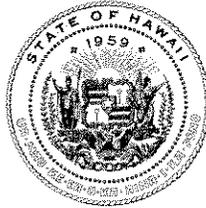


NOV -- 8 2007

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEN C. KAWAHARA
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

OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

07 OCT 25 2007

REF:OCCL:TM

CDUA: MA-3439

MEMORANDUM

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

OCT 25 2007

TO: Laurence K. Lau, Deputy Director
Environmental Health
Office of Environmental Quality Control

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: Final Environmental Assessment (FEA)/ Finding of No Significant Impact (FONSI) for the Wailuku County Estate Water Storage Tank, Associated Improvements and Subdivision Located at Wailuku, Island of Maui, TMK: (2) 3-3-002:001

The Office of Conservation and Coastal Lands (OCCL) has reviewed the Final Environmental Assessment (FEA) for the After the Fact project. The Draft Environmental Assessment (DEA) for this project was published in OEQC's March 8, 2007 Environmental Notice.

The FEA is being submitted to OEQC. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. Please publish this notice in OEQC's upcoming November 08, 2007 Environmental Notice. This finding does not constitute approval of the After the Fact Use.

We have enclosed two copies and a CD of the FEA for the project along with the OEQC Bulletin Publication Form and Project Summary. Comments on the Draft Environmental Assessment were sought from relevant agencies and the public, and were included in the FEA.

Please contact Tiger Mills of our Office of Conservation and Coastal Lands staff at 587-0382 if you have any questions on this matter.

Attachments

FINAL ENVIRONMENTAL ASSESSMENT

AND

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

**WAILUKU COUNTRY ESTATES WATER STORAGE TANK AND
SUBDIVISION**

**Portion of Kamehameha IV Deed to C. Brewer and Others, being also a portion of Lot A-1
of the I'ao Valley Large-Lot Subdivision, Ahupua'a of Wailuku, District of Wailuku,
Island and County of Maui, State of Hawaii. TMK: (2) 3-3-002: 001 (portion)**

**Prepared for:
CGM, LLC**

October, 2007

Prepared by:

Tim Lui-Kwan, Esq.

Carlsmith Ball LLP

1001 Bishop Street, Suite 2200

P.O. Box 656

Honolulu, Hawaii 96809-3402

Telephone/fax: (808) 523-2511/523-0842

E-Mail: tluikwan@carlsmith.com

TABLE OF CONTENTS

SUMMARY	1
1.0 INTRODUCTION	15
1.1 Identification of Applicants and Ownership	15
1.2 Identification of Regulatory Permits and Approving Agency.....	15
1.3 Identification of Agencies Consulted in Making Assessment.....	15
2.0 PROJECT BACKGROUND	16
2.1 Location.....	16
2.2 Existing Uses and Activities	16
2.3 Project Description.....	16
2.4 Permits Issued for the Project.....	17
2.5 Surrounding Area Uses and Activities	17
2.6 Proposed Uses and Activities.....	17
2.7 Need for the Project	18
3.0 ENVIRONMENTAL SETTING, IMPACTS & MITIGATION MEASURES	18
3.1 Physical Characteristics.....	18
3.1.1 Physiography, Climate and Soils.....	18
3.1.2 Natural Hazards.....	20
3.1.3 Flora and Fauna.....	21
3.1.4 Historical/Cultural and Archaeological Resources.....	22
3.1.5 Air and Noise Quality.....	25
3.1.6 Scenic and Open Space Resources.....	25
3.2 Socioeconomic Considerations	30
3.3 Public Facilities and Services.....	30
3.3.1 Access	30
3.3.2 Utilities.....	30
3.3.3 Police and Fire Protection	30

Table of Contents

4.0 RELATIONSHIP OF THE PROPOSED ACTION TO LAND USE PLANS, POLICIES AND CONTROLS FOR THE AFFECTED AREA31

4.1 Chapter 205, HRS, State Land Use Law31

4.2 State Administrative Rules Governing Land Uses Within Conservation Districts 31

4.3 Hawaii State Plan 32

4.4 Coastal Zone Management Act 34

4.5 Maui County General Plan and Wailuku-Kahului Community Plan 35

4.6 County Special Management Area 36

4.7 Shoreline Setback Area 36

4.8 Environmental Impact Statement 36

5.0 IDENTIFICATION OF MAJOR IMPACTS AND ALTERNATIVES CONSIDERED37

5.1 Major Impacts37

5.2 Alternative to the Proposed Action37

6.0 ANTICIPATED AGENCY DETERMINATION AND FINDINGS AND REASONS SUPPORTING ANTICIPATED DETERMINATION37

7.0 CONSULTATION AND COMMENTS ON THE DRAFT EA39

REFERENCES.....53

LIST OF EXHIBITS..... Page

A Location Map of Project Site and Access Road with Topographic Detail 3

B Project Site Map with Detail of Area4

C Conservation District Boundary Map 5

D Construction Plans with Details, Elevations and Grading 6-14

E Photographs of Project Site and Access/Utility Easement26-29

F Soils Map of Project Site Area 20

K Letter of “No Affects” from SHPD to the Maui County Department of Public Works ...24

SUMMARY

- Applicant:** CGM, LLC, a Hawaii limited liability company
- Owner:** Wahi Ho'omalulu Limited Partnership, a Hawaii limited partnership
- Property Location:** Conservation District (Resource subzone) property located near I'ao Valley, Wailuku, Maui, Hawaii as shown on the Project Location Map, Figure 1, below
- Tax Map Key and Parcel Size:** (Maui) 3-3-02:01 (portion)
834.016 acres
- Area of Proposed Use:** 51,097.76 square feet (1.173 acres)
- Approving Agency:** The Board of Land & Natural Resources
P.O. Box 621
Honolulu, Hawaii 96813
- Consultant:** Tim Lui-Kwan
Carlsmith Ball LLP
1001 Bishop Street, Suite 2200
American Saving Bank Tower
Honolulu, Hawaii 96813
Telephone: 808-523-2511 Honolulu, Hawaii 96813
Facsimile: 808-523-0842
E-mail: tluikwan@carlsmith.com
- Proposed Action:** Applicant is requesting an after-the-fact permit for a 100,000 gallon high level potable water storage tank that is currently serving the adjacent Wailuku Country Estates agricultural subdivision (formerly called the Puuohala Mauka Ag subdivision) at Wailuku, Maui and the proposed subdivision of a 24,001.56 square feet (0.551 acre) parcel for this reservoir site together with a 25,918.20 sq. ft. (0.595 ac.) easement for roadway/utility purposes and a 1,178 sq. ft. (0.027 acres) easement for drainage over-flow (the "Project Site"). The subdivision water system, including the subject tank site and easement has been under the control and operation of the Maui County Department of Water Supply since the completion of the subdivision in 2002/2003. At the time that these improvements were first constructed, it was thought that all off-site utilities were within the State Land Use (SLU) Agricultural District. However, it was later discovered while trying to dedicate the water system that Lot A-1-A and a section of the access roadway (Easement 1) and drainage easement (Easement 3) were within the SLU Conservation District. The proposed water tank site and the road/utility easement form a portion of TMK: (2) 3-3-002-001 as shown on **Exhibits A, B and C**. The water system was built to county standards as described on the construction plans and drawings for the water storage tank and roadway attached as **Exhibit D-2-D-11**. The subject parcel and all of the improvements will be formally conveyed to the County upon approval of the subdivision. The 12' wide concrete access road runs west from Kamaile Street between Lots 138 and 139 of the Wailuku Country Estates subdivision entering the Conservation District after passing over the Maniania Irrigation Ditch that runs along the western (mauka) edge of the subdivision and runs approximately 633 feet to Lot A-I-A. The dimensions of the stainless steel tank is 31' in

Summary

diameter and 20' in height, and sits at its finished grade at the 801' elevation. The tank site is entirely enclosed by a 6' high chain link fence.

Determination:

The proposed action is expected to have no significant impact on the environment, therefore, a Finding of No Significant Impact (“FONSI”) is anticipated, subject to the provisions of Section 11-200-9, Hawaii Administrative Rules.

Parties Consulted:

State of Hawaii

- Department of Land & Natural Resources – Office of Conservation and Coastal Lands
- Commission on Water Resource Management
- Department of Land & Natural Resources – State Historic Preservation Division
- Department of Land & Natural Resources – Division of Forestry and Wildlife
- Department of Health

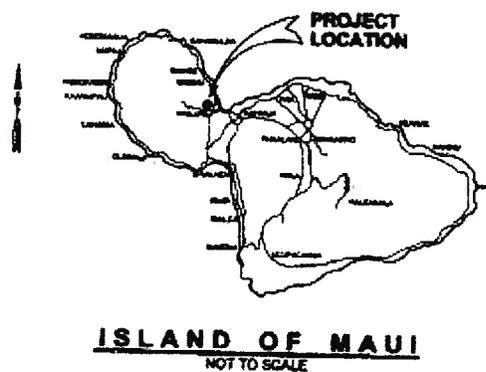
County of Maui

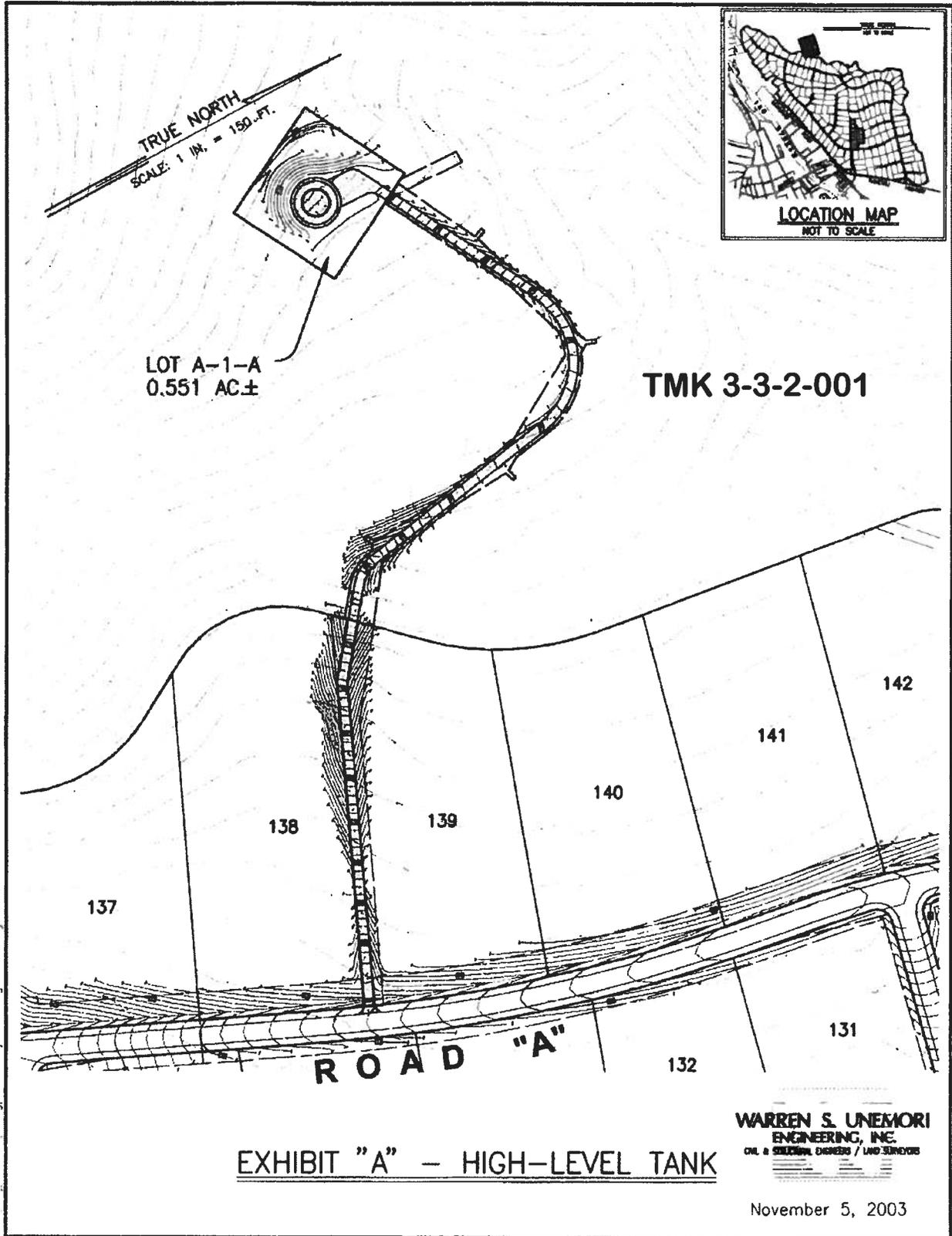
- Planning Department
- Office of the Environmental Coordinator
- Department of Water Supply
- Department of Public Works
- Fire Department
- Police Department
- Wailuku Main Street

Organizations

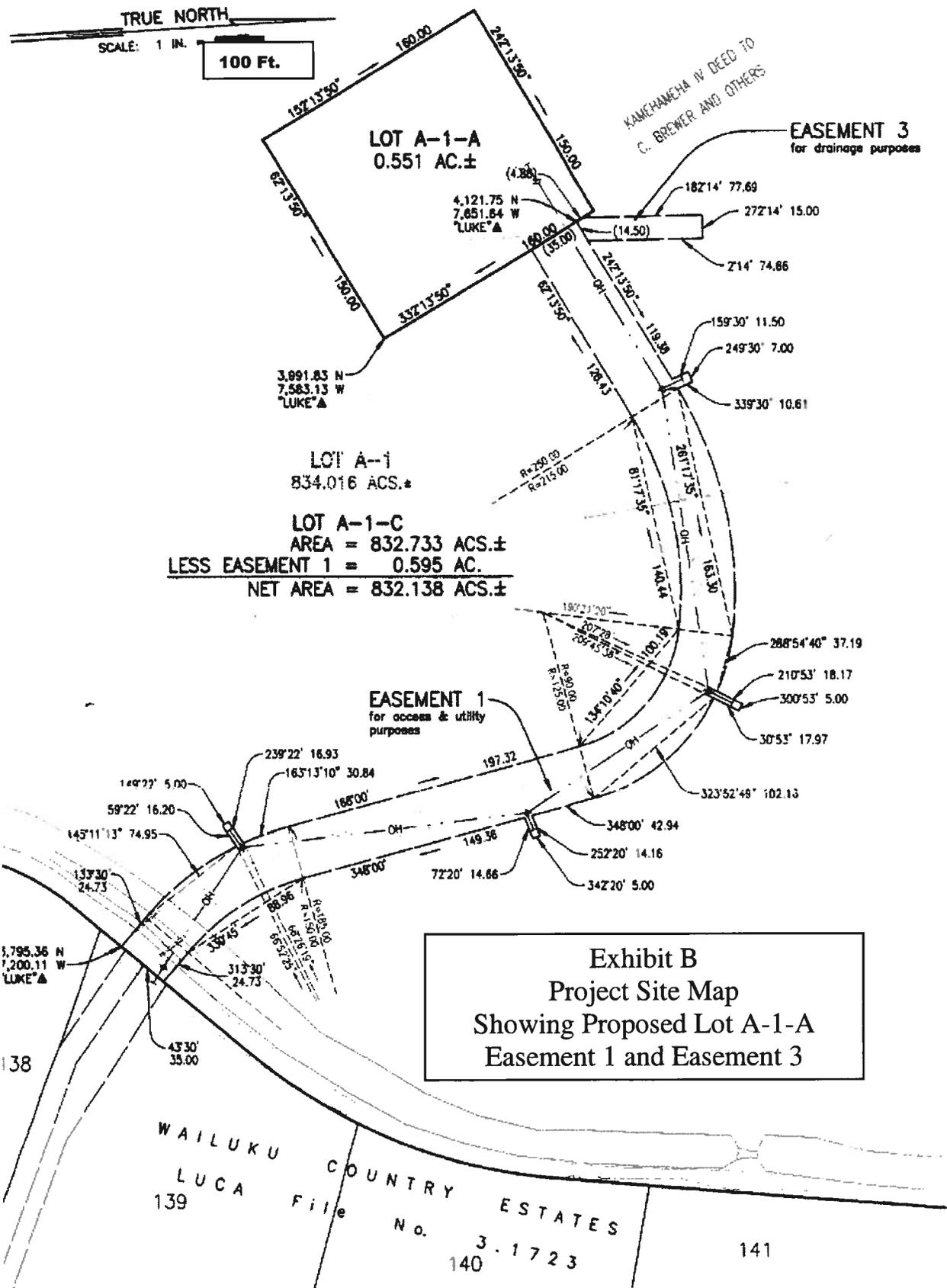
- Wailuku Country Estates Community Association
- Maui Arts and Cultural Center

Figure 1. **Project Location Map**





Summary



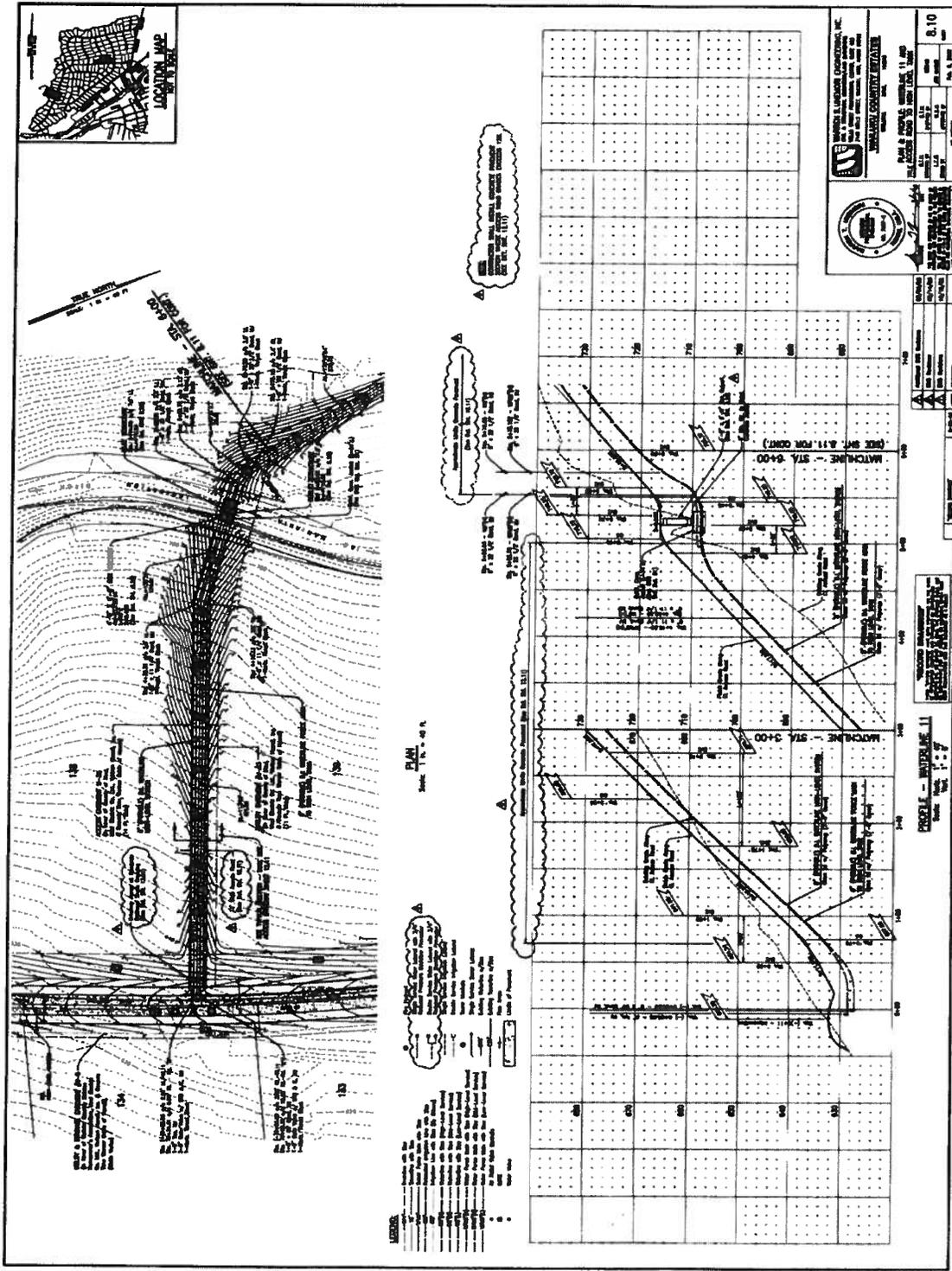


EXHIBIT D-4

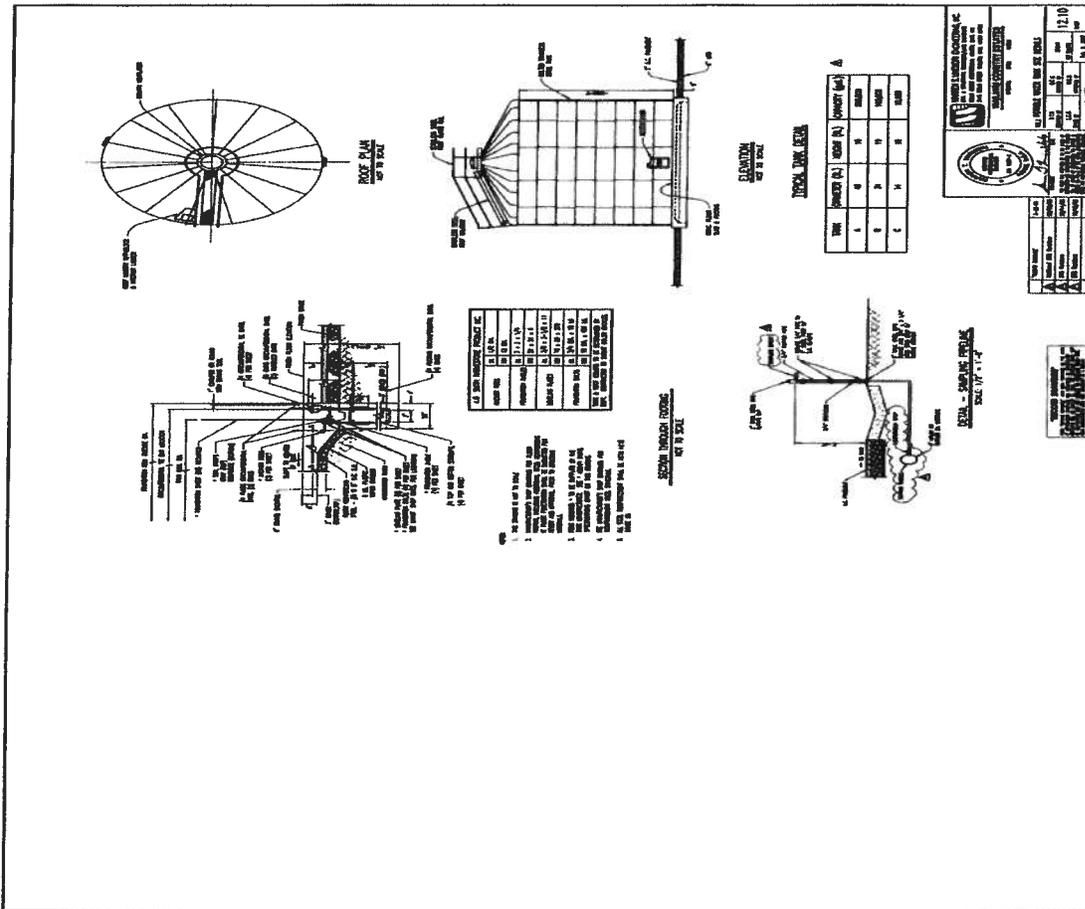


EXHIBIT D-6

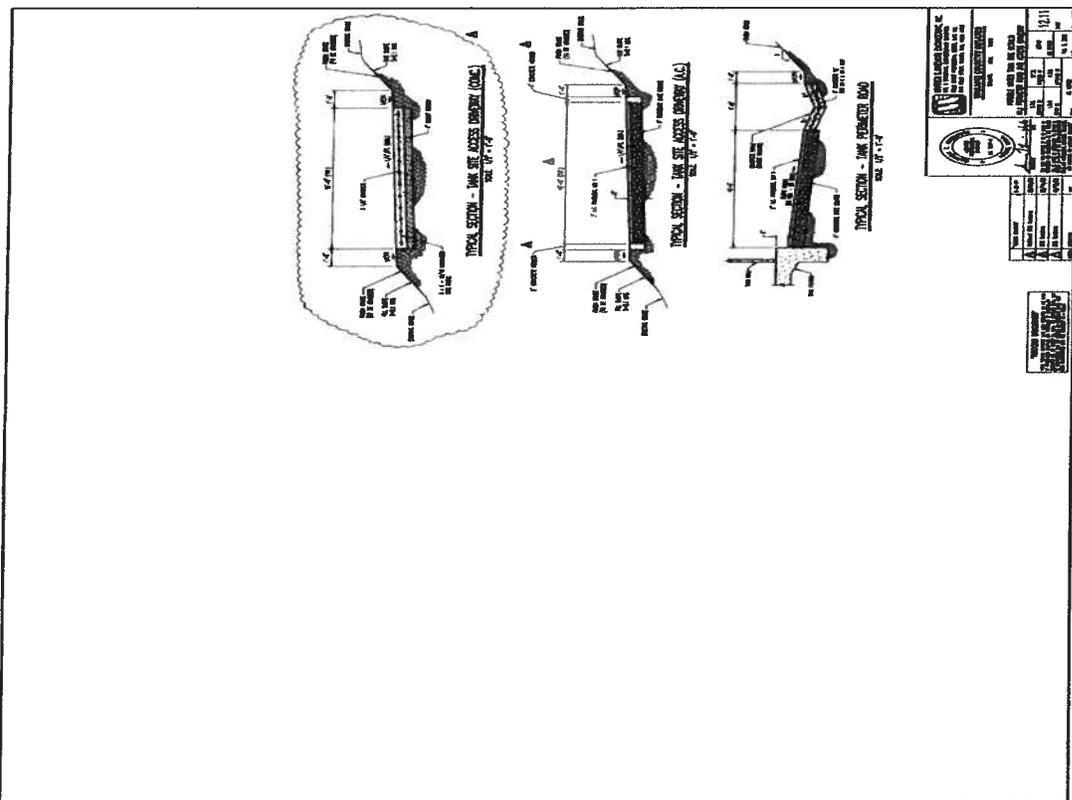
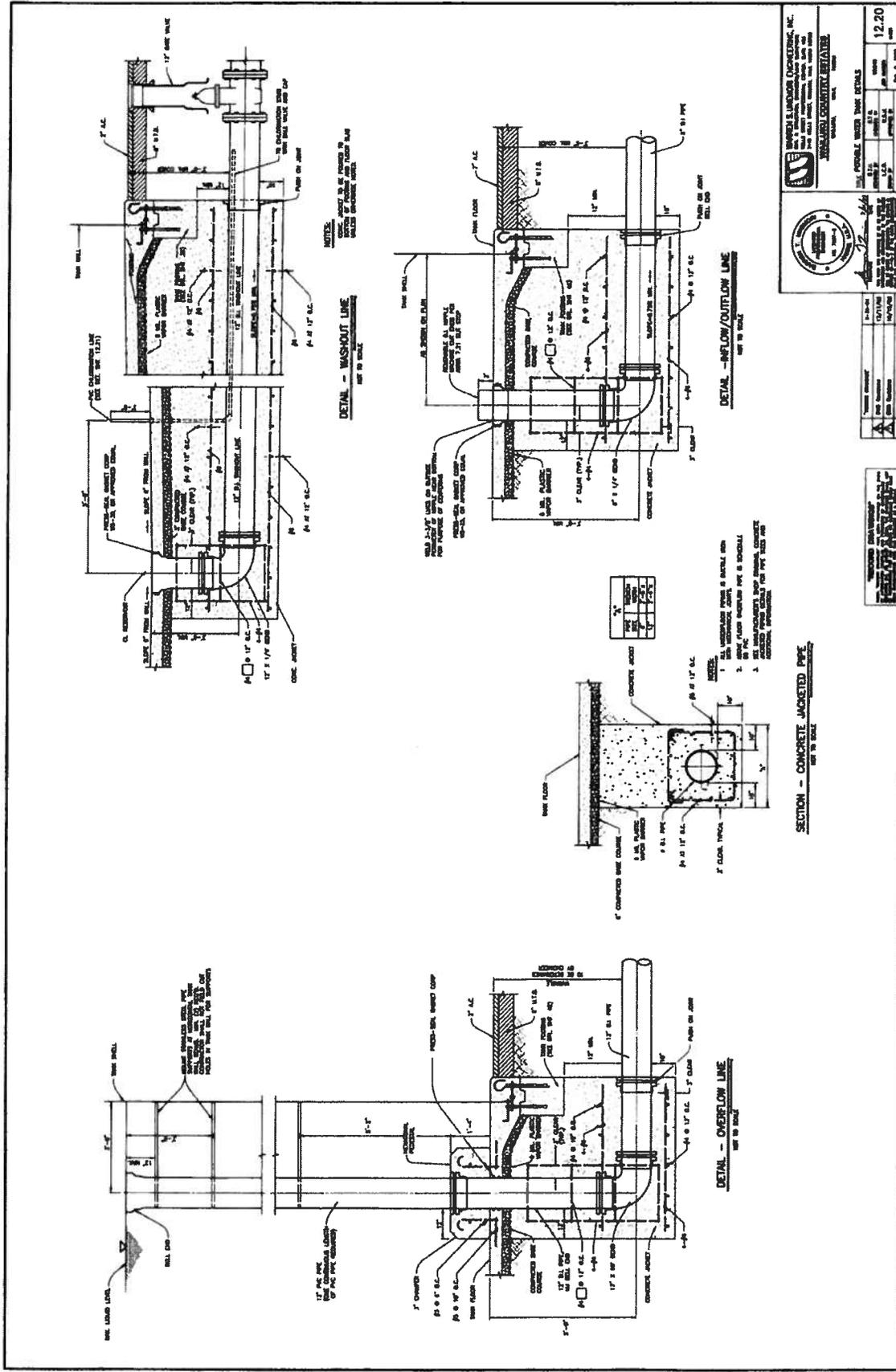


EXHIBIT D-7



WILSON & LANGRISH ENGINEERING, INC. 1000 WILSON DRIVE SUITE 100 WILSON, N.C. 27157 PHONE: 704/241-1111 FAX: 704/241-1112 WWW: WWW.WILSON-ENGINEERING.COM	
PROJECT NO. 12.20 SHEET NO. 12.20 DATE: 12/20/00	12.20 12.20 12.20

EXHIBIT D-9

1.0 INTRODUCTION

1.1 Identification of Applicant and Ownership

Applicant CGM, LLC has developed an agricultural subdivision known as Wailuku Country Estates (formerly called the Puuohala Mauka Ag Subdivision) on land adjacent to the subject property. The subject property is owned by the Wahi Ho’omalua Limited Partnership.

1.2. Identification of Regulatory Permits and the Approving Agency

This environmental assessment is being submitted in conjunction with an application to the Board of Land & Natural Resources for a Conservation District Use Application (“CDUA”), in accordance with Sections 13-5-11, 13-5-12, 13-5-13, 13-5-22, 13-5-2, 13-5-24 and 13-5-31 of the Department of Land and Natural Resources (“DLNR”) Administrative Rules. The approving agency for this environmental assessment is the Department of Land & Natural Resources.

1.3 Identification of Agencies Consulted in Making Assessment

The following agencies provided assistance or information in preparing this assessment:

State Agencies

- Department of Land & Natural Resources – Office of Conservation and Coastal Lands
- Commission on Water Resource Management
- Department of Land & Natural Resources – State Historic Preservation Division
- Department of Land & Natural Resources – Division of Forestry and Wildlife
- Department of Health

County Agencies

- Planning Department
- Department of Public Works
- Department of Water Supply
- Office of the Environmental Coordinator
- Fire Department
- Police Department
- Wailuku Main Street

Organizations

- Wailuku Country Estates Community Association
- Maui Arts and Cultural Center

2.0 PROJECT BACKGROUND

2.1 Location

The Project Site is located on property identified Tax Map Key No. (Maui) 3-3-02:01 and is located at Wailuku, Island and County of Maui, State of Hawaii as shown on **Exhibit A**. The entire parcel consists of 834.016 acres and is situated in Central Maui on the ridge *makai* of the forest reserve boundary just north of I'ao Valley in Wailuku. The Project Site consists of a 1.173 ac. section of the subject parcel approximately ¼ mile north of I'ao Valley and *mauka* of the Wailuku Country Estates subdivision.

2.2 Existing Uses and Activities

The Project Site area is adjacent to the Wailuku Country Estates, an agricultural subdivision developed on lands formerly cultivated by C. Brewer, Ltd. over the past 120 years first as sugar cane fields and more recently for macadamia nut orchards. Approximately 140 acres of the subject parcel is still being cultivated in diversified agriculture. The immediate Project Site area, though part of the former C. Brewer plantation holdings, underwent reforestation in the 1930's with plantings of introduced tree species such as Formosan Koa (*Acacia confusa*), Moluccan Albizia (*Paraserianthes falcataria*) and Ironwood (*Casuarina sp.*).

2.3 Project Description

Applicant is requesting an after-the-fact permit for a 100,000 gallon high level potable water storage tank that is currently serving the adjacent Wailuku Country Estates subdivision (formerly called the Puuohala Mauka Ag subdivision) at Wailuku, Maui and the proposed subdivision of a 24,001.56 square feet (0.551 acre) parcel for this reservoir site together with a 25,918.20 sq. ft. (0.595 ac.) easement for roadway/utility purposes and a 1,178 sq. ft. (0.027 acres) easement for drainage over-flow (the "Project Site"). The subdivision water system, including the subject tank site and easement has been under the control and operation of the Maui County Department of Water Supply since the completion of the subdivision in 2002/2003. At the time that these improvements were first constructed, it was thought that all off-site utilities were within the State Land Use (SLU) Agricultural District. However, it was later discovered while trying to dedicate the water system that Lot A-1-A and a section of the access roadway (Easement 1) and drainage easement (Easement 3) were within the SLU Conservation District. The source of the water for this project is a supply well (Waiehu) constructed approximately 6,000 feet north of the Project Site at the 490' elevation by the County of Maui in the 1970's. Although the County well supplying water to the project is drawn from the I'ao Aquifer System Area that was officially designated a Ground Water Management Area on July 21, 2003, the plans for the subject improvements were approved by the County of Maui and the Environmental Management Division of the State of Hawaii in December of

2002. The proposed water tank site and the road/utility easement form a portion of TMK: (2) 3-3-002-001 as shown on **Exhibits A, B and C**. The water system was built to county standards as described on the construction plans and drawings for the water storage tank and roadway attached as **Exhibits D-2 to D-11** and a building permit was issued for the project on February 26, 2003 by the County of Maui. The County water system has been supplying water to the subdivision and the high elevation storage tank since completion of the improvements in early 2003. The subject parcel and all of the improvements will be formally conveyed to the County upon approval of the subdivision. The 12' wide concrete access road runs west from Kamaile Street between Lots 138 and 139 of the Wailuku Country Estates subdivision entering the Conservation District after passing over the Maniania Irrigation Ditch that runs along the western (mauka) edge of the subdivision and runs approximately 633 feet to Lot A-I-A. The dimensions of the stainless steel tank is 31' in diameter and 20' in height, and sits at its finished grade at the 801' elevation. The tank site is entirely enclosed by a 6' high chain link fence. Applicant has resolved the violation for constructing the subject improvements without a Conservation District Use Permit.

2.4 Permits Issued for the Property

There are no prior conservation district use permits (CDUP) issued for the subject property although the proposed action will require a CDUP for the use as a water system facility and the subdivision of the water storage tank lot (Lot A-1-A) and its access, utility and drainage easements as shown on **Exhibit B**. A building permit was issued for the subject improvements including the construction of the water storage tank and the access roadway on February 26, 2003 by the County of Maui with completion shortly thereafter.

2.5 Surrounding Uses and Activities

The Project Site area is adjacent to the Wailuku Country Estates, an agricultural subdivision developed on lands formerly cultivated by C. Brewer, Ltd. over the past 120 years first as sugar cane fields and more recently for macadamia nut orchards. The subject parcel is *makai* of the forest reserve boundary and a large forest reserve parcel (TMK: 3-3-03:03) still owned by C. Brewer (Wailuku Agribusiness). Approximately 140 acres of the subject parcel is still being cultivated in diversified agriculture. The immediate Project Site area, though part of the former C. Brewer plantation holdings, underwent reforestation in the 1930's with plantings of introduced tree species such as Formosan Koa (*Acacia confusa*), Moluccan Albizia (*Paraserianthes falcataria*) and Ironwood (*Casuarina sp.*).

2.6 Proposed Uses and Activities

The 100,000 gallon high level potable water storage tank will be situated within a 24,001.56 sq. ft. tank parcel and is used to service the 49 agricultural lots within the

adjacent Wailuku Country Estates subdivision as shown on **Exhibit D**. There is also a 25,918.20 sq. ft. easement for roadway/utility purposes and a 1,178 sq. ft. easement for drainage over-flow from the proposed reservoir parcel as shown on **Exhibit B**. The concrete access roadway is approximately 12 ft. wide and 675 ft. in length through the Conservation District. The water tank facility and the easements are currently being maintained and are under the control of the County Department of Water Supply. The proposed tank parcel will be formally conveyed to the County of Maui upon completion of the subject subdivision. The water storage tank facilities and its appurtenant access and utilities were constructed by the Applicant and no public funds were expended for the proposed action.

2.6 Need for the Project

The high level water storage facilities that are located within the tank site designated by the proposed action are necessary to provide county water service to the orchards and residences on 49 agricultural lots within the adjacent Wailuku Country Estates subdivision. The road and utility easement are needed to provide access and electrical power to the facility. The proposed action further promotes the public health, safety and welfare as public policy supports the expansion and dedication of public facilities constructed for the public benefit such as the subject water system improvements, especially where built without the expenditure of public moneys. The subject water system improvements will immediately and directly benefit the public health, safety and welfare by increasing the availability of clean and safe drinking water to residents of the County of Maui.

3.0 ENVIRONMENTAL SETTING, IMPACTS & MITIGATION MEASURES

3.1 Physical Characteristics

3.1.1 Physiography, Climate and Soils

Setting. The elevation of the Project Site area ranges from approximately 720 feet to 820 feet above mean sea level on the windward slopes of the West Maui mountains just north of I'ao Valley as shown on topographic map attached as **Exhibit D-3**. The West Maui mountains is a deeply dissected volcano that rises 5,788 feet at Pu'u Kukui surrounded by a moderately sloping narrow belt. I'ao Stream is approximately ¼ mi. to the south and the Maniania irrigation ditch runs from south to north just east of the Project Site area. While the South Waiehu Stream borders the subject parcel, it is neither close to nor impacts the Project Site area. The soils within the Project Site are classified by the NRCS in its Soil Survey Report as primarily "rRR" or "Rough Broken Land" as shown on soils map of the project area attached as **Exhibit F**. Rough broken land (rRR) consists of very steep land broken by numerous intermittent drainage channels. In most places it is not stony. It occurs in gulches and on mountain sides on all the islands except Oahu. The slope is 40 to 70 percent. The annual rainfall amounts to 25 to more than 200 inches. These soils are

variable. They are 20 to more than 60 inches deep over soft, weathered rock. In most places some weathered rock fragments are mixed with the soil material. Small areas of rock outcrop, stones, and soil slips are common. This land type is used primarily for watershed and wildlife habitat. In places it is also used also for pasture and woodland. The Soil Survey Report also places these soils in capability subclass VII which “have very severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture or range, woodland, or wildlife.” The Land Study Bureau Overall Master Productivity Rating classifies the soil within the Project Site as “D”, or “Poorly Suited”, to agricultural productivity, and the State of Hawaii, Department of Agriculture’s Land of Importance to the State of Hawaii (“ALISH”), which lists all of the land in Hawaii with agricultural significance, does not classify the area as being “Prime”, “Unique” or “Other Important Agricultural Lands.” Equable temperatures, moderate humidity and persistent breezes characterize Hawaii’s climate. These favorable climatic conditions occur at the Project Site. According to the NRCS (USDA, 1972), the average temperature in Kailua, Maui is 70.7°F with average minimum and maximum temperatures ranging from 64.2°F and 77.2°F, respectively. Northeasterly trade winds prevail during much of the year though variable in frequency. During the summer months, this system is stronger and shifts farther to the north producing more persistent and stronger trade winds. In the winter months, this high pressure system declines and shifts to the southeast at which time general wind patterns become weaker and more variable.

Impacts and Mitigation. There will be little permanent impact to the Project Site resulting from the construction of the storage water tank facility and the access/utility easement. Although there was certain clearing and grading that physically impacted the land during construction of the water storage facilities and the roadway in late 2003, the land surrounding the Project Site and the access road has revegetated nearly to its original condition with minimal impact to the surrounding area. Additionally, the access roadway with its improved shoulders of grassed drainage swales was designed to reduce the possibility of soil erosion. The proposed action would not result in loss of any valuable agricultural lands since the soils within the Project Site are poor and not currently in agricultural use.

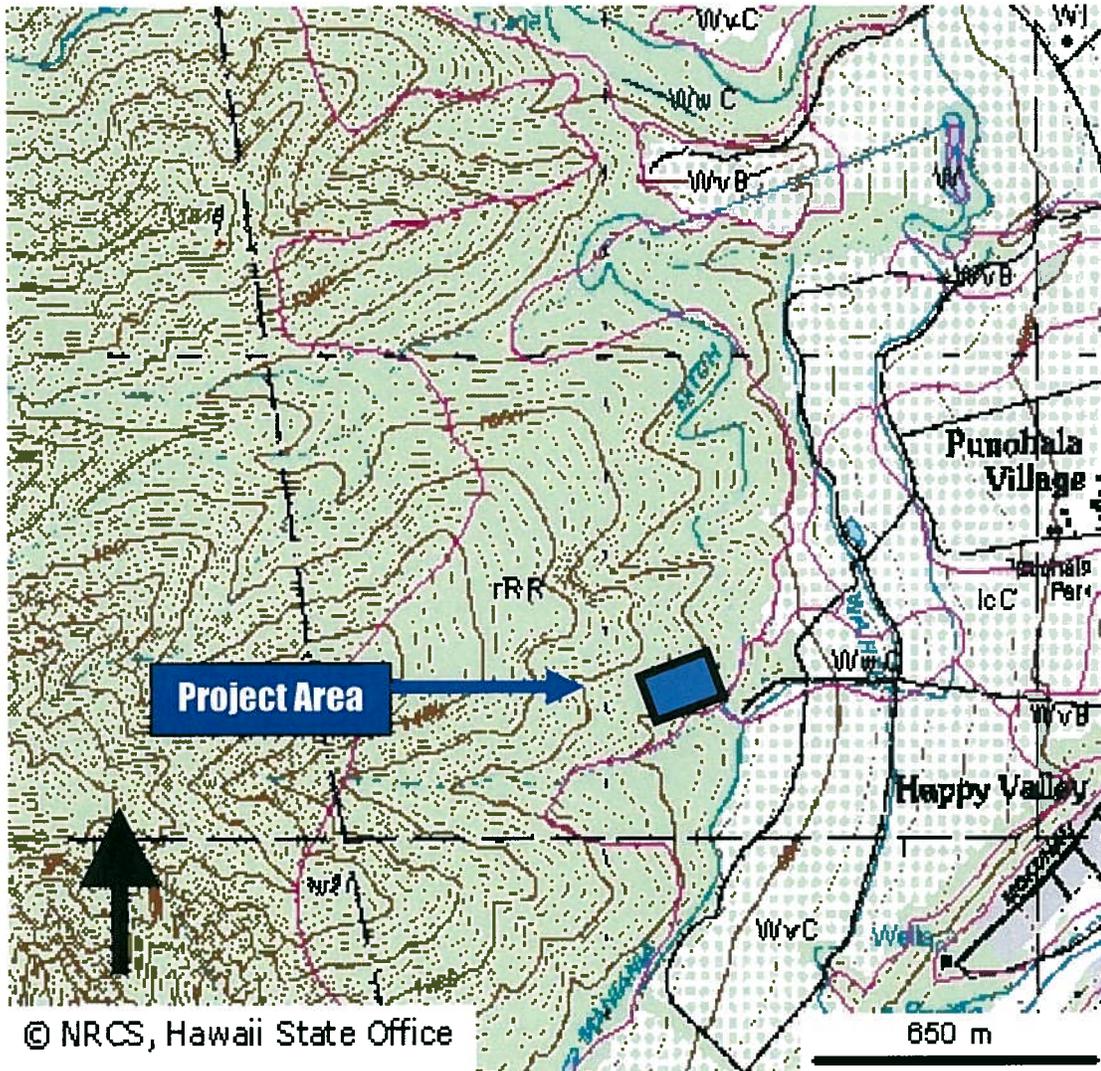


Exhibit F
Soils Map of the Project Area

3.1.2 Natural Hazards

Setting.

Flood and Coastal Hazards. The U. S. Corps of Engineers Flood Insurance Rate Map (FIRM) designates the Property in Zone C. Zone “C” is designated for those areas of minimal flooding according the Federal Emergency Management Agency . The proposed action will have no effect on existing flood areas. The Project Site is located at the 800’ elevation approximately 3 miles inland from the coast and is not subject to tsunami inundation or other coastal hazards.

Volcanic and Earthquake Hazards. The Project Site is located on the windward slopes of the West Maui mountains which are dormant remnants of one of two volcanoes comprising the island of Maui. Earthquakes in Hawaii typically result from magmatic migration underground. Haleakala is a dormant volcano that is believed to have last erupted in the 1700's. As this volcano is not extinct, it could erupt again in the future and therefore earthquakes associated with underground magma movements are possible. The entire island of Maui is designated within Earthquake Zone 2B based upon the Uniform Building Codes (UBC) seismic zone criteria that range from 0-4. The UBC contains certain structural requirements to address the relative seismic hazards of the zone.

Impacts and Mitigation. The Project Site is not located within a flood plain or the coastal high hazard area. Moreover, the construction of the storage water tank and its appurtenances were made designed and constructed pursuant to the requirements of the UBC as adopted by the County of Maui as shown in the construction plans attached as **Exhibit D**.

3.1.3 Flora and Fauna

Setting. The project area is adjacent to the Wailuku Country Estates, an agricultural subdivision developed on lands formerly cultivated by C. Brewer, Ltd. over the past 120 years first as sugar cane fields and more recently for macadamia nut orchards. The immediate project area, though part of the former C. Brewer plantation holdings, underwent reforestation in the 1930's with plantings of introduced tree species such as Formosan Koa (*Acacia confusa*), Eucalyptus (*Eucalyptus sp.*), Albizzia (*Albizzia moluccana*) and Ironwood (*Casuarina sp.*). There are occasional ohia (*Metrosideros polymorpha*) trees in the upper reaches of the subject parcel closer to the forest reserve, however, none are present or impacted in the Project Site area. Other exotic plant species include Gunpowder (*Trema orientalis*), Hilo grass (*Paspallum conjugatum*), lantana (*Lantana camara*), tarweed (*Cuphea carthagenesis*), Sweet vernal grass (*Anthoxanthum odoratum*), fern (*Neprolepus multiforma*), sleeping grass (*Mimosa pudica*), haole koa (*Leucaena leucocephalia*), castor bean (*Rinicum communis*), natal redtop (*Rhynchelytrum repens*), yellow foxtail grass (*Setaria parviflora*), common guava (*Psidium guajava*), broomsedge (*Andropogon virginicus*), Terrestrial mammals common to the Project Site area include wild pigs (*Sus scrofa*), mongoose (*Herpestes auropunctus*), feral cats (*Felis catus*) and dogs (*Canis familiaris*) and rats (*Rattus rattus*). Some of the avifauna common to the area include introduced species such as the Spotted Dove, the Barred Dove, Sparrows, the Japanese White-eye, the Cardinal, the Crested Cardinal and the Mynah. Though not seen, introduced game birds are also anticipated in the subject area. There were no observed rare, endangered or threatened species, nor are there any known critical habitats within or around the project area.

Impacts and Mitigation. The proposed land uses will not cause substantial adverse impact to existing natural resources in the surrounding area as the affected area is

predominated by non-native vegetational communities. No rare or endangered plant or faunal species would be affected or impacted by the proposed uses of the subject property. The proposed action would also not disrupt any existing native ecosystem within the Project Site area.

3.1.4 Historical/Cultural and Archaeological Resources

Setting. The subject parcel is located within the Wailuku ahupua'a of Wailuku district, however, the traditional name of this land in ancient times was *Na Wai Eha* ("The Four Streams") in reference to the four great valleys which cut into the slopes of the West Maui mountains and drain the eastward watershed of Pu'u Kukui. Waihee and Waiehu open to the sea with streams emptying there. Wailuku was partially land-bound but whose stream (I'ao Stream) flows into Kahului harbor. Waikapu is landbound. This area in ancient times was the largest contiguous area of wet-taro cultivation in the islands. Traditional settlement patterns for *Na Wai Eha* reflect permanent habitation around the coastal and near shore lands, as well as the inland valleys where water was abundant and could be easily channeled for irrigated taro cultivation. The forested and ridge tops of the area were used for gathering forest products, and for forest plantings of various utilitarian native plants. During post-contact times, the lower slopes of these ridges were used for grazing, orchards and sugarcane plantations. The few archaeological sites that might be found along the slopes and ridge tops would be expected to be associated with ranching and plantation activities rather than traditional native settlements or agriculture. There are no archaeological features located or found within the Project Site area. Attached as **Exhibit K** is a letter of "no affects" from the State Historic Preservation Division (SHPD). Interviews with longtime residents of the area and with the employees of the former landowner (C. Brewer Co.) have revealed no evidence that the Project Site area was used for any traditional customs or practices. There have been numerous archaeological studies and reports for areas within the lands of Waiehu and Wailuku, especially the history and traditions of I'ao Valley, just inland (west) of the City of Wailuku, the governmental seat of Maui County. Traditional oral histories indicated that Wailuku was a political and religious center for Maui in late pre-contact times, and that a large population was supported by the extensive and productive system of taro *lo'i* in I'ao Valley. The rich prehistory is being documented by archaeological studies which has produced archaeological sites containing human burials and/or habitation sites. In general, these sites indicate that occupation was earliest nearest the coast, and tended to be later as one moves inland towards the valley with a densely settled area in the middle of the present town with sites associated with the rich taro producing lands in the lower I'ao River Valley, and the extensive cultivation systems further in the valley. Politically, Wailuku was a central location for high ranking chiefs and their followers, and it was also a religious center in which a number of heiau were located. While the area of lower and upper I'ao Valleys is the source of many traditional and historic accounts including the site of a major battle for conquest of the island by Kamehameha I during early historic times, the Project Site area has no identified native settlement, cultivation or cultural

Wailuku Country Estates Water Storage Tank & Subdivision

features. Furthermore, there are no recorded historic trails or roads on the subject property. Consultation with the landowner or longtime residents of the area similarly

Wailuku Country Estates Water Storage Tank & Subdivision

Oct-03-05 08:12am From-CARLSMITH BALL MAUI
 A 03:35pm From-STATE Historic Preservation

SUB 032 006U

T-218 P.03/03 F-013
 1-304 P.03/03 F-008

FROM	C. Dagher
TO	
DATE	10/22/04
FILE #	241-1196



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

DAN DAMBRO
 DEPUTY DIRECTOR - LAND

YVONNE V. LEE
 DEPUTY DIRECTOR - WATER

ADAMIC RESOURCES
 SOIL AND WATER PROTECTION
 BOARD OF CERTIFICATION
 CONSULTING ENGINEERS, ARCHITECTS,
 CONSTRUCTION AND COSTAL LAND
 CONSERVATION AND RESOURCE PROTECTION

STATE OF HAWAII
 HISTORIC PRESERVATION DIVISION
 801 KAMOLELA BOULEVARD
 KAPOLEI, HAWAII 96707



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
 KAKULIHUENA BUILDING, ROOM 555
 801 KAMOLELA BOULEVARD
 KAPOLEI, HAWAII 96707

October 28, 2004

LOG NO: 2004.8210
 DOC NO: 0410CDS6

Mr. Glen Ueno
 Department of Public Works and Environmental Management
 Development Services Administration
 250 South High Street
 Wailuku, Hawaii 96793

Dear Mr. Ueno,

SUBJECT: REVISED: Chapter 6E-42 Historic Preservation Review -Final Plat Review for the Proposed 'Iao Valley Large-Lot Subdivision (File No.: 3-2947) [County/DSA] Wailuku Ahupua'a, Wailuku District, Island of Maui
 TMK: (3) 3-3-002:part of 001

These are our revised comments pertaining to the Final Plat Review for the Proposed 'Iao Valley Large-Lot Subdivision. Our previous comments (SHPD DOC NO.: 0410CDS6/LOG NO.: 2004.1873) recommend that no action be taken on the subject permit application until an archaeological inventory survey has been conducted of the proposed subdivision to determine whether significant historic sites are present.

We understand the purpose of the subdivision is to provide access easements to two existing water tanks located on two separate portions of TMK: 3-3-002:part of 001. (Water tank #2 is located on Lot A-1-A and water tank #1 is located on Lot 1A-1-B of this subdivision). On March 28, 2004, Erik Fredericksen, Xamanek Researches, conducted a field inspection of the two existing water tank sites. The third lot of the proposed subdivision (Lot A-1-C) was not included in this field inspection, nor have we received a report documenting the findings of the recommended inventory survey to date.

There were no historic properties identified in the vicinity of the existing water tanks during the field inspection. However, a segment of the Waialeale Ditch (SHPD 60-50-04-5187) was noted to the west of the tank sites. In addition, two previously identified historic sites (SHPD 60-50-04-5185, a possible plantation era wall/platform; and SHP-5186, a coral and shell surface scatter) were documented during the inventory survey of the Wailuku Country Estates, located on an adjacent property.

Based on the findings of the field inspection, we believe there were "no historic properties affected" during the proposed undertaking. However, we request the opportunity to review any permitted actions for the portion of land currently designated Lot A-1-3.

If you have any questions, please call Cathleen A. Dagher at 692-8023.

Aloha,

 Melanie Chinen, Administrator
 State Historic Preservation Division

CD:jan

cc: Michael Foley, Director, Dept of Planning, 250 S. High Street, Wailuku, Hawaii 96793
 Cultural Resources Commission, Planning Dept. 250 S. High Street, Wailuku, HI 96793

NOV - 1 2004

EXHIBIT K

yielded no information that the property or the Project Site area was a cultural resource or otherwise connected to any traditional practices. There are no kuleana within the subject area as the Project Site is a portion of a much larger land grant sold by Kamehameha IV in the 1850's.

Impacts and Mitigation. There are no adverse impacts on historic or cultural sites anticipated by the proposed action. The “no affects” letter from SHPD is set out above as **Exhibit K**. Consultation with area residents and the former landowner disclosed no traditional cultural practices or resources in the Project Site area. No archaeological or cultural remains were encountered during construction of the water storage tank facilities and access/utility easement within the Project Site area.

3.1.5 Air and Noise Quality

Setting.

Air and Noise. The air quality in the area is good as there are no industries nearby affecting it. The location of the Project Site high on the ridge with its prevailing trade winds during much of the time provides good air circulation in the area. Similarly, there is very little noise generated by the farming activities or traffic within the Wailuku Country Estates. There was some short-term increase in the noise and dust resulting from the grading and construction of the water system facilities but these occurred during the construction of other infrastructure within the adjacent subdivision. However, this was limited both in time and scope as all work was done in compliance with County regulations. There are a few farm dwellings in the adjacent agricultural subdivision, however, any noise or dust generated by the construction activity for the proposed action occurred prior to most of the residences eventually constructed there. The proposed use (operation of the storage tank facilities) does not generate any noise or air quality impacts.

Impacts and Mitigation. Minor short-term increase in noise level and air quality may have been experienced while during the construction of the subdivision improvements, however, the impacts generated by the proposed action were limited in duration and in scope in relation to the infrastructure improvements that were being done in the adjoining subdivision.

3.1.6 Scenic and Open Space Resources

Setting. The proposed action and uses, including the water storage tank and access roadway within the Conservation District, is compatible with the locality and surrounding areas. Given the physical characteristics of the surrounding property, the elevation and configuration of the tank site, neither the tank nor the roadway within the Conservation District is visible from I'ao Valley or from the residential subdivisions across the valley at Wailuku Heights or even from the agricultural subdivision directly below the project

Wailuku Country Estates Water Storage Tank & Subdivision

area. Moreover, due to its location on the moist windward slopes of the West Maui mountains most of the vegetation over the past two years has grown back in around the tank site and along the access roadway through the Conservation District as shown on the photographs attached below as **Exhibit E-1 through E-7**.

Impacts and Mitigation. The proposed action is not anticipated to change the visual attributes of the Project Site area nor create any impact on the aesthetic values in the region or within this locality.



Exhibit E-1

The View (looking east) of Access Roadway (Easement 1) from Kamaile Street



Exhibit E-2
View (looking northwest) of Access Roadway crossing Maniania Ditch at District Boundary



Exhibit E-3
View (looking northwest) of Easement 1 midway between the district

Wailuku Country Estates Water Storage Tank & Subdivision



Exhibit E-4
View of Northeast corner of Water Tank Site (Proposed Lot A-1-A) from Easement 1



Exhibit E-5
View (looking south) from Northwest corner of Water Tank Site (Proposed Lot A-1-A)

Wailuku Country Estates Water Storage Tank & Subdivision



Exhibit E-6

View (looking east) from Southeast corner of Water Tank Site (Proposed Lot A-1-A)



Exhibit E-7

View (looking south) of Water Storage Tank across Proposed Lot A-1-A

3.2 Socioeconomic Considerations

The high elevation storage tank is essential to providing a dedicated water system to 49 lots within the Wailuku Country Estates subdivision. This will have a positive and substantial impact in providing much needed land for small-farm agriculture and farm dwellings on the adjacent agricultural subdivision. In doing so, the proposed action will assist in alleviating some of the current pressure on Maui's current housing shortage by providing an additional and wider range of housing/farming opportunities for local residents.

3.3 Public Facilities and Services

3.3.1 Access

Setting. Access to the Project Site is provided from an existing driveway from Kamaile Street in the Wailuku Country Estates subdivision between lots 138 and 139. The 12' wide concrete access road runs west from Kamaile Street between Lots 138 and 139 of the Wailuku Country Estates subdivision entering the Conservation District after passing over the Maniania Irrigation Ditch that runs along the western (*mauka*) edge of the subdivision and runs approximately 633 feet along Easement 1 to (proposed) Lot A-I-A. Access to the Project Site is controlled by the County Department of Water Supply through a locked gate at Kamaile Street, a public road.

Impacts and Mitigation. The proposed action is not anticipated to create any substantial adverse impact upon access.

3.3.2 Utilities

Setting. Electricity is presently available to the Project Site over Easement 1. This is the only utility required by the proposed use. The proposed action does not require other utility services at the Project Site.

Impacts and Mitigation. Since other utility services, other than the existing electrical service by MECO to the Project Site, is being required for the proposed action, there is no anticipated adverse impact by reason of the project.

3.3.3 Police and Fire Protection

Setting. Police protection services are provided from the main police station located less than a mile away in Wailuku. Fire protection services are also provided from the fire stations located in Wailuku and Kahului.

Impacts and Mitigation. The proposed action is not anticipated to increase the demand for police and fire services. In addition, there is paved access to the Project Site and water is available for fire protection from the adjacent agricultural subdivision.

4. RELATIONSHIP OF THE PROPOSED ACTION TO LAND USE PLANS, POLICIES AND CONTROLS FOR THE AFFECTED AREA

4.1 Chapter 205, Hawaii Revised Statutes, State Land Use Law

All lands within the State have been classified into one of our land use districts: Urban, Rural, Agricultural and Conservation, by the State Land Use Commission, pursuant to Chapter 205, HRS. The Project Site and the subject parcel is within the State Land Use (SLU) Conservation District, Resource (R) subzone as shown on the conservation boundary map attached as **Exhibit C**. Any proposed use must undergo an examination for its consistency with the objectives of the district and the subzone.

Section 205-2(e), HRS, provides that Conservation District shall include:

areas necessary for protecting watersheds and water sources; preserving scenic and historic area; providing park lands, wilderness, and beach reserves; conserving endemic plants, fish and wildlife; preventing floods and soil erosion; forestry; open space area whose existing openness; natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities or would maintain or enhance the conservation of natural or scenic resources; areas of value for recreational purposes; other related activities; and other permitted uses not detrimental to a multiple use conservation concept.

Lands located within the State Land Use Conservation Districts are administered by DLNR, pursuant to Chapter 183C, HRS. The installation of public facilities, including water system improvements, provide a public benefit and serves a public purpose consistent with the objectives of the Conservation District.

4.2 State Administrative Rules Governing Land Uses within Conservation Districts, Section 13-5-13, Hawaii Administrative Rules

Title 13 of the Hawaii Administrative Rules (“HAR”), for the Department of Land and Natural Resources, under Subtitle 1, Chapter 5, regulates land uses within the Conservation District. The rules establish five subzones within the Conservation District: the Protective (P), Limited (L), Resource (R), General (G) and Specific subzones. All land within the Conservation District has been designated within one of the five subzones by BLNR. The Property is designated within the Resource (R) subzone.

Section 13-5-13, HAR, provides that the objective of the Resource subzone “is to develop, with proper management, areas to ensure sustained use of the natural resources of the those areas” consistent with the uses permitted pursuant to Sections 13-5-22, 23 and 24. The proposed

subdivision, water storage tank and appurtenant easements for access, utilities and drainage are located within the Resource subzone of the Conservation District. Such uses serve a public purpose by providing facilities for the necessary expansion of the public water system and is consistent with the objectives of the subzone.

Such uses are identified land uses pursuant to HAR § 13-5-22, P-6, D-1: “Land uses undertaken by the State of Hawaii or the counties to fulfill a mandated governmental function, activity, or service for public benefit in accordance with public policy and the purpose of the conservation district. Such land uses may include transportation systems, water systems, communication systems, and recreational facilities.” The proposed action is not inconsistent with the objectives of the subzone which permit uses undertaken by the County to fulfill a mandated function such as maintenance of a safe and reliable public water system.

4.3 Hawaii State Plan, Chapter 266, Hawaii Revised Statutes

The Hawaii State Plan, Chapter 226, HRS, establishes a set of goals, objectives and policies to serve as long-range guidelines for the growth and development of the State. The following sections of the Hawaii State Plan contain guidelines that are relevant to the proposed action.

Section 226-11. Objective and policies for the physical environment - scenic, natural beauty, and historic resources.

Objectives: Prudent use of Hawaii’s land-based, shoreline, and marine resources.

Effective protection of Hawaii’s unique and fragile environmental resources.

Policies: Exercise an overall conservation ethic in the use of Hawaii’s natural resources.

Take into account the physical attributes of areas when planning and designing activities and facilities.

Manage natural resources and environs to encourage their beneficial and multiple use without generating costly or irreparable environmental damages.

Encourage the protection of rare or endangered plant and animal species and habitat native to Hawaii.

Pursue compatible relationships among activities, facilities and natural resources.

Promote increased accessibility and prudent use of inland and shoreline areas for public recreational, educational, and scientific purposes.

Analysis: The proposed action has been designed to minimize impact to the existing physical environment. There are no rare or endangered species here as the area has been

previously reforested with introduced plants. The design of the facility was also done to minimize visual impacts of the area. There is no affect on historic or cultural properties. The construction of the facilities was limited in scope and time and the area vegetation has already reestablished itself.

Section 226-12. Objective and policies for the physical environment - scenic, natural beauty, and historic resources.

Objective: Planning for the State’s physical environment shall be directed towards achievement of the objective of enhancement of Hawaii’s scenic assets, natural beauty, and multiple-cultural/historic resources.

Policies: Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, oceans, scenic landscapes and other natural features.

Encourage the design of development and activities that complement the natural beauty of the islands.

Analysis: The proposed action has been designed to minimize impact to the existing physical environment. There are no rare or endangered species here as the area has been previously reforested with introduced plants. The design of the facility was also done to minimize visual impacts of the area. There is no affect on historic or cultural properties. The construction of the facilities was limited in scope and time and the area vegetation has already reestablished itself.

Section 226-13. Objective and policies for the physical environment - land, air, and water quality.

Objective: Maintenance and pursuit of improved quality in Hawaii’s land, air and water resources.

Policies: Promote the proper management of Hawaii’s land and water resources.

Reduce the threat to life and property from erosion, flooding, tsunamis, hurricanes, earthquakes, volcanic eruptions, and other natural or man-induced hazards and disasters.

Analysis: The proposed action will not place life and property in areas subject to natural or manmade hazards. It is neither in a flood plain or the coastal inundation zone. Moreover, the improvements promote the proper management of Hawaii’s land and water resources by providing facilities that supply water in adjoining residential and agricultural areas for irrigation, potable uses and fire protection.

Section 226-14. Objective and policies for facility systems –in general.

Wailuku Country Estates Water Storage Tank & Subdivision

Policies: Accommodate the needs of Hawaii’s people through coordination of facility systems and capital improvement priorities in consonance with state and county plans.

Analysis: The proposed action promote the proper coordination of public facilities by providing a safe and reliable water system for irrigation, potable uses and fire protection.

Section 226-16. Objective and policies for facility systems – water.

Policies: Support water supply services to areas experiencing critical water problems.

Analysis: The proposed action support the County’s water supply services to a portion of the adjoining subdivision by providing high level storage needed to service the area with a safe and reliable water system for irrigation, potable uses and fire protection.

4.4 Coastal Zone Management Act, Chapter 205A, Hawaii Revised Statutes

The Coastal Zone Management Act provides that State and County agencies shall give full consideration to ecological, cultural, historic, esthetic, recreational, scenic, and open space values, and coastal hazards, as well as to needs for economic development in order that the objectives of the coastal zone management program can be implemented. Hawaii’s Coastal Zone Management (CZM) Program focuses on ten policy objectives:

- Recreational resources. To provide coastal recreational opportunities accessible to the public and protects coastal resources.
- Historic resources. To protect, preserve, and where desirable, restore natural and manmade historic and cultural resources in the coastal zone management area that are significant.
- Scenic and open space resources. To protect, preserve, and where desirable, improve and restore shoreline open space and scenic resources.
- Coastal ecosystems. To protect valuable coastal ecosystems, including reefs, and to minimize disruption of coastal ecosystems.
- Economic uses. To provide public or private facilities and improvements important to the state’s economy in suitable locations and to ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor industry facilities and energy generating facilities, are located and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area.

- Coastal hazards. To reduce hazard to life and property from storm wave, tsunami, flood, erosion, subsidence and pollution.
- Managing development. To improve the development review process, communication and public participation in the management of coastal resources and hazards.
- Public participation. To stimulate public awareness, education and participation in coastal zone management processes.
- Beach protection. To protect the beaches for public use and recreation by locating new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion.
- Marine resources. To implement the state's ocean resources management plan and ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial.

The Project Site is located miles inland from the coastline and does not involve the placement, erection or removal of structures or materials near the shoreline. As documented in this assessment, the type and scale of the activities do not have the potential to affect coastal resources significantly. Finally, it is consistent with the CZM objectives requiring that development consider impacts to the ecological, cultural, historic, esthetic, recreational, scenic, and open space values, and coastal hazards relevant to a project of this sort.

4.5 Maui County General Plan and Wailuku-Kahului Community Plan

The Maui County General Plan is a long range policy document for the development of all land within the County of Maui. The plan identifies five major themes: 1) protection of Maui County's agricultural, land and rural identity, 2) preparation of a directed and managed growth plan, 3) protection of the shoreline and limitation of visitor industry growth, 4) maintenance of a viable economy offering diverse employment opportunities for residents and 5) provision for needed resident housing. The proposed action that provides a safe and reliable water system for the adjacent agricultural subdivision provides needed resident housing in support of a managed growth plan for Central Maui in an area close to diverse employment opportunities that do not impact sensitive shoreline areas or significant natural or cultural resources. The proposed action does not conflict with the General Plan for the County of Maui. The subject property is currently "not zoned" under County zoning.

The Wailuku-Kahului Community Plan provides the mid-range planning goals, objectives, policies and implementation consideration for the Wailuku-Kahului District through the year 2010 including the goal of providing "a sufficient supply and choice of

attractive, sanitary and affordable housing such as the Wailuku Country Estates subdivision located within the plan's Land Use Map designated "Agricultural". While the Project Site is within that portion of the property designated on the Plan as "Conservation", the plan specifies the need for public infrastructure upgrades and the development of water distribution systems for potable water within the district, which is part of the Central Maui water system. The need for such transmission and distribution system, such as described in the proposed action, is essential to accommodate long-term growth projections. The proposed action is consistent with the Community Plan's objective requiring the County of Maui to "(c)ordinate water system improvement plans with growth rates to ensure adequate supply and a program to replace deteriorating portions of the distribution system". The project provides system upgrades which supply potable water for the subdivision to meet Central Maui's growing demands. Although the County well (Waiehu) supplying water to the project is drawn from the I'ao Aquifer System Area that was officially designated a Ground Water Management Area on July 21, 2003, the plans for the subject improvements were approved by the County of Maui and the Environmental Management Division of the State of Hawaii in December of 2002.

4.6 County Special Management Area

The Project Site and the subject property are not located within the Special Management Area ("SMA").

4.7 Shoreline Setback Area

The Project Site, which is over 3 miles from the coast, is not located within the Shoreline Setback Area.

4.8 Environmental Impact Statement.

Section 343-5(a)(2), HRS, provides that any use that is proposed within any land classified as Conservation District land by the State Land Use Commission under Chapter 205, is subject to the Environmental Impact Statement law, Chapter 343, HRS.

Section 343-5(c), HRS, provides that applicants proposing actions subject to Chapter 343, HRS,

“. . . shall prepare an environmental assessment of such proposed action at the earliest practicable time to determine whether an environmental impact statement shall be required.”

This environmental assessment has been prepared to fulfill these requirements.

5.0 IDENTIFICATION OF MAJOR IMPACTS AND ALTERNATIVES CONSIDERED

5.1 Major Impacts

Due to the limited scope of the proposed action, it is not expected to contribute to any economic, social or environmental concerns, or cause adverse environmental impacts. The entire facility was completed in 2003 and no further impacts is anticipated from the continuing use of the water storage facilities and access road within the Conservation District.

5.2 Alternatives to the Proposed Action

Under the “No Action” alternative, the potable water distribution system for a portion of the adjoining agricultural subdivision would have to be abandoned leaving 49 lots dry and without county water service. The associated design and construction costs of relocating the proposed action would also be very high, even if other available non-Conservation District property can be found in the area which appears doubtful.

6.0 ANTICIPATED AGENCY DETERMINATION AND FINDINGS AND REASONS SUPPORTING ANTICIPATED DETERMINATION

Based on the information described herein, the proposed action will not result in significant social, economic, cultural or environmental impacts. Consequently, a Finding of No Significant Impact (“FONSI”) is anticipated, subject to the public review provisions of Section 11-200-9.1, HAR.

In considering the significance of potential environmental effects, the Applicant has considered the sum of effects on the quality of the environment and evaluated the overall cumulative effects of the proposed action. The Applicant has considered the expected consequences, both primary and secondary, and the cumulative, as well as, the short- and long-term effects of the proposed action. As a result of these considerations, the Applicant has determined that the approval of the proposed action will have no significant effect on the environment since:

1. There are no known archaeological/cultural resources in the area that would involve an irrevocable commitment to loss or destruction of any natural or cultural resources.
2. The beneficial uses of the environment will not be curtailed since the proposed action will not result in the restriction of any beneficial uses presently occurring on the subject property.

3. The preparation of the environmental assessment is in compliance with Chapter 344, HRS, and the proposed action does not conflict with the short or long term policies, goals and guidelines of Chapter 343, HRS.
4. The economic or social welfare of the community will be positively affected in providing for an expansion of the county's potable water system in Central Maui and for providing much needed housing in close proximity to the Wailuku-Kahului hub of the region.
5. Public health will not be affected since the proposed action will not impact public safety or the public health in any way.
6. The proposed action will not cause substantial secondary impacts, nor adversely affect population changes on public facilities. Access to the Project Site is provided over a privately-owned easement in favor of the County of Maui. Electrical services are available to the Project Site area which is the only service required for the proposed use. There are no additional burdens on public facilities anticipated from the proposed action.
7. The proposed action does not involve a substantial degradation of environmental quality as the proposed improvements do not compromise the character of the subject property and surrounding area. The area vegetation, though largely consisting of introduced plant species, has fully returned in the three years since the facilities were completed.
8. The subject property will remain consistent in character and size with other undeveloped property in the area, and will neither conflict with or intensify existing land uses, nor burden existing area resources and available public services, and therefore does not have a cumulative effect upon the environment or involve a commitment for larger action.
9. There are no known rare, threatened, or endangered plant or animal species or habitats on the subject property or in the immediate vicinity.
10. The proposed action will not detrimentally affect air or water quality or ambient noise levels as the use does not generate any impacts affecting the quality or quantity of air, water or ambient noise in the area..
11. The property is located outside of any flood plain and the coastal high hazard zone. The facility was constructed pursuant to County and State standards, including structural requirements for the applicable earthquake hazard zone.

12. The proposed action will not substantially impact upon the scenic vistas and view planes of surrounding properties as the Project Site is not readily visible from the surrounding area, I'ao Valley or the City of Wailuku due to the subject topography.
13. There will be some energy consumption will be required for the proposed action, however, this will be for pumping water up to the high level storage tanks, which should be minimal as pumping will only occur periodically.

7.0 CONSULTATION AND COMMENTS

Distribution of DEA and Consultation. The following agencies and organizations were distributed copies of the Draft Environmental Assessment by the Applicant for consultation:

State of Hawaii

- Department of Land & Natural Resources – Office of Conservation and Coastal Lands
- Commission on Water Resource Management
- Department of Land & Natural Resources – State Historic Preservation Division
- Department of Land & Natural Resources – Division of Forestry and Wildlife
- Department of Health

County of Maui

- Planning Department
- Office of the Environmental Coordinator
- Department of Water Supply
- Department of Public Works
- Fire Department
- Police Department
- Wailuku Main Street

Organizations

- Wailuku Country Estates Community Association
- Maui Arts and Cultural Center

Comments Received on the DEA and Responses. The comment period for the Draft Environmental Assessment ended on April 9, 2007. The agencies below submitted written comments on the project. Their comments and the Applicant's responses are reproduced at the end of this section.

Wailuku Country Estates Water Storage Tank & Subdivision

State of Hawaii

- Department of Land & Natural Resources – Commission on Water Resource Management
- Department of Land & Natural Resources – Division of Conservation and Resource Enforcement
- Department of Land & Natural Resources – Division of Forestry and Wildlife
- Department of Land & Natural Resources – Maui District Branch Office, Land Division
- Department of Health – Environmental Planning Office
- Office of Environmental Quality Control
- Office of Hawaiian Affairs

County of Maui

- Planning Department
- Department of Water Supply



PETER T. YOUNG
 Administrator
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 COMMISSION ON WATER RESOURCE MANAGEMENT
 150 SOUTH
 LAWRENCE H. WELLS, III, J.D.
 STATE OF HAWAII

STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 COMMISSION ON WATER RESOURCE MANAGEMENT
 150 SOUTH
 LAWRENCE H. WELLS, III, J.D.
 STATE OF HAWAII
 February 28, 2007

REF: CDUA: MA-3400

TO: Samuel J. Lemmo, Administrator
 Office of Conservation and Coastal Lands

FROM: W. Roy Herby, Hydrologic Program Manager
 Commission on Water Resource Management

SUBJECT: Waialae County Estates Water Tank Alter-the-Fact CDUA & DEB

FILE NO.: CDUA MA-3400

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (COMWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally prescribed water rights. COMWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 15-167 to 15-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/>.

- Our comments related to water resources are checked off below.
- 1. We recommend coordination with the county to incorporate the project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
 - 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate the project into the State Water Projects Plan.
 - 3. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by COMWRM: Additional information and forms are available at www.hawaii.gov/dlnr/forms.htm.

- 4. The proposed water supply source for the project is located in a designated ground-water management area, and a Water Use Permit is required prior to use of ground water.
- 5. A Well Construction Permit(s) is (are) required before the commencement of any well construction work.
- 6. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.

Samuel J. Lemmo, Administrator
 Page 2
 February 28, 2007

- 7. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and cased. A permit for well abandonment must be obtained.
- 8. Ground-water withdrawals from this project may affect streamflows, which may require an in-stream flow standard amendment.
- 9. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- 10. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- 11. A Permit to Amend the In-stream In-stream Flow Standard is required for any new or expanded diversion(s) of surface water.
- 12. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or conditions are required from our office, or whether there are potential impacts to water resources.
- 13. We recommend that the report identify feasible alternative non-potable water resources, including reclaimed wastewater.

OTHER:

There have been no applications for ground water use beyond that existing as of July 21, 2003. There is a petition to restore stream flows for surface water sources in this area, meaning that all uses of diverted stream flow are subject to reduced availability of water.

If there are any questions, please contact Charley Lee at 597-0251.

C:rs

Construction Plans for ...

WAILUKU COUNTRY ESTATES

(Formerly PUUOHALA MAUKA AG SUBDIVISION)
Wailuku, Maui, Hawaii

TAX MAP KEY: 3-3-02 : 01

LUCA File No. 3.1723

DWS SD No. 96-57

Prepared for . . .

PULUWAI, LLC
KAMUELA, HAWAII

INDEX OF DRAWINGS:
SEE SHEET 10

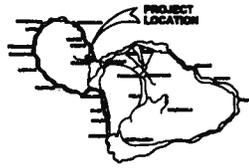
APPROVED BY:

[Handwritten signatures and stamps]

Prepared by . . .



WARREN S. UNEMORI ENGINEERING, INC.
Civil & Structural Engineers - Land Surveyor
Wells Street Professional Center - Suite 403
2145 Wells Street - Wailuku, Maui, Hawaii 96783



ISLAND OF MAUI

"INDEX OF DRAWINGS"

NO.	DESCRIPTION
1	INDEX OF DRAWINGS
2	CONSTRUCTION PLANS
3	CONSTRUCTION PLANS
4	CONSTRUCTION PLANS
5	CONSTRUCTION PLANS
6	CONSTRUCTION PLANS
7	CONSTRUCTION PLANS
8	CONSTRUCTION PLANS
9	CONSTRUCTION PLANS
10	CONSTRUCTION PLANS



PROJECT VICINITY MAP

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

ASB TOWER, SUITE 2200
1001 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE 808.523.2500 FAX 808.523.0642
WWW.CARLSMITH.COM

DIRECT DIAL NO.
808.523.2511

TLURIWAN@CARLSMITH.COM

OUR REFERENCE NO.:
060805-0001

October 15, 2007

Mr. W. Roy Hardy, Hydrologic Program Manager
Division of Water Resource Management
1151 Punchbowl Street, Rm. 227
PO Box 621
Honolulu, Hawaii 96809-0621

Re: Response to Comments on CDUA MA-3400 and Draft Environmental Assessment; Applicant: CGM, LLC; Project: Wailuku Country Estates High Elevation Water Storage Tank; TMK (2) 3-3-002:001 (part.), Wailuku, Maui, HI

Dear Mr. Hardy:

Thank you for your comment letter dated February 28, 2007, in which the agency is recommending coordination with the County of Maui Department of Water Supply and further requesting that the report identify the source of the water for this project. While the current application is for an after the fact conservation district use permit, this project was coordinated by the project engineer, Warren S. Unemori Engineering, Inc., with the County's Departments of Water Supply and Public Works prior to the construction of the subject improvements for the Wailuku Country Estates ("WCE") subdivision. We have attached for your review a copy of the cover page for the construction plans for the water system that were attached as Exhibit D of the Draft Environmental Assessment (DEA) that includes the signed approvals by the Directors of the Water and Public Works Departments as well as the Chief of the Hawaii State Environmental Management Division.

We have revised the DEA to identify the source of the water for this project as a County of Maui supply well constructed at the 490' elevation in the 1970's and located approximately 6,000 feet north of the WCE storage tank. Although this well draws water from the Iao aquifer which has been under CWRM jurisdiction since its designation as a State groundwater management area in July, 2003, the plans for this project were approved by the County of Maui in December of 2002 as seen on the attached plan approval for the subject improvements. Should you have further questions or require additional information please feel free to contact me at (808) 523-2511.

Sincerely,

[Handwritten signature]
Tim Lui-Kwan

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

ASB TOWER, SUITE 2200
1001 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE 808.523.2500 FAX 808.523.0642
WWW.CARLSMITH.COM

DIRECT DIAL NO.
808.523.2511

TURKWA@CARLSMITH.COM

OUR REFERENCE NO.
09085-0001

October 15, 2007

Mr. Gary D. Moniz, Administrator
Division of Conservation and Resource Enforcement
1151 Punchbowl Street, Room 311
PO Box 621
Honolulu, Hawaii 96809-0621

Re: Response to Comments on CDUA MA-3400 and Draft Environmental Assessment; Applicant: CGM, LLC; Project: Waiuku Country Estates High Elevation Water Storage Tank; TMK (2) 3-3-002:001 (part), Waiuku, Maui, HI

Dear Mr. Moniz:

Thank you for your comment memo dated March 6, 2007, on the Draft Environmental Assessment (DEA) and CDUA MA-3400, in which you stated that you did not have any comments. We appreciate your review of the documents. Should you have on questions or require additional information on the EA or the CDUA, please feel free to contact me at (808) 523-2511.

Sincerely,

Tim Lui-Kwan

cc: Office of Conservation and Coastal Lands

LEIWA LENSULE
COMMISSIONER OF HAWAII



RECEIVED

OCT 15 2007 6 AM 7:59



STATE OF HAWAII
DEPT. OF LAND AND NATURAL RESOURCES
NATURAL RESOURCES DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF-001:TM

CDUA: MA-3400
Acceptance Date: February 12, 2007
180 Day Expiration Date: August 11, 2007
SUSPENSE DATE: 21 Days from stamped date FEB 15 2007

MEMORANDUM:

TO: The Department of Land and Natural Resources Divisions of:

___ DOFAW DOCARE ___ MDLO ___ OPRM
___ HP

FROM: Samuel J. Lenimo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: REQUEST FOR COMMENTS

Conservation District Use Application (CDUA) MA-3400 and Draft Environmental Assessment for the After the Fact Waiuku County Estates Water Storage Tank with Associated Improvements and Subdivision of Land BOARD PERMIT

APPLICANT: Tim Lui Kwan for CGM, LLC

TMKs: (2) 3-3-002:001

LOCATION: Waiuku, Island of Maui

PUBLIC HEARING: YES NO X

Please contact Tiger Mills at 587-0382, should you have any questions on this matter.

If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

() Comments Attached

(X) No Comments


Signature

PLEASE PRINT
NAME OF LAWYER AND FIRM
ADDRESS
CITY AND STATE ZIP
PHONE NUMBER
FAX NUMBER
E-MAIL ADDRESS
DATE



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

2007 FEB 23 P 2:50

→ Nelson A.

PETER S. WOOD
COMMISSIONER OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCLT:TM

CDUA: MA-3400
Acceptance Date: February 12, 2007
180 Day Expiration Date: August 11, 2007
SUSPENSE DATE: 21 Days from
stamped date FEB 15 2007

MEMORANDUM:

TO: The Department of Land and Natural Resources Divisions of:

DOFAW DOCARE MDLO CWRM

HP

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: REQUEST FOR COMMENTS

Conservation District Use Application (CDUA) MA-3400 and Draft Environmental Assessment for the After the Feet Waiuku County Estates Water Storage Tank with Associated Improvements and Subdivision of Land BOARD PERMIT

APPLICANT: Tim Lui Kwan for CGM, LLC

TMKs: (2) 3-3-002:001

LOCATION: Waiuku, Island of Maui

PUBLIC HEARING: YES NO X

Please contact Tiger Mills at 587-0382, should you have any questions on this matter.

If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

() Comments Attached

No Comments

Signature
PAUL J. CONRY, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE
FEB 22 2007

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

459 Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813
Telephone 808.523.2500 Fax 808.523.0642
WWW.CARLSMITH.COM

DIRECT DIAL NO.
808.523.2511

TIMRWAN@CARLSMITH.COM

OUR REFERENCE NO.:
06809-0001

October 15, 2007

Mr. Paul J. Conry, Administrator
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
PO Box 621
Honolulu, Hawaii 96809-0621

Re: Response to Comments on CDUA MA-3400 and Draft Environmental Assessment; Applicant: CGM, LLC; Project: Waiuku County Estates High Elevation Water Storage Tank; TMK (2) 3-3-002:001 (part.); Waiuku, Maui, HI

Dear Mr. Conry:

Thank you for your comment memo dated February 22, 2007, on the Draft Environmental Assessment (DEA) and CDUA MA-3400, in which you stated that you did not have any comments. We appreciate your review of the documents. Should you have on questions or require additional information on the EA or the CDUA, please feel free to contact me at (808) 523-2511.

Sincerely,

Tim Lui-Kwan

cc: Office of Conservation and Coastal Lands

LINDA LEMMO
GOVERNOR OF HAWAII



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

March 12, 2007

CYNTHIA L. FURUKA, M.D.
DIRECTOR OF HEALTH

RECEIVED
OFFICE OF CONSERVATION
& NATURAL RESOURCES

2007 MAR 15 A 11:13 EPO-07-050
In reply, please refer to:

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Mr. Samuel J. Lemmo, Administrator
State of Hawaii
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Lemmo:

SUBJECT: CDUA: MA-3400
Conservation District Use Application (CDUA) and Draft Environmental
Assessment for the After the Fact Waiuku County Estates Water Storage Tank
with Associated Improvements and Subdivision of Land Board Permit, Waiuku,
Maui, Hawaii
TMK: (2) 3-3-002: 001

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 no
comments at this time. 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. Any
comments specifically applicable to this project should be adhered to.

If there are any questions about these comments please contact Jiscai Lin with the Environmental
Planning Office at 596-4346.

Sincerely,

KELVIN H. SUNADA, MANAGER
Environmental Planning Office

c: EPO

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813
Telephone 808.523.2500 Fax 808.523.0842
WWW.CARLSMITH.COM

TLLUKWAN@CARLSMITH.COM

DIRECT DIAL NO.
808.523.2511

OUR REFERENCE NO.:
06808-001

October 15, 2007

Mr. Kelvin H. Sunada, Manager
State Department of Health,
Environmental Planning Office
PO Box 3378
Honolulu, Hawaii 96801-3378

Re: Response to Comments on CDUA MA-3400 and Draft Environmental
Assessment; Applicant: CGM, LLC; Project: Waiuku Country Estates High
Elevation Water Storage Tank; TMK: (2) 3-3-002:001 (part), Waiuku, Maui, HI

Dear Mr. Sunada:

Thank you for your comment letter dated March 12, 2007, on the Draft Environmental
Assessment (DEA) and CDUA MA-3400, in which you stated that none of the various branches
of the Environmental Health Administration had any comments. We appreciate your review of
the documents. Should you have on questions or require additional information on the EA or the
CDUA, please feel free to contact me at (808) 523-2511.

Sincerely,

Tim Kwan

cc: Office of Conservation and Coastal Lands



STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 523-1185
FACSIMILE (808) 523-1185
E-MAIL: oeqc@hawaii.gov

GENEVIEVE SALMONSON
DIRECTOR

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

ASB TOWER, SUITE 2200
1001 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE 808.523.2500 FAX 808.523.0842
WWW.CARLSMITH.COM

DIRECT DIAL NO.
808.523.2511

TLUKWAN@CARLSMITH.COM

OUR REFERENCE NO.:
06085-0001

April 11, 2007

October 15, 2007

Mr. Peter Young, Chair
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Young:

Subject: Draft Environmental Assessment for the Waiuku Country Estates Water Storage Tank and Subdivision

Thank you for the opportunity to review the DEA. We have the following comment.

1. Please print on both sides of the pages in the final document to reduce bulk and save on paper.

Should you have any questions, please call Jeyan Thiruganmam at 586-4185.

Sincerely,

Genevieve Salmonson
Genevieve Salmonson
Director

c: Tim Lui-Kwan

Ms. Genevieve Salmonson, Director
State Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Re: Response to Comments on CDUA MA-3400 and Draft Environmental Assessment; Applicant: CGM, LLC; Project: Waiuku Country Estates High Elevation Water Storage Tank; TMK (2) 3-3-002:001 (port.), Waiuku, Maui, HI

Dear Ms. Salmonson:

Thank you for your comment letter dated April 11, 2007, on the Draft Environmental Assessment (DEA) in which you requested that the final document be printed on both sides of the page to reduce bulk and save on paper.

The Final Environmental Assessment has been printed on both sides of the page as you recommended. We appreciate your review of the documents. Should you have on questions or require additional information on the EA or the CDUA, please feel free to contact me at (808) 523-2511.

Sincerely,

Tim Lui-Kwan
Tim Lui-Kwan

cc: Office of Conservation and Coastal Lands

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



RECEIVED
COUNTY OF MAUI
DEPARTMENT OF PLANNING
2007 MAR 20 A 9 04
COUNTY OF MAUI
NATURAL RESOURCES
STATE OF HAWAII

COUNTY OF MAUI
DEPARTMENT OF PLANNING
March 12, 2007

Mr. Samuel J. Lemmo, Administrator
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu, Hawaii 96809

Attention: Ms. Tiger Mills

Dear Mr. Lemmo:

RE: Conservation District Use Application (CDUA) MA-3400 and Draft Environmental Assessment (DEA) for the After the Fact Wailuku Country Estates Water Storage Tank with Associated Improvements and Subdivision of Land Located at Wailuku, Maui TMK 3-3-002:001

CGM, LLC (Applicant) is requesting an after the fact Conservation District Use Permit (CDUP) for a 100,000 Gallon Potable Water Tank, associated improvements, and to subdivide approximately 1.173 acres of the property for future conveyance to the County of Maui.

The Maui Planning Department (Department) has reviewed the Conservation District Use Application (CDUA) and Draft Environmental Assessment (DEA) and has the following comments to offer:

1. The Department has no objections to the granting of the CDUP;
2. The Department previously reviewed a DEA for this project and provided comments to the preparer by letter dated October 12, 2006. A copy of this letter is enclosed for your information;
3. The DEA should be revised to include our comments of October 12, 2006. These comments are:

Mr. Samuel J. Lemmo
March 12, 2007
Page 2

- A. The various land use designations are:
State Land Use District: Conservation
Wailuku-Kahului Community Plan: Conservation
Zoning: Not Zoned
- B. The proposed project is not located within the Special Management Area as designated by the Maui Planning Commission;
- C. The proposed project is not located within the Shoreline Setback Area as designated by Maui County;
- D. The proposed project is located within the Coastal Zone Management Area as designated by the State of Hawaii. The Final Environmental Assessment (FEA) should include a thorough discussion of how the proposed project is consistent with the objectives and policies of Chapter 205A, Coastal Zone Management, Hawaii Revised Statutes (HRS);
- E. The FEA should cite the specific objectives, goals, and policies of the Maui General Plan that are applicable to the proposed project;
- F. The FEA should also cite specific objectives, goals, and policies of the Wailuku-Kahului Community Plan that are applicable to the proposed project; and
- G. In 2004, the Commission on Water Resources Management designated the Iao Aquifer as a groundwater management area. The FEA should include a discussion of this designation in relation to the water source or sources for this storage tank.

Thank you for the opportunity to comment. Should further clarification be required, please contact Ms. Robyn Loudermilk, Staff Planner of this office by email at robyn.loudermilk@co.maui.hi.us or by telephone at 270-7180.

Sincerely,

JEFFREY S. HUNT, AICP
Planning Director

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

ASB TOWER, SUITE 2200
1001 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE 808.523.2500 FAX 808.523.0842
WWW.CARLSMITH.COM

DIRECT DIAL NO.
808.523.2511

TULIKWAN@CARLSMITH.COM

OUR REFERENCE NO:
09005-0001

October 15, 2007

Mr. Jeffrey S. Hunt, Planning Director
Attn: Ms. Robyn L. Loudermilk, Planner
Department of Planning, County of Maui
250 High Street
Wailuku, Maui, Hawaii 96793

SUBJECT: Response to Comments on CDUA MA-3400 and Draft Environmental Assessment; Applicant: CGM, LLC; Project: Wailuku Country Estates High Elevation Water Storage Tank; TMK (2) 3-3-002-001 (part.), Wailuku, Maui, HI

Dear Mr. Hunt:

Thank you for your March 12, 2007 letter commenting on the Draft Environmental Assessment (DEA) and the application for an after the fact conservation district use permit (CDUA) for the above-referenced water storage tank for this portion of the Wailuku County Estates ("WCE") subdivision project which generally repeated the comments set out in your letter of October 12, 2006. We appreciate the time you and your staff has spent reviewing the document and providing the written comments.

We provide the following responses to your comments which are reproduced below in italics for your convenience:

Comment 1:

The various land use designation are: State Land Use District-Conservation, Wailuku-Kahului Community Plan-Conservation, Zoning-Not Zoned.

Response:

Thank you for confirming the County's zoning and community plan designations for the parcel. This will be reflected in Section 4 of the Final Environmental Assessment (FEA).

Mr. Jeffrey S. Hunt, Planning Director
October 15, 2007
Page 2

Comment 2:

The proposed action is not located within the Special Management Area as designated by Maui Planning Commission;

Response:

Thank you for confirming that the subject parcel is not within the County's Special Management Area (SMA) which will be reflected in the FEA.

Comment 3:

The proposed action is not located within the Shoreline Setback Area as designated by Maui County;

Response:

Thank you for confirming that the subject parcel is not within the Shoreline Setback Area which will be reflected in the FEA.

Comment 4:

The proposed action is located within the Coastal Zone Management Area designated by the State of Hawaii. The Final Environmental Assessment (FEA) should include a thorough discussion of how the proposed project is consistent with the objectives and policies of Chapter 205A, Coastal Zone Management Area;

Response:

The consistency of this project with the objectives and policies of HRS Chapter 205A will be discussed in the FEA.

Comment 5:

The FEA document should cite the specific objectives, goals and policies of the Maui General Plan that are applicable to the proposed action;

Response:

The objectives, goals and policies of the Maui General Plan that are applicable to the proposed action will be discussed in the FEA.

Comment 6:

The FEA document should also site the specific objectives, goals and policies of the Wailuku Kahului Community Plan that are applicable to the proposed action;

Response:

The objectives, goals and policies of the Wailuku Kahului Community Plan that are applicable to the proposed action are discussed in the FEA.

Mr. Jeffrey S. Hunt, Planning Director
October 15, 2007
Page 3

Comment 7:

In 2004, the Commission on Water Resource Management designated the Iao Aquifer as a ground water management area. The FEA should include a discussion of this designation in relation to the water source or sources for this storage tank.

Response:

The Final Environmental Assessment (FEA) includes a discussion of the designation of the Iao Aquifer as a ground water management area. The FEA further identifies the source of the water for the subject storage tank as a County of Maui supply well constructed at the 490' elevation in the 1970's and located approximately 6,000 feet north of the WCE storage tank. Although this well draws water from the Iao Aquifer which has been under jurisdiction of the State Commission on Water Resource Management (CWRM) since July of 2003, the plans for this project were approved by the County of Maui in December of 2002 as seen on the attached cover sheet for the construction plans signed by the respective Directors of the Department of Public Works and the Department of Water Supply for the subject improvements.

At the time that the construction permits were issued by the County of Maui for the subject improvements, it was believed that the parcel was in the State Land Use Agricultural District. It was only discovered later during the subdivision for the storage tank parcel for dedication to the County of Maui that this portion of parcel was actually in the SLU Conservation District. Thank you again for your comments on the DEA and CDUA MA-3400, however, if you have further questions or require additional information, please feel free to call me at (808) 523-2511.

Sincerely,



Tim Lui-Kwan

Enclosure

cc: Department of Water Supply
Office of Conservation and Coastal Lands

Construction Plans for ...

WAILUKU COUNTRY ESTATES

(Formerly PUUOHALA MAUKA AG SUBDIVISION)

Wailuku, Maui, Hawaii

TAX MAP KEY: 3-3-02 : 01

LUCA File No. 3.1723

DWS SD No. 96-57

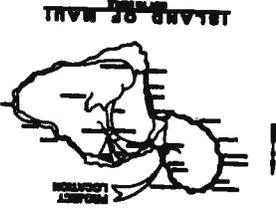
APPROVED BY: _____

Prepared for ...

PULUWAI, LLC
KAMUELA, HAWAII

Prepared by ...

WARREN S. UNKORR ENGINEERING, INC.
Civil & Structural Engineers - Land Surveyor
2148 West Beach - Honolulu, HI 96819



ISLAND OF MAUI
PROJECT LOCATION



PROJECT VICINITY MAP

REFERENCES

1. Beckwith, M. 1970, *Hawaiian Mythology*. Honolulu, University of Hawaii Press
2. County of Maui, Office of Economic Development, *Maui County Data Book*, 2004
3. County of Maui, Planning Department, *Maui General Plan*, 1990
4. County of Maui, Planning Department, *Community Plan: Wailuku-Kahului Community Plan*, 2002
5. Foote, D.E., Hill, E.L., Nakamura, S., Stephens, F., 1972, *Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii*, Washington, D.C.: U.S.D.A
6. Gagne, W., and L. Cuddihy. 1990. *Manual of Flowering Plants of Hawaii*. 2 Vols. Honolulu, University of Hawaii Press
7. Handy, E.S., E.G. Handy, M.K. Pukui, 1991, *Native Planters in Old Hawaii: Their Life, Lore, and Environment*, Honolulu: Bishop Museum Press
8. Kamakau, S.M. 1992. *Ruling Chiefs of Hawaii (Revised Edition)*. Honolulu, The Kamehameha Schools Press
9. MacDonald, A. and Abbot, A. 1983. *Volcanoes in the Sea: The Geology of Hawaii*. Honolulu: University of Hawaii Press
10. Pukui, M., S.Elbert and E. Mookini. 1974. *Place Names of Hawaii*. Honolulu: University of Hawaii Press
11. State of Hawaii. 2001. *State of Hawaii Data Book: A Statistical Abstract*. Honolulu
12. State of Hawaii. Department of Land and Natural Resources. 2002. *State Historic Preservation Division Inventory of Historic Properties*. Honolulu
13. Sterling, E.P. 1997. *Sites of Maui*. Honolulu: Bishop Museum Press
14. Tomich, P.Q. 1986. *Mammals in Hawaii: A Synopsis and Notational Bibliography*. Honolulu: Bishop Museum Press
15. University of Hawaii at Manoa, Department of Geography. 1998. *Atlas of Hawaii*. 3rd ed. Honolulu: University of Hawaii Press
16. University of Hawaii at Manoa, Department of Geography. 1983. *Atlas of Hawaii*. 2nd ed. Honolulu: University of Hawaii Press