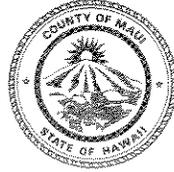


CHARMAINE TAVARES  
Mayor  
JEFFREY S. HUNT  
Director  
COLLEEN M. SUYAMA  
Deputy Director

JUL 23 2007



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

July 6, 2007

Mr. Larry Lau, Director  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813

Dear Mr. Lau:

RE: Final Environmental Assessment for the Proposed Demolition of the Remaining Maui Palms Hotel Structure located at TMK: 3-7-003: 007 and 009 (portion), Kahului, Island of Maui, Hawaii (EA 2006/0013) (SSV 2006/0003)

The Maui Planning Commission at its regular meeting on June 26, 2007, accepted the Final Environmental Assessment (FEA) for the subject project, and issued a Finding of No Significant Impact (FONSI). Please publish the FEA in the July 23, 2007, Office of Environmental Quality Control (OEQC) Environmental Notice.

We have enclosed a completed OEQC Publication Form and four (4) copies of the FEA. If further clarification is required, please contact Thorne Abbott, Staff Planner, at [thorne.abbott@mauicounty.gov](mailto:thorne.abbott@mauicounty.gov) or at 270-7520.

Sincerely,

  
JEFFREY S. HUNT, AICP  
Planning Director

Attachment

xc: Colleen M. Suyama, Deputy Planning Director  
Clayton I. Yoshida, AICP, Planning Program Administrator  
Thorne E. Abbott, Coastal Resources Planner  
Mark Roy, Munekiyo & Hiraga, Inc.  
Kahului Public Library (w/report)  
EA Project File (w/ Attachment)  
General File  
K:\WP\_DOCS\PLANNING\EA\2006\0013\_MauiPalmsDemo\OEQC\_FEATrans.wpd

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OFFICE OF ENVIRONMENTAL QUALITY CONTROL

# **Final Environmental Assessment**

## **PROPOSED DEMOLITION OF REMAINING MAUI PALMS HOTEL STRUCTURE (TMK 3-7-003:007 and 009)**

**Approving Agency:**

**Maui Planning Commission**

**Prepared for:**

**Elleair Hawai'i, Inc.**

**June 2007**



# CONTENTS

Executive Summary .....	i
I. PROJECT OVERVIEW .....	Page 1
A. PROPERTY LOCATION, EXISTING USE AND LAND OWNERSHIP .	Page 1
B. PROJECT BACKGROUND .....	Page 4
C. PROPOSED ACTION .....	Page 4
D. APPROVALS REQUIRED .....	Page 6
II. DESCRIPTION OF THE EXISTING ENVIRONMENT AND POTENTIAL IMPACTS/MITIGATION MEASURES .....	Page 8
A. PHYSICAL ENVIRONMENT .....	Page 8
1. Land History .....	Page 8
2. Surrounding Land Uses .....	Page 8
3. Climate .....	Page 9
4. Topography, Soil Characteristics and Soil Rating .....	Page 9
5. Flood and Tsunami Hazard .....	Page 13
6. Flora and Fauna .....	Page 13
7. Archaeological Resources .....	Page 15
8. Cultural Assessment .....	Page 16
9. Air Quality .....	Page 26
10. Noise .....	Page 26
11. Visual Resources .....	Page 27
B. SOCIO-ECONOMIC ENVIRONMENT .....	Page 27
1. Population .....	Page 27
2. Economy .....	Page 28
C. PUBLIC SERVICES .....	Page 28
1. Recreational Facilities .....	Page 28
2. Police and Fire Protection .....	Page 29
3. Solid Waste .....	Page 29
4. Health Care .....	Page 30
5. Schools .....	Page 30
D. INFRASTRUCTURE .....	Page 31

1.	Roadways .....	Page 31
2.	Wastewater .....	Page 32
3.	Water .....	Page 33
4.	Drainage .....	Page 34
5.	Electrical Telephone and CATV Systems .....	Page 34
III.	RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES AND CONTROLS .....	Page 35
A.	STATE LAND USE DISTRICTS .....	Page 35
B.	MAUI COUNTY GENERAL PLAN .....	Page 35
C.	WAILUKU-KAHULUI COMMUNITY PLAN .....	Page 38
D.	ZONING .....	Page 40
E.	COASTAL ZONE MANAGEMENT OBJECTIVES AND POLICIES ..	Page 40
F.	SHORELINE SETBACK CONSIDERATIONS .....	Page 47
IV.	SUMMARY OF ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED .....	Page 50
V.	ALTERNATIVES TO THE PROPOSED ACTION .....	Page 51
A.	NO ACTION/DEFERRED ACTION ALTERNATIVE .....	Page 51
VI.	IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES .....	Page 52
VII.	FINDINGS AND CONCLUSIONS .....	Page 53
VIII.	LIST OF PERMITS AND APPROVALS .....	Page 57
IX.	AGENCIES CONSULTED DURING THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS .....	Page 58
X.	LETTERS RECEIVED DURING THE DRAFT ENVIRONMENTAL ASSESSMENT REVIEW PERIOD AND RESPONSES TO SUBSTANTIVE COMMENTS ..	Page 107
XI.	REFERENCES .....	Page i

## LIST OF FIGURES

<b>Figure 1.</b>	Regional Location Map .....	Page 2
<b>Figure 2.</b>	Property Location Map .....	Page 3
<b>Figure 3.</b>	Demolition Plan .....	Page 5
<b>Figure 4.</b>	Site Plan of Redevelopment Activities .....	Page 7
<b>Figure 5.</b>	Surrounding Land Uses .....	Page 10
<b>Figure 6.</b>	Soil Association Map .....	Page 11
<b>Figure 7.</b>	Soils Classifications Map .....	Page 12
<b>Figure 8.</b>	Flood Insurance Rate Map .....	Page 14
<b>Figure 9.</b>	Aerial Photo of 1963 Seawall .....	Page 24
<b>Figure 10.</b>	Photos of 1963 Seawall .....	Page 25
<b>Figure 11.</b>	State Land Use District Designations .....	Page 36
<b>Figure 12.</b>	Wailuku-Kahului Community Plan Land Use Designations .....	Page 39

## LIST OF APPENDICES

<b>Appendix A.</b>	Final Approved Subdivision Plat Map
<b>Appendix B.</b>	Letter from Department of Planning Dated January 24, 2002 Regarding Special Management Area (SMA) Use Permit Approval
<b>Appendix C.</b>	Letter dated January 13, 2004 from Department of Planning to Elleair Hawai'i, Inc. Regarding Special Management Area (SMA) Use Permit Time Extension
<b>Appendix D.</b>	Site Photographs
<b>Appendix E.</b>	Letter from the State Historic Preservation Division (SHPD) to Department of Planning Dated October 9, 1990
<b>Appendix F.</b>	Letter from State Historic Preservation Division (SHPD) to Xamanek Researches Dated August 13, 2004
<b>Appendix G.</b>	Asbestos and Lead-Based Paint Survey Prepared by Vuich Environmental Consultants, Inc.

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## Executive Summary

**Project Name:** Proposed Demolition of Remaining Maui Palms Hotel Structure

**Type of Document:** Final Environmental Assessment

**Legal Authority:** Chapter 343, Hawai'i Revised Statutes

**Agency Determination:** Finding Of No Significant Impact (FONSI)

**Applicable Environmental Assessment Review "triggers":** Use within the shoreline area as defined in Section 205A-41, Hawai'i Revised Statutes (HRS)

**Location:** Island of Maui  
Kahului, Maui  
TMK 3-7-003:007 and 009

**Applicant:** Elleair Hawai'i, Inc.  
170 Kaahumanu Avenue  
Kahului, Hawai'i 96732

**Owner:** Elleair Hawai'i, Inc.  
170 Kaahumanu Avenue  
Kahului, Hawai'i 96732

**Accepting Authority:** County of Maui  
Maui Planning Commission  
250 South High Street  
Wailuku, Hawai'i 96793  
Contact: Thorne Abbott  
Phone No.: (808) 270-7735

**Agent:** Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawai'i 96793  
Contact: Mark Alexander Roy  
Phone No.: (808) 244-2015

**Project Summary:** The applicant proposes to demolish the last remaining building of the former Maui Palms Hotel. A small portion (approximately 120 square feet) of the building falls within the defined shoreline setback area. The proposed demolition

will occur in two (2) phases. The portion of the building located mauka (south) of the shoreline setback boundary is targeted for the third quarter of 2007, while the portion within the shoreline area will be completed upon receipt of a Shoreline Setback Variance from the Maui Planning Commission.

# **I. PROJECT OVERVIEW**

# I. PROJECT OVERVIEW

## A. PROPERTY LOCATION, EXISTING USE AND LAND OWNERSHIP

The applicant, Elleair Hawai`i, Inc., proposes to demolish the last remaining wing of the former Maui Palms Hotel on a portion of the property identified by TMK (2) 3-7-003:007 and 009 (hereafter referred to as the “subject property”), Kahului, Maui. See **Figure 1** and **Figure 2**. The parcels, collectively encompass an area of approximately 8.79 acres, were recently consolidated into a single tax parcel. See **Appendix “A”**. Maui County real property data does not yet reflect the new tax map number for the consolidated parcel. For purposes of this document, therefore, TMK (2)3-7-003:007 and 009 will be used for parcel reference purposes. It is noted that the subject property does not include an approximately 7,958 square foot, U.S. Coast Guard (USCG)-owned parcel (TMK (2)3-7-003:019) which occupies a portion of the common boundary between the Maui Beach Hotel and the former Maui Palms Hotel. Refer to **Figure 2**. This parcel contains a range light and day mark operated by the USCG and functions as a navigational aid for vessels utilizing Kahului Harbor.

The Maui Palms Hotel formerly occupied a portion of the subject property (TMK (2)3-7-003:007). The Maui Palms Hotel, originally constructed in 1953 with 102 hotel rooms, was demolished in 2002 with the exception of the building proposed for demolition herein. The proposed structure to be demolished was constructed in 1963 and does not meet the age criterion for historic places or structures.

The Maui Beach Hotel (TMK (2)3-7-003:009), constructed in 1968, is located to the west of the former Maui Palms Hotel. The 145-room hotel includes a lobby, swimming pool, shops, restaurants, and meeting rooms.

The subject property is located within the limits of the State Land Use “Urban” district. The Wailuku-Kahului Community Plan designates the subject property for “Hotel” use, while the underlying County zoning is “H-2, Hotel District” (Parcel 7) and “B-2, Community Business District” (Parcel 9).

The landowner of the property is Elleair Hawai`i, Inc.

Pacific Ocean

AREA OF MAP

Paukukalo

Subject Property

Kahului Harbor

Kaahumanu Ave.

WAILUKU (BM 331)

Maui Memorial Hospital

KAHULUI

Wakea Avenue

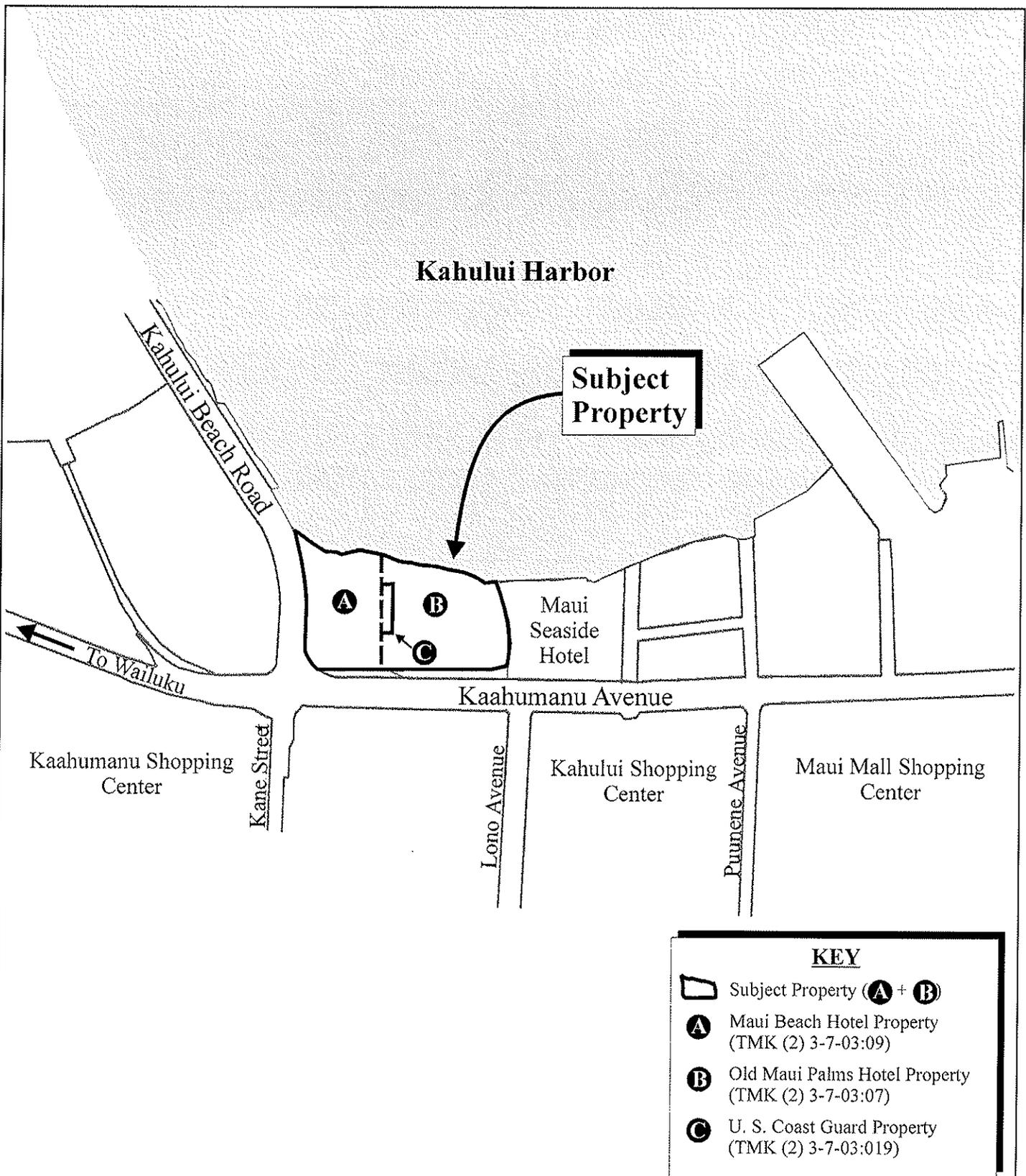
Source: U.S. Geological Survey Map (Wailuku Quad)

# Figure 1 Proposed Demolition of Remaining Maui Palms Hotel Structure Regional Location Map



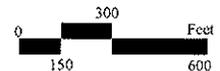
Prepared for: Elleair Hawaii, Inc.





Source: Norman Saito Engineering Consultants, Inc.

**Figure 2 Proposed Demolition of Remaining  
Maui Palms Hotel Structure  
Property Location Map**



## **B. PROJECT BACKGROUND**

The applicant, Elleair Hawai'i, Inc., received a Special Management Area (SMA) use permit for the redevelopment of the subject property as part of the Maui Palms Hotel Redevelopment Project from the Maui Planning Commission on January 22, 2002 (SM1 2001/0012). A copy of the approval letter, dated January 24, 2002, is provided in **Appendix "B"**. A request for a time extension to initiate construction on the proposed project was granted by the Planning Commission on January 13, 2004. See **Appendix "C"**. Construction work on a portion of the project was initiated in January of 2005. The remaining phases of construction will commence upon receipt of building permits, for which applications are currently pending review and approval by the County of Maui.

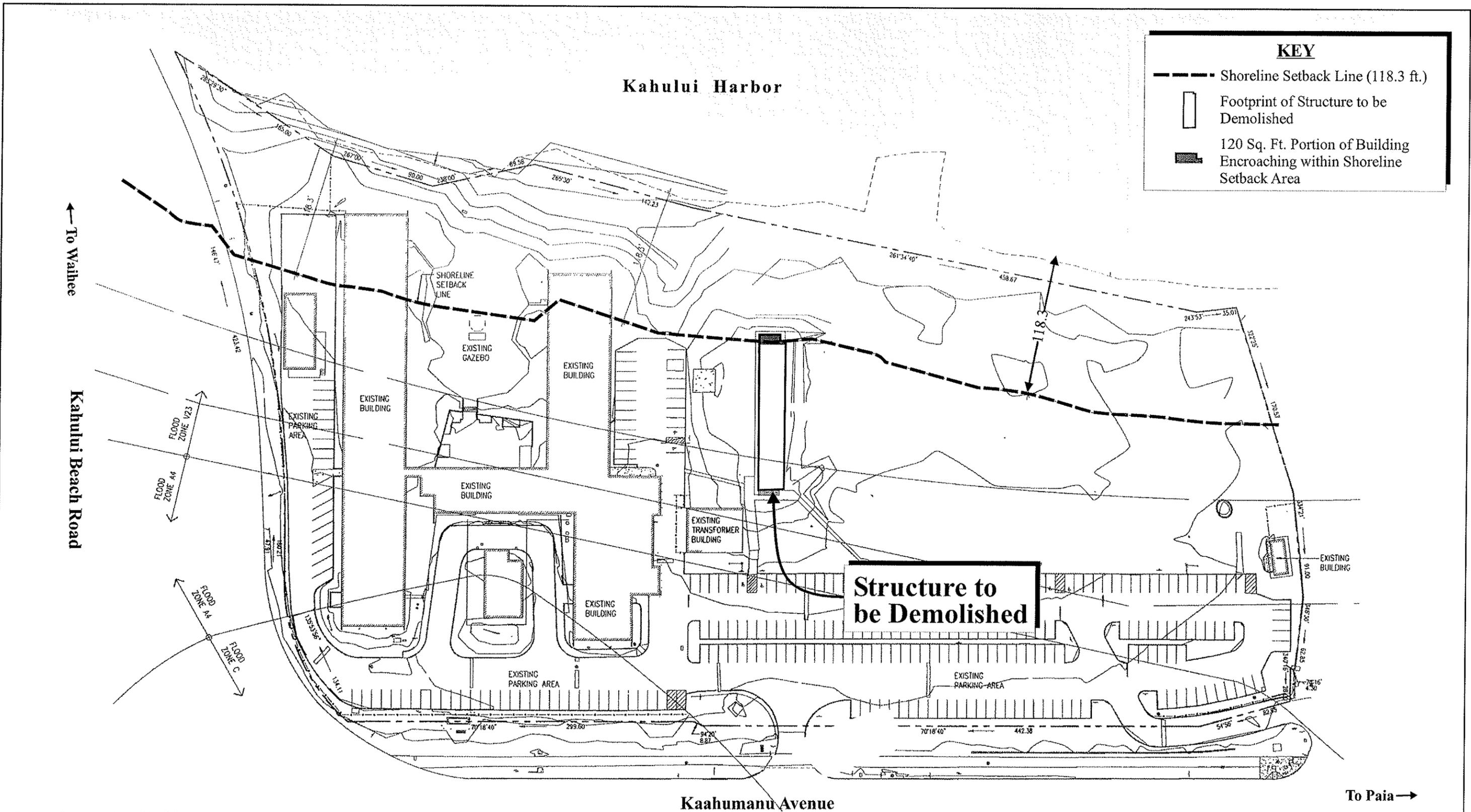
The scope of the Maui Palms Hotel Redevelopment Project includes the demolition of former structures which comprised the old Maui Palms Hotel and the construction of a new four-story, 133-room hotel wing and new lobby building. The new lobby area would serve as a single point of entry for the existing Maui Beach Hotel and the new four-story hotel wing. Other hotel-related improvements include a new swimming pool and gazebo, as well as modifications to the Maui Beach Hotel to enable integration of the new hotel wing with the existing hotel to function as a single operation.

All structures comprising the former Maui Palms Hotel have been demolished with the exception of the building for which demolition approval is currently being sought. At the time of SMA permitting for the overall project, the subject building was not within the shoreline setback because Parcel 7 and Parcel 9 were distinct lots. As separate lots, the lot depth criteria for determination of the shoreline setback showed that the building was located outside the limits of the setback line. With the consolidation of Parcel 7 and Parcel 9 into a single lot, the lot depth parameters for the consolidated lot placed a portion of the building within the shoreline setback.

For this reason, a shoreline setback variance for that portion encroaching into the setback area is now required from the Maui Planning Commission before the demolition permit can be issued and work initiated.

## **C. PROPOSED ACTION**

The applicant proposes to demolish the last remaining structure of the former Maui Palms Hotel. See **Figure 3**. Photographs of the structure proposed for demolition are presented in



**KEY**

-  Shoreline Setback Line (118.3 ft.)
-  Footprint of Structure to be Demolished
-  120 Sq. Ft. Portion of Building Encroaching within Shoreline Setback Area

Source: Bruce R. Lee (9/14/04)

Figure 3

Proposed Demolition of Remaining Maui Palms Hotel Structure  
Demolition Plan

NOT TO SCALE



**Appendix “D”.** The proposed demolition will allow the applicant to proceed with the remaining construction phases for the Maui Palms Hotel Redevelopment Project. See **Figure 4**.

The trigger for the preparation of an Environmental Assessment (EA) pursuant to the Chapter 343, Hawai'i Revised Statutes (HRS) is a small portion of the building proposed for demolition that falls within the defined shoreline setback area (118.3 feet) along the subject property's shoreline boundary with Kahului Harbor. Approximately 120 square feet of the 3,000 square foot building encroaches into the shoreline setback area. Refer to **Figure 3**.

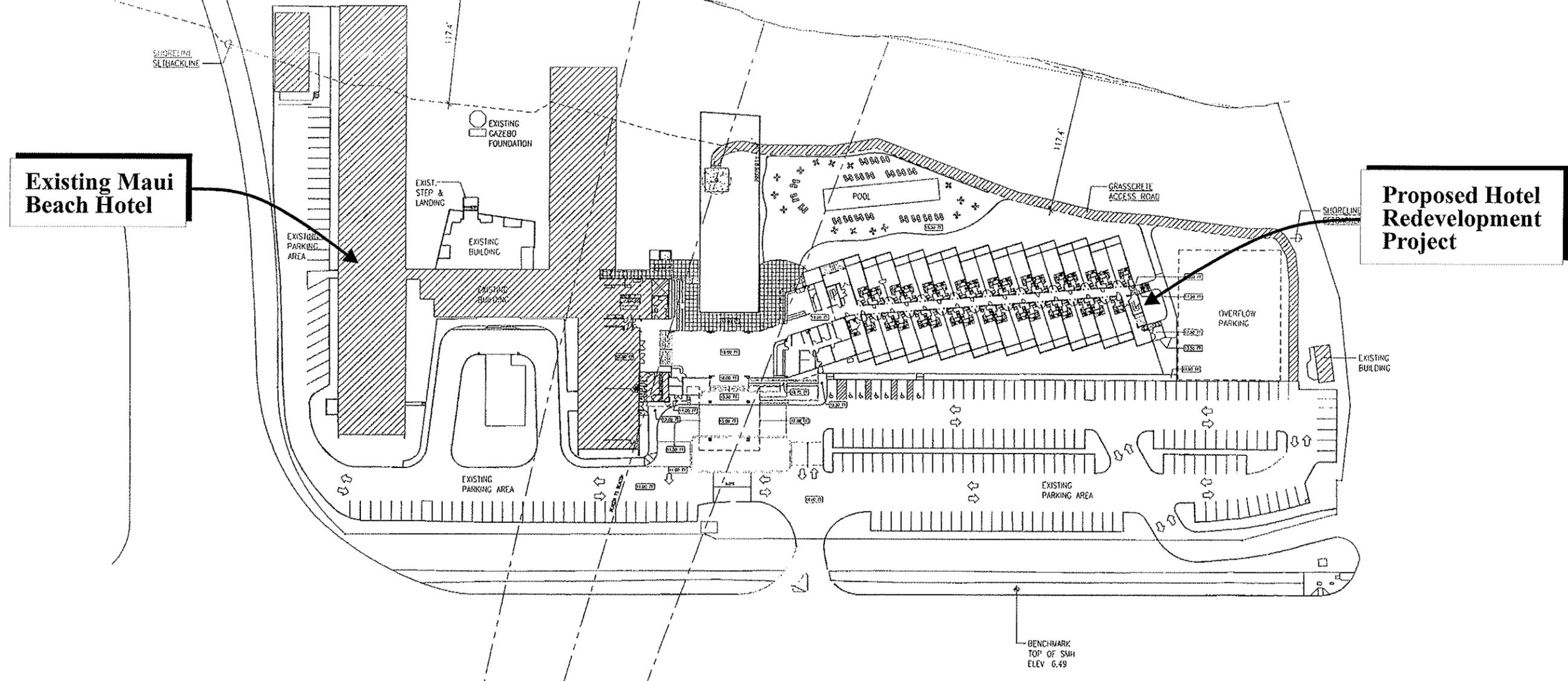
The proposed demolition will occur in two (2) phases. The southern (mauka) portion of the building beyond the shoreline setback boundary is targeted for the third quarter of 2007. The portion of the building within the shoreline setback area will be completed upon receipt of a Shoreline Setback Variance from the Maui Planning Commission.

#### **D. APPROVALS REQUIRED**

This environmental assessment has been prepared in accordance with Chapter 343, HRS, because a portion of the building proposed for demolition falls within the shoreline setback area.

Additionally, a Shoreline Setback Variance (SSV) from the Maui Planning Commission (MPC) is required for work within the shoreline setback area. It is noted that an application for demolition permit has been filed with the County of Maui for the proposed action, but the permit will not be issued until the SSV has been granted by the MPC. In the meantime, work on other project elements not affected by the demolition work is proceeding. For example, the foundation permit for the gazebo structure has been issued and work on the gazebo foundation has been initiated and completed. Similarly, construction of the new four-story hotel wing can proceed as the footprint for this building does not conflict with the location of the building to be demolished. Work on these other elements of the proposed Maui Palms Hotel Redevelopment Project will begin shortly, upon receipt of building permits, which are in process with the County of Maui.

# Pacific Ocean



Source: I.M. International, Inc.

### Figure 4

## Proposed Demolition of Remaining Maui Palms Hotel Structure Site Plan of Redevelopment Activities

NOT TO SCALE



Prepared for: Elleair Hawaii, Inc.

MUNEKIYO & HIRAGA, INC.

elleair\MBeach\SitePlanofRenovation

## **II. DESCRIPTION OF THE EXISTING ENVIRONMENT**

## II. DESCRIPTION OF THE EXISTING ENVIRONMENT AND POTENTIAL IMPACTS/MITIGATION MEASURES

### A. PHYSICAL ENVIRONMENT

#### 1. Land History

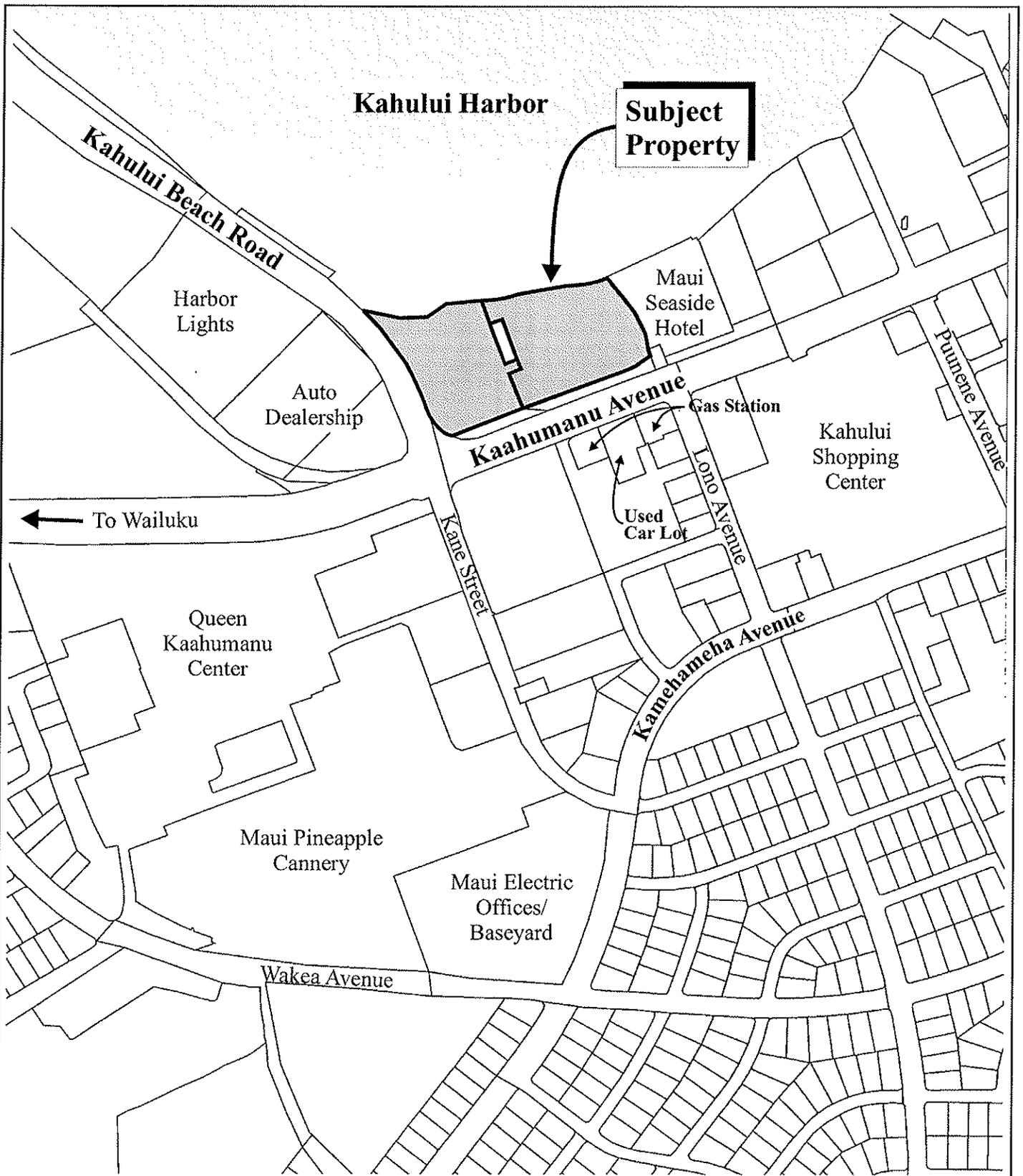
As mentioned previously, the subject project is the site of the current Maui Beach Hotel and former site of the Maui Palms Hotel. The Maui Beach Hotel was constructed in 1968 while the Maui Palms Hotel was built in 1953 and demolished in 2002. The area formerly occupied by the Maui Palms Hotel is now utilized as a parking lot, with the remaining portion graded and grassed in preparation for the new construction.

#### 2. Surrounding Land Uses

##### a. Existing Conditions

The subject property is located in Kahului, the island of Maui's center of commerce. Kahului Harbor, the island's only deep water port, is located to the north of the property while the Kahului Airport, the second busiest airport in the State, is located approximately 3 miles to the east. With its proximity to the harbor and airport, the Kahului area has emerged as a focal point for heavy industrial, light industrial, and commercial activities and services. The commercial retail centers of the Queen Kaahumanu Shopping Center, the Maui Mall, and the Kahului Shopping Center are located within 0.3 mile of the subject property.

Kahului Beach Road forms the western boundary of the project site. An automobile dealership and the Harbor Lights multi-family residential development are located across Kahului Beach Road. On its eastern boundary is the 190-room Maui Seaside Hotel. The Kahului Harbor forms the northern boundary, while Kaahumanu Avenue is located to the south of the property. Across Kaahumanu Avenue are a number of commercial uses including service stations, office uses, banks, and shopping areas. See **Figure 5**.



Source: County of Maui Real Property Tax Map

**Figure 5 Proposed Demolition of Remaining Maui Palms Hotel Structure**  
**Surrounding Land Uses**

NOT TO SCALE



**b. Potential Impacts and Mitigation Measures**

No adverse impacts to surrounding land uses are anticipated as a result of the proposed demolition.

**3. Climate**

Like most areas of Hawai'i, Maui's climate is relatively uniform year round. Characteristic of Hawai'i's climate, the project site experiences mild and uniform temperatures year round, moderate humidity and a relatively consistent northeasterly tradewind. Variation in climate on the island is largely left to local terrain.

Average temperatures at the project site (based on temperatures recorded at Kahului Airport) range from lows in the 60's to highs in the 80's. August is historically the warmest month, while January and February are the coolest. Rainfall in Kahului averages approximately 20 inches per year. Winds in the Kahului region are predominantly out of the north-northeast and northeast.

**4. Topography, Soil Characteristics and Soil Rating**

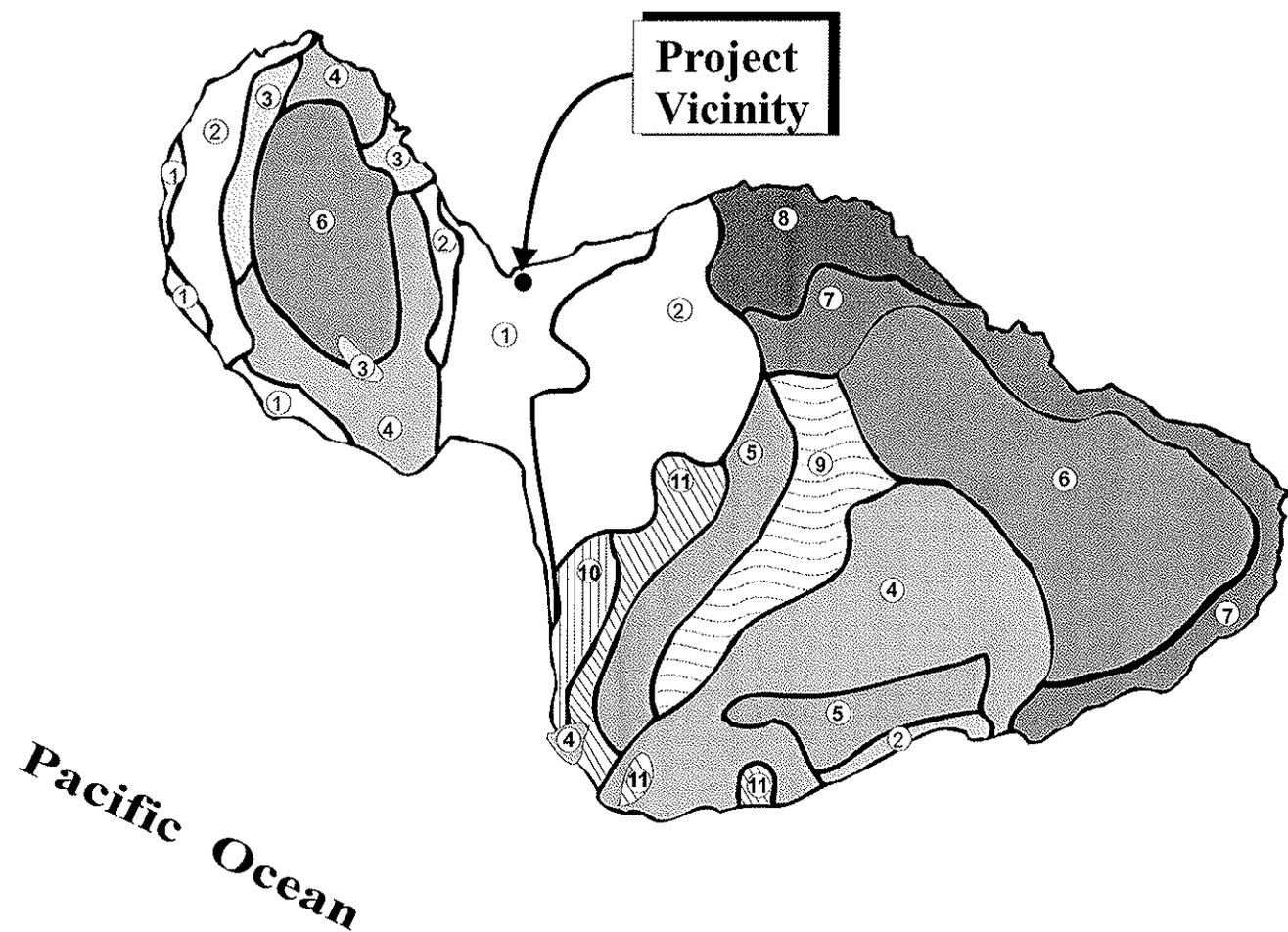
**a. Existing Conditions**

The site is located on Maui's flat central isthmus. The property ranges in elevations from 6 feet to 8 feet above mean sea level. The soil types specific to the project site are Fill land (Fd). See **Figure 6** and **Figure 7**. Fill land contains material from dredging, excavation from adjacent uplands, or areas filled with bagasse and slurry from sugar mills. Generally, these materials are dumped and spread over marshes, low-lying areas along the coastal flats, coral sand, coral limestone, or areas shallow to bedrock (Soil Conservation Service, 1972).

The Land Study Bureau's Detailed Land Classification Map and the State Agricultural Lands of Importance Map designate the subject property for "Urban" use.

# LEGEND

- |  |                                     |
|--|-------------------------------------|
| ① Puluhu-Ewa-Jaucas association                | ⑦ Hana-Makaalae-Kailua association  |
| ② Waiakoa-Keahua-Molokai association           | ⑧ Pauwela-Haiku association         |
| ③ Honolua-Olelo association                    | ⑨ Laumaia-Kaipoi-Olinda association |
| ④ Rock land-Rough mountainous land association | ⑩ Keawakapu-Makena association      |
| ⑤ Puu Pa-Kula-Pane association                 | ⑪ Kamaole-Oanapuka association      |
| ⑥ Hydrandepts-Tropaquods association           |                                     |



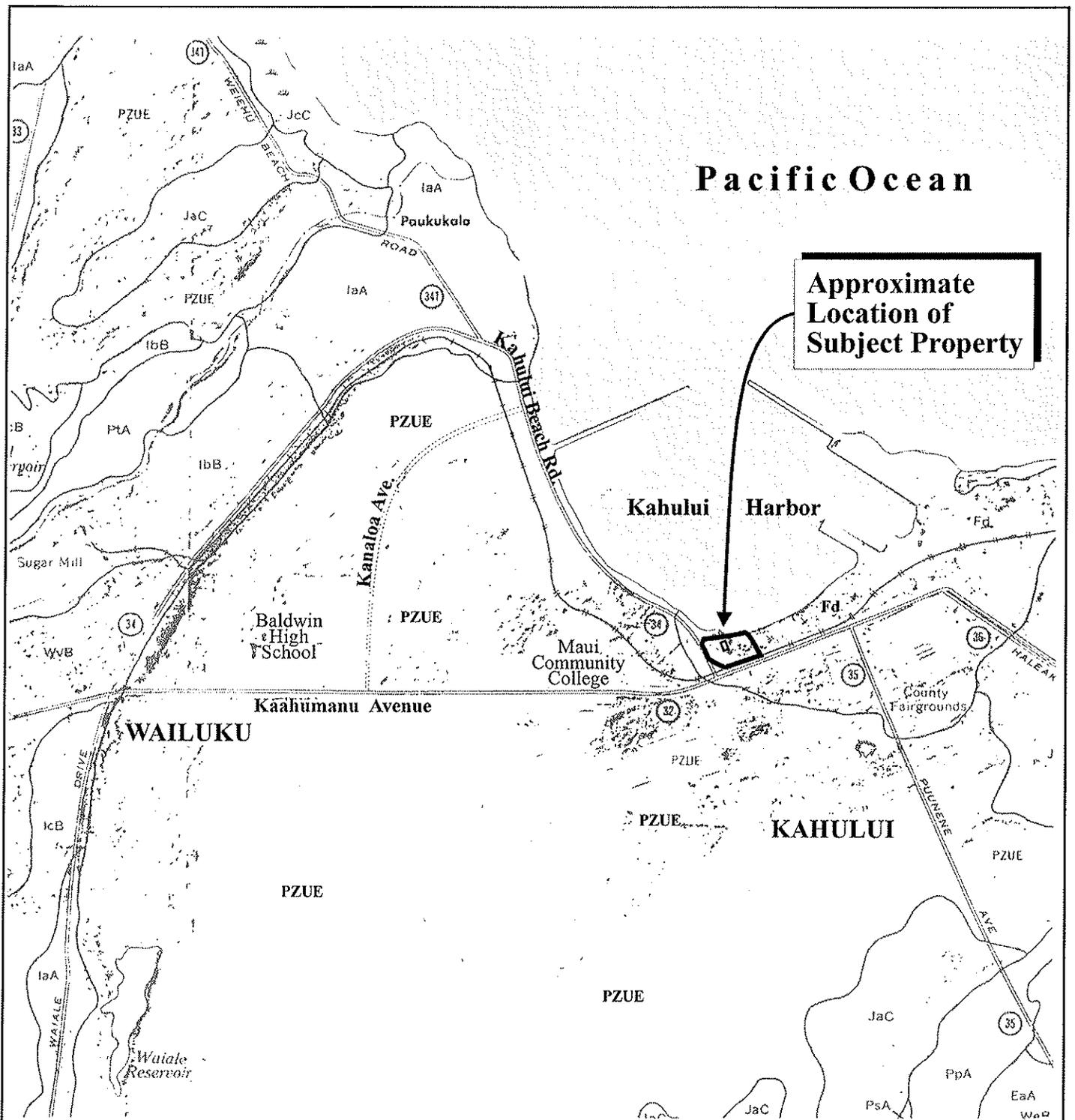
Map Source: USDA Soil Conservation Service

**Figure 6 Proposed Demolition of Remaining Maui Palms Hotel Structure** NOT TO SCALE  
Soil Association Map



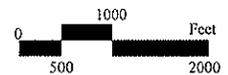
Prepared for: Elleair Hawaii, Inc.

MUNEKIYO & HIRAGA, INC.



Source: U.S. Soil Conservation Service

Figure 7 Proposed Demolition of Remaining Maui Palms Hotel Structure  
Soils Classifications Map



**b. Potential Impacts and Mitigation Measures**

The proposed demolition of the setback encroaching portion of the last remaining building of the Maui Palms Hotel will not alter topographic conditions. The building's slab will be removed and backfill placed, as needed, to provide a smooth and even final ground surface.

**5. Flood and Tsunami Hazard**

**a. Existing Conditions**

More than half of the subject property is located in areas of the 100-year coastal flood with velocity (wave action) with a base flood elevation ranging from 15 to 17 feet above sea level. Southern portions of the site located closer to Kaahumanu Avenue are designated Zone A4, areas of the 100-year flood, with a base flood elevation of 8 feet above sea level. See **Figure 8**.

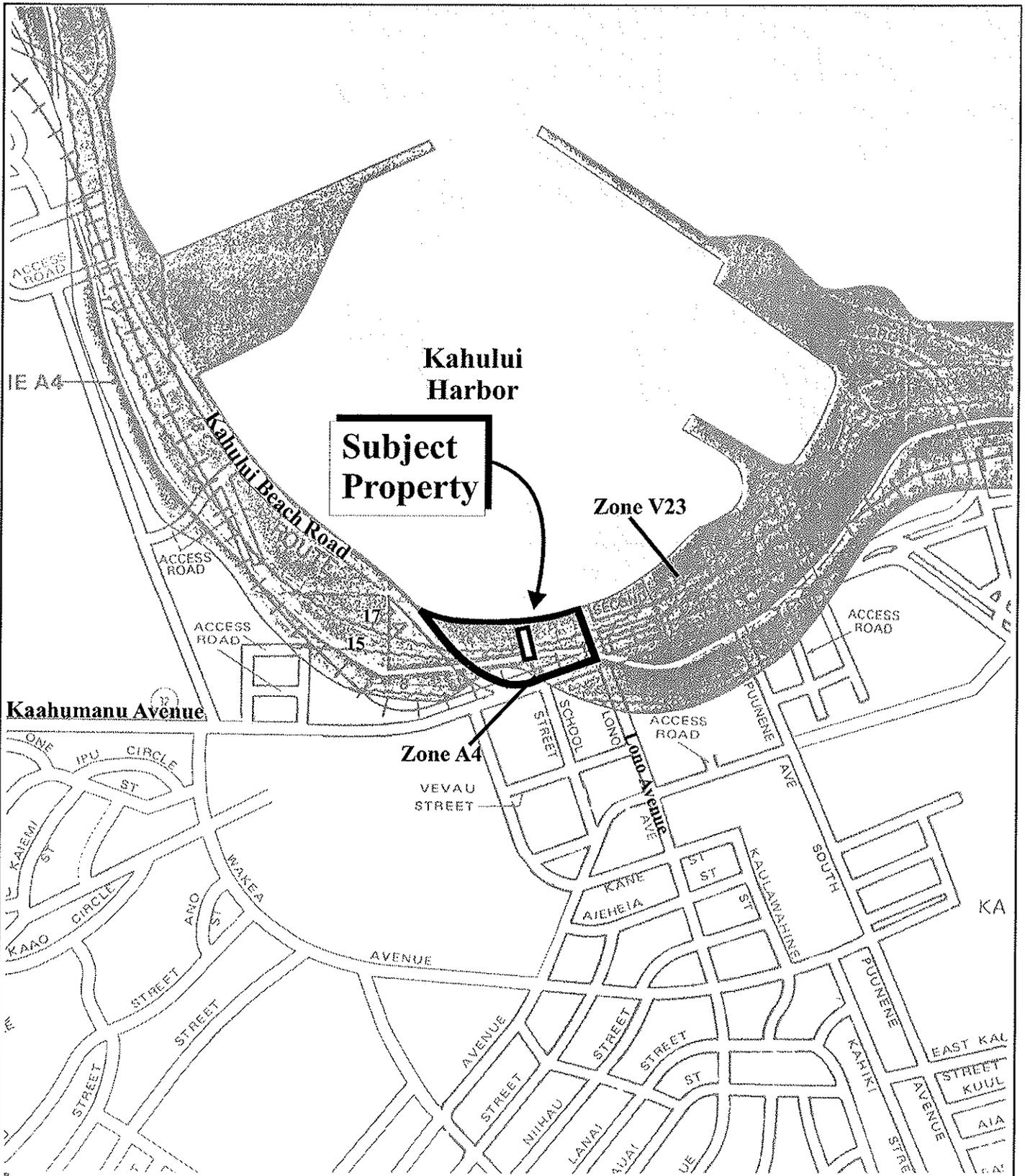
**b. Potential Impacts and Mitigation Measures**

The applicant intends to work with appropriate agencies to ensure that the proposed action complies with applicable provisions of the Federal Flood Insurance Program and County flood hazard district regulations. The removal of the building itself, however, will not adversely impact drainage and flooding patterns.

**6. Flora and Fauna**

**a. Existing Conditions**

The subject property is developed and maintained for hotel use. Typical vegetation on the project site include hau, palm trees, naupaka, plumeria, banyan, beach heliotrope, hibiscus, ironwood, autograph trees and various grasses maintained as a lawn area. Surrounding the subject property to the east, west and south are urbanized areas of Kahului. There are no known rare, endangered or threatened species of plants within the subject property.



Source: FIRM Community Panel No. 15000. 0190D

**Figure 8 Proposed Demolition of Remaining Maui Palms Hotel Structure**  
**Flood Insurance Rate Map**



Fauna and avifauna are also characteristic of urban areas. Fauna typically found in the vicinity include mongoose, rats, dogs and cats. Avifauna include the Common mynah, Spotted Dove, Barred Dove, Japanese white-eye Cardinal, Red-crested Cardinal, and House Sparrow. There are no known rare or endangered species of fauna or avifauna found within the subject property.

b. **Potential Impacts and Mitigation Measures**

The proposed demolition is not anticipated to result in adverse impacts to these environmental parameters.

7. **Archaeological Resources**

a. **Existing Conditions**

An archaeological inventory survey dated August 1990 was conducted by Paul H. Rosendahl, Ph.D., Inc. for the Maui Palms Hotel site as part of the change in zoning to "H-2, Hotel District". The survey consisted of a surface inspection and subsurface testing (hand-powered auger coring).

The surface survey located one area of exposed cultural material and faunal remains. Site 852-1 is located at the northwestern corner of the Maui Palms Hotel parcel. The cultural material included early to late twentieth century glass and ceramics, metal fragments, marine shell fragments, charcoal, and faunal remains, including fish, butcher-cut large mammal and medium mammal (such as pig).

The subsurface survey, which consisted of 40 hand-powered auger cores placed at 34 systematically spaced locales, identified subsurface cultural remains at 16 locales. Cultural remains included recent and historic glass, ceramics, metal fragments, structural concrete fragments, butcher-cut burned, and unmodified faunal remains, and charcoal. Faunal remains with no overt evidence of human modification were observed at two (2) additional core locales. Most, if not all, of these remains appear to be secondary fill deposits. One area of concentrated subsurface historic artifacts (Site 852-2) appears to consist of a secondary deposit of habitation refuse.

On the basis of subsurface findings on and in the immediate vicinity of Sites 852-1 and 852-2, it appears that the remains at these sites are not significant for information content, interpretative value, or cultural value. No further archaeological work was recommended at these sites. However, since land beneath existing buildings and rocky fill layers could not be accessed during the archaeological inventory survey, archaeological monitoring was recommended during removal of existing buildings, surface grubbing and all excavations.

In its letter of October 9, 1990, the State Historic Preservation Division concurred with the conclusions of the archaeological inventory survey. See **Appendix “E”**.

**b. Potential Impacts and Mitigation Measures**

Because the land beneath the existing buildings could not be accessed during the 1990 survey, precautionary archaeological monitoring was recommended in the Archaeological Inventory Survey and by the State Historic Preservation Division. An archaeological monitoring plan was prepared for the subject property by Xamanek Researches in 2004. The plan was approved by the SHPD in a letter dated August 13, 2004. See **Appendix “F”**. The monitoring plan will be implemented during the demolition process and a separate monitoring report will be submitted to SHPD following completion of the work.

**8. Cultural Assessment**

To obtain input on cultural perspectives in the vicinity of the subject property, interviews with two (2) long-serving employees of the Maui Beach Hotel were conducted during the preparation of the Draft Environmental Assessment (EA). Summaries of the interviews with Amy Kealoha and Cheryl Dicenzo follow:

**a. Amy Kealoha**

*The interview with Amy Kealoha was conducted at the Maui Beach Hotel dining room in Kahului, Maui on July 26, 2006.*

*Amy Kealoha was born in Paia, Maui in 1948, and has resided on Maui all of her life. She attended Paia School and went on to graduate from the Hamakuapoko Campus of Maui High School in*

1966. Her family is from Paia and continues to live there. Mrs. Kealoha is a native Hawaiian. Growing up, she remembers engaging in a hukilau with members of her family. They would begin their hukilau in Ho'okipa and draw their nets all the way to Camp 1, in Kanaha where a wastewater treatment plant exists today. The hukilau was an all day event where her family would gather by the shoreline to cast nets for fishing. Mrs. Kealoha recalls the members of her family being the only ones at the time to engage in the practice of Hukilau. She said that during that time, fish was plentiful, and the practice of hukilau was used to catch fish that they would eat. It was their living.

In recalling the history of the area surrounding the Maui Beach Hotel and the former Maui Palms Hotel, Mrs. Kealoha mentioned that her mother told stories of large sand dunes that existed on the current property. Her mother played in the sand dunes as a little girl. Mrs. Kealoha also mentioned that there was a fish camp occupied by many Japanese immigrants near the area where the Harbor Lights Condominiums are located today. According to Mrs. Kealoha, many of the Japanese residents in the camp would go out to catch fish because it was their trade. She also mentioned that her mother told her stories of a large tidal wave that had washed on to shore in the 1940's.

Mrs. Kealoha stated that the Maui Palms Hotel was built in the 1950's, followed shortly after by the Maui Beach Hotel in the 1960's. She began working at the Maui Palms Hotel in 1978 as a maid, eventually became an inspectress, and today, works as an assistant housekeeper.

In regards to any strong memories that she had of the Maui Palms Hotel, Mrs. Kealoha mentioned that all of the housekeepers did their best to keep the hotel clean. She remembers a seamstress named Mrs. Kuwada who sewed all of the bedspreads and curtains for the hotel. The hotel had a nice "family" feel to it. She liked walking and getting her exercise around the different building structures and open spaces on the property.

Mrs. Kealoha stated that she has not witnessed any cultural practices on the project site, but recalls several families and guests gathering near the shoreline for outdoor weddings, banquets, and seeing visiting baseball teams from Japan and Korea exercising in the mornings and afternoons.

*She also stated that about a year ago, waves resulting from a large storm had washed away part of the shoreline fronting the old Maui Palms Hotel property, uncovering a large retaining wall that she had never seen in all of her years working at the hotel. The wall began in front of the hotel property and extended to the end of the property where the Maui Seaside Hotel exists today. Mrs. Kealoha doesn't remember any human remains or cultural artifacts that were uncovered as a result of the storm, but remembers the wall to be very large and awe inspiring. The wall has since been recovered with sand.*

*Mrs. Kealoha mentioned three (3) issues that she felt were problems in the area: (1) the homeless situation; (2) waste from the ships in the harbor; and (3) the soot from the Maui Electric plant. She stated that she's seen an increase in the amount of homeless people gathering in the area in recent years. She is concerned about the potential alcohol and drug use that occur in the area. People linger around the area, become intoxicated and lose consciousness on the property surrounding the hotel. Another problem noted by Amy is the emission of soot from the Maui Electric Plant. She stated that the soot travels in the air eventually landing on the buildings, resulting in a black dust that accumulates on the walls. Her housekeeping staff does routine cleanup to remove the soot, but find it difficult to maintain. A third concern brought up by Mrs. Kealoha is the accumulation of human waste from ships docked in Kahului Harbor. She stated that the tradewinds seem to blow the waste into the shoreline fronting the Maui Beach Hotel and the Maui Palms Hotel property. She said that the hotel employees rarely suggest to their guests to use the water for swimming. Many guests use the shoreline for sunbathing instead of swimming or other water activities.*

*In regards to traditional beach access in the area, Mrs. Kealoha indicated that more local people have been parking their cars in the parking lot and walking across the grassy area to use the shoreline for fishing. The staff at the Maui Beach Hotel has not been preventing people from accessing the shoreline. Many local residents have been using the shoreline to fish.*

*In general, Mrs. Kealoha expressed no concerns with the proposed redevelopment of the Maui Palms Hotel. She's excited about the new hotel and likes the idea of something new for their repeat visitors. Mrs. Kealoha, however, mentioned that she didn't want the hotel to become something found in Ka'anapali, and that it should blend in with the surrounding area. She also stated that she would like to see a small park in the area.*

*In closing, Mrs. Kealoha stated that the employees at the Maui Beach Hotel are very "down to earth" and have an Aloha spirit that sets them apart from other hotels on Maui. The old Maui Palms Hotel was a family oriented place with large rooms that local residents enjoyed. The hotel experiences repeat guests, and she hopes to see a new hotel that she and other hotel employees are proud of.*

**b. Cheryl Diczno**

*The interview with Cheryl Diczno was conducted on July 25, 2006, at the Maui Beach Hotel Dining Room in Kahului.*

*Mrs. Diczno was born in Honolulu and moved to Maui with her family in 1958 at the age of 6. Her family lived in Pu'unene in an area called "Spanish B Camp" where she attended Pu'unene School. Her family moved to Kahului in 1966, where she graduated from Baldwin High School in 1970.*

*Mrs. Diczno was first employed by the Maui Beach hotel in 1973 as a full-time hostess and waitress. After giving birth to her daughter in 1978, she accepted a position at the Maui Palms Hotel as a Front Desk Clerk and was concurrently employed at the Maui Beach Hotel on a part-time basis. The Maui Palms Hotel had been owned by the Maui Beach Hotel since 1979 which allowed her to transition into a position at Maui Beach Hotel after the Maui Palms hotel was demolished in 2002. She has been the Front Desk Manager since then.*

*Mrs. Diczno remembers the Maui Palms Hotel as a very busy place with lots of people. A lot of construction employees, business people, and Japanese visitors were guests at the hotel. Many large tour groups stopped by for lunch on their way from the airport en route to their sightseeing destinations. She remembers many local residents coming to the hotel for the live music, the food, and dancing. People would come on Friday and Saturday nights to enjoy Hawaiian bands, such as Kalapana would play live music. She remembers it as a "fun" place to be.*

*Mrs. Diczno also recalled the year when hurricane Iniki struck the Hawaiian Islands. She had come back to work after the storm had passed and saw that the roof of one of the buildings had flown off. She mentioned that it was fortunate that no one got hurt and was amazed that more damage was not done to the other structures.*

*She stated that she had never seen people congregate on the hotel*

*property for cultural practices. She noted that fishing and surfing occur within the Kahului Harbor's breakwater. She doesn't recall anyone telling stories about the history of the area prior to the construction of the hotel. When the Maui Palms Hotel was still in existence, local residents and non-guests rarely walked through the hotel grounds to access the shoreline. In recent years, she has seen more people use the shoreline for fishing as a result of large and open area fronting the shoreline.*

*Mrs. Dicenzo enjoys the surrounding area because of its central location. She doesn't have to drive far, and likes the fact that it is close to the airport. Everyone who works at the Maui Beach Hotel is nice and friendly.*

*She stated that the existing problems in the area continue to be the homeless situation, where people loiter in the area and engage in alcohol consumption and drug use. There are also many cars, resulting in the increased traffic on Ka'ahumanu Avenue. She stated that drivers tend to drive fast and don't slow down when they exit or enter the driveway into the hotel parking lot. Another problem that she mentioned is the smell that comes from Kahului Harbor. She indicated that many of the housekeepers and groundskeepers try their best to clean the shoreline and the grassy areas around the hotel, but it needs more maintenance.*

*In regards to traditional beach access, Mrs. Dicenzo indicated that there has been an increase of shoreline use by local residents for fishing and canoeing activities. She believes that shoreline access is important, but further mentioned that it needs to be regulated to keep hotel guests and employees safe.*

*In general, Mrs. Dicenzo expressed one concern with the proposed redevelopment of the Maui Palms Hotel. She mentioned that she does not want the area to look like another "Waikiki", and that she hopes that the buildings and structures proposed in the redevelopment blend in with the environment in Kahului. She also suggested that breakers be put into the harbor to separate the clean water fronting the hotel property from the water occupied by the ships. She hopes that by doing this, more children can swim in the waters and that the area becomes a safe place for everyone to enjoy.*

*In closing, Mrs. Dicenzo mentioned that it was sad to see the old Maui Palms Hotel demolished, but that she and other employees are excited about the future development of the area. She stated that she wanted to see something that would make her say, "Wow!"*

A supplemental cultural interview with Mr. Sam Hironaka was conducted following a comment received from the Maui Planning Commission during review of the Draft Environmental Assessment (EA) on January 23, 2007. See letter from Department of Planning (on behalf of the Maui Planning Commission) dated February 12, 2007, providing comments on the Draft EA. The objective of the interview with Mr. Hironaka was to establish a historical context to a seawall that was referred to during the interview with Amy Kealoha. A summary of the interview is provided below:

c. **Sam Hironaka**

*Mr. Sam Hironaka was interviewed at the Maui Beach Hotel at 2:00 p.m. on Monday February 26, 2007. Mr. Hironaka, now retired, is 86 years old and was born and raised in Paia, Maui. Formerly an office manager at Kahului Development Company (a subsidiary of Alexander & Baldwin, Inc.), Mr. Hironaka was a pioneer of the savings and loan business on Maui. Mr. Hironaka established Maui Savings & Loan Association on June 8, 1962. In 1964 he was asked by Donald H. Tokunaga, President of Maui Enterprise Inc. (ME Inc.) to volunteer as project chairman for the company to spur economic development on Maui. It was a non-paying responsibility, in fact, all officers were volunteers under the U.S. Small Business Administration's (SBA) policy to assist establishment of businesses with the help of SBA, the banks, and ME Inc. The first project was Napili Kai Beach Hotel. Maui Beach Hotel was the fourth project. Mr. Hironaka held the position of Chief Executive Officer of American Savings Bank Hawai'i from 1974 until he took early retirement in 1982.*

*Mr. Hironaka provided the following history of the Maui Beach Hotel and Maui Palms Hotel properties:*

*Maui Beach Hotel, Inc. (MBH Inc.) was organized and Articles of Incorporation were filed by George Fukuoka, Masaru Pundy Yokouchi and Sam Hironaka on December 7, 1966. Stock at \$1.00 per share were sold to friends and others. The directors were all required to pay the same amount by SBA. It took a lot of red tape and documentation before architectural plans were finalized and financing arranged. The land was leased from Alexander & Baldwin, Inc. and administered by its subsidiary, Kahului Development Co. Construction was by Fuku Construction and completed in 1968. Maui Beach Hotel (MBH) is located on TMK (2)3-7-003:009.*

*The Maui Palms Hotel (MPH) was the first hotel to be constructed on*

*the Kahului bay front. The hotel was constructed by Lyle Guslander and built at low cost in 1954. The lease was to be adjusted at predetermined intervals. Mr. Guslander was an astute businessman and did not see a bright future by remaining on Maui. He left for Kaua`i, where there was a brighter future for him, in particular the right to purchase a hotel site in fee rather than as a leasehold. He left the MPH to a very loyal employee, Mr. Norman Hondo, who became the President of MPH. There were a number of stockholders at MPH when MBH Inc. purchased the hotel in 1979. MPH was located on TMK (2)3-7-003:007.*

*Mr. Bobby Pfeiffer, CEO and Chairman of Alexander & Baldwin, Inc., yielded to a request to purchase the land underlying the MBH and MPH in 1988.*

*Mr. Hironaka also provided the following account of shoreline protection work that was completed for the property in 1963.*

*The historic tidal wave of May 23, 1960 caused much havoc in Hawai`i. The city of Hilo on the Big Island was heavily damaged with many lives lost. Mr. Hironaka was a member of the Men's Choir and visited the Church of Holy Cross in Hilo that particular weekend. While waiting at the airport in Hilo, a tidal wave warning was announced.*

*Mr. Hironaka noted that he had spoken with Mr. Norman Hondo prior to the interview regarding the 1960 tidal wave. According to Mr. Norman Hondo, the tidal wave eroded the shoreline of MPH in Kahului. Damage was especially heavy adjacent to the Maui Seaside (formerly the Maui Hukilau Hotel). Mr. Hondo stated that the building which housed guest room number 30 was left dangling without any sand to support it.*

*Mr. Hondo recalled that the U.S. Army Corps of Engineers placed boulders on the shoreline of where the MBH is today. He mentioned that the purpose was to protect the outflow of the drainage of Maui Pineapple Co.*

*As an emergency measure in response to the tidal wave damage along the property, sandbags were placed to prevent further erosion of MPH. Finally, Mr. Herbert Jackson, President and CEO of Kahului Development Co., arranged with the parent company of KDCO - namely HC&S Co., to use the Plantation's Giant cane hauling trucks (Euclid) to haul boulders from the cane fields and deposit them along the shoreline. This work was done in 1963.*

*During the ensuing years, many of the small rocks were washed away into the ocean. Today, only the largest boulders remain on the shoreline.*

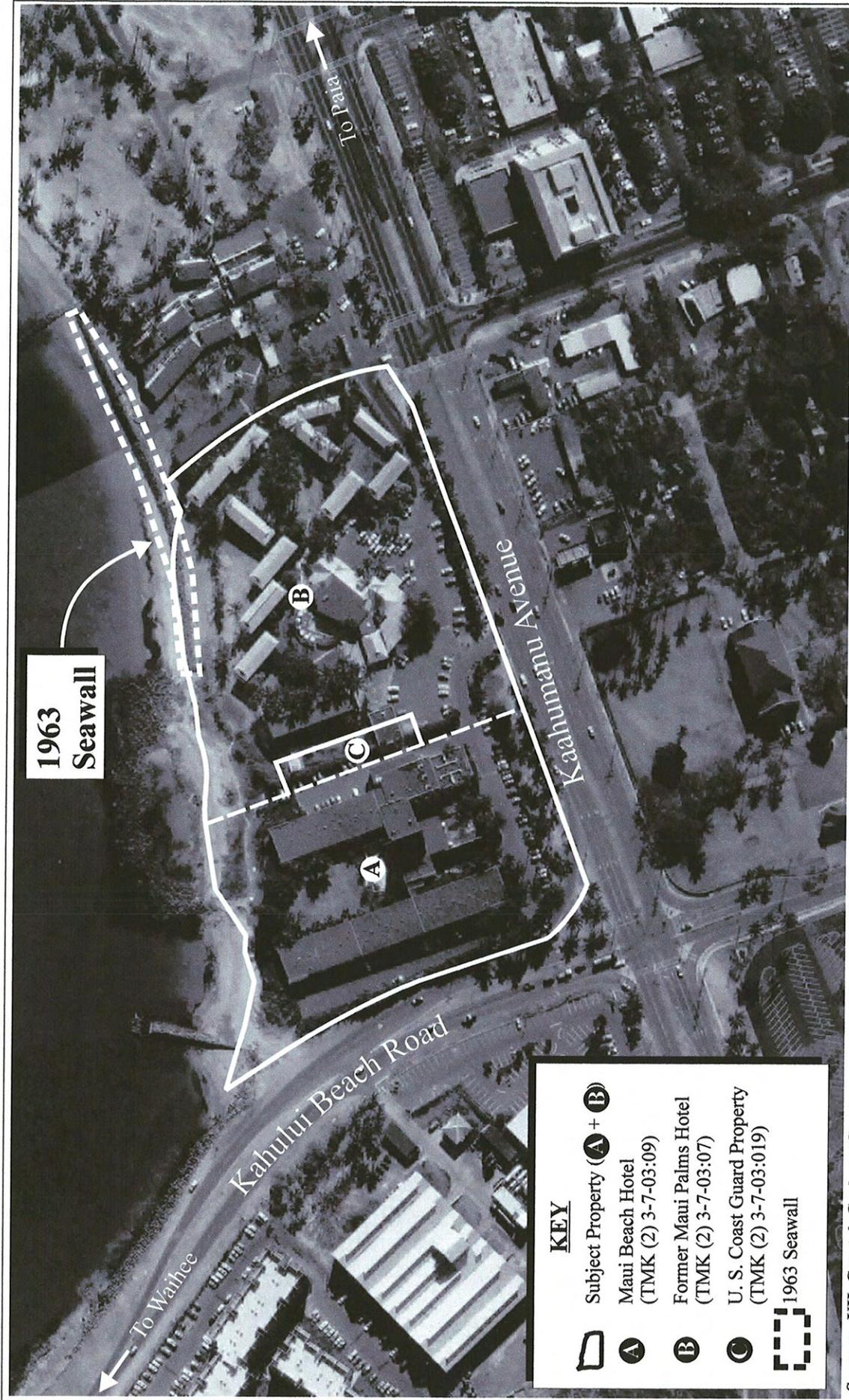
An aerial photo has been included as **Figure 9** showing the location and limits of the seawall that was constructed in 1963. Photos of the seawall structure as it appears today are included in **Figure 10**.

The legislation dealing with the review and approval of seawall structures is administered by the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL). Review of the applicable legislation, Chapter 13-5 (Conservation District) of the Hawai'i Administrative Rules, indicates that shoreline structures in existence before the enactment of October 1, 1964 of the Conservation District ordinance fall under the classification of existing non-conforming uses. More specifically, Section 13-5-37 defines non-conforming uses as:

*“the lawful use of any building, premises or land for any trade, industry, residence or other purposes which is the same as and no greater than that established immediately prior to October 1, 1964, or prior to the inclusion of the building, premises, or land within the conservation district.”*

In light of the foregoing analysis, the 1963 seawall, which extends along the former Maui Palms Hotel property, is considered to be an existing-non conforming use. It is also noted that the 1963 seawall also predates the County of Maui's Shoreline Rules for the Maui Planning Commission.

Based on State archaeological reviews, land use history and information gained from the informant interviews the proposed demolition project is not anticipated to have an adverse impact upon cultural resources. The subject property is in the midst of the urbanized Kahului area and is currently utilized for hotel operations and related-activities/functions. Cultural-related practices conducted in the vicinity of the property are limited to recreational surfing and fishing activities. In addition, the site's limited size and locational context do not indicate any adverse implications for cultural practices and resources. Based on the foregoing, cultural practices or resources are not anticipated to be adversely impacted by the proposed demolition project.



Source: UH Coastal Geology Group

Figure 9



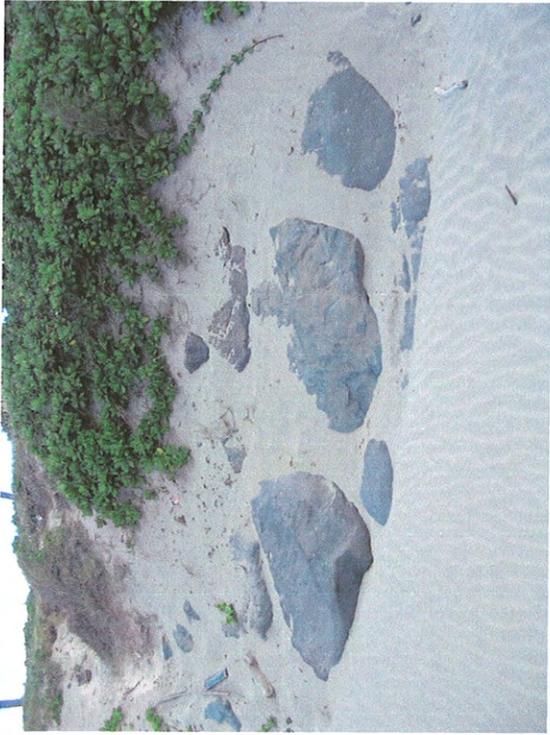
Proposed Demolition of Remaining  
 Maui Palms Hotel Structure  
 Aerial Photo of 1963 Seawall

NOT TO SCALE

Prepared for: Elleair Hawaii, Inc.



Elleair\BBeach\1963seawall



Source: Munekiyo & Hiraga, Inc.

## Figure 10

### Proposed Demolition of Remaining Maui Palms Hotel Structure Photos of 1963 Seawall

NOT TO SCALE

Prepared for: Ellear Hawaii, Inc.



Ellear\VBesch\1963seawallphoto

9. **Air Quality**

a. **Existing Conditions**

The Wailuku-Kahului region is not exposed to adverse air quality conditions. Point sources such as the Maui Electric Power Plant and Hawaiian Commercial and Sugar Company's Puunene Mill and non-point sources such as automobile emissions are not significant to generate high concentrations of pollutants. The relatively high quality of air can also be attributed to the region's exposure to tradewinds which quickly disperse concentrations of emissions. This rapid dispersion is evident during burning of sugar cane in fields located to the southeast of the Kahului residential core.

b. **Potential Impacts and Mitigation Measures**

Air quality impacts attributed to the proposed action will include dust generated in the short-term by demolition activities. Appropriate Best Management Practices (BMPs) to control dust (e.g., water spraying) will be implemented as needed to minimize potential adverse air quality impacts. No air quality impacts are anticipated in the long term.

10. **Noise**

a. **Existing Conditions**

Traffic noise is the predominant source of background noise in the vicinity of the projects. To the north and east, activity of the Kahului Airport adds to the background noise levels in the surrounding region.

b. **Potential Impacts and Mitigation Measures**

As with air quality, ambient noise conditions will be impacted by demolition activities. Construction equipment, such as bulldozers, trucks and trailers removing material from the site, would contribute noise impacts during demolition activity. Work will be conducted during daytime work hours. The total duration of the demolition work for the building is estimated to be approximately three (3) weeks.

On a long-term basis, the proposed project is not anticipated to generate

adverse noise conditions.

**11. Visual Resources**

**a. Existing Conditions**

Scenic resources to the west include Iao Valley and the West Maui Mountain Range. Looking southeast, Haleakala is clearly visible. To the north and northeast are the Kahului Harbor and the Pacific Ocean. South of the project site, the Kahului commercial area is visible.

**b. Potential Impacts and Mitigation Measures**

The proposed demolition will not adversely impact the existing scenic resources at the project site.

**B. SOCIO-ECONOMIC ENVIRONMENT**

**1. Population**

**a. Existing Conditions**

The population in the County of Maui has exhibited relatively steady growth over the last decade. The 1990 population was estimated at 100,504. The year 2000 population was estimated at 128,241, which is a 28 percent increase over 1990 (DBEDT, Hawai'i Census 2000). The resident population for the year 2010 is projected to be 151,269 (SMS, June 2002).

The estimated 1990 population of the Wailuku-Kahului region is 32,816. The region's population shows an increase to 41,503 in the year 2000 (Maui County Data Book, June 2001). By the year 2010, population is anticipated to increase to 48,397 (SMS, June 2002).

**b. Potential Impacts and Mitigation Measures**

The proposed demolition is not anticipated to impact population parameters in the region or on the island.

2. **Economy**

a. **Existing Conditions**

The Kahului region is the Island's center of commerce. Combined with neighboring Wailuku, the region's economic character encompasses a broad range of commercial, service, and governmental activities. In addition, the region is surrounded by significant agricultural acreages primarily in sugar cane and pineapple cultivation. The vast expanse of agricultural land, managed by Hawaiian Commercial & Sugar (HC&S), is considered a key component of the local economy.

b. **Potential Impacts and Mitigation Measures**

On a short-term basis, the project will support employment in the construction industry. On a long-term basis, the project will not impact economic conditions.

C. **PUBLIC SERVICES**

1. **Recreational Facilities**

a. **Existing Conditions**

The Wailuku-Kahului region encompasses a full range of recreational opportunities, including shoreline and boating activities at the Kahului Harbor and adjoining beach parks, and individual and organized athletic activities offered at numerous County parks and the War Memorial Complex. The subject property is in close proximity to Keopuolani Park, Kanaha Beach Park, Kahului Community Center, Wailuku Community Center and Iao Valley State Park.

b. **Potential Impacts and Mitigation Measures**

The proposed demolition will not adversely impact existing recreational facilities or create additional demand on them.

2. **Police and Fire Protection**

a. **Existing Conditions**

Police protection for the Wailuku-Kahului region is provided by the County Police Department headquartered at the Wailuku Station, approximately a mile west of the subject property. The region is served by the Department's Central Maui patrol.

Fire prevention, suppression, and protection services for the Wailuku-Kahului region is provided by the County Department of Fire and Public Safety's Kahului Station which is located approximately 1.6 miles from the subject site. The Wailuku Station, located in Wailuku Town, is approximately 1.8 miles from the site.

b. **Potential Impacts and Mitigation Measures**

Police and fire protection services are not expected to be adversely impacted by the proposed demolition. Appropriate safety measures will be implemented during demolition to provide safety to traffic and pedestrians in the vicinity of the project site.

3. **Solid Waste**

a. **Existing Conditions**

Single-family residential solid waste collection service is provided by the County of Maui on a once-a-week or twice-a-week basis. Residential solid waste collected by County crews are disposed at the County's Central Maui Landfill, located four (4) miles southeast of the Kahului Airport. In addition to County-collected refuse, the Central Maui Landfill accepts commercial waste from private collection companies.

b. **Potential Impacts and Mitigation Measures**

An asbestos and lead-based paint survey was completed for the building proposed for demolition by Vuich Environmental Consultant, Inc. See **Appendix "G"**. In line with the survey's recommendations, the management and disposal of identified hazardous materials will be implemented in

compliance with applicable federal, state, and county regulations.

An assessment will be conducted by applicant prior to the initiation of the proposed demolition activities to assess opportunities for the reuse/recycling of demolition materials. All materials deemed unfit for reuse/recycling will be disposed at an approved construction waste disposal site. Building components will also be tested to determine the presence of hazardous wastes. The proposed action will not affect capacity at the County's Central Maui Landfill. It is also noted that both stockpiled materials will remain out of the shoreline setback area during implementation of the proposed demolition project. The storage of heavy equipment will also occur outside of the shoreline setback area.

4. **Health Care**

a. **Existing Conditions**

Maui Memorial Medical Center, the only major medical facility on the Island, services the Wailuku-Kahului region. Acute, general and emergency care services are provided by the 196-bed facility. In addition, numerous privately operated medical/dental clinics and offices are located in the area to serve the region's residents.

b. **Potential Impacts and Mitigation Measures**

The proposed demolition is not expected to adversely impact medical and health care services and facilities in the region and on the island.

5. **Schools**

a. **Existing Conditions**

The Wailuku-Kahului region is served by the State Department of Education's public school system as well as several privately operated schools accommodating elementary, intermediate and high school students. Department of Education facilities in the Kahului area include Lihikai and Kahului Schools (Grades K-5), Maui Waena Intermediate School (Grades 6-8), and Maui High School (Grades 9-12). Existing facilities in the Wailuku area include Wailuku Elementary School (Grades K-5), Waihee Elementary

School (Grades K-5), Iao Intermediate School (Grades 6-8), and Baldwin High School (Grades 9-12). Maui Community College, a branch of the University of Hawai'i, serves as the Island's only community college.

**b. Potential Impacts and Mitigation Measures**

The proposed project will not affect the population on the region. As such, the project is not anticipated to impact the existing educational facilities.

**D. INFRASTRUCTURE**

**1. Roadways**

**a. Existing Conditions**

Existing roadways located in close proximity to the subject property include the following:

**(1) Kaahumanu Avenue**

Kaahumanu Avenue is a major east-west arterial in the Kahului area. Access to highways and retail facilities are provided off of Kaahumanu Avenue. Fronting the project, the roadway consists of three (3) through-lanes of traffic with left turn pockets. The speed limit along this roadway segment is 30 miles per hour (mph).

**(2) Kahului Beach Road**

Kahului Beach Road is an arterial connecting Kahului to residential and industrial sections of Wailuku. It is a four-lane roadway with a posted speed of 35 mph. Kahului Beach Road and Kane Street form a signalized intersection with Kaahumanu Avenue just west of the project site.

**(3) Kane Street**

Kane Street is a north-south roadway providing access to a variety of uses, including a school, shopping mall and library. Kane Street is a four-lane roadway with a posted speed limit of 20 mph.

(4) **Lono Avenue**

Lono Avenue is a north-south roadway providing access to a variety of uses, including the Kahului Shopping Center, retail businesses, and the residential areas of Kahului. Lono Avenue and the Maui Beach/Maui Palms Hotel driveway form a signalized intersection with Kaahumanu Avenue on the east side of the project site.

The Maui Beach Hotel, the former Maui Palms Hotel site and the Maui Seaside Hotel are accessed off of Kaahumanu Avenue via two (2) existing driveways.

b. **Potential Impacts and Mitigation Measures**

Demolition duration will be limited, as will be the number of construction vehicles associated with the demolition work. To ensure minimal impact on adjacent roads during implementation of the demolition project, the transportation of equipment and materials will be scheduled, where possible, to occur during off-peak times. Furthermore, all vehicles involved in demolition activities at the site will park within the existing parking lot provided on the property. With the implementation of the foregoing measures, the proposed demolition is not expected to adversely impact the existing roadway infrastructure.

2. **Wastewater**

a. **Existing Conditions**

Two (2) existing sewer lines are located within Kaahumanu Avenue in the vicinity of the project site. A 21-inch force main extends from Kahului Beach Road to Hobron Avenue into the Wailuku-Kahului Wastewater Treatment Plant. The other sewer line is an 8-inch line that runs parallel on the mauka side of the existing 21-inch force main. There are two (2) existing sewer manholes in the Maui Beach Hotel front parking lot for the 8-inch sewer line with invert elevations of 2.96 feet on the eastern side, and 4.55 feet on the western side. Another 8-inch sewer manhole is located on the eastern side of the property on the left of the driveway entrance to the Maui Seaside Hotel.

**b. Potential Impacts and Mitigation Measures**

Appropriate coordination with Maui County's Department of Public Works and Environmental Management will be carried out to arrange necessary measures to remove the building to be demolished from wastewater service.

There are no long term impacts to existing wastewater services as a result of the proposed demolition.

**3. Water**

**a. Existing Conditions**

Water for the Maui Palms Hotel is provided by the Central Maui Water System whose source is the Iao Aquifer. Pumps at the Mokuahau deepwell source and the Central Maui deepwell source draw water from the basal lens to control tanks at each well site. Water is then transported by a series of transmission lines, varying in sizes from 42 inches to 18 inches, to storage tanks. From these tanks, a network of 16-inch, 12-inch, and 8-inch lines create the interconnected distribution system for the Central Maui area that is dependant upon pressure and demand.

The 12-inch waterline fronting the former Maui Palms Hotel site and the 8-inch waterline from Lono Avenue are interconnected to this system.

**b. Potential Impacts and Mitigation Measures**

As with the wastewater, appropriate coordination will be made to remove the building to be demolished from water service. Water use during demolition will be primarily associated with dust control. This use will be limited in duration and amount.

In the long term, the proposed demolition is not anticipated to impact existing water systems.

4. **Drainage**

a. **Existing Conditions**

Currently, the onsite runoff is being drained into onsite drain inlets and drainlines within existing parking and driveway areas. Rainfall falling on the grassed area of the Maui Palms Hotel site enters the ground through soil percolation.

b. **Potential Impacts and Mitigation Measures**

The removal of the last remaining structure of the Maui Palms Hotel will not increase impervious surface areas and will not adversely impact adjacent and downstream properties.

5. **Electrical Telephone and CATV Systems**

a. **Existing Conditions**

Electrical power, telephone, and cable television services in the area are provided by Maui Electric Company, Hawaiian Telcom, and Hawaiian Cablevision, respectively.

Underground ducts, pull boxes and electrical power lines currently supplying the Maui Beach Hotel and the former Maui Palms Hotel site are located under the existing parking lot. Maui Electric Company's box is on the eastern side of the property near the joint entrance to the Maui Palms Hotel and the Maui Seaside Hotel. Trunk lines for these facilities are located on overhead poles on the south side of Kaahumanu Avenue.

b. **Potential Impacts and Mitigation Measures**

The proposed demolition action is not anticipated to impact existing utilities facilities and services.

# **III. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES AND CONTROLS**

### III. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES AND CONTROLS

#### A. STATE LAND USE DISTRICTS

Chapter 205, Hawai'i Revised Statutes, relating to the Land Use Commission, establishes the four (4) major land use districts in which all lands in the State are placed. These districts are designated "Urban", "Rural", "Agricultural", and "Conservation". The subject property is located within the "Urban" district. See **Figure 11**. The proposed use of the property is consistent with "Urban" district provisions.

#### B. MAUI COUNTY GENERAL PLAN

The Maui County General Plan (1990 Update) sets forth broad objectives and policies to help guide the long-range development of the County. As stated in the Maui County Charter,

*The general plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.*

The proposed action is in keeping with the following General Plan objectives and policies:

#### Land Use:

##### Objectives:

- To preserve for present and future generations existing geographic, cultural and traditional environmentally sensitive and effective use of land in accordance with the individual character of the various communities and regions of the County.



- To use the land within the County for the social and economic benefit of all the County's residents.

**Policies:**

1. Provide and maintain a range of land use districts sufficient to meet the social, physical, environmental and economic needs of the community.
2. Mitigate environmental conflicts and enhance the scenic amenities, without having a negative impact on natural resources.

**Environment:**

**Objective:**

- To use the County's land-based physical and ocean-related coastal resources in a manner consistent with sound environmental planning practice.

**Policies:**

1. Evaluate all land based development relative to its impact on the county's land and ocean ecological resources.
2. Discourage all types of shoreline development that impact on traditional community or native activities which include food gathering, religious and recreational uses.
3. Establish shoreline rules to maintain traditional beach access, beach use and lateral access along shorelines.

**Visitor Industry:**

**Objectives:**

- To encourage exceptional and continuing quality in the development of visitor industry facilities.
- To control the development of visitor facilities so that it does not infringe upon the traditional social, economic and environmental values of our community.

**Policies:**

1. Limit visitor industry development to those areas identified in the appropriate community plans, and to the development of projects within those areas

which are in conformance with the goals and objectives of those plans.

2. Encourage the use of local manpower in the construction of visitor facilities, and the use of local manpower at facilities at all employment levels including management in the operation of those facilities.

## **C. WAILUKU-KAHULUI COMMUNITY PLAN**

The subject parcel is located in the Wailuku-Kahului Community Plan region which is one (1) of nine (9) Community Plan regions established in the County of Maui. Planning for each region is guided by the respective Community Plans, which are designed to implement the Maui County General Plan. Each Community Plan contains recommendations and standards which guide the sequencing, patterns and characteristics of future development in the region.

The Wailuku-Kahului Community Plan was adopted by the County of Maui through Ordinance No. 3061 which took effect on May 30, 2002.

Land use guidelines are set forth by the Wailuku-Kahului Community Plan Land Use Map. See **Figure 12**. The subject property is designated "Hotel" by the Community Plan.

Goals, objectives and policies from the Wailuku-Kahului Community Plan, which are applicable to the proposed action, include the following:

### **(1) Housing:**

#### **Goal:**

An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides for the social and economic well-being of residents and the preservation and enhancement of the region's environmental resources and traditional towns and villages.

#### **Objectives and Policy:**

All zoning applications and/or proposed land uses and developments shall conform with the planned use designations, as specified in the adopted Community Plan Land Use Map, and be consistent with the Community Plan policies.



(2) **Social Infrastructure:**

**Goal:**

A clean and attractive physical and natural environment in which man-made developments or alterations to the natural environment relate to sound environmental and ecological practices, and important scenic and open space resources are maintained for public use and enjoyment.

**Objectives and Policies:**

1. Require that new shoreline development respect shoreline resources and maintain public access.
  - a. Planning for new shoreline development, as well as redevelopment, shall consider, the cyclic nature of beach processes. Setbacks shall be used to provide a sufficient buffer between the ocean and structures to allow for periodic and long-term accretion and erosion of the shoreline.

**D. ZONING**

County zoning for the subject property is “H-2, Hotel District” (Parcel 7) and “B-2, Community Business District” (Parcel 9). The proposed demolition action is consistent with these zoning designations.

**E. COASTAL ZONE MANAGEMENT OBJECTIVES AND POLICIES**

Pursuant to Chapter 205A, Hawai'i Revised Statutes, projects are evaluated with respect to Coastal Zone Management (CZM) objectives, policies and guidelines. This section addresses the project's relationship to applicable coastal zone management considerations, as set forth in Chapter 205A and the Rules and Regulations of the Planning Commission.

It is noted that the redevelopment of the Maui Palms Hotel site, for which site clearing work and building removal is a part, received its Special Management Area permit approval from the Maui Planning Commission on January 22, 2002. Refer to **Appendix “B”**. (This current proposal to remove the last remaining structure of the Maui Palms Hotel now requires a Shoreline Setback Variance due to the consolidation of Parcel 7 and Parcel 9 into a single tax parcel, which altered the delineation of the shoreline setback line.)

(1) **Recreational Resources**

**Objective:** Provide coastal recreational opportunities accessible to the public.

**Policies:**

- (A) Improve coordination and funding of coastal recreational planning and management; and
- (B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:
  - (i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;
  - (ii) Requiring replacement of coastal resources having significant recreational value including, but not limited to, surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the state for recreation when replacement is not feasible or desirable;
  - (iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
  - (iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;
  - (v) Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;
  - (vi) Adopting water quality standards and regulating point and non-point sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;
  - (vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and
  - (viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or

permits by the land use commission, board of land and natural resources, and county authorities; and crediting such dedication against the requirements of Section 46-6, HRS.

**Response:** The proposed project is not anticipated to adversely impact existing coastal recreational resources, located to the north of the project site.

(2) **Historic Resources**

**Objective:** Protect, preserve and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

**Policies:**

- (A) Identify and analyze significant archeological resources;
- (B) Maximize information retention through preservation of remains and artifacts or salvage operations; and
- (C) Support state goals for protection, restoration, interpretation, and display of historic resources.

**Response:** The Maui Palms and Maui Beach Hotel sites have been altered through previous construction activities. As mentioned previously, during the archaeological inventory survey for the site, two (2) sites were found but were not considered significant. Because the land beneath the existing building could not be accessed for the survey, precautionary archaeological monitoring will be conducted during the demolition and removal processes. The monitoring plan to be implemented was approved by the State Historic Preservation Division in 2004. Refer to **Appendix “B”**. Following completion of the demolition project an archaeological monitoring report will be prepared and submitted to SHPD.

(3) **Scenic and Open Space Resources**

**Objective:** Protect, preserve and, where desirable, restore or improve the quality of coastal scenic and open space resources.

**Policies:**

- (A) Identify valued scenic resources in the coastal zone management area;

- (B) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;
- (C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and
- (D) Encourage those developments that are not coastal dependent to locate in inland areas.

**Response:** The proposed demolition action will not adversely impact the region's scenic or open space resources.

(4) **Coastal Ecosystems**

**Objective:** Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.

**Policies:**

- (A) Improve the technical basis for natural resource management;
- (B) Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;
- (C) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and
- (D) Promote water quantity and quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and prohibit land and water uses which violate state water quality standards.

**Response:** During the demolition process appropriate Best Management Practices (BMPs) will be implemented to minimize the amount of runoff and debris entering coastal water ecosystems. Furthermore, beach quality sand will be used to fill the shoreline portion of the depression created by the removal of the foundation for the building. In the long term, the proposed project will not significantly disrupt or impact coastal ecosystems.

(5) **Economic Uses**

**Objective:** Provide public or private facilities and improvements important to the State's economy in suitable locations.

**Policies:**

- (A) Concentrate coastal dependent development in appropriate areas;
- (B) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and
- (C) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:
  - (i) Use of presently designated locations is not feasible;
  - (ii) Adverse environmental effects are minimized; and
  - (iii) The development is important to the State's economy.

**Response:** The proposed demolition of the aging and outdated hotel structure will allow for full implementation of the Maui Palms Hotel Redevelopment Project. The future upgrades are needed to remain competitive in the visitor industry. The proposed project will not generate any adverse economic impacts.

(6) **Coastal Hazards**

**Objective:** Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.

**Policies:**

- (A) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;
- (B) Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint pollution hazards;

- (C) Ensure that developments comply with requirements of the Federal Flood Insurance Program;
- (D) Prevent coastal flooding from inland projects; and
- (E) Develop a coastal point and nonpoint source pollution control program.

**Response:** Seaward portions of the subject property are located in Zone V23, areas of 100-year coastal flood with velocity (wave action). Other portions of the site are located in Zone A4, areas of the 100-year flood. The applicant intends to work closely with the appropriate agencies in ensuring that the proposed action complies with applicable provisions of the Federal Flood Insurance Program and County flood hazard district regulations.

(7) **Managing Development**

**Objective:** Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

**Policies:**

- (A) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;
- (B) Facilitate timely processing of applications for development permits and resolve overlapping of conflicting permit requirements; and
- (C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.

**Response:** Applicable State and County requirements will be adhered to for the proposed demolition action. Communication and public participation will be promoted through the Chapter 343, process, as well as the Planning Commission's Shoreline Setback Variance application process.

(8) **Public Participation**

**Objective:** Stimulate public awareness, education, and participation in coastal management.

**Policies:**

- (A) Maintain a public advisory body to identify coastal management problems and to provide policy advice and assistance to the coastal zone management program;
- (B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and
- (C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.

**Response:** Opportunities for agency and public review of the proposed action are provided through the notification, review and comment processes of the Environmental Assessment requirements, Chapter 343, HRS, and the County of Maui's Shoreline Setback Rules.

**(9) Beach Protection**

**Objective:** Protect beaches for public use and recreation.

**Policies:**

- (A) Locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion;
- (B) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and
- (C) Minimize the construction of public erosion-protection structures seaward of the shoreline.

**Response:** Work within the shoreline area will be limited to the demolition of the northern portion of the remaining Maui Palms Hotel structure. As mentioned previously, most of the building proposed for demolition does not fall within the shoreline setback area. All work in the shoreline area will be implemented in accordance with the applicable regulatory standards. As noted previously, beach quality sand will be utilized to fill the shoreline portion of the depression created by

the removal of the foundation for the building.

**(10) Marine Resources**

**Objective:** Implement the State's ocean resources management plan.

**Policies:**

- (A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;
- (B) Assure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;
- (C) Coordinate the management of marine and coastal resources and activities management to improve effectiveness and efficiency;
- (D) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;
- (E) Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and
- (F) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

**Response:** The proposed project is not anticipated to have adverse effects upon marine and coastal resources in the vicinity. Best Management Practices (BMPs) will be incorporated during demolition to support the policies of effective management of marine resources.

**F. SHORELINE SETBACK CONSIDERATIONS**

As previously discussed, the applicant proposes to demolish a portion of the last remaining Maui Palms Hotel structure that falls within the shoreline setback area.

Application and approval criteria required for a SSV are set forth in “Shoreline Rules for the Maui Planning Commission,” Chapter 203, Sections 14 and 15. The proposed action within

the shoreline setback has been analyzed with respect to these criteria, as discussed below:

- a. **A shoreline area variance may be granted for a structure or activity, if the commission finds that the proposed structure or activity is necessary for or ancillary to certain purposes.**

**Response:** The demolition of the existing structure is deemed to be in the public interest as it will remove an existing encroachment in the shoreline setback. Furthermore, the project will not adversely affect beach processes nor will it artificially fix the shoreline.

- b. **A structure or activity may be granted a variance upon grounds of hardship if:**

1. **The applicant would be deprived reasonable use of land if required to fully comply with the shoreline setback rules.**

**Response:** The proposed demolition within the shoreline setback area is necessary to meet the redevelopment objectives of the Maui Palms Hotel Redevelopment Project. Given the redevelopment plans for the subject property, the applicant would be deprived of reasonable use of the land if the demolition could not be implemented and the portion of the remaining structure were to remain in place. In particular, access to the USCG navigational aid would be blocked as the footprint of the building to be demolished occupies the access path leading to the USCG facility.

2. **The applicant's proposal is due to unique circumstances and does not draw into question the reasonableness of the shoreline setback rules.**

**Response:** The unique circumstances pertaining to the proposed action is the existing Maui Palms Hotel structure that straddles the shoreline setback line. Upon demolition of the structure, future development of hotel structures will be limited to areas mauka of the shoreline boundary. Upon completion, the proposed action will reduce the use of land within the shoreline setback area. As such, the demolition and removal of the current structure is considered beneficial in terms of meeting the purposes of the shoreline setback rules. In summary, the unique circumstances affecting the subject property do not draw into question the reasonableness of the shoreline setback rules.

3. **The proposal is the practical alternative which best conforms to the purpose of the shoreline setback rules.**

**Response:** Given the unique circumstances affecting the property, the proposed action represents a practical alternative which best conforms to the purpose of the shoreline setback rules. The proposed demolition will reduce the use of land within the shoreline setback area and will ensure the continued enjoyment of the shoreline area for the public. Beach quality

sand will be used to fill the shoreline portion of the depression created by the removal of the foundation for the building. The proposed demolition will not, therefore, adversely impact shoreline processes.

- c. Before granting a hardship variance, the commission must determine that the applicant's proposal is a reasonable use of the land.**

**Response:** The proposed demolition is planned to improve the future use of the subject property and shoreline area through the removal of an outdated structure. The proposed demolition is essential to the future redevelopment of the subject property into a viable hotel complex. Removal of the portion of the structure which encroaches into the setback area will remove a public health and safety concern associated with a vacant building.

- d. For purposes of the shoreline rules, hardship shall not include economic hardship to the applicant; county zoning changes, planned development permits, cluster permits or subdivision approvals after June 6, 1989; any other permit or approval which may have been issued by the commission. If the hardship is a result of actions by the applicant, such result shall not be considered a hardship for the purposes of the shoreline rules.**

**Response:** The proposed action is not being sought as a relief to economic hardship to the applicant. The actions are intended to allow improvements and redevelopment of the Maui Palms Hotel project.

- e. No variance shall be granted unless appropriate conditions are imposed.**

**Response:** The proposed action complies with conditions relating to the provision of safe lateral access; minimization of risk to beach processes; minimization of risk relating to structural failure and loose rock and rubble; and minimization of impacts on public views to, from, and along the shoreline.

In summary, the proposed action within the shoreline setback is considered both reasonable and necessary for the viable redevelopment of and improvement to the Maui Palms Hotel. The action is in keeping with the purpose and criteria set forth in the shoreline rules.

**IV. SUMMARY OF  
ADVERSE  
ENVIRONMENTAL  
EFFECTS WHICH  
CANNOT BE AVOIDED**

## **IV. SUMMARY OF ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED**

The proposed project will result in unavoidable short-term demolition-related impacts. Such impacts will include noise and dust generated from demolition work and exhaust emission discharged by equipment. These impacts will be mitigated by implementation of Best Management Practices (BMPs). The proposed demolition activities will be carried out in compliance with applicable State Department of Health Community Noise Control standards.

The proposed demolition project is not anticipated to create any significant, long-term adverse environmental effects.

## **V. ALTERNATIVES TO THE PROPOSED ACTION**

## **V. ALTERNATIVES TO THE PROPOSED ACTION**

### **A. NO ACTION/DEFERRED ACTION ALTERNATIVE**

The no action/deferred action alternative would keep the last remaining Maui Palms Hotel structure on the subject property and result in its continued encroachment in the shoreline setback. The building, which was constructed in 1963, is aging and outdated. There is no functional value attached to the building given its obsolete design. The no action alternative would also prevent redevelopment of the subject property into a viable hotel as part of the planned Maui Palms Hotel Redevelopment Project. As such, the no action/deferred action alternative was not deemed viable.

**VI. IRREVERSIBLE AND  
IRRETRIEVABLE  
COMMITMENTS OF  
RESOURCES**

## **VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES**

The proposed demolition project is anticipated to result in the irreversible and irretrievable commitment of certain natural and fiscal resources including fuel, labor and funding. Impacts relating to the use of these resources should be weighed against the expected positive socio-economic benefits to be derived from the project versus the consequences of taking no action.

The proposed project will not place any additional requirements upon public services and infrastructure.

# **VII. FINDINGS AND CONCLUSIONS**

## VII. FINDINGS AND CONCLUSIONS

The "Significance Criteria", Section 12 of the Administrative Rules, Title 11, Chapter 200, "Environmental Impact Statement Rules", were reviewed and analyzed to determine whether the proposed project will have significant impacts to the environment. The following criteria and preliminary analysis are provided.

1. **Involves an irrevocable commitment to loss or destruction of any natural or cultural resource.**

The project will not result in any adverse environmental impacts. There are no known, rare threatened, or endangered species of flora, fauna or avifauna located within the subject property.

An Archaeological Inventory Survey was prepared for the subject property in August 1990 by Paul H. Rosendahl, Ph.D., Inc. Two (2) sites were found but were not considered significant. Because the land beneath the existing buildings could not be accessed during the survey, precautionary archaeological monitoring will be carried out during the demolition and removal process. The monitoring plan to be implemented was approved by the State Historic Preservation Division in 2004. Refer to **Appendix "D"**. Upon completion of the demolition project an archaeological monitoring report will be prepared and submitted to SHPD.

2. **Curtails the range of beneficial uses of the environment.**

The proposed demolition is not anticipated to curtail the range of beneficial uses of the environment. The demolition and removal of the last remaining building will eliminate an encroaching structure within the shoreline setback area. Environmental impacts associated with the proposed action are not deemed adverse.

3. **Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.**

The State's Environmental Policy and Guidelines are set forth in Chapter 344, Hawai'i Revised Statutes (HRS). The proposed action does not contravene

provisions of Chapter 344, HRS.

4. **Substantially affects the economic welfare, social welfare, and cultural practices of the community or State.**

The proposed action is not anticipated to adversely impact the economic or social welfare of the community.

5. **Substantially affects public health.**

No adverse impacts to the public's health and welfare are anticipated as a result of the proposed action.

6. **Involves substantial secondary impacts, such as population changes or effects on public facilities.**

As the proposed action is limited to demolition, no significant impacts on population or public facilities are anticipated.

7. **Involves a substantial degradation of environmental quality.**

During the demolition of the remaining structure, there will be short-term air quality and noise impacts as a result of the project. In the long term, effects upon air quality and ambient noise levels are not anticipated. The project is not anticipated to significantly affect the open space and scenic character of the area.

No substantial degradation of environmental quality resulting from the project is anticipated.

8. **Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.**

The proposed demolition is a part of the Maui Palms Hotel Redevelopment Project which is currently in the construction implementation phase of development. Environmental impacts associated with the Maui Palms Redevelopment Project have been assessed in a separate application for Special Management Area Use Permit. The Maui Planning Commission granted approval for the project on January 22, 2002 (SM1 2001/001). Refer to **Appendix "B"**.

9. **Substantially affects a rare, threatened, or endangered species, or its habitat.**

There are no rare, threatened or endangered species of flora, fauna or avifauna that will be adversely affected by the proposed action.

10. **Detrimentially affects air or water quality or ambient noise levels.**

Demolition activities will result in short-term air quality and noise impacts. Appropriate Best Management Practices (BMPs) will be utilized to mitigate potential air quality and noise impacts. It is anticipated that demolition will be limited to daylight working hours. Water quality is not expected to be affected.

In the long term, the project is not anticipated to have a significant impact on air, noise, and water quality.

11. **Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.**

By implementing BMPs during demolition, the proposed project is not anticipated to impact the coastal waters. Seaward portions of the subject property are located in Zone V23, areas of 100-year coastal flood with velocity (wave action). Other portions of the site are located in Zone A4, areas of the 100-year flood. The applicant will coordinate with the appropriate agencies in ensuring that the proposed action complies with applicable provisions of the Federal Flood Insurance Program and County flood hazard district regulations. Such coordination will be undertaken in connection with the review of the demolition permit, which is currently in process. There are no wetlands, geologically hazardous lands, estuaries, or fresh waters within or adjacent to the property.

12. **Substantially affects scenic vistas and viewplanes identified in county or state plans or studies.**

The proposed action will not affect scenic corridors and coastal scenic and open space resources.

**13. Requires substantial energy consumption.**

The proposed project will involve the short-term commitment of fuel for equipment, vehicles, and machinery during demolition activities. However, this use is not anticipated to result in a substantial consumption of energy resources. In the long term, the project will not create an additional demand for electricity.

Based on the foregoing findings, it is anticipated that the proposed action will not result in any significant adverse impacts.

# **VIII. LIST OF PERMITS AND APPROVALS**

## **VIII. LIST OF PERMITS AND APPROVALS**

The following permits and approvals will be required prior to the implementation of the project.

### **County of Maui**

1. Shoreline Setback Variance Approval
2. Demolition Permits

**IX. AGENCIES  
CONSULTED DURING THE  
PREPARATION OF THE  
DRAFT ENVIRONMENTAL  
ASSESSMENT; LETTERS  
RECEIVED AND  
RESPONSES TO  
SUBSTANTIVE  
COMMENTS**

# IX. AGENCIES CONSULTED DURING THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS

The following agencies and organizations were consulted during the preparation of the Draft Environmental Assessment. Agency comments and responses to substantive comments are also included in this section.

- |  |  |
|--|--|
| <p>1. Ranae Ganske-Cerizo, Soil Conservationist<br/><b>Natural Resources Conservation Service</b><br/><b>U.S. Department of Agriculture</b><br/>210 Imi Kala Street, Suite 209<br/>Wailuku, Hawai'i 96793-2100</p> | <p>6. Patricia Hamamoto, Superintendent<br/>State of Hawai'i<br/><b>Department of Education</b><br/>P.O. Box 2360<br/>Honolulu, Hawai'i 96804</p>                                  |
| <p>2. George Young<br/>Chief, Regulatory Branch<br/><b>U.S. Department of the Army</b><br/>U.S. Army Engineer District, Honolulu<br/>Regulatory Branch<br/>Building 230<br/>Fort Shafter, Hawai'i 96858-5440</p>   | <p>7. Chiyome Fukino, M.D., Director<br/>State of Hawai'i<br/><b>Department of Health</b><br/>919 Ala Moana Blvd., Room 300<br/>Honolulu, Hawai'i 96814</p>                        |
| <p>3. Robert P. Smith, Field Supervisor<br/><b>U. S. Fish and Wildlife Service</b><br/>300 Ala Moana Blvd., Rm. 3-122, Box 50088<br/>Honolulu, Hawai'i 96813</p>   | <p>8. Denis Lau, Chief<br/><b>Clean Water Branch</b><br/>State of Hawai'i<br/><b>Department of Health</b><br/>919 Ala Moana Blvd., Room 300<br/>Honolulu, Hawai'i 96814</p>        |
| <p>4. Ted Liu, Director<br/>State of Hawai'i<br/><b>Department of Business, Economic<br/>Development &amp; Tourism</b><br/>P.O. Box 2359<br/>Honolulu, Hawai'i 96804</p>   | <p>9. Herbert Matsubayashi, District<br/>Environmental Health Program Chief<br/>State of Hawai'i<br/><b>Department of Health</b><br/>54 High Street<br/>Wailuku, Hawai'i 96793</p> |
| <p>5. Laura Thielen, Director<br/>State of Hawai'i<br/><b>Office of Planning</b><br/>P.O. Box 2359<br/>Honolulu, Hawai'i 96804</p>   | <p>10. Peter Young, Chairperson<br/>State of Hawai'i<br/><b>Department of Land and Natural<br/>Resources</b><br/>P. O. Box 621<br/>Honolulu, Hawai'i 96809</p>                     |

11. Melanie Chinen, Administrator  
State of Hawai'i  
**Department of Land and Natural Resources**  
**State Historic Preservation Division**  
601 Kamokila Blvd., Room 555  
Kapolei, Hawai'i 96707
12. Rodney Haraga, Director  
State of Hawai'i  
**Department of Transportation**  
869 Punchbowl Street  
Honolulu, Hawai'i 96813  
cc: Ferdinand Cajigal
13. Clyde Namu`o, Administrator  
**Office of Hawaiian Affairs**  
711 Kapiolani Boulevard, Suite 500  
Honolulu, Hawai'i 96813
14. Carl Kaupololo, Chief  
County of Maui  
**Department of Fire and Public Safety**  
200 Dairy Road  
Kahului, Hawai'i 96732
15. Alice Lee, Director  
County of Maui  
**Department of Housing and Human Concerns**  
200 S. High Street  
Wailuku, Hawai'i 96793
16. Michael W. Foley, Director  
County of Maui  
**Department of Planning**  
250 South High Street  
Wailuku, Hawai'i 96793
17. Glenn Correa, Director  
County of Maui  
**Department of Parks and Recreation**  
700 Halia Nakoa Street, Unit 2  
Wailuku, Hawai'i 96793
18. Thomas Phillips, Chief  
County of Maui  
**Police Department**  
55 Mahalani Street  
Wailuku, Hawai'i 96793
19. Milton Arakawa, Director  
County of Maui  
**Department of Public Works and Environmental Management**  
200 South High Street  
Wailuku, Hawai'i 96793
20. Kyle Ginoza, Director  
County of Maui  
**Department of Transportation**  
200 South High Street  
Wailuku, Hawai'i 96793
21. George Tengan, Director  
County of Maui  
**Department of Water Supply**  
200 South High Street  
Wailuku, Hawai'i 96793
22. Neal Shinyama, Manager – Engineering  
**Maui Electric Company, Ltd.**  
P.O. Box 398  
Kahului, Hawai'i 96733
25. Hawaiian Telcom  
60 S. Church Street  
Wailuku, Hawai'i 96793

JUN 13 2006

United States Department of Agriculture



 NRCS Natural Resources  
Conservation Service

*Our People...Our Islands...In Harmony*

210 Imi Kala Street, Suite #209, Wailuku, HI 96793-2100

June 12, 2006

Mr. Mark Alexander Roy, Planner  
Munekiyo & Hiraga, Inc.  
305 High Street Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Roy,

SUBJECT: Early Consultation Request for Proposed Demolition of Remaining Maui Palms Hotel Structure at TMK (2) 3-7-03:007 and 009 (por.), Kahului, Maui, Hawaii

We have no comment regarding the Proposed Demolition of Remaining Maui Palms Hotel.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Ranae Ganske-Cerizo".

Ranae F. Ganske-Cerizo  
District Conservationist

JUN 21 2006



REPLY TO  
ATTENTION OF

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

June 19, 2006

Regulatory Branch

File Number POH-2006-241

Mr. Mark Alexander Roy  
Planner  
Munikiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Roy:

This responds to your request dated May 31, 2006, for comments regarding the proposed demolition of a Maui Palms Hotel building (TMK (2) 3-7-03: por. 7), Kahului, Maui Island. Based on the information provided, I have determined that this activity and location is in an upland area, and outside the limit of our jurisdiction under the authority of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Therefore, a Department of Army (DA) permit will not be required.

Refer to the file number that has been assigned to this project and please free to contact Mr. Farley Watanabe of my staff at 808-438-7701, if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "George P. Young".

GEORGE P. YOUNG, P.E.  
Chief, Regulatory Branch



MICHAEL T. MUNEKIYO  
GWEN DHASHI HIRAGA  
MITSURU "MICH" HIRANO

KARLYNN KAWAHARA

October 2, 2006

Mr. George P. Young, P.E.  
Chief, Regulatory Branch  
Department of the Army  
U. S. Army Engineer District, Honolulu  
Ft. Shafter, Hawaii 96858-5440

SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2)-3-7-003:007 and 009 (por.), Kahului, Maui

Dear Chief Young:

Thank you for your letter dated June 19, 2006, responding to our request for early consultation comments on the subject project. We acknowledge your determination that a Department of Army (DA) permit is not required for the subject project.

We appreciate the input provided by your office. A copy of the Draft Environmental Assessment will be provided for your review and comment.

Very truly yours,

Mark Alexander Roy, Planner

MAR:lh

cc: Kazuyo Sugiyama, Elleair Hawaii, Inc.  
Henry Inui, IM International, Inc.  
Kirk Tanaka, R. T. Tanaka Engineers, Inc.

F:\DATA\Elleair\MBeach\armyres.ltr.wpd



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

OFFICE OF THE SUPERINTENDENT

June 13, 2006

Mr. Mark Alexander Roy, Planner  
Munekiyo & Hiraga Inc.  
305 High Street, Suite 104  
Wailuku, Hawai'i 96793

Dear Mr. Roy:

Subject: Early Consultation for Demolition of Maui Palms Hotel Structure  
Kahului, TMK: 3-7-03:007 and por. 009

The Department of Education (DOE) has no comment to offer on the early consultation for the proposal to demolish a wing of the former Maui Palms Hotel.

If you have any questions, please call Heidi Meeker of the Facilities Development Branch at 808-733-4862.

Very truly yours,

A handwritten signature in cursive script that reads "Patricia Hamamoto".

Patricia Hamamoto  
Superintendent

PH:jmb

cc: Randolph Moore, Acting Assistant Superintendent, OBS  
Duane Kashiwai, Public Works Manager, FDB  
Ken Nomura, CAS, Baldwin/Kekaulike/Maui Complex Areas



JUN 28 2006  
JUN 28 2006

CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
EMD/SHWB

June 26, 2005

S00637JV

Mr. Mark Alexander Roy, Planner  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Waiiuku, Hawaii 96793

Dear Mr. Roy:

SUBJECT: Proposed Demolition of Maui Palms Hotel  
Construction Waste Management Plan

The Department of Health (DOH), Office of Solid Waste Management has reviewed the subject document, which we received on June 7, 2006. It is our understanding that the Maui Palms Hotel is the only structure proposed for demolition, and that no new construction activities are planned. Therefore, the following information and comments provided relate to any previous demolition activity and proposed demolition activities:

1. The generator of the waste must determine if any building components contain hazardous waste. Please refer to Attachment 1.
2. Any non-hazardous building components that contain lead-based paint must be disposed at a DOH-permitted solid waste landfill, such as the Maui Demolition and Construction Landfill, and must not be recycled. Please refer to Attachment 2.
3. Uncontaminated concrete (no asbestos, lead-based paint or other types of contamination) if not reused onsite may be sent to Hawaiian Cement, the closest DOH-permitted concrete recycling facility, if you decide to use their services.

Please be aware that Hawaiian Cement requires advance consultation prior to acceptance of uncontaminated concrete. They typically accept uncontaminated concrete from their own jobs only. The only other alternative is to send the concrete waste to a permitted landfill such as the Maui Demolition and Construction Landfill.

Contaminated concrete that does not fail the TCLP test for hazardous waste must not be recycled and disposed at a DOH-permitted solid waste landfill such as the Maui Demolition and Construction Landfill. Concrete or other wastes that fail the TCLP test for hazardous waste must be managed as hazardous waste.

4. Nonhazardous concrete with lead-based paint must, prior to demolition, be separated from concrete intended for recycling and sent to the Maui Demolition and Construction Landfill. Please contact Rogeitte Bernardino of the Hazardous Waste Section at 586-4226 as to when any demolition and/or abatement activities will occur.
5. If onsite reuse of concrete as fill material is intended, then the uncontaminated concrete must also meet the state's definition of "inert fill material" defined as:

**Section 342H-1, HRS Definitions.**

"Inert fill material" means earth, soil, rocks, rock-like material such as cured asphalt, brick, and clean concrete less than eight inches in diameter, except as specified by a licensed soils engineer with no exposed steel reinforcing rod. The fill material shall not contain vegetation or organic material, or other solid waste.

6. Dispose of demolition gypsum board and plaster, as well as new construction gypsum and plaster. Currently, no recycling facility in Hawaii is permitted to accept gypsum board from demolition projects.
7. We assume that any wood waste from demolition is of the treated variety. Such wood waste must be disposed at a DOH-permitted landfill, such as the Maui Demolition and Construction Landfill, and not recycled.
8. Dispose of non-reusable glass at the Maui Demolition and Construction Landfill. We encourage the reuse of glass, if in a reusable form. Permitted glass recyclers on Maui presently only accept glass bottles for recycling.
9. Please send any recoverable uncontaminated brass, copper or aluminum to DOH-permitted recycling facilities that accept non-ferrous metals, such as Reynolds Recycling, Inc.
10. Please send any paper (white or colored), newsprint and cardboard to DOH-permitted recyclers such as Maui Disposal Company, Inc.
11. Please send green waste to DOH-permitted composting facilities such as Maui EKO Systems.

Mr. Mark Alexander Roy  
June 26, 2006  
Page 3

Your submittal was reviewed with respect to solid waste management and disposal issues only. We recommend that you obtain approval from other agencies (such as OSHA) that may be involved in the oversight and implementation of various aspects of your plan.

Should these comments be incorporated into the plan, the Office of Solid Waste Management would consider it acceptable for implementation. If you have any questions or comments, please contact John Valera of the Office of Solid Waste Management at (808) 586-4226 or e-mail at: [john.valera@doh.hawaii.gov](mailto:john.valera@doh.hawaii.gov). We look forward to further discussions on future recycling opportunities at your new store in Hawaii.

Sincerely,

  
STEVEN Y.K. CHANG, P.E., CHIEF  
Solid and Hazardous Waste Branch

Enclosures:

- Attachment 1 - "Hawaii Department of Health - Construction and Demolition (C&D) Waste Disposal General Guidance"
- Attachment 2 - "Disposal of Lead-Based Paint Waste"



**DRAFT**

**HAWAII DEPARTMENT OF HEALTH  
CONSTRUCTION AND DEMOLITION (C&D) WASTE DISPOSAL GENERAL GUIDANCE**

This C&D waste disposal guidance supersedes the previous letter dated January 31, 1996 and is intended to give a general guidance and clarify hazardous waste determination of C&D waste and its proper disposal. The general inquiries are for construction and demolition waste that contain lead paint. C&D waste includes a building determined by the generator to be demolished and therefore a waste.

### **Hazardous Waste Determination**

According to the Hawaii Administrative Rules (HAR) 11-262.11, the generator of a solid waste must determine if that waste is a hazardous waste. HAR 11-262.11 (c)(1)(2) states that either the waste can be **tested** according to the methods set forth in subchapter C of chapter 11-261 or by **applying knowledge** of the hazard characteristic of the waste in light of the material, respectively. If the waste is determined to be hazardous, the generator must refer to HAR 11-262, 11-264, 11-265, 11-268 for the proper management, possible exclusions or restrictions pertaining to the that waste. Non-hazardous C&D waste may be transported to an approved solid waste landfill and the landfill operator be provided with documentation confirming the waste determination.

### **Applying Knowledge**

The application of knowledge of the waste may be used if the characteristics of that waste can be determined. For instance, material safety data sheets (MSDS), and/or prior knowledge of similar waste may be applied.

### **Testing**

Another hazardous waste determination involves testing the C&D waste.

**Preliminary sampling** of part of the C&D waste like the waste paint (paint-chips) can be utilized. Preliminary sampling, as oppose to a representative sample may include a sample of the paint-waste to determine if it contains lead and its quantity. During this preliminary sampling a "Total method" or **Toxicity Characteristic Leaching Protocol (TCLP)** approach may be utilized. If a total analysis of the waste demonstrates that individual analytes (i.e. lead) are not present in the waste, or that they are present but at such low concentrations that the appropriate regulatory level (i.e. 5 ppm TCLP lead) could not possibly be exceeded, then the TCLP need not be conducted and the C&D waste shall be considered non-hazardous. However, if the Total method is not conclusive and may indicate the exceedance of 5 ppm TCLP, then a TCLP test method is recommended to determine the lead level of the paint-waste sample. Also, the generator may opt to forgo the preliminary sampling and proceed to a representative sampling of the entire C&D waste.

**Representative samples** should be taken from the entire C&D waste. Samples should include core samples of the C&D waste which include the waste paint. Generally, core samples should be obtained from the basic major elements of the C&D waste (i.e. walls, roofing, other fixtures and interior contents). Each generator would be responsible for their own sampling plan to meet their waste determination using the aforementioned testing criteria. We advise working with experience environmental companies and labs for guidance and implementation. Also, where applicable, the DOH hazardous waste program an be contacted. The total method or TCLP may be selected as a testing criteria subject to the same above conditions.

### **Using both testing and knowledge for hazardous waste determination**

A combination of testing and applying knowledge could be utilized too. For instance, a paint chip can be analyzed for lead and the concentration of lead could be calculated with the amount or mass of the entire waste debris to determined the ratio of lead to the mass or parts per million (ppm.)

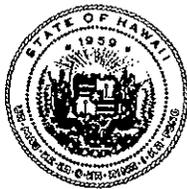
#### **Other options:**

Another option is to segregate the structure with the lead paint (i.e. door, window frame) from the non-hazardous debris and dispose of the structure with lead paint (>5 ppm.) as a hazardous waste. The remaining non-hazardous debris may be sent to a local landfill accepting construction debris.

Any questions, please contact the Hawaii Department of Health Solid and Waste Branch, Hazardous Waste Program at (808) 586-4226.

**DRAFT**

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
File:

January 16, 2003

S0114JV

**POLICY NOTICE**  
**Guidance Document**  
**for the Disposal of Lead-Based Paint Wastes**

**Clarification of Recommended**  
**Lead-Based Paint Handling and Disposal Procedures**

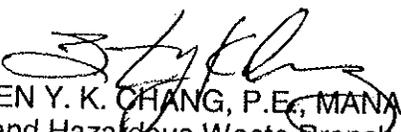
TO ALL INTERESTED PARTIES:

The Hawai'i Department of Health, Solid and Hazardous Waste Branch is issuing a policy statement entitled, Disposal of Lead-Based Paint Waste, effective January 1, 2003. A copy is attached.

The Disposal of Lead-Based Paint Wastes policy is intended to help contractors properly dispose of lead-based paint (LBP) wastes. Disposal is the preferred option in most cases. Recycling is allowed for the concrete portion of LBP concrete, provided the LBP is completely abated. However, treated wood with LBP, even if abated, cannot be recycled into mulch, fill, or ground cover applications. This policy also sets LBP waste disposal procedures for generators of LBP waste from residential dwellings, and generators of LBP waste from demolition projects and non-residential structures. Homeowners who generate their own LBP wastes may continue to dispose such wastes with their household refuse provided that the waste is not resulting from demolition work.

Please bring this policy to the attention of anyone you know who may have an interest in this matter. Should you have any questions regarding this policy, please contact the Solid Waste Section of the Solid and Hazardous Waste Branch at (808) 586-4226.

Sincerely,

  
STEVEN Y. K. CHANG, P.E., MANAGER  
Solid and Hazardous Waste Branch

Attachment



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
SOLID AND HAZARDOUS WASTE BRANCH  
OFFICE OF SOLID WASTE MANAGEMENT

**DISPOSAL OF LEAD-BASED PAINT WASTE**  
Eff. January 1, 2003

This guidance document clarifies existing federal, state and local requirements for the management and disposal of lead-based paint waste, and their impacts on the activities of contractors and other generators of lead-based paint debris. LBP waste is generated from either the abatement, rehabilitation, renovation, remodeling or demolition of non-residential buildings and residential dwellings constructed prior to 1978.

Based on current Federal policy statements and State regulations (see Addendum):

1. **Generators of non-residential LBP waste shall conduct a *hazardous waste determination* according to HAR Chapter 11-261.** The TCLP (Toxicity Characteristic Leaching Procedure) is the test method for determining whether a "solid waste" exhibits the toxicity characteristics of "hazardous waste." Contact the Hazardous Waste Program (808) 586-4226 for a copy of the procedures.
2. **Generators of residential demolition LBP waste shall also conduct a *hazardous waste determination* according to HAR Chapter 11-261.**
3. **Those who generate LBP waste as a result of abatement, rehabilitation, renovation and remodeling in homes and other residences are exempt from *hazardous waste laws*.** However, generators shall follow state and local requirements for proper disposal of non-hazardous LBP waste.
4. **Non-hazardous LBP waste (including "residential LBP waste" defined in a Federal Register "Proposed Rule"<sup>1</sup>) is a subset of construction & demolition (C&D) waste that requires special handling. Non-hazardous LBP waste is also referred to as a special waste. "Special wastes" means any solid waste that, *because of its source or physical, chemical, or biological characteristics*, require special consideration for its proper processing or disposal, or both. This term includes, but is not limited to, asbestos, lead acid batteries, municipal waste combustion ash, sewage sludge that is non-hazardous, medical wastes, tires, white goods, and derelict vehicles.<sup>2</sup>**

### **LBP Waste Disposal**

Dispose of non-hazardous LBP waste at permitted municipal solid waste landfills or

<sup>1</sup> Federal Register, October 23, 2001, Vol. 66, No. 205, pp. 53566-53573

<sup>2</sup> Section 11-58.1-03, Hawai'i Administrative Rules

permitted C&D waste landfills, such as PVT and Waimanalo Gulch (Oahu); Central Maui, Ma'alaea, Molokai, Hana, and Lanai (Maui County); Pu'uanahulu and Hilo (Hawai'i); and Kekaha (Kauai).

Landfills in Hawai'i are also subject to further waste acceptance restrictions imposed by county governments. For example, since 1994 the City & County of Honolulu restricted *municipal solid waste landfills* from accepting loads containing C&D waste greater than 10% in volume.

**Disposal of "residential LBP waste" defined in the Federal Register<sup>3</sup> (CHART 1):**

STEP 1 Qualified or knowledgeable personnel select an LBP identification method (e.g., prior knowledge) and determine if waste contains LBP.

STEP 2 Dispose with regular household rubbish (homeowners conducting do-it-yourself activities ONLY), OR

Send to permitted landfill: complete a Waste Profile that will provide the landfill with written notification of incoming LBP waste.

RESIDENTIAL ABATEMENT PROJECTS: also containerize, solidify and label LBP wastes that are paint chips, dust, and/or sludges:

1. Use durable containers such as steel paint cans.
2. Solidification may be by methods such as cement (for dust and chips) or absorbent material (for sludges).
3. Labeling needs to say "Lead Based Paint Waste".

STEP 3 Declare to the landfill operator that the incoming load contains LBP waste.

**Disposal of residential demolition LBP waste, and non-residential LBP waste (CHART 2):**

STEP 1 Qualified or knowledgeable personnel select the proper LBP identification method, and determine if waste contains LBP.

STEP 2 Make a hazardous waste determination by applying knowledge and by testing. The Hazardous Waste Program (808) 586-4226 has a copy of the procedures.

STEP 3 Dispose properly based on the outcome of the hazardous waste determination (Section 11-262-11, HAR):

1. If the TCLP result for lead is equal to 5 ppm or greater, the LBP waste is a hazardous waste that must be disposed at a hazardous waste landfill. Landfills in Hawai'i do not accept hazardous wastes.

<sup>3</sup> Federal Register, October 23, 2001, Vol. 66, No. 205, pp. 53566-53573

2. If the TCLP result is less than 5 ppm, the LBP waste is a solid waste and may be disposed at Hawai'i landfills that accept construction and demolition wastes. Complete a Waste Profile that will provide the landfill with written notification of incoming LBP waste.

NON-HAZARDOUS, NON-RESIDENTIAL ABATEMENT LBP WASTES:  
containerize, solidify and label LBP wastes that are paint chips, dust, and/or sludges:

- (1) Use durable containers such as steel paint cans.
- (2) Solidification may be by methods such as cement (for dust and chips) or absorbent material (for sludges).
- (3) Labeling needs to say "Lead Based Paint Waste".

STEP 4 ALL NON-HAZARDOUS LBP WASTES: Declare to the landfill operator that the incoming load contains LBP waste.

**LBP waste shall not be recycled.** The U.S. EPA believes that LBP waste that is shredded or chopped into mulch, ground cover, or topsoil or for site leveling, fill or roadbed material may cause health risks through ingestion of LBP, dust, or contaminated soil. Further EPA studies have shown that lead is relatively immobile in subsurface soils under non-highly acidic conditions, but may increase in mobility through soil layers to groundwater if soil conditions are more acidic.

#### **Pre-Demolition or Renovation BMPS**

To identify and prepare architectural components containing LBP for disposal, the DOH strongly recommends generators and contractors to implement the following practices, prior to demolition or renovation:

- **Identify building components that contain LBP for selective removal** during the demolition or renovation stage. NOTE: components that are selectively removed are subject to a hazardous waste determination, unless the structure is residential, and work is related to renovation or LBP abatement.
- **Abate surfaces.** Abate building components to meet the HUD lead limit of 1.0 mg/cm<sup>2</sup> or 0.5% by weight. **Treated lumber with LBP, even if abated, may not be recycled into mulch, ground cover, topsoil, fill or roadbed material.**

**LBP concrete that is completely abated to where it is no longer considered LBP waste may be recycled.**

- **Test representative samples of the waste to determine if their total lead content falls below the lead limit.** A guidance document for measuring lead in paint is available from the DOH Lead Program (808) 586-5800, or the Solid Waste Section (808) 586-4226.

DOH also provides education on LBP sampling as part of the EPA lead accreditation program, which is administered by the DOH Lead Program. The main objective of the accreditation program is to train persons who will be responsible for conducting lead paint abatement activities.

For a current list of permitted landfills contact the Solid Waste Section (808) 586-4226.

### Reference

USHUD. 1997. *Chapter 7: Lead-Based Paint Inspection, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, 1997 Revision*: U.S. Department of Housing and Urban Development, Office of Lead Hazard Control, 1997.

**APPROVED / DISAPPROVED**



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Loretta J. Fuddy, A.C.S.W., M.P.H.  
Acting Director of Health  
Department of Health

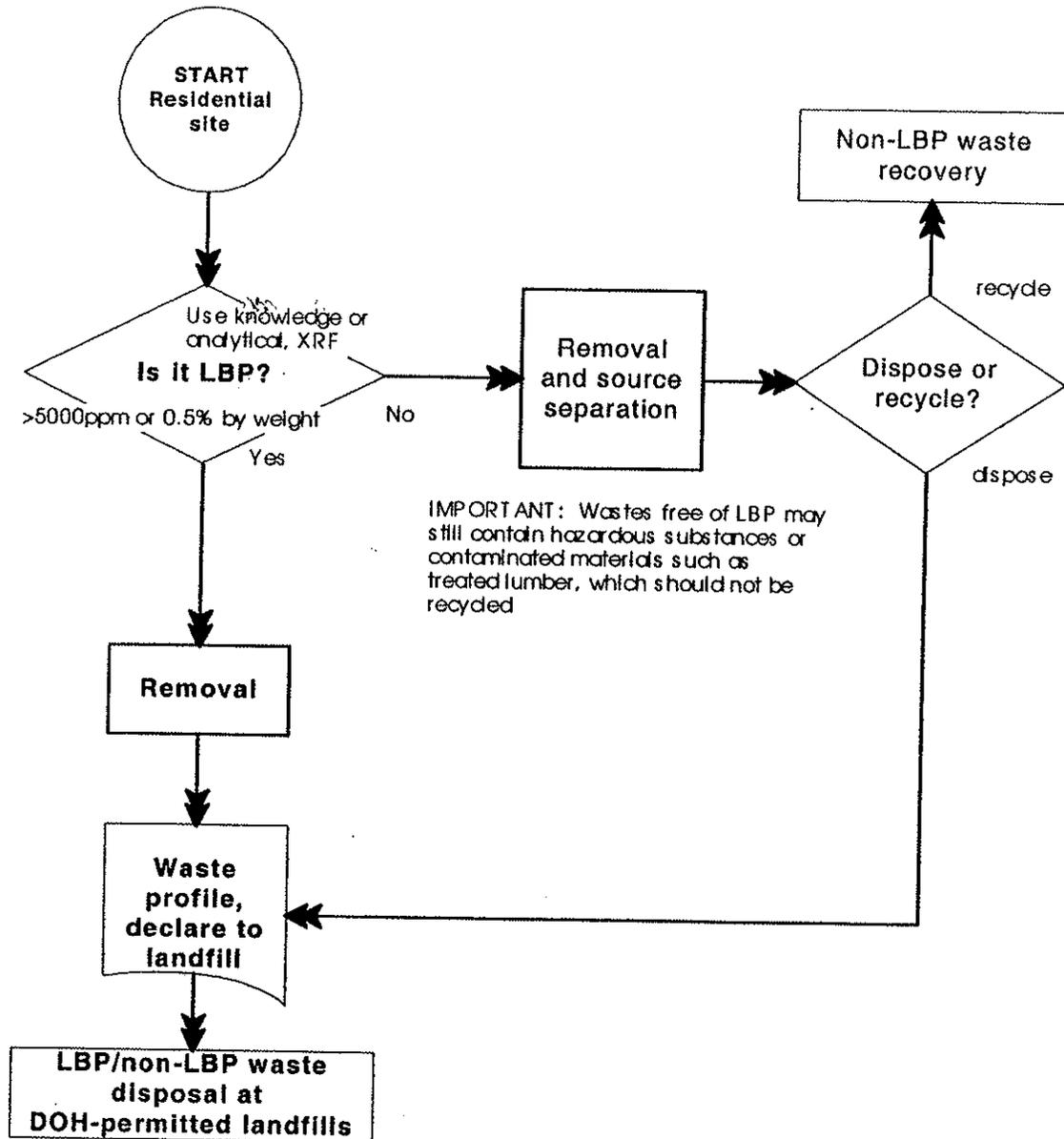
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Date

Eff. January 1, 2003

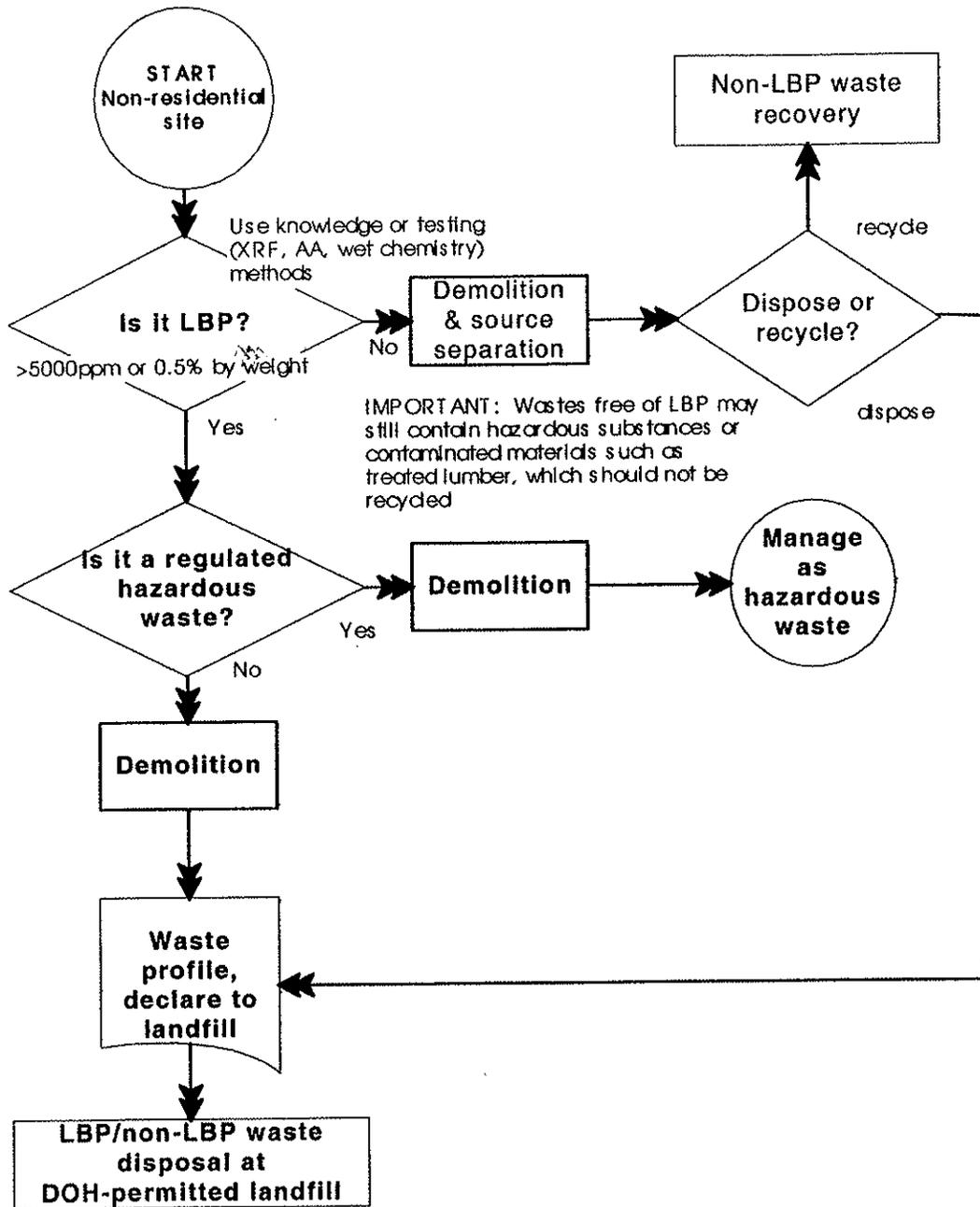
# Chart 1 Disposal of Residential Lead-Based Paint (LBP) Waste



**NOTES:**

1. Residential sources include single family homes, apartment buildings, row houses, military barracks, and college dormitories.
2. Recommended handling of residential LBP chips, dust and sludge: solidify, containerize and label prior to disposal.
3. Waste notification to the landfill is required.
4. Non-LBP wastes containing hazardous substances (e.g., treated lumber) shall be disposed and not recycled.

## Chart 2 Disposal of Residential Demolition and Non-residential Lead-Based Paint Waste



**NOTES:**

1. Non-residential LBP wastes are subject to hazardous waste determination.
2. Non-LBP wastes containing hazardous substances (e.g., treated lumber) shall be disposed and not recycled.

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
SOLID AND HAZARDOUS WASTE BRANCH  
OFFICE OF SOLID WASTE MANAGEMENT

**DISPOSAL OF LEAD-BASED PAINT WASTE  
ADDENDUM**

**Applicable Federal Laws and Actions**

- According to Section 403 of the Toxic Substances Control Act (TSCA), as amended, the Environmental Protection Agency (EPA) defines lead-based paint (LBP) as paint with lead levels equal to or exceeding 1.0 milligram per square centimeter ( $\text{mg}/\text{cm}^2$ ) or 0.5% by weight.
- The U.S. Department of Housing & Urban Development (HUD) has similarly defined lead-based paint as any paint, varnish, shellac or other coating that contains lead equal to or greater than  $1.0 \text{ mg}/\text{cm}^2$  as measured by x-ray fluorescence (XRF) or laboratory analysis, or 0.5 percent by weight (5,000  $\mu\text{g}/\text{g}$ , 5,000 ppm, or 5,000  $\text{mg}/\text{kg}$ ) as measured by laboratory analysis.<sup>4</sup>
- In 1978, the Consumer Product Safety Commission (CPSC) banned the sale of residential paint containing greater than 0.06% lead (a trace amount). The CPSC also prohibited the use of such paint in residences and other areas where consumers have direct contact with painted surfaces.
- An EPA policy entitled Update on Lead-based Paint dated August 2000 states that **residential LBP waste** is not subject to Resource Conservation & Recovery Act (RCRA) Subtitle C (Federal hazardous waste) regulations. "Contractors can manage **residential** lead-based paint waste as household waste." **Residential** sources of LBP waste include but are not limited to single-family homes, apartment buildings, row houses, military barracks and college dormitories.
- The EPA defined "residential lead-based paint waste" in a Federal Register "Proposed Rule", October 23, 2001 (Vol. 66, No. 205). Residential lead-based paint waste is waste generated as a result of lead-based paint activities (including abatement, rehabilitation, renovation and remodeling) in homes and other residences. The term includes but is not limited to lead-based paint debris, chips, dust, and sludges. The term does not include LBP wastes from demolition activities.
- The EPA interprets residential LBP waste to be household waste under 40 CFR 261.4(b)(1).

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<sup>4</sup> Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (U.S. Department of Housing and Urban Development, 1997 Revision)

### Applicable State of Hawai'i Laws

- Hazardous waste regulations, known on the federal level as RCRA Subtitle C<sup>5</sup> are enforced within the State of Hawai'i under Hawai'i Revised Statutes (HRS) 342J and Hawai'i Administrative Rules (HAR) Title 11, Chapters 261 through 280. Chapter 11-261, HAR defines "household waste" as "any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas)." *This definition is identical to the Federal definition (40 CFR 261.4(b)(1)).*
- Solid waste regulations, are enforced within the State of Hawai'i under HRS 342H and HAR Title 11, Chapter 58.1 (11-58.1), and provide broader authority to the Department of Health (DOH) than federal regulations, known as RCRA Subtitle D<sup>6</sup>.

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<sup>5</sup> Resource Conservation and Recovery Act (40 CFR Parts 261 to 280)

<sup>6</sup> Resource Conservation and Recovery Act (40 CFR Parts 258)



MICHAEL T. MUNEKIYO  
GWEN OHASHI HIRAGA  
MITSURU "MICH" HIRANO

KARLYNN KAWAHARA

October 2, 2006

Mr. Steven Y.K. Chang, P.E., Chief  
Department of Health  
**Solid and Hazardous Waste Branch**  
P. O. Box 3378  
Honolulu, Hawaii 96801-3378

SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2)-3-7-003:007 and 009 (por.), Kahului, Maui

Dear Mr. Chang:

Thank you for your letter dated June 26, 2006, responding to our request for early consultation comments on subject action. In response to your comments, we note that the following.

1. The applicant will determine whether the building components contain hazardous wastes by conducting testing methods established in the Hawaii Administrative Rules (HAR) 11-261 or by applying knowledge of the hazard characteristics of the waste in light of the material. If waste materials are determined to be hazardous, proper management and disposal will be implemented.
2. Non-hazardous building components which contain lead-based paint will be properly disposed of at a DOH-permitted solid waste landfill.
3. Should the applicant decide to recycle uncontaminated concrete prior to the initiation of demolition activities, all necessary coordination with Hawaiian Cement will be undertaken.

Concrete and other wastes that fail the TCLP test for hazardous waste will be managed as hazardous waste.

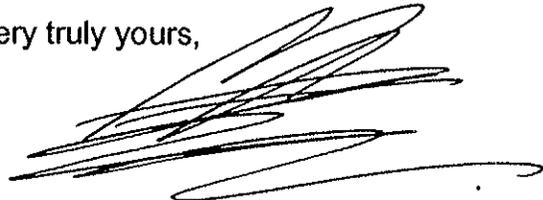
4. Non-hazardous concrete with lead-based paint will be separated from concrete intended for recycling prior to demolition and will be sent to the Maui Demolition and Construction Landfill. The applicant will contact Rogeitte Bernardino of the Hazardous Waste Section prior to the initiation of demolition activities.

5. Should the applicant decide to reuse concrete as fill material, uncontaminated concrete that meets the state's definition of "inert fill material" as defined in Section 342H-1, HRS will be used.
6. Gypsum board and plaster will be disposed properly.
7. Treated wood waste from demolition will be properly disposed of at a DOH-permitted landfill.
8. An assessment of opportunities for the reuse and recycling of glass will be conducted by the applicant, prior to the initiation of demolition activities. Non-reusable glass will be disposed at the Maui Demolition and construction landfill or similar approved disposal facility.
9. Recoverable, uncontaminated brass, copper or aluminum will be sent to DOH-permitted recycling facilities that accept non-ferrous metals.
10. Paper, newsprint and cardboard will be sent to a DOH-permitted recycler.
11. Green waste will be sent to DOH-permitted composting facilities.

As appropriate, coordination with other agencies, such as OSHA, will be undertaken prior to the initiation of demolition activities.

We appreciate the input provided by your office. A copy of the Draft Environmental Assessment will be provided for your review and comment.

Very truly yours,



Mark Alexander Roy, Planner

MAR:yp

cc: Kazuyo Sugiyama, Elleair Hawaii, Inc.  
Henry Inui, IM International, Inc.  
Kirk Tanaka, R. T. Tanaka Engineers, Inc.

JUN 09 2008

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
EMD / CWB

06035PKP.06

June 6, 2006

Mr. Mark Alexander Roy  
Planner  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Roy:

**Subject: Early Consultation Request for Proposed Demolition of Remaining Maui Palms Hotel Structure in Kahului, Maui, Hawaii**

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of the subject document, dated May 31, 2006. The CWB has reviewed the limited information contained in the subject document and offers the following comments:

1. The Army Corps of Engineers should be contacted at (808) 438-9258 for this project. Pursuant to Federal Water Pollution Control Act (commonly known as the "Clean Water Act" (CWA) Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may **result** in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40, Code of Federal Regulations (CFR), Section 122.2; and Hawaii Administrative Rules (HAR), Chapter 11-54.
2. In accordance with HAR, Sections 11-55-04 and 11-55-34.05, the Director of Health may require the submittal of an individual permit application or a Notice of Intent (NOI) for general permit coverage authorized under the National Pollutant Discharge Elimination System (NPDES).
  - a. An application for an NPDES individual permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.

- b. An NOI to be covered by an NPDES general permit is to be submitted at least 30 days before the commencement of the respective activity. A separate NOI is needed for coverage under each NPDES general permit. The NOI forms may be picked up at our office or downloaded from our website at:  
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.
- i. Storm water associated with industrial activities, as defined in Title 40, CFR, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi). [HAR, Chapter 11-55, Appendix B]
  - ii. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre 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.** [HAR, Chapter 11-55, Appendix C]
  - iii. Discharges of treated effluent from leaking underground storage tank remedial activities. [HAR, Chapter 11-55, Appendix D]
  - iv. Discharges of once through cooling water less than one (1) million gallons per day. [HAR, Chapter 11-55, Appendix E]
  - v. Discharges of hydrotreating water. [HAR, Chapter 11-55, Appendix F]
  - vi. Discharges of construction dewatering effluent. [HAR, Chapter 11-55, Appendix G]
  - vii. Discharges of treated effluent from petroleum bulk stations and terminals. [HAR, Chapter 11-55, Appendix H]
  - viii. Discharges of treated effluent from well drilling activities. [HAR, Chapter 11-55, Appendix I]
  - ix. Discharges of treated effluent from recycled water distribution systems. [HAR, Chapter 11-55, Appendix J]
  - x. Discharges of storm water from a small municipal separate storm sewer system. [HAR, Chapter 11-55, Appendix K]

Mr. Mark Alexander Roy  
June 6, 2006  
Page 3

- xi. Discharges of circulation water from decorative ponds or tanks. [HAR, Chapter 11-55, Appendix L]
3. In accordance with HAR, Section 11-55-38, the applicant for an NPDES permit is required to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. If applicable, please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.
4. Any discharges related to project construction or operation activities, with or without a Section 401 WQC or NPDES permit coverage, shall comply with the applicable State Water Quality Standards as specified in HAR, Chapter 11-54.

The Hawaii Revised Statutes, Subsection 342D-50(a), requires that "[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this Chapter, or a permit or variance issued by the director."

If you have any questions, please contact Mr. Alec Wong, Supervisor of the Engineering Section, CWB, at (808) 586-4309.

Sincerely,



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



MICHAEL T. MUNEKIYO  
GWEN OHASHI HIRAGA  
MITSURU "MICH" HIRANO

KARLYNN KAWAHARA

October 2, 2006

Dennis R. Lau, Chief  
State of Hawaii  
Department of Health  
**Clean Water Branch**  
P. O. Box 3378  
Honolulu, Hawaii 96801-3378

SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2)3-7-003:007 and 009 (por.), Kahului, Maui, Hawaii

Dear Mr. Lau:

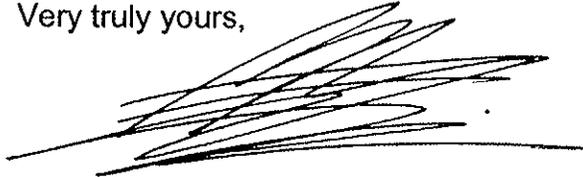
Thank you for your letter of June 6, 2006, responding to our early consultation request for comments on the subject project. On behalf of the applicant, we offer the following responses to the comments noted:

1. A copy of the early consultation letter for the subject project was transmitted to the Department of Army on May 31, 2006, for review and comment. All applicable permits will be obtained from the Department of Army prior to the initiation of the proposed demolition activities.
2. As applicable, an individual permit or a Notice of Intent (NOI) for general permit coverage under the National Pollutant Discharge Elimination System (NPDES) will be obtained prior to the initiation of the proposed demolition activities.
3. The project will comply with applicable requirements of Section 11-55-38, Hawaii Administrative Rules (HAR).
4. The project will comply with applicable State Water Quality Standards as specified in Chapter 11-54, HAR.

Dennis Lau, Chief  
September 29, 2006  
Page 2

We appreciate the input provided by your office. A copy of the Draft Environmental Assessment will be sent to you for review and comment. Should you have any questions in the meantime, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark Alexander Roy', written over a horizontal line.

Mark Alexander Roy, Planner

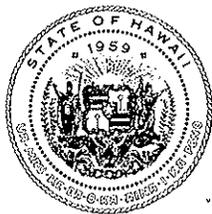
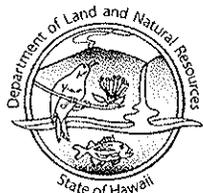
MAR:yp

cc: Kazuyo Sugiyama, Elleair Hawaii  
Henry Inui, IM International, Inc.  
Kirk Tanaka, R. T. Tanaka Engineers, Inc.

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JUL 24 2006

LINDA LINGLE  
GOVERNOR OF HAWAII



PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
DEPUTY DIRECTOR - LAND

DEAN NAKANO  
ACTING DEPUTY DIRECTOR - WATER

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

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

July 18, 2006

Munekiyo & Hiraga, Inc.  
Attention: Mark Alexander Roy, Senior Planner  
350 High Street, Suite 104  
Wailuku, Hawaii 96793

LOG NO: 2006.2030  
DOC NO: 0607BF10  
Architecture

Dear Mr. Roy:

**SUBJECT: Chapter 6E-8 (HRS) Review  
Early Consultation Request for Proposed Demolition of Maui Palms Hotel Structure  
Proposed Location: Kahului, Maui, Hawaii  
TMK: (2) 3 - 7 03:007 and portion of 009**

This is in response to your request for early consultation dated May 31, 2006 which we received on June, 2, 2006.

**Proposed Project:**

The proposed project entails the demolition of the last remaining wing of the former Maui Palms Hotel as part of an overall redevelopment plan. Currently the remaining portion is utilized as guest rooms and storage rooms.

The main building(s) of the Maui Palms hotel was demolished in April 2002.

**Findings:**

The extant hotel wing appears to be constructed ca. 1963. The building does not meet the age criterion for the National Register of Historic Places. Therefore, **no historic properties will be affected**. The SHPD greatly appreciates the photos of the exterior building, and request that you submit photos of the interior of the building.

The project has been submitted to the State Historic Preservation division Maui Island Archaeologist for comments.

Thank you for the opportunity to comment. Should you have any questions regarding architectural concerns please call Bryan Flower in our Oahu office at (808) 692-8028.

Aloha,

Melanie A. Chinen, Administrator  
State Historic Preservation Division

BTF:jen



MICHAEL T. MUNEKIYO  
GWEN OHASHI HIRAGA  
MITSURU "MICH" HIRANO

KARLYNN KAWAHARA

October 2, 2006

Ms. Melanie A. Chinen, Administrator  
**State Historic Preservation Division**  
Department of Land and Natural Resources  
601 Kamokila Boulevard, Room 555  
Kapolei, Hawaii 96707

SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2)-3-7-003:007 and 009 (por.), Kahului, Maui

Dear Ms. Chinen:

Thank you for your letter dated July 18, 2006, responding to our request for early consultation comments on the subject action. In response to your comments, we note the following:

1. We acknowledge your determination that no historic properties will be affected by the proposed project. Interior photos of the building proposed for demolition will be included in the Draft EA.

We appreciate the input provided by your office. A copy of the Draft Environmental Assessment will be provided for your review and comment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark Alexander Roy", written over a series of horizontal lines.

Mark Alexander Roy, Planner

MAR:yp

cc: Kazuyo Sugiyama, Elleair Hawaii, Inc.  
Henry Inui, IM International, Inc.  
Kirk Tanaka, R. T. Tanaka Engineers, Inc.

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JUN 23 2006

PHONE (808) 594-1888

FAX (808) 594-1865



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

HRD06/220B

June 16, 2006

Mark Alexander Roy  
Munekiyo and Haraga, Inc.  
305 High Street, Suite 104  
Wailuku, HI 96793

**RE: Early Consultation Request for the Proposed Demolition of Remaining Maui Palms Hotel, Kahului, Maui, TMK (2) 3-7-03: 007 and 009 (por).**

Dear Mr. Roy,

The Office of Hawaiian Affairs (OHA) is in receipt of your May 31, 2006 request for comment on the above-listed submission. OHA offers the following comments:

Our staff has no comment specific to the above-listed submission. Thank you for your continued correspondence.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jesse Yorck, Native Rights Policy Advocate, at (808) 594-0239 or [jessey@oha.org](mailto:jessey@oha.org).

‘O wau iho nō,

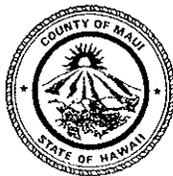
A handwritten signature in black ink, appearing to read "Clyde W. Nāmu'ō".

Clyde W. Nāmu'ō  
Adminfstrator

CC: Thelma Shimaoka  
OHA Community Affairs Coordinator (Maui)  
140 Hoohana St., Ste. 206  
Kahului, HI 96732

JUN 07 2006

ALAN M. ARAKAWA  
MAYOR



CARL M. KAUPALOLO  
CHIEF

NEAL A. BAL  
DEPUTY CHIEF

**COUNTY OF MAUI**  
**DEPARTMENT OF FIRE AND PUBLIC SAFETY**

200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
(808) 270-7561  
FAX (808) 270-7919

June 5, 2006

Munekiyo & Hiraga, Inc.  
Attention: Mark Alexander Roy, Planner  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

**Subject: Maui Palms Proposed Demolition, TMK (2)3-7-003:009 Kahului, Maui**

Dear Mr. Roy,

I have reviewed the consultation request for the above subject. The building does not meet all current fire code requirements and we support the demolition. Details of the demolition permit & plans will be reviewed by our office during the building permit process if approved.

Please feel free to contact Lt. Scott English at 270-7122 if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Valeriano F. Martin". The signature is written in a cursive, flowing style.

Valeriano F. Martin  
Captain  
Fire Prevention Bureau

October 2, 2006

Valeriano F. Martin, Captain  
Fire Prevention Bureau  
**Department of Fire and Public Safety**  
200 Dairy Road  
Kahului, Hawaii 96732

**SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2)3-7-003:007 and 009 (por.), Kahului, Maui, Hawaii**

Dear Captain Martin:

Thank you for your letter of June 5, 2006, responding to our early consultation request for comments on the subject project. We acknowledge that your department is in support of the proposed demolition of the remaining Maui Palms Hotel structure.

We appreciate the input provided by your office. A copy of the Draft Environmental Assessment will be sent to you for review and comment. Should you have any questions in the meantime, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,



Mark Alexander Roy, Planner

MAR:yp  
cc: Kazuyo Sugiyama, Elleair Hawaii  
Henry Inui, IM International, Inc.  
Kirk Tanaka, R. T. Tanaka Engineers, Inc.

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JUN 16 2006



DEPARTMENT OF  
**HOUSING AND HUMAN CONCERNS**  
COUNTY OF MAUI

ALAN M. ARAKAWA  
Mayor

ALICE L. LEE  
Director

HERMAN T. ANDAYA  
Deputy Director

---

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

June 7, 2006

Mr. Mark Alexander Roy, Planner  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Roy:

**SUBJECT: PROPOSED DEMOLITION OF REMAINING MAUI PALMS  
HOTEL STRUCTURE AT TMK (2)3-7-03:007 AND  
009 (POR.) KAHULUI, MAUI, HAWAII**

We have reviewed your May 31, 2006 early consultation letter and enclosures for the subject activity and would like to offer the following comments:

1. We have no comment to offer on the proposed demolition of the remaining structure at the Maui Palms Hotel.
2. Pursuant to Chapter 2.94, Maui County Code, the County of Maui and Elleair Hawaii, Inc. have entered into an affordable housing agreement (dated May 19, 2006) for the Maui Beach Hotel Renovation/Maui Palms Hotel Redevelopment Project.

Thank you for the opportunity to comment.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE  
Director

ETO:hs

c: Housing Administrator

October 2, 2006

Ms. Alice Lee, Director  
**Department of Housing  
and Human Concerns**  
200 South High Street  
Wailuku, Hawaii 96793

SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2)-3-7-003:007 and 009 (por.), Kahului, Maui

Dear Ms. Lee:

Thank you for your letter dated June 7, 2006, responding to our request for early consultation comments on the subject project.

We acknowledge the confirmation issued by your office that an affordable housing agreement (dated May 19, 2006) has been entered into, by the County of Maui and the applicant (Elleair Hawaii, Inc.) for the Maui Beach Hotel Renovation/Maui Palms Hotel Redevelopment Project.

We appreciate the input provided by your office. A copy of the Draft Environmental Assessment will be sent to you for review and comment.

Very truly yours,



Mark Alexander Roy, Planner

MAR:yp

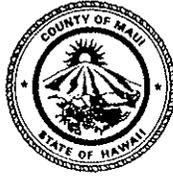
cc: Kazuyo Sugiyama, Elleair Hawaii, Inc.

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ALAN M. ARAKAWA  
Mayor

MICHAEL W. FOLEY  
Director

Don Couch  
Deputy Director



JUN 22 2006

COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

June 20, 2006

Mr. Mark Alexander Roy  
Munekiyo & Hiraga  
305 High Street, Suite 104  
Wailuku, HI 96793

Dear Mr. Roy:

RE: Preconsultation in Preparation of a Draft Environmental Assessment for the Proposed Demolition of the Remaining Maui Palms Hotel Structure located at TMK: 3-7-003: 007 and 009 (portion), Kahului, Island of Maui, Hawaii (EA 2006/0013) (SSV 2006/0003)

The Maui Planning Department (Department) provides the following comments as preconsultation in preparation of the Draft Environmental Assessment (EA) for the following proposed action:

- Demolish a building of the Maui Beach Hotel located within the shoreline setback.

Based on the foregoing, the Department provides the following comments:

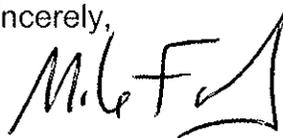
1. The accepting authority for the EA is the Maui Planning Commission.
2. Include a summary of the redevelopment plans as approved (SM1 2002/0012). Provide a timeline for implementation of SM1 2002/0012, including the proposed action.
3. Clarify whether SM1 2002/0012 includes the proposed action. Discuss the reason for proceeding with the Chapter 343, HRS, process after issuance of the SMA Permit. Include the SM1 letter of approval as an appendix.
4. Include a demolition and recycling plan.
  - a. Provide a detailed discussion of the proposed demolition and recycling plan.

Mr. Mark Alexander Roy  
June 20, 2006  
Page 2

- b. Discuss the anticipated timeframe, including total length of time, to complete demolition.
  - c. Identify the end destination of demolished and recycled materials for both soft and hard demolition activities.
  - d. Identify on a site plan areas designated for heavy equipment and stockpiled materials. Please be advised that heavy equipment and stockpiled materials should remain out of the shoreline setback area during demolition activities.
5. Clarify whether recycling activities will require transport to the Kahului Harbor. Provide additional information regarding the estimated tonnage per truck and trucks per day anticipated with demolition. Discuss potential impacts to traffic.
  6. Discuss Best Management Practices (BMPs) proposed to prevent potential contaminants from entering nearshore coastal waters during demolition activities. Identify on site plans the shoreline setback area and its method of calculation (erosion-rate based and/or average lot depth). Identify and label flood zones contours on the site plan.
  7. Clarify whether any asbestos-containing building materials, lead-based paint, or arsenic-containing building materials are present in the proposed structure to be demolished. If these materials are present, discuss potential impacts to air and water quality from demolition and proposed mitigative measures.

Should you require further clarification, please contact Ms. Kivette Caigoy, Environmental Planner, at 270-7735.

Sincerely,



MICHAEL W. FOLEY  
Planning Director

MWF:KAC:sec

c: Don Couch, Deputy Planning Director  
Colleen Suyama, Staff Planner  
Thorne Abbott, Staff Planner  
EA Project File  
General File

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MICHAEL T. MUNEKIYO  
GWEN OHASHI HIRAGA  
MITSURU "MICH" HIRANO

KARLYNN KAWAHARA

October 2, 2006

Mr. Michael W. Foley, Director  
Department of Planning  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2)-3-7-003:007 and 009 (por.), Kahului, Maui

Dear Mr. Foley:

Thank you for your letter dated June 20, 2006, responding to our request for early consultation comments on the subject action. In response to your comments, we note the following:

1. We acknowledge the determination that the Maui Planning Commission is the accepting authority for the subject project.
2. The Draft EA will include both a summary of the redevelopment plans for the property and a timeline for the demolition activities.
3. The original Maui Palms Hotel consisted of six (6) buildings. Five (5) of the six were demolished prior to the filing of the Special Management Area (SMA) permit application for the redevelopment action. The building to be demolished was kept in service for guest accommodation purposes.

At the time the SMA permit application was filed, the Maui Beach/Maui Palms property existed as two (2) separate tax parcels. The determination of the shoreline setback under this two-parcel configuration placed the structure to be demolished outside of the shoreline setback area. Accordingly, the proposed demolition action was not subject to the Shoreline Setback Variance (SSV) requirements. Subsequently, the applicant consolidated the separate Maui Beach and Maui Palms hotel parcels into a single lot. Under the single lot configuration, a new shoreline setback line was calculated and it was determined that the subject building is now located within the limits of the setback.

The Planning Department has determined that demolition actions within the shoreline setback area are required to obtain a SSV. For this reason, a Chapter 343, HRS environmental assessment is being prepared to support the application for a SSV.

A copy of the SM1 (2001/0012) letter dated January 24, 2002 will be included as an appendix in the Draft EA.

4. The Draft EA will include a demolition plan and will discuss the following:
  - a. The scope of proposed demolition activities.
  - b. The anticipated time frame for demolition activities.
  - c. Disposal of demolished and recycling of materials.
  - d. Handling of heavy equipment and stockpiled materials.
5. An assessment of opportunities for the recycling of materials will be conducted by the applicant prior to the initiation of the proposed demolition project. A discussion of potential impacts to traffic flow due to the proposed project will be included in the Draft EA along with any appropriate mitigation measures.
6. The implementation of Appropriate Best Management Practices (BMPs) to mitigate potential impacts on coastal waters will be discussed in the Draft EA. The Draft EA will also identify the shoreline setback area and its method of calculation. A discussion of flood hazards will also be included within the Draft EA.
7. The applicant will conduct an assessment to determine the presence of any hazardous materials prior to the initiation of demolition activities. The demolition and disposal of any hazardous building materials will be in accordance with all applicable federal, state and county regulations. The Draft EA will discuss potential impacts to air and water quality from demolition and will propose appropriate mitigation measures as necessary.

Michael W. Foley, Director  
September 29, 2006  
Page 3

We appreciate the input provided by your office. A copy of the Draft Environmental Assessment will be provided for your review and comment.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark Alexander Roy', written over a series of horizontal lines.

Mark Alexander Roy, Planner

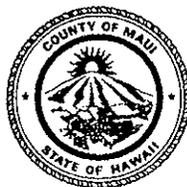
MAR:lh

cc: Kazuyo Sugiyama, Elleair Hawaii, Inc.  
Henry Inui, IM International, Inc.  
Kirk Tanaka, R. T. Tanaka Engineers, Inc.

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JUN 15 2006

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

700 Hali'a Nako Street, Unit 2, Wailuku, Hawaii 96793

June 7, 2006

Mr. Mark Alexander Roy, Planner  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Roy:

SUBJECT: EARLY CONSULTANT REQUEST FOR PROPOSED DEMOLITION OF  
REMAINING MAUI PALMS HOTEL STRUCTURE AT  
TMK (2) 3-7-03:007 AND 009 (POR.), KAHULUI, MAUI, HAWAII.

We are in receipt of your letter dated May 31, 2006 and have no comments at this time.

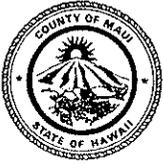
Thank you for the opportunity to review and comment. Any further concerns or questions, please contact me or Mr. Patrick Matsui, Chief of Parks Planning and Development at (808) 270-7387.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn T. Correa", is written over a horizontal line.

GLENN T. CORREA  
Director

cc: Patrick Matsui, Chief of Parks Planning & Development  
Kazuyo Sugiyama, Elleair Hawaii



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE  
tj  
YOUR REFERENCE

**POLICE DEPARTMENT**  
COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411

June 16, 2006



THOMAS M. PHILLIPS  
CHIEF OF POLICE

KEKUAUPIO R. AKANA  
DEPUTY CHIEF OF POLICE

Mr. Mark Alexander Roy, Planner  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, HI 96793

Dear Mr. Roy:

**SUBJECT:** Early Consultation for Proposed Demolition of Remaining Maui Palms  
Hotel Structure at TMK (2) 3-7-03:007 and 009 (por.)

Thank you for your letter of May 31, 2006, requesting comments on the above  
subject.

We have reviewed the information submitted for this project and have enclosed our  
comments and recommendations. Thank you for giving us the opportunity to comment on  
this project.

Very truly yours,

Acting Assistant Chief Glenn Miyahira  
for: Thomas M. Phillips  
Chief of Police

c: Michael Foley, Planning Department

Enclosure

COPY

Preliminary review  
by Sgt. Vickers to  
be forwarded to  
Munekiyo & Hiraga.  
Duty Station  
1/15/02

**TO : THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI**  
**VIA : CHANNELS**  
**FROM : MARK VICKERS, ADMINISTRATIVE SERGEANT,  
WAILUKU PATROL**  
**SUBJECT : EARLY CONSULTATION REQUEST FOR PROPOSED  
DEMOLITION OF REMAINING MAUI PALMS HOTEL  
STRUCTURE**

Sir, this TO-FROM is being sent as requested to provide comments/recommendations regarding the proposed demolition of the remaining Maui Palms Hotel structure.

Comments/recommendations made will be limited in scope to that of traffic-related concerns and safety issues.

Upon reviewing the letter submitted by Munekiyo & Hiraga, Inc., the following determinations have been made:

The applicant, Elleair Hawaii, Inc., is proposing to demolish the last remaining wing of the former Maui Palms Hotel. This demolition is one component of the planned Maui Palms Hotel Redevelopment Project on this property.

The applicant has already received a Special Management Use Permit (SM1 2001/0012) for the entire Maui Palms Hotel Redevelopment Project dated January 24, 2002.

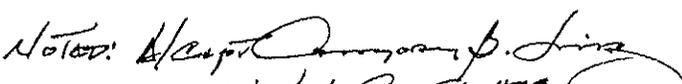
The demolition and removal of the last remaining Maui Palms Hotel structure will represent the final phase of demolition for the subject property.

Suggest demolition of structure take place as to minimally impact traffic in the area. This includes bringing equipment/materials into and removing equipment/materials from the demolition site.

Further suggest safety measures be followed as to provide safety to traffic and pedestrians in the vicinity of the demolition. Consideration to be made regarding debris and dust that may impair visibility for nearby vehicular traffic and pedestrians.

Submitted for your perusal,

  
Sgt. Mark M.K. Vickers E-10046  
Administrative Sergeant  
Wailuku Patrol  
061406 @ 1330 Hours

Noted:   
01/14/02 @ 1510 HRS. 



MICHAEL T. MUNEKIYO  
GWEN OHASHI HIRAGA  
MITSURU "MICH" HIRANO

KARLYNN KAWAHARA

October 2, 2006

Thomas M. Phillips  
Chief of Police  
Maui Police Department  
55 Mahalani Street  
Wailuku, Hawaii 96793

SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2)-3-7-003:007 and 009 (por.), Kahului, Maui

Dear Chief Phillips:

Thank you for your letter dated June 16, 2006, responding to our request for early consultation comments on the subject action.

In response to your comments, we note that the Draft EA will discuss potential impacts to traffic resulting from the subject action and will suggest appropriate mitigation measures.

All necessary safety measures will be implemented to provide safety to traffic and pedestrians in the vicinity of the demolition. Best Management Practices (BMPs) will also be implemented, prior to the initiation of demolition activities to mitigate impact from debris and dust.

We appreciate the input provided by your office. A copy of the Draft Environmental Assessment will be provided for your review and comment.

Very truly yours,

Mark Alexander Roy, Planner

MAR:lh

cc: Kazuyo Sugiyama, Elleair Hawaii, Inc.  
Henry Inui, IM International, Inc  
Kirk Tanaka, R. T. Tanaka Engineers, Inc.

F:\DATA\Elleair\MBeach\mpdres.ltr.wpd

ALAN M. ARAKAWA  
Mayor

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

MICHAEL M. MIYAMOTO  
Deputy Director

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



COUNTY OF MAUI  
**DEPARTMENT OF PUBLIC WORKS  
AND ENVIRONMENTAL MANAGEMENT**  
200 SOUTH HIGH STREET, ROOM 322  
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.  
Development Services Administration

DAVID TAYLOR, P.E.  
Wastewater Reclamation Division

CARY YAMASHITA, P.E.  
Engineering Division

BRIAN HASHIRO, P.E.  
Highways Division

TRACY TAKAMINE, P.E.  
Solid Waste Division

June 21, 2006

Mr. Mark Alexander Roy, Planner  
MUNEKIYO & HIRAGA, INC.  
305 High Street, Suite 104  
Wailuku, Maui, Hawaii 96793

Dear Mr. Roy:

SUBJECT: EARLY CONSULTATION FOR MAUI PALMS HOTEL -  
DEMOLITION  
TMK: (2) 3-7-003:007

We reviewed your early consultation request and have the following comment:

- 1. Include demolition waste reuse, recycling and disposal.

Please call Michael Miyamoto at 270-7845 if you have any questions regarding this letter.

Sincerely,



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

MMA:MMM:jm

S:\LUCA\CZM\Draft Comments\37003007\_maui\_palms\_demo\_early\_cons\_jm.wpd



MICHAEL T. MUNEKIYO  
GWEN DHASHI HIRAGA  
MITSURU "MICH" HIRANO  
  
KARLYNN KAWAHARA

October 2, 2006

Mr. Milton M. Arakawa, A.I.C.P.  
Director  
**Department of Public Works and  
Environmental Management**  
200 South High Street, Room 322  
Wailuku, Hawaii 96793

SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2)-3-7-003:007 and 009 (por.), Kahului, Maui

Dear Mr. Arakawa:

Thank you for your letter dated June 21, 2006, responding to our request for early consultation comments on the subject project. An assessment of opportunities for the reuse and recycling of materials will be conducted by the applicant prior to the initiation of the proposed demolition project. All materials deemed unfit for reuse/recycling will be disposed of at an appropriate Department of Health permitted disposal facility in line with applicable federal, state and county regulations.

We appreciate the input provided by your office. A copy of the Draft Environmental Assessment will be provided for your review and comment.

Very truly yours,

Mark Alexander Roy, Planner

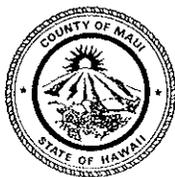
MAR:lh

cc: Kazuyo Sugiyama, Elleair Hawaii, Inc.  
Henry Inui, IM International, Inc.  
Kirk Tanaka, R. T. Tanaka Engineers, Inc.

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JUN 16 2006

ALAN M. ARAKAWA  
MAYOR



KYLE K. GINOZA  
Director  
DON A. MEDEIROS  
Deputy Director  
Telephone (808) 270-7511  
Facsimile (808) 270-7505

**DEPARTMENT OF TRANSPORTATION**

COUNTY OF MAUI  
200 South High Street  
Wailuku, Hawaii, USA 96793-2155

June 14, 2006

Mr. Mark Alexander Roy, Planner  
Munekiyo & Hiraga, Inc.  
305 High Street  
Suite 104  
Wailuku, HI 96793

SUBJECT: Early Consultation Request for Proposed Demolition of Remaining Maui  
Palms Hotel Structure at TMK (2) 3-7-03:007 and 009 (por.), Kahului, Maui,  
Hawaii

Dear Mr. Roy,

In response to your letter regarding the above subject matter, we have reviewed the project overview and location maps and have no comments to add at this time.

Should you have any questions, or require additional information, please feel free to contact our office at 270-7511.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. Ginoza".

*cc* Kyle K. Ginoza,  
Director

/dcy



June 13, 2006

Munekiyo & Hiraga, Inc.  
Attn: Mr. Mark Alexander Roy, Planner  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Roy,

Subject: Maui Palms Hotel Structure – Early Consultation for Proposed Demolition –  
Kaahumanu Avenue  
Kahului, Maui, Hawaii  
TMK: (2) 3-7-003:007 and 009

Thank you for allowing us to comment on the subject project.

In reviewing our records and the information received, Maui Electric Company (MECO) has no objection to the demolition work at this time. Please contact our Engineering Department if any electrical service from MECO will be terminated and removed. We highly encourage the customer's electrical consultant to submit the electrical demand requirements and project time schedule as soon as practical for their redevelopment plans so that service can be provided on a timely basis.

In addition, we suggest that the developer and/or their consultant make contact with Walter Enomoto of our Demand Side Management (DSM) group at 872-3283 to review potential energy conservation and efficiency opportunities for their project.

Should you have any other questions or concerns, please call Ray Okazaki at 871-2340.

Sincerely,

A handwritten signature in black ink that reads "Neal Shinyama". The signature is written in a cursive, flowing style.

Neal Shinyama  
Manager, Engineering

NS/ro:lh

c: Walter Enomoto – MECO DSM

October 2, 2006

Mr. Neal Shinyama  
Manager, Engineering  
**Maui Electric Company, Ltd.**  
P. O. Box 398  
Kahului, Hawaii 96733-6898

SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2)-3-7-003:007 and 009 (por.), Kahului, Maui

Dear Mr. Shinyama:

Thank you for your letter of June 13, 2006, responding to our early consultation request for comments on the subject project.

All necessary electrical service coordination with MECO will be undertaken by the project electrical engineer, prior to the initiation of the proposed demolition activities. Further, electrical demand requirements and the project time schedule for the redevelopment of the property will be submitted to MECO, as they become available. The electrical engineer will also review potential energy conservation and efficiency opportunities for the redevelopment project with your Demand Side Management group.

We appreciate the input provided by your office. A copy of the Draft Environmental Assessment will be sent to you for review and comment.

Very truly yours,



Mark Alexander Roy, Planner

MAR:yp

cc: Kazuyo Sugiyama, Elleair Hawaii, Inc.  
Henry Inui, IM International, Inc.  
Randall Asato, Cedric D.O. Chong & Associates, Inc.

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Hawaiian Telcom 

June 5, 2006

Munekiyo & Hiraga, Inc.  
Attention: Mr. Mark Alexander Roy  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request for Proposed Demolition of Remaining Maui Palms  
Hotel Structure at TMK: (2) 3-7-03:007 and 009 (por.), Kahului, Maui, Hawaii.

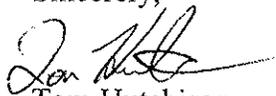
Dear Mr. Roy;

Thank you for providing Hawaiian Telcom the opportunity to comment on the Early  
Consultation Request for Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK: (2) 3-7-03:007 and 009 (por.), Kahului, Maui, Hawaii.

Hawaiian Telcom has no comments on this project at this time.

If there are any questions, please call me at (808) 242-5107.

Sincerely,



Tom Hutchison  
OSP Engineer  
Network Engineering & Planning

COPY TO: File (3030-KLUI)  
T. Hutchison  
TPS#J-0606-067

**X. LETTERS RECEIVED  
DURING THE DRAFT  
ENVIRONMENTAL  
ASSESSMENT REVIEW  
PERIOD AND RESPONSES  
TO SUBSTANTIVE  
COMMENTS**

## **X. LETTERS RECEIVED DURING THE DRAFT ENVIRONMENTAL ASSESSMENT REVIEW PERIOD AND RESPONSES TO SUBSTANTIVE COMMENTS**

A Draft Environmental Assessment for the subject project was filed and published in the Office of the Environmental Quality Control's The Environmental Notice on January 8, 2007.

Comments on the Draft EA were received during the 30-day public comment period. Comments, as well as responses to substantive comments, are included in this chapter.



Natural Resources Conservation Service  
210 Ima Kala St. Ste 209  
Wailuku, HI 96793  
808-244-3100

---

December 20, 2006

Mr. Thorne Abbott  
Planning Department  
County of Maui  
250 S. High St.  
Wailuku, HI 96793

Dear Mr. Abbott:

Subject: Maui Palms Hotel Demolition of Remaining Building  
TMK: 3-7-003: 007 and 009

We have no comment regarding this matter.

Thank you for the opportunity to comment.

Sincerely,

Ranae Ganske-Cerizo  
District Conservationist



DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, HONOLULU  
BUILDING 223  
FORT SHAFTER, HAWAII 96858-5440

REPLY TO  
ATTENTION OF: CEPOH-EC-T

December 15, 2006

'06 DEC 18 P1:51

Civil Works Technical Branch

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

Mr. Thorne E. Abbott, Staff Planner  
County of Maui  
Department of Planning  
250 South High Street  
Wailuku, Maui, Hawaii 96793

Dear Mr. Abbott:

Thank you for the opportunity to review and comment on the Shoreline Setback Variance and Draft Environmental Assessment (DEA) for the Proposed Demolition of the Maui Palms Hotel Structure, Maui (Tax Map Keys: 3-7-3: 7 and 9). The flood hazard information provided on Page 13 of the DEA is correct.

The documents have been forwarded to our Regulatory Branch to determine Department of the Army permit requirements. They will respond to your office under separate cover. Should you require additional information, please call Ms. Jessie Dobinchick of my staff at 438-8876.

Sincerely,

A handwritten signature in cursive script that reads "James Pennaz".

James Pennaz, P.E.  
Chief, Civil Works Technical Branch



MICHAEL T. MUNEKIYO  
GIVEN OHASHI HIRAGA  
MITSURU "MICK" HIRANO  
KARLOS KAWAHARA

MARK ALEXANDER ROY

May 24, 2007

Mr. James Pennaz, P.E.  
Chief, Civil Works Technical Branch  
**Department of the Army**  
U. S. Army Engineer District, Honolulu  
Building 230  
Fort Shafter, Hawai'i 96858-5440

**SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2) 3-7-003:007 and 009, Kahului, Maui, Hawai'i  
(EA 2006/0013, SSV 2006/0003)**

---

Dear Mr. Pennaz:

Thank you for your letter dated December 15, 2006, providing comments on the Draft Environmental Assessment (EA) and Shoreline Setback Variance application (SSV) for the subject project. We acknowledge your determination that the flood hazard information contained within the Draft EA is correct.

We appreciate the input provided by your office. Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

Mark Alexander Roy, Planner

MAR:yp

cc: Thorne Abbott, County of Maui, Department of Planning  
Kazuyo Sugiyama, Elleair Hawai'i, Inc.

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JAN 22 2007

RUSS K. SAITO  
Comptroller

KATHERINE H. THOMASON  
Deputy Comptroller

STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING  
AND GENERAL SERVICES  
SURVEY DIVISION  
P.O. BOX 119  
HONOLULU, HAWAII 96810-0119

Response Refer to:  
Ma-489(06)

December 15, 2006

MEMORANDUM

TO: Michael W. Foley, Planning Director  
Maui County Planning Department

ATTN.: Thorne E. Abbott, Staff Planner

FROM: *RS*  
Reid K. Siarot, State Land Surveyor  
DAGS, Survey Division

SUBJECT: I.D.: SSV 2006/0003, EA 2006/0013  
TMK: 3-7-003:007 and 009  
Project Name: Maui Palms Hotel Demolition of Remaining Building  
Applicant: Munekiyo & Hiraga

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED  
06 DEC 18 P 1:49

We have reviewed the Application for Special Management Area Permit for the above subject.

Please be advised that our records indicate that Horizontal Survey Control (KAHULUI HARBOR ENT RNG F LT) is possibly located within the improvement area on the proposed Maui Palms Hotel Demolition of Remaining Building site [see attached National Geodetic Survey (NGS) Data Sheets]. *MISSING*

Please be further advised that if there is a possibility the Horizontal Survey Control will be disturbed or destroyed, the Horizontal Survey Control must be referenced and eventually replaced. Copies of field notes, descriptions and new values of the replaced Horizontal Survey Control should be sent to our office.

*CONDITION FOR SMA*

Should you have any questions, please call me at 586-0390.



MICHAEL T. MUNEKINO  
GWEN OHASHI HIRAGA  
MITSURU "MICK" HIRANO  
KAROLYN KAWAHARA  
  
MARK ALEXANDER ROY

May 24, 2007

Reid K. Siarot  
State Land Surveyor  
**Department of Accounting  
and General Services**  
Survey Division  
P. O. Box 119  
Honolulu, Hawai'i 96810

**SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2) 3-7-003:007 and 009, Kahului, Maui, Hawai'i  
(EA 2006/0013, SSV 2006/0003)**

---

Dear Mr. Siarot:

Thank you for your letter dated December 15, 2006, providing comments on the Draft Environmental Assessment (EA) and Shoreline Setback Variance application (SSV) for the subject project.

We acknowledge the determination that there is possibly a Horizontal Survey Control (HSC) (Kahului Harbor Ent Rng F LT) possibly located within the vicinity of the demolition site.

The HSC will be replaced should it be impacted by demolition activities. Documentation (field notes, new values etc.) will be submitted to DAGS in the event the HSC requires replacement, as applicable.

We appreciate the input provided by your office. Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

Mark Alexander Roy, Planner

MAR:yp

cc: Thorne Abbott, County of Maui, Department of Planning  
Kazuyo Sugiyama, Elleair Hawai'i, Inc.  
Henry Inui, I M International, Inc.  
Kirk Tanaka, R. T. Tanaka Engineers, Inc.

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72

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH

'07 JAN 23 12:30

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

In reply, please refer to:  
EPO-06-212

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

January 18, 2007

Mr. Michael W. Foley, Director  
County of Maui  
Department of Planning  
250 South High Street  
Wailuku, Maui, Hawaii 96793

Dear Mr. Foley:

SUBJECT: SSV 2006/0003, EA 2006/0013  
Application for Shoreline Setback Variance and Draft Environmental Assessment  
for the Proposed Demolition of Remaining Maui Palms Hotel Structure  
Kahului, Maui, Hawaii  
TMK: (2) 3-7-003: 007 and 009

Thank you for allowing us to review and comment on the subject document. The document was routed to the various branches of the Environmental Health Administration. We have the following Clean Air Branch and Noise, Radiation & Indoor Air Quality Branch comments.

Clean Air Branch

**Control of Fugitive Dust**

A significant potential for fugitive dust emissions exists during all phases of construction and operations. Proposed activities that occur in proximity to existing residences, businesses, public areas or thoroughfares, exacerbate potential dust problems. It is recommended that a dust control management plan be developed which identifies and addresses all activities that have a potential to generate fugitive dust. The plan, which does not require the Department of Health (DOH) approval, would help with recognizing and minimizing the dust problems from the proposed project.

Activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1-33 on Fugitive Dust. In addition, for cases involving mixed land use, we strongly recommend that buffer zones be established, wherever possible, in order to alleviate potential nuisance problems.

Mr. Foley  
January 18, 2007  
Page 2

The contractor should provide adequate measures to control the fugitive dust from the road areas and during the various phases of construction. Examples of measures that can be implemented to control dust include, but are not limited to, the following:

- a) Planning the different phases of construction, focusing on minimizing the amount of dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
- b) Providing an adequate water resource at the site prior to start-up of construction activities;
- c) Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d) Minimizing dust from shoulders and access roads;
- e) Providing adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- f) Controlling dust from debris being hauled away from the project site.

If you have any questions, please contact the Clean Air Branch at 586-4200

Noise, Radiation & Indoor Air Quality Branch

Project activities shall comply with the Administrative Rules of the Department of Health:

- Chapter 11-41           Lead Substances
- Chapter 11-46           Community Noise Control.
- Chapter 11-501         Asbestos Requirements.
- Chapter 11-503         Fees for Asbestos Removal and Certification
- Chapter 11-504         Asbestos Abatement Certification Program

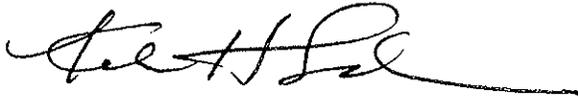
Should there be any questions, please contact Russell S. Takata, Environmental Health Program Manager, Noise, Radiation and Indoor Air Quality Branch, at 586-4701.

We strongly recommend that you review all of the Standard Comments on our website: [www.state.hi.us/health/environmental/env-planning/landuse/landuse.html](http://www.state.hi.us/health/environmental/env-planning/landuse/landuse.html). Any comments specifically applicable to this project should be adhered to.

Mr. Foley  
January 18, 2007  
Page 3

If there are any questions about these comments please contact Jiakai Liu with the Environmental Planning Office at 586-4346.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelvin H. Sunada', with a long horizontal line extending to the right.

KELVIN H. SUNADA, MANAGER  
Environmental Planning Office

c: EPO  
CAB  
N&R/IAQ



MICHAEL T. MUNEKIYO  
GWEN OHASHI HIRAGA  
MITSURU "MICK" HIRANO  
KARLENE KAWASARA  
  
MARK ALEXANDER BOY

May 24, 2007

Kelvin H. Sunada, Manager  
Environmental Planning Office  
State of Hawai'i  
**Department of Health**  
P. O. Box 3378  
Honolulu, Hawai'i 96801-3378

**SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2) 3-7-003:007 and 009, Kahului, Maui, Hawai'i  
(EA 2006/0013, SSV 2006/0003)**

---

Dear Mr. Sunada:

Thank you for your letter dated January 18, 2007, providing consolidated comments from the Clean Air Branch and the Noise, Radiation and Indoor Air Quality Branch on the Draft Environmental Assessment (EA) and Shoreline Setback Variance application (SSV) for the subject project.

We offer the following in response to the comments noted, of which have been organized in the same order as which they appear in your letter:

### **CLEAN AIR BRANCH**

Best Management Practices will be implemented both prior to and during demolition activities to ensure that the potential for dust and associated nuisance impacts is minimized, as much as is reasonably practicable. Demolition activities will comply with Section 11-60.1-33 of the Hawaii Administrative Rules on Fugitive Dust.

### **NOISE, RADIATION AND INDOOR AIR QUALITY BRANCH**

The proposed demolition project will comply with applicable legislation contained within the Administrative Rules of the Department of Health. In addition, the project will comply with any other applicable regulatory requirements, as listed on the department's website.

Kelvin H. Sunada, Manager  
May 24, 2007  
Page 2

We appreciate the input provided by your office. Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark Alexander Roy', written over a series of horizontal lines.

Mark Alexander Roy, Planner

MAR:yp

cc: Thorne Abbott, County of Maui, Department of Planning  
Kazuyo Sugiyama, Elleair Hawai'i, Inc.  
Henry Inui, I M International, Inc.

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LINDA LINGLE  
GOVERNOR OF HAWAII



A handwritten signature in black ink, appearing to be "N/C".

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  
WAILUKU, MAUI, HAWAII 96793-2102  
January 18, 2007  
JAN 19 07 09:55  
DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

Mr. Jeffrey S. Hunt  
Director  
Department of Planning  
County of Maui  
250 South High Street  
Wailuku, Hawai'i 96793

Attention: Thorne E. Abbott

Dear Mr. Hunt:

Subject: **Maui Palms Hotel Demolition of Remaining Building**  
**TMK: (2) 3-7-003:007 and 009**  
**SSV 2006/0003, EA 2006/0013**

Thank you for the opportunity to comment on the Shoreline Variance Application and Environmental Assessment for the proposed demolition of the remaining Maui Palms Hotel structure. We have no comments to offer at this time.

Should you have any questions, please call me at 808 984-8230.

Sincerely,

A handwritten signature in black ink, appearing to be "H. Matsubayashi".

Herbert S. Matsubayashi  
District Environmental Health Program Chief

M/C

LINUA LINGLE  
GOVERNOR OF HAWAII



PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
DEPUTY DIRECTOR

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



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

February 9, 2007

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

'07 FEB 13 PM 2:12

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

Attention: Thorne E. Abbott

Gentlemen:

Subject: Draft Application for Shoreline Setback Variance for Maui Palms Hotel  
Demolition of Remaining Building, Kahului, Maui, Tax Map Key: (2) 3-7-  
3:7 and 9

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Office of Conservation and Coastal Lands and Land Division - Maui, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Russell Y. Tsuji  
Administrator

Cc: Central Files  
Molokai Properties Limited  
OEQC  
County of Maui

LINDA LINGLE  
GOVERNOR OF HAWAII



PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
DEPUTY DIRECTOR

DEAN NAKANO  
ACTING DEPUTY DIRECTOR - WATER

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



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

December 15 2006

*Do we  
have any  
comments?*

MEMORANDUM

TO: **DLNR Agencies:**  
\_\_\_ Div. of Aquatic Resources  
\_\_\_ Div. of Boating & Ocean Recreation  
\_\_\_ Engineering Division  
\_\_\_ Div. of Forestry & Wildlife  
\_\_\_ Div. of State Parks  
\_\_\_ Div. of Water Resource Management  
x Office of Conservation & Coastal Lands  
x Land Division – Maui District/Morris

DEPT OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

2006 DEC 18 A 11:16

CONSERVATION  
COASTAL LANDS

FROM: Russell Y. Tsuji  
SUBJECT: Application for Shoreline Setback Variance  
LOCATION: Kahului, Maui, TMK: (2) 3-7-3:7, 9  
APPLICANT: Munekiyo & Hiraga on behalf of Elleair Hawaii, Inc.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by February 6, 2007.

A copy of the document is available for your review in Land Division office, Room 220. A copy of this document can be reviewed at DLNR – Maui State Office Building.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments
- Comments are attached.

Signed: *[Signature]*  
Date: 12.26.06

2006 DEC 26 A 10:5

RECEIVED  
LAND DIVISION

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
DEPUTY DIRECTOR

DEAN NAKANO  
ACTING DEPUTY DIRECTOR - WATER

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

LAND DIVISION  
DEC 17 PM 12:16

December 15 2006

MEMORANDUM

TO: **DLNR Agencies:**  
 Div. of Aquatic Resources  
 Div. of Boating & Ocean Recreation  
 Engineering Division  
 Div. of Forestry & Wildlife  
 Div. of State Parks  
 Div. of Water Resource Management  
 Office of Conservation & Coastal Lands  
 Land Division – Maui District/Morris

2007 JAN -8 A 11:06  
RECEIVED  
LAND DIVISION

FROM: Russell Y. Tsuji  
SUBJECT: Application for Shoreline Setback Variance  
LOCATION: Kahului, Maui, TMK: (2) 3-7-3:7, 9  
APPLICANT: Munekiyo & Hiraga on behalf of Elleair Hawaii, Inc.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by February 6, 2007.

A copy of the document is available for your review in Land Division office, Room 220. A copy of this document can be reviewed at DLNR – Maui State Office Building.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed:   
Date: 1/3/07

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

PETER T. YOUNG  
CHAIRMAN  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES MANAGEMENT

ROBERT K. MARUDA  
DEPUTY DIRECTOR - LAND

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCES MANAGEMENT  
CONSERVATION AND CAPITAL LIVES  
CONSERVATION AND RESOURCES ENFORCEMENT  
IMPROVEMENT  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAMOOLOAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

February 20, 2007

Mr. Thome E. Abbott, Staff Planner  
County of Maui, Department of Planning  
250 South High Street  
Wailuku, Hawai'i 96793

LOG NO: 2006.4291  
DOC NO: 0701JP60  
Archaeology

Dear Mr. Abbott:

**SUBJECT: Chapter 6E-42 Historic Preservation Review [County/Planning] -  
Draft Environmental Assessment (EA 2006/0016) and  
Shoreline Setback Variance (SSV 2006/0003) for the  
Former Maui Palms Hotel Building Demolition  
Wailuku Ahupua'a, Wailuku District, Island of Maui  
TMK (2) 3-7-003:007 and 009**

Thank you for the opportunity to review the draft environmental assessment and shoreline setback variance for the former Maui Palms Hotel building demolition, which was received by our staff on December 21, 2006. Our review is based on reports, maps, and aerial photographs maintained at the State Historic Preservation Division (SHPD).

The proposed subject action consists of the demolition of the last remaining structure from the former Maui Palms Hotel. A small portion of the building falls within the shoreline setback area. The building, which is less than 50 years old, is located between the Kahului Beach Road/Ka'ahumanu Avenue intersection and the Maui Seaside Hotel.

We have provided comments for the project and recommended archaeological mitigation. We have previously reviewed an archaeological inventory survey conducted on the parcel in 1990 (LOG NO: 27933/ DOC NO: 0107CD42). Two historic artifact concentrations were identified within previously filled areas and issued State Inventory of Historic Places (SIHP) 50-50-04-5115 and -5116.

Based on the findings of the inventory survey combined with prior recommendations for archaeological monitoring during demolition and all ground disturbing activities; the proposed project requires a full-time archaeological monitor. We have previously accepted an archaeological monitoring plan for all ground disturbing activities on the subject parcels that includes the current proposed action (LOG NO: 2004.2464/ DOC NO: 0408MK06).

At the time the archaeological monitoring plan was accepted, we specified that the plan was prepared for all future on and off-site improvements that take place on the two parcels. According to our correspondence, specific activities proposed under the accepted monitoring plan include the demolitions of the former Maui Palms Hotel and the construction of a 136-room guest wing, swimming pool, and poolside bar. All future proposed activities in relation to the project (including the current demolition) were covered under the accepted monitoring plan.

Mr. Thorne E. Abbott  
Page 2

Therefore, a separate monitoring report will be submitted for all activities related to the former Maui Palms Hotel demolition. Upon the completion and following the submittal of the monitoring report for demolition, we recommend that additional testing be conducted. The accepted archaeological inventory survey is nearly 17 years old and we feel that further testing is crucial.

For this project, it is imperative to evaluate the passage of time in combination with recent improvements of archaeological survey and mitigation methods. The archaeological inventory survey report (1990) does not meet the current standards of investigation, as codified in the Hawai'i Administrative Rules (HAR) Chapters 13-275 through 13-284. We feel that sub-surface investigations in the form of backhoe trenching immediately following the Hotel demolition is necessary, in order to evaluate the effect the proposed undertaking will have on historic properties that may remain within the parcels. Following the completion of the Hotel demolition, archaeological inventory survey level testing will be conducted in consultation with lead SHPD archaeologist Dr. Melissa Kirkendall.

An archaeological inventory survey report (Updated) will be submitted and accepted by our office prior to any additional ground altering activities in relation to the proposed construction of the hotel, swimming pool and pool bar. The Updated archaeological inventory survey report will include detailed profiles describing the context of sub-surface conditions (soils) within the areas of potential effect and also report whether any additional historic properties were identified during archaeological monitoring of the demolition. The compiled information from the additional work will be submitted to SHPD regardless of the presence or absence of historic properties.

Please notify our Maui and O'ahu offices, via facsimile, at onset and completion of the project and monitoring program. Also, please ensure that consultation with Dr. Kirkendall occurs in order to determine the extent of archaeological inventory survey level testing that will follow the demolition activities.

We believe it is unlikely that any historic properties will be affected by the proposed building demolition under the conditions that our recommendations and the accepted archaeological monitoring plan are implemented. Please direct any questions or concerns to the Maui Office Annex of the State Historic Preservation Division at (808) 243-5169 or (808) 243-4641.

Aloha,

  
Melanie Chinen, Administrator  
State Historic Preservation Division

JP:mk:

c: Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793  
Ryan Levis, Chris Hart & Partners, 2182 'Ili'ili Road, Kihei, HI 96753  
Mr. Erik Fredericksen, Xamanek Researches, P.O. Box 880131, Pukalani, HI 96788  
Mr. Hinano Rodrigues, SHPD Culture and History, Maui, Cultural Historian  
MLIBC



MICHAEL T. MUNEKIYO  
GWEN OHASHI HIRAGA  
MITSURU "MICKY" HIRANO  
KAROLYN KAWAHARA

MAHE ALEXANDER BOY

May 24, 2007

Melanie Chinen, Administrator  
State of Hawai'i  
**Department of Land  
and Natural Resources**  
**State Historic Preservation Division**  
601 Kamokila Boulevard, Room 555  
Kapolei, Hawai'i 96707

**SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2) 3-7-003:007 and 009, Kahului, Maui, Hawai'i  
(EA 2006/0013, SSV 2006/0003)**

---

Dear Ms. Chinen:

Thank you for your letter dated February 20 2007, providing comments on the Draft Environmental Assessment (EA) and Shoreline Setback Variance application (SSV) for the subject project.

The SHPD-archaeological monitoring plan (LOG NO: 20042464/DOC NO: 0408MK06) will be implemented during all ground altering activities for the proposed demolition project. In addition, a monitoring report will be prepared and submitted to SHPD for review and approval following completion of ground-altering activities for the project. Furthermore, notification will be sent to both SHPD's Maui and Oahu offices by facsimile at the onset and completion of the demolition project.

In response to your comments regarding the validity of the 1990 archaeological inventory survey, the applicant has proceeded as requested with the preparation of a supplemental archaeological inventory survey (AIS) which meets current standards of investigation as codified in the Hawaii Administrative Rules (HAR) Chapters 13-275 through 13-284. AIS level subsurface testing was conducted by Xamanek Researches LLC in consultation with lead SHPD archaeologist Dr Melissa Kirkendall in March and April 2007. It is noted that no significant surface or subsurface historic resources were identified during the additional field testing. Additional subsurface testing requirements for the footprint of the building to be demolished will be coordinated with Dr. Kirkendall. The updated AIS report is currently being prepared by Xamanek Researches LLC and will be submitted to SHPD upon completion.

Melanie Chinen, Administrator  
May 24, 2007  
Page 2

As a final note, we acknowledge the determination by your office, that with the implementation of the SHPD-approved archaeological monitoring plan, it is unlikely that any historic properties will be affected by the proposed demolition project

We appreciate the input provided by your office. Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,



Mark Alexander Roy, Planner

MAR:yp

cc: Thorne Abbott, County of Maui, Department of Planning  
Erik Fredericksen, Xamanek Researches LLC  
Kazuyo Sugiyama, Elleair Hawai`i, Inc.  
Henry Inui, I M International, Inc.

F:\DATA\Elleair\MBeach\SHPD.deares.wpd

FEB 05 2007

LINDA LINGLE  
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON  
DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET  
LEIOPAPA A KAMEHAMEHA, SUITE 702  
HONOLULU, HAWAII 96813  
Telephone (808) 586-4185  
Facsimile (808) 586-4186  
Electronic Mail: [OEQC@doh.hawaii.gov](mailto:OEQC@doh.hawaii.gov)

February 2, 2007

Mr. Kazuyo Sugiyama  
Elleair Hawai'i, Inc.  
170 Ka'ahumanu Avenue  
Kahului, Hawai'i 96732

Mr. Mark Alexander Roy  
Munekiyō & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawai'i 96793

Mr. Michael W. Foley  
Mr. Thorne Abbott  
County of Maui – Department of Planning  
250 South High Street  
Wailuku, Hawai'i 96793

Dear Messrs. Sugiyama, Roy, Foley, and Abbott:

The Office of Environmental Quality Control has reviewed the draft environmental assessment for the Proposed Demolition of the Remaining Maui Palms Hotel Structure, Tax Map Key Number (2<sup>nd</sup>) 3-7-003, parcels 007 and 009, in the judicial district of Wailuku, submitted to the Office of Environmental Quality Control by way of a December 13, 2006, letter of Thorne Abbott for Michael Foley, to Genevieve Salmonson. The Office of Environmental Quality Control offers the following comments for your consideration and response.

1. **Proposed Demolition and Construction of New Four Story 136-Room Hotel:** The title of the environmental assessment is somewhat misleading, as page 4 of the draft environmental assessment makes reference to the Maui Palms Hotel Redevelopment Project. Since the scope of the project encompasses not only the demolition, *but the construction of a new structure*, direct, indirect and cumulative impacts to the environment need to be addressed with respect to the construction activities involved. Separating the demolition from the construction aspect of the project is not allowed under Section 11-2007-7, Hawai'i Administrative Rules. Please address direct, indirect and cumulative impacts associated not only with demolition and removal, but also associated with construction.
2. **Shoreline Hardening in the Construction of the New Four Story 136 Room Hotel:** An examination of Figure 4 evinces a proposed grasserete access road proximal to the shoreline setback line. Please provide construction details as to what this structure entails. Please refer to the guidance on shoreline hardening found on our Internet website at <http://www.state.hi.us/health/oeqc/guidance/shoreline.htm>. Also, on page 18, paragraph 2 of the draft environmental assessment, Mrs. Kealoha recalls the presence of a large retaining wall, since buried by sand. Please address this item in the environmental assessment.
3. **Sustainable Building and Landscaping:** The Office of Environmental Quality Control's Internet site contains guidance that may be of use to the applicant in the construction of the new building in accordance with sustainable building principles – please refer to <http://www.state.hi.us/health/oeqc/guidance/sustainable.htm>. The applicant is asked to consider the use of native and indigenous vegetation for landscaping purposes. An excellent resource to guide in the planning and design of such plantings can be found at <http://www.state.hi.us/health/oeqc/garden/index.html>.

Thank you for the opportunity to comment. If there are any questions, please call Mr. Leslie Segundo, Environmental Health Specialist, at (808) 586-4185.

Sincerely,

GENEVIEVE SALMONSON  
Director of Environmental Quality Control



MICHAEL T. MUNEKIYO  
GWEN ORASIE HIRAGA  
MITSURU "MICK" HIRANO  
KARLINS KAWAHARA

MARK ALEXANDER BBS

May 24, 2007

Genevieve Salmonson, Director  
**Office Of Environmental Quality Control**  
**Attention: Leslie Segundo,**  
**Environmental Health Specialist**  
235 South Beretania Street, Suite 702  
Honolulu, Hawai'i 96813

**SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2) 3-7-003:007 and 009, Kahului, Maui, Hawai'i  
(EA 2006/0013, SSV 2006/0003)**

---

Dear Ms. Salmonson:

Thank you for your letter dated February 2, 2007, providing comments on the Draft Environmental Assessment (EA) and Shoreline Setback Variance application (SSV) for the subject project. We offer the following responses to the comments noted, of which have been arranged in the same order as they appear in your letter:

1. The scope of the proposed project is limited to the demolition of the last remaining structure (hereafter referred to as 'Building K') of the former Maui Palms Hotel and does not include the hotel redevelopment project. A Special Management Area (SMA) Use Permit (SM1 2001/0012) for the Maui Palms Redevelopment Project (including the demolition of remaining structures) was approved by the Maui Planning Commission on January 22, 2002 and issued by the Department of Planning on January 24, 2002.

At the time of SMA approval for the hotel redevelopment project, the building currently proposed for demolition fell outside of the shoreline setback area for the property. The consolidation of the Maui Beach Hotel (TMK (2) 3-7-003:009) and former Maui Palms Hotel (TMK (2) 3-7-003:007) properties in 2005 resulted in the shoreline setback line being recalculated at 118.3 feet. This change in the shoreline setback line resulted in a small portion of Building K falling within the newly calculated shoreline setback area. A copy of the site plan identifying the encroaching portion and the shoreline setback line is attached as Exhibit "A". As such, the applicant is currently requesting a SSV from the Maui Planning Commission to remove the approximately 120 square foot encroaching portion of Building K from the shoreline setback area. Chapter 343 of the Hawaii Revised Statutes, requiring the preparation of an Environmental Assessment (EA), has been triggered by the SSV requirement as the project would involve the use of a small area of the

shoreline setback area. There are no other EA triggers for the subject project. Upon completion of the Chapter 343 process, the SSV will be scheduled for Maui Planning Commission for final determination on the SSV application.

2. The recalculation of the shoreline setback line (as noted in No. 1), also placed the proposed grasscrete accessway into the shoreline setback area. The proposed accessway, designed to promote infiltration of rainfall into the ground, is being implemented to maintain continual access for the U. S. Coast Guard (USCG) to a navigational aid which exists on a USCG-owned parcel of land located in the middle of the property. The proposed accessway is considered to be a minor structure under the Shoreline Rules for the Maui Planning Commission. As such, an SMA Minor Permit, Shoreline Setback Approval and EA exemption determination was issued by the County of Maui, Department of Planning for the proposed grasscrete accessway on April 23, 2007. See Exhibit "B".

As noted in your letter, a wall extending along the shoreline of the property of the former Maui Palms Hotel was noted during a cultural impact assessment (CIA) interview with Mrs. Amy Kealoha. A supplemental CIA interview with former Maui Beach Hotel owner Mr. Sam Hironaka was conducted during the preparation of the Final EA in order to obtain further information on the sea wall. A copy of the interview is attached as Exhibit "C" for your reference. The interview confirms that the seawall was constructed in 1963 to provide much needed shoreline protection to a portion of the subject property that suffered severe damage as a result of a tidal wave which hit Kahului Harbor in 1960. The seawall was constructed prior to the adoption of both state and county shoreline protection legislation and, as such, is considered to be an existing non-conforming seawall structure. The supplemental CIA interview will be included in the Final EA for the project in addition to a discussion on the historic background to the 1963 seawall.

3. The applicant will review and implement, where practicable, the sustainable building principles listed on OEQC's website in the hotel redevelopment project. Native and indigenous vegetation will be also be considered for use in the landscaping for the project.

Genevieve Salmonson, Director  
May 24, 2007  
Page 3

We appreciate the input provided by your office. Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark Alexander Roy', with several horizontal strokes underneath.

Mark Alexander Roy, Planner

MAR:yp

Enclosures

cc: Thorne Abbott, County of Maui, Department of Planning (w/enclosures)  
Kazuyo Sugiyama, Elleair Hawai'i, Inc. (w/enclosures)  
Henry Inui, I M International, Inc. (w/enclosures)

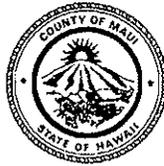
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CHARMAINE TAVARES  
Mayor

JEFFREY S. HUNT  
Director

COLLEEN M. SUYAMA  
Deputy Director



MAY 01 2007

COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

April 23, 2007

Mr. Mark Roy  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Roy:

**SUBJECT: SPECIAL MANAGEMENT AREA AND SHORELINE SETBACK ASSESSMENT FOR A PROPOSED GRASSCRETE ACCESS WAY AT THE MAUI PALMS HOTEL LOCATED AT TMK: 3-7-003:007 AND 3-7-003:009 (PORTION), KAHULUI, ISLAND OF MAUI, HAWAII (SMX 2007/0169) (SM2 2007/0028) (SSA 2007/0009) (EAE 2007/0015)**

In accordance with the Special Management Area Rules for the Maui Planning Commission (Commission), Sections 12-202-12 and 12-202-14, a determination has been made relative to the above-referenced project that:

1. The proposed project is for the construction of 600 linear feet of Grasscrete to serve as an access way to the U.S. Coast Guard (USCG) navigation aid located in the midst of the Maui Palms Hotel complex. The navigation aid stands on a separate 7,958 square foot property owned by the USCG, TMK 2-3-7-003:019. The existing access easement will be extinguished and relocated as part of the previously approved Maui Palms Redevelopment project, SM1 2001/0012. Due to the consolidation of Parcels 7 and 9, the navigation aid and the access road to it are now located within the shoreline setback area which is 118.3 feet based on the sites average lot depth;
2. The project is valued at less than \$125,000.00 (valuation of \$36,000.00);
3. The project will not have impacts to view planes;
4. The project involves minimal excavation of an area 4 feet wide x 600 feet long x 1 feet deep;

5. The project is located in the flood hazard zone A4, an area of 100 year flooding. However a flood development permit is not required because no structure is being built and grasscrete is permeable;
6. The State Historic Preservation Division of the Department of Land & Natural Resources (SHPD) previously approved an archeological monitoring plan on August 13, 2004, for all ground-disturbing activities related to proposed and future improvements on the hotel grounds. Based on two historic artifact concentrations identified on the hotel grounds, the SHPD recommended an archeologist be onsite during all ground-altering activities. On February 20, 2007, the SHPD recommended that a separate monitoring report be submitted for any ground altering activities at the hotel and additional sub-surface testing should be conducted in light of the archaeological inventory survey being 17 years old. The applicant concurred with this finding during a previous assessment (SMX 2007/0068);
7. The project will have no significant adverse environmental or ecological effect, taking into account potential cumulative effects; and
8. The project is consistent with the objectives, policies, and Special Management Area guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

Furthermore, in accordance with the Shoreline Rules for the Maui Planning Commission, Sections 12-203-3, 12-203-6, 12-203-11, and 12-203-12, a determination has been made relative to the above-referenced project that:

- a: The proposed work is located within the shoreline setback area, which is determined to be 118.3 feet based on the average depth of the parcel;
- b: The project site is located in Flood Hazard Zone A4, an area subject to 100-year flooding and has a base flood elevation of 8 feet;
- c: The proposed grasscrete access way is a minor structure;
- d: The proposed work does not adversely affect beach processes, does not artificially fix the shoreline, and does not interfere with public access or public views to and along the shoreline; and
- e: The proposed grasscrete access way provides the most acceptable alternative for access to the navigational aid while conforming to the intent of the shoreline rules.

Mr. Mark Roy  
April 23, 2007  
Page 3

In consideration of the above findings, the proposed structure is determined to be a minor structure and is permissible pursuant to 12-203-12(a)(8). Accordingly, you are hereby granted a Special Management Area Minor permit and a Shoreline Setback Approval subject to the following conditions:

- (1) That if any artifacts, cultural remnants or burials be encountered, all work shall cease immediately and the State Historic Preservation Division of the Department of Land & Natural Resources (SHPD) shall be immediately notified. No further work shall be permitted without their approval; and
- (2) In accordance with the SHPD's February 20, 2007 letter, a separate monitoring report should be submitted for the work when completed. In addition, the SHPD should be contacted prior to initiation of the project to determine if the excavation can contribute to requisite sub-surface testing for the site.

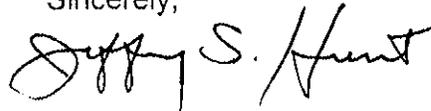
Moreover, the Department finds that the work triggers compliance with Chapter 343, Hawaii Revised Statutes (HRS), relating to the environmental review process because it is use of the shoreline. However, the action qualifies for a categorical exemption which allows:

Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

In light of the above determinations, you are hereby granted an Environmental Assessment Exemption.

Thank you for your cooperation. Should you require additional clarification, please contact Mr. Thorne Abbott, Staff Planner, at [thorne.abbott@co.maui.hi.us](mailto:thorne.abbott@co.maui.hi.us) or 270-7520.

Sincerely,



JEFFREY S. HUNT, AICP  
Planning Director

JSH:TEA:bg

c: Colleen M. Suyama, Deputy Planning Director  
Clayton I. Yoshida, AICP, Planning Program Administrator  
Aaron H. Shinmoto, PE, Planning Program Administrator (2)  
Thorne E. Abbott, Coastal Resources Planner  
Dr. Melissa Kirkendall, SHPD  
Project File  
General File  
K:\WP\_DOCS\PLANNING\ISSA\2007\0009\_MauiPalmsNavAidAccess\Approval.wpd

**PROPOSED DEMOLITION OF REMAINING  
MAUI PALMS HOTEL STRUCTURE  
AT TMK (2)3-7-03:007 AND 009  
CULTURAL IMPACT ASSESSMENT**

**Interview with:** Sam Hironaka

**Interviewed by:** Mark Alexander Roy, Planner  
Munekiyo & Hiraga, Inc.

Mr. Sam Hironaka (hereafter referred to as Mr. Hironaka) was interviewed by Mr. Mark Alexander Roy of Munekiyo & Hiraga, Inc. at the Maui Beach Hotel at 2:00 p.m. on Monday February 26, 2007. Mr. Hironaka, now retired, is 86 years old and was born and raised in Paia, Maui. Formerly an office manager at Kahului Development Company (a subsidiary of Alexander & Baldwin, Inc.), Mr. Hironaka was a pioneer of the savings and loan business on Maui. Mr. Hironaka established Maui Savings & Loan Association on June 8, 1962. In 1964 he was asked by Donald H. Tokunaga, President of Maui Enterprise Inc. (ME Inc.) to volunteer as project chairman for the company to spur economic development on Maui. It was a non-paying responsibility, in fact, all officers were volunteers under the U.S. Small Business Administration's (SBA) policy to assist establishment of businesses with the help of SBA, the banks, and ME Inc. The first project was Napili Kai Beach Hotel. Maui Beach Hotel was the fourth project. Mr. Hironaka held the position of Chief Executive Officer of American Savings Bank Hawai'i from 1974 until he took early retirement in 1982.

**PROPERTY BACKGROUND**

Mr. Hironaka provided the following history of the Maui Beach Hotel and Maui Palms Hotel properties:

Maui Beach Hotel, Inc. (MBH Inc.) was organized and Articles of Incorporation were filed by George Fukuoka, Masaru Pundy Yokouchi and Sam Hironaka on December 7, 1966. Stock at \$1.00 per share were sold to friends and others. The directors were all required to pay the same amount by SBA. It took a lot of red tape and documentation before architectural plans were finalized and financing arranged. The land was leased from Alexander & Baldwin, Inc. and administered by its subsidiary, Kahului Development Co. Construction was by Fuku Construction and completed in 1968. Maui Beach Hotel (MBH) is located on TMK (2)3-7-003:009.

The Maui Palms Hotel (MPH) was the first hotel to be constructed on the Kahului bay front. The hotel was constructed by Lyle Guslander and built at low cost in 1954. The lease was to be adjusted at predetermined intervals. Mr. Guslander was an astute businessman and

did not see a bright future by remaining on Maui. He left for Kaua'i, where there was a brighter future for him, in particular the right to purchase a hotel site in fee rather than as a leasehold. He left the MPH to a very loyal employee, Mr. Norman Hondo, who became the President of MPH. There were a number of stockholders at MPH when MBH Inc. purchased the hotel in 1979. MPH was located on TMK (2)3-7-003:007.

Mr. Bobby Pfeiffer, CEO and Chairman of Alexander & Baldwin, Inc., yielded to a request to purchase the land underlying the MBH and MPH in 1988.

### **1963 SHORELINE PROTECTION WORK**

Mr. Hironaka also provided the following account of the shoreline protection work that was completed for the property in 1963.

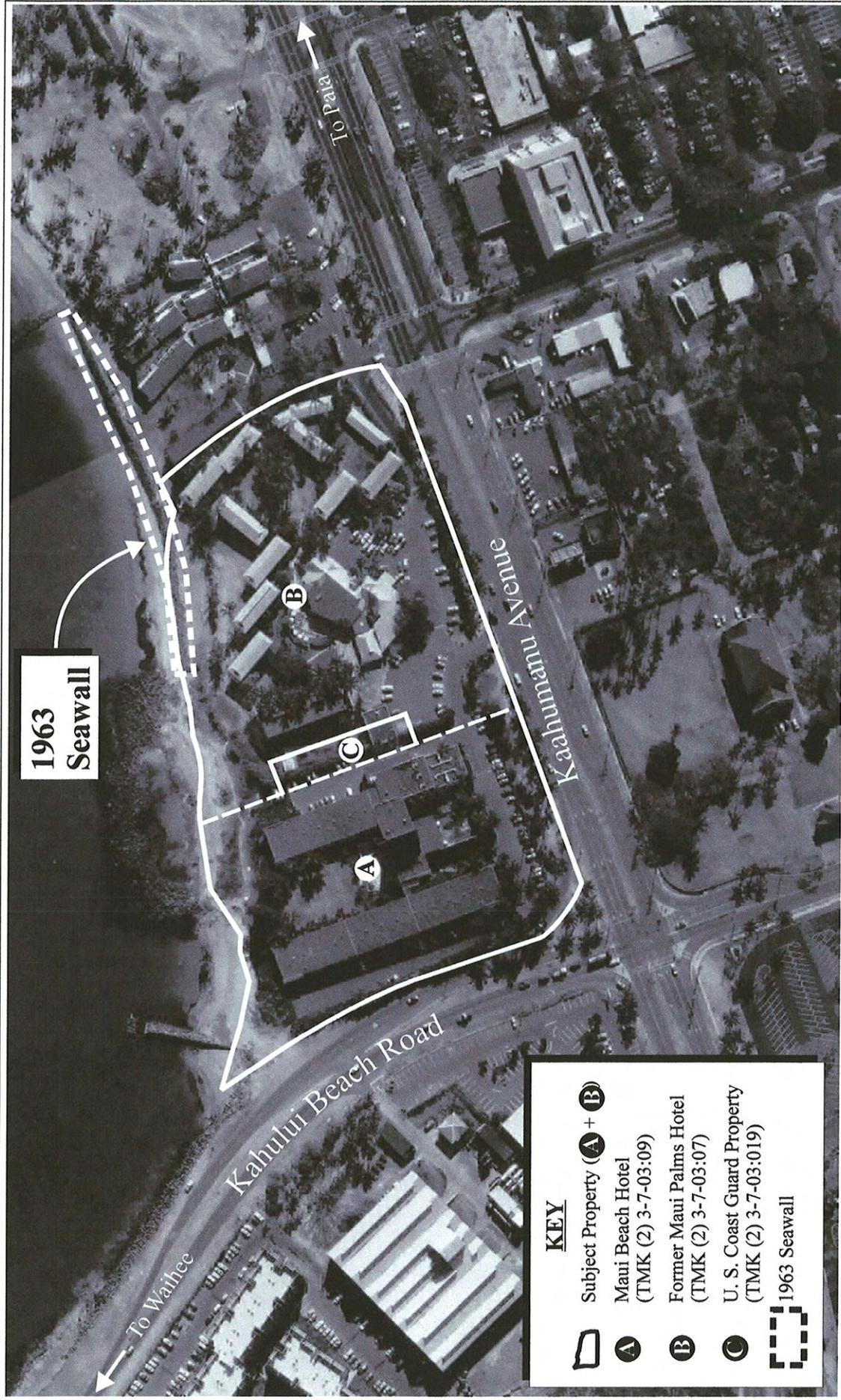
The historic tidal wave of May 23, 1960 caused much havoc in Hawai'i. The city of Hilo on the Big Island was heavily damaged with many lives lost. Mr. Hironaka was a member of the Men's Choir and visited the Church of Holy Cross in Hilo that particular weekend. While waiting at the airport in Hilo, a tidal wave warning was announced.

Mr. Hironaka noted that he had spoken with Mr. Norman Hondo prior to the interview regarding the 1960 tidal wave. According to Mr. Norman Hondo, the tidal wave eroded the shoreline of MPH in Kahului. Damage was especially heavy adjacent to the Maui Seaside (formerly the Maui Hukilau Hotel). Mr. Hondo stated that the building which housed guest room number 30 was left dangling without any sand to support it.

Mr. Hondo recalled that the U.S. Army Corps of Engineers placed boulders on the shoreline of where the MBH is today. He mentioned that the purpose was to protect the outflow of the drainage of Maui Pineapple Co.

As an emergency measure in response to the tidal wave damage along the property, sandbags were placed to prevent further erosion of MPH. Finally, Mr. Herbert Jackson, President and CEO of Kahului Development Co., arranged with the parent company of KDCO - namely HC&S Co., to use the Plantation's Giant cane hauling trucks (Euclid) to haul boulders from the cane fields and deposit them along the shoreline. This work was done in 1963. During the ensuing years, many of the small rocks were washed away into the ocean. Today, only the largest boulders remain on the shoreline.

An aerial photo has been included as **Exhibit "I"** showing the location and limits of the seawall that was constructed in 1963. Photos of the seawall structure as it appears today are attached as **Exhibit "II"** to this interview summary.



**1963  
Seawall**

**KEY**

-  Subject Property (A + B)
-  Maui Beach Hotel (TMK (2) 3-7-03:09)
-  Former Maui Palms Hotel (TMK (2) 3-7-03:07)
-  U. S. Coast Guard Property (TMK (2) 3-7-03:019)
-  1963 Seawall

Source: UH Coastal Geology Group

# Exhibit "I"

## Proposed Demolition of Remaining Maui Palms Hotel Structure

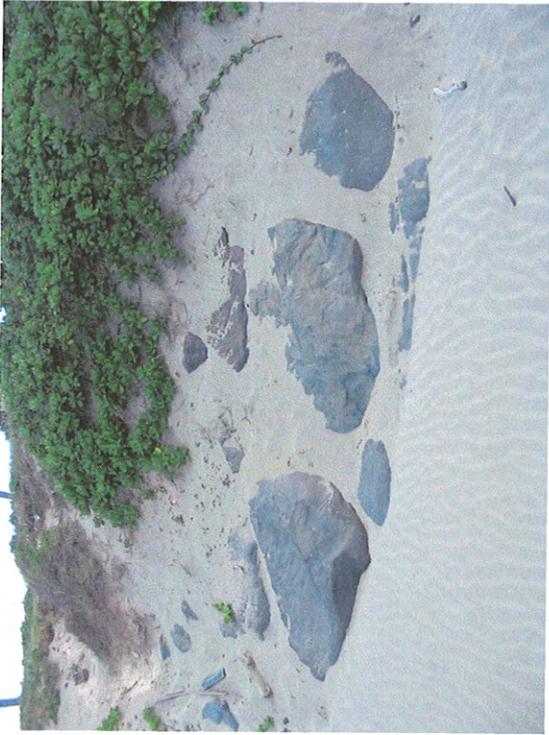
### Aerial Photo of 1963 Seawall



NOT TO SCALE

Prepared for: Elleair Hawaii, Inc.





Source: Munekiyo & Hiraga, Inc.

## Exhibit "II"

# Proposed Demolition of Remaining Maui Palms Hotel Structure Photos of 1963 Seawall

NOT TO SCALE

Prepared for: Ellear Hawaii, Inc.



ALAN M. ARAKAWA  
Mayor

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

MICHAEL M. MIYAMOTO  
Deputy Director

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



COUNTY OF MAUI  
**DEPARTMENT OF PUBLIC WORKS  
AND ENVIRONMENTAL MANAGEMENT**  
200 SOUTH HIGH STREET, ROOM 322  
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.  
Development Services Administration

DAVID TAYLOR, P.E.  
Wastewater Reclamation Division

CARY YAMASHITA, P.E.  
Engineering Division

BRIAN HASHIRO, P.E.  
Highways Division

TRACY TAKAMINE, P.E.  
Solid Waste Division

December 28, 2006

07 JAN -3 8:04  
DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

MEMO TO: MICHAEL W. FOLEY, PLANNING DIRECTOR

FROM: *M. Miyamoto* MILTON M. ARAKAWA, A.I.C.P., DIRECTOR OF PUBLIC WORKS  
AND ENVIRONMENTAL MANAGEMENT

SUBJECT: APPLICATION FOR SHORELINE SETBACK VARIANCE  
FOR MAUI PALMS HOTEL - DEMOLITION OF REMAINING  
STRUCTURE  
TMK: (2) 3-7-003:007  
SSV 2006/0006  
EA 2006/0013

We reviewed the subject application and have no comments.

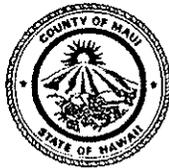
If you have any questions regarding this memorandum, please call Michael Miyamoto at 270-7845.

MMA:MMM:da

S:\LUCACZM\maui\_palms\_demo\_ssv\_ea\_37003007\_da.wpd

FEB 14 2007

CHARMAINE TAVARES  
MAYOR



JEFFREY K. ENG  
ACTING DIRECTOR  
ERIC H. YAMASHIGE, P.E., L.S.  
DEPUTY DIRECTOR

**DEPARTMENT OF WATER SUPPLY**  
**COUNTY OF MAUI**  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793-2155  
Telephone (808) 270-7816 • Fax (808) 270-7833

February 5, 2007

Mr Thorne E. Abbott, Staff Planner  
Department of Planning  
County of Maui  
250 South High Street  
Wailuku HI 96793

Re: I.D.: SSV 2006/0003, EA 2006/0013  
TMK: 3-7-03:007 and 009  
Project Name: Maui Palms Hotel Demolition of Remaining Building

Dear Mr. Abbott:

Thank you for the opportunity to provide comments on this application.

Please find attached a copy of our comment letter to the Maui Palms Hotel Redevelopment project dated August 13, 2001. Potable water should not be used for dust control during demolition. The applicant should use the on-site irrigation well, or reclaimed water from the Department of Public Works and Environmental Management.

Should you have any questions, please contact our Water Resources and Planning Division at 244-8550.

Sincerely,

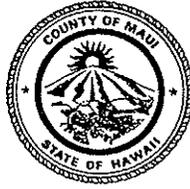
A handwritten signature in black ink that reads "Jeffrey K. Eng".

Jeffrey K. Eng, Acting Director  
emb

c: applicant, with attachment:

DWS letter dated 8/13 2001

*By Water All Things Find Life*



**DEPARTMENT OF WATER SUPPLY**  
**COUNTY OF MAUI**  
P.O. BOX 1109  
WAILUKU, MAUI, HAWAII 96793-6109  
Telephone (808) 270-7816 • Fax (808) 270-7199

August 13, 2001

Mr. John Min, Director  
County of Maui  
Planning Department  
250 South High Street  
Wailuku, Maui, Hawaii 96793

I.D.: SM1 2001/0012

TMK: 3-7-03:007, 009

Project Name: Maui Palms Hotel Redevelopment

Dear Mr. Min,

Thank you for the opportunity to provide comments to this application.

We understand the proposed actions include a consolidation of the Maui Palms Hotel and the Maui Beach Hotel properties, demolition of the existing Maui Palms Hotel buildings and construction of 136 new room hotel and related improvements.

The proposed expansion would increase water consumption by 47,600 gallons per day (gpd) based on system per unit standards for hotel development. Current consumption for the subject properties are about 66 % of system standards but may be higher than that with proposed pool addition and other water features .

The applicant will be required to provide water service and fire protection to standards. The 8-inch water line currently serving the property will not provide adequate fire protection for the proposed redevelopment. The applicant will be required to provide access to or extend the 12" water line on Kaahumanu Avenue to the property. Additional fire system improvements, including installation of fire hydrant, may be required and further determined during the development process.

This project area is served by the Central Maui System. The major sources of water for this system is the Iao Aquifer. Rolling annual average groundwater withdrawals from the Iao Aquifer as of August 1, 2001 were 17.432 MGD. The regulatory sustainable yield of this aquifer is 20 MGD. If rolling annual average withdrawals exceed 20 MGD, the State Commission on Water Resource Management will designate Iao Aquifer. The Department is implementing a plan to bring new sources on-line and to mitigate withdrawals. Four additional wells withdrawing from the Waihee aquifer are serving this system. The Department is continuing to implement a plan to bring new sources on-line and to mitigate withdrawals from the Iao aquifer. Nevertheless, the applicants should be made aware that no guarantee of water is granted or implied as a result of these comments. Water availability will be reviewed at the time of application for meter or meter reservation.



MICHAEL T. MUNEKIYO  
GWEN OHASHI HIRAGA  
MITSURU "MICK" HIRANO  
KARLINS KAWANABA

MARK ALEXANDER ROY

May 24, 2007

Jeffrey K. Eng, Director  
County of Maui  
**Department of Water Supply**  
200 South High Street  
Wailuku, Hawai'i 96793

**SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2) 3-7-003:007 and 009, Kahului, Maui, Hawai'i  
(EA 2006/0013, SSV 2006/0003)**

---

Dear Mr. Eng:

Thank you for your letter dated February 5, 2007, providing comments on the Draft Environmental Assessment (EA) and Shoreline Setback Variance application (SSV) for the subject project.

Non-potable water will be utilized for dust control during the proposed demolition project.

We appreciate the input provided by your office. Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark Alexander Roy", written over a series of horizontal lines.

Mark Alexander Roy, Planner

MAR:yp

cc: Thorne Abbott, County of Maui, Department of Planning  
Kazuyo Sugiyama, Elleair Hawai'i, Inc.  
Henry Inui, I M International, Inc.

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CHARMAINE TAVARES  
Mayor



JAN 22 2007

*ta*  
TAMARA HORCAJO  
Director  
ZACHARY Z. HELM  
Deputy Director

**DEPARTMENT OF PARKS & RECREATION**  
700 Hal'ia Nakoia Street, Unit 2, Wailuku, Hawaii 96793

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

## MEMORANDUM

January 9, 2007

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED  
07 JAN 16 P2:10

**MEMO TO:** Jeff Hunt, Planning Director

**FROM:** *TH*  
Tamara Horcajo, Director

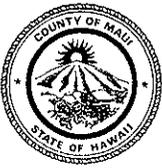
**SUBJECT:** SSV 2006/0003  
EA 2006/0013  
Maui Palms Hotel Demolition of Remaining Building  
TMK: (2) 3-7-003:007 & 009

Thank you for the opportunity to review and comment on the Application for Shoreline Setback Variance (In conjunction with SM1 2001/0012 Approved by Maui Planning Commission on January 24, 2003) regarding the proposed demolition of the remaining Maui Palms Hotel structure.

At this time we have no additional comment to offer concerning this action.

Should you have any questions please contact me, or Robert Halvorson, Capital Improvements Project Coordinator, at 870-5942 or [robert.halvorson@co.maui.hi.us](mailto:robert.halvorson@co.maui.hi.us).

c: Robert Halvorson, Capital Improvements Project Coordinator



CHARMAINE TAVARES  
MAYOR

OUR REFERENCE  
ti  
YOUR REFERENCE

# POLICE DEPARTMENT COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411



THOMAS M. PHILLIPS  
CHIEF OF POLICE

GARY A. YABUTA  
DEPUTY CHIEF OF POLICE

February 2, 2007

## MEMORANDUM

TO : JEFF S. HUNT, PLANNING DIRECTOR

FROM : THOMAS M. PHILLIPS, CHIEF OF POLICE

SUBJECT : I.D. : SSV 2006/0003, EA 2006/0013  
 TMK : (2) 3-7-003:007 and 009  
 Project Name : Maui Palms Hotel Demolition of Remaining Building  
 Applicant : Munekiyo & Hiraga

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED  
07 FEB 15 AM 0:12

*Comments*  
*TRAFFIC*  
*Red Safety*  
*Noise*

No recommendation or comment to offer.  
 Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project. We are returning the draft environmental assessment which was submitted for our review.

*AC Wayne T. Ribao*  
Assistant Chief Wayne T. Ribao  
For: THOMAS M. PHILLIPS  
Chief of Police

Enclosures

COPY

TO : THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI  
VIA : CHANNELS  
FROM : SCOTT Y. MIGITA, ADMINISTRATIVE SERGEANT, WAILUKU PATROL  
SUBJECT : DRAFT ENVIRONMENTAL ASSESSMENT - PROPOSED DEMOLITION OF REMAINING MAUI PALMS HOTEL STRUCTURE (TMK: 3-7-003:007 AND 009)

CONCUR:  
AC [Signature] 2/2/07

Sir, this transmittal is being submitted regarding a request by applicant, Elleair Hawaii, Inc. for a proposal to demolish the final remaining structure of the former Maui Palms Hotel located between Kahului Beach Road/Kaahumanu Avenue intersection and the Maui Seaside Hotel. This demolition will allow the applicant to proceed with the construction phase of work for the Maui Palms Hotel Redevelopment Project.

Referring to Sergeant Mark Vickers' To-From for this demolition dated 06/14/06, relates that this Redevelopment Project has already received a Special Management Use Permit on January 24, 2002.

Regarding the issue of traffic and safety from a police perspective, an impact on traffic is expected during the demolition of this structure. Materials and equipment being transported in and out of this area would need to be conducted as to create a minimal impact on area traffic. Construction noise and debris generated would also need to be considered during the demolition as pedestrian and vehicular safety measures would need to be adhered to.

In addition, parking of construction vehicles would need to take place on property as to not obstruct the flow of traffic and off the main public roadways.

Submitted for your information and perusal.

Respectfully submitted,

[Signature]

Sgt. Scott Migita, E-1122  
Administrative Sergeant, Wailuku Patrol  
02/02/07 - 0905 hours

NO FURTHER CONCERNS.  
CPT [Signature]  
02/02/07



MICHAEL T. MUNEKIYO  
GWEN OHASHI HIRAGA  
MITSURU "MICK" HIRANO  
KAROLYN KAWAHARA  
MARK ALEXANDER BOY

May 24, 2007

Thomas M. Phillips  
Chief of Police  
**Police Department**  
**Attention: Wayne T. Ribao, Assistant Chief**  
55 Mahalani Street  
Wailuku, Hawai'i 96793

**SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2) 3-7-003:007 and 009, Kahului, Maui, Hawai'i  
(EA 2006/0013, SSV 2006/0003)**

---

Dear Chief Phillips:

Thank you for your letter dated February 2, 2007, providing comments on the Draft Environmental Assessment (EA) and Shoreline Setback Variance application (SSV) for the subject project.

We acknowledge the confirmation from your office that the Maui Palms Hotel Redevelopment Project received a Special Management Area (Use) Permit on January 24, 2002.

The subject project, involving the demolition of the last remaining structure of the former Maui Palms Hotel, will allow construction for the aforementioned redevelopment project to proceed upon issuance of the building permit. To ensure minimal impact on adjacent roads during implementation of the demolition project, the transportation of equipment and materials will be scheduled, where possible, to occur during off-peak times. Best Management Practices will also be implemented both prior to and during demolition activities to prevent dust and noise-related nuisance impacts. Furthermore, all vehicles involved in demolition activities at the site will park within the existing parking lot provided on the property.

Thomas M. Phillips  
May 24, 2007  
Page 2

We appreciate the input provided by your office. Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark Alexander Roy', written over a series of horizontal lines.

Mark Alexander Roy, Planner

MAR:yp

cc: Thorne Abbott, County of Maui, Department of Planning  
Kazuyo Sugiyama, Elleair Hawai'i, Inc.  
Henry Inui, I M International, Inc.

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CHARMAINE TAVARES  
Mayor  
JEFFREY S. HUNT  
Director  
COLLEEN M. SUYAMA  
Deputy Director



FEB 15 2007

COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

February 12, 2007

Mr. Mark Roy  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Roy:

RE: Comments On The Draft Environmental Assessment For The Proposed Demolition Of The Remaining Maui Palms Hotel Structure Located At TMK: 3-7-003:007 And 009 (portion), Kahului, Maui, Hawaii (EA 2006/0013) (SSV 2006/0003)

At the regular meeting of January 23, 2007, the Maui Planning Commission (Commission) reviewed the above-referenced document and provided the following comments:

1. Discuss the potential for any landscape depression created by the removal of the foundation of the structure. Should a depression be created, discuss the type and quality of fill and cover (e.g. grass) that will be used;
2. Discuss the status of an exposed retaining wall and its proximity to the structure to be demolished, existing and proposed structures, and shoreline. Provide photographs of the retaining wall and the shoreline, particularly with visual reference to the structure to be demolished (i.e. within the field of view of the background). Determine if the retaining wall is legal, non-conforming and if it may be repaired, expanded or removed in the future;
3. Discuss how solid waste will be handled at, and in transportation from, the demolition site;
4. Discuss mitigation measures to be implemented for noise, traffic interruptions, air quality impacts and pedestrian safety; and

Mr. Mark Roy  
February 12, 2007  
Page 2

5. Include site photographs in the Final EA, including photos of any shoreline hardening that exists along the entire makai portion of the property.

Upon completion of the foregoing, please submit two (2) copies to the Department for review.

Should you require further clarification, please contact Mr. Thorne Abbott, Coastal Resources Planner, by email at [thorne.abbott@co.maui.hi.us](mailto:thorne.abbott@co.maui.hi.us), or by phone at 270-7520.

Sincerely,



JEFFREY S. HUNT, AICP  
Planning Director

JSH:TEA:bv

c: Colleen M. Suyama, Deputy Planning Director  
Thorne E. Abbott, Coastal Resources Planner  
Zoe Norcross-Nuu, UH Sea Grant Extension Service  
EA Project File  
General File  
K:\WP\_DOCS\PLANNING\EA\2006\0013\_MauiPalmsDemo\2-7-07 MPC\_DEAComments.wpd



MICHAEL T. MUNEKIYO  
GWEN OHASHI HIRAGA  
MITSURU "MICK" HIRANO  
KAROLYN KAWAKAWA

MARIE ALKAWAZAH BOY

May 24, 2007

Jeffrey S. Hunt, AICP, Director  
County of Maui  
**Department of Planning**  
**Attention: Thorne Abbott, Staff Planner**  
250 South High Street  
Wailuku, Hawai'i 96793

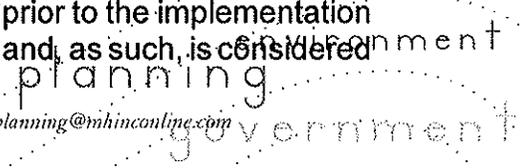
**SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2) 3-7-003:007 and 009, Kahului, Maui, Hawai'i  
(EA 2006/0013, SSV 2006/0003)**

---

Dear Mr. Hunt:

Thank you for your letter dated February 12, 2007, providing a summary of the comments raised during review of the Draft Environmental Assessment (EA) for the subject project at the January 23, 2007 Maui Planning Commission meeting. We offer the following responses to the Commission's comments of which have been arranged in the order that they appear in your letter:

1. The foundation of the building will also be removed as part of the proposed demolition project. The depression created by the removal of the foundation will be restored to surrounding conditions using appropriate fill material. To maintain the overall quality of the coastal ecosystem fronting the property, beach quality sand will restore the portion of the depression encroaching within the shoreline setback area. Upon completion of fill activities, the entire area will be landscaped with grass to give the former building footprint a similar appearance to that of the surrounding land within the property.
2. The wall which extends along the shoreline of the property, of the former Maui Palms Hotel was noted during a Cultural Impact Assessment (CIA) interview with a long standing Maui Beach Hotel employee, Mrs. Amy Kealoha. A supplemental CIA with a former Maui Beach Hotel owner Mr. Sam Hironaka was conducted during the preparation of the Final EA in order to obtain further information on the historical background of the seawall. A copy of the interview is attached as Exhibit "A" for your reference. The interview confirms that the seawall was constructed in 1963 to provide much needed shoreline protection to a portion of the subject property that suffered severe damage as a result of a tidal wave which hit Kahului Harbor in 1960. It is noted that the 1963 seawall was constructed prior to the implementation of both State and County shoreline protection legislation and, as such, is considered

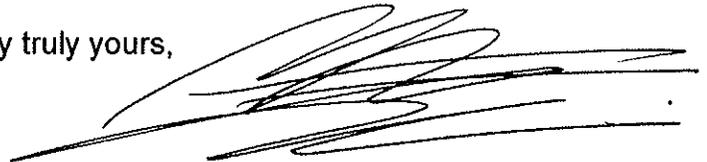


to be an existing non-conforming seawall structure. The supplemental CIA interview will be included in the Final EA in addition to a discussion on the historic background to the 1963 seawall.

3. Best Management Practices (BMPs) will be implemented during the proposed project to ensure that solid waste is stored appropriately onsite, prior to it being transported offsite for disposal at a State of Hawai'i, Department of Hawai'i approved facility. As indicated in the Draft EA, the applicant will conduct an assessment of waste streams prior to the initiation of demolition to evaluate recycling and reuse opportunities.
4. The BMP program for the project will be designed and implemented to ensure that the demolition project is conducted in a manner which is conducive to the surrounding environs.
5. Site photos of the building proposed for demolition, surrounding areas and the 1963 seawall (as discussed in Item No. 2) will be included in the Final EA.

We appreciate the input provided by the Commission. Upon completion of the Final EA, two (2) copies will be provided to the department as requested. Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,



Mark Alexander Roy, Planner

MAR:yp

Enclosure

cc: Thorne Abbott, County of Maui, Department of Planning (w/enclosure)  
Kazuyo Sugiyama, Elleair Hawai'i, Inc. (w/enclosure)  
Henry Inui, I M International, Inc. (w/enclosure)

**PROPOSED DEMOLITION OF REMAINING  
MAUI PALMS HOTEL STRUCTURE  
AT TMK (2)3-7-03:007 AND 009  
CULTURAL IMPACT ASSESSMENT**

**Interview with:** Sam Hironaka

**Interviewed by:** Mark Alexander Roy, Planner  
Munekiyo & Hiraga, Inc.

Mr. Sam Hironaka (hereafter referred to as Mr. Hironaka) was interviewed by Mr. Mark Alexander Roy of Munekiyo & Hiraga, Inc. at the Maui Beach Hotel at 2:00 p.m. on Monday February 26, 2007. Mr. Hironaka, now retired, is 86 years old and was born and raised in Paia, Maui. Formerly an office manager at Kahului Development Company (a subsidiary of Alexander & Baldwin, Inc.), Mr. Hironaka was a pioneer of the savings and loan business on Maui. Mr. Hironaka established Maui Savings & Loan Association on June 8, 1962. In 1964 he was asked by Donald H. Tokunaga, President of Maui Enterprise Inc. (ME Inc.) to volunteer as project chairman for the company to spur economic development on Maui. It was a non-paying responsibility, in fact, all officers were volunteers under the U.S. Small Business Administration's (SBA) policy to assist establishment of businesses with the help of SBA, the banks, and ME Inc. The first project was Napili Kai Beach Hotel. Maui Beach Hotel was the fourth project. Mr. Hironaka held the position of Chief Executive Officer of American Savings Bank Hawai'i from 1974 until he took early retirement in 1982.

**PROPERTY BACKGROUND**

Mr. Hironaka provided the following history of the Maui Beach Hotel and Maui Palms Hotel properties:

Maui Beach Hotel, Inc. (MBH Inc.) was organized and Articles of Incorporation were filed by George Fukuoka, Masaru Pundy Yokouchi and Sam Hironaka on December 7, 1966. Stock at \$1.00 per share were sold to friends and others. The directors were all required to pay the same amount by SBA. It took a lot of red tape and documentation before architectural plans were finalized and financing arranged. The land was leased from Alexander & Baldwin, Inc. and administered by its subsidiary, Kahului Development Co. Construction was by Fuku Construction and completed in 1968. Maui Beach Hotel (MBH) is located on TMK (2)3-7-003:009.

The Maui Palms Hotel (MPH) was the first hotel to be constructed on the Kahului bay front. The hotel was constructed by Lyle Guslander and built at low cost in 1954. The lease was to be adjusted at predetermined intervals. Mr. Guslander was an astute businessman and

did not see a bright future by remaining on Maui. He left for Kaua`i, where there was a brighter future for him, in particular the right to purchase a hotel site in fee rather than as a leasehold. He left the MPH to a very loyal employee, Mr. Norman Hondo, who became the President of MPH. There were a number of stockholders at MPH when MBH Inc. purchased the hotel in 1979. MPH was located on TMK (2)3-7-003:007.

Mr. Bobby Pfeiffer, CEO and Chairman of Alexander & Baldwin, Inc., yielded to a request to purchase the land underlying the MBH and MPH in 1988.

### **1963 SHORELINE PROTECTION WORK**

Mr. Hironaka also provided the following account of the shoreline protection work that was completed for the property in 1963.

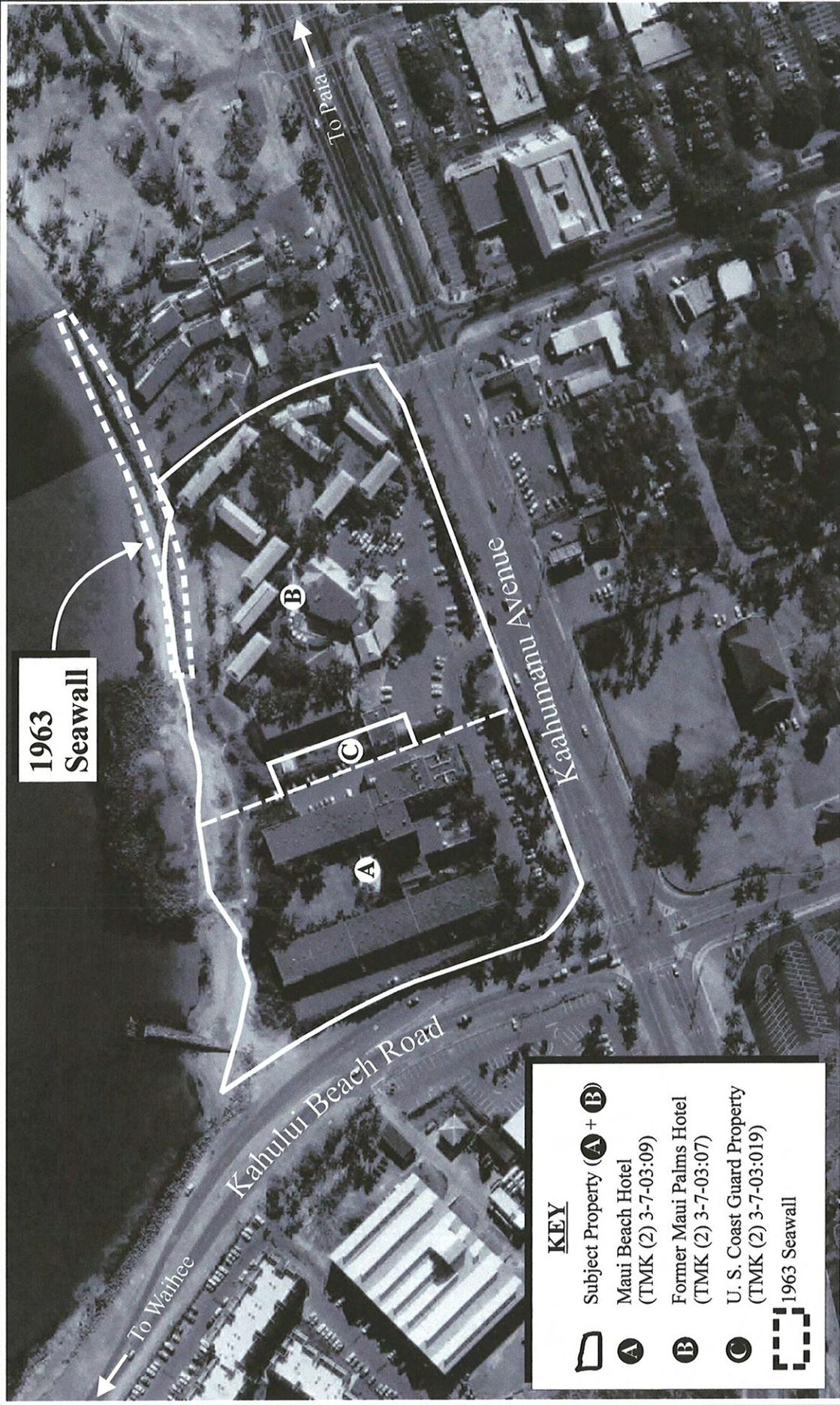
The historic tidal wave of May 23, 1960 caused much havoc in Hawai`i. The city of Hilo on the Big Island was heavily damaged with many lives lost. Mr. Hironaka was a member of the Men's Choir and visited the Church of Holy Cross in Hilo that particular weekend. While waiting at the airport in Hilo, a tidal wave warning was announced.

Mr. Hironaka noted that he had spoken with Mr. Norman Hondo prior to the interview regarding the 1960 tidal wave. According to Mr. Norman Hondo, the tidal wave eroded the shoreline of MPH in Kahului. Damage was especially heavy adjacent to the Maui Seaside (formerly the Maui Hukilau Hotel). Mr. Hondo stated that the building which housed guest room number 30 was left dangling without any sand to support it.

Mr. Hondo recalled that the U.S. Army Corps of Engineers placed boulders on the shoreline of where the MBH is today. He mentioned that the purpose was to protect the outflow of the drainage of Maui Pineapple Co.

As an emergency measure in response to the tidal wave damage along the property, sandbags were placed to prevent further erosion of MPH. Finally, Mr. Herbert Jackson, President and CEO of Kahului Development Co., arranged with the parent company of KDCO - namely HC&S Co., to use the Plantation's Giant cane hauling trucks (Euclid) to haul boulders from the cane fields and deposit them along the shoreline. This work was done in 1963. During the ensuing years, many of the small rocks were washed away into the ocean. Today, only the largest boulders remain on the shoreline.

An aerial photo has been included as **Exhibit "I"** showing the location and limits of the seawall that was constructed in 1963. Photos of the seawall structure as it appears today are attached as **Exhibit "II"** to this interview summary.



**1963 Seawall**

**Kahului Beach Road**

**Kahunani Avenue**

**To Wahee**

**To Paia**

**KEY**

-  Subject Property (A + B)
-  Maui Beach Hotel (TMK (2) 3-7-03:09)
-  Former Maui Palms Hotel (TMK (2) 3-7-03:07)
-  U. S. Coast Guard Property (TMK (2) 3-7-03:019)
-  1963 Seawall

Source: UH Coastal Geology Group

**Exhibit 'I'**



**Proposed Demolition of Remaining Maui Palms Hotel Structure**  
**Aerial Photo of 1963 Seawall**

NOT TO SCALE

Prepared for: Elleair Hawaii, Inc.



MUNEKIYO & HIRAGA, INC.



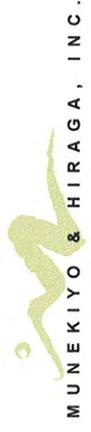
Source: Munekiyo & Hiraga, Inc.

## Exhibit "II"

# Proposed Demolition of Remaining Maui Palms Hotel Structure Photos of 1963 Seawall

NOT TO SCALE

Prepared for: Ellear Hawaii, Inc.



Ellear\MBeach\CIA Exhibit B

*N/C*



December 22, 2006

Mr. Thorne Abbott, Staff Planner  
County of Maui – Department of Planning  
250 South High Street  
Wailuku, Hawaii 96793

'06 DEC 28 P2:16

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

Dear Mr. Abbott,

Subject: Maui Palms Hotel Demolition of Remaining Building  
SSV 2006/0003, EA 2006/0013  
170 Kaahumanu Avenue  
Kahului, Maui, Hawaii  
TMK: (2) 3-7-003:007 and 009

Thank you for allowing us to comment on the application for Shoreline Setback Variance and Draft Environmental Assessment for the subject project, which was received on December 13, 2006.

In reviewing our records and the information received, Maui Electric Company (MECO) has no objection to the project at this time.

Should you have any other questions or concerns, please call Kim Kawahara at 871-2345.

Sincerely,

*Neal Shinyama*

Neal Shinyama  
Manager, Engineering

NS/kk:lk



MICHAEL T. MUNEKIYO  
GWEN OHASHI HIRAGA  
MITSUBU "MICA" HIRANO  
KARUNA KAWAHARA

MARK ALEXANDER ROY

May 24, 2007

Neal Shinyama, Engineering Manager  
**Maui Electric Company, Ltd.**  
P. O. Box 398  
Kahului, Hawai'i 96733

SUBJECT: Proposed Demolition of Remaining Maui Palms Hotel Structure at  
TMK (2) 3-7-003:007 and 009, Kahului, Maui, Hawai'i  
(EA 2006/0013, SSV 2006/0003)

---

Dear Mr. Shinyama:

Thank you for your letter dated December 22, 2006, providing comments on the Draft Environmental Assessment (EA) and Shoreline Setback Variance application (SSV) for the subject project.

We acknowledge that MECO has no objection to the subject project at this time.

We appreciate the input provided by your office. Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

Mark Alexander Roy, Planner

MAR:yp

cc: Thorne Abbott, County of Maui, Department of Planning  
Kazuyo Sugiyama, Elleair Hawai'i, Inc.  
Henry Inui, I M International, Inc.

F:\DATA\Elleair\MBeach\MECO.deares.wpd

## **XI. REFERENCES**

# XI. REFERENCES

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County of Maui, The General Plan of the County of Maui, September 1990 Update.

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# **APPENDIX A.**

## **Final Approved Subdivision Plat Map**



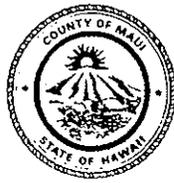
## **APPENDIX B.**

**Letter from Department of  
Planning Dated January 24,  
2002 Regarding Special  
Management Area Use Permit  
Approval**

JAMES "KIMO" APANA  
Mayor

JOHN E. MIN  
Director

CLAYTON I. YOSHIDA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

January 24, 2002

Mr. Michael Munekiyo, AICP  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Munekiyo:

RE: Mr. Masashi Yano of Elleair Hawaii, Inc. requesting a Special Management Area Use Permit for the redevelopment of the Maui Palms Hotel Including a New 136 Room Guest Wing, Ancillary Improvements, a Common Lobby and Connection With Maui Beach Hotel, and Renovations to th Maui Beach Hotel at TMK: 3-7-003:007 and 009, Kahului, Maui, Hawaii (SM1 2001/0012)

At its regular meeting on January 22, 2002, the Maui Planning Commission (Commission) reviewed the above request and after due deliberation, voted to grant approval, subject to the following conditions:

**STANDARD CONDITIONS:**

1. That construction of the proposed project shall be initiated by **January 31, 2004**. Initiation of construction shall be determined as construction of offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Failure to comply within this two (2) year period will automatically terminate this Special Management Area Use Permit unless a time extension is requested no later than ninety (90) days prior to the expiration of said two (2) year period. The Planning Director shall review and approve a time-extension request but may forward said request to the Planning Commission for review and approval.

Mr. Michael Munekiyo, AICP

January 24, 2002

Page 2

2. That the construction of the project shall be completed within five (5) years after the date of its initiation. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The Planning Director shall review and approve a time-extension request but may forward said request to the Planning Commission for review and approval.
3. The permit holder or any aggrieved person may appeal to the Planning Commission any action taken by the Planning Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Commission.
4. That final construction shall be in accordance with preliminary architectural plans received on June 25, 2001.
5. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.
6. That the subject Special Management Area Use Permit shall not be transferred without prior written approval in accordance with Section 12-202-17(d) of the Special Management Area Rules of the Maui Planning Commission. However, in the event that a contested case hearing preceded issuance of said Special Management Area Use Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.
7. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Special Management Area Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Management Area Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui as an additional

named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.

8. That full compliance with all applicable governmental requirements shall be rendered.
9. That the applicant shall submit plans regarding the location of any construction related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase to the Maui Planning Department for review and approval.
10. That the applicant shall submit to the Planning Department five (5) copies of a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. A preliminary report shall be reviewed and approved by the Planning Department prior to issuance of the building permit. A final compliance report shall be submitted to the Planning Department for review and approval prior to issuance of a certificate of occupancy.
11. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Special Management Area Use Permit. Failure to so develop the property may result in the revocation of the permit.

PROJECT SPECIFIC CONDITIONS:

12. That the applicant shall be responsible for all required infrastructural improvements including, but not limited to water source and system improvements for both domestic and fire protection, drainage improvements, traffic related improvements, wastewater system improvements, and utility upgrades. Said improvements shall be constructed concurrently with the development and shall be completed prior to issuance of a certificate of occupancy.
13. That for the unsignalized driveway entrance to the Maui Beach Hotel and Maui Palms Hotel left turns shall be prohibited at this driveway and that it shall be channelized to allow right/left turns in and right turns out. *(Amended by Department)*
14. That full compliance with the following comments of the Maui Urban Design Review Board shall be met:
  - a. That the final architectural and landscape architectural plans shall be submitted to the Planning Department for review and approval.
  - b. That the final lighting plan, graphics, and color scheme shall be submitted to the Planning Department for review and approval.
  - c. That the mechanical equipment, vents and exhausts shall be appropriately screened.
15. That the applicant shall allow public beach access through the hotel property from the coastal highway to the shoreline. Further, lateral public access along the shoreline shall not be restricted within the shoreline setback area. This pedestrian corridor shall be within 20 ft of the shoreline, except for areas where an existing physical barrier would cause the corridor to meander around the barrier. The applicant recognizes that the shoreline area is subject to seasonal changes due to erosion and accretion and that the setback area is subject to these changes. Public access within the setback area shall change accordingly.

16. Condition No. 15 shall run with the land and shall be set forth in an unilateral agreement recorded by the applicant with the Bureau of Conveyances within 60 days from the date of receipt of this decision. A copy of the recorded unilateral agreement shall be filed with the Director of Planning and the Director of Public Works and Waste Management within 10 days of recordation.
17. That the applicant shall enter into an Agreement with the Department of Housing and Human Concerns to provide housing in accordance with Chapter 2.94, Maui County Code, 1980 as amended. A copy of the agreement shall be filed with the Planning Department for our record prior to issuance of a certificate of occupancy.
18. That all easements in favor of the County of Maui shall be accessible at all times.
19. That the applicant as much as is practicable shall incorporate methods to reduce runoff entering into the existing drainage system (i.e., re-use in landscaping, underground percolation pipes, etc.) to mitigate impacts on the waters of Kahului Harbor.
20. That an acceptable monitoring plan shall be submitted to the Department of Land and Natural Resources, State Historic Preservation Division (DLNR-SHPD) prior to the commencement of any ground-altering activities.
21. That the applicant shall not prevent the use of the unimproved triangular area at the northwest corner of TMK: 3-7-003:009 (area accessed from Kahului Beach Road) and improved onsite parking for beach parking and shoreline access. *(Amended by Commission)*
22. That for the 34 additional rooms, the applicant shall participate in a future traffic impact fee for traffic and roadway improvements applicable to the Wailuku-Kahului Community Plan region. Said fees shall be established in accordance with enabling legislation adopted as part of Title 14, Article 4 of the Maui County Code. The payment of the traffic impact fee shall be in accordance with the following provisions:

- a. If a traffic impact fee ordinance and fee schedule for the Wailuku-Kahului Community Plan region is not adopted prior to the filing of a building permit application for the project, then payment shall be made prior to the issuance of the project's certificate of occupancy, provided that said ordinance and fee are adopted prior to the filing of the request for certificate of occupancy.
  - b. If the traffic impact fee ordinance and fee schedule for the Wailuku-Kahului Community Plan region are not adopted prior to the filing of a request for certificate of occupancy, then the applicant shall have no further obligation to pay a traffic impact fee pursuant to any enabling legislation and fee schedule which may thereafter be adopted. *(Amended by Commission)*
23. That the pool backwash shall be re-circulated within the pool system and shall not be released into coastal waters. *(Amended by Commission)*
  24. That a new pedestrian access to the property shall be provided along Kaahumanu Avenue west of the existing unsignalized access. *(Amended by Commission)*

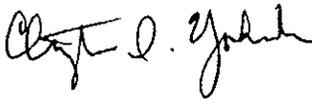
The conditions of this Special Management Area Use Permit shall be enforced pursuant to Sections 12-202-23 and 12-202-25 of the Special Management Area Rules for the Maui Planning Commission.

Further, the Commission adopted the Department Report and Recommendation prepared for the January 22, 2002 meeting as its Decision and Order. Parties to proceedings before the Commission may obtain judicial review of decision and orders issued by the Commission in the manner set forth in Chapter 91-14, Hawaii Revised Statutes.

Mr. Michael Munekiyo, AICP  
January 24, 2002  
Page 7

Thank you for your cooperation. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of my office at 270-7735.

Very truly yours,

  
for JOHN E. MIN  
Planning Director

JEM:CMS:cmb

c: Clayton Yoshida, AICP, Deputy Planning Director  
Aaron Shinmoto, P.E., Planning Program Administrator  
Colleen Suyama, Staff Planner  
Masashi Yano, Elleair Hawaii, Inc.  
LUCA (2)  
Department of Water Supply  
Alice Lee, Director, Department of Housing and Human Concerns  
Thomas M. Phillips, Chief, Police Department  
Gilbert Coloma-Agaran, Director, DLNR  
Don Hibbard, DLNR-SHPD  
Brian K. Minaai, Director, Department of Transportation  
Project File  
General File  
(K:\WP\_DOCS\PLANNING\SM1\01SM112MauiPalmsHotel\MPCApproval.wpd)

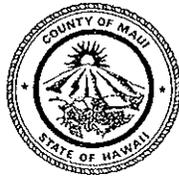
## **APPENDIX C.**

**Letter dated January 13, 2004  
from Department of Planning  
to Elleair Hawai`i, Inc.**

**Regarding Special  
Management Area (SMA) Use  
Permit Time Extension**

JAN 15 2004

ALAN M. ARAKAWA  
Mayor  
MICHAEL W. FOLEY  
Director  
WAYNE A. BOTEILHO  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

January 13, 2004

Mr. Yukihiro Tanaka  
Elleair Hawaii, Inc.  
170 Kaahumanu Avenue  
Kahului, Hawaii 96732

Dear Mr. Tanaka:

Re: Application for an Amendment to a Special Management Area Use Permit for Redevelopment of the Maui Palms Hotel and Renovations for the Maui Beach Hotel, at TMK: 3-7-003: 007 and 009, Kahului, Maui, Hawaii (SM1 2001/0012)

At its regular meeting on January 13, 2004, the Maui Planning Commission reviewed the above request and after due deliberation voted to grant the time extension, subject to the following revised Condition No. 1:

"That construction of the proposed project shall be initiated by January 31, 2005. Initiation of construction shall be determined as commencement of offsite improvements, issuance of a foundation permit and initiation of construction, or issuance of a building permit and initiation of building construction, whichever, occurs first. Failure to comply within this period will automatically terminate this Special Management Area Use Permit unless a time extension is requested no later than ninety (90) days prior to the expiration of said period. No additional time extensions shall be considered without the submittal of a revised Traffic Impact Study. The Planning Director shall review and approve a time-extension request but may forward said request to the Planning Commission for review and approval." (As amended by Commission)

Thank you for your cooperation. If additional clarification is required, please contact me at 270-7735.

Sincerely,

MICHAEL W. FOLEY  
Planning Director



# **APPENDIX D.**

## **Site Photographs**



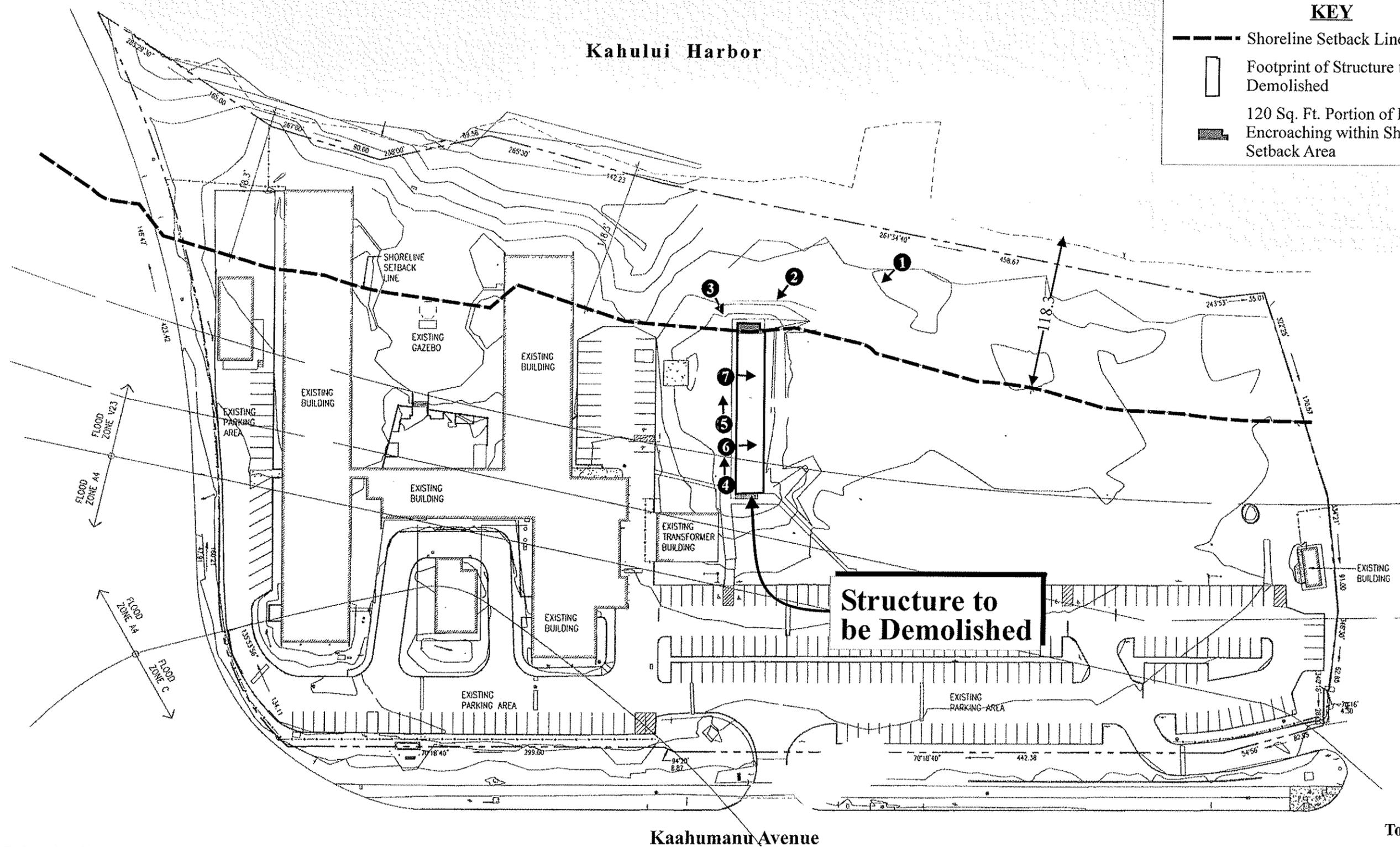
# Kahului Harbor

**KEY**

- Shoreline Setback Line (118.3 ft.)
- Footprint of Structure to be Demolished
- 120 Sq. Ft. Portion of Building Encroaching within Shoreline Setback Area

← To Waihee

Kahului Beach Road



**Structure to be Demolished**

To Paia →

Source: Bruce R. Lee (9/14/04)

## Proposed Demolition of Remaining Maui Palms Hotel Structure Photographic Reference Map

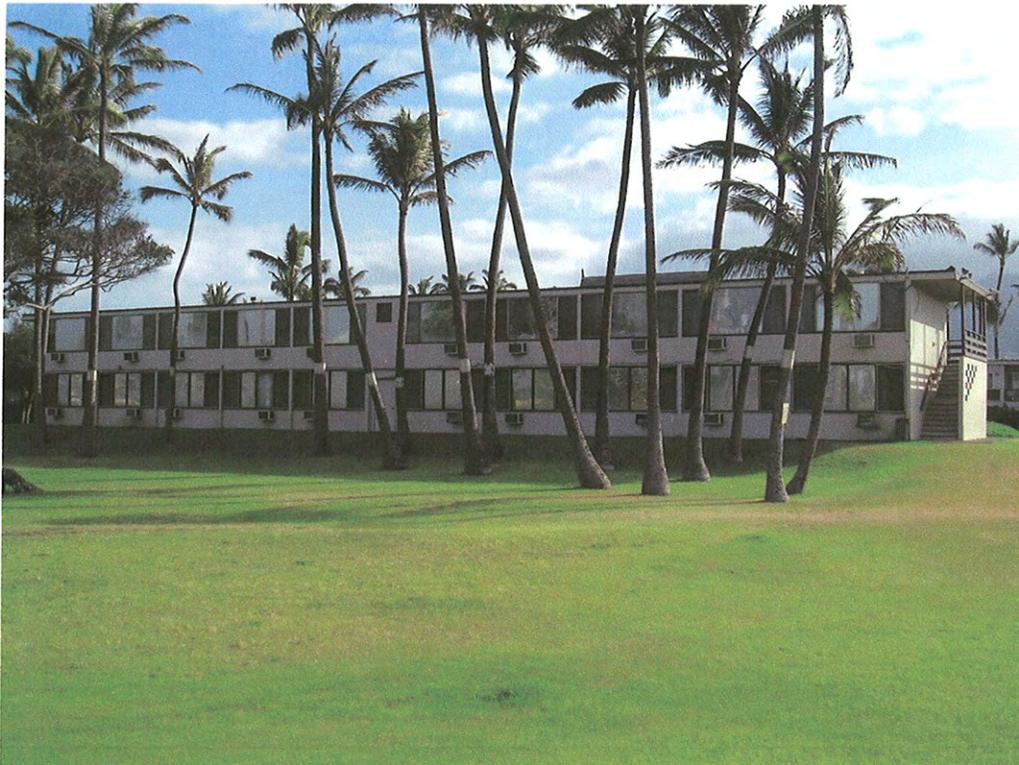
NOT TO SCALE



Prepared for: Elleair Hawaii, Inc.

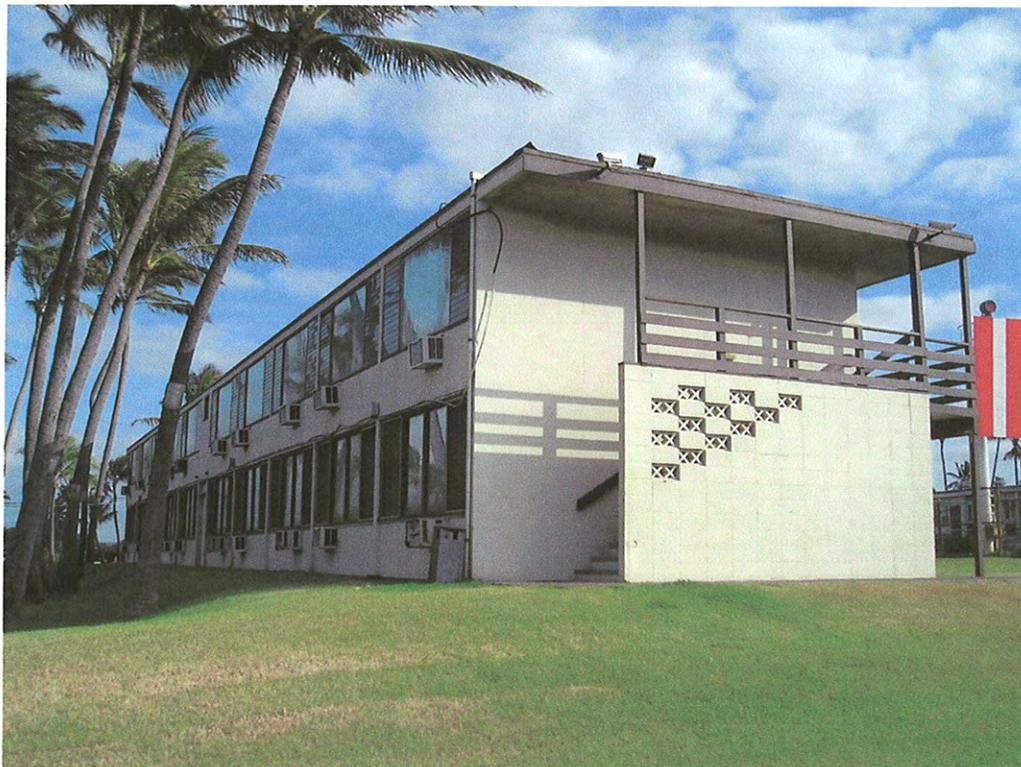
MUNEKIYO & HIRAGA, INC.

Elleair\Mbeach\PhotoRef



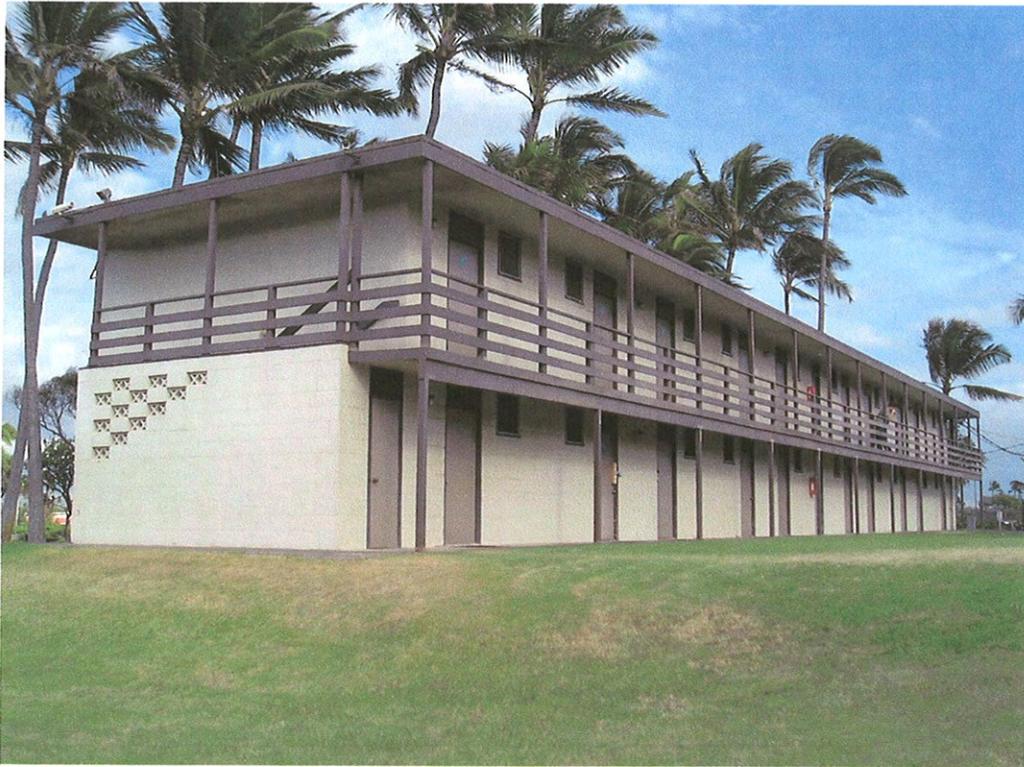
**Photo No. 1**

View of east side of remaining Maui Palms Hotel Structure



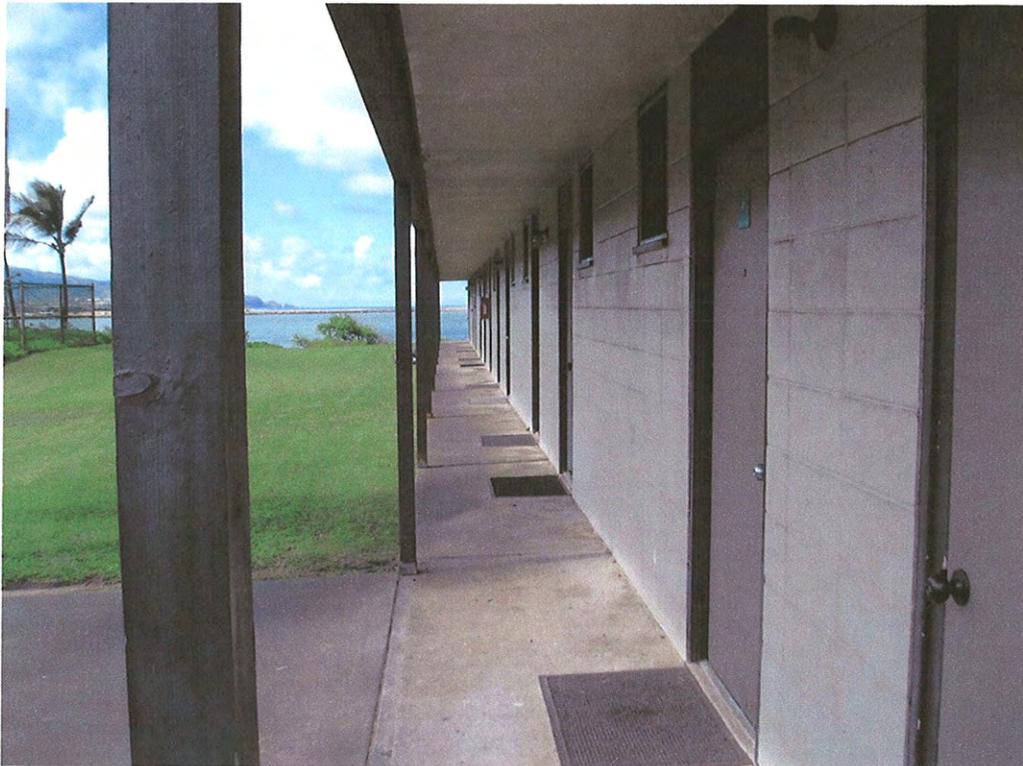
**Photo No. 2**

View of north (makai) side of remaining  
Maui Palms Hotel Structure



**Photo No. 3**

View of west side of remaining Maui Palms Hotel Structure



**Photo No. 4**

Makai view along ground floor walkway of remaining  
Maui Palms Hotel Structure



**Photo No. 5**  
Makai view along second floor of remaining  
Maui Palms Hotel Structure



**Photo No. 6**  
Interior view of hotel room within remaining  
Maui Palms Hotel Structure



**Photo No. 7**  
Interior view of storage room within remaining  
Maui Palms Hotel Structure

## **APPENDIX E.**

**Letter from the State Historic  
Preservation Division (SHPD)  
to Department of Planning  
Dated October 9, 1990**



DEPUTIES

KEITH W. AMUE  
MANABU TAGOMORI  
RUSSELL N. FUKUMOTO

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

RECEIVED  
OCT 10 10 30 AM '90

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
STATE HISTORIC PRESERVATION DIVISION  
33 South King Street, 6th Floor  
Honolulu, Hawaii 96813

October 9, 1990

Mr. Christopher L. Hart, Director  
Department of Planning  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Hart:

SUBJECT: County of Maui, Zoning Change from B-2 Business to H-2 Hotel  
District to Redevelop the Maui Palms Hotel  
Kahului, Wailuku, Maui  
TMK 3-7-3:7

Thank you for the opportunity to review this application.

Attached to this application is an interim report on the results of an archaeological inventory survey that was conducted on the project area (Donham 1990. Interim Report: Archaeological Inventory Survey, Maui Palms Hotel Site). We reviewed this report and determined that the survey was adequate in covering the parcel. We concur with the archaeologist's finding that no significant historic sites are present; thus, the proposed zoning change will have "no effect" on significant historic sites. However, because most of the project site contains existing structures, we believe that the archaeologist's recommendation for archaeological monitoring during demolition of existing structures, grubbing/grading, and excavation activities is appropriate.

Therefore, we recommend that the following conditions be attached to the approved application:

- 1) A copy of the final report on the archaeological inventory survey shall be submitted to the State Historic Preservation Division.
- 2) A qualified archaeologist shall be hired to monitor during demolition activities, grubbing/grading, and excavation. A final report on the monitoring shall be submitted to the State Historic Preservation Division.

Please contact Ms. Annie Griffin at 587-0013 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Hibbard".

DON HIBBARD, Director  
Historic Preservation Program

## **APPENDIX F.**

**Letter from State Historic  
Preservation Division (SHPD)  
to Xamanek Researches  
Dated August 13, 2004**

LILUA I MAUI F  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION  
KAKUHIHewa BUILDING, ROOM 555  
801 KAMOKILA BOULEVARD  
KAPOLEI, HAWAII 96707

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
DAN DAVIDSON  
DEPUTY DIRECTOR - LAND  
YVONNE Y. IZU  
DEPUTY DIRECTOR - WATER

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

August 13, 2004

Mr. Erik Fredericksen  
Xamanek Researches  
P.O. Box 880131  
Pukalani, Hawai'i 96788

LOG NO: 2004.2464  
DOC NO: 0408MK06

Dear Mr. Fredericksen,

**SUBJECT:** Chapter 6E-42 Historic Preservation Review of an Archaeological Monitoring Plan Application for Special Management Area Use Permit for the Maui Palms Hotel Redevelopment and Related Improvements (Subject I.D.: SM1 2001/0012) Wailuku Ahupua'a, Wailuku District, Island of Maui TMK (2) 3-7-03:007 and 009

Thank you for the opportunity to review this plan which was received at our office on June 18, 2004 (Fredericksen 2004, *A General Archaeological Monitoring Plan for Scheduled and Future On-Site or Off-Site Improvements for the Maui Beach Hotel and the Maui Palms Hotel, Kahului, Wailuku Ahupua'a, Wailuku District, Maui Island [TMK 3-7-03: 07 and 09, Xamanek Researches ms).*

We have previously commented on this action (Log 27933/Doc 0107CD42) and indicated that that an archaeological inventory survey has been conducted of the parcel in 1990. Two historic artifact concentrations were identified a within previously filled area (SIHP 50-50-04-5115 and -5116). The archaeological report documenting these findings has only recently been submitted to our office, and satisfies our previous recommendation for the application for Change in Zoning. We did not review this report, as we have previously reviewed and accepted the Interim Report for the inventory survey (letter dated October 9, 1990 from Don Hibbard, Director, SHPD to C.L. Hart, Director, Maui County Planning Department). Based on the inventory survey findings and recommendations for monitoring during demolition, ground -- altering activities, grading and grubbing, renovations, we concurred that archaeological monitoring is the appropriate mitigation against any effects on historic properties that the proposed development may have.

The plan conforms with DLNR/SHPD guidelines governing standards for monitoring and includes the following provisions. An archaeologist will be on site on a full-time basis and will have the authority to halt excavation in the event that cultural materials are identified. Consultation with Maui SHPD will occur in this event, to determine acceptable course of action.

Mr. Erik Fredericksen

Page 2

If human burials are identified, work will cease, the SHPD Burial Sites Program, O'ahu SHPD, Maui SHPD, and the MLIBC will be notified, and compliance with procedures outlined in HRS 6.E-43 will be followed. Coordination meetings with the construction crew will be held prior to project initiation. An acceptable report will be submitted to this office within 180 days of project completion.

This plan includes provisions for all future on and off-site improvements on and for the two parcels. Specific activities proposed under this plan include construction of a 136-room guest wing, swimming pool, and poolside bar. The submitted monitoring report will detail these activities. Any future proposed activities may be covered under this monitoring plan, but will need separate monitoring reports, as well as notification to office prior to commencement.

Please notify our Maui and O'ahu offices, via facsimile, at onset and completion of the project and monitoring program.

The plan is adequate and accepted as final. If you have any questions, please contact Dr. Melissa Kirkendall at 243-5169.

Aloha,



P. Holly McEldowney, Administrator  
State Historic Preservation Division

MK:jen

c: Michael Foley, Director, Department of Planning, County of Maui, FAX 270-7634  
Bert Ratte, County of Maui, Land Use and Codes, FAX 270-7972  
Glen Ueno, County of Maui, Land Use and Codes, FAX 270-7972  
Maui Cultural Resources Com, Dept of Ping, 250 S. High Street, Wailuku, HI 96793  
Chair, Maui/Lana'i Islands Burial Council  
Kana'i Kapeliela, Burial Sites Program

# **APPENDIX G.**

**Asbestos and Lead-Based  
Paint Survey Prepared by  
Vuich Environmental  
Consultants, Inc.**



**Consultants, Inc.**

April 19, 2005

Mrs. Kazuio Sugiyama  
 Elleair Hawaii  
 170 Kaahumanu Avenue  
 Kahului, HI 96732

RE: Asbestos and Lead-Based Paint Survey for Building K and Housekeeping Building located at the Maui Beach Hotel, Wailuku, HI.

VEC Project No. 0503-0980

Dear Mrs. Sugiyama,

Please find attached the laboratory results from EMC Laboratories for the asbestos sampling survey conducted by Vuich Environmental Consultants, Inc. (VEC) at the above referenced location on April 1, 2005. This project consisted of surveying the interior and exterior of the two (2) building structures noted above.

**Asbestos Sampling Survey**

The Environmental Protection Agency (EPA) and the State of Hawaii, Department of Health (DOH), define asbestos-containing materials (ACM) as those containing greater than 1% asbestos (Chrysotile, Amosite, Crocidolite, Anthophyllite, Tremolite, and Actinolite). A total of twenty-four (24) samples were collected from suspect materials identified in the above-noted structures. According to the laboratory analysis, the following building materials sampled were by definition asbestos-containing:

Sample #	Location	Material Description	Asbestos Type/Concentration
980-01C	Building K, Room 253, 2 <sup>nd</sup> Floor	Yellow/Black Mastic underlying vinyl floor tile.	3% Chrysotile
980-02A	Building K, Room 252, 2 <sup>nd</sup> Floor	White, lightly textured ceiling.	3% Chrysotile

Asbestos-containing materials are in good condition over the surface area. Removal of all asbestos-containing materials is recommended prior to any demolition/renovation work that may impact the above-noted materials.

Not all rooms were available for sampling by VEC. Areas that were not sampled that have similar building materials to the materials sampled (and which tested positive for asbestos) should be sampled or presumed to be asbestos-containing prior to any renovation/demolition activity that may impact these materials.

The lower floor textured ceilings and floor tile mastic should be presumed to be asbestos-containing or should be further sampled.

VEC Project No. 0503-0980  
April 19, 2005

OSHA's and HIOSH's Construction Standard for Asbestos regulates safety, work procedures, training, and medical surveillance of workers.

Demolition and renovation work activities involving ACM must follow the requirements and guidelines under EPA National Emission Standards for Hazardous Air Pollutants (NESHAP) and Hawaii Administrative Rules (HAR) Chapter 11-501. Notification, emission control, and waste disposal protocols should be conducted in accordance with NESHAP regulations.

#### Limited Lead-Based Paint Sampling Survey

The EPA and U.S. Department of Housing and Urban Development's (HUD's) definition of lead-based paint is 0.5% lead by weight. The Consumer Products Safety Commission's (CPSC's) criteria for lead-free paint is 0.06% lead by weight. The laboratory detection limit for lead during the paint analysis ranged was 0.010% lead by weight. The Occupational Safety and Health Administration (OSHA) Lead Construction Standard rules are effective for any levels above the laboratory detection limit.

Due to the absence of loose and flaky paint, VEC personnel did not collect any paint chip samples. Painted surfaces should be presumed to contain measurable levels of lead based on the age of the structures. Loose and flaky surfaces that are lead-containing are typically removed prior to demolition activities. A limited number of roof vents are located on Building K that should be managed (recycled or disposed of) as lead-containing waste.

VEC recommends following the risk assessment and work control guidelines presented in EPA's Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities and HUD's "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, 1995, for any demolition or renovation work activity that disturbs paint with measurable levels of lead.

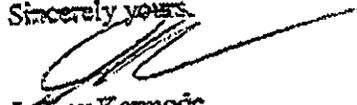
Compliance with OSHA and HIOSH standards is compulsory for worker training and work practices. Under the OSHA Lead Construction Standard, any scheduled renovation or demolition work conducted on these buildings will require certain notification to workers and work procedures to be followed.

#### Additional Survey Information

Fluorescent lights were noted in the laundry building structure. Fluorescent light tubes should be recycled or properly managed prior to any planned demolition activities. Additionally, the light fixture ballasts should be inspected upon removal to ensure they are not PCB-containing.

If you should have any questions please contact our office at (808) 249-2777.

Sincerely yours,

  
Jeffrey Kermode  
Inspector

Enclosure: 1. EMC Laboratories - Results and Chain-of-Custody

Page 2 of 2

Maul Office: 1498 Lower Main Street, Suite C, Waikuku, Maui, Hawaii 96793 • (808) 249-2777 Phone (808) 249-2778 Fax  
Oahu Office: Hanua Industrial Complex, 91-110 Hanua Street, Unit 317, Kapolei, Oahu, Hawaii 96707  
(808) 682-1611 Phone • (808) 682-1616 Fax • Inter-Island: (800) 572-1165 • www.vulchenvironmental.com

# EMC LABS, INC.

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044  
 Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Laboratory Report  
 0031360

## Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	VUICH ENVIRONMENTAL	Job# / P.O. #:	0503-0980	0980
Address:	1498 LOWER MAIN ST, STE C WAILUKU, HI 96793	Date Received:	04/11/2005	
Collected:	04/01/2005	Date Analyzed:	04/14/2005	
Project Name/	MAUI PALMS HOTEL	Date Reported:	04/14/2005	
Address:		EPA Method:	EPA 600/M4-82-020	
		Submitted By:	JEFFREY KERMODE	
		Collected By:	Customer	

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0031360-001 980-01A	BLDG K, RM 252	12" VFT, Gray Note: Insufficient Mastic/Adhesive for Analysis	No		Carbonates Quartz Binder/Filler 100%
0031360-002 980-01B	BLDG K, RM 252	LAYER 1 12" VFT, Gray	No		Carbonates Quartz Binder/Filler 100%
		LAYER 2 Caulking, White	No		Carbonates Gypsum Binder/Filler 100%
		LAYER 3 Mastic, Yellow	No		Carbonates Gypsum Binder/Filler 100%
0031360-003 980-01C	BLDG K, RM 253	LAYER 1 12" VFT, Gray	No		Carbonates Quartz Binder/Filler 100%
		LAYER 2 Mastic, Yellow/Black	Yes	Chrysotile 3%	Cellulose Fiber 1% Carbonates Gypsum Binder/Filler 96%
0031360-004 980-02A	BLDG K, RM 252	LAYER 1 Textured Ceiling, Off White	Yes	Chrysotile 3%	Carbonates Mica Binder/Filler 97%
		LAYER 2 Paint/ Surface Coat, White Note: Sample is mainly Paint	No		Gypsum Binder/Filler 100%

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Laboratory Report  
**0031360**

**Bulk Asbestos Analysis by Polarized Light Microscopy**

NVLAP#101926-0

Client:	VUICH ENVIRONMENTAL	Job# / P.O. #:	0503-0980	0980
Address:	1498 LOWER MAIN ST, STE C WAILUKU, HI 96793	Date Received:	04/11/2005	
Collected:	04/01/2005	Date Analyzed:	04/14/2005	
Project Name/	MAUI PALMS HOTEL	Date Reported:	04/14/2005	
Address:		EPA Method:	EPA 600/M4-82-020	
		Submitted By:	JEFFREY KERMODE	
		Collected By:	Customer	

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0031360-005 980-02B	BLDG K, RM 253	LAYER 1 Textured Ceiling, Off White	No		Carbonates Perlite Quartz Binder/Filler 100%
		LAYER 2 Paint/ Surface Coat, White Note: Sample is mainly Paint	No		Gypsum Carbonates Binder/Filler 100%
0031360-006 980-02C	BLDG K, STORAGE	LAYER 1 Textured Ceiling, Off White	No		Carbonates Perlite Quartz Binder/Filler 100%
		LAYER 2 Paint/ Surface Coat, White Note: Sample is mainly Paint	No		Gypsum Carbonates Binder/Filler 100%
0031360-007 980-03A	BLDG K, RM 54	12" VFT, Gray Note: Insufficient Mastic/Adhesive for Analysis	No		Carbonates Quartz Binder/Filler 100%
0031360-008 980-03B	BLDG K, RM 50	12" VFT, Gray Note: Insufficient Mastic/Adhesive for Analysis	No		Carbonates Quartz Binder/Filler 100%
0031360-009 980-03C	BLDG K, RM 47	12" VFT, Gray Note: Insufficient Mastic/Adhesive for Analysis	No		Carbonates Quartz Binder/Filler 100%

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Laboratory Report

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## Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	VUICH ENVIRONMENTAL	Job# / P.O. #:	0503-0980	0980
Address:	1498 LOWER MAIN ST, STE C WAILUKU, HI 96793	Date Received:	04/11/2005	
Collected:	04/01/2005	Date Analyzed:	04/14/2005	
Project Name/	MAUI PALMS HOTEL	Date Reported:	04/14/2005	
Address:		EPA Method:	EPA 600/M4-82-020	
		Submitted By:	JEFFREY KERMODE	
		Collected By:	Customer	

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0031360-010 980-04A	BLDG K, ROOF	LAYER 1 Asphalt Roofing, Silver/ Black	No		Synthetic Fiber 20% Carbonates Quartz Binder/Filler 80%
		LAYER 2 Asphalt Roofing, Black	No		Cellulose Fiber 15% Gypsum Quartz Binder/Filler 85%
		LAYER 3 Asphalt Roofing, Black	No		Cellulose Fiber 20% Synthetic Fiber 5% Gypsum Binder/Filler 75%
		LAYER 4 Asphalt Roofing, Red/ Black	No		Fibrous Glass 15% Gypsum Quartz Binder/Filler 85%
0031360-011 980-04B	BLDG K, ROOF	LAYER 1 Asphalt Roofing, Silver/ Black	No		Synthetic Fiber 20% Carbonates Quartz Binder/Filler 80%
		LAYER 2 Asphalt Roofing, Black	No		Cellulose Fiber 15% Gypsum Quartz Binder/Filler 85%
		LAYER 3 Asphalt Roofing, Black	No		Cellulose Fiber 20% Synthetic Fiber 5% Gypsum Binder/Filler 75%
		LAYER 4 Asphalt Roofing, Red/ Black	No		Fibrous Glass 15% Gypsum Quartz Binder/Filler 85%

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## Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	VUICH ENVIRONMENTAL	Job# / P.O. #:	0503-0980	0980
Address:	1498 LOWER MAIN ST, STE C WAILUKU, HI 96793	Date Received:	04/11/2005	
Collected:	04/01/2005	Date Analyzed:	04/14/2005	
Project Name/ Address:	MAUI PALMS HOTEL	Date Reported:	04/14/2005	
		EPA Method:	EPA 600/M4-82-020	
		Submitted By:	JEFFREY KERMODE	
		Collected By:	Customer	

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0031360-012 980-04C	BLDG K, ROOF	LAYER 1 Asphalt Roofing, Silver/ Black	No		Synthetic Fiber 20% Carbonates Quartz Binder/Filler 80%
		LAYER 2 Asphalt Roofing, Black	No		Cellulose Fiber 15% Gypsum Quartz Binder/Filler 85%
		LAYER 3 Asphalt Roofing, Black	No		Cellulose Fiber 20% Synthetic Fiber 5% Gypsum Binder/Filler 75%
		LAYER 4 Asphalt Roofing, Red/ Black	No		Fibrous Glass 15% Gypsum Quartz Binder/Filler 85%
0031360-013 980-05A	BLDG K, ROOF	Vent Sealant, Gray/ Black	No		Cellulose Fiber 20% Carbonates Quartz Binder/Filler 80%
0031360-014 980-05B	BLDG K, ROOF	Vent Sealant, Gray/ Black	No		Cellulose Fiber 20% Carbonates Quartz Binder/Filler 80%
0031360-015 980-05C	BLDG K, ROOF	Vent Sealant, Gray/ Black	No		Cellulose Fiber 20% Carbonates Quartz Binder/Filler 80%

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Laboratory Report  
**0031360**

## Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client: VUICH ENVIRONMENTAL  
 Address: 1498 LOWER MAIN ST, STE C  
 WAILUKU, HI 96793  
 Collected: 04/01/2005  
 Project Name/ Address: MAUI PALMS HOTEL

Job# / P.O. #: 0503-0980 0980  
 Date Received: 04/11/2005  
 Date Analyzed: 04/14/2005  
 Date Reported: 04/14/2005  
 EPA Method: EPA 600/M4-82-020  
 Submitted By: JEFFREY KERMODE  
 Collected By: Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0031360-016 980-06A	BLDG K, RM 47	LAYER 1 Textured Ceiling, Off White	No		Carbonates Perlite Quartz Binder/Filler 100%
		LAYER 2 Paint, White	No		Carbonates Binder/Filler 100%
0031360-017 980-06B	BLDG K, RM 50	LAYER 1 Textured Ceiling, Off White	No		Carbonates Perlite Quartz Binder/Filler 100%
		LAYER 2 Paint/ Surface Coat, White Note: Sample is mainly Paint	No		Gypsum Carbonates Binder/Filler 100%
0031360-018 980-06C	BLDG K, RM 54	LAYER 1 Textured Ceiling, Off White	No		Carbonates Perlite Quartz Binder/Filler 100%
		LAYER 2 Paint/ Surface Coat, White Note: Sample is mainly Paint	No		Gypsum Carbonates Binder/Filler 100%
0031360-019 980-07	BLDG K, FLOOR 1	Ext. Caulking, Beige	No		Carbonates Binder/Filler 100%
0031360-020 980-08	BLDG K, FLOOR 1	Ext. Caulking, Black/Tan	No		Carbonates Gypsum Binder/Filler 100%

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**0031360**

## Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client: <b>VUICH ENVIRONMENTAL</b> Address: <b>1498 LOWER MAIN ST, STE C                  WAILUKU, HI 96793</b>	Job# / P.O. #: <b>0503-0980</b> <b>0980</b> Date Received: <b>04/11/2005</b> Date Analyzed: <b>04/14/2005</b> Date Reported: <b>04/14/2005</b> EPA Method: <b>EPA 600/M4-82-020</b> Submitted By: <b>JEFFREY KERMODE</b> Collected By: <b>Customer</b>
Collected: <b>04/01/2005</b> Project Name/ Address: <b>MAUI PALMS HOTEL</b>	

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0031360-021 980-09A	MAINTENANCE BLDG (ROOF)	LAYER 1 Tar & Gravel Roof, Black	No		Cellulose Fiber      15%
		LAYER 2 Tar & Gravel Roof, Black	No		Gypsum Quartz Binder/Filler      85%
		LAYER 3 Tar & Gravel Roof, Black	No		Cellulose Fiber      20% Synthetic Fiber      5% Carbonates Quartz Binder/Filler      75%
		LAYER 4 Tar & Gravel Roof, Black	No		Cellulose Fiber      20% Gypsum Quartz Binder/Filler      80%
0031360-022 980-09B	MAINTENANCE BLDG (ROOF)	LAYER 1 Tar & Gravel Roof, Black	No		Cellulose Fiber      15%
		LAYER 2 Tar & Gravel Roof, Black	No		Gypsum Quartz Binder/Filler      85%
		LAYER 3 Tar & Gravel Roof, Black	No		Cellulose Fiber      20% Synthetic Fiber      5% Carbonates Quartz Binder/Filler      75%
		LAYER 4 Tar & Gravel Roof, Black	No		Cellulose Fiber      20% Gypsum Quartz Binder/Filler      80%

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Laboratory Report  
0031360

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## Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101924-0

Client:	VUICH ENVIRONMENTAL	Job# / P.O. #:	0503-0980	0980
Address:	1498 LOWER MAIN ST, STE C WAILUKU, HI 96793	Date Received:	04/11/2005	
Collected:	04/01/2005	Date Analyzed:	04/14/2005	
Project Name/	MAUI PALMS HOTEL	Date Reported:	04/14/2005	
Address:		EPA Method:	EPA 600/M4-82-020	
		Submitted By:	JEFFREY KERMODE	
		Collected By:	Customer	

Lab ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0031360-023 980-09C	MAINTENANCE BLDG (ROOF)	LAYER 1 Tar & Gravel Roof, Black	No		Cellulose Fiber 15%
		LAYER 2 Tar & Gravel Roof, Black	No		Gypsum Quartz Binder/Filler 85%
		LAYER 3 Tar & Gravel Roof, Black	No		Cellulose Fiber 20% Synthetic Fiber 5%
		LAYER 4 Tar & Gravel Roof, Black	No		Carbonates Quartz Binder/Filler 75%
0031360-024 980-10	MAINTENANCE BLDG (ROOF)	Roof Finishing Sealant, White	No		Synthetic Fiber 20%
					Gypsum Quartz Binder/Filler 80%
					Synthetic Fiber 5%
					Gypsum Quartz Binder/Filler 95%
					Gypsum Perlite Binder/Filler 100%

*Kurt Kettler*  
Analyst - Kurt Kettler

*Kurt Kettler*  
Signatory - Lab Director - Kurt Kettler

Distinctly stratified, easily separable layers of samples are analyzed as sub-samples of the whole and are reported separately for each discernible layer. All analyses are derived from collected visual evidence and measured in weight percent unless otherwise noted. This report refers to the standard or procedures identified and in the sample(s) name. The test results are not necessarily indicative or representative of the quality of the lot from which the sample was taken or of separately identified or similar products, nor do they represent an ongoing quality assurance program unless so noted. These reports are for the exclusive use of the addressee and shall not be reproduced, wholly or in part, for advertising or other purposes over our signature or in connection with our name without special written permission. This report should not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, without written approval by our laboratory. The sample not destroyed in testing and retained a maximum of thirty days. The laboratory measurement of asbestos by the test method is representative of the sample as received. Accredited by the National Institute of Standards and Technology, Voluntary Laboratory Accreditation Program for selected test methods by asbestos. The accreditation of any report generated by this laboratory in no way constitutes or implies product certification, approval, or endorsement by the National Institute of Standards and Technology. This report must not be used by any entity in claim product endorsement by NVLAP or any agency of the U.S. Government. Polarized Light Microscopy may not be consistently reliable in detecting asbestos in floor coverings and similar non-fibrous epoxy-based materials.