Maui Ocean Club Sequel Project proposed by Marriott Vacation Club International

MVCI
c/o Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, HI 96793
Attn: Mr. Chris Hart

RECEIVED
FEB 24 2003
CHRIS HART & PARTNERS
Landscape Architecture & Planning

Dear Mr. Hart,

I am writing this letter to express my concerns regarding the plans for the proposed Marriott expansion on Kaanapali Beach. This construction includes two additional structures on the property as well as proposed Marriott amenities.

I have concerns about the environmental impact this construction will have on the local and regional area. The negative impact on traffic, increased run off into the ocean, and need for additional community resources are just a few very real concerns. In addition, the entire Kaanapali Beach area view corridor will change with the addition of these buildings. This would change the entire look of Kaanapali Beach as we know it.

The scope of construction proposed will very negatively impact surrounding existing condominium rentals and hotels with loss of rents because of noise and dirt and dust.

As an owner at Kaanapali Alii I feel the proposed development will adversely affect the quality of life for myself and all owners and guests of Kaanapali Alii.

Sincerely,



Paula J. Kindrachuk
165 25th Avenue
Santa Cruz, CA 95062



July 08, 2003

Ms Paula J. Kindrachuk
165 25th Avenue
Santa Cruz, CA 95062

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Ms. Kindrachuk,

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1. **Traffic.** As elaborated in the issue #2 of the Memo, the expected guest-count of the completed, stabilized Sequel project is less than the high-season guest counts experienced during the Marriott's operation as a 720-room Hotel. The stabilized timeshare resort is anticipated to draw around 1400-1500 persons. By comparison, the Hotel experienced more pronounced seasonal fluctuations where guest counts ranged between 1200 and 1700 guests. The average guest counts for each project are roughly the same.

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EIS addresses traffic impacts in section III-D and provides a breakdown of the anticipated guest-count in Table 1.

2. *Runoff.* Analysis of the necessary construction processes indicates that there is will be no discharge of any materials into the ocean, nor will there be any de-watering required for onsite excavations. The establishment and maintenance of best management practices to control runoff and dust control (BMP's) will ensure that no runoff from the construction site will enter coastal waters.

Our grading plans will be reviewed by both the State and the County to ensure that they comply with BMP's for control of dust and runoff.

The project will result in less impervious surfaces at the project site, which will reduce the potential for long-term drainage impacts.

Discussion of dust and drainage impacts are included in sections III-A, III-C and Appendix K of the Final EIS.

3. *Community Resources.* The EIS contains a Socio-Economic Impact Analysis (Appendix I) that details various impacts on public resources. No significant impacts to community resources are expected.
4. *View Corridors.* Assessment of public views, impacts, and mitigation measures are addressed in Section III-A-9 of the Final EIS. In addition, the proposed buildings are simulated from numerous public and semi-public vantage points.

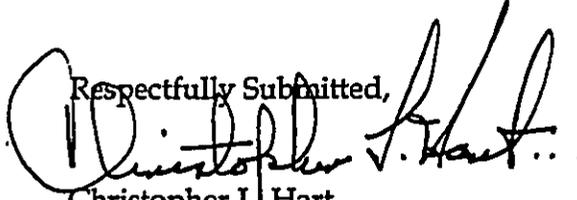
Please refer to the discussion on private views in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).

5. *Condominium Rentals.* In response to your concern regarding lost rents, we have included information regarding MVCI's position and the current status of discussions regarding this issue in the attached memo (item #3). Socio-economic impacts are discussed in greater depth in section III-B of the Final EIS.

Letter to Ms. Paula J. Kindrachuk
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 3 of 3

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

3001 Foxcreek Drive
Richardson, Texas
75082

Mr. & Mrs. John R. Gruendl Jr., Unit #423

February 19, 2003

03 FEB 24 P 3:39

Maui Planning Department
250 South High Street
Wailuku, HI 96793

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Attention: Mr. Joe Alueta, Staff Planner

Aloha Joe:

As owners of a unit at the Kaanapali Alii, we feel that it is necessary to voice our concerns in regards to the Marriott expansion.

Amidst the many topics of discussion, we have a few more worrisome issues than others. First and foremost is the loss of rental income during the duration of construction, along with the loss of property value. Other concerns are the position of the building, the noise, the dirt, the pool area, parking and luau.

We appreciate the time and concerns that you have in this matter and are sure that we can remain wonderful neighbors.

Sincerely,

Mr. & Mrs. John R. Gruendl Jr.
Unit #423

Mr. + Mrs. John Gruendl Jr.



July 8, 2003

Mr. And Mrs. John R Gruendl Jr.
3001 Foxcreek Drive
Richardson, Texas 75082

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. And Mrs. John R Gruendl Jr.,

We are in receipt of your letter dated 2/19/2003 regarding the Maui Ocean Club Sequel Project. Although your letter was in a format expressing your general concerns rather than commenting directly on the data provided in the Draft EIS, we will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

The memo addresses your concerns regarding private views and elaborates on density issues such as traffic. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

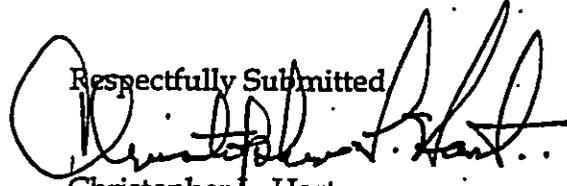
1. **Loss of Rental Income.** In response to the your questions regarding lost rents, we have included information regarding MVCI's position, and current status of discussions regarding this issue in the attached memo (item #3). Socio-economic impacts are discussed in section III-B of the Final EIS.
2. **Loss of Property Value.** Please refer to the discussion on private views and property value in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).

Letter to Mr. And Mrs. John R Gruendl Jr.
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

3. **Building Position.** Please refer to the discussion on private views and property value in the attached memo (item #1)
4. **Noise & Dirt.** MVCI's treatment of construction dust impacts is discussed in items #5 of the attached memo. Air quality impacts are addressed in section III-A-3 of the Final EIS.
5. **Pool Area & Luaus.** We have provided clarification and update regarding the pools and Luau activities in item #6 in the attached memo.
6. **Parking.** The Sequel project will meet the applicable parking requirements established for on-site guest, commercial, and recreational uses. In addition, the project will increase beach access parking over what is currently required.

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

3006 Foxcreek Drive
Richardson, Texas
75082

1619-03
Mr. & Mrs. John R. Gruendl Sr., Unit #433

February 19, 2003

03 FEB 24 P3:39

Maui Planning Department
250 South High Street
Wailuku, HI 96793

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Attention: Mr. Joe Alueta, Staff Planner

Aloha Joe:

As owners of a unit at the Kaanapali Alii, we feel that it is necessary to voice our concerns in regards to the Marriott expansion.

Amidst the many topics of discussion, we have a few more worrisome issues than others. First and foremost is the loss of rental income during the duration of construction, along with the loss of property value. Other concerns are the position of the building, the noise, the dirt, the pool area, parking and luau.

We appreciate the time and concerns that you have in this matter and are sure that we can remain wonderful neighbors.

Sincerely,



Mr. & Mrs. John R. Gruendl Sr.
Unit #433



July 8, 2003

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3006 Foxcreek Drive
Richardson, Texas 75082

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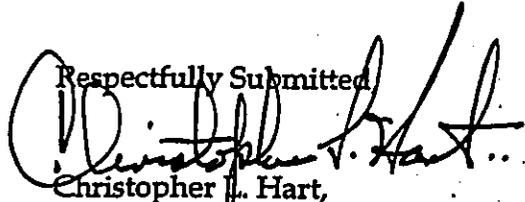
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July 8, 2003
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Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted


Christopher J. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

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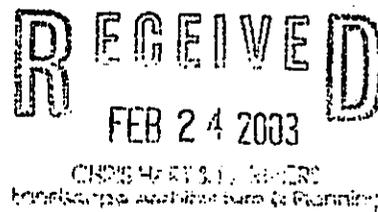
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February 20, 2003

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Certified Mail

MVCI
c/o Chris Hart & Partners, Inc.
1955 Main Street, Ste 200
Wailuku, HI 96793



RE: Maui Ocean Club Sequel Project - Lahaina, Maui
Tax Map Key Numbers: (2) 4-4-013:001
Ka'anapali Ali'i - Units 346, 416, 456, 326

To Whom it May Concern:

This letter is to advise that the undersigned represents TED Limited Partnership-A; TED Limited Partnership-B; the general and limited partners therein together and Wayne Dyer, Ph.D., with respect to the Draft Environmental Impact Statement (DEIS) in support of a Special Management Area Permit as submitted to the Maui County Planning Department by Steve Busch on December 10, 2002.

It is our position that the project as proposed by the Marriott Corporation will have an irrevocable, permanent and irreversible negative environmental impact on the entire Ka'anapali Beach and Hanaka'o'o Point environment together with my clients environment at the Ka'anapali Ali'i Residential Condominiums.

This letter will address the contentions, inaccuracies, misstatements and omissions as contained in the DEIS in support of their application for an SMA as provided the Planning Department.

One of the significant defects of the DEIS is the clear intent to omit information of such significance that it would affect the Department's ability to make an intelligent and informed decision. The clear omission of relevant information not only violates the disclosure requirements as imposed by law, but brings into question the accuracy of documentary evidence supplied by the developer upon which the Department must rely in making an informed decision.

Clearly, all parties would like to avoid the prospect of litigating whether or not the Department has been provided with a complete, accurate, and candid analysis as to the environmental impacts. As hereinafter set forth, the objectors herein believe that the statement as provided the Department is

nothing short of an expensive, colorfully slick and artful presentation, calculated to move the project through the Planning Department by telling them what they think they should hear, omitting that which is negative, and artfully dodging the overwhelmingly negative environmental and economic impact if approved.

While we understand the Marriott's objective in trying to increase their bottom line, we must object to the incredibly overwhelming negative environmental impact of the proposed project upon such a small and fragile piece of an already overdeveloped area of Ka'anapali Beach.

Please note the formal objections and comments with respect to the DEIS as follows:

II. Description of Property and Proposed Action.

A. Historical Background of Project

The DEIS describes the subject property as follows:

"The subject property is a 15.9 acre oceanfront parcel within the Ka'anapali Beach Resort. The property abuts Ka'anapali Beach and Hanaka'o'o Point. The adjacent property to the south is the Hyatt Regency Hotel and abutting the north boundary is the Ka'anapali Ali residential condominium."

What the DEIS fails to disclose is the fact Hanaka'o'o Point is a very special and unique location within the 1,200 acre community. Aside from the cultural and historic significance of this point, it remains the focal point of the entirety of Ka'anapali Beach because of its unique characteristic as the only "surf break" within the Ka'anapali Beach environment.

The beach area directly in front of the proposed project is a unique, undisturbed coral environment which, over time, created Hanaka'o'o Point. The DEIS completely omitted reference to this site and its significance, both historical and to existing and future communities.

The DEIS also failed to adequately and honestly address the loss of view sheds, not only from private areas of the site, but failed to address the complete loss of views from the public ocean environment off of, and around Hanaka'o'o Point. There are literally hundreds of current and future beach users, surfers, kayakers and boaters who will forever be deprived of the views, mountains, and sunset rainbows off the West Maui Mountains. The entirety of this public view shed will be replaced by a solid cement wall of timeshares.

The DEIS is also misleading in terms of the number of units. They describe a "312-room" project. In truth each "room" has two separate keys, a lock-off and is effectively two rentals. Thus, if accurately described, the project should be considered a 624 room addition of overwhelming proportions.

C. Description of Proposed Action.

If one were to believe the SMA project description as submitted, it would appear obvious that the project would be an environmental blessing. Nothing is further from the truth.

The project description states:

"The project will dramatically increase the amount of landscaped green area along the shoreline of the project site.....and an acre of impervious surface will be removed from the project's site.....replaced with grass lawns.....creating a desirable park-like experience along the coastal walkway."

Unfortunately, the "desirable park-like experience" that the public now has in terms of a view of the West Maui Mountains will be exchanged for an impervious ten story cement building and a few trees which Marriott contends will "improve" the beach environment.

Further, the applicant has not provided any documentary evidence to support its contention that the project will not impact the private and existing views that the Ka'anapali Ali'i's residents enjoy by increasing the amount of foliage. The manner in which this additional foliage directly impacts public, and my clients private view sheds was omitted; therefore the DEIS incomplete.

Additionally, the Marriott states that *"a small pool bar will be located at a corner of the pool deck in an area directly adjacent to the homeowners at the Ka'anapali Ali'i."*

Reality and common sense would dictate that a bar located directly outside of one's home will, in and of itself, have certain negative environmental impacts which have not been addressed in the DEIS.

One of my clients, Dr. Wayne Dyer, is a well-respected, New York Times best selling author who has been published throughout the entire world and appears nationally on PBS as a lecturer. He has been a part-time resident of Ka'anapali Beach for the last twenty-years and moved to the Ka'anapali Ali'i full-time four years ago where he writes and conducts interviews year round. The "environmental impact" of, not only putting a ten-story monolith within feet of his condominium, coupled with the construction noise, a swimming pool and its predictable level of activity and noise - all exacerbated by an outside "pool bar" and the unaddressed issues of music, private parties, and luaus - makes the draft DEIS nothing short of insufficient in terms of addressing, much less mitigating, these issues.

Functional Relationships:

The DEIS states:

"The traffic, pedestrian, and service patterns of existing facilities are well established and the proposed additional buildings will function within these established patterns."

With all due respect to the applicant, the above is nothing short of "bureaucratic double-speak."

The DEIS needs to address these very specific issues. This clearly crafted language is nothing short of evasive in terms of the complexity of the environmental impact that should be the subject of their report.

The project will only exacerbate what has become a public nuisance in terms of the existing beach areas directly in front of the proposed project. In the last four years, there has been a proliferation of "beach activity vendors" which have dramatically affected the Ka'anapali Beach and the Hanaka'o'o Point environment to the point of involving the State of Hawaii in litigation. Essentially, there are number of individuals who load up surfboards, boogie boards, and equipment and leave their goods on the beach environment surrounding Hanaka'o'o Point. (Some, in the local press, have described the site as "Little Tijuana.") The proposed project will exacerbate this existing negative public impact by attracting more vendors (who currently park at the Marriott) and will impact this sensitive area with increased traffic, parking problems and beach desecration.

The project plans only twenty-five beach right-of-way designated spaces. These are generally taken up by vendors and their employees early in the morning and will thus add to a problem which has yet to be resolved, and create another environmental impact which has yet to be addressed.

D. Alternatives:

No-action alternative. While the applicant cited a number of problems with this alternative, the essence of their argument is that it would result "in loss of potential economic benefits to the land owner."

This, of course, is the issue. The County must decide whether the environmental benefit to the existing and future population as a whole, outweighs the "loss of potential economic benefit" to the land owner. No matter how they characterize it, the "benefits of the project" in terms of its "improvements to the character of the Ka'anapali shoreline area" are simply outweighed by the negative environmental impact to the public and private views, the traffic, overuse of Hanaka'o'o Point and the "Waikiki-isation" of Ka'anapali Beach.

Different Action Alternatives:

The DEIS was completely insufficient in identifying different alternatives. The easiest and most identifiable alternative would be to put the smaller building off of Hanaka'o'o Point and adjacent to the Ka'anapali Ali'i Residential Condominiums. However, the developers stated "alternative locations for the project were not considered!" When they state that the "feasibility of developing the project site is inherently related to the applicant owning the subject property" they are, in effect, saying, "we are going to do it our way," and hope the County acquiesces - despite its impact to the environment or my clients.

III. Description of the Existing Environment, Potential Impacts and Mitigation Measures

A. Physical Environment Land Use

Please accept the comments as stated hereinabove as incorporated hereinafter with respect to Section III.

Coastal Processes and Marine Resources:

As noted above, the developer has consciously omitted the option of putting the larger development on the south side of the property, away from my clients at the Ka'anapali Ali'i and Hanaka'o'o Point. This does not comport with what would be a better option as evidenced by the Shoreline Evaluation Report attached to their DEIS Exhibit D.

The problem with the beach area fronting the proposed project is, in the words of their own expert, that it is a "dynamic beach, and portions of it undergo pronounced seasonal changes. Because it is exposed to north swells in the winter and south swells in the winter, the effects are most apparent at the north end of the beach at Hanaka'o'o Point." Their own report effectively admits that during summer months, when the tourist traffic is most heavy, there is little if any sandy beach in front of the project site; thus, all of the hundreds of occupants would move toward the sandy area directly north of Hanaka'o'o Point and over-impact the public use of this area as previously discussed. The DEIS is insufficient in terms of identifying mitigation measures as it failed to address the issue of "no sandy beach available" in terms developing the project and its environmental impact.

Visual Resources:

The DEIS takes an incredible and disingenuous position that "the proposed improvements are anticipated to enhance views and create a more pleasant open - space experience." Common sense, and a review of the Coastal Zone Management Program Objectives and Policies at §205A-2(HRS)(3) set the standard. "Objective: Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources." These mandated objectives are completely at odds with this project.

No matter how they want to spin it, ("improvement; more pleasant") honesty and common sense reveals that the developer's argument is nothing short of Orwellian "double-speak." **Putting a multi-story concrete building that blocks public and private views does not "create a more pleasant open-space experience."**

Socioeconomic Environment/Impacts to Adjacent Properties:

The following comments are with respect to the private rights of my clients at the Ka'anapali Ali'i.

First, the DEIS is quite clear in stating that residents of the Ka'anapali Ali'i, inclusive of my

clients, see the project as "affecting their quality of life." They also note that it may affect several owners cash flow in the future. Most certainly there is a connection which can be drawn. If, in fact, the development negatively affects the owner's quality of life in their home, it will, therefore, affect the owner's investment. This was not addressed by the DEIS which must identify losses incurred by private parties during and after construction such that the Department can adequately assess the financial impact of their decision.

The construction phase of the project needs to be more adequately and thoroughly addressed. Even the applicant admits "the extent and direct construction impacts cannot be fully predicted, since details of timing and construction practices remain to be set." However, it is asking the Department to approve the DEIS based on lack of information while glossing over and ignoring the reality of the length of construction at Airport Beach.

We have all learned lessons from past experience; thus all we can do is look at the timeshare development at Airport Beach as the standard from which accurate assumptions can and should be made with respect to actual construction time, noise and expense of a six-story development. The developer's assumptions made with regard to the time of construction are completely over optimistic and unrealistic. Thus the financial impact to the Ali'i's owners, based upon incorrect assumptions, is also inadequate.

The developers hired SMS Research to allegedly address my clients and the other Ali'i resident's concerns. Quite obviously, the report was fatally skewed to facilitate those who paid for it.

The credibility that one can give to the SMS report is summarized in their conclusion that "prospective buyers can accept the new building as part of the view, not as an immediate intrusion."

With all due respect, putting a multi-story cement building within feet of an owners existing view shed is an intrusion!

Please note that my clients formally object as they will be affected in terms of loss of property value, loss of rents, loss of future rents, loss of use of their property and their quiet enjoyment thereof. They will also suffer a loss of their private views. Additionally, the effects of construction in terms of noise, seismic vibrations, dust and the like will make their properties uninhabitable for a time which "cannot be fully predicted." These losses were completely omitted from the DEIS and my clients will seek all available legal recourse such that they will not be required to assume out-of-pocket losses associated with the activity of the developer, together with any and all others who may consider, much less approve, this defective DEIS.

Unresolved issues:

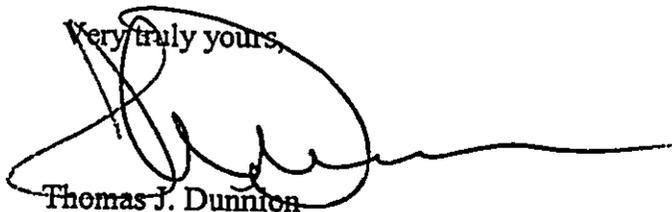
The DEIS is deficient and thus inadequate in identifying a number of issues as discussed hereinabove.

It is inconceivable that a member of the Planning Department would pass along, as his or her family legacy, the environmental nightmare as proposed by the Marriott. To the contrary, our officials have an obligation to protect the public environment and existing private interests in the County of Maui, despite the strength and overwhelming financial pressure as applied by the Marriott.

We believe the Department has an obligation to reject the DEIS for the reasons as stated above.

Please put us on notice such that we may attend all hearings and take appropriate action, if necessary.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas J. Dunnington", written over the typed name below it.

Thomas J. Dunnington

TJD:km

cc: Via Certified Mail
Office of Environmental Quality Control
235 S. Beretania St., Ste 702
Honolulu, HI 96813

Maui Planning Department
250 South High Street
Wailuku, HI 96793



July 8, 2003

Thomas J. Dunnion
Dunnion Law Firm
2711 Garden Road
Monterey, CA 93940

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TMK (2) 4-4-013: 001
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The memo addresses many of the concerns listed in your letter. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. *Significance of Hanaka`o`o Point.* We have updated the Final EIS to reflect the presence of the surf break fronting the Maui Ocean Club and Ka`anapali Ali`i Condominium in the land use section (III-A-1). Additional investigation by the project's cultural impact analyst has not resulted in findings related to significant cultural or historical use of the point.

We disagree with your assumption that Hanaka`o`o Point is the "focal point of the entirety of Ka`anapali Beach because of its unique characteristic as the only surf break..." Several types of ocean activities are enjoyed in Ka`anapali, including: canoe paddling & sailing, snorkeling, swimming and sunning. Each

activity has its own popular spot, i.e. paddling at canoe beach, snorkeling at black rock, and sailing canoes typically land and launch near Whalers Village.

2. *Views from (and around) Hanaka`o`o Point.* The reduction of view corridor from Hanaka`o`o Point will be partial, not total. The Final EIS includes a simulated view from Hanaka`o`o Point (Figure 14C).
3. *Number of Units/Keys.* The number and configuration of units with respect to lockoff bedrooms is Documented in Table 1 of the DEIS. The FEIS will include additional clarification in the project description to further illuminate the distinction.
4. *Shoreline Area Improvements.* The proposed guest buildings, of course, do not expand open space. The improvements to the shoreline area of the project however, will result in greater landscaped open space in the coastal corridor, especially mauka of the coastal walkway. We have clarified our descriptions of these improvements in the Final EIS section on visual impacts (Section III-A-9):
5. *Landscaping.* As reflected in the site plan included in the EIS, MVCI's intention is to create an open space environment adjacent to the shoreline and between the KAC and proposed Napili building. It is not MVCI's intent to wall-off the KAC buildings with landscaping. The primary element will be grass lawn, with punctuation by various trees and shrubs similar to existing landscape planting on the property. MVCI recognizes that there are concerns that trees could obscure views by KAC unit owners, and has informed the AOA that it is willing to provide a preliminary landscape plan to the KAC for review and comment prior to construction of landscape improvements. We note that the removal of the screens that shield the existing tennis courts will enhance the view corridors from the lower units in KAC buildings 3&4.
6. *Location of Pool Bar.* Your description is incorrect. The Draft EIS actually reads, "a small pool bar will be located at a corner of the pool deck between the new building and the existing hotel" (page 6). The pool bar will be located at the south end of the proposed Napili pool, and not within view of KAC units.
7. *Music, parties, luaus...* The project does not entail the establishment of any organized music events. The Draft EIS states that the luau facilities will be removed. For your information, there are no plans to relocate the luau grounds to the north side of the property. In fact, the luau will cease operations altogether with the commencement of construction of the proposed Lahaina Building.
8. *Beach Activity Vendors.* MVCI does not support the independent vendors who are using Ka'anapali Beach to rent equipment. We do not agree that the project

will contribute to the problems with beach vendors. MVCI does not allow beach vendors to solicit on its property nor does it allow these vendors to park in stalls designated for beach access. MVCI's beach access parking is patrolled and enforced.

9. **Traffic and Parking.** As elaborated in the issue #2 of the Memo, the expected guest-count of the completed, stabilized Sequel project is less than the high-season guest counts experienced during the Marriott's operation as a 720-room Hotel. The stabilized timeshare resort is anticipated to draw around 1400-1500 persons. By comparison, the Hotel experienced more pronounced seasonal fluctuations where guest counts ranged between 1200 and 1700 guests. The average guest counts for each project are roughly the same.

Since the average guest loads will be similar, and the MOC Sequel project will have fewer guests during peak periods, we do not anticipate intensification of visitor related impacts such as traffic and the use of public facilities. The Final EIS addresses traffic impacts in section III-D and provides a breakdown of the anticipated guest-count in Table 1.

Parking for the resort will comply with the requirements established by Chapter 19.36 of the Maui County Code (Off-Street Parking and Loading).

10. **Alternative Locations.** We have clarified the description in the alternatives section to indicate that it was specific "off site" locations that were not considered. Planning of the project did include consideration of the potential on-site building envelopes at the north and south portions of the property. The southern section in particular, has restrictions stemming from the condominium property regime which limit the building envelope of the proposed Lahaina tower. These considerations are included in the Final EIS section discussing alternatives (II-D).
11. **Coastal Processes at Hanaka'o'o Point.** As you mentioned, the Draft EIS indicates that Hanaka'o'o Point is the most dynamic portion of beach fronting the subject property. The project incorporates sensitivity for the dynamic coastal zone by incorporating increased setbacks.
12. **Beach Resources.** The project is unlikely to result in greater demand for beach resources because of two factors: First, the average guest load is not anticipated to increase significantly, and furthermore the TS facility will not experience the higher (seasonal) guest load peaks that the Hotel did. Second, the initial conversion project (2000) and the Sequel project significantly increase the on-site recreational resources (specifically pool space), lessening the need for guests to utilize the beach for sunning and swimming activities.

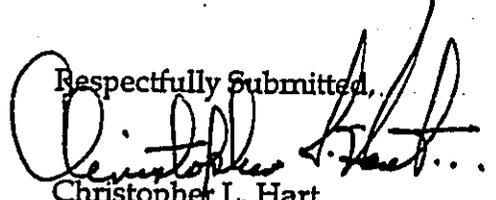
13. *Visual Resources.* As mentioned above, the improvements to the shoreline area of the project will result in greater landscaped open space in the coastal corridor, especially mauka of the coastal walkway. We have clarified our descriptions of these improvements in the Final EIS section on visual impacts (Section III-A-9).
14. *Loses due to Construction Impacts.* Physical impacts due to construction are discussed in section III-A of the EIS. Social-Economic impacts are discussed in section III-B.
15. *Construction Duration.* The construction project at airport beach is a convenient worst-case scenario, however it is not applicable to this project. The Airport Beach project was re-designed during construction and ran out of construction funding. The comparison fails to relay that MVCI will be performing construction while simultaneously operating the existing Maui Ocean Club, and therefore has internal incentives to make construction as quick and painless as possible.

Construction and development professionals that have experience with several hotels in the Hawaii region have prepared the construction schedule. You have provided no technical reasons or expert opinion to show that the construction schedule is unrealistic.

16. *Visual Intrusion for the KAC.* Design option planning has resulted in several alternative designs for the project. The preferred option (#5) of the Final EIS would site the proposed Napili building ~130 feet from the KAC. This separation is greater than the distance between the KAC buildings 1&2 and the Westin Hotel (~110 feet) and the ~71-foot separation between KAC's own building stacks (3&4 and 1&2).

Despite our differences in opinion, we thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,


Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

ISAAC DAVIS HALL

ATTORNEY AT LAW
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03 FEB 21 P4:08

February 21, 2003
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Via Hand Delivery

Mr. Michael Foley, Planning Director
Mr. Joseph Alueta, Staff Planner
Planning Department, County of Maui
250 South High Street
Wailuku, Maui, HI 96793

Re: Comments of Gerald and Barbara Romain on Draft Environmental Impact Statement in Support of a Special Management Area Permit for the Maui Ocean Club Sequel; TMK No. (II) 4-4-013:001, Kaanapali, Maui, Hawaii

Dear Michael Foley and Joseph Alueta:

These comments are submitted on behalf of Gerald and Barbara Romain on the Draft Environmental Impact Statement ("DEIS") for the Maui Ocean Club Sequel proposed by Marriott Vacation Club International on 15.9 acres in Kaanapali, Maui, Hawaii, designated as TMK No. (II) 4-4-013:001. Gerald and Barbara Romain (the "Romains") are the owners of Apartment No. 344 in the Kaanapali Alii Condominium Project (the "Alii") which is immediately adjacent to the proposed project. They will be directly, immediately and adversely affected by the proposed project and, therefore, have standing to submit these comments and to participate in contested case proceedings on whether or not any SMA permit can issue for this project.

The Romains' comments are addressed to the person and entity identified as the approving agency/accepting authority for this project in *The Environmental Notice*, with copies to the applicant, in accordance with Hawaii's "Environmental Impact Statement Rules," Hawaii Administrative Rules ("HAR") § 11-200-22(b). This submittal is without prejudice to our comment that the approving agency/accepting authority has not been properly identified.

I. INTRODUCTION/THE DEIS IS INADEQUATE

The DEIS for the Maui Ocean Club Sequel ("proposed project") is inadequate and unacceptable for multiple, important reasons. The DEIS does not satisfy basic, minimal requirements of Hawaii's law on Environmental Impact Statements, Chapter 343, ("HEPA"). It fails "to convey the required information succinctly in a form easily understood, by both members of the public and the public decision-makers." HAR § 11-200-19. Contrary to HAR § 11-200-14, the DEIS is "a self-serving recitation of benefits and a rationalization of the proposed action." The preparers of the DEIS have not taken a "hard look" at the environmental consequences of the proposed project as a whole.

II. THE PROCEDURES FOR THE PREPARATION OF A DEIS HAVE NOT BEEN COMPLETED SATISFACTORILY AS REQUIRED BY LAW

By Chapter 343, actions are either applicant actions or agency actions. See Hawaii Revised Statutes ("HRS") § 343-5(b) and (c). This project is alleged to be an "applicant" action triggered by the applicant having proposed an action requiring the approval of an agency. HRS § 343-5(c). The agency receiving the request for an approval has the duty to prepare an Environmental Assessment ("EA") and to determine whether an EIS is necessary. HRS § 343-5(c) further states:

The authority to accept a final statement shall rest with the agency receiving the request for approval. (Emphasis added.)

HAR § 11-200-4, entitled "Identification of Accepting Authority," in subsection (b), states the following with respect to applicant actions:

Whenever an applicant proposes an action, the authority for requiring statements and for accepting any required statements that have been prepared shall rest with the agency initially receiving and agreeing to process the request for an approval.

The Maui Planning Department would not be the accepting authority under any circumstances. The Special Management Area ("SMA") application is submitted to the Planning Department; however, the Planning Department does not approve the application. Under similar circumstances, as exist here, the Hawaii Supreme Court ruled that the Maui Planning Commission was the agency receiving the request for the approval of an SMA application and, therefore, was the agency responsible for the preparation of environmental documents. KSOA v. County of Maui, 86 Haw. 66, 947 P2d 378 (1997).

The Guidebook for the Hawaii State Environmental Review Process states, on page 7 with respect to the "accepting authority/approving agency":

Privately initiated EIS documents must be accepted by the government agency empowered to issue permits for the project. (Emphasis added.)

The governmental agency empowered to issue permits for this project is the Maui Planning Commission. By the Guidebook, the Maui Planning Commission is the agency empowered to accept this EIS.

The Romains' position is that acceptance of this EIS by the Maui Planning Department would be null and void as a matter of law.

These comments are submitted to the Maui Planning Commission because this agency will be the approving agency/accepting authority pursuant to Chapter 343 and the EIS Rules.

III. THE PROJECT HAS NOT BEEN DESCRIBED ACCURATELY AND THEREFORE ITS IMPACTS HAVE BEEN UNDERESTIMATED

Throughout the DEIS there is false and misleading information on the number of units which will be constructed and operational as a result of this proposed project. This is because the DEIS fails to acknowledge that each "lockout unit" is actually two units, in accordance with County Ordinance. Counsel for the Romains verified with County planning officials that each "lockout unit" should have been described and counted as two units.

Throughout the DEIS, "lockout units" are improperly counted as one unit. Within the "Summary" section of the DEIS, on page 1, there is a chart which sets out "Total Units" and also sets out "Total Keys". The "Total Units" numbers fail to count each "lockout unit" as two units. The "Total Keys" figures should be re-titled as the "Total Units" figures. Upon completion of the project there will be a total of 446 units in the "Maui Ocean Club", instead of 312. The "Sequel" project will result in a total of 292 units and not 146. The total number of timeshare units once this project is built will be 738 and not 458. **Thus, this project will result in more units than exist now (738 - 584 = + 154 units).** This project will lead to more units than existed at the time of the Maui Marriott Hotel (738 - 720 = + 18).

The obfuscation in the number of units is significant because the West Maui Community Plan contains, on page 27, the following objective:

Encourage the renovation and improvement of existing visitor facilities without a substantial increase in the room count. (Emphasis added.)

An increase in 154 units over the existing 584 units is a 25% increase in room count which must be considered to be a substantial increase in the number of rooms. This project is, therefore, inconsistent with this objective of the West Maui Community Plan.

The "Floor and Unit Plans: Lahaina Building" in Figure 12A in the DEIS depicts a three bedroom typical unit. It is a "lockout unit". In the larger "lockout" unit, there is a kitchen/dining room, a living room, two bathrooms, a master bedroom suite with a queen or king-sized bed, a second bedroom with two double beds and a sofa that can be converted into a double-sized bed in the living room. In the smaller "lockout unit" attached to the three bedroom typical unit, there is a queen or king-sized bed, a sofa that can be converted into a double-sized bed, and a bathroom. All together, the three bedroom typical unit contains a kitchen, a living/dining room, three bathrooms, two queen or king-sized beds, and four double beds.

The two bedroom typical unit is also depicted in Figure 12A. The larger unit has a kitchen, a living/dining room, a bathroom, a queen or king-sized bed in the master suite and a sofa that can be converted into a double-sized bed in the living room. In the smaller "lockout unit" attached to the two bedroom typical unit, there is a queen or king-sized bed as well as a sofa that can be converted into a double-sized bed and a bathroom. The two bedroom typical unit, therefore, contains a kitchen, a living/dining room, two bathrooms, two queen or king-sized beds, and two double-sized sofa beds.

The numbers of people anticipated to use these units are shown in Exhibit 4-G attached to Appendix I, the Socio-Economic Impact Assessment. In that assessment, and throughout the DEIS, it is assumed that the "smaller" lockout units will only be occupied 20% of the time. This appears to be a significant underestimation, especially in an EIS within which "worst case scenarios" are intended to be analyzed. Exhibit 4-G estimates that the maximum number of parties that will occupy the 146 additional "Sequel" units will be 604, for an average of 4.1 persons per unit. This appears to be a significant underestimation based upon units which have two queen or king-sized beds, as well as two or four double beds.

These incorrect figures have been used throughout the DEIS to understate the impacts of this project. First, the number of parking stalls required has been underestimated because the number of units have not been counted correctly. Second, the infrastructure demands (water, sewer and the like) of this project have been underestimated because the number of units have been stated incorrectly. The traffic impacts of the project have been underestimated for the same reason and the socio-economic impacts of the project have been incorrectly analyzed.

IV. THE PROJECT VIOLATES VISUAL AND OPEN SPACE OBJECTIVES BY WALLING OFF EXISTING VIEW CORRIDORS

In reviewing Figure 3 in the DEIS, it becomes evident that two significant view corridors have been created and preserved within the Kaanapali Resort. See Exhibit "1" attached hereto. The first pertinent view corridor is between the Kaanapali Alii and the existing Maui Ocean Club. An open space area has been preserved which provides views of the ocean and Hanakao'o Point from the state highway and mauka lands, and between resort properties. This area

of open space also provides and protects views for Alii apartment owners, including the Romans.

The second pertinent view corridor is between the Maui Ocean Club and the Hyatt Regency Resort. This open space area affords views of the ocean from the state highway and mauka lands, and between resort properties.

Open space corridors occur at relatively evenly spaced locations throughout the Kaanapali Resort. These open space areas, and particularly the corridor between the Alii and the existing Maui Ocean Club must be protected and preserved in accordance with existing law and important policies and objectives.

The proposed project would destroy one of the two open space view corridors described above. The open space area between the Alii and the Maui Ocean Club would be almost entirely filled with a ten story tall timeshare building. The visual corridors from the Alii and mauka properties to Hanakao'o Point and the ocean would be blocked, in violation of the laws and plans described below.

A. The Coastal Zone Management Act

It is an objective of the Coastal Zone Management Act ("CZMA") to protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources. (Emphasis added.) HRS § 205A-2(b)(3)(A). It is also a policy of the CZMA to insure that coastal dependent development is located, designed and constructed to minimize adverse social, visual and environmental impacts in the CZMA. (Emphasis added.) HRS § 205A(c)(5)(b).

The CZMA broadly protects "the quality of coastal scenic and open space resources" and "visual" resources within the coastal zone. It is a guideline of the CZMA to minimize, where reasonable, any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast. HRS § 205A-26(3)(D).

B. The West Maui Community Plan

The West Maui Community Plan also protects open space and visual resources. Page 10 of the Plan states that:

Existing areas of open space ... should be viewed as a resource which should be protected and enhanced.

Page 12 of the Plan states that:

... Open space areas are important assets of the region that should be protected and preserved for the long term.

The Plan states on page 16:

Preserve and enhance the mountain and coastal scenic vistas and the open space areas of the region. (Emphasis added.)

C. Maui Coastal Scenic Resources Study

The Maui Coastal Scenic Resources Study was prepared for the Maui Planning Department and financed through the CZMA. A small portion of the study is attached as Appendix G to the DEIS.

This study includes recommendations and objectives **against** walling off or blocking view corridors to the ocean or to the mountains. Pertinent portions of this study are attached to these comments. See Exhibit "2" attached hereto. On page 6-9, recommendations are included stating that developments should be designed to avoid major visual obstructions to ocean and mountain views. On page 6-11, a recommendation is included on designs which enhance view corridors. On pages 6-17 and 6-19 through 6-28, the study recites sources including the CZMA, the County SMA Rules, the County General Plan and the local community plans as legal authorities for protecting open space and visual resources.

D. Summary

The project proposed violates the CZMA, the West Maui Community Plan and the Maui Coastal Scenic Resources Study objectives and policies regarding the protection of open space and visual resources. The open space view corridor between the Alii and the Maui Ocean Club should be protected in order to preserve the existing views to the Hanakao'o coastline and the ocean.

The applicants have existing, reasonable available alternatives for their project other than "walling off" this view corridor. All or most of the Napili Building should be relocated and placed near the Lahaina Building. This would preserve the view corridor to Hanakao'o Point. The view corridor between the Maui Ocean Club and the Hyatt Regency Resort would not be affected. See Figure 3.

V. THE STUDY OF ALTERNATIVES IS INADEQUATE

The study of alternatives in the DEIS is inadequate. HAR § 11-20-17(f) requires a description of all alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected. It further states:

The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce or minimize some or all of the adverse environmental effects, costs, and risks.

Examples of alternatives include (1) the no action alternative, (2) alternatives requiring actions of a different nature with similar benefits but different impacts, (3) alternatives related to different designs or details of the proposed action which would present different impacts, (4) the alternative of postponing action pending further study, and (5) alternative locations for the proposed project. This provision states:

In each case, the analysis shall be sufficiently detailed to allow the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative.

The study of alternatives in the DEIS is one and one half pages long. None of the alternatives are studied in detail as required by the EIS Rules. Design alteration alternatives are covered in one paragraph, in four sentences. Reference is made to three design options in Figure 16. The alternative of locating all or most of the Napili Building to the opposite side of the project along side of the Lahaina Building in order to preserve the view corridor and to prevent "walling off" the Kaanapali Resort has not even been considered. An example of this alternative is attached hereto as Exhibit "3". The DEIS should have rigorously studied this alternative in a manner consistent with the EIS regulations.

VI. THE ANALYSIS OF ENVIRONMENTAL EFFECTS WHICH CAN NOT BE AVOIDED IS INADEQUATE

HAR § 11-200-17(j) requires that the DEIS include a section analyzing the extent to which the proposed action involves trade-offs among short-term and long-term gains and losses, including the extent to which the proposed action forecloses future options, narrows the range of beneficial uses of the environment, or poses long-term risks to health or safety.

In a similar vein, the DEIS must include a separate section describing all irreversible and irretrievable commitments of resources and unavoidable impacts resulting from any phase of the action. See HAR §§ 11-200-17(l) and (l). To the extent that there are adverse and unavoidable impacts, the DEIS must include the rationale for proceeding with a proposed action, notwithstanding unavoidable effects. The DEIS must indicate what other interests and considerations of governmental policies are thought to offset the adverse environmental effects of the proposed action. HAR § 11-200-17(l) concludes:

The statement shall also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed actions that would avoid some or all of the adverse environmental effects.

The DEIS includes sections which purport to address these EIS Rules on pages 42 through 44; however, none of the analyses required in the provisions

cited above is included. These sections do not comply with these provisions of the Rules and are inadequate.

VII. INCORPORATION BY REFERENCE OF OTHER COMMENTS

The Romains hereby incorporate by reference all other comments submitted by all others who commented on this DEIS.

VIII. THE DEIS DOES NOT MEET THE TESTS FOR ACCEPTANCE OR ADEQUACY

An EIS is inadequate and cannot be accepted unless it satisfies the tests for "acceptability" set out in HAR § 11-200-23. The EIS, in its completed form, must represent an informational instrument which fulfills the definition of an EIS and adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments. See HAR § 11-200-23(a).

An EIS may only be accepted by the accepting authority or approving agency if all of the following criteria are satisfied, according to HAR § 11-200-23:

- (1) The procedures for assessment, consultation process, review, and the preparation and submission of the statement, have all been completed satisfactorily as specified in this chapter;
- (2) The content requirements described in this chapter have been satisfied; and
- (3) Comments submitted during the review process have received responses satisfactory to the accepting authority, or approving agency, and have been incorporated in the statement.

It would be premature to assess whether the third test has been satisfied; however, it is already apparent that the first two tests have not been satisfied, based upon the foregoing.

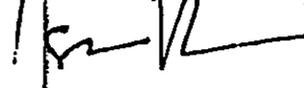
IX. CONCLUSION/DEIS SHOULD BE WITHDRAWN

It will be insufficient to simply respond to the comments received on the DEIS. The inadequacies of the DEIS are so severe that the document must be withdrawn, rewritten, republished as a DEIS, and public review recommenced.

We trust that you will take seriously your responsibility to enforce the environmental laws of our state, and refuse to accept or approve this document until it has been adequately prepared to serve its intended purpose.

Thank you for the opportunity to comment on this DEIS.

Sincerely yours,



Isaac Hall

IH/sn

Enclosures

cc: Gerald and Barbara Romain
Maui Planning Commission
Chris Hart & Partners, Inc.
Office of Environmental Quality Control
romain/letcomment

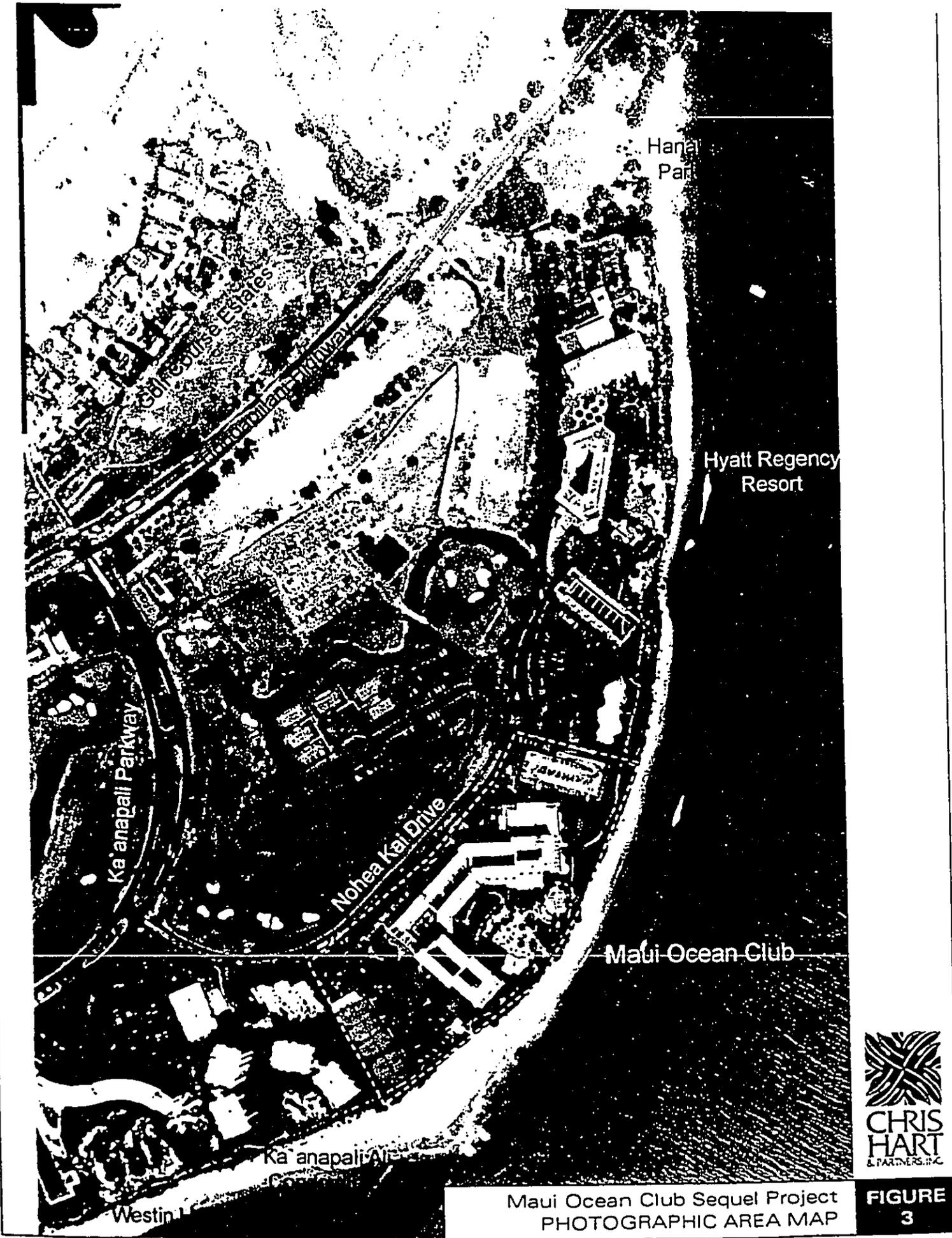


EXHIBIT "1"

MAUI COASTAL SCENIC RESOURCES STUDY



EXHIBIT "2"

MAUI COASTAL SCENIC RESOURCES STUDY

**MAUI COASTAL
SCENIC RESOURCES
STUDY**

Prepared for

County of Maui
PLANNING DEPARTMENT

by

Bruce Bebe, Glenn Hontz and Andrea Swanander of
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(808) 874-0911

August 31, 1990

The preparation of this study was financed in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, United States Department of Commerce, through the Office of State Planning, State of Hawaii.

MAUI COASTAL SCENIC RESOURCES STUDY

4.4.1 VISUAL RESOURCES: LAHAINA TO KAPALUA		
COASTAL LAND FORMS	DISTINCTIVE	NOTEWORTHY
Mala Wharf from Wahikuli Park to Fleming Road		•
Hanakaoo Point-Fleming Road to Wahikuli Park		•
Lipoa Point at Honolua Bay-Kapalua entrance to Fleming Beach	•	
COASTAL VIEWS	DISTINCTIVE	NOTEWORTHY
Wahikuli-Fleming Road to Kaanapali/Hanakaoo Park	•	
Lanai-PuaMana Park		•
Molokai from Honokowai, Kahana, Napili and Kapalua		•
Kaanapali- across golf course north of 2nd entrance to Kaanapali		•
MAUKA VIEWS	DISTINCTIVE	NOTEWORTHY
West Maui Mountains-Puamana to Lahainaluna, Kahoma Stream, Honokowai to Kapalua.	•	
IMPORTANT OPEN SPACES	DISTINCTIVE	NOTEWORTHY
Cane Fields		•
Wahikuli Park 1, 2 and 3 and Hanakaoo Beach Park	•	
Kaanapali Golf Course just north of second entrance to Kaanapali		•
Old Kaanapali Airport		•
SITES OF NATURAL BEAUTY	DISTINCTIVE	NOTEWORTHY
Beach - Black Rock to Old Kaanapali Airstrip		•

4.4 LAHAINA TO KAPALUA

This area is characterized by extensive resort development with most land mauka of Honoapiilani Highway in agriculture and most development occurring makai of the coastal highway. As a result, the remaining views of the West Maui Mountains and its several valleys dominate the attention for long stretches. In several areas, public beach parks have been developed that provide visual connection to the ocean. In other areas, where Honoapiilani Highway comes close to the shoreline, sweeping ocean vistas include the islands of Lanai and Molokai. Driving south along the highway past Kaanapali, Mala Wharf is visible from Wahikuli Park.

The Lahaina area is predominantly urban makai and agricultural mauka until Kaanapali. At the entrance to Kaanapali a golf course with a water feature provides visual relief. Continuing north, the area remains mostly urban resort, with some relief provided makai by the golf course, and occasional mauka views of sugar cane and pineapple fields fronting the West Maui Mountains. Where the ocean is visible, there are beautiful vistas of the islands of Lanai and Molokai, many boats moored offshore, and

occasional whales breaching or spouting in season.

Between Kaanapali and Honokowai lies the former site of the Kaanapali Airstrip. This area is scheduled to be developed with several hotels in the near future. Significant views could be maintained from the highway if the proposed developments were planned properly.

Grouped hotel and condominium development occurs at Honokowai, Kahana, and Napili, with some noteworthy ocean views in between. This area is being rapidly developed with single and multi-family residential projects that tend to eliminate coastal views. Mauka views are good, with the area changing from sugar to pineapple fields fronting the West Maui Mountains at Honokowai. At Napili, the highway tends mauka, where it continues until Kapalua. The development makai of the highway is well hidden because of the slope of the land and the compatible colors and design of the buildings; however, the actual shoreline is not visible. North of the entrance to Kapalua the highway again opens to an excellent view of Honolua Bay and the island of Molokai.

5. RECOMMENDATIONS

The following recommendations have been compiled in two ways:

1. Recommendations gleaned from the CZM legal framework (Federal CZMA, HCZM, SMAs, General Plan, etc.)
2. Conditions observed during field work.

A recommended revision of the SMA boundary is presented first. General recommendations are then presented which apply to all of Maui and specifically to the three target areas. Then specific recommendations are listed by target area and organized into three categories:

1. The natural environment
2. The constructed environment
3. Landscaping

5.1 SMA BOUNDARIES

The SMA boundaries were studied to determine if any changes were necessary. It is recommended that the SMA boundary be relocated in the Wailuku - Paia area to include agricultural lands between Hana Highway and the Kahului Airport from Dairy Road to Stable Road in Sprecklesville. Development in this area would affect coastal view resources, par-

ticularly the view towards the West Maui Mountains from Hana Highway.

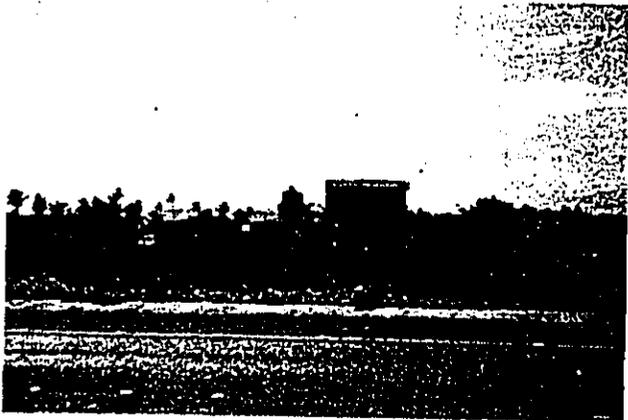
5.2 GENERAL RECOMMENDATIONS

The following general recommendations can be applied to the entire island of Maui to enhance and preserve the island's scenic and open space resources.

1. Obtain a thorough knowledge of the regulatory network and its overall intent as outlined in the design manual of this study.
2. Apply this study to the proposed SMA development projects as follows:
 - A. Investigate developments on a specific property from the point of view of existing scenic resources, and take into account the preservation and protection of these resources.
 - B. Review the Principles of Design and the Guidelines in Chapter 6, and apply them to the development proposal in question.

MAUI COASTAL SCENIC RESOURCES STUDY

3. Design buildings to run mauka-makai where buildings built parallel to the highway would block coastal views.



4. Walls which obscure visual resources are discouraged. Design landscaping to soften their impact in places where walls are deemed necessary.

5. Locate new utility lines underground where they impact visual resources. See specific recommendations for each area.

6. Plant open parking facilities with canopy trees to produce shaded parking areas. Landscape parking perimeters to enhance the visual image along the street.



7. Maintain agricultural lands as a major scenic resource and open space element. Recognize the scenic contributions of agriculture when evaluating proposed developments.



8. Preserve the shoreline sand dune formations.

9. Landscape stream channels and drainage ways in lieu of concrete channelization.



10. Design proposed State and County Parks appropriately to enhance visual resources and preserve open space.

MAUI COASTAL SCENIC RESOURCES STUDY

11. Maintain an open space system of parks, utility easements, shoreline areas, and drainage ways as a framework for the built environment.
12. A large percentage of open space should be incorporated into future development plans.
13. Require appropriate landscaping along major travel routes. "Appropriate" landscaping, meaning varieties of trees and shrubs that serve the desired purpose without blocking views. For example, false wili-wili along the cane fields provide a wind-break but block some good mauka views.



5.3 WAILUKU TO PAIA

1. The Natural Environment

- A. Protect Kanaha wetlands as important

visual and open space resources.



2. The Constructed Environment

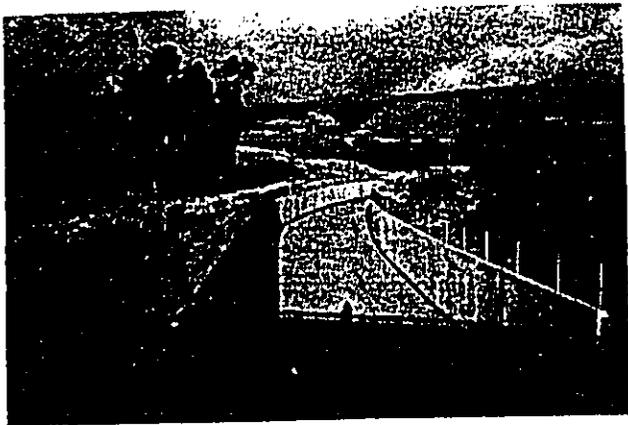
- A. Future development be compatible in scale relationships to existing low-scale town character.
- B. Require sufficient spacing between higher buildings in order to preserve mauka-makai views.
- C. Where urban development is allowed, sensitively design taller buildings to take into account potential scenic views and desired town character.
- D. Visually maintain and enhance the low-density town character of Paia town.

MAUI COASTAL SCENIC RESOURCES STUDY

5.5 LAHAINA TO KAPALUA

1. The Natural Environment

- A. Appropriately landscape natural drainage ways in lieu of concrete channelization for open space visual relief. Examples of violation of this principle are Kahoma Stream and Honokowai stream which have recently been channelized. Specific drainage channels this principle applies to are: Wahikuli Gulch, Mahinahina Gulch, Kahana Stream, Kaopala Gulch, Honokeana Stream and Napili Stream.



- B. Appropriately landscape the cemetery at Honokahoo to improve scenic beauty.



2. The Constructed Environment

- A. Existing power lines be put underground, especially within Lahaina town.

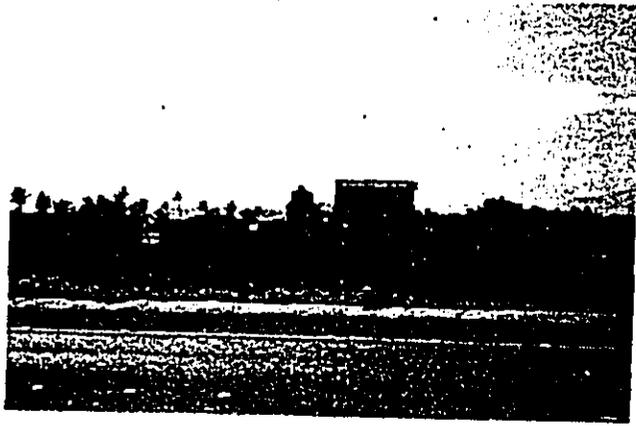


3. Landscaping

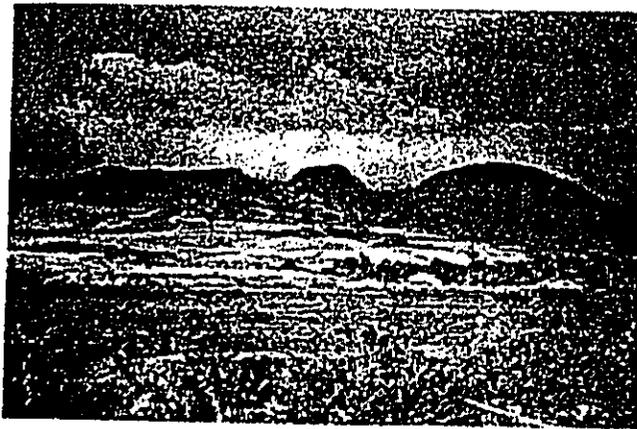
- A. Appropriately landscape the strip of land at sewage pumping station Lahaina

MAUI COASTAL SCENIC RESOURCES STUDY

3. Design buildings to run mauka-makai where buildings built parallel to the highway would block coastal views.



7. Maintain agricultural lands as a major scenic resource and open space element. Recognize the scenic contributions of agriculture when evaluating proposed developments.



4. Walls which obscure visual resources are discouraged. Design landscaping to soften their impact in places where walls are deemed necessary.

5. Locate new utility lines underground where they impact visual resources. See specific recommendations for each area.

6. Plant open parking facilities with canopy trees to produce shaded parking areas. Landscape parking perimeters to enhance the visual image along the street.



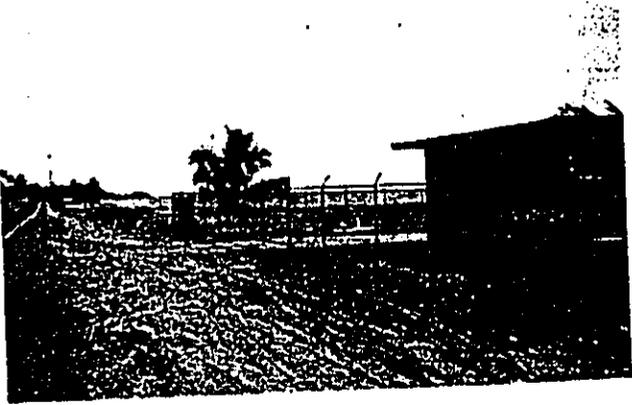
8. Preserve the shoreline sand dune formations.

9. Landscape stream channels and drainage ways in lieu of concrete channelization.



10. Design proposed State and County Parks appropriately to enhance visual resources and preserve open space.

side of Wahikuli Park No. 3.



B. Heavily landscape the drainage ways that have already been channelized at Kahoma stream and Honokowai stream to mitigate some of the visual impact.



5.6 CONCLUSION

Scenic and open space resources can be preserved and enhanced by applying the methods outlined in this study to aid in harmonizing the built and natural environments. Landscaping is a major part of enhancing the scenic environment of an area and softening the impact of the built environment.

MAUI COASTAL SCENIC RESOURCES STUDY

structures similar to those that can be found in any major city anywhere. If this trend continues, Maui will not only lose its unique character and "sense of place" but will be indistinguishable from Manhattan or Tokyo.

Now that planning on Maui has matured, we are able to deal with these problems by expressing what is in fact appropriate for Maui.

The values underlying many of the recommendations of this report support developments which are "island scale," that is ones which are small, low profile and dispersed. Additionally, these recommendations are intended to encourage renovation and re-development in a manner compatible with the integrity of island-style living.

Two major features that contribute to Maui's unique quality are its coastal and mountain views. These features are an integral part of Maui's sense of place and represent a valuable aesthetic resource to be preserved. Accordingly, developments should be tied to these features in their orientation and should be compatible with these features in their design. Man-made features which are created with the clear intention of enhancing the natural environment that they occupy can contribute significantly to our visual appreciation of that environment.

6.4 GUIDELINES

The following guidelines are offered as reference points for use in evaluating proposed developments in the coastal management zone.



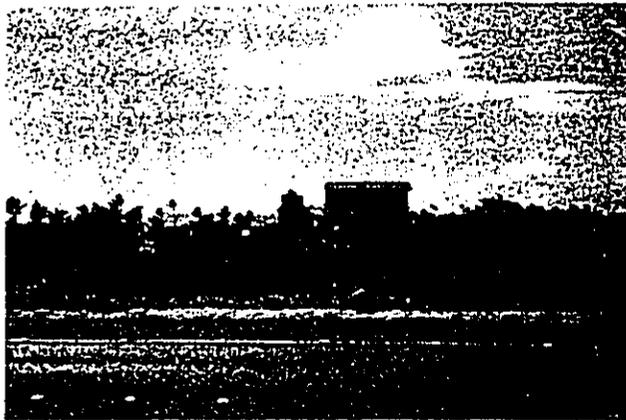
GREENBELTS AND OPEN SPACE BUFFERS

Maintain or provide for greenbelt or open space buffers between sectors of non-similar land use (i.e. keep residential areas separate from commercial in this manner, to provide transition from one type of area to another.) These greenbelt/open space areas may additionally provide supplementary recreational lands or park facilities and can serve as drainage ways during periods of high rainfall, storm waves or tsunami activity.



AVOIDING MAJOR VISUAL INTRUSION

Maui is an island on which the residents have a strong visual relationship with the mountains and the sea. Thus, developments should be designed to avoid "walling-off" ocean or mountain views; there are always acceptable alternatives. The recommended approach is to insist that developments for both urban and rural areas restrict the degree of visual obstruction. Such restrictions should be greater in rural areas, the same principle of "honoring the view for all" should also be observed in urban design. Establishing hard and fast policies in this matter is not only difficult but tends to restrict creative approaches. In contrast, it seems desirable to maintain a clear understanding of the general principle, and to insist that it be observed both in new developments and in redevelopment projects.



SITE PLAN CONFIGURATION

The arrangement of various features in the site plan of any development in the coastal zone should reflect an awareness of the desirability of creating appropriate view planes from within and from outside the site. For example, any one building should not unnecessarily obstruct the view from another. Collectively, the buildings and landscaping features of the site should enhance the view from outside the site. Additionally, running buildings mauka-makai instead of across the view plane would be an example of the application of this guideline. When appropriate approaches are used, the site plan often creates inviting view corridors or provides a foreground framing of a significant natural view in the background.

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BUILDING DESIGN AND HEIGHT LIMITATIONS

The overall features of building design, size, shape, height and other qualities should be required to reflect a consistency with their natural setting. Although height limitations may vary depending upon the particular location, no structure should be permitted to block or substantially obscure significant coastal or mountain vistas from places or points of common public view. Clustering buildings to create open spaces and "crenelating" or varying the roof profiles are examples of this guideline.

ROOF APPENDAGES

Roof appendages (i.e. stairway or elevator towers, air conditioning units, ventilation equipment, etc.) should be screened from view or integrated into the design of the roof structure (rather than as a "box on top").



ESTABLISH FLEXIBLE SET-BACK STANDARDS

Because actual coastal conditions and existing man-made features vary, it is difficult to establish arbitrary set-back standards. However, in general it is clear that deeper set-backs are more consistent with the spirit of preserving Maui's coastal view resources. Accordingly, the requirement of deeper set-backs should be applied to most new developments. A graduated, four-step set-back concept should be encouraged to include:

1. a natural terrain corridor along the ocean front,
2. a landscaped belt which is consistent with the natural sector and provides a transition to the next corridor,
3. then a corridor in which the structures not exceed one story and finally;
4. a sector in which higher structures may be allowed.

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ENHANCING VIEW POINTS

Small landscaped plazas, mini-parks, shaded walkways and similar features enhance the coastal zone in both residential and commercial areas. Street tree plantings and other beautification programs are encouraged. Preservation of existing trees is a high priority. If removal is necessary, relocation or replacement in alternative locations should be required. Sidewalk features and textures enhance the overall consistency of the area. Fixed benches, picnic tables, shaded lanais and other open-air features in appropriate locations allow enjoyment of the coastal landscape.



ENHANCING VIEW CORRIDORS

Buildings and clusters of buildings and their related landscaping features should be designed to enhance the view corridor and to facilitate visual access to both coastal and mountain features. This should be accomplished by height limitations, building size/scale, set-back requirements, landscaping, plan configurations and other measures which respect the integrity of the view and the sense of place in its relationship to the ocean and mountains. Abrupt differences in scale, changes in level, color or shape should be avoided.

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of individuals, groups and even visitors will pay rich dividends in such areas as expanded public support, curtailment of vandalism and reduced maintenance costs.

6.5 REGULATORY REQUIREMENTS

The regulatory requirements pertaining to Maui's coastal visual resources are very direct and straightforward. They provide the legal basis for implementing and enforcing sound approaches to environmental management of Maui's coast. Each portion of the network is interconnected and, in combination, they are mutually supportive. These regulations provide planners and developers with a set of powerful tools to create coastal developments which are environmentally appropriate.

Planners and developers will benefit from a thorough and detailed review of each document in the regulatory network. For purposes of this Manual the key elements of these documents and their applicability to scenic and open space resources are summarized below. (These documents are available in their complete form from appropriate governmental agencies on the Federal, State and County levels.)

6.5.1 FEDERAL COASTAL ZONE MANAGEMENT ACT OF 1972

The Coastal Zone Management Act was originally passed by the U.S. Congress in 1972. It

encourages the individual states to develop Coastal Zone Management programs consistent with Federal policy, but specific and appropriate to their particular location. The Act promotes a balance between coastal dependent development and environmental protection. It also provides assistance to the states in developing individual coastal zone management programs consistent with the national policy. Broad guidelines and requirements were established urging the states to:

1. Identify and evaluate coastal resources that require management or protection, and accordingly.
 - Determine specific uses and special geographic areas that are to be subject to the management program.
 - Establish the uses of these resources on the basis of resource capability and suitability analysis, socio-economic considerations and public preferences.
2. Protect the special natural and scenic characteristics that are being damaged by ill-planned development.
 - Give full consideration to the aesthetic values of coastal resources.
 - States may obtain assistance in the redevelopment of aesthetic coastal features.
3. Reexamine existing policies and/or develop

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new policies to manage these resources.

- Policies must be specific, comprehensive and enforceable.
- Policies should provide an adequate degree of predictability as to how coastal resources will be managed.

4. Provide for the consideration of the national interest in the planning for and siting of facilities that meet more than local requirements.

The Federal CZMA is the enabling act for the Hawaii State Coastal Zone Management Act (HCZMA), which, in turn is the enabling legislation for the Special Management Areas (SMA) rules and regulations.

6.5.2 HAWAII COASTAL ZONE MANAGEMENT ACT OF 1978

(Act 188, SLH 1977; Ch. 205A, HRS as amended)

The Hawaii Coastal Zone Management Act (HCZMA) was passed in 1977 by the Hawaii State Legislature and establishes the Office of State Planning as the lead agency in carrying out the provisions of the act. It also provides for the involvement of the State Land Use Commission, Department of Agriculture, Department of Business and Economic Development, Department of Health, Office of Environmental Quality Control, Department of Transporta-

tion, Department of Land and Natural Resources, and the County governments.

The HCZMA establishes basic state policy to guide State agencies and County government in the area of coastal zone management. This act establishes specific objectives and policies for:

1. Provision and protection of recreational opportunities
2. Protection and restoration of historic resources
3. Improvement of scenic and open-space resources
4. Protection of coastal ecosystems
5. Provision for coastal-dependent economic uses
6. Reduction of coastal hazards
7. Improvement of the review process involving development activities, including permit coordination and opportunities for public participation

Under the authority of the HCZMA, Counties were required to amend their Special Management Areas (SMA's) to include the foregoing policies and objectives.

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In terms of Hawaii's scenic and open space, the HCZMA is intended to;

- Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

Accordingly, this legislation establishes the following policies:

1. Identify valued scenic resources in the coastal zone management area.
2. Insure that new developments are compatible with their visual environment by designing and locating developments to minimize the alteration of natural land forms and existing public views to and along the shoreline.
3. Preserve, maintain, and where desirable, improve and restore shoreline open space and scenic resources.
4. Encourage developments which are not coastal dependent to locate inland.

The HCZMA adopted the existing Special Management Area (SMA) framework as the main vehicle for administering and enforcing these policies on a local level. The Counties were required to amend their SMA Rules and Regulations to become consistent with the objectives and policies of the act.

6.5.3 SPECIAL MANAGEMENT AREA RULES AND REGULATIONS

The Special Management Area Rules and Regulations of the County of Maui (SMA) were originally passed by the County Council in 1975. The Maui Planning Commission is established as the authority to carry out the intent of these rules and regulations in the target areas of this study.

The SMA Rules and Regulations encompass the objectives, policies and guidelines of the Federal and State Coastal Zone Management Policy, and are the main vehicle for enforcement of the State and Federal Acts.

The purpose of the SMA is "to preserve, protect and where possible, restore the natural resources of the coastal zone of Hawaii. The rules and regulations in this article implement the State policy by establishing special controls on development within the areas along the shoreline so as to avoid the permanent loss of valuable resources and the foreclosure of land use and management options...."

The SMA does not specifically impact other legislation, but is used concurrently with the Shoreline Setback Ordinance, Zoning Ordinance, Maui General Plan and the Community Plans.

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The SMA requires each Planning Commission, as the responsible authority, to:

- Identify valued scenic resources in the coastal zone management area.
- Insure that new developments are compatible with their visual environment by designing and locating developments to minimize the alteration of natural land forms and existing public views to and along the shoreline.
- Preserve, maintain, and where desirable, improve and restore shoreline open space and scenic resources.
- Encourage developments which are not coastal dependent to locate inland.

The SMA Rules further state: "Alterations to existing land forms and vegetation ...and construction of structures shall cause minimum adverse effect to ...scenic and recreational amenities." They further direct that the Planning Commission "shall seek to minimize where reasonable any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast, or from existing public views to and along the shoreline."

6.5.4 SHORELINE SETBACK RULES AND REGULATIONS

The Shoreline Setback Rules and Regulations (SSR&Rs) were passed in 1970 by the County Council and establish the Planning Commission as the authority for management.

The SSR&Rs were established in response to the increasing demands and pressures upon Maui's shoreline. They hold that uncontrolled massing of buildings is contrary to the preservation of the natural shoreline, that unrestricted mining or depositing of unnatural materials near the shoreline deteriorates the natural environment and that tsunamis and other high wave action endanger structures built too close to the shoreline. For these reasons, it was declared in the best interest of the public to establish shoreline setbacks, and to regulate uses along the shoreline.

The SSR&Rs do not directly impact other legislation, but are used concurrently with the SMA, Zoning Ordinance, General and Community Plans to make decisions regarding land use and building permits.

The SSR&Rs seek to:

- Preserve the natural shoreline environment.
- To prevent uncontrolled massing of buildings and structures along the shoreline.
- Require that landscape developments en-

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hance the natural shoreline character through the addition of trees, shrubs or ground-cover and by selected trimming and pruning of existing vegetation, and by the construction of unpaved walkways and other similar treatments as may be permitted by the Director upon finding that such activity, in accordance with submitted plans, will not substantially alter the character of the existing shoreline.

- Prevent the granting of any variance unless appropriate conditions are imposed to minimize adverse impacts on public views to, from and along the shoreline.

6.5.5 MAUI COUNTY GENERAL PLAN

The Maui County General Plan, originally passed by the County Council in 1980, establishes that all agencies of the County of Maui shall be guided in their official acts, decisions and program planning by this General Plan.

The Maui County General Plan was written with the understanding that the preservation of the land is also the key to preserving the quality of life on Maui, and also with a recognition of the need for improvement, growth, change, social evolution and for the harmonious integration of all segments of the community. Such factors as land ownership, agriculture, resort development, industry and commercial land uses are addressed, with the intent of bringing

about a balance between these various sectors of the community.

The General Plan is a guide to which all community plans, zoning ordinances, subdivision ordinances and administrative actions by county agencies shall conform. The following excerpts from the General Plan illustrate its impact on the various factors of community development which are relevant to the coastal scenic resources.

LAND USE

- Guide land use development patterns so that they sympathize with natural topographic features, eliminate as much as possible environmental hazards and enhance scenic amenities, without depleting natural resources.
- Promote land use in accordance with the individual character of the various communities and regions of the County.

ENVIRONMENT

- Preserve for ourselves, our children and our children's children the opportunity to experience the natural beauty of our islands.
- Encourage the preservation of scenic vistas.
- Establish programs to beautify both public and private facilities.

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- Evaluate all land based development relative to its impact on the ocean environment and ecology.

VISITOR INDUSTRY

- Locate buildings to retain scenic vistas.
- Encourage the preservation of open beach space by maximizing the use of lands presently classified urban for visitor facilities and severely limit rezoning of other lands to visitor industry use.
- Promote water, beach and open space conservation in areas devoted to services for visitors.

URBAN DESIGN

- To see that all developments are well designed and are in harmony with their surroundings.
- Establish urban design guidelines and standards which will meet our unique local needs.
- Encourage the creation of distinctive community identity in both new and existing developments.
- Prepare and support appropriate urban design principles, standards and guidelines.

TRANSPORTATION

- Encourage landscape planting programs along all public highways and rights of way.

HUMAN SERVICES

- Accelerate the expansion and upgrading of Maui County's beach access facilities.

6.5.6 WAILUKU-KAHULUI COMMUNITY PLAN

The Wailuku-Kahului Community Plan was passed by the Maui County Council in 1987. It is intended to provide a detailed plan for implementing the Maui General Plan objectives and policies in the Wailuku-Kahului area. In particular, it establishes a basis for determining how future growth should be accommodated. It also discusses means to deal with impacts of growth on agricultural resources, preservation of rural and agricultural communities, availability and prices of housing, and the revitalization needs of Wailuku Town.

Concern was expressed regarding the visual quality of the community, especially in terms of the lack of street trees, and the cluttered visual image of the entry road to Wailuku and Kahului from the airport.

The desire for community character was also expressed, along with a desire for enhanced public services, improved infrastructure, im-

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- incorporated into required setbacks.
24. The minimum shoreline setbacks for other uses shall be the height of the building or 40 feet, whichever is greater. These requirements should increase with development scale and density.
 25. Establish landscaping along major local travel routes to aid in orientation and to emphasize mauka-makai views. Particular attention should be given to South Kihei Road, and important cross streets. This provision will assist in establishing a street hierarchy and soften the effects of the built environment.
 26. Improve undeveloped public shoreline lands for public recreational use.
 27. Improve public access to shoreline and nearshore resources through the following measures:
 - A. Provide adequate landscaped public access to shoreline areas with significant recreational and scenic value.
 - B. Wherever possible, require setbacks to include recreational space on lands behind the legally defined public shoreline zone.
 - C. Provide setback areas with landscaping to enhance recreational use and scenic quality.
 28. Visually enhance the experience along public thoroughfares and gathering places.
 29. Protect nearshore, sand dune, and wetland resources to ensure their continuance as important open space elements, and to preserve their natural resource values.
 30. Utilize street trees to beautify the region, soften adverse effects of the built environment, and generate community spirit.

6.5.9 LAHAINA COMMUNITY PLAN

The Lahaina Community Plan was passed by the Maui County Council in 1983. It is intended to provide a detailed plan for implementing the General Plan objectives and policies. Some specific priorities of the Lahaina district are as follows: affordable housing, population distribution and density, agricultural concerns, traffic, water, sewage treatment, air and water quality, recreational facilities and the need for a more diversified economic base to include more "clean" industries. Planning opportunities within the region concern the resolution of residential and agricultural needs, the achievement of desired resident lifestyles, the provision of adequate economic opportunities, and the management of natural and recreational resources for public enjoyment.

The recommendations of the Lahaina Community Plan include:

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1. Protect plantation agriculture as an important economic activity which also provides most of the "green" backdrop important for the region's atmosphere and its marketability to visitors.
2. Balance satisfaction of human needs with the maintenance of environmental quality. The protection of open space, improvements to water supply and quality, respect for landscape characteristics, improvements to sewage treatment and the maintenance of natural resources for public enjoyment are important.
3. Develop and adopt a drainage master plan emphasizing land management techniques such as natural landscaping.
4. Integrate stream channels and gulches into the region's open space system for the purposes of safety, open space relief, and visual separation between communities. Drainage channels should not be considered for Kahoma Stream, Wahikuli Gulch, Honokowai Gulch, Mahinahina Gulch, Kahana Stream, Kaopala Gulch, Honokeana Stream and Napili Stream.
5. Preserve the shoreline and nearshore environments throughout the planning region as significant natural elements which should be protected from any adverse development actions.
6. Preserve the shoreline sand dune formations throughout the planning region. These topographic features are a significant element of the natural setting and should be protected from any actions which would detract from their scenic value.
7. Use State Conservation land to protect and preserve wilderness areas, beach reserves, scenic areas and historic sites, open ranges, and watersheds; to conserve fish and wildlife; and to promote forestry and grazing.
8. Establish and maintain parks, public and private spaces, public facilities, cemeteries, major travel routes, and public shoreline areas within an organizing framework for the town.
9. Street and area lighting, historic preservation, restoration, landscaping and other public improvements.
10. Landscaping should buffer public and quasi-public facilities and light-heavy industrial facilities from adjacent uses.
11. Buildings within the Lahaina Town Special Design District should comply with the building height requirements. Design features should reflect the prevalent town themes, materials, signs, landscaping and pedestrian amenities and the installation of underground utilities should also be taken into account.
12. Provide landscaping along major local

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streets in Lahaina Town to enhance the street level walking and driving experience, to aid in orientation, and to emphasize mauka-makai views. Particular attention should be given to Waiee Street and to the five mauka-makai streets giving access to Honoapiilani Highway. Landscaping should soften the effects of the built environment, provide a sense of place within town, and establish a hierarchy of streets.

13. Ensure that renovation and new buildings within the Lahaina Town Core are compatible with the Lahaina Town scale and character, public thoroughfares and gathering places are visually enhanced and establish an improvement district for the preservation/enhancement of sidewalks/streets, landscaping, parking and urban open space.
14. Street landscaping should be coordinated with design and implementation of urban open spaces to promote design continuity.

6.5.10 COMPREHENSIVE ZONING ORDINANCE OF MAUI (DRAFT)

The following is a summary of the pertinent points in a draft proposal for Amendments to "The Comprehensive Zoning Ordinance for the County of Maui."

This ordinance would serve to establish amended zoning requirements and to implement the zoning recommended in the community plans as open space.

Open Space "use is intended to limit development on certain urban and non-urban designated lands which may be inappropriate for intensive development due to environmental, physical, or scenic constraints; this could include but not be limited to shoreline buffer areas, landscape buffers, natural areas, drainage ways, view planes, floodplains, and tsunami areas. Appropriate urban and non-urban uses may be allowed on a permit basis."

The general purpose of establishing open space zoning districts is to preserve and maintain land for open space use, to preserve and protect lands that are environmentally sensitive, to provide visual relief and buffering from building and structural mass, to protect view planes, and to provide open areas adjacent to and contiguous to existing urban areas for future urban development. The open space zoning districts are meant to provide reasonable standards to implement the community plans and state land use laws for areas that are designated open space in the community plan, which are in essence, those state lands that are in the state rural, agricultural and urban land use districts.

It is proposed to divide the Open Space districts into two categories:

1. OS-1 Open Space Districts which seeks to protect environmentally sensitive lands such as but not limited to wetlands, swamp, gully, coulee or natural drainage courses; land subject to flooding or is unstable and

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land unsuitable in its natural state for development. Only limited uses shall be permitted in the OS-1 district.

2. OS-2 Open Space District is intended to protect undeveloped lands that are contiguous to and adjacent to existing urban areas from premature development and subdivision in the OS-2 districts. It is the intent of this district to provide open space use for visual relief and buffering from building and structural mass, and to protect view planes. The lands in this district are not environmentally sensitive areas. The land use designation shall be open space in the community plan and the state land district shall be urban.

6.6 IMPLICATIONS AND RESPONSIBILITIES FOR MAUI COUNTY

It is the legal responsibility of Maui County to comply with the body of regulations that govern Maui's coastal zone. These rules and regulations were designed to help manage and protect the coastal areas from the detrimental effects of uncontrolled development.

The Federal Act sets the standard for the protection of coastal scenic resources. The Federal Act makes the general statement that "special natural and scenic characteristics are being damaged by ill-planned development." The value of the aesthetic beauty of the coastal areas is recognized in this legislation, which stipulates that full consideration should be given to the protection of such resources. This theme is continued and expanded upon in those portions of the regulatory network at the State and County levels.

In summary, the clearly mandated responsibility of Maui County, as derived from the various components of the regulatory network, is to preserve, protect and enhance Maui's coastal scenic resources. This responsibility calls for an awareness of the significant scenic vistas that should be preserved, and calls for decisive action in requiring that any approved developments must be sensitive to the natural environment. Uncontrolled massing of buildings along the shoreline is not deemed to be beneficial to the preservation of Maui's scenic resources and more sensitive development should be encouraged. Developments are to be avoided which interfere with the mauka and makai views from the highway or other existing viewing areas.

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- incorporated into required setbacks.
24. The minimum shoreline setbacks for other uses shall be the height of the building or 40 feet, whichever is greater. These requirements should increase with development scale and density.
 25. Establish landscaping along major local travel routes to aid in orientation and to emphasize mauka-makai views. Particular attention should be given to South Kihei Road, and important cross streets. This provision will assist in establishing a street hierarchy and soften the effects of the built environment.
 26. Improve undeveloped public shoreline lands for public recreational use.
 27. Improve public access to shoreline and nearshore resources through the following measures:
 - A. Provide adequate landscaped public access to shoreline areas with significant recreational and scenic value.
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 - C. Provide setback areas with landscaping to enhance recreational use and scenic quality.
 28. Visually enhance the experience along public thoroughfares and gathering places.
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6.5.9 LAHAINA COMMUNITY PLAN

The Lahaina Community Plan was passed by the Maui County Council in 1983. It is intended to provide a detailed plan for implementing the General Plan objectives and policies. Some specific priorities of the Lahaina district are as follows: affordable housing, population distribution and density, agricultural concerns, traffic, water, sewage treatment, air and water quality, recreational facilities and the need for a more diversified economic base to include more "clean" industries. Planning opportunities within the region concern the resolution of residential and agricultural needs, the achievement of desired resident lifestyles, the provision of adequate economic opportunities, and the management of natural and recreational resources for public enjoyment.

The recommendations of the Lahaina Community Plan include:

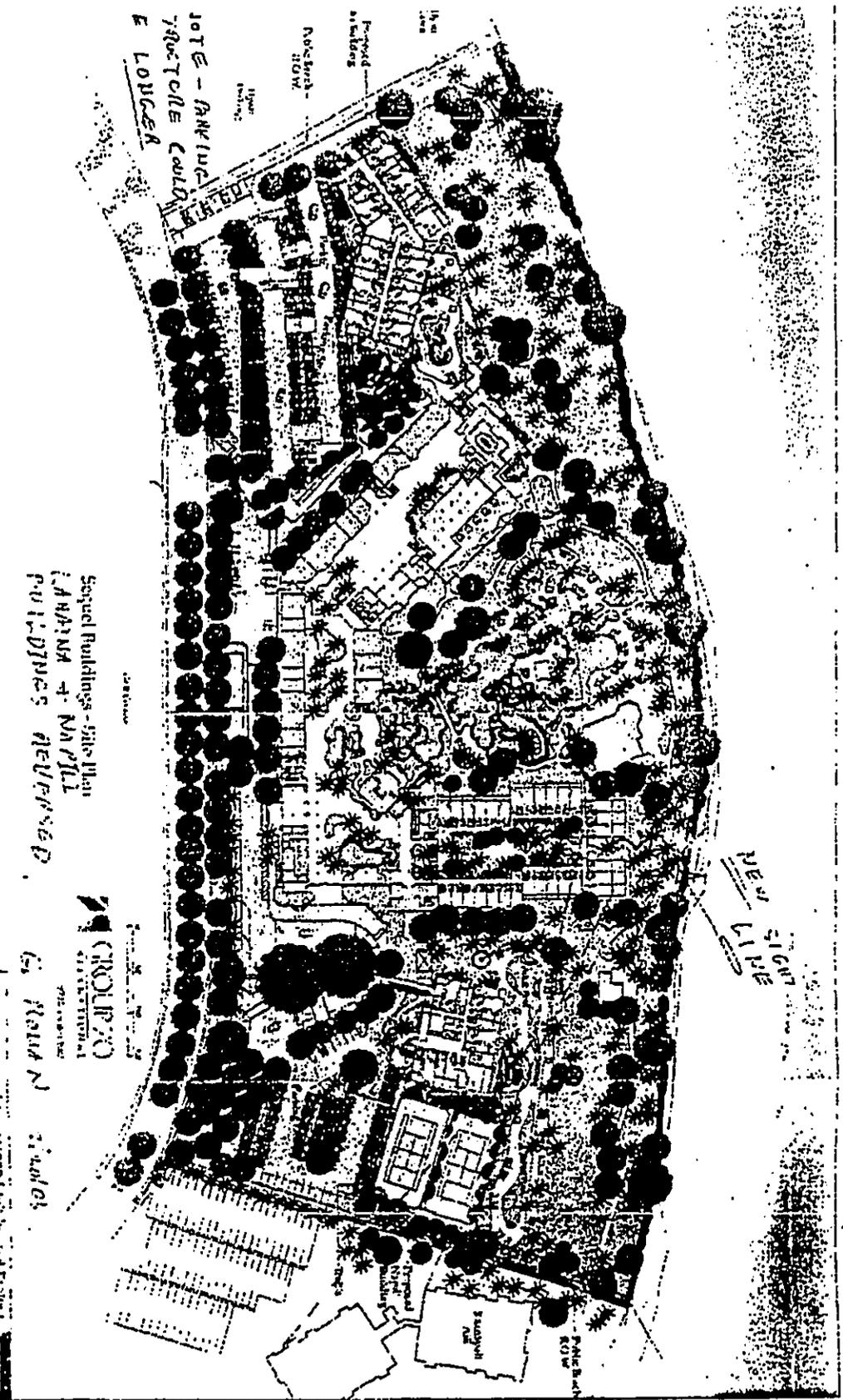


EXHIBIT "3"



July 8, 2003

Mr. Isaac Hall
Isaac Davis Hall, Attorney at Law
2087 Wells Street
Wailuku, HI 96793

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Hall,

We are in receipt of your letter dated 2/21/2003 regarding the Maui Ocean Club Sequel Project. We will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. *Adequacy of DEIS.* We disagree with your opinions that "the DEIS fails to convey the required information succinctly in a form easily understood by both members of the public and the public decision makers" and that the DEIS is a "self-serving recitation of benefits and a rationalization of the proposed action".

As the demand for time-share accommodations has increased in West Maui and the worldwide visitor industry continues to grow, MVCI proposes to further upgrade the quality and amenities of its Maui Ocean Club Resort by redesigning the project site to provide attractive time-share accommodations. With this purpose in mind, MVCI has made every effort to convey the information required for the EIS succinctly and in a form that is easily understood, both by

LANDSCAPE ARCHITECTURE AND PLANNING

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the public and the County of Maui public decision-makers. The substance of the DEIS conforms to the requirements for an EIS as stated in HRS § 343-5 and HAR § 11-200-17. The DEIS is supported by several studies which are referred to in the text and attached to the DEIS and which include appropriate documents to ensure that the DEIS is a self-contained document.

The purpose of Hawaii's environmental impact assessment process as outlined in Hawaii Revised Statutes, Chapter 343 and Hawaii Administrative Rules, Title 11, Chapter 200 is to establish a system of environmental review at the state and county levels which shall ensure that environmental concerns are given appropriate consideration in decision-making along with economic and technical considerations. As stated in HAR § 11-200-17, the EIS shall include a statement of the purpose and need for the proposed action and the project description need not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

2. *Proper Accepting Authority.* The Maui Planning Department has made a recent change in policy whereby Environmental Review Documents will now be accepted by the Maui Planning Commission instead of the Maui Planning Department Staff. The Final EIS has been updated to reflect that the MPC will be the accepting authority.
3. *Accuracy of Project Description & Impact Assessment.* While the operation and configuration of timeshare units is more complex than that of a hotel, we disagree that information regarding the number of timeshare units and keys is false or misleading.

Because timeshare is sold in units, and some of these units have the ability to lock-off a bedroom for use by another party, the number of parties at a resort can exceed the number of units. A common misconception that is clarified in the Final EIS is that lockoff units are frequently engaged, or are available upon demand. In reality, the discretion of how a unit will be occupied is up to the owner of the unit, not the timeshare operator. For example, owners visiting a similar resort on Kauai choose to occupy the entire unit ~70% of the time. MVCI's observation of its vacation ownership system show that the number of parties at timeshare resorts typically exceeds the number of units by 10 to 20 percent.

The Draft EIS presupposed the higher figure (20%) in certain calculations such as the resort population in terms of parties and guests. This was sometimes referring to the increase as 20% lockout occupancy. The Final EIS revises density estimates by incorporating actual unit-type utilization rates and occupancy data. The Final EIS also expands the analysis by including density estimations for the sales period of a timeshare resort, the stable period of a timeshare resort, and also

provides a maximum use scenario. (These estimates are provided in Table 1 and associated charts).

Unit Count & Related Impacts. Contrary to your assertion, the difference in unit and key counts has been incorporated into assessments of the project as follows:

- **Parking:** The project's determination of required Sequel Project parking incorporates a doubling of the base "hotel" requirement *plus* the additional parking requirements for lockoff units specified in Chapter 19.36 of the Maui County Code (1 stall per 3 lock-offs). (FEIS II-C)
- **Infrastructure:** The Draft EIS utilized existing consumption rates of the existing timeshare/hotel project to estimate the future use. Existing use figures were based on units, not keys, and therefore incorporated the use of lock-offs into the calculation. The Final EIS considers potential demand based upon a maximum lockoff use. Under such unlikely scenarios, water and wastewater infrastructure and capacity is still adequate for the project. (FEIS III-C)
- **Traffic:** The traffic assessment identifies units with and without lockoff bedrooms, and utilizes larger trip multipliers for the timeshare suites than it does for hotel rooms. The traffic assessment made conservative assumptions such as 100% unit use *plus* an additional 20% to account for use of lockout capable units used by two parties. By comparison, the revised estimates for the party count of lockoff suites is 112%. Additionally, the traffic assessment overestimates the amount of units and lockoff units for the preferred design option (#5) The study assumed 146 new units with lock-offs, while the latest option calls for 143 units, of which 133 will have lock-offs. (FEIS III-D)
- **Socio-Economic Study:** The studies in the Draft and Final EIS acknowledge and incorporate guests occupy due to lockoff use. These studies selects data and make educated assumptions to accurately estimate the visitor load of the proposed project, and thereby provide an accurate analysis of the costs and benefits of the project. (FIES III-B)

Your calculations regarding the West Maui Community Plan objectives do not accurately represent the historical (and highest) use of the property as the Maui Marriott Hotel. To accurately describe an increase or decrease in unit count, it is most appropriate to use the unit count of the Hotel, which operated 720 rooms between 1980 and 2000. Therefore, the accurate increase that would be described in the Draft EIS is 738-720, or 18 additional units (a 2.5% increase). The latest design option (#5), results in a 717 keys, which results in a small decrease in units.

4. **View Corridors & Related Laws & Plans.** Under HAR § 11-200-16, the EIS must explain the environmental consequences, declare the environmental implications and discuss all relevant and feasible consequences of the proposed action. The

EIS is an informative document used to provide decision-makers with information to make an informed decision based upon the full range of responsible opinion on environmental effects of the proposed action.

With respect to the relationship of the proposed action to land use plans, policies and controls for the affected area, under HAR § 11-200-17(h), what is required in the EIS is a discussion of how the action conforms or conflicts with the objectives and terms of said plans, policies and controls. Where a conflict or inconsistency exists, the EIS will describe the extent to which the proposed action has been reconciled with said plan, policies and controls and must explain the decision to proceed with the proposed action without full reconciliation with the plan.

In Section IV of the DEIS, MVCI has discussed how the proposed action conforms to objectives and specific terms of the State land use laws, Maui County zoning, the Maui County General Plan, the West Maui Community Plan, the SMA objectives and policies and the OEQC Guidelines for sustainable building design. The Final EIS will include additional discussion related to the Maui Coastal Scenic Resources Study.

With respect to visual impacts, as the project site is not identified in the MCSR study, so the proposed action is not inconsistent with the applicable plans. Impacts from the proposed action include long-term adverse impacts to visual resources from the new buildings being added to the MOC. Assessment of visual impacts is a subjective judgment based on individual preferences. The buildings associated with the proposed action would not be entirely new visual elements nor would they completely obstruct existing mauka-makai view corridors, panoramic and significant landmark views from public places, or views of natural features. The December 2002 DEIS includes mitigation measures that might minimize the visual impact of the project. These mitigation measures include landscaping and design alteration of the proposed buildings.

5. *Study of Alternatives.* MVCI evaluated five (5) different alternatives as follows: (1) No action; (2) Different actions that would provide similar benefits with different environmental impacts; (3) Design alteration alternatives that would present different environmental impacts; (4) Alternative locations; and, (5) Postponing the action. (See DEIS, Section II.D., pages 8-9). In evaluating the alternatives, MVCI focused on the substance of the alternatives evaluating each alternative and its respective environmental benefits, costs and risks. HAR § 11-200-19.

Additional clarification has been provided in the Final EIS, including discussion of the specific design limitations that prevent MVCI from "swapping" the proposed Napili and Lahaina buildings. (FEIS II-D)

6. *Analysis of Environmental Effects which can not be avoided.* The purpose of Hawaii's environmental impact assessment process as outlined in Hawaii Revised Statutes, Chapter 343 and Hawaii Administrative Rules, Title 11, Chapter 200 is to establish a system of environmental review at the state and county levels which shall ensure that environmental concerns are given appropriate consideration in decision-making along with economic and technical considerations. As stated in HAR § 11-200-17, the EIS shall include a statement of the purpose and need for the proposed action and the project description need not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

As stated in HAR § 11-200-19, MSCI focused its analysis on the substance of the short-term uses and long-term productivity. As discussed in Section III-E of the DEIS, during the construction phase, the proposed action will involve short-term uses of the environment and will have both positive and negative impacts. Construction activities associated with the proposed action will create some temporary adverse impacts, such as disruptions in traffic patterns, increased noise and fugitive dust at the project site and in the vicinity of the project site. Short-term benefits on the local area include economic benefits for local suppliers and local labor force. Indirect economic benefits may arise for local retail businesses during the construction phase.

In addition, the long-term productivity of the project site will be enhanced due to the long-term commitment of the property for the proposed timeshare use with a higher density. There will be increased availability of timeshare units, increased open space along the shoreline of the property and increased patronage to visitor-related businesses due to the additional visitor population that can be accommodated. There may also be long-term benefits from the additional tax base created by the additional employment and services provided by the construction, sale and operation of the proposed action.

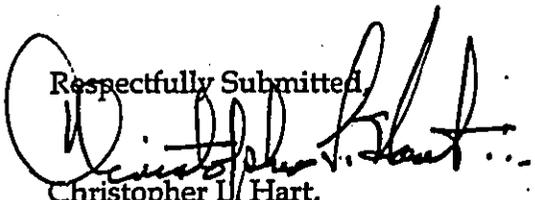
7. *Incorporation of other comments.* The Final EIS will contain copies of all comment letters received during the 45-day comment period, and response letters. We will provide you a copy of the Final EIS for your reference.
8. *Adequacy of DEIS.* MSCI has followed the environmental impact assessment process of HRS Chapter 343 as follows: conducted early consultations with state and county agencies, neighboring property managers and property associations; prepared the EIS preparation notice ("EISPN"); reviewed and responded to EISPN comments from state and county government agencies and the public; and prepared the DEIS taking into account the critiques and responses received. As it is the jurisdiction of the accepting agency to determine the acceptability of the EIS, MSCI believes that the EIS information describing the project property and the proposed action, describing the existing environment, evaluating

alternatives and potential impacts, developing mitigation measures, conducting studies on to address environmental impacts of the project, and incorporating public and agency comments that were received, meets the EIS requirements and results in a conscientious application of the EIS process as a whole.

9. *Your Conclusion that the DEIS should be Withdrawn.* For the reasons stated in our comments above, we disagree that the DEIS should be withdrawn.

Despite our differences in opinion, we thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner.
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

Marriott Vacation Club International
% Chris Hart
Chris Hart & Partners, Inc
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Wailuku, HI 96793

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HONOLULU, HI

Office of Environmental Quality Control
235 S. Beretania Street, Ste #702
Honolulu, HI 96813

Mr. Joe Alueta Staff Planner
Maui Planning Department
250 S. High Street
Wailuku, HI 96793

Re: Comments on Maui Ocean Club
Sequel Project Draft EIS

Gentlemen:

Please consider the following concerns:

I. Napili Building Location

See attached replication of "figure 8" from the DEIS. Imposed thereon are additional site lines to Kaanapali Alii Building Four, respectfully to Towers 1, 3, and 5. Also imposed thereon is a cutout of the proposed Napili Building. The cutout reflects a removal of one mountain and one oceanview tower on the side closest to the existing Marriott Building. The cutout removes 20 units, thirteen of which could be regained by adding an eleventh floor to both the Napili and the Lahaina Buildings. This relocation of the Napili Building turns the proposed building and moves it back on an angle from the ocean resulting in: (1) Improved oceanviews from the proposed building; (2) Protection of the oceanviews from all towers of Building Four of the Kaanapali Alii; (3) Increased distance from both Building Three and Building Four of the Kaanapali Alii without increasing the proximity of the proposed building to the existing Marriott Building; (4) Improved privacy of the units in the existing Marriott Building and the proposed Napili Building by angling the oceanview from the south side of the proposed building away from the existing Marriott Building; (5) Improved privacy of units in both Buildings Three and Four of the Kaanapali Alii and the proposed Napili Building by increasing the distance between said buildings, while still preserving the oceanviews from the north side of the proposed Napili Building; (6) Needed adjustments to the proposed parking facility, which appears feasible.

II. Public View Corridor

A relocation of the Napili Building as described in "T" above improves the public view corridor between the proposed Napili Building and the Kaanapali Alii, compared to the Marriott proposal as set forth in the DEIS. Increasing the distance between the Kaanapali Alii and the Napili Building, along with angling the north side of the Napili Building slightly toward the mountains increases the public view corridor. Currently, the public view corridor is significant because of the low level of the existing improvements; however, with the proposal of a ten or eleven story building, the public view will be severely impaired or completely lost unless the proposed building is relocated along the lines suggested in "T" above.

III. Wind Tunnel Effect

Besides all the negative effects on public and private view lines and privacy, the closer the proposed Napili Building is located to the existing Kaanapali Buildings, the greater the "wind tunnel" impact on all three buildings, the on-site improvements and the public beach. Conversely, a relocation of the Napili Building as described in I & II above would appear to reduce such a negative impact.

IV. The Landscape Plan

Since the units in the proposed Napili Building will be marketed as soon as possible by the Marriott, it is not unreasonable to assume that the Landscape Plan will include mature plants and a densely-planted schematic. The concern is that the plan be evaluated so as not to interfere with the oceanview site lines from the Kaanapali Alii buildings when first planted or as a result of natural growth patterns.

V. Clean Water Act

A brief review of the DEIS has revealed that it contains scant discussion on the steps the Marriott will take to comply with the CWA. A relocation of the proposed Napili Building as described above may facilitate compliance with the CWA and reduce the negative impact of construction on the public's quiet enjoyment of the beach.

VI. Nuisance and Interference with Quiet Enjoyment

The extended and often intense construction projects will create a nuisance and negatively impact the quiet enjoyment of all the owners of the Kaanapali Alii. All four buildings will be impacted to varying degrees by demolition, pile driving, heavy equipment, dirt, dust, vibration and air pollution, resulting in reduced rents and reduced enjoyment of the premises. It is my understanding that the Marriott recognizes the negative impact of their proposed construction upon the Kaanapali Alii owners and is willing to discuss the degree of damages that will be suffered.

VII. Prior Hearings and Permit History

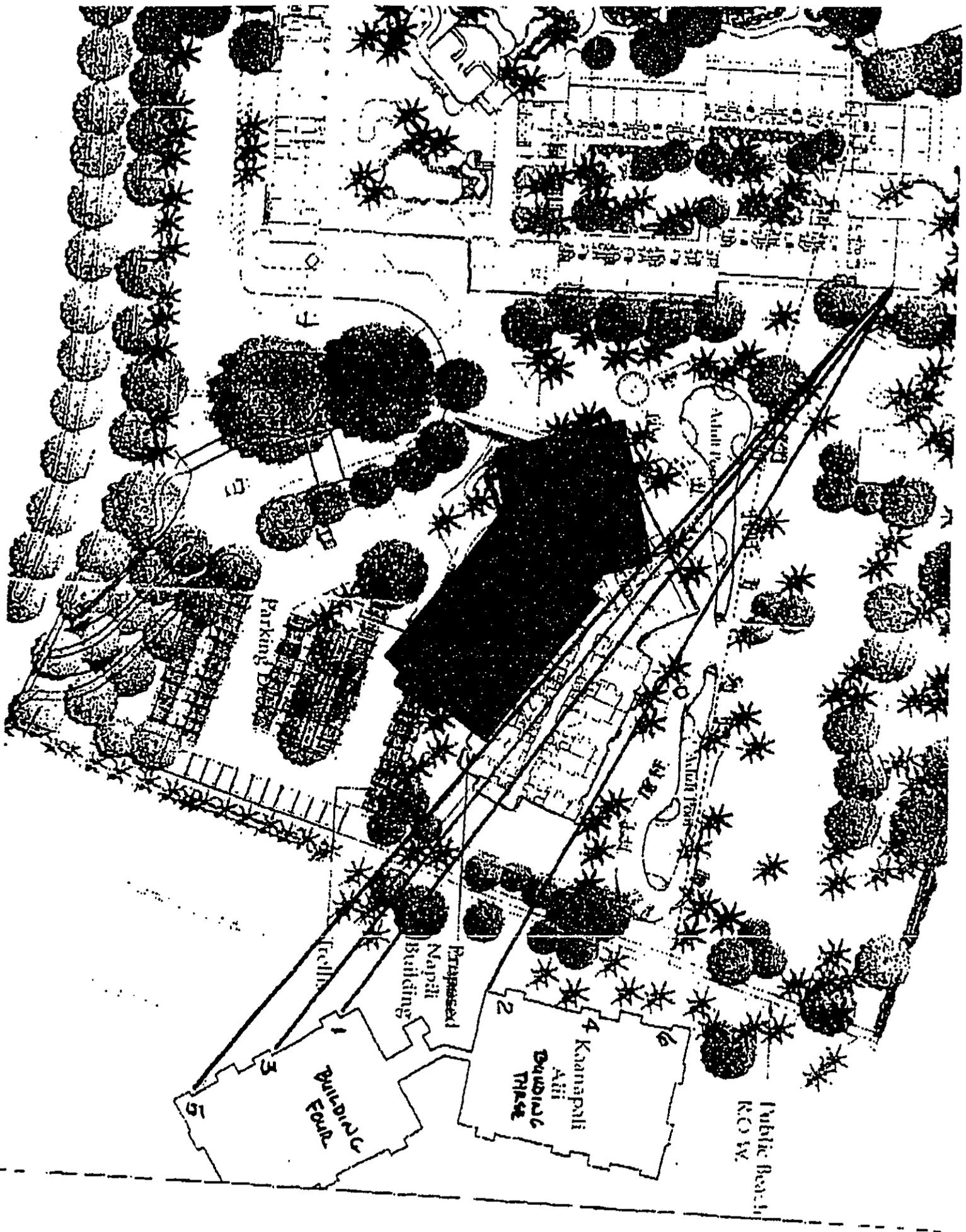
The existence of the present low-rise structure, parking lot and tennis courts between the existing Marriott Building and the Kaanapali Alii raises a question as to the intent of the Maui Planning Department at the time of the original Marriott construction. Were these improvements kept at a low rise stature by the Maui Planning Department to preserve the public view corridor or was the market not sufficiently mature for the Marriott to request permission to build more rooms at that time?

Thank you for the opportunity to express the above observations and concerns for your consideration.

Bill and Marilyn Hoelsken
475 Del Amigo Road
Danville, CA 94526
(925) 837 - 3889
Kaanapali Alii Unit #446

Bill Hoelsken
Marilyn Hoelsken





DOCUMENTS CAPTURED AS RECEIVED



July 8, 2003

Bill and Marylyn Hoelsken
475 Del Amigo Road
Danville, CA 94526

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Bill and Marylyn Hoelsken,

We are in receipt of your letter dated 2/21/2003 regarding the Maui Ocean Club Sequel Project. We will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

We thank you for attending the meeting held in Northern California on May 14, 2003.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

The memo addresses your concerns regarding private views and elaborates on density issues such as traffic. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. **Napili Building Location.** As discussed in item #1 of the attached Memo, ongoing dialogue between the KAC and MVCI has led to revisions in the project siting & design. The latest option (#5) addresses several of the concerns the KAC owners (such as yourself) had with design option (3) presented in the Draft EIS.
2. **Public Views.** The proposed buildings will partially block views towards the ocean from the highway and mauka development. We have included view simulations from these locations in Figures 14 and Appendix Q. The latest design option (#5) includes many of the suggestions made by KAC members

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(such as yourself) including reducing the width of the proposed Napili Building, which provides more view corridor through the property.

3. *Wind.* We have addressed the issue of wind velocity impacts in the attached Memo (issue #7), which discusses a wind velocity impact study prepared for the Sequel Project. The study will be included in Appendix N and the findings of the study will be summarized in section III-A-11 of the Final EIS.
4. *Landscaping.* MVCI is not planning to wall-off the KAC with low level landscaping; our plans are to plant the area in an open fashion comparable to our treatment of the shoreline areas fronting the property. Prior to construction, the KAC AOA will have the opportunity to review and comment on the landscape plans.
5. *Clean Water Act.* Analysis of the necessary construction processes indicates that there is will be no discharge of any materials into the ocean, nor will there be any de-watering required for onsite excavations. The establishment and maintenance of best management practices to control runoff and dust control (BMP's) will ensure that no runoff from the construction site will enter coastal waters. The Department of the Army has reviewed the project's EISPN and Draft EIS and has concluded that "there are no waters of the United States including wetlands which would be affected at the project site and therefore a Department of the Army (DA) permit will not be required for this project."

Our grading plans will be reviewed by both the State and the County to ensure that they comply with BMP's for control of dust and runoff. In addition, the KAC AOA will have the opportunity to review and comment on the grading plans.

6. *Nuisance and Interference with Quiet Enjoyment.* MVCI acknowledges that there will likely be impacts due to construction. Our continued dialogue with the KAC owners and rental organizations has focused in on issues such as construction noise, dust & cleanup, and the loss of rents during construction. These issues are addressed in the attached status memo as items #4, 5, & 3 respectively.
7. *Prior Hearings and Permit History.* The existing layout of the Marriott property originates from the design of amenities that Marriott felt was appropriate and economically feasible for the hotel property in 1979. The Maui Planning Department made no recommendation limiting the height of structures in other areas, nor was any such conditions attached the project's SMA permit.

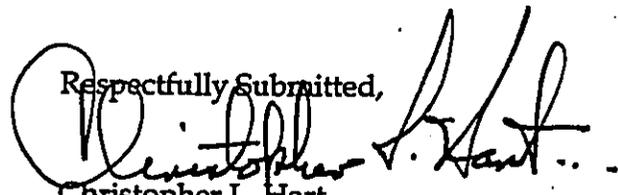
The vacation market has changed significantly in the last 25 years, and today's visitors are seeking a larger, more luxurious type of accommodation. This is

Letter to Bill and Marylyn Hoelsken
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 3 of 3

especially true in the rapidly growing vacation ownership sector. The renovations of the Marriott Ocean Club that started in 2000 and the new Sequel Project are designed to update the resort to address the evolving market.

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

HITCH

LAND & CATTLE COMPANY

P.O. Box 1255 Middleburg, Virginia 20118-1255 (540) 687-3534 Fax (540) 687-6019

February 21, 2003

MVCI
C/o Chris Hart & Partners, Inc.
Attn: Mr. Chris Hart
1955 Main Street, Suite 200
Wailuku, HI 96793

RECEIVED
FEB 24 2003
CHRIS HART & PARTNERS
Funding & Architecture & Planning

Re: Maui Ocean Club Sequel Project

Dear Mr. Hart:

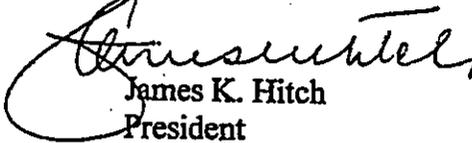
We own Unit 2105 in the Kaanapali Alii. We use this unit for rental income and the occasional use of our employees. We consider a certain level of rental income to be essential to the viability of this project for our company.

The subject project, proposed by the Marriott Vacation Club International, concerns us as it will impact our rental income and the use of our unit by our employees, and the community as a whole.

Our rental income will surely be reduced during critical phases of the construction of the subject project when no guests will rent our unit or when guests demand different accommodation or compensation because of noise. When our rental income declines so also will our contributions to the local economy and to the local jurisdictions through taxes.

Most importantly, this project will increase vehicular traffic in the area through the movement of owners, guests and employees to and from the project, as well as construction workers during the construction phases. The streets of Kaanapali and Lahaina, and especially the highway connecting Lahaina and Wailuku/Kahului, are already so inundated that it detracts from the beautiful nature of Maui. Soon tourists will learn that on Maui they can face traffic jams like those they face home, and will select other destinations for their vacations.

Sincerely,


James K. Hitch
President

CF: Office of Environmental Quality Control
Maui Planning Department
Kaanapali Alii Rental Owners Corporation



July 8, 2003

Mr. James K. Hitch, President
Hitch Land & Cattle Company
PO Box 1255
Middleburg, Virginia 20118-1255

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Hitch,

We are in receipt of your letter dated 2/21/2003 regarding the Maui Ocean Club Sequel Project. Although your letter was in a format expressing your general concerns rather than commenting directly on the data provided in the Draft EIS, we will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & clearing, wind, and issues related to the pool and luau facilities.

The memo addresses your concerns regarding lost rents and elaborates on density issues such as traffic. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. *Lost Rents.* In response to the your questions regarding lost rents, we have included information regarding MVCI's position, and the current status of discussions regarding this issue in the attached memo (item #3). Socio-economic impacts are discussed in greater depth in section III-B of the Final EIS.
2. *Traffic.* As elaborated in the issue #2 of the Memo, the expected guest-count of the completed, stabilized Sequel project is less than the high-season guest counts experienced during the Marriott's operation as a 720-room Hotel. The stabilized timeshare resort is anticipated to draw around 1400-1500 persons. By comparison, the Hotel experienced more pronounced seasonal fluctuations

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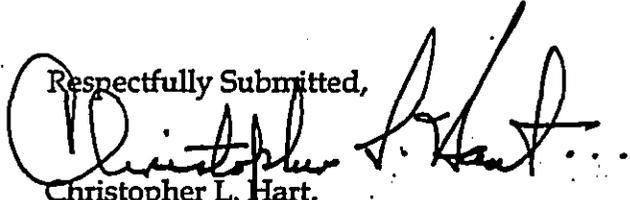
Letter to Mr. James K. Hitch
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
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where guest counts ranged between 1200 and 1700 guests. The average guest counts for each project are roughly the same.

Since the average guest loads will be similar, and the MOC Sequel project will have fewer guests during peak periods, we do not anticipate intensification of visitor related impacts such as traffic and the use of public facilities. The Final EIS addresses traffic impacts in section III-D and provides a breakdown of the anticipated guest-count in Table 1.

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,

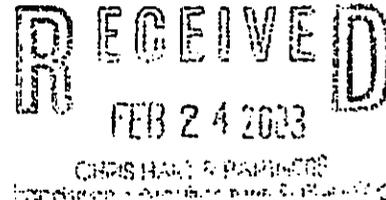
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

Gerald & Barbara Romain
665 Hilary Drive
Tiburon, CA 94920-1438
Office - 415-435-9490
FAX - 415-435-5015

February 21, 2003

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C/O Mr. Chris Hart
Chris Hart & Partners, Inc
1955 Main St. Ste.200
Wailuku, HI. 96793



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235 South Beretania St. Ste.702
Honolulu, HI. 96813

Mr. Joe Alueta Staff Planner
Maui Planning Department
250 S. High St.
Wailuku, HI. 96793

RE: Comments on the Marriott Ocean Club Sequel) Project Draft EIS

From: Jerry and Barbara Romain, owners Kaanapali Alii # 344 (Building 3, 4th floor, south side)

We are the owners of a condo for 6 years on the South side of the Kaanapali Alii. This is to express our extreme concern regarding the Marriott Ocean Club proposal for building two 10-story buildings and a parking structure. They somehow feel that this new structures will "increases open space". Our primary concerns are personal in that there will be blockage of our views, sunlight, loss of rental revenue, increased noise, decreased privacy and loss of resale value primarily due to the building of the Napili building "in our face."

We have done due diligence in this matter in that we attended the Kaanapali Alii homeowner meeting in October, 2002 at which Chris Hart et al presented their concept of the renovation. We pointed out that this is not renovation but building new structures. We have already lived through the dust and noise of their remodel of the hotel into timeshares. We would like to point out that they considered that this prior construction was of no issue (from their perspective). We had decreased revenue for rental during that time because of the noise and dust. We also pointed out also that they had a stop work order issued during this construction due to violations of the coastal setback rule. This was discovered by a University of Hawaii professor and a native Hawaiian group. We also participated in a survey that was done to get our opinion of the socioeconomic impact of the project. They surveyed 14 of the approximately 265 owners at the Alii, most of them not on the south side. We talked about all of the issues that should be included in an environmental impact survey, from our perspective, and indicated that the Marriott should reconsider the scope of the project in many respects as well as its impact. We also attended a Home Owners Meeting in

January, 2003 but received no new plans or further information. Our comments and concerns were generally ignored and/or not addressed. Since then, we have received a draft EIS statement and conferred with an attorney, Isaac Hall to determine what our rights are as homeowners directly impacted by this huge project. Since the Marriott has a history, from our perspective, of not being straightforward, we felt that we needed to take a strong stand.

In addition, we follow events very closely on Maui and have been going there for 27 years. We consider it to be our home also, even though we cannot be there full time, at present. We watched the issues at Maalaea Harbor, the Pali Highway becoming a problem with frequent road closures due to fatalities etc, the concerns re water and East Maui and the recent new rules re coastal setback. We are also aware that there is a new Planning Director- Mike Foley-who seems to be very aware of these issues. We hope that he will follow the Marriott proposal closely. We also have been concerned when snorkeling at North Kaanapali Beach that we visit frequently (the site of the Starwood timeshares) that the coral is dying, there is tremendous amount of seaweed that was never present before as well as the loss of the resident turtle. I do not know if the events are correlated, but it is a concern. This could also happen at Kaanapali.

It may seem hypocritical that persons in an 11 story building object to a 10 story building very close to them in an area of high density like Kaanapali Beach. Perhaps this density is a further reason not to allow the past to make the present worse. Kaanapali Beach has the potential to look even more like Miami than it does now. The present project will markedly decrease the small open space corridors that are present (not just for Kaanapali, but for our neighbors mauka) and further strain systems that are overloaded- wastewater etc.

We love Kaanapali, and its beach, and we realize that the Marriott owns the land south of us and has some rights to develop their property. We feel, however, that there must be great thought and attention what is developed, rather than just putting together a proposal that maximizes the numbers of units, persons etc. through the magic of number crunching. It is impossible to say that adding two ten story buildings to the present Marriott site will have less impact than the present hotel/ timeshare. We have already seen by "lights on" in the units that occupancy is markedly increased from when this was a hotel - even in off-season. Many of the current timeshare units have lockouts - that essentially make them 2 units (described as keys? by them). In each of these 2 units, there are beds as well as sofa beds, allowing for 4 to 6 people per unit rather than the 2 to 3 in a hotel room. All of the proposed units will have a lockout that effectively doubles the proposed room count.

It is our understanding that it is the Marriott's responsibility to find and analyze alternatives and do rigorous planning. The only plan that has been submitted to us, as homeowners is plan 3 in their document. They obviously manufactured plan 1 that is to no ones benefit, and we never saw plan 2. At the homeowner meeting, many concerns and suggestions were made to minimize the impact of the project for all concerned. There is nothing in the present plan that takes any of those comments seriously. As to the issues in the environmental impact statement we would like to point out that there are concerns in all areas. We will subdivide them into areas.

Open space/views - We realize that "common views" - from roads, etc are important. You can see from the aerial views of their statement how this project will impact view corridors to the ocean and to Hanakao'o point - a scenic point of interest. Note that a large building here would block views from the Kaanapali hillside residences. This not only blocks the view from the existing homes but would be a "walling off" of views for any future development of the hillside. If, however, the proposed buildings were reversed (Napili to Lahaina) with a much more reasonable height, it would greatly decrease the impact on view corridors as well as individual views. Of note, they indicate in their report that there is to be "increased open space." This is also their interpretation in that they consider "hardscape" such as tennis courts and a landscape parking lot to not be open space. They only consider landscaped areas as open space. These semantic issues are common

through the report. Certainly, a tennis court and parking lot do not impact open space/view corridors compared to a 10 story building 100 feet apart.

Infrastructure issues;

Roads such as the Pali Highway are already at or above their capacity. As you are aware, there are frequent road closures from prolonged times due to accidents, slides etc. Roads in Lahaina-especially at Lahainaluna Road are very impacted-especially at school times. The Marriott sequel again indicates there will be less persons on the road as they quote going from 720 hotel rooms to 350 units. As noted above, if you count Keys that really represent units, there will actually be 734 units with more capacity for people per room because of sofa beds etc. We know that they quote 3.7 persons per unit but no substantiation of this data was given. Perhaps this is correct, but there will actually be more units, not less. Occupancy is not clear and I do not understand where they have a 20% figure for the lock out unit.

Water is an issue, as I understand it, on Maui, overall with concern with access from East Maui.

Wastewater is another issue not adequately addressed in the report, in my opinion. It is my understanding that the present processing plant is at or near capacity.

Preservation of the ocean, reef and ocean wildlife during construction should be of utmost importance. There are references to dust and noise, but how will they really protect, not just human neighbors, but those in the sea? There also needs to be close monitoring of coastal setbacks because of their prior history. We have been told that when they are driving piles down 140 feet, this will impact a one mile zone and take at least six weeks for each building. If the building is lower, this will also decrease.

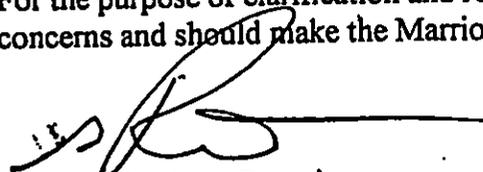
There are several other points that require clarification by the Marriott. They keep telling us that they are zoned H 2. In the CC& R of Kaanapali Beach, hotel units do not have kitchens as of 1997. In their "sequel" project, each of the timeshares seem to have a full kitchen as the plans show a range top. It is also our understanding that the Kaanapali Operators Assn. (KOA) has to agree to this project, and have not at this time. The Marriott has also not addressed issues re. possible archeological concerns.

In addition, we were told at the homeowner meeting in October that there would be no luau. We know that there is now discussion of whether they will have one. It is our understanding that this would have to be clearly labeled on the plans. The luau is presently located much further south. In addition, they want to have an adult pool with a bar. I have no issues with a pool as long as there are reasonable posted hours that are agreed upon. I do not see the need for a bar there other than a snack bar with no alcohol.

We are submitting an alternate plan with the buildings reversed that helps us and, presumably, our mauka neighbors.

I hope that great time and effort is put into examining this Marriott plan. They need to go back to the drawing board and get input from all concerned and actually come up with a workable, environmentally friendly and neighbor friendly plan.

For the purpose of clarification and responses to our concerns we are attaching a separate sheet that lists our concerns and should make the Marriott's response specific and clear.

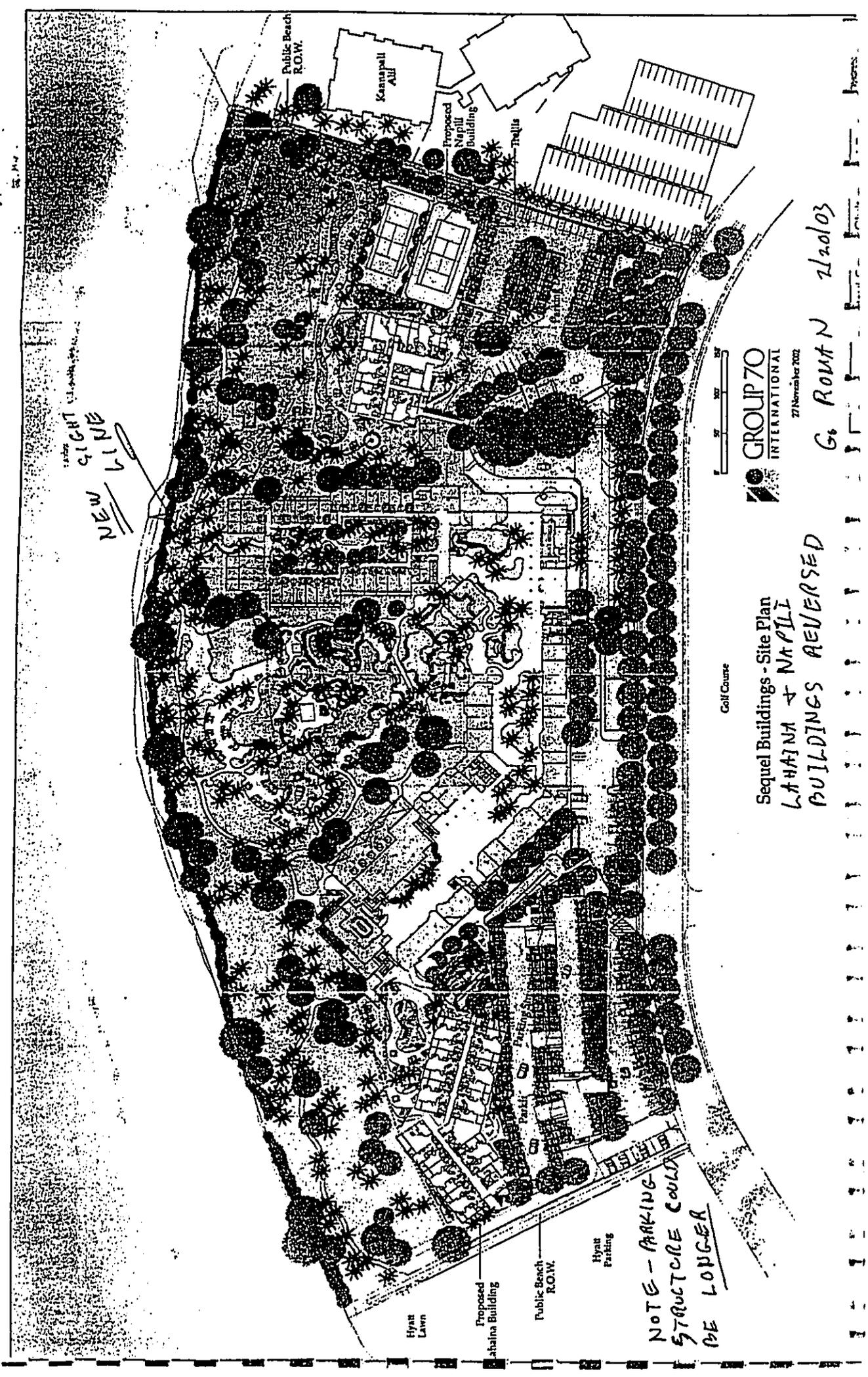

Jerry and Barbara Romain

Attachment; revised site plan

**List of specific items of concern to the Draft Environmental Impact Statement
Submitted by Jerry and Barbara Romain, Kaanapali Alii Unit 344**

1. The new buildings are proposed to be 10 stories. This seems very excessive as the other recent developments (the Westin timeshare project at North Beach) in the area have been limited to 5 or 6 stories. This height considerably helps keep the new buildings "in the trees". How can 10 stories be justified at this time and for this location?
2. The accounting for "total units" and "total keys", etc. is highly suspect at best. How many actual beds will there be in the proposed project? What will the total guest count actually be compared with historical levels? Data should now be available to project this and if unknown, this would be another flag to consider before proceeding with this plan.
3. Parking, as above in item 2, is the number of spaces nearly adequate considering the "timeshare" vs. "hotel" occupancy? Parking at this time is not adequate as evidenced by the double-parked cars in the current north lot.
4. The larger of the two new buildings is proposed to be on the north end of the current project. If a smaller building is placed on the north end with the tennis courts, a much better feeling of open space and view preservations can be accomplished. Why has this not been considered? Please see the attached drawing. Note that the current proposed placement of the north building preserves the view from existing Marriott units but not the Alii's.
5. View corridors; if the Napili tower were to be constructed as proposed, there would be a very narrow view of the ocean and the Hanakao'o Point, if at all. The proposed tower is perpendicular to both the existing Marriott north wing and the Kaanapali Alii buildings 3 and 4 with only about 100 feet separation. This produces a polarizing effect and any view through the building would be very narrow and, at that, only viewable from very specific locations. Is this issue being ignored?
6. Noise and dust from construction - how will adjacent homeowners be compensated for loss of use and income from this work? Note that in the Marriott's previous timeshare conversion they lowered (to about half price) the room rates, etc., for units in their project. They, therefore, acknowledge a financial impact for a project such as this to the existing units.
7. There appears to be kitchens in the newly proposed units. This is a departure from the existing timeshare units at the Marriott. This seems to make the units more like a condominium. This is, as we understand it, against the current KOA CC&Rs. How is this explained?
8. Open space; currently the space to be occupied by the new building on the north is used as an at-grade landscape parking lot, tennis courts and a small single-story exercise room. How can a new large building in this location "increase" the "open area"? To call a 10 story building with a smaller footprint than tennis courts an increase in open space is ludicrous.
9. Luau; what are the plans for this venue? In the DEIS it alludes to no Luau. However, in the Honolulu Advertiser the Marriott is on record that they "wish to retain a luau" They have also sent a letter to current timeshare owners asking for their input on the luau. Where would it be?
10. Water; as the water requirements change as noted in the KOA's CC&Rs, is there additional capacity for this project? Has this issue been cleared with the proper Maui planning agencies?
11. Waste water; at this time I believe that there is an issue re. this. Again the usage is changing and new calculations need to be made and addressed. Has this been done?
12. Environmental impact to the beach; there is usually not much of a useable beach in front of the Marriott property. Many of the current guests go to the beach in front of the Kaanapali Alii for access at this time. This is also a heavily used beach by the locals for surfing and skim-boarding. How will the added beach population from the proposed project affect the beach? Will the additional traffic be detrimental to the existing public beach, etc? This is a fragile environment that needs to be considered.

DOCUMENTS CAPTURED AS RECEIVED



NEW LIGHT LINE

NOTE - PARKING STRUCTURE COULD BE LONGER

GROUP 70 INTERNATIONAL
27 November 2002

Sequel Buildings - Site Plan
LAHAINA + NAHILI
BUILDINGS REVERSED

G. ROYAN 12/20/03



July 8, 2003

Gerald and Barbara Romain
665 Hilary Drive
Tiburon, CA 94920-1438

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Gerald and Barbara Romain,

We are in receipt of your letter dated 2/21/2003 regarding the Maui Ocean Club Sequel Project. We will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

The memo addresses many of the concerns listed in your letter. We have addressed your "specific items of concern" below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. **Building Height.** The currently proposed design option (#5) plans for two guest buildings with a stepped 12/10-story building height. Zoning for the property is H2- Hotel, which allows 12-story building heights.

Advantages of constructing a higher-story building over a wider-but lower building include: reduced foundation costs, and greater view corridors around the structure.

The project team incorporated increased building height into successive design options primarily due to input from your fellow KAC unit owners. Several owners voiced their preference for a higher structure if it allowed the narrowing

of the proposed Napili building, which in turn would increase building separation, increase ocean view corridors from KAC building 4, and allow the relocation of units from the Napili building to the Lahaina building. Additionally, several KAC owners requested that the Napili building be higher than the KAC buildings because KAC owners did not want to overlook the Napili building's roof.

2. *Unit/Guest Projections.* Maximum use (total bed count) of the Hotel was 2880 guests, the equivalent measurement of the proposed project is 2746 guests.

As elaborated in the issue #2 of the Memo, the expected guest-count of the completed, stabilized Sequel project is less than the high-season guest counts experienced during the Marriott's operation as a 720-room Hotel. The stabilized timeshare resort is anticipated to draw around 1400-1500 persons. By comparison, the Hotel experienced more pronounced seasonal fluctuations where guest counts ranged between 1200 and 1700 guests. The average guest counts for each project are roughly the same. The Final EIS provides a breakdown of the anticipated guest-count in Table 1.

3. *Parking.* The required number of parking stalls for timeshare use is determined by the Maui County Planning Department and will be adequately provided by the project. In addition, MVCI is equally concerned about its guests satisfaction, and has considered parking adequacy in its internal feasibility studies. The observation that there are currently double parked cars in the existing north parking lot is due to valet parking practices rather than inadequacy of parking.
4. *Alternative Siting of Buildings.* Please refer to the discussion on private views in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).
5. *View Corridors.* The issue of private and public view corridors has been addressed in the planning of the project. As mentioned earlier, the Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).
6. *Construction Impacts & Mitigation.* In response to your concern regarding lost rents, we have included information regarding MVCI's position and the current status of discussions regarding this issue in the attached memo (item #3). Socio-economic impacts are discussed in greater depth in section III-B of the Final EIS.

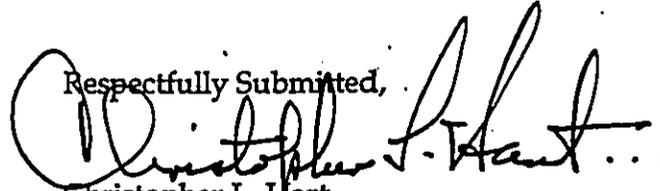
MVCI's treatment of construction noise impacts is discussed in items #4 of the attached memo. Noise impacts are addressed in section III-A-4 of the Final EIS. MVCI's treatment of construction dust impacts is discussed in items #5 of the attached memo. Air quality impacts are addressed in section III-A-3 of the Final EIS.

7. *Kitchens.* We have found no limits in the resorts CC&Rs that prohibit use of kitchens in the timeshare facility. The applicant has been involved with the Design Review Committee of KOA for several months, and no such issue has been raised.
8. *Open Space.* The proposed guest buildings, of course, do not expand open space. The improvements to the shoreline area of the project however, will result in greater landscaped open space in the coastal corridor, especially mauka of the coastal walkway. We have clarified our descriptions of these improvements in the Final EIS section on visual impacts (Section III-A-9).
9. *Luau.* There are no plans to relocate the luau grounds to the north side of the property. In fact, the luau will cease operations altogether with the commencement of construction of the proposed Lahaina Building.
10. *Availability of Water.* Water for the project will be provided by a private water system, not the County. The provider has indicated to the project's civil engineer that adequate water resources are available for the project.
11. *Availability of Waste Water Infrastructure/capacity.* According to the preliminary engineering report (Appendix K), there is adequate transmission infrastructure and treatment capacity for the project.
12. *Beach Resources.* The project is unlikely to result in greater demand for beach resources because of two factors: First, the average guest load is not anticipated to increase significantly, and furthermore the TS facility will not experience the higher (seasonal) guest load peaks that the Hotel did. Second, the initial conversion project (2000) and the Sequel project significantly increase the on-site recreational resources (specifically pool space), lessening the need for guests to utilize the beach for sunning and swimming activities.

Letter to Gerald and Barbara Romain
Maui Ocean Club Sequel Project: Draft EIS & Project Comments.
July 8, 2003
Page 4 of 4

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

John W. Bergholt
2930 Camino Diablo, Suite 300
Walnut Creek, CA 94597
Telephone (925) 932-7785
Facsimile (925) 932-8316

February 22, 2003

RECEIVED
FEB 24 2003

COMMUNICATIONS SECTION
HONOLULU, HAWAII

VIA FACSIMILE AND FIRST CLASS MAIL

Marriott Vacation Club International
c/o Mr. Chris Hart
Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, HI 96793
Facsimile (808) 242-1956

VIA FIRST CLASS MAIL

Office of Environmental Quality Control
235 S. Beretania St., Suite 702
Honolulu, Hawaii 96813

Maui Planning Department
250 South High Street
Wailuku, Hawaii 96793
Contact: Mr. Joe Alueta, Staff Planner

Re: MVCI Sequel Project Draft EIS

Gentlemen:

On November 7, 2002, I provided a letter regarding our concerns regarding the proposed Marriott Sequel. The draft EIS addresses those concerns but does not resolve them. The letter of November 7 is an exhibit to the draft EIS in Appendix M; therefore, I will not repeat the points made in that letter here.

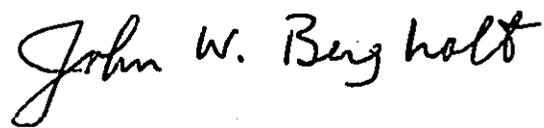
In part (B) of the November 7 letter, I addressed the loss of view which would result from the proposed position of the Napili building. The location of the building has not changed from the EISPN to the draft EIS. Therefore, our concerns regarding view loss still exist.

In part (C) of the November 7 letter, I addressed the issue of the construction and its impact on our unit rental. There is nothing in the draft EIS which sets forth a reasonable method of compensating for lost rents. Therefore, our concerns regarding lost rents still exist.

A new issue I would like to raise is the environmental impact of wind velocity which will be created in the corridor between the proposed Napili building and the Alii. The draft EIS does not address the issue of increased wind velocity and its impact on the beach or the Alii lanais. This should be addressed.

In conclusion, I appreciate the fact that we have been included in the distribution list for documents concerning this proposed development. Please continue to copy me with future documents.

Very truly yours,



John W. Bergholt



**CHRIS
HART**
& PARTNERS, INC.

July 8, 2003

Mr. John W. Bergholt
2930 Camino Diablo, Suite 300
Walnut Creek, CA 94597

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Bergholt,

We are in receipt of your letter dated 2/22/2003 regarding the Maui Ocean Club Sequel Project. We will include your letter and this response in the Project's Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

We thank you for attending the meeting held in Northern California on May 14, 2003.

For your information, we have attached a Status Memorandum dated July 8th, 2003 that provides an update to the ongoing dialogue between MVCI and the KAC owners regarding the primary issues & concern of the KAC. Issues addressed by the memo include loss of views, project density, loss of rental income, construction noise, dust & cleaning, wind, and issues related to the pool and luau facilities.

The memo addresses some of the concerns listed in your letter. We have addressed your comments below, with reference to additional discussion provided in the memo, and the location of such information in the Final EIS.

1. *View Loss.* Please refer to the discussion on private views in the attached memo (item #1). The Final EIS will include discussion of the design alternatives study (section II-D), simulations of view corridors from KAC units and renderings of the proposed building (Appendix O), and plans and elevations from the first four design options (Appendix P).
2. *Lost Rents.* In response to the your questions regarding lost rents, we have included information regarding MVCI's position, and current status of discussions regarding this issue in the attached memo (item #3). Socio-economic impacts are discussed in section III-B of the Final EIS.

LANDSCAPE ARCHITECTURE AND PLANNING

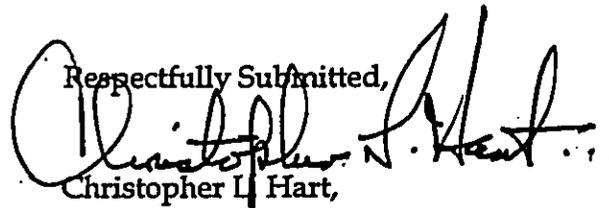
1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 PHONE: 808-242-1955 • FAX: 808-242-1955

Letter to Mr. John W. Bergholt
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

3. *Wind.* We have addressed the issue of wind velocity impacts in the attached Memo (issue #7), which discusses a wind velocity impact study prepared for the Sequel Project. The study will be included in Appendix N and the findings of the study will be summarized in section III-A-2 of the Final EIS.

Thank you for your comments and your participation in the review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI



APPENDIX S
Draft EIS Agency Comment Letters & Responses

**Maui Ocean Club Sequel Project
Agency DEIS Comment Letters**

	<u>Dated</u>	<u>Received</u>
Federal Agencies		
1. Department of the Army	02/17/03	02/11/03
2. Department of Agriculture	02/11/03	02/18/03
State of Hawaii Agencies		
1. DAGS	02/03/03	02/05/03
2. Department of Transportation	02/03/03	02/07/03
3. DBEDT: ERT	02/05/03	02/11/03
4. DLNR Forestry & Wildlife	02/03/03	02/12/03
5. DLNR Maui Office (Land)	02/04/03	02/12/03
6. Department of Health (Maui)	02/14/03	02/19/03
7. Office of Hawaiian Affairs	02/19/03	02/20/03
8. DLNR Aquatic Resources	02/10/03	02/19/03
9. DLNR Land Division	02/13/03	02/19/03
10. DLNR Historic Preservation	02/25/03	02/27/03
11. Civil Defense	03/05/03	03/07/03
Maui County Agencies		
1. Department of Water Supply	02/10/03	02/14/03
2. Parks Department	02/18/02	02/21/02
3. Council member Johnson	02/22/02	02/24/02
4. DHHC	02/23/03	02/24/03
5. Police Department	02/20/02	02/27/02
6. Department of Public Works	02/27/02	02/28/02
Utilities		
1. Maui Electric Co	02/05/03	02/07/03

INDEX

(Agency) Comment Letters & Responses

Draft EIS Distribution

- OEQC Distribution Approval Letter 12/31/02
- DEIS @ Environmental Notice 01/08/03
- DIES Distribution Matrix

Agency Comment Letters

	<u>Dated</u>	<u>Received</u>	<u>Response</u>
Federal Agencies			
1. Department of the Army	02/17/03	02/11/03	7/08/03
2. Department of Agriculture	02/11/03	02/18/03	7/08/03
State of Hawaii Agencies			
3. DAGS	02/03/03	02/05/03	7/08/03
4. Department of Transportation	02/03/03	02/07/03	7/08/03
5. DBEDT: ERT	02/05/03	02/11/03	7/08/03
6. DLNR Forestry & Wildlife	02/03/03	02/12/03	N/A
7. DLNR Maui Office (Land)	02/04/03	02/12/03	N/A
8. Department of Health (Maui)	02/14/03	02/19/03	7/08/03
9. Office of Hawaiian Affairs	02/19/03	02/20/03	7/08/03
10. DLNR Aquatic Resources	02/10/03	02/19/03	7/08/03
11. DLNR Land Division	02/13/03	02/19/03	N/A
12. DLNR Historic Preservation	02/25/03	02/27/03	7/08/03
13. Civil Defense	03/05/03	03/07/03	7/08/03
Maui County Agencies			
14. Council Member Hokama		01/07/03	
15. Council Member Hokama		01/29/03	7/08/03
16. Department of Water Supply	02/10/03	02/14/03	7/08/03
17. Parks Department	02/18/02	02/21/02	7/08/03
18. Council Member Johnson	02/22/02	02/24/02	7/08/03
19. DHHC	02/23/03	02/24/03	7/08/03
20. Police Department	02/20/02	02/27/02	7/08/03
21. Department of Public Works	02/27/02	02/28/02	7/08/03
22. Planning Department			7/08/03
Utilities			
23. Maui Electric Co	02/05/03	02/07/03	7/08/03

LINDA LINGLE
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETAMA STREET
SUITE 702
HONOLULU, HAWAII 96813
Telephone (808) 586-4185
Facsimile (808) 586-4186
Email: oeqc@health.state.hi.us

RECEIVED

JAN - 3 2003

CHRIS HART & PARTNERS
Landscape Architecture & Planning

December 31, 2002

Mr. Chris Hart
Chris Hart and Partners, Inc.
1955 Main Street, Suite 200
Wailuku, HI 96793

Dear Mr. Hart:

Subject: Draft EIS for the Maui Ocean Club Sequel Project

OEQC has verified the information received for the distribution of this Draft Environmental Impact Statement. Therefore, distribution of the document may proceed.

Notice of availability of this EIS will be published in the January 8, 2003, *Environmental Notice*.

If you have any questions, please call me at 586-4185. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeyan Thirugnanam".

Jeyan Thirugnanam
Planner

JANUARY 8, 2003

Draft Environmental Impact Statements

(1) Maui Ocean Club Sequel Project

District: Lahaina
TMK: 4-4-013:001
Applicant: Marriott Vacation Club International
Construction and Development
Hawai'i Regional Office
1001 Kamokila Blvd, Suite 202
Kapolei, Hawai'i 96707
Contact: Steve Busch (742-8850/Fax 742-6368)

Approving Agency/Accepting Authority: County of Maui, Planning Department
250 South High Street
Wailuku, Hawai'i, 96793
Contact: Joe Alueta (270-7735)

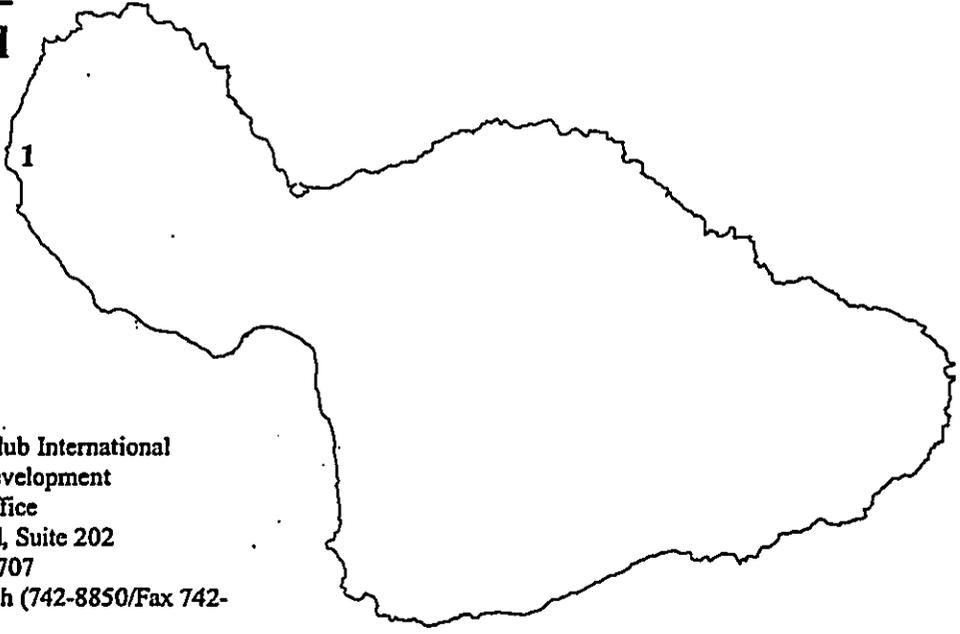
Consultant: Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, Hawai'i 96793
Contact: Chris Hart (242-1955/Fax 242-1956)

Public Comment Deadline: February 22, 2003
Status: DEIS First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

Permits Required: SMA, NPDES, Noise, Building/Grading

Marriott Vacation Club is proposing the expansion of the existing Maui Ocean Club (MOC) Resort. The proposed project consists of the addition of two new villa unit buildings for vacation ownership, parking structures, site amenities, landscaping and demolition of some existing facilities. The project will dramatically increase the amount of landscaped open-space along the shoreline of the project site.

The subject property is located at 100 Nohea Kai Drive, Ka'anapali Maui. Existing development includes a 10-story building that contains the guestrooms, lobby, ballrooms and



restaurants, a pool area, a luau function area, and parking facilities. The existing 720 hotel rooms are currently being converted into 312 timeshare suites as part of a renovation initiated in 2000 under the project name "Maui Ocean Club". The sequel project will add an additional 146 units to the resort via two freestanding 10-story buildings, one on each side of the existing hotel complex.

The project will result in beneficial and adverse impacts. Construction of the project will cause short-term adverse nuisance impacts regarding noise, air quality, and traffic inconveniences. Short-term benefits include benefits to the economy in terms of construction expenditures, construction wages and marketing jobs associated State revenues. Long-term adverse impacts include a marginal increase in demand for public services, and housing. Long-term effects include changes to the visual character of the project site, which will have different, and subjective impacts to the public and adjacent landowners. Long-term beneficial impacts include new jobs, increased County revenues and improved open space resources along the shoreline area of the project site.

Short-term mitigation measures have been suggested to decrease construction-related impacts regarding noise, air quality, and traffic nuisances. The project aims to minimize long-term impacts to visual resources through design and siting.

**MOC Sequel Project: Draft EIS / SMA Review Document
Distribution & Comment Index**

Entered Distribution List Via:				Transmitted By /Date			Distribution List	
OEQC	Applicant	Planning	Recipient	Applicant	Planning	#		
		1			1/16/03	1	Federal Agencies U.S. Department of Agriculture Natural Resources Conservation Service Department of the Army U.S. Fish and Wildlife Service	
1					1/16/03	1		
1					1/16/03	1		
1					1/16/03	1	State Agencies Department of Accounting and General Services Department of Agriculture Dept of Business, Econ-Development & Tourism Land Use Commission Div: Energy Resources & Technology Office of Planning Department of Defense Office of Hawaiian Affairs Department of Hawaiian Home Lands Department of Health Office of Environmental Quality Control Office of Environmental Quality Control Department of Land and Natural Resources State Historic Preservation Division Department of Transportation University of Hawaii Environmental Center Water Resources Research Center	
1					1/16/03	1		
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		1			1/16/03	1		
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3					1/16/03	1		
4					12/20/02	4		
1					2/3/03	1		
5					1/16/03	2		
1					1/16/03	1		
1	1	1			1/16/03	3		
					1/16/03	1		
4					1/16/03	1		
1					1/16/03	1		
	1				1/16/03	1	Maui County Agencies Department of Fire Control Department of Parks and Recreation Department of Planning Police Department Department of Public Works Department of Housing and Human Concerns Department of Water Supply Office of the Mayor County Council District Councilmember (J Johnson) Councilmember Nishiki Councilmember Hokama	
1					1/16/03	1		
1					1/16/03	1		
1	2				n/a			
1	1				1/16/03	1		
1	4				1/16/03	5		
	1				1/16/03	1		
1					1/16/03	1		
	1				1/16/03	1		
1					1/16/03	1		
			1		1/16/03	1		
			1		1/16/03	1		
1					1/16/03	1	Utilities Maui Electric Co	
1					1/16/03	1	Neighboring Property Owners Ka'anapali Operations Association Hyatt Regency Maui Ka'anapali Golf Estates Community Association Ka'anapali Vista Residential Neighborhood Dr. Ben Azman (Resident) Mr. Ben Leland (Resident) Ka'anapali Ali'i Residential Condominium Association of Apartment Owners C/O Mark Attler Association of Apartment Owners C/O Mark Attler ¹ Mr. John W. Bergholt (K Ali'i Unit Owner) ² Elijah Yip/ Donna Leong (Counsel: Cedes Shutte) ³ Mr. Isaac Hall (Counsel) ⁴	
1					1/8/03	1		
1					1/8/03	1		
2					1/8/03	2		
					1/8/03	1		
1					1/10/03	1		
1					1/8/03	1		
20					1/8/03	20		
					1/17/03	7		
					1/7/03	1		
					1/7/03	1		
					1/30/03	1		
1					1/8/03	1		Libraries Lahaina Public Library ⁵ Maui Community College State Main Library ⁵ DBEDT Library ⁵ UH Hamilton ⁵ Legislative Reference Bureau ⁵
1					1/8/03	1		
1					1/21/03	1		
1					1/21/03	1		
1					1/21/03	1		
1					1/21/03	1		
1					1/21/03	1	Media Maui News ⁶ Honolulu Advertiser ⁶ Honolulu Star Bulletin ⁶	
1					1/21/03	1		
1					1/21/03	1		
Notes								
1 Remaining 5 documents not needed per conversation with Mark Attler 1/28/03								
2 EIS Preparation Notice (EISPN) Participant								
3 Requested inclusion via letter								
4 Requested inclusion via phone 1/30/03								
5 Public Library Listed for document availability in OEQC's 1/8/03 Environmental Notice Bulletin								
6 Transmittals that originally were to be made by the Maui Planning Dept, deferred to applicant on 1/17/03								



**CHRIS
HART**
& PARTNERS, INC.

July 8, 2003

Mr. James Penaz, P.E.
Chief, Civil Works, Technical Branch
Department of the Army
U.S. Army Engineer District, Honolulu
Fort Shafter, HI 96858-5440

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Penaz,

We are in receipt of your comments dated 2/17/2003 which state that a DA permit will not be required for the project and that the flood hazard information provided on page 17 of the DEIS was correct. Thank you for your comments. Your letter will be included in the Final Environmental Impact Statement.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,

Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Steve Busch, MVCI

03/700

United States Department of Agriculture



NRCS Natural Resources Conservation Service

Our People... Our Islands... in Harmony
210 Ima Kala Street, Suite #209, Wailuku, HI 96793-2100

'03 FEB 18 P1:52

Date: February 11, 2002

DEPT OF PLANNING
CC
RECEIVED

Mr. Joe Alueta, Staff Planner
County of Maui
Department of Planning
250 S. High Street
Wailuku, Hawaii 96793

Dear Mr. Alueta,

SUBJECT: Maui Ocean Club Sequel; TMK: 4-4-013: 001
I.D.: EIS 2002/0004, SM1 2002/0026

We have no comment on the subject application.

Thank you for the opportunity to comment.

Sincerely,

Neal S. Fujiwara
District Conservationist



**CHRIS
HART**
& PARTNERS, INC.

July 8, 2003

Mr. Neal S. Fujiwara, District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
210 Imi Kala Street, Suite 209
Wailuku HI 96793-2100

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Fujiwara,

We are in receipt of your letter dated 2/11/2003 which states that you have no comment on the subject application. Your letter will be included in the Final Environmental Impact Statement.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,

Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Steve Busch, MVCI

LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 WAILUKU, MAUI, HAWAII 96793-1705 • PHONE: 808-242-1955 • FAX: 808-242-1955

LINDA LINGLE
GOVERNOR



RUSSELL K. BAYTO
Comptroller
KATHERINE H. THOMASOP
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
SURVEY DIVISION
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

03/538

02 FEB -5 P1:29

DEPT OF PLANNING

February 3, 2003

MEMORANDUM

TO: Michael W. Foley, Planning Director
Maui County Planning Department

ATTN: Joe Alueta, Staff Planner

FROM: Randall M. Hashimoto, State Land Surveyor
DAGS, Survey Division

SUBJECT: ID.: EIS 2002/0004 SM1 2002/0026
TMK: 4-4-013:001
Project Name: Maui Ocean Club Sequel
Applicant: Chris Hart and Partners

The subject proposal has been reviewed and confirmed that no Government Survey Triangulation Stations or Benchmarks are affected. Survey has no objections to the proposed project.



July 8, 2003

Mr. Randall M. Hashimoto, State Land Surveyor
State of Hawaii Department of Accounting and General Services
Survey Division
PO Box 119
Honolulu HI 96810-0119

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Hashimoto,

We are in receipt of your letter dated 2/3/2003 that states that you have no objection to the project and that no Government Survey Triangulation Stations or Benchmarks will be affected. Thank you for your comments. Your letter will be included in the Final Environmental Impact Statement.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,

Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Steve Busch, MVCI

LINDA LINGLE
GOVERNOR



RODNEY K. HARAGA
DIRECTOR

Acting Deputy Director
GLENN M. OKIMOTO

'03 FEB -7 P12:29

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

STP 8.0628

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

February 3, 2003

Mr. Michael W. Foley
Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Foley:

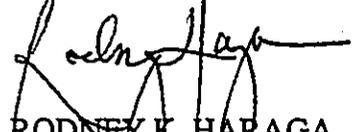
Subject: Maui Ocean Club Sequel
DEIS (2002/0004) & SMA (2002/0026)
TMK: 4-4-013: 001

Thank you for your transmittal requesting our review of the subject proposal.

It is not anticipated that the proposed hotel to timeshare conversion will have a significant impact on our State transportation facilities. However, any deviation which increases the maximum allowed number of units or guests for the proposed timeshare could result in increased traffic congestion and that should require the developer to submit a revised Traffic Impact Analysis Report for our review and approval.

We appreciate the opportunity to provide comments.

Very truly yours,


RODNEY K. HARAGA
Director of Transportation



July 8, 2003

Mr. Rodney K. Haraga, Director of Transportation
State of Hawaii Department of Transportation
869 Punchbowl Street
Honolulu HI 96813-5097

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Haraga,

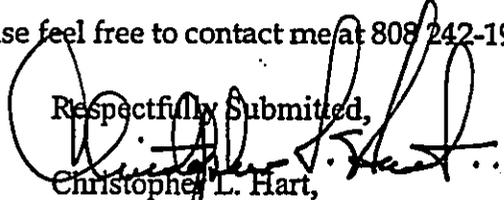
We are in receipt of your letter dated 2/3/2003, which states that you do not expect the project to have a significant impact on State transportation facilities.

Projections of expected guest-count of the completed, stabilized Sequel project is less than the high-season guest counts experienced during the Marriott's operation as a 720-room Hotel. The stabilized timeshare resort is anticipated to draw around 1400-1500 persons. By comparison, the Hotel experienced more pronounced seasonal fluctuations where guest counts ranged between 1200 and 1700 guests. The average guest counts for each project are roughly the same.

Since the average guest loads will be similar, and the MOC Sequel project will have fewer guests during peak periods, we do not anticipate intensification of visitor related impacts such as traffic. The Final EIS addresses traffic impacts in section III-D and provides a breakdown of the anticipated guest-count in Table 1.

Thank you for your comments. Your letter will be included in the Final Environmental Impact Statement. A copy will be sent to you upon completion.

If you have further questions or comments, please feel free to contact me at 808-242-1955.

Respectfully Submitted,

Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Steve Busch, MVCI



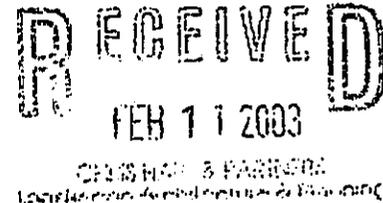
**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA L
GOV
THEODORE
DII
RAYMOND M. JEFFE
DEPUTY DII

Energy, Resources, and Technology Division
235 South Beretania Street, Leicopapa A Kamehameha Bldg., 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt/ert

Telephone: (808) 587-
Fax: (808) 587-

February 5, 2003



Mr. Joe Alueta
Staff Planner
Planning Division
250 South High St
Wailuku, Maui, Hawaii 96793

Dear Mr. Alueta:

Subject: Maui Ocean Club Sequel—EIS 2002/2004; SM1 1001/0026
Tax Map Key: 4-4-013:001

In response to your January 16, 2003, notice, thank you for the opportunity to provide comments on the Draft Environmental Impact Statement for the Maui Ocean Club Sequel, the addition of 146 units to the Maui Ocean Club in Lahaina. We would like to call your attention to: (1) State energy conservation goals, (2) energy saving design practices and technologies, and (3) recycling and recycled-content products.

1. **State energy conservation goals.** Project buildings, activities, and site grounds should be designed with energy saving considerations. The mandate for such consideration is found in Chapter 344, HRS ("State Environmental Policy") and Chapter 226 ("Hawaii State Planning Act"). In particular, we would like to call to your attention HRS 226 18(c)(4) which includes a State objective of promoting all cost-effective energy conservation through adoption of energy-efficient practices and technologies.

We recommend that you consult the Maui Electric Company regarding their demand-side management programs that offer rebates for installation of energy efficient technologies.

2. **Energy saving design practices and technologies.** We recommend that energy efficient design practices and technologies be specifically addressed. Some of the methods and technologies that could be considered, as appropriate, include:
 - Use of natural ventilation to increase comfort of occupants;
 - Maximum use of natural lighting without heat gain;

Mr. Joe Auera
Page 2
February 5, 2003

- Use of high efficiency compact fluorescent lighting;
 - Use of insulation/radiant barrier for an equivalent R-19 value in ceiling; use of ceiling fans; and
 - Use of landscaping for dust control and to minimize heat gain to area.
3. **Recycling and recycled-content products.**
- Develop a job-site recycling plan for construction and recycle as much construction and demolition waste as possible;
 - Incorporate provisions for recycling into the project – a collection system and space for bins for recyclables; and
 - Specify and use products with recycled content such as: steel, concrete aggregate fill, drywall, carpet and glass tile.

Please refer to the attached *Guidelines for Sustainable Building Design In Hawaii: A planner's checklist and A Contractor's Waste Management Guide* for additional information.

Sincerely,


Maurice H. Kaya
Chief Technology Officer

Enclosures

c: OEQC
Chris Hart & Partners



July 8, 2003

Mr. Maurice H. Kaya, Chief Technology Officer
State of Hawaii Department of Business, Economic Development and Tourism
Energy, Resources and Technology Division
PO Box 2359
Honolulu HI 96804

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Kaya,

We are in receipt of your letter dated 2/3/2003; we have the following responses to your comments. Your letter will be included in the Final Environmental Impact Statement.

1. *State Energy Conservation Goals.* The proposed project will meet all required State laws and regulations, including Chapter 344, HRS and Chapter 226 (Hawaii State Planning Act) regarding energy saving practices.
2. *Energy saving design practices and technologies.* During the design stage, energy saving design practices and technologies will be used when appropriate. For example, the proposed plans for the two sequel buildings have unenclosed elevator lobbies to allow natural ventilation. Exterior lanais are located to help shield interior spaces from direct sunlight during much of the day. Extensive landscaping is used throughout the project for dust control and to minimize "heat sinks". Other energy saving features such as ceiling fans and air-conditioning cut-off switches at lanai doors are standard practices by Marriott.
3. *Recycling and recycled-content products.* The proposed project will involve the demolition of the existing parking structure, ballroom, tennis courts, and on-grade parking areas. Preliminary discussions with the general contractor have indicated that certain materials from demolition, such as steel members and re-bars will be shipped to Oahu for re-cycling. Other construction materials such as concrete and asphalt may be crushed and re-used for fill material, where feasible.

As a further note, Group 70, the architectural firm currently involved in the conceptual design of the project, has two LEED certified staff architects prepared

LANDSCAPE ARCHITECTURE AND PLANNING

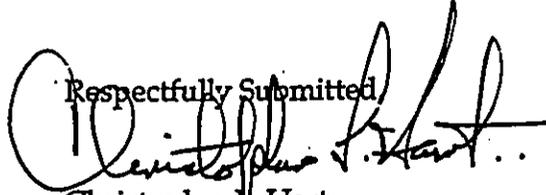
1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 • FAX: 808-242-1956

Letter to Mr. Maurice H. Kaya
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

to assist during the design stage of the project to ensure best practices for sustainable design.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MSCI

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. Box 621
HONOLULU, HAWAII 96809

PETE
CHAIRMAN
BOARD OF LAND AND NATURAL RESOURCES
DEAN A. NAKANO
ACTING DEPUTY DIRECTOR FOR
THE COMMISSION ON WATER
RESOURCE MANAGEMENT

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE
COMMISSION
LAND
STATE PARKS

January 23, 2003
LD/NAV
Ref.: SM12002-0026CMT

L-299
Suspense Date: 2/10/03

MEMORANDUM:

TO: XXX Division of Aquatic Resources
XXX Division of Forestry & Wildlife
XXX Engineering Division
XXX Division of State Parks
XXX Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management
XXX Land - Planning and Technical Services
XXX Land - Maui District Land Office (DD)

FROM: Charlene E. Unoki, Acting Assistant Administrator
Land Division *[Signature]*

SUBJECT: Application: Special Management Area Use Permit
Document: Draft Environmental Impact Statement
I.D. No.: SM1 2002/0026- TMK: 2nd/ 4-4-13: 001
Name: Maui Ocean Club Sequel
Applicant: Chris Hart and Partners
Authority: County of Maui Department of Planning

Please review the attached summary covering the subject matter and submit your comments (if any) on Division letterhead signed and dated within the time requested above. Should you need more time to review the subject matter, please contact Nick Vaccaro at ext.: 7-0384.

Note: One hardcover of the Draft Environmental Impact Statement is available for review in the Land Division Office, Room 220.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

We have no comments.

Comments attached.

Date: FEB 3 2003

Signed: *[Signature]*

Name: MICHAEL G. BUCK, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE

LINDA LINGLE
GOVERNOR



DEPARTMENT OF LAND AND NATURAL RESOURCES

2003 JAN 27 PM 1:14

STEVEN I. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEAN A. NAKANO
ACTING DEPUTY DIRECTOR FOR
THE COMMISSION ON WATER
RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. Box 621
HONOLULU, HAWAII 96809

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE
COMMISSION
LAND
STATE PARKS

January 23, 2003
LD/NAV
Ref.: SM12002-0026CMT

L-299
Suspense Date: 2/10/03

MEMORANDUM:

TO: XXX Division of Aquatic Resources
XXX Division of Forestry & Wildlife
XXX Engineering Division
XXX Division of State Parks
XXX Division of Boating and Ocean Recreation
XXX Commission on Water Resource Management
XXX Land - Planning and Technical Services
~~XXX Land Management and Planning Office (LMO)~~

FROM: Charlene E. Unoki, Acting Assistant Administrator
Land Division *Charlene Unoki*

SUBJECT: Application: Special Management Area Use Permit
Document: Draft Environmental Impact Statement
I.D. No.: SM1 2002/0026- TMK: 2nd/ 4-4-13: 001
Name: Maui Ocean Club Sequel
Applicant: Chris Hart and Partners
Authority: County of Maui Department of Planning

Please review the attached summary covering the subject matter and submit your comments (if any) on Division letterhead signed and dated within the time requested above. Should you need more time to review the subject matter, please contact Nick Vaccaro at ext.: 7-0384.

Note: One hardcover of the Draft Environmental Impact Statement is available for review in the Land Division Office, Room 220.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

We have no comments.

Comments attached.

Date: 2-4-03

Signed: *Jason K. Koga*

Name: Jason K. Koga

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M. D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET, ROOM 301
WAILUKU, MAUI, HAWAII 96793-2198

03 FEB 19 AM 56

February 14, 2003

Mr. Michael W. Foley
Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawai'i 96793

Attention: Joe Alueta

Dear Mr. Foley:

Subject: **Maui Ocean Club Sequel**
TMK: (2) 4-4-013: 001
EIS 2002/0004 SM1 2002/0026

Thank you for the opportunity to comment on the proposed expansion of the Maui Ocean Club.

A review of the documents indicates that the applicant is aware of the requirements for fugitive dust abatement, noise permits and NPDES permit coverage. We have no further comments to offer at this time.

Should you have any questions, please call me at 984-8230.

Sincerely,

A handwritten signature in black ink, appearing to read "Herbert S. Matsubayashi".

Herbert S. Matsubayashi
District Environmental Health Program Chief



July 8, 2003

Mr. Herbert S. Matsubayashi,
District Environmental Health Program Chief
State of Hawaii Department of Health
Maui District Health Office
54 High Street, Room 301
Wailuku, Hawaii 96793-2198

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Matsubayashi,

We are in receipt of your letter dated 2/14/2003 that states that you have no further comments at this time. Thank you for your letter. Your letter will be included in the Final Environmental Impact Statement.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,

Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Steve Busch, MVCI

PHONE (808) 594-1888



FAX (808) 594-1885

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPIOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

RECEIVED
FEB 20 2003

OFFICE OF HAWAIIAN AFFAIRS
711 KAPIOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD03/906

February 19, 2003

Joe Alueta
Staff Planner
Dept. of Planning, County of Maui
250 South King St.
Wailuku, Maui, Hi 96793

Re: Maui Ocean Club Sequel Project (TMK (2) 4-4-013:001

Dear Mr. Alueta,

OHA is in receipt of your January 16, 2003 request for comments on the above referenced project. OHA offers the following comments:

Cumulative Impacts of the Project

The applicant proposes to add two new ten story buildings totaling 146 units to the Maui Marriot property as part of its strategy to turn the property into timeshare units, rather than hotel units. In the process, several existing structures will be demolished. The overall effect will be less development along the shore, with more building and facilities located on *mauka* portions of the property.

Taken alone, the proposal does not have tremendous effects on the shoreline, or on the socio-economic infrastructure of Maui County. However, the entire Ka'anapali resort is undergoing renovations. These planned upgrades and additions need to be addressed together, rather than piecemeal.

A long-term plan for Ka'anapali resorts need to be developed in concert with the county and community members. Issues such as traffic, affordable housing, public amenities, conservation of resources, such as water and historic sites, and the need for additional schools and hospitals and other services need to be addressed cumulatively and early in

the renovation process. OHA suggests that this process be done before additional permits are granted.

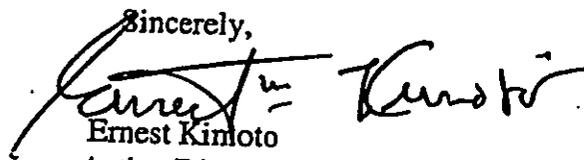
OHA is particularly concerned that access to the shoreline and viewsheds from the ocean be maintained.

Historic Sites and Burials

The archaeological inventory survey done by SMS, Inc. found no cultural deposits or indications of burials. However, as burials have been found in the vicinity of the proposed buildings, OHA will rely on Marriot Vacation Club International and its representatives to ensure that state law will be followed should cultural deposits or burials be found. This includes stopping all work in the area and contacting the State Historic Preservation Division.

Thanks you for the opportunity to comment on this project. If you have further questions, please contact Pua Aiu at 594-1931 or e-mail her at paiu@oha.org.

Sincerely,



Ernest Kimoto
Acting Director
Hawaiian Rights Division



July 8, 2003

Mr. Ernest Kimoto, Acting Director
Hawaiian Rights Division
State of Hawaii Office of Hawaiian Affairs
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026
"HRD03/906"

Dear Mr. Kimoto,

We are in receipt of your letter dated 2/19/2003, we have the following responses to your comments. Your letter will be included in the Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

1. *Cumulative Impacts of the Project.* In your letter you cite concerns for several types of resources and services that should be planned for in a comprehensive, regional manner. This type of planning methodology does occur (albeit without the efficiency and input desired) through the community plan process. The project's compatibility with the West Maui Community Plan is described in section IV-D of the EIS. The Final EIS includes discussion of impacts to the physical environment, social environment, and infrastructure in Section III, with information regarding other potential developments incorporated where known, applicable, and feasible.

Shoreline access ways to Ka'anapali Beach are located at the north and south extents of the property. These access ways will be unaltered by the project. While the final project layout has yet to be approved, the applicant aims at increasing the amount of on-site beach access parking stalls from 20 to 30 stalls.

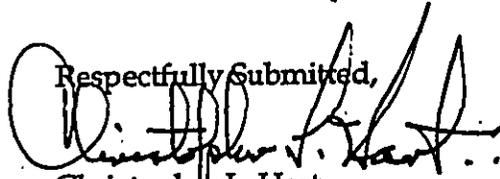
The project's proposed guest towers will partially obscure mauka/makai view corridors through the property. Several siting and design options of the project were developed to minimize impacts of the structures. A taller, narrower type design has been developed to preserve more of the view corridor. Design alternatives are described in Section II-D of the EIS. Public and Semi-Public view simulations are included in Figures 14 and 15.

Letter to Mr. Ernest Kimoto
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

2. *Historic Sites and Burials.* Although no cultural deposits or layers were discovered in the test trenches placed at future development locations, the applicant feels that the possibility for an inadvertent discovery exists. The applicant has agreed in its consultations with the State Historic Preservation Division (DLNR) to submit a monitoring plan for review and approval prior to construction. The plan will specify actions that will occur if and when cultural materials or burials are uncovered, including the stop of work, consultation with SHPD, and potentially, consultation with the Maui Island Burial Council.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

LINDA LINGLE
GOVERNOR

DIVISION OF AQUATIC RESOURCES	
DIRECTOR	Suspense Date: <input type="checkbox"/>
COM FISHERIES	Draft Reply <input type="checkbox"/>
AQ REC/ENV	Reply Direct <input type="checkbox"/>
AQ RECR'N	Comments <input type="checkbox"/>
STAFF SVCS	Information <input type="checkbox"/>
FISH DEV	Comp Act & File <input type="checkbox"/>
STATISTICS	Return to: _____
AFRC	Copy to: _____
EDUCATION	Remarks: _____
SECRETARY	_____
OFFICE SVCS	_____
FED AID	_____



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. Box 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEAN A. NAKANO
ACTING DEPUTY DIRECTOR FOR
THE COMMISSION ON WATER
RESOURCE MANAGEMENT

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE
COMMISSION
LAND
STATE PARKS

January 23, 2003
LD/NAV
Ref.: SM12002-0026CMT

L-299
Suspense Date: 2/10/03

MEMORANDUM:

TO: XXX Division of Aquatic Resources
 XXX Division of Forestry & Wildlife
 XXX Engineering Division
 XXX Division of State Parks
 XXX Division of Boating and Ocean Recreation
 XXX Commission on Water Resource Management
 XXX Land - Planning and Technical Services
 XXX Land - Maui District Land Office (DD)

FROM: Charlene E. Unoka, Acting Assistant Administrator
 Land Division *Charlene E. Unoka*

SUBJECT: Application: Special Management Area Use Permit
 Document: Draft Environmental Impact Statement
 I.D. No.: SM1 2002/0026- TMK: 2nd/ 4-4-13: 001
 Name: Maui Ocean Club Sequel
 Applicant: Chris Hart and Partners
 Authority: County of Maui Department of Planning



Please review the attached summary covering the subject matter and submit your comments (if any) on Division letterhead signed and dated within the time requested above. Should you need more time to review the subject matter, please contact Nick Vaccaro at ext.: 7-0384.

Note: One hardcover of the Draft Environmental Impact Statement is available for review in the Land Division Office, Room 220.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

() We have no comments.

Comments attached.

Date: 2/10/03

Signed: *William Devick*
 Name: William Devick
 Administrator

Suspense Date: February 10, 2003

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii

MEMORANDUM

To: William Devick, Administrator *WD*
From: Richard Sixberry, Aquatic Biologist
Subject: Comments on Special Management Area Permit (SM1 2002-0026)

Comments Requested By: Charlene E. Unoki, Land Division

Date of Request: 1/23/03

Date Received: 1/31/03

Summary of Project

Title: Maui Ocean Club Sequel - Marriott Resort
Proj. By: Chris Hart & Partners
Location: Kaanapali, Maui

Brief Description:

The applicant proposes the expansion of the existing Maui Ocean Club Resort. The project would consist of the addition of two new villa unit buildings, parking structures, suite amenities, landscaping, and demolition of some existing facilities.

Comments:

Significant adverse impact to public aquatic resource values is not expected since the existing facility is on private (fast land) property, fully developed and landscaped. The expansion and associated activities should not impede, inhibit or endanger public passage and enjoyment of the shoreline.

Precautions shall be taken during construction and demolition to prevent debris, eroded soil, petroleum products, landscaping chemicals, (herbicides, pesticides, etc.) and other potential contaminants from flowing, blowing or leaching into coastal waters.

Richard Sixberry
Aquatic Biologist

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. Box 621
HONOLULU, HAWAII 96809

02 FEB 19 7 12 AM

February 13, 2003
SM12002-0026
LD-NAV

Honorable Michael W. Foley
Planning Director
County of Maui
Planning Department
250 S. High Street
Wailuku, Hawaii 96793

Dear Mr. Foley:

Subject: Application: Special Management Area Use Permit
File No.: SM1 2002-0026
Project: Maui Ocean Club Sequel
Applicant: Chris Hart & Partners
Authority: County of Maui Department of Planning
TMK: 2nd/ 4-4-013: 001

Thank you for the opportunity to review and comment on the subject matter.

The Department of Land and Natural Resources' (DLNR) Land Division made available or distributed the one (1) copy of the document covering the subject matter to the following DLNR Divisions for their review and comment:

- Division of Aquatic Resources
- Division of Forestry and Wildlife
- Division of Boating and Ocean Recreation
- Division of State Parks
- Engineering Division
- Commission on Water Resource Management
- Land-Planning and Technical Services
- Land-Maui District Land Office

Attached herewith is a copy of the Division of Aquatic Resources' comment.

Based on the attached responses, the Department of Land and Natural Resources has no other comment to offer on the subject matter.

Should you have any questions, please feel free to contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 1-808-587-0384.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dierdre S. Mamiya".
DIERDRE S. MAMIYA
Administrator

C: MDLO

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

ERNEST LAU
DEPUTY DIRECTOR

DEAN A. NAKANO
ACTING DEPUTY DIRECTOR FOR
THE COMMISSION ON WATER
RESOURCE MANAGEMENT

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE
COMMISSION
LAND
STATE PARKS
L-299/602/542/660



July 8, 2003

Mr. Richard Sixberry, Aquatic Biologist
Division of Aquatic Resources
State of Hawaii Department of Land and Natural Resources
1151 Punchbowl Street, Room 330
Honolulu, HI 96813

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

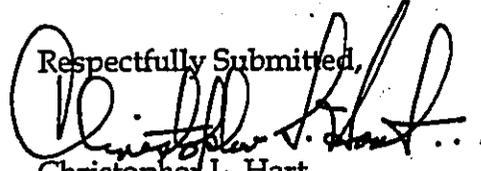
Dear Mr. Sixberry,

We are in receipt of your letter dated 2/10/2003 which states that significant adverse impact to public aquatic resources is not expected, and that the expansion and associated activities should not impede, inhibit or endanger public passage and enjoyment of the shoreline. Your letter will be included in the Final Environmental Impact Statement. We address your comments below.

Containment of potential contaminates. The project will utilize Best Management Practices (BMPs) to control and contain liquids, runoff, and airborne matter. Prior to construction, the applicant will submit grading and BMP plans to the County of Maui and the State of Hawaii (Department of Health) for review and approval as part of the building and NPDES permitting processes.

If you have further questions or comments, please feel free to contact me at 808-242-1955.

Respectfully Submitted,


Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

LINDA LINGLE
GOVERNOR OF HAWAII



PETER T. YOUNG, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT

DEPUTY
ERNEST Y. W. LAU

03 FEB 27 AM 11:47
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
HISTORIC PRESERVATION DIVISION
PAKUHIREWA BUILDING, ROOM 555
1401 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS

February 25, 2003

Mr. Michael Foley, Planning Director
Department of Planning - Maui
250 South High Street
Wailuku, Hawaii 96793

LOG NO: 31748
DOC NO: 0302CD33

Dear Mr. Foley,

SUBJECT: Chapter 6E-42 Historic Preservation Review - Environmental Impact Statement in Support of a Special Management Area Permit for the Maui Ocean Club Sequel, Marriot Resort, Ka'anapali (SUBJECT I.D.: EIS 2002/0004 SM1 2002/0026) [County/Planning] Hanaka'o'o Ahupua'a, Lahaina District, Island of Maui TMK: (2) 4-4-013:001 (previously 4-4-006:029)

Thank you for the opportunity to review and comment on the Environmental Impact Statement in Support of a Special Management Area Permit for the Maui Ocean Club Sequel, Marriot Resort, Ka'anapali, Maui, Hawaii, which was received by our staff January 23, 2003.

Based on the Environmental Impact Statement (EIS) Statement in Support of a Special Management Area Permit (SMA), we understand the proposed undertaking consists of an expansion of the resort's facilities. The expansion will include the addition of two new villa unit buildings, parking structures, site amenities, landscaping, and demolition of existing on grade parking, tennis courts, a ballroom, luau facility, and a parking garage. In addition, the existing primary structures are currently undergoing renovations to convert the 720-room hotel to a 312-room resort.

We have previously provided comments pertaining to the proposed undertaking (SHPD DOC NO.: 0211CD32/LOG NO.: 31181) which are paraphrased below.

The Ka'anapali area in general is likely to have once been the location of pre-Contact farming, perhaps with scattered houses. An archaeological assessment was conducted of this property in 1979 by Archaeological Research Center of Hawaii. This cursory appraisal did not identify any historic sites. The report documenting the assessment (Ching 1979) further states that the subject property has been extensively altered by previous grading and land filling. In 2000, during excavations for a swimming pool an inadvertent discovery of disarticulated human skeletal remains representing a minimum of a single individual (State Site 50-50-03-4985) were identified on the subject property. During the subsequent archaeological monitoring conducted by Archaeological Services Hawaii additional disarticulated human skeletal remains individual were identified. To date we have not received archaeological reports documenting the initial inadvertent burial nor have we received a report documenting the findings of the archaeological monitoring.

Mr. Michael Foley, Planning Director
Page 2

Scientific Consultant Services (SCS) has conducted a phased archaeological inventory survey of the subject property. This report (*An Archaeological Inventory Survey Maui Marriott Ocean Club, in the Ahupua`a of Hanaka`o`o, Lahaina District, Island of Maui...McGerty and Spear 2002*) was included in the submitted EIS/SMA. SCS has completed a Cultural Impact Assessment (*A Cultural Impact Assessment for Maui Marriott Ocean Club, Situated in the Ahupua`a of Hanaka`o`o, Lahaina District, Island of Maui...McGerty and Spear 2002*). This document was included as an appendix of the submitted EIS/SMA. We would like to reiterate that to date we have not received an Archaeological Monitoring Report documenting the findings of the monitoring conducted during the pool installation by Archaeological Services Hawaii, in 2000. Please submit copies of the completed Inventory Survey Report and the Cultural Impact Assessment to our Maui office so that we may complete the historic preservation review process. (The Monitoring Report will need to be submitted to both the Maui and O`ahu offices). We look forward to reviewing these documents and will be better able to provide comments for the proposed undertaking upon completion of these reviews. In addition, we are awaiting the submittal of a Burial Treatment Plan for the above-mentioned burials.

No construction activities may commence until we have accepted the Monitoring Report and the Inventory Survey Report and the Burial Treatment Plan has been accepted by the Maui/Lana`i Island Burial Council.

If you have any questions, please call Cathleen A. Dagher at 692-8023.

Aloha,

P. Holly McEldowney

P. Holly McEldowney, Acting Administrator
State Historic Preservation Division

CD:jen



July 8, 2003

Ms. P. Holly McEldowney, Acting Administrator
State of Hawaii Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, HI 96707

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026
Log No: 31748
Doc No: 0302CD33

Dear Ms. McEldowney,

We are in receipt of your letter dated 2/25/2003. We address your comments below. Your letter will be included in the Final Environmental Impact Statement.

Status of Site 50-50-03-4985. We have been informed that the *monitoring report* for this site has been submitted to the SHPD office for review and approval. The report documents the inadvertent discovery of partial human remains made during renovations of the courtyard pool.

The *burial treatment & preservation plan* for the site has been discussed on two occasions with the Maui Island Burial Council, which has recommended that the remains be re-interred near the shoreline with a burial platform & plaque. Presently, the Maui Planning Department is evaluating an application for the burial marker structure with respect to the Coastal Zone Management Act and Shoreline Setback Rules. Upon resolution of the County assessment, the Maui Island Burial Council will review the item again prior to transmittal to SHPD.

Review Prior to Construction Activities. You have mentioned that acceptance of the *monitoring report* and *burial treatment plan* for site 50-50-03-4985, and the SCS inventory survey reports will be required prior to new construction.

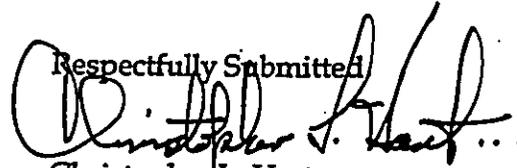
In addition to these requirements the applicant agrees to submit a monitoring plan for SHPD review and approval prior to construction. This commitment has been

Letter to Ms. P. Holly McEldowney
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

identified in the section II-A-9 of the project's Draft and Final EIS, and was a recommendation of the SCS inventory survey arising from consultations with Dr. Melissa Kirkendahl of the Maui SHPD office. Dr. Kirkendahl originally recommended the survey based upon the knowledge that skeletal fragments had been found during the pool renovation. Although it was suspected that the inland sections of the property were composed of significant fill material, test trenches were selected from the proposed construction area (and approved by Dr. Kirkendahl) in order to ascertain if cultural layers were intact in the construction zone. As anticipated, the excavations consisted mainly of imported fill, and no cultural remains were identified, however, the potential for discovery of unidentified cultural remains exists, and as such, monitoring of all below surface excavation will take place during the project development as noted above.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

03/10/03

LINDA LINGLE
GOVERNOR

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE

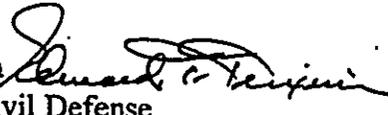


PHONE (808) 733-4300
FAX (808) 733-4287

03 MAR -7 12:12
STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
1999 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

March 5, 2003

TO: Mr. Joe Alueta
Staff Planner
Department of Planning
County of Maui

FROM: Edward T. Teixeira 
Vice Director of Civil Defense

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) IN SUPPORT
OF A SPECIAL MANAGEMENT AREA PERMIT

Thank you for the opportunity to comment on the Maui Ocean Club Sequel Project, DEIS for a Special Management Area Permit at Lahaina, Maui Tax Map Key Numbers (2) 4-4-013: 001.

Recommendation: No outdoor warning system enhancements required by the developer. The Marriott Resort, Kaanapali has a siren "simulator" located in the Hotel Security Office. This simulator is a backup to the large siren located less than a quarter of a mile from the hotel.

Technicians and planners are available to assist and answer any questions you may have. If there are any questions, please have your staff call Mr. Norman Ogasawara, of State Civil Defense at 733-4300 ext. 531.

c: MVCI, care of
Chris Hart & Partners, Inc.

Office of Environmental Quality Control



July 8, 2003

Mr. Edward T. Teixeira, Vice Director
State of Hawaii Department of Defense
Office of the Director of Civil Defense
3949 Diamond Head Road
Honolulu HI 96816-4495

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Teixeira,

We are in receipt of your letter dated 3/5/2003, that states that no outdoor warning system enhancements are required by the developer. Thank you for your comments. Your letter will be included in the Final Environmental Impact Statement.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,

Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

Council Chair
Dain P. Kane

Vice-Chair
Robert Carroll

Council Members
G. Riki Hokama
Jo Anne Johnson
Danny A. Mateo
Michael J. Molina
Wayne K. Nishiki
Joseph Pontanilla
Charmaine Tavares



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

January 7, 2003

'03 JAN 13 A9:38

Honorable Alan M. Arakawa
Mayor, County of Maui
Wailuku, Hawaii 96793

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

APPROVED FOR TRANSMITTAL

For transmittal to:

1/9/03
Date

Mr. Michael Foley, Director
Department of Planning
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Foley:

**SUBJECT: MAUI MARRIOTT HOTEL PLANS FOR EXPANSION AND
FOR CONVERSION TO TIME SHARE**

The addition of guest units or rooms to an existing hotel may trigger affordable housing requirements under Maui County Code Section 2.94.040B. Maui Ocean Club, previously the Maui Marriott, submitted an SMA application in 1999; that application was filed again in October 2002. I am informed that the Marriott plans to convert the hotel to a 341-unit time share resort. I am also informed that the Marriott recently submitted a separate SMA application for two guest room buildings, which will house an additional 146 units on that site, as well as parking facilities and a pool.

May I request that you inform me of the status of the Department of Planning's review of the SMA applications related to each of these proposed improvements to the Marriott, as well as the anticipated occupancy dates, if known. May I further request that you make the documents related to both the anticipated conversion of existing units and the addition of new units at the Marriott available for review by Office of Council Services staff. I would appreciate a response by no later than January 14, 2003 if possible.

Thank you for your attention to this matter. Should you have any questions, please contact me or Legislative Attorney Carla Nakata (ext. 7659).

Very truly yours,

G. RIKI HOKAMA
Council Member

paf:cmn:02-276a

RECEIVED
2003 JAN -8 AM 7:43
OFFICE OF THE MAYOR

1/13/03

Council Chair
Dain P. Kane

Vice-Chair
Robert Carroll

Council Members
G. Riki Hokama
Jo Anne Johnson
Danny A. Mateo
Michael J. Molina
Wayne K. Nishiki
Joseph Pontanilla
Charmaine Tavares



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

January 29, 2003

Honorable Dain P. Kane, Chair
and Members of the Council
County of Maui
Wailuku, Hawaii 96793

'03 JAN 30 P2:08

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Dear Chair Kane and Members of the Council:

**SUBJECT: AFFORDABLE HOUSING ASSOCIATED WITH
EXPANSION OF MAUI OCEAN CLUB RESORT
(PAF 02-276)**

The Marriott Vacation Club International, owner/applicant, is proposing to expand the existing Maui Ocean Club Resort (formerly the Maui Marriott) by adding two new buildings to be used for timeshare purposes. The construction as proposed will add units to the Resort, thereby triggering an assessment to determine whether affordable housing is required under Chapter 2.94 of the Maui County Code. According to the timeline in the Draft Environmental Impact Statement dated December 2002, the applicant projects a completion date for construction of the first building at the end of 2007, with building permits scheduled for early 2005.

May I request that the matter of affordable housing associated with the expansion of the Resort be placed on the next Council agenda for referral to the appropriate standing committee for discussion and action. If clarification of the affordable housing requirements is necessary, a bill may be considered by the committee for recommendation to the Council.

Thank you for your consideration. Should you have any questions or require clarification, please contact me or Legislative Attorney Carla Nakata at ext. 7659.

Very truly yours,

G. RIKI HOKAMA
Council Member

Paf:cmn:02-276b
cc: Director of Housing and Human Concerns
✓Planning Director
Director of Public Works and Environmental Management

031 A 39



July 8, 2003

Mr. G. Riki Hokama, Council Member
County of Maui County Council
200 S High Street
Wailuku, HI 96793

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Hokama,

We are in receipt of your letters dated 1/07/2003 (to Mike Foley) and 1/29/2003 (to Dane Kane) regarding the Maui Ocean Club Sequel Project. Although these letters were not commenting on the project's Draft EIS, we will be including them in the Final Environmental Impact Statement.

We wish to clarify the following points:

Maui Ocean Club vs. the Sequel Project. The Maui Ocean Club project is a physical conversion of the 720 hotel "rooms" into 312 larger timeshare "suites". The MOC conversion project received a SMA permit in 2000, and is approximately half-way completed.

The Sequel Project entails building new timeshare suites. Several design options of the Sequel Project have been developed as part of the environmental assessment process. The latest design (which we refer to as Option 5) entails the construction of 143 "units". When combined with the Maui Ocean Club, the total number of units will be 455. Since some of the units have lockoff bedrooms, the total number of "keys" will be 717. We wish to clarify this because the Draft EIS described a previous design option (#3) which resulted in 738 keys.

Affordable Housing Policies. Since this development does not expand beyond the 720 units allowed under the resort's previous housing agreement, we find that it would be excluded from the requirement pursuant to the exclusions listed in Chapter 2.94.050 MCC.

Letter to Mr. G. Riki Hokama
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

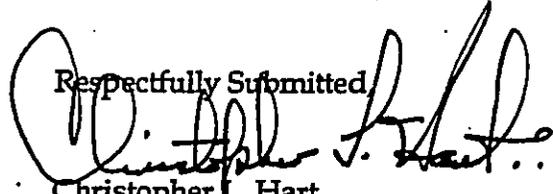
2.94.050 Exclusions.

This requirement shall not apply in the following instances:

- A. The renovation or improvement of an existing apartment-hotel, hotel, or motel project in which no additional units or rooms will result;
- D. To any hotel development which has been required to provide employee or affordable housing by a planning commission decision entered prior to the effective date of the ordinance codified in this chapter

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
P.O. BOX 1109

WAILUKU, MAUI, HAWAII 96793-7109
Telephone (808) 270-7816 • Fax (808) 270-7833

03 FEB 14 P2:07

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

February 10, 2003

Mr. Joe Alueta, Staff Planner
Planning Department
County of Maui
250 S High Street
Wailuku HI 96793

Dear Mr. Alueta:

SUBJECT: Project Name: Maui Ocean Club Sequel Project - Construction of New Guestroom Buildings, New Parking Facilities, and Pool Amenities
TMK: 4-4-013:001
ID: EIS 2002/0004

Thank you for the opportunity to provide comments on this project.

The project area is served by the Kaanapali/Aqua Source Company, a private water service provider. The application indicates that the project will add 146 units, two new pools (one each in the Napili and Lahaina buildings), a pool bar, new spas, decks, and maintenance areas including mechanical and electrical facilities, storage, restrooms and additional landscaped area including lawns. The applicant's estimate of 48,300 gpd may be a bit low. Allowing for potential variations in occupancy, outdoor use, use by cooling systems and other amenities, we suggest that a range of 48,000 to 70,000 be considered as potential additional use for the proposed project.

The aquifer serving this project is the Honokowai Aquifer which has an estimated sustainable yield of 8 MGD. Based on pumpage report received from the Commission on Water Resource Management (CWRM), current pumpage on Honokowai Aquifer is 2.898 MGD. CWRM reports that this may be an underestimate as there are gaps in the reporting from users of this aquifer.

The applicant should be required to meet standards for fire, domestic and irrigation services and to submit calculations thereof. Fire demand is determined by fire flow calculations prepared, signed and stamped by a licensed engineer or architect. The approved fire flow calculation methods for use include: "Fire Flow" - Hawaii Insurance Bureau, 1991 and "Guide for the Determination of Required Fire Flow" - Insurance Services Office, 1974. A provision for back-flow prevention should likewise be required.

The 1996 West Maui Community Plan lists policies and objectives for water and utilities. One of these objectives include, "Study the feasibility of integrating all regional water system into a public water system to be managed and operated by the County. At one time Board policy was to work toward the integration of water systems in order to provide improved emergency back-up, reliability, and

Page 2
Jos Alueta
February 10, 2003

system hydraulics as well as diminished competition for resources. The Department of Water Supply seeks the cooperation of major land owners and private water system providers in the development of acceptable feasibility study framework for system integration and/or eventual acquisition of private water systems by the county.

We encourage the applicant to integrate water conservation techniques as well as Best Management Practices (BMPs) for pollution prevention to the project design and construction. Such information was provided by the Department in our comment letter to the project's EISPN.

Should you have any questions, please contact our Water Resources and Planning Division at 270-7199.

Sincerely,


George Y. Tengan
Acting Director

eam
cc: Engineering Division
Office of Environmental Quality Control
Applicant

By Water All Things Find Life



July 8, 2003

Mr. George Y. Tengan, Acting Director
County of Maui Department of Water Supply
PO Box 1109
Wailuku, HI 96793-7109

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Tengan,

We are in receipt of your comments dated 2/10/2003. We offer responses to your comments below. Your letter will be included in the Final Environmental Impact Statement.

Water Use Estimates. Thank you for your providing a more conservative estimate on use ranges. Upon reviewing your comments, the project's civil engineer has concluded that system capacity is adequate using the higher estimates. (See attached letter)

Use Calculations. The applicant will submit fire, domestic, and irrigation calculations as required during the building permit application process.

Public/Private System Integration. MVCI is a customer of the private water system, and therefore does not own or control the resources that would be integrated under the plan.

Conservation/BMPs. Thank you for your recommendations on conservation measures and Best Management Practices. The project's BMPs plan will be submitted to the County as part of the Grading/Building permit applications and to the State pursuant to obtaining a NDPES permit.



WARREN S. UNEMORI ENGINEERING, INC.

Civil & Structural Engineers • Land Surveyors

Wells Street Professional Center • 2143 Wells Street, Suite 403 • Waihuku, Maui, HI 96793

TEL: (808) 242-4403

FAX: (808) 244-4856

MEMORANDUM

TO: Robb Cole
FROM: Warren S. Unemori *Wm*
DATE: April 8, 2003
SUBJECT: Marriott Maui Sequel (MMS) Project

Referring to the Director's letter, we have no objection to using the range of water usage suggested in the letter. The estimate used in our report was based on actual water usage in June of 2002. At this stage the purpose of the projected estimate is to determine whether the source is adequate. Since the pumping capacity of the existing wells is 3.7 MGD where as the current pumping rate is around 2.9 MGD, adding another 70,000 gpd will not tax the pumping capacity of the wells.

In the final analysis, actual fixture counts will be used in determining the new line and meter sizes.

Regarding the request to study "the feasibility of integrating all regional water systems into a public water system," the applicant is only a consumer. He does not own the water source. Kaaanapali/Aqua Source Company does. Therefore, it would be inappropriate for him to comment on this matter.

WSU:ko

03/1/04
ALAN M. ARAKAWA
Mayor



GLENN T. CORREA
Director

JOHN L. BUCK III
Deputy Director

(808) 270-7230
Fax (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

03 FEB 21 A9:37

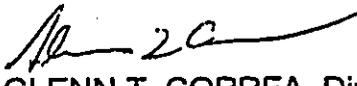
700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

February 18, 2003

MEMO TO: Joe Alueta, Staff Planner
Department of Planning

VIA: Michael W. Foley
Department of Planning


FROM: GLENN T. CORREA, Director

SUBJECT: MAUI OCEAN CLUB SEQUEL
EIS 2002/0004 SM1 2002/0026
TMK: 4-4-013:001

Our Department has reviewed the subject application, and we have no comments at this time. Thank you for the opportunity to review and comment on this matter.

Should you have any questions or concerns, please contact me, or Patrick Matsui, Chief of our Planning and Development Division, at extension 7387.

c: Patrick Matsui, Chief of Planning and Development Division



July 8, 2003

Mr. Glen T. Correa, Director
County of Maui Department of Parks & Recreation
700 Hali'a Nakoia Street, Unit 2
Wailuku, HI 96793

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Correa,

We are in receipt of your comments dated 2/18/2003, which state that you have no comments on the subject project. Thank you for your letter. Your letter will be included in the Final Environmental Impact Statement.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,

Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Steve Busch, MVCI

LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 • FAX: 808-242-1956

Council Chair
Dain P. Kane

Vice-Chair
Robert Carroll

Council Members
G. Riki Hokama
Jo Anne Johnson
Danny A. Mateo
Michael J. Molina
Wayne K. Nishiki
Joseph Pontanilla
Charmaine Tavares



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

February 22, 2003

Director of Council Services
Ken Fukuoka

RECEIVED
FEB 24 2003

Office of Council Services
100 West High Street, Suite 200
Wailuku, HI 96793

MVCI
C/o Chris Hart & Partners, Inc.
1955 Main St., Suite 200
Wailuku, HI 96793
Atten: Mr. Chris Hart

RE: Comments on the Maui Ocean Club Sequel Project Draft Environmental Impact Statement (DEIS)

Thank you for the opportunity to comment on the Maui Ocean Club Sequel Project Draft Environmental Impact Statement (DEIS). Following are some brief questions and comments:

1. Time-Shares I do not see an adequate analysis of the socio-economic impact regarding the conversion of hotel to time-share in respect to jobs. Please provide a thorough economic impact analysis of time-share expansion/conversion. What are the current number of timeshare units offered in total for the island of Maui and for West Maui? When Kaanapali Ocean Resorts opens will the combined total be in excess of 20,000+ units as previously reported or even greater? How can the market absorb these units and still have Maui maintain its stature as a high end visitor destination? When past interventions on North Beach (Keka'a) disallowed any further development until the Lahaina Bypass or other mitigative measure was constructed how can an exception be made for the proposed development? Shouldn't the mitigative measure that was constructed (the widening of Honoapi'ilani Highway to four lanes between Kaanapali Parkway and the Lower Road) be tested when the Kaanapali Ocean Resorts opens to determine what the level of service is for the traffic? We are to be at LOS "C" on the Maui Long Range Transportation plan therefore how can a determination of actual counts be made until the facility opens? Would it be prudent to delay the final approval for any new timeshare until actual figures, rather than unsubstantiated projections, are available?

What impact will the timeshare have on existing hotel jobs and occupancy for existing hotels, which are now at minimal occupancy due to weakened economic conditions relating to the looming war and threats from North Korea?

Timeshare sales have often been referred to in the media as high pressure and oftentimes misleading and that has led to a number of foreclosures and a growing dissatisfaction among visitors who are embittered by this experience. What are your

MVCI
C/o Chris Hart & Partners, Inc.
February 22, 2003
Page 2

plans to mitigate the growing negative impression in this industry that has occurred?

2. Environmental Concerns Mitigative measures are mentioned with regards to protecting the marine resources during the construction period. However, what measures will be taken to ensure, in terms of landscaping, that fertilizer (nitrogen) leaching will not occur from the coastal lawn areas? Is it environmentally responsible to increase the lawn / turf planting so close to the ocean? Could this lead to an incident similar to the one at the Sheraton where damage to the ocean environment was immense and difficult to contain due to heavy surf? Remember the heavy steel plates that were installed just to save the Sheraton from further property damage? What proposed mitigative measures will be taken to ensure that fertilizer leaching associated with turf maintenance does not occur in the "A" rated nearshore waters? Wouldn't it be more prudent to limit the planting nearest the shoreline to native species of plants that are drought, sun, and salt tolerant and require less fertilizing?

3. Public Beach Parking The DEIS mentions that public beach parking and public right-of-way corridors will be maintained as part of the Sequel Project. Will additional public parking stalls be made available or required for public beach users? Local families have already lodged numerous complaints regarding the inadequacy of existing beach access and parking.

4. Employee Housing According to the DEIS, the time-share operation will stabilize at an estimated 230 full time positions. What mitigative measures are proposed to accommodate the increased need for affordable employee housing on the West side as a result of these new jobs?

5. Was this full build-out shown when the original proposal for the Marriott came forward? If not, could this be considered segmentation of the project?

Again, thank-you for the opportunity to provide comments on the Maui Ocean Club Sequel Project DEIS.

Sincerely, *llk for*
JoAnne Johnson
Jo Anne Johnson
Councilmember

cc: Office of Environmental Quality Control
Maui County Department of Planning



July 8, 2003

Ms. Jo Anne Johnson, Councilmember
County of Maui County Council
200 S High Street
Wailuku, HI 96793

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Ms. Johnson,

We are in receipt of your letter dated 2/22/2003, we have the following responses to your comments. Your letter will be included in the Final Environmental Impact Statement. A copy of the Final EIS will be sent to you upon its completion.

1. *Questions regarding Time-Shares.* A socio-economic impacts study was prepared as part of the environmental assessment process. The study, conducted by SMS consulting, is included as Appendix I in the Draft and Final EIS. The study includes analysis of the impacts of the Sequel project with respect to many areas of your inquiry, including the number and types of employees at the project, and the growing number of timeshare units.

Before summarizing, we wish to note if it is not already clear, that the Maui Ocean Club project is a physical conversion of the 720 hotel "rooms" into 312 larger timeshare "suites". When completed with construction and the sales of units, the MOC conversion will lower the guest density from that of the Hotel (which averaged ~575 parties, ~1440 people) to about ~320 parties and ~890 guests. The MOC conversion project received a SMA permit in 2000, and is approximately half-way completed.

The Sequel Project entails building new timeshare suites. The greater number of units will increase the average guest load to ~1460, which is essentially the same average load during the hotel period, however the guests will be in fewer (but larger) parties (~475). An important note of comparison is that during Hotel use, the occupancy would fluctuate seasonally from above 90% to below 70% and guest load would fluctuate from near 1700 guests and then drop to or below 1200

guests. Timeshare resorts experience a much more consistent occupancy. The fluctuations for the completed project are expected to be closer to +/- 3% (~50 guests).

Summarizing from the report, during hotel use, the Hotel employed 535 people. Currently, midway through conversion, permanent employees have been reduced to 490 and would be further reduced to about 450 by the end of the conversion (not counting temporary sales staff). The Sequel Project will add about 86 permanent employees, raising the total to 536, which is the same during the Hotel period.

Since the project will result in an essentially equal average guest count compared to previous use, it is not anticipated to escalate guest-generated impacts such as traffic. It is reasonable to assume that traffic generation from the project will be lower than would occur at equitable guest loads during hotel use because the parties in a timeshare configuration are fewer and larger- a situation that encourages the use of fewer vehicles in a more efficient manner. Because the project is not anticipated to increase traffic impacts over its historical levels, it is reasonable to allow the project to proceed without first requiring regional traffic improvements.

As mentioned above, timeshare facilities have a more consistent occupancy than experienced by hotels. Timeshare owners are "vested" in their vacations, and are less likely to skip or postpone a vacation during periods of crisis. Timeshare resorts recovered quickly after the September 11th tragedy while hotels saw long periods of low occupancy. In comparison, timeshare resorts will better insulate the West Maui economy from potential crises such as (North Korea) and economic downturns.

The time-share market is now an affluent one. Marriott has been advertising Maui Ocean Club time-shares on its property and at Whalers Village. Time-share sales are not a new impact of the Sequel project. Steps have been taken to improve the presentation of time-shares at Ka'anapali Beach both because Marriott is selling an upscale product, and aiming at an affluent clientele, and because Ka'anapali stakeholders insist that time-share advertising should not be intrusive.

2. *Environmental Concerns.* MCVI plans to leave the existing vegetation seaward of the coastal walkway in the existing state. Expansion of landscape planted areas is to happen at the interior sections of the property, where there currently are parking lots, parking garages, luau facilities, and tennis courts. In terms of shoreline hardening (like was done at the Sheraton), the applicant will be much more willing to sacrifice open lawn than improved structures in an emergency situation, thus the project will make such measures less necessary. While an

increase in landscaped lawns increases potential exposure to fertilizers, it also decreases exposure to oils (from vehicles in parking lots) and improves the aesthetic value of the area. Many of the existing shrubs and tree species (which will be replicated in the new open areas) are suited to the salty, dry climate.

3. *Public Beach Parking.* Beach access parking will be re-allocated within the site so that more of the 20 required stalls are available adjacent to the north beach access. MVCI is also looking to increase beach parking by at least 10 stalls, with the final amount and locations to be determined as the project proceeds through urban design review and the Special Management Area permitting process.
4. *Employee Housing.* The socio-economic study of the project anticipates an increase of direct and indirect jobs due to the project. Direct jobs will increase permanent employment of the Maui Ocean Club to previous levels (as described above) and indirect jobs will result due to increased visitor spending.

Additional jobs can lead to increased housing demand, however there are several interacting forces that may encourage or discourage needs for "affordable" housing. While the need for overall housing increases, it is reasonable to assume that the need for overall "affordable" housing will also increase. Increased visitor spending in the economy, however, will likely lead to increased prosperity of local residents, who may then build new housing, or "move on up" which will free the more affordable housing in the marketplace.

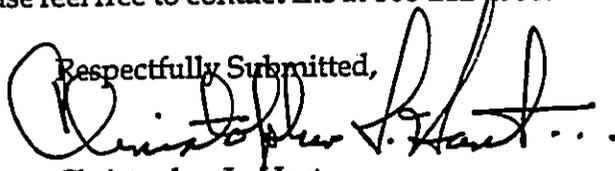
Actual measures that the applicant could take to increase the supply of "affordable" housing are essentially limited (by Chapter 2.94 of the Maui County Code) to nothing short of actually constructing new projects. Such an undertaking would require considerable planning, time, resources and risks, and therefore, is not a practical option for the applicant.

5. *Segmentation.* The Sequel Project was not under consideration when the conversion of the Marriott Hotel to the Maui Ocean Club was planned and analyzed with respect to its SMA Permit. It was only after the great success of the Maui Ocean Club was the Sequel idea was fully developed, and thus the two projects have been analyzed separately.

Letter to Ms. Jo Anne Johnson
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 4 of 4

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

ALAN M. ARAKA
Mayor

ALICE L. I
Director

HERMAN T. ANDAYA
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165

January 23, 2003

03/347

TO: JOE ALUETA, Staff Planner
Department of Planning

FROM: ALICE L. LEE, Director
Department of Housing & Human Concerns

SUBJECT: I.D. EIS 2002/0004 SM1 2002/0026
TMK: 4-4-013:001
PROJECT NAME: MAUI OCEAN CLUB SEQUEL
APPLICANT: CHRIS HART AND PARTNERS

'03 JAN 24 P2:14

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

We have reviewed the Draft Environmental Impact Statement (DEIS) in support of the Special Management Area Permit for the Maui Ocean Club Sequel project and would like to offer the following comments:

1. The table on page i of the DEIS shows that the conversion of the 720 hotel rooms at the Maui Marriott Hotel to timeshare units would result in 446 timeshare units at the Maui Ocean Club and another 292 timeshare units at the Maui Ocean Club Sequel project for a combined total of 738 timeshare units.
2. The 738 timeshare units represent an increase of 18 short-term rental units over the 720 hotel rooms that was previously approved for the Maui Marriott Hotel.
3. The 18 additional short-term rental units are subject to the provisions of Chapter 2.94, Maui County Code (Affordable Housing Policies For Hotel-Related Developments).
4. We request that the applicant specify in the project's Final Environmental Impact Statement, how the developer proposes to satisfy the requirements of Chapter 2.94 of the Maui County Code.

Thank you for the opportunity to comment. We are returning the DEIS for your use.

ETO:hs
Enclosure
c: Housing Administrator

TO SUPPORT AND ENHANCE THE SOCIAL WELL-BEING OF THE CITIZENS OF MAUI COUNTY



July 8, 2003

Ms. Alice Lee, Director
County of Maui Department of Housing and Human Concerns
200 S High Street
Wailuku, HI 96793

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Ms. Lee,

We are in receipt of your letter dated 2/23/2003. We have the following responses to your comments. Your letter will be included in the Final Environmental Impact Statement.

Affordable Housing Policies. Pursuant to your letter, the applicant (MVCI) is aware of the requirements of Chapter 2.94 (Affordable Housing Policies for Hotel-Related Developments) and intends to comply as required.

At this time, the current design proposal (option #5) will result in a total of 455 units (717 keys) at the subject property. Since this development does not expand beyond the 720 units allowed under the resort's previous housing agreement, we find that it would be excluded from the requirement pursuant to the exclusions listed in Chapter 2.94.050 MCC.

2.94.050 Exclusions.

This requirement shall not apply in the following instances:

- A. The renovation or improvement of an existing apartment-hotel, hotel, or motel project in which no additional units or rooms will result;
- D. To any hotel development which has been required to provide employee or affordable housing by a planning commission decision entered prior to the effective date of the ordinance codified in this chapter.

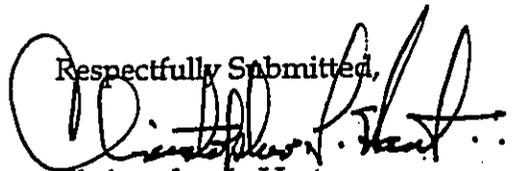
LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 • FAX: 808-242-1956

Letter to Ms. Alice Lee
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

Thank you for your participation in the EIS review process. If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI



Alan M. Arakawa
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96799
(808) 244-6400
FAX (808) 244-6411

03 FEB 27 P2:15
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED



THOMAS M. PHILLIPS
CHIEF OF POLICE

KEKUHAPIO R. AKANA
DEPUTY CHIEF OF POLICE

February 20, 2003

MEMORANDUM

TO : MICHAEL W. FOLEY, PLANNING DIRECTOR
FROM : THOMAS M. PHILLIPS, CHIEF OF POLICE
SUBJECT : I.D.: EIS 2002/0004 SM1 2002/0026
TMK: 4-4-013:001
Project
Name: Maui Ocean Club Sequel
Applicant: Chris Hart and Partners

No further recommendation or comment is necessary or desired.

Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project. We are returning the application, EIS, and SMA documents which were submitted for our review.

Assistant Chief Sydney Kikuchi
For: THOMAS M. PHILLIPS
Chief of Police

Enclosure

DOCUMENTS CAPTURED AS RECEIVED

COPY

TO : THOMAS PHILLIPS, CHIEF OF POLICE
 VIA : CHANNELS ~~_____~~ 02/19/03
 FROM : ROCKY LASSETER, POLICE OFFICER, LAHAINA DISTRICT
 SUBJECT : MAUI OCEAN CLUB SEQUEL

A review of the information provided by the Department of Planning has been completed.

The Maui Ocean Club Sequel development should have little if any impact police services. At the completion of this project, schedule for 2008, will actually reduce the number of guest and rooms at the resort. When built in 1979 the Marriott resort had 720 rooms and could accommodate a maximum of 1800 guest. When completed the Marriott Vacation Club have 458 unit and accommodating 1621 guest.

The included traffic study indicates that the proposed project will have limited impact on the roads and highway.

No further comments or recommendations are made at this time.

*Concur with
 officer Rocky Lasseter
 Sgt. for
 2/13/03*

R Lass
 ROCKY LASSETER, E-7298
 POLICE OFFICER - LAHAINA DISTRICT
 02/13/03 1125 HOURS

*THIS DEVELOPMENT
 WILL DISRUPT
 VEHICLES + PEOPLE.
 BUT WON'T HAVE
 ANY MAJOR IMPACT
 ON POLICE SERVICES
 Mcart. *[Signature]* Rocky
 02-13-03, 1530*



July 8, 2003

Mr. Thomas M. Phillips, Chief of Police
County of Maui Police Department
55 Mahalani Street
Wailuku, HI 96793

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

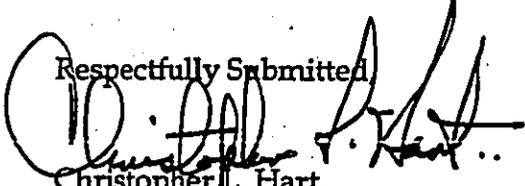
Dear Mr. Phillips,

We are in receipt of your letter dated 2/20/2003, which states that you feel the development should have little if any impact on police services. We note that updated unit & guest projections are included in the Final EIS, and those projections still indicate that the number of guests at the timeshare resort will be equal or less than during the resort's operation as a Hotel.

Thank you for your comments. Your letter will be included in the Final Environmental Impact Statement.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted


Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI

ALAN M. ARAKAWA
Mayor

GILBERT S. COLOMA-AGARAN
Director

MILTON M. ARAKAWA, A.I.C.P.
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



RALPH NAGAMINE, L.S., P.E.
Development Services Administration

TRACY TAKAMINE, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

SHINJI HASHIRO, P.E.
Highways Division

DAVID D. HARDER
Solid Waste Division

COUNTY OF MAUI
**DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT**
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

03 FEB 28 10 50
RECEIVED
COUNTY OF MAUI

February 27, 2003

MEMO TO: MICHAEL W. FOLEY, PLANNING DIRECTOR

FROM: *fw* GILBERT S. COLOMA-AGARAN, DIRECTOR OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT *Milton Coloma*

SUBJECT: ENVIRONMENTAL IMPACT STUDY, SPECIAL MANAGEMENT AREA
PERMIT APPLICATION
MAUI OCEAN CLUB SEQUEL
TMK: (2) 4-4-013:001
EIS 2003/0004, SM1 2003/0026

We reviewed the subject application and have the following comments:

1. Although wastewater capacity is available as of February 13, 2003, the developer should be informed that wastewater capacity cannot be ensured until the issuance of the building permit.
2. The developer is not required to pay assessment fees for this area at this time. However, the developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.
3. Wastewater contribution calculations are required before a building permit is issued. Indicate on the plans the ownership of each easement (in favor of each party). The County will not accept sewer easements which traverse private property.
4. Kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens, etc.).

Memo to Michael W. Foley, Planning Director
February 27, 2003
Page 2

5. Non-contact cooling water and condensate cannot drain to the wastewater system.
6. A signed Hold-Harmless Agreement should be executed and is required before the Wastewater Reclamation Division will give recommendations for final subdivision approval.
7. The project plans and construction shall comply with the provisions of the County grading ordinance and the drainage rules. Best Management Practices as shown on an approved erosion-control plan shall be installed and maintained during construction to control erosion, siltation and wind-blown dust. The applicant should also be aware that the grading ordinance restricts the use of soil as fill within the shoreline area, except for clean sand; and that any grading of a coastal dune is prohibited.

If you have any questions regarding this memorandum, please call Milton Arakawa at Ext. 7845.

RMN:msc
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July 8, 2003

Mr. Gilbert Coloma-Agaran, Director
County of Maui Department of Public Works and Environmental Management
200 South High Street
Wailuku HI 96793

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Coloma Agaran,

We are in receipt of your comments dated 2/27/2003. We have the following information responses to your comments. Your letter will be included in the Final Environmental Impact Statement.

1. **Wastewater System Availability.** The applicant is aware that capacity cannot be ensured until the issuance of a building permit.
2. **Wastewater Assessment Fees.** The applicant is aware of these requirements and will comply.
3. **Wastewater Calculations and Plans.** The applicant will submit the required plans and calculations during the building permit application period.
4. **Kitchen Facilities.** Kitchen facilities will comply with County pre-treatment requirements. The applicant will submit plans for any pre-treatment systems as necessary during the building permit application period.
5. **Cooling water & condensate.** The applicant is aware that non-contact cooling water and condensate cannot drain into the wastewater system.
6. **Wastewater- Hold Harmless Agreement.** The applicant is aware of this condition and will comply.
7. **Other Provisions.** The applicant will comply with the provisions and requirements of the County Grading Ordinance and the Drainage Rules.

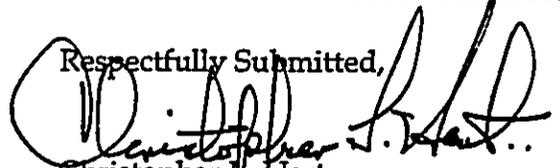
LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1705 • PHONE: 808-242-1955 • FAX: 808-242-1956

Letter to Mr. Gilbert Coloma-Agaran
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher J. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners,
Inc.

CC: Steve Busch, MVCI



July 8, 2003

Mr. Michael Foley, Director
County of Maui Department of Planning
250 South High Street
Wailuku HI 96793

AT: Mr. Joe Alueta

RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Foley,

Thank you for meeting with the project team on 1/18/2003. We have the following information relating to the two questions you voiced during our meeting.

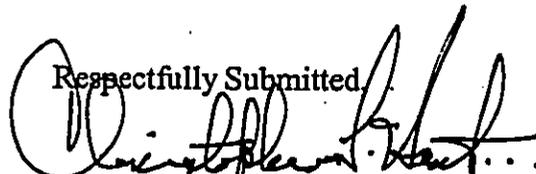
Construction Recycling. The proposed project will involve the demolition of the existing parking structure, ballroom, tennis courts, and on-grade parking areas. Preliminary discussions with the general contractor have indicated that certain materials from demolition, such as steel members and re-bars will be shipped to Oahu for recycling. Other construction materials such as concrete and asphalt may be crushed and re-used for fill material, where feasible.

Beach Access: As we discussed, the existing beach accesses walkways along the north and south boundaries of the project site will remain as located, as well as the coastal beach walkway fronting Ka'anapali Beach. Beach access parking will be re-allocated within the site so that more of the 20 required stalls are available adjacent to the north beach access. MVCI is also looking to increase beach parking by at least 10 stalls, with the final amount and locations to be determined as the project proceeds through urban design review and the Special Management Area permitting process.

Letter to Mr. Michael Foley
Maui Ocean Club Sequel Project: Draft EIS & Project Comments
July 8, 2003
Page 2 of 2

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,



Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners, Inc.

CC: Steve Busch, MVCI

03/5/03



'03 FEB -7 P12:29

DEPT OF LAND & NATURAL RESOURCES
RECEIVED

February 5, 2003

Mr. Joe Alueta
Staff Planner
Maui Planning Department
250 S. High Street
Wailuku, HI 96793

Dear Mr. Alueta:

Subject: Maui Ocean Club Sequel
TMK: 4-4-013:001
I.D.: EIS 2002/0004 SM1 2002/0026

Thank you for allowing us to comment on the subject project.

In reviewing the information transmitted and our records, we have no objection to the subject project. We encourage the developer's electrical consultant to meet with us as soon as practical to verify the project's electrical requirements so that service can be provided on a timely basis

If you have any questions or concerns, please call Dan Takahata at 871-2385.

Sincerely,

Neal Shinyama
Manager, Energy Delivery

NS/dt:ikh



July 8, 2003

Mr. Neal Shinyama, Manager, Energy Delivery
Maui Electric Company Ltd.
PO Box 398
Kahului, HI 96733-6898

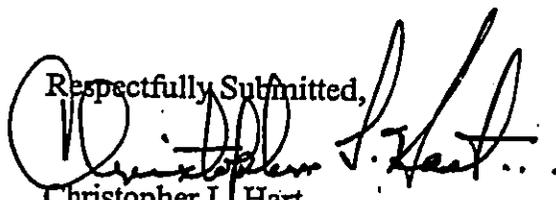
RE: Comments on Marriott Maui Ocean Club Sequel Project
TMK (2) 4-4-013: 001
EIS 2002/0004, SM1 2002/0026

Dear Mr. Shinyama,

We are in receipt of your comments dated 2/5/2003, which state that you have no objection to the subject project. Thank you for your comments. Your letter will be included in the Final Environmental Impact Statement.

If you have further questions or comments, please feel free to contact me at 808 242-1955.

Respectfully Submitted,


Christopher L. Hart,
Landscape Architect - Planner
President, Chris Hart & Partners; Inc.

CC: Steve Busch, MVCI