

Draft Environmental Assessment

PROPOSED KENOLIO LEILANI SUBDIVISION (TMK No. 3-9-006:019)

Prepared for:

Lokahi Pacific

Approving Agency:

**County of Maui
Department of Housing and Human Concerns**

April 2008



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Executive Summary

Project Name: Kenolio Leilani Subdivision

Type of Document: Draft Environmental Assessment

Legal Authority: Chapter 343, Hawai`i Revised Statutes

Anticipated Determination: Finding of No Significant Impact (FONSI)

Applicable Environmental Assessment review “Trigger”: Proposed Use of County Lands and Funds

Location: Maui Island
Kihei
TMK No. 3-9-006:019

Landowner: TransPacific Housing Development Corporation (Property to be acquired by Lokahi Pacific)

Applicant: Lokahi Pacific

Approving Agency: Department of Housing and Human Concerns
200 South High Street
Wailuku, Hawai`i 96793
Contact: Vanessa Medeiros, Director
Phone: (808) 270-7805

Consultant: Munekiyo & Hiraga, Inc. (under contract to Lokahi Pacific)
305 High Street, Suite 104
Wailuku, Hawai`i 96793
Contact: Kyle Ginoza
Phone: (808) 244-2015

Project Summary: Lokahi Pacific proposes to develop seven (7) 3-bedroom, 2-bath, affordable, single-family residences on an approximately 1.010-acre parcel along Kenolio Road in Kihei, Maui. The lots would range between 5,340 and 5,462 square feet in area. Each of the units will be offered to families making 80 percent and below the household median income, an income group with a demonstrated lack of available, affordably priced, single-family housing product for purchase.

Lokahi Pacific is pursuing the project to respond to the growing demand for affordable housing on the island of Maui. The proposed action will increase the supply of affordable housing, at a time when housing is expensive and in short supply on Maui. The total cost of the project, including the cost of acquisition of the parcel, is estimated at \$3,190,750.

The subject parcel is currently vacant and undeveloped. Years ago, the parcel contained several single-family residences, but all structures have since been demolished. The parcel is designated "Urban" by the State Land Use Commission, "Single-Family" by the Kihei-Makena Community Plan, and "R-2, Residential" by Maui County zoning. A Special Management Area (SMA) use permit has been approved for the project.

Lokahi Pacific is in the process of executing a contract to purchase the subject property from the current owner, TransPacific Housing Development Corporation. Since the project has all of the required land use entitlements, construction may commence after the design and approval of the construction plans. It is anticipated that site construction will be initiated in mid-2008, with build-out of the project estimated over a one (1) year period.

I. PROJECT OVERVIEW

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A. PROJECT LOCATION, CURRENT LAND USE, AND OWNERSHIP

Lokahi Pacific, an independent, private non-profit housing and community development organization, seeks to develop affordable, single-family residential homes on an approximately 1.010-acre parcel in Kihei, Maui. See **Figure 1**. The Kenolio Leilani Subdivision project is located at the southwest corner of the Kenolio Road-Leilani Street intersection on property identified by Tax Map Key (TMK) 3-9-006:019. See **Figure 2**. Lokahi Pacific is pursuing the project to respond to the growing demand for affordable housing on the island of Maui.

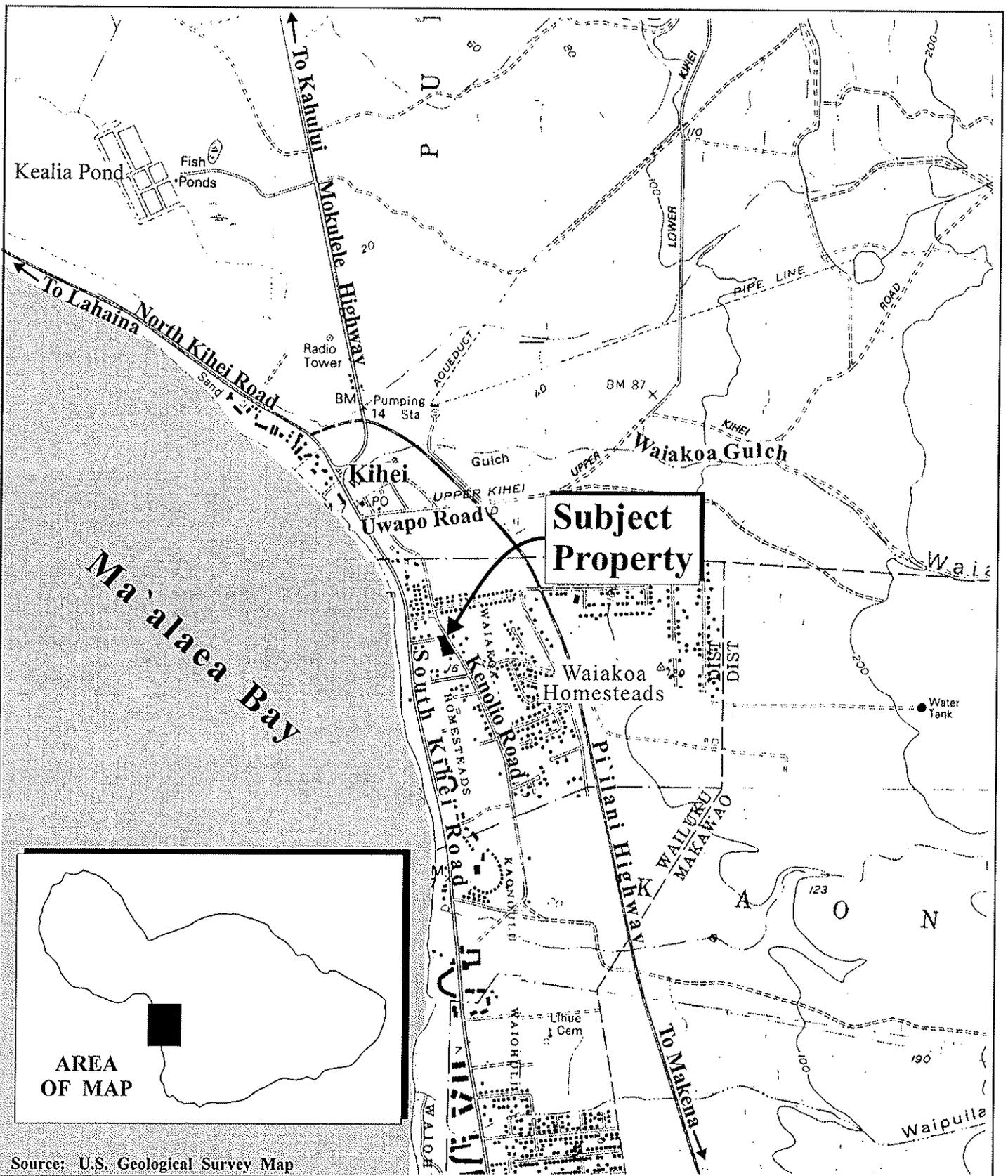
The subject parcel is currently vacant and undeveloped. See **Figure 3**. Years ago, the parcel contained several single-family residences, but all structures have since been razed. The parcel is designated “Urban” by the State Land Use Commission, “Single-Family” by the Kihei-Makena Community Plan, and “R-2, Residential” by Maui County zoning.

The subject property is currently owned by TransPacific Housing Development Corporation (TransPacific). Lokahi Pacific has an agreement to purchase the property from TransPacific upon approval of grant funding.

B. PROPOSED ACTION

Lokahi Pacific would like to develop seven (7) 3-bedroom, 2-bath single-family residences at the subject property. The lots would range between 5,340 and 5,462 square feet in area. See **Figure 4**, **Figure 5**, and **Figure 6**. Each of the units will be offered to families making 80 percent and below the household median income, an income group with a demonstrated lack of available, affordably priced, single-family housing product for purchase.

The proposed action will increase the supply of affordable housing, at a time when housing is expensive and in short supply on Maui. The project is centrally located in North Kihei in an existing, developed residential area. In light of the current and projected market conditions and prices, the proposed project is considered to provide a significant community benefit by offering residents a new opportunity to secure affordable housing.



Source: U.S. Geological Survey Map

Figure 1 Proposed Kenolio Leilani Subdivision
Regional Location Map





Northwest View of the Project Site



Southwest View of the Project Site

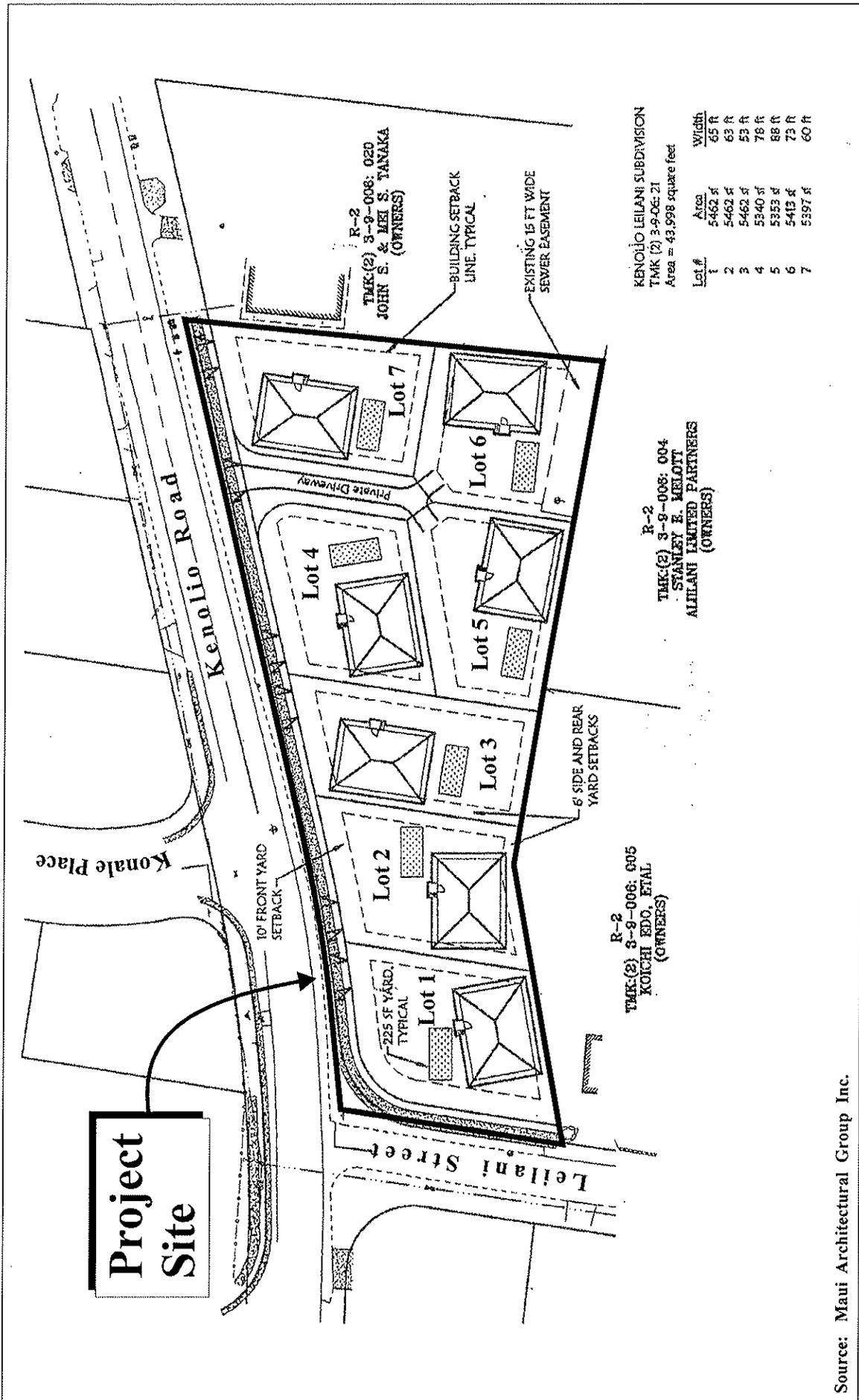
Source: Munekiyo & Hiraga, Inc.

Figure 3 Proposed Kenolio Leilani Subdivision Site Photographs

NOT TO SCALE

Prepared for: Lokahi Pacific


MUNEKIYO & HIRAGA, INC.



R-2
 TMK(2) 3-9-008: 020
 JOHN S. & MEI S. TANAKA
 (OWNERS)

R-2
 TMK(2) 3-9-008: 004
 STANLEY E. KELLOTT
 ALHILANI LIMITED PARTNERS
 (OWNERS)

R-2
 TMK(2) 3-9-006: 005
 KOICHI EDO, ETAL
 (OWNERS)

Lot #	Area	Width
1	5462 sf	65 ft
2	5462 sf	63 ft
3	5462 sf	53 ft
4	5340 sf	76 ft
5	5353 sf	88 ft
6	5413 sf	73 ft
7	5397 sf	60 ft

KENOLIO LEILANI SUBDIVISION
 TMK (2) 3-9-008: 21
 Area = 43,998 square feet

Source: Maui Architectural Group Inc.

Figure 4



Proposed Kenolio Leilani Subdivision Site Plan

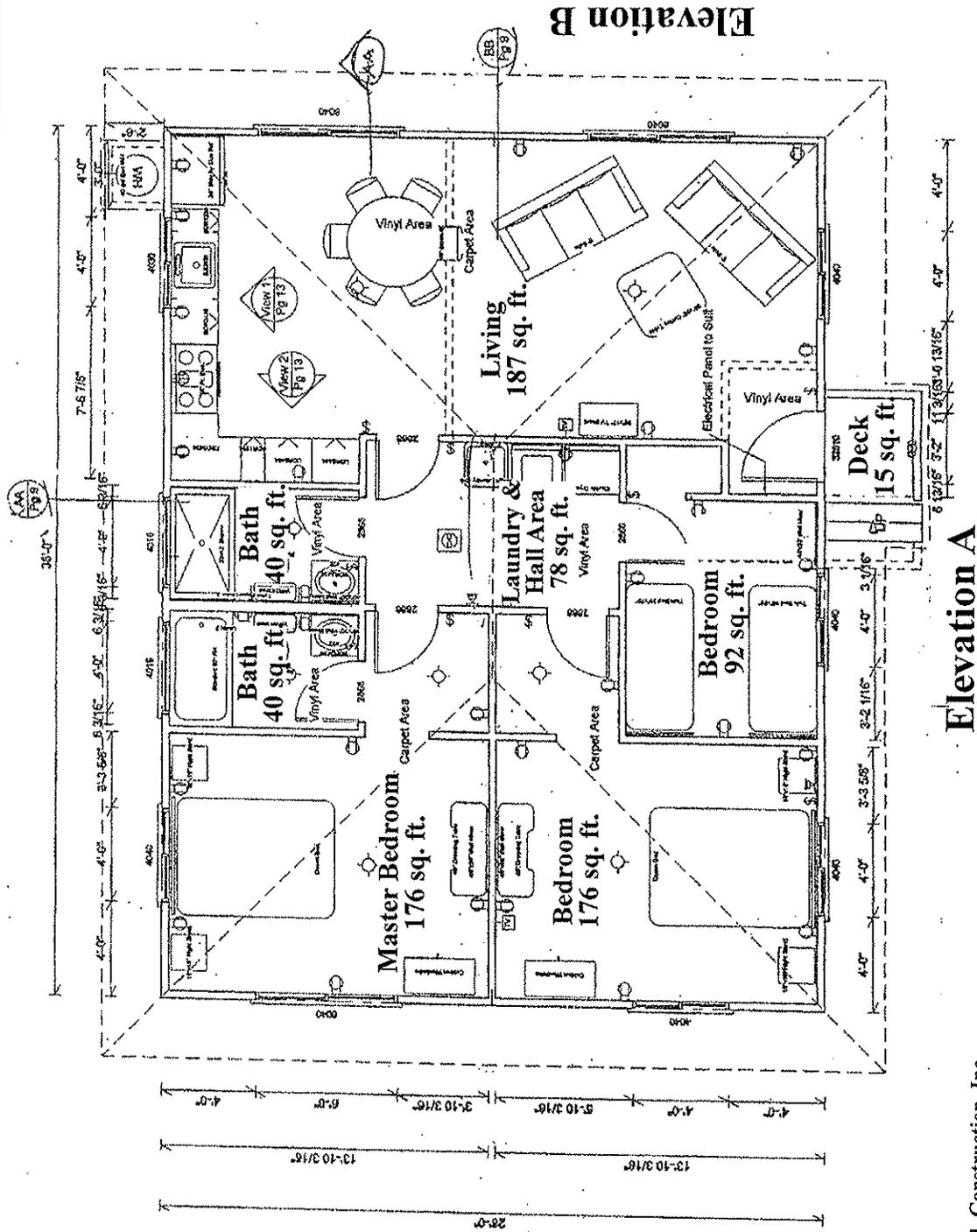
NOT TO SCALE

Prepared for: Lokahi Pacific



MUNEKIYO & HIRAGA, INC.

Lokahipacific@kenolioDEA.Fig4Siteplan



Elevation A

Elevation B

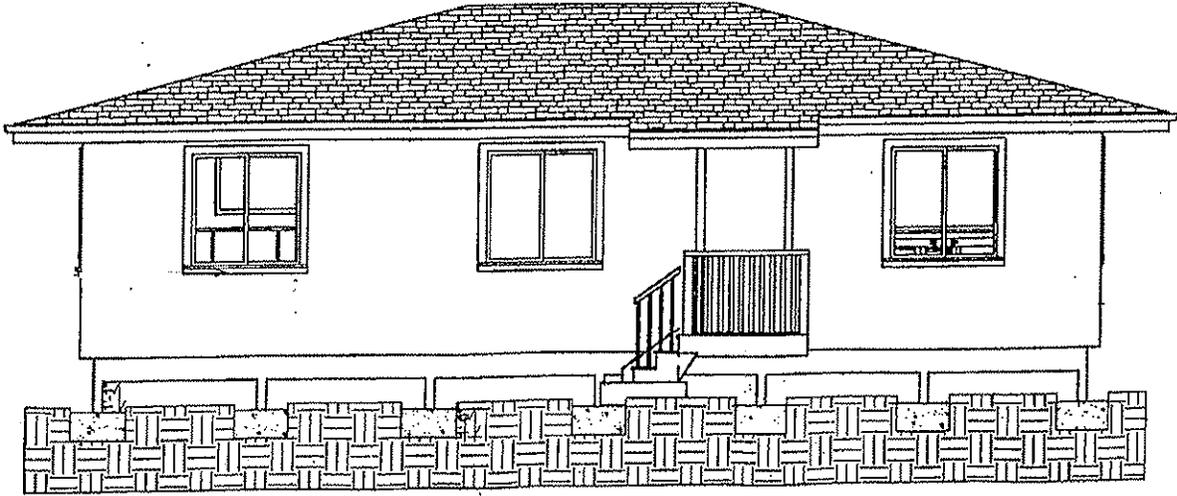
Source: Inter Island Construction Inc.

Figure 5
Proposed Kenolio Leilani Subdivision
Floor Plan

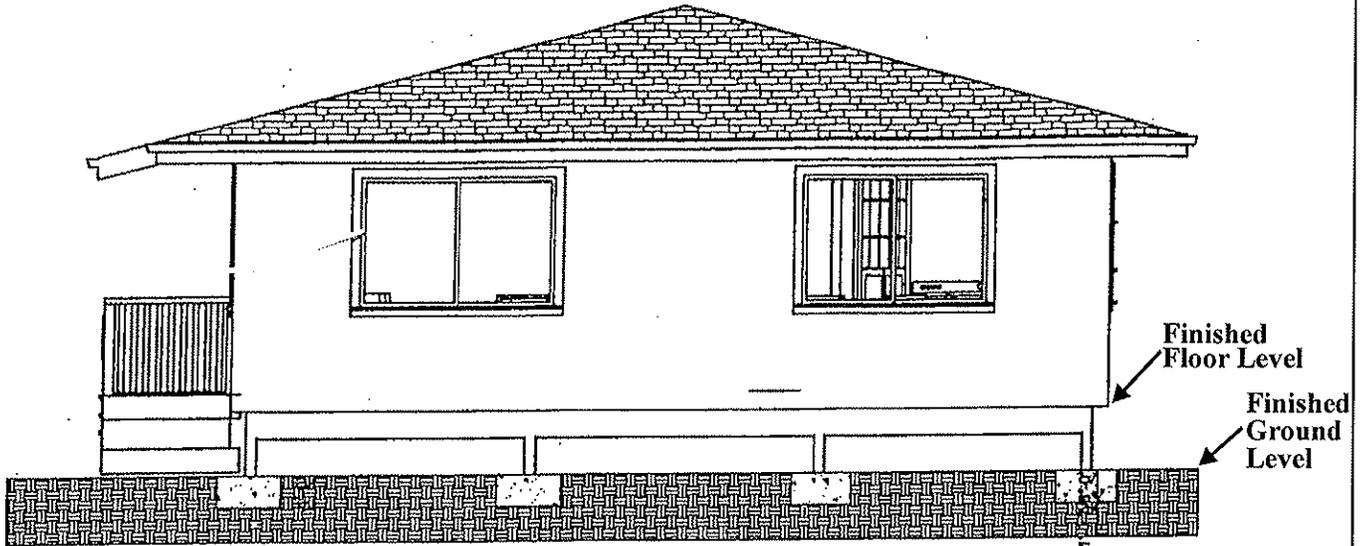
NOT TO SCALE

Prepared for: Lokahi Pacific





Elevation A



Elevation B

Source: Inter Island Construction Inc.

Figure 6 Proposed Kenolio Leilani Subdivision NOT TO SCALE
Building Elevations

C. PROJECT NEED

According to the Realtors Association of Maui, the median sale price for a single-family home in Kihei, year-to-date through October 31, 2007, was \$695,000.00. At that median price, single-family home ownership is well out of the reach of low- to low-moderate income individuals and families. The steep, increasing trend of housing prices experienced over the last few years has leveled off, but prices will almost assuredly remain out of the reach of the above-mentioned income classes. The absence of the project will leave the low- to low-moderate income residents with few, if any, choices for single-family home ownership. Lokahi Pacific's goal for the project is to provide ownership opportunities for this underserved demographic.

The proposed action is in keeping with Lokahi Pacific's mission to improve the quality of life, both economically and socially, of residents of the County of Maui. With goal-oriented vision and broad collaboration, Lokahi Pacific develops sensible and successful projects that enrich the economic climate of the County, increase the inventory of affordable and special needs housing, and insure that residents participate in that enrichment and share in its benefits.

D. CHAPTER 343, HAWAII REVISED STATUTES REQUIREMENT

The proposed project will involve driveway connections to Kenolio Road, a County roadway, and Federal grant funding passed through the County of Maui. As such, the proposed action will involve the use of County of Maui lands and funds, which is a trigger for the preparation and processing of an environmental analysis pursuant to Chapter 343, Hawaii Revised Statutes (HRS). Based on the scope of the proposed project, this draft environmental assessment (DEA) is being prepared to analyze and evaluate environmental impacts related to the project. This DEA is intended to cover any use of County lands and funds, for purposes including, but not limited to, any roadway, infrastructure, utility system, or other improvement relating to the development of the project. This would include, but not be limited to, roadway, infrastructure, utility systems and improvements to Kenolio Road and Leilani Street, as well as at other nearby off-site locations.

E. IMPLEMENTATION TIME FRAME

The implementation of the Kenolio Leilani Subdivision plan will commence after the purchase of the subject property is complete. Since the project has all of the required land use entitlements, construction may commence after the design and approval of the

construction plans. It is anticipated that site construction will be initiated in mid-2008, with build-out of the project estimated over a one (1) year period.

**II. DESCRIPTION OF
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POTENTIAL IMPACTS,
AND PROPOSED
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II. DESCRIPTION OF EXISTING CONDITIONS, POTENTIAL IMPACTS, AND PROPOSED MITIGATION MEASURES

A. PHYSICAL ENVIRONMENT

1. Surrounding Land Uses

a. Existing Conditions

The project area is located near the heart of Kihei town, which contains a variety of residential, business/commercial, civic, and recreational land uses. The project site is surrounded by single-family homes for the local resident population. The subject property is located within two miles of commercial, recreational, and civic centers, though many of these destinations are located within walking distance to the project.

The coastal area of Kihei includes resort-oriented condominiums in proximity to South Kihei Road, as well as commercial centers, such as Azeka Shopping Center, Pi'ilani Village Shopping Center, and Kihei Kalama Village. Approximately 2.5 miles to the southeast of the project site are Kihei Elementary School and Lokelani Intermediate School. The County of Maui's Kihei Community Center and Aquatic Center are located along Lipoa Street, across from Kihei Elementary School. Kalama Park, Kalepolepo Park, and Kamaole Parks I, II, and III are among the other recreational facilities found in the Kihei area, south of the project site.

b. Potential Impacts and Proposed Mitigation Measures

The proposed action is intended to provide affordably priced homes to address the need for increased housing inventory for Maui's residents. The property was previously used for residential use and is located adjacent to existing urban areas. Given these characteristics and its ready access to supporting infrastructure systems, the proposed subdivision is not anticipated to have an adverse impact on surrounding land uses.

2. Climate

a. Existing Conditions

Maui is characterized by a semi-tropical climate containing a multitude of individual microclimates. The mean annual temperature of the island at all locations near sea level is approximately 75 degrees Fahrenheit. A high proportion of the rainfall that Maui receives each year falls on the northeast facing shores leaving the south and southwest coastal areas relatively dry. The project site is located within one of these drier areas of the southwest coast.

The Kihei coast is generally sunny, warm, and dry throughout the entire year. Annual temperatures in the region average in the mid to high 70's (Maui County Data Book, December 2006). June through August are historically the warmer months of the year, while the cooler months are January through March. During the summer months, average daily temperatures in Kihei typically range from the low 70's to the high 80's.

Average rainfall distribution in the Kihei-Makena region varies from under 10 inches per year along the coastline to more than 20 inches per year in the higher elevations. Rainfall in the Kihei-Makena region is highly seasonal, with most of the precipitation occurring in the winter months (Maui County Data Book, December 2006).

Northeast tradewinds prevail approximately 80 to 85 percent of the time. Tradewinds originating from the northeast average 10 to 15 miles per hour during afternoons, with slightly lighter winds during mornings and nights. Between October and April, the southerly winds of Kona storms may be experienced.

b. Potential Impacts and Proposed Mitigation Measures

The proposed action is not anticipated to alter local micro-climates.

3. Topography and Soils

a. Existing Conditions

Underlying the project site are soils belonging to the Pulehu-Ewa-Jaucas association. See **Figure 7**. The Soil Survey of the Islands of Kaua'i, O'ahu, Maui, Moloka'i, and Lana'i, State of Hawai'i characterizes the soils of the Pulehu-Ewa-Jaucas association as consisting of well-drained and excessively drained, medium-textured, moderately fine-textured, and coarse-textured soils on alluvial fans and in basins on the island of Maui, mainly in Central Maui. These soils are nearly level to moderately sloping. The association makes up about 4 percent of the island.

Pulehu soils make up about 40 percent of the association, Ewa soils about 15 percent, and Jaucas soils about 10 percent. Alae, Iao, Kealia, and Puuone soils make up the rest of the association. The natural vegetation consists of bermuda grass, bristly foxtail grass, kiawe, and lantana.

Pulehu soils have a surface layer of dark-brown, friable silt loam. Their substratum is dark-brown and dark yellowish-brown alluvium weathered from basic igneous rock. Ewa soils have a surface layer and subsoil of dark reddish-brown, friable silty clay loam. Jaucas soils have a pale-brown calcareous sand surface layer. Their substratum is yellowish-brown sand weathered from coral and seashells.

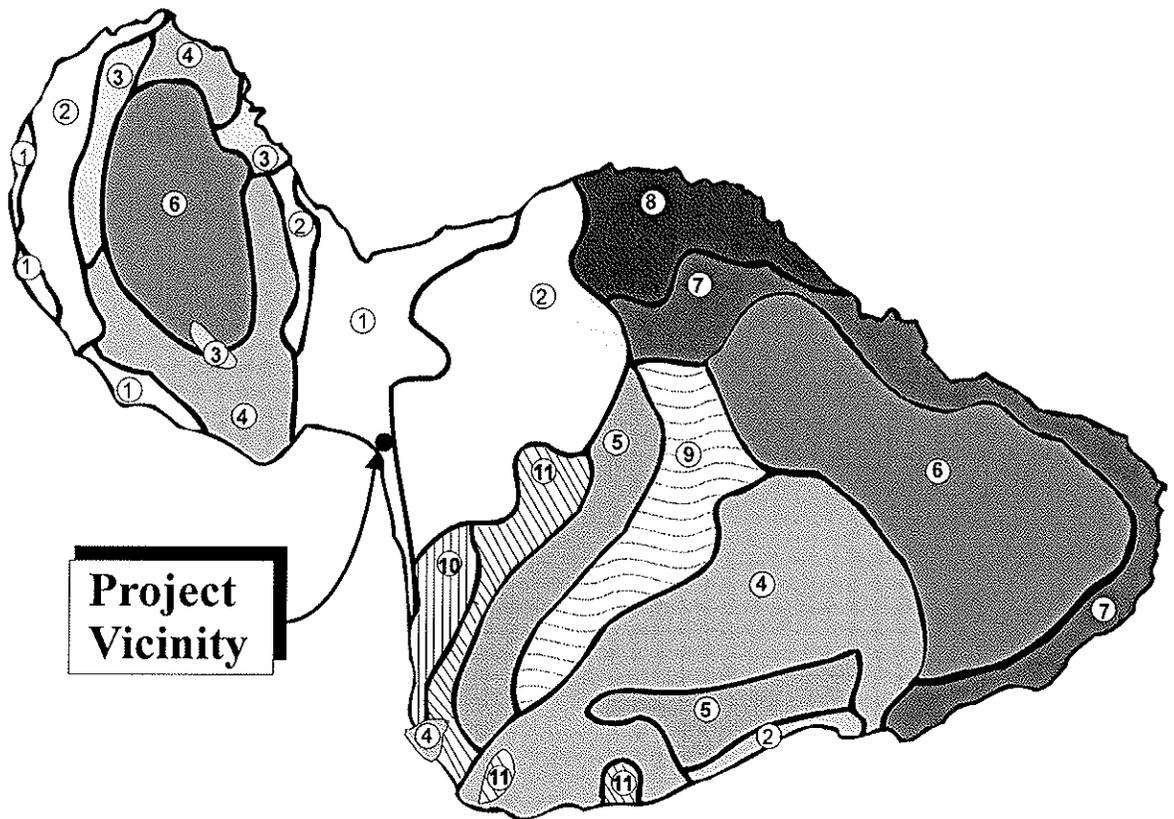
The specific soil types underlying the project site are Waiakoa Extremely Stony Silty Clay Loam (W1D2) and Dune Land (DL). See **Figure 8**.

Waiakoa Extremely Stony Silty Clay Loam (W1D2) erodes and has stones covering 3 to 15 percent of the surface. In most areas, about 50 percent of the surface layer has been removed by erosion. Runoff is medium, and the erosion hazard is severe.

Dune land (DL) consists of hills and ridges of sand-size particles drifted and piled by wind. The sand is dominantly from coral and seashells. Elevations of this soil type range from nearly sea level to 150 feet. This land type is used for wildlife habitat and recreational areas and as a source of liming material.

LEGEND

- | | |
|--|-------------------------------------|
| ① Pulchu-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 | |



Pacific Ocean

Source: USDA Soil Conservation Service

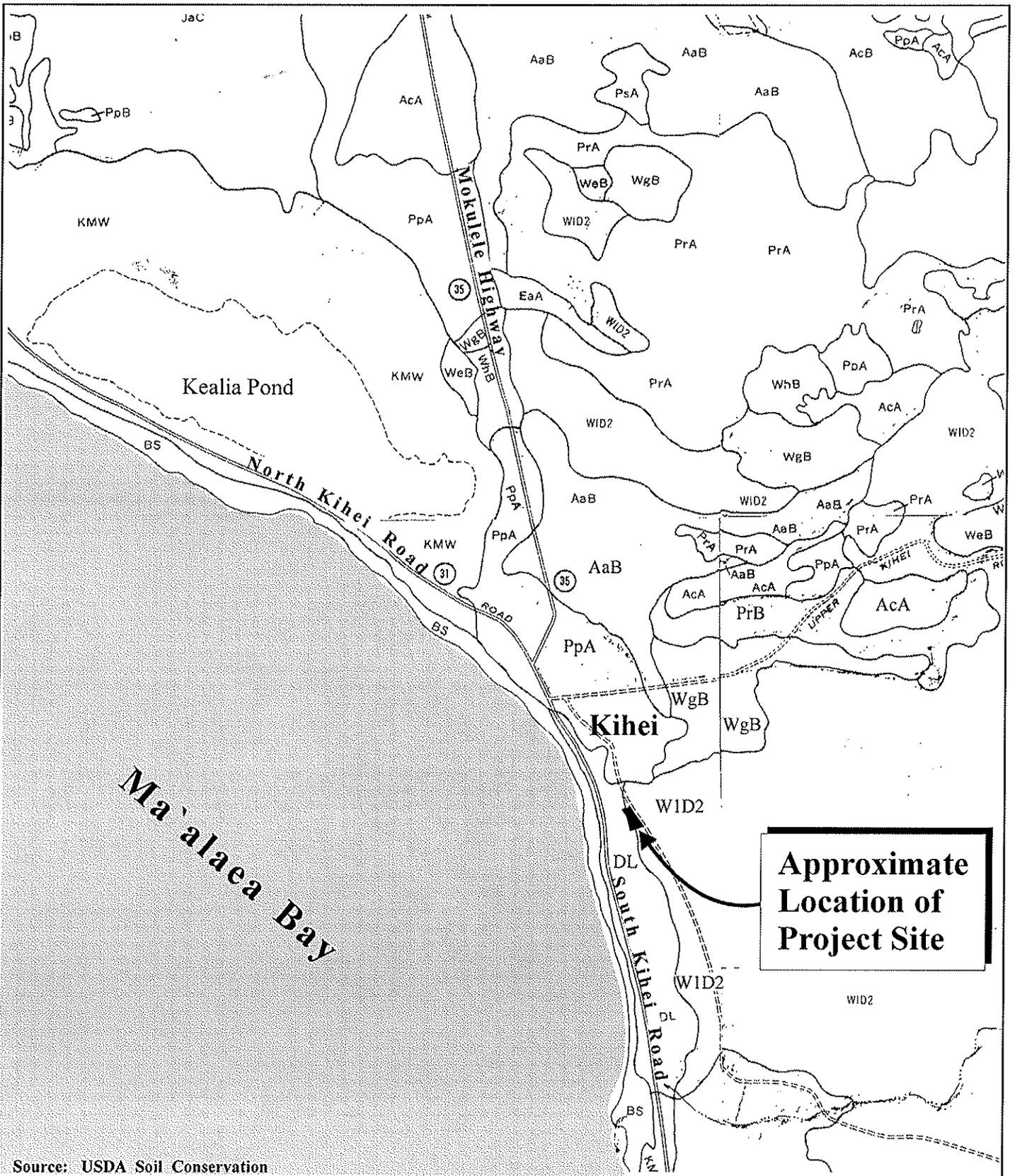
Figure 7 Proposed Kenolio Leilani Subdivision
Soil Association Map



NOT TO SCALE

Prepared for: Lokahi Pacific





Source: USDA Soil Conservation

Figure 8 Proposed Kenolio Leilani Subdivision
Soil Classification Map

NOT TO SCALE



b. **Potential Impacts and Proposed Mitigation Measures**

The Kenolio Leilani Subdivision is compatible with the property's underlying soil characteristics. There are no geologic or soil hazard limitations associated with the subject property.

4. **Agriculture**

a. **Existing Conditions**

In 1977, the State Department of Agriculture developed a classification system to identify Agricultural Lands of Importance to the State of Hawai'i (ALISH). The classification system is based primarily, though not exclusively, upon the soil characteristics of the lands. The three (3) classes of ALISH lands are: "Prime", "Unique", and "Other Important" agricultural land, with all remaining lands termed "Unclassified".

When utilized with modern farming methods, "Prime" agricultural lands have a soil quality, growing season, and moisture supply necessary to produce sustained crop yields economically. "Unique" agricultural lands possess a combination of soil quality, growing season, and moisture supply to produce sustained high yields of a specific crop. "Other Important" agricultural lands include those that have not been rated as "Prime" or "Unique", but are of state-wide or local importance for agricultural use. As reflected by the ALISH map for the project region, the project site has been designated as "Unclassified" and is located in an area designated for urban use. See **Figure 9**.

The University of Hawai'i, Land Study Bureau (LSB) developed the Overall Productivity Rating, which classified soils according to five (5) levels, with "A" representing the class of highest productivity soils and "E" representing the lowest. These letters are followed by numbers which further classify the soil types by conveying such information as texture, drainage, and stoniness.

The project site is located on lands designated "E4". These lands have the lowest productivity rating by the LSB. Machine tillability is well-suited. The soil is coarse textured and very well-drained with nonstony lands.

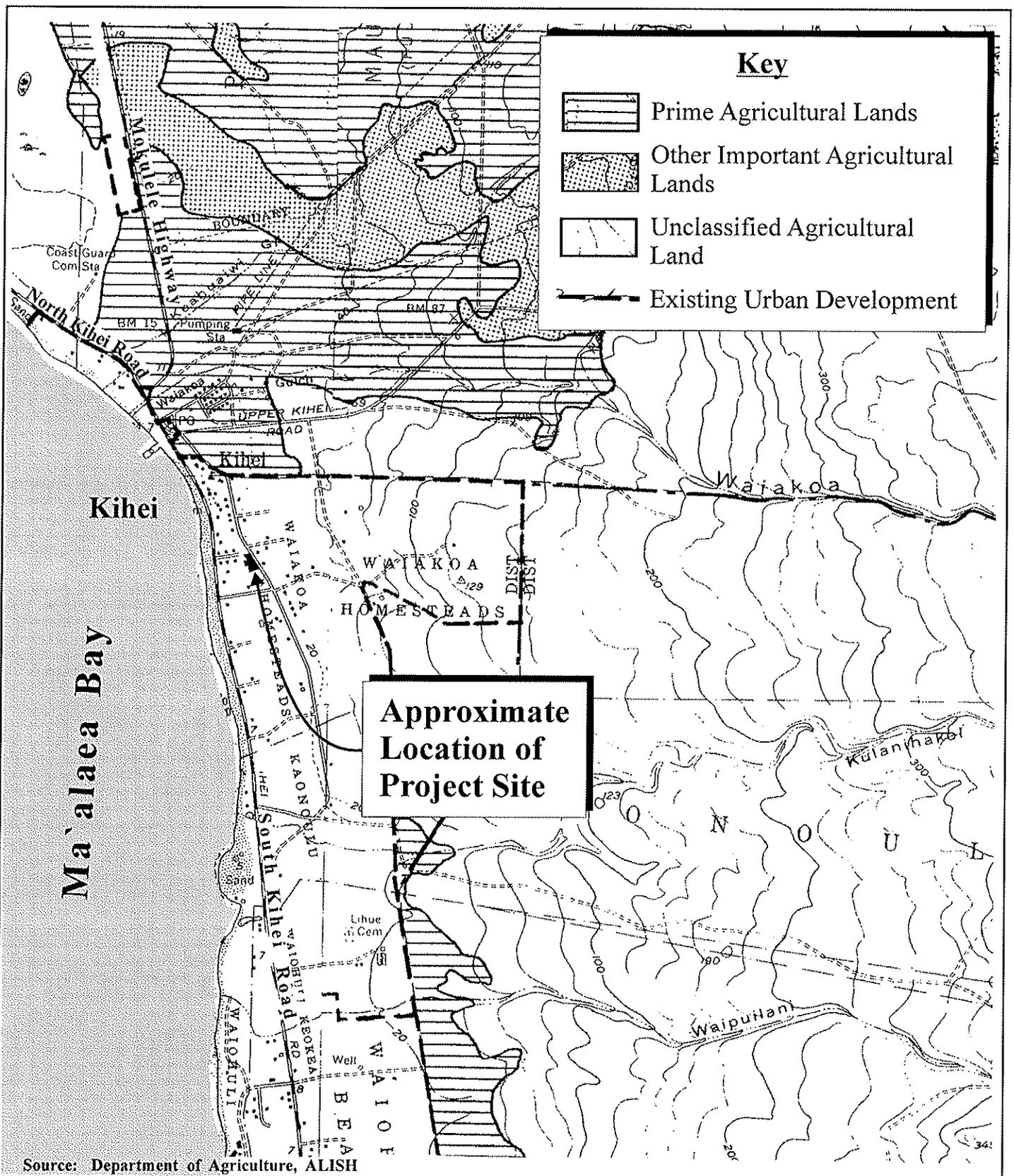


Figure 9 Proposed Kenolio Leilani Subdivision
 Agricultural Lands of Importance
 to the State of Hawai'i Map

NOT TO SCALE



b. Potential Impacts and Proposed Mitigation Measures

In light of the property's historic use for residential purposes, as well as its surrounding urban context, no adverse impacts to agriculture are anticipated as a result of the proposed project.

5. Flood and Tsunami Hazards

a. Existing Conditions

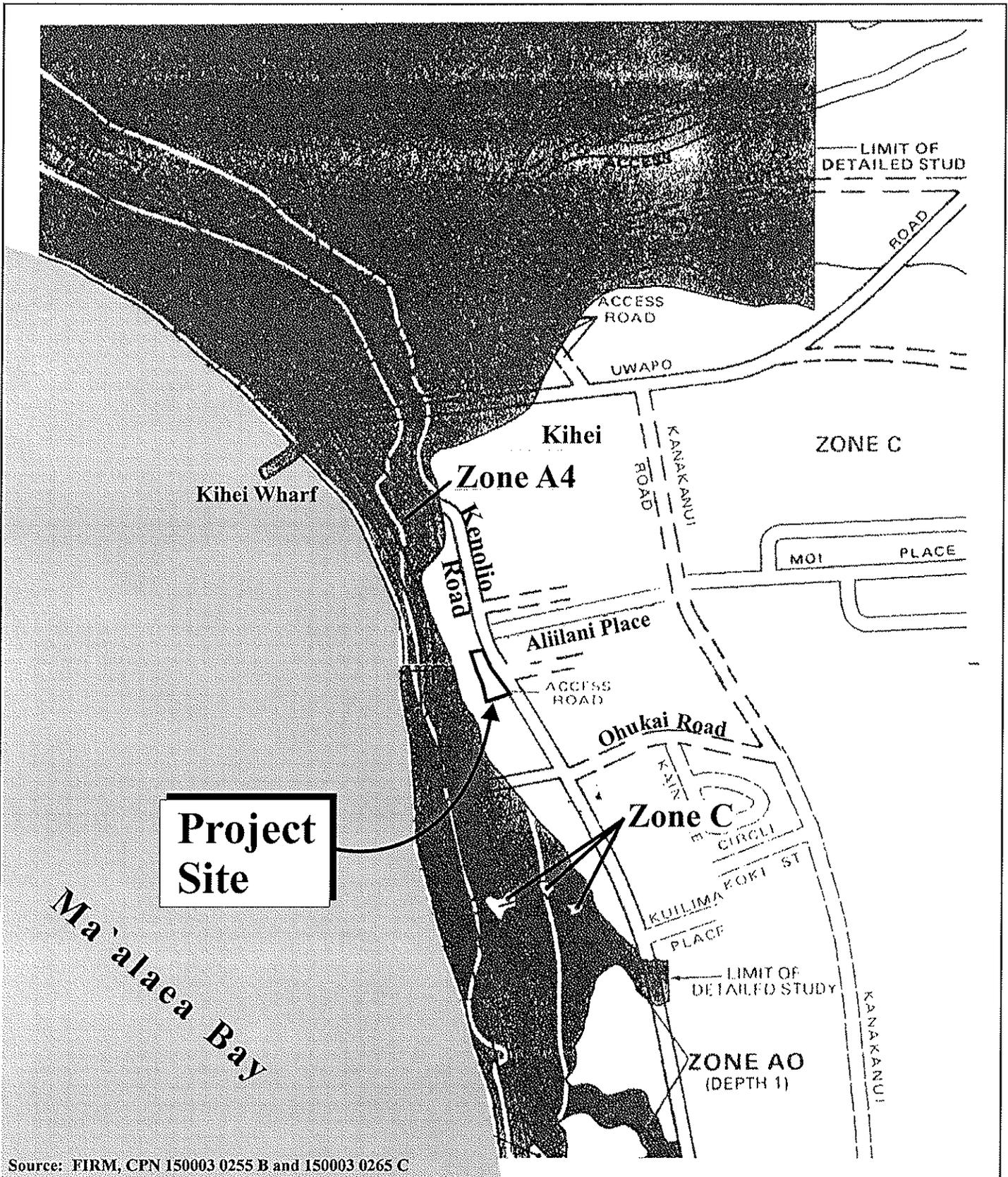
As indicated by the Flood Insurance Rate Map (FIRM) for the area, the subject property is located in Zone C, which denotes an area of minimal flooding and low flood risk. See **Figure 10**. Specifically, the Federal Emergency Management Agency (FEMA) describes areas in Flood Zone C as follows.

Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.

In addition, the project is situated in a location which is outside of the tsunami inundation area.

b. Potential Impacts and Proposed Mitigation Measures

There are no restrictions on development with regards to the Flood Zone C designation. Moreover, because the project is located outside of the tsunami inundation area, there are no threats to the surrounding areas from coastal wave action. No adverse impacts with regards to flood and tsunami hazards are anticipated as a result of this project.



Source: FIRM, CPN 150003 0255 B and 150003 0265 C

Figure 10 Proposed Kenolio Leilani Subdivision

Flood Insurance Rate Map

NOT TO SCALE



6. **Flora and Fauna**

a. **Existing Conditions**

The subject property had previously been utilized for residential purposes for decades. The existing vegetation consists of several coconut, plumeria, and mango trees along with dried grass and weeds. Refer to **Figure 3**. There are no known rare, endangered, or threatened species of flora at the project site.

Additionally, fauna and avifauna generally found in the project vicinity are typical of a residential neighborhood. There are various species of birds, including but not limited to, the common myna, dove, cardinal, finch, and sparrow. Mammals that were observed were cats, dogs, rodents, and mongoose. There are no known rare, endangered, or threatened species of fauna or avifauna found at the project site.

b. **Potential Impacts and Proposed Mitigation Measures**

Given that the flora and fauna at the project site are generally limited to non-native, abundant species, the proposed project is not anticipated to have a negative impact on the biological resources in the region.

7. **Streams, Wetlands, and Reservoirs**

a. **Existing Conditions**

There are no streams, wetlands, or reservoirs in the vicinity of the project site. According to the U.S. Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory Map, the nearest wetland feature is the Waiakoa Gulch, which is located approximately 2,500 feet to the north of the project site.

b. **Potential Impacts and Proposed Mitigation Measures**

The project site is situated outside of the flood area attributable to wetland features in the region. Moreover, in light of the limited scope of the project and its distance away from the closest wetland feature, the proposed project

is not anticipated to have any impact on streams, wetlands, or reservoirs in the region.

8. **Archaeological and Historical Resources**

a. **Existing Conditions**

The project site is currently vacant and undeveloped, though it previously contained several single-family residences. The site has undergone extensive alterations as a result of the construction and demolition of those residences. Further, the property is not located in a historically sensitive area. Nonetheless, the soils underlying the project site are within the Dune Land (DL) classification, which presents the possibility of significant historic sites, such as remnant cultural layers or burials. These burials may still exist in subsurface portions of the property.

b. **Potential Impacts and Proposed Mitigation Measures**

To address archaeological concerns during ground-altering activities related to the project, an archaeological monitoring plan was prepared by Xamanek Researches in 2002. The archaeological monitoring plan recommends that a qualified archaeological monitor be present during ground-altering activities since burials or other remains may be inadvertently discovered. The archaeological monitoring plan was accepted by the State Historic Preservation Division (SHPD) in 2003. The SHPD noted that they believe, *“that any ‘adverse effect’ on significant historic sites will be mitigated through implementation of the approved monitoring plan, thus resulting in a finding of ‘no adverse effect’”*. See **Appendix “B”**.

Finally, should any significant archaeological resources be uncovered during work on the site, the SHPD will be contacted immediately and all applicable inadvertent discovery procedures will be followed.

9. **Cultural Resources**

a. **Existing Conditions**

The project site is located in the Pulehu Nui Ahupua`a of the moku of Makawao on the island of Maui. The moku of Makawao is one of twelve

(12) moku on the island. As is true with most ahupua`a in this region, the lands can generally be divided into three zones: (1) coastal; (2) barren or transitional; and (3) inland.

The coastal area was and is rich in marine resources, based on Hawaiian traditions recounted and the presence of four (4) fishponds. A quarter mile band running along and starting from the shoreline by and large formed the coastal region. Research suggests temporary habitations in the coastal areas for marine exploitation.

Transitional lands characterized the region located mauka of the coastal areas, up to approximately five (5) to seven (7) miles inland of the coastline. These transitional lands were, on the whole, quite barren and contained bush/scrub vegetation and low annual rainfall accumulation. The dry lands suggest the inability to sustain agriculture year-round.

In the inland areas located mauka of the transitional lands, there was significantly more rainfall accumulation. Because of this, there was lush, sustainable vegetation. Research on pre-contact occupation suggests that most of the permanent habitations were in this inland area with a smaller permanent population located along the coastline.

To obtain a perspective about cultural resources relative to the project corridor, an informant interview was conducted with Kimokeo Kapahulehua. A summary of the interview follows.

Kimokeo Kapahulehua was born on Kauai, but has lived on Maui since 1970. He lived at Village by the Sea (938 South Kihei Road) from 1980 until recently. He currently resides in Honokohau (West Maui), where he is farming taro, banana, avocado, and papaya on nine (9) acres of land. Mr. Kapahulehua is of Hawaiian and Portuguese descent and his grandparents' family (Kimokeo – mother's last name), has lived in Keanae, Lahaina, and Kahului.

Mr. Kapahulehua is a canoe paddler and is the president of the Kihei Youth Center, which is located near to the project site on Kenolio Road. He is also a member of the Kihei Community Association, Kihei Canoe Club,

and Maui Coastal Land Trust. Mr. Kapahulehua is president of `Ao`ao O Na Loko I`a O Maui, which is an organization dedicated to the restoration of native Hawaiian fish ponds.

Mr. Kapahulehua did not recall any native Hawaiian cultural practices occurring in the immediate vicinity of the project site. He said that the area is quite developed with residences surrounding the project site. He remembers that there used to be several residences at the project site many years ago, occupied by local plantation workers. However, the homes have since been removed and the land does not contain any residences. Nonetheless, he associates the area with residential uses.

Two (2) cultural practices that Mr. Kapahulehua noted in the area are the canoe club activities by the intersection of South Kihei Road and Uwapo Road, approximately 0.4 mile northwest of the project site, and the partially restored fish ponds by the Menehune Shores condominium complex, approximately one (1) mile south of the project site. Mr. Kapahulehua is quite active in activities associated with the two (2) cultural practices, and noted that the proposed project will not impact either of those cultural practices.

Mr. Kapahulehua remarked that there are no heiaus or other significant cultural properties at or near the project site. In the general area, there are only the fishponds by Menehune Shores and the Kihei Canoe Club, which are culturally significant. He appreciated that the open beach area from Uwapo Road until the Maui Lu complex are publicly accessible for recreational use.

Mr. Kapahulehua felt that, other than standard neighborhood issues/conflicts, there is no reason to believe that significant problems would result from the development of the proposed project. He said that, since many of the residents of the area work in the resorts (various shifts, including graveyard shifts), there seems to be activity in the area 24 hours per day, which serves as a potential deterrent to crime.

Overall, Mr. Kapahulehua expressed urgency for the project to proceed so that the affordable homes could be developed for the working class people

of Maui. He said that the sooner the project can start the better. He did not see a problem with the project since the land had been used for residential purposes over time.

b. Potential Impacts and Proposed Mitigation Measures

Decades of continuous historic and modern agriculture and ranch activities have heavily modified the area and consequently left no evidence of traditional cultural practices within the project vicinity. Based on the information gathered during the cultural assessment, residential development of the land comprising the project area will have minimal impact upon Native Hawaiian cultural resources within the immediate vicinity.

Within this regional and historic context, the site for the proposed Kenolio Leilani Subdivision has been used for residential purposes for years. In addition, the property is not used for traditional cultural gathering, access, or religious practices. With these considerations in mind, there are no adverse cultural impacts anticipated in connection with the proposed action.

10. Air and Noise Quality

a. Existing Conditions

The air quality of the Kihei area is considered good with existing airborne pollutants attributed primarily to automobile exhaust from the region's roadways. There are no point sources of airborne emissions in the immediate vicinity of the project site. Other sources of airborne emissions may include construction activities around Kihei and smoke produced from sugar cane burning which takes place in the Central Maui isthmus. These sources are intermittent, however, and prevailing trade winds quickly disperse any particulates which are generated.

There are no significant noise generators in the vicinity of the project site. The predominant background noise source in the area is attributed to vehicle traffic along Pi'ilani Highway and surrounding roadways.

b. Potential Impacts and Proposed Mitigation Measures

Air quality impacts attributed to the project will include dust generated by short-term construction-related activities. Site work such as clearing, grubbing and grading, and roadwork and construction will generate airborne particulates. Dust control measures, such as regular watering and sprinkling, will be implemented to minimize wind-blown emissions.

Graded and grubbed areas will be vegetated to mitigate dust-generated impacts. In the long term, the proposed project is not expected to adversely impact local and regional ambient air quality. Ambient noise conditions will be temporarily impacted by construction activities. Heavy construction equipment, such as bulldozers, front-end loaders, and material-transport vehicles, will likely be the dominant source of noise during the construction period.

11. Scenic and Open Space Resources

a. Existing Conditions

The slopes of Haleakala are visible from the project site, with the West Maui Mountains visible to the northwest. The project site is not located within a scenic view corridor, nor is it a part of a valuable open space resource area.

b. Potential Impacts and Proposed Mitigation Measures

The proposed project will be developed as an architecturally integrated area with low-rise residential structures. Landscaping will be installed as part of the development improvements to ensure visual buffering and softening of the built landscape. Adverse impacts to scenic or open space resources resulting from the project are not anticipated. The project site is not visible from offsite shoreline locations in Kihei.

B. SOCIO-ECONOMIC ENVIRONMENT

1. Regional Setting

a. Existing Conditions

From a regional standpoint, the project site is located within the Kihei-Makena Community Plan region, which stretches from Ma`alaea in the north down to La Perouse Bay in the south. The region contains a diverse range of physical and socio-economic environments. With its dry and mild climate and proximity to recreation-oriented shoreline resources, the visitor-based economy has grown steadily over the years. The town of Kihei serves as the commercial and residential center of the region with the master-planned communities of Wailea and Makena serving as the focal points for the majority of visitor activities. A number of internationally recognized luxury hotels and golf courses are located along the coastline at Wailea and Makena.

b. Potential Impacts and Proposed Mitigation Measures

The proposed project is considered compatible with surrounding land uses. The regional character of the North Kihei area will not be adversely impacted by the development of the seven (7) affordable homes.

2. Population and Demography

a. Existing Conditions

The population of the County of Maui has exhibited relatively strong growth over the past decade. The resident population for the County of Maui in 2005 was estimated to be 140,050 and is projected to increase to approximately 151,300 in 2010 (SMS, June 2006).

The subject property is located along the southwestern coast of Maui, within the Kihei-Makena Community Plan region. Just as the County's population has grown, the resident population of the Kihei-Makena region has also increased. The estimated population of Kihei in 2000 was 22,870 (SMS, June 2006), which comprised 19.4 percent of the island's

population. A projection of the resident population for this region in 2010 is estimated to be 28,114 (SMS, June 2006).

b. Potential Impacts and Proposed Mitigation Measures

The Kihei area currently contains a mix of housing types, both multi- and single-family, as well as commercial areas. The project's planned homes are consistent with existing land uses in the Kihei area. The proposed project is intended to meet a portion of the residents' demand for housing, which may result in a slight increase in the population of the region (depending on the prospective lot owners' current residence location). However, aside from this slight increase in population, no significant impacts to population and demography are anticipated.

3. Economy and Labor Force

a. Existing Conditions

The economy of Maui is heavily dependent upon the visitor industry. The dependency on the visitor industry is especially evident in the Kihei-Makena region, which is one of the State's major resort destination areas. The foundation for the region's visitor strength lies in the availability of vacation rentals, world-class resorts, and recreational facilities throughout Kihei, Wailea, and Makena. Service support for the visitor industry is also found in Kihei, where numerous retail commercial centers are located.

The State's overall economic growth rate remains high and its unemployment rate is the second lowest in the nation at 2.6 percent. Maui County is exhibiting similar trends with a seasonally unadjusted unemployment rate for the same period of 3.5 percent (State Department of Labor and Industrial Relations, October 2007).

b. Potential Impacts and Proposed Mitigation Measures

On a short-term basis, the project will support construction and construction-related employment. Accordingly, the project will have a beneficial impact on the local economy during the period of construction.

From a long-term perspective, project residents will require services related to family maintenance, goods, and services which are expected to further support local business owners. Real property taxes generated by the project residents will contribute to the County's revenue tax base to support any increase in regional public service demands over time.

4. **Housing**

a. **Existing Conditions**

The project site is located in Kihei, the commercial and residential center of South Maui. A range of housing types and conditions exists within these areas, from owner-occupied homes to luxury condominiums for part-time residents.

Over the past five (5) years, the demand for housing on Maui has intensified due to steady population growth, high employment, and historically low interest rates. This strong demand, coupled with limited supply, has led to rising housing prices. The Hawai'i Housing Policy Study Update 2003, estimated a deficit of approximately 3,755 needed resident housing units as of 2006. This deficit was projected to further increase to approximately 4,156 units by 2024. The long-term projection of housing conditions in South Maui indicates that the increase in households over the next five (5) years will outnumber the existing supply of new homes. A significant increase in housing supply will be needed to accommodate the region's anticipated growth.

b. **Potential Impacts and Proposed Mitigation Measures**

The project will provide resident housing opportunities in the near term, at an attractive and central location in North Kihei. In light of the current and projected housing market conditions, the proposed Kenolio Leilani Subdivision will provide a significant community benefit by offering residents a new opportunity to secure affordable housing product.

The proposed Kenolio Leilani Subdivision would add seven (7) affordable homes to the supply of housing on Maui. The proposed project would assist in providing relief to the current overall shortage of housing.

Moreover, the subject property's central location suggests that its impact will be beneficial to Maui's residential and commercial sectors. No negative impacts on housing conditions are anticipated.

C. PUBLIC SERVICES

1. Police and Fire Protection

a. Existing Conditions

The headquarters of the County of Maui Police Department (MPD) are located at its Wailuku Station. The department consists of several patrol, support, administrative, and investigative divisions that service the Hana, Lana'i, Lahaina, Moloka'i, and Wailuku regions.

The MPD's Kihei Patrol, which covers the Kihei-Makena region, operates from a substation located at the Kihei Town Center, about three (3) miles south of the project site.

Fire prevention, protection, and suppression services are provided by the County of Maui, Department of Fire and Public Safety. The Kihei Fire Station, which services the Kihei-Makena region, is situated on South Kihei Road near Kalama Park, approximately three (3) miles south of the project site.

The Wailea Fire Station is located about four (4) miles to the south of the project site. The Wailea Station services the area from Kamaole Beach Park II to Makena and provides back-up support for the Kihei Station when required.

b. Potential Impacts and Proposed Mitigation Measures

The proposed project may create a need for additional police and fire protection services. However, the project is located within an existing residential area which is currently afforded similar services. As noted, the project site is proximately located to existing police and fire stations within the Kihei region. The project will contribute toward such services through real property tax revenues generated from the project.

2. **Medical Facilities**

a. **Existing Conditions**

The only major medical facility on the island is Maui Memorial Medical Center, which is located in Wailuku about eight (8) miles from the project area. The 231-bed facility provides general, acute, and emergency care services.

Clinics and offices are situated throughout the Kihei and Wailea areas, however these offer medical services on a lesser scale. Such clinics include Kihei Clinic and Wailea Medical Services, Kihei Pediatric Clinic, Kihei Physicians, the Kihei-Wailea Medical Center, Maui Medical Group, and Kaiser Permanente.

b. **Potential Impacts and Proposed Mitigation Measures**

The proposed project is not anticipated to affect the service capabilities of emergency medical or general care operations. As noted above, medical services are available in the Kihei-Wailea region.

3. **Educational Facilities**

a. **Existing Conditions**

The State Department of Education (DOE) operates three (3) schools in the Kihei area. Kihei Elementary School and Kamali'i Elementary School each cover grades K to 5, and Lokelani Intermediate School covers grades 6 to 8. Maui High School, which covers grades 9 to 12 and is located in Kahului, is the designated public high school for Kihei residents. The approximate actual and projected enrollments, as well as the capacity of the area schools, are shown in **Table 1** below.

Table 1. Actual and Projected Enrollments at Department of Education Schools

School	Capacity	Actual Enrollment	Projected Enrollment	
	SY 06-07	SY 07-08	SY 11-12	SY 12-13
Maui High	1,526	1,732	1,662	1,665
Lokelani Intermediate	697	651	583	561
Kamali'i Elementary	797	650	611	603
Kihei Elementary	923	799	774	781
Source: Department of Education, 2007.				

In addition, the Kihei Charter High School for grades 9 to 12 is also located in the region and had an enrollment of 145 students in 2005.

Maui Community College (MCC), which is located in Kahului, is a branch of the University of Hawai'i system. MCC is the primary higher education institution serving Maui.

b. Potential Impacts and Proposed Mitigation Measures

The proposed action will result in the development of seven (7) dwelling units which will have a slight impact on existing educational facilities in the region. The project site is already designated for residential use.

4. Recreational Facilities

a. Existing Conditions

Diverse recreational opportunities are available in the Kihei-Makena Community Plan region. Shoreline activities, such as fishing, surfing, jogging, camping, picnicking, snorkeling, swimming, and windsurfing, are by far the predominant form of recreation in the area. Numerous public park facilities exist within a relatively short driving distance of the project site, including Waipu'ilani, Kalama, and Kama'ole I/II/III Beach Parks.

Additionally, recreational resources available in Kihei, Wailea, and Makena include the Kihei Community Center and Aquatic Center, as well as resort-affiliated, world-class golf courses and tennis centers.

b. Potential Impacts and Proposed Mitigation Measures

As a seven (7) unit affordable housing project, the proposed Kenolio Leilani Subdivision will place additional demands on existing recreational resources. However, the impacts on those resources are expected to be slight. In the long term, it is anticipated that these demands will be accommodated by the real property taxes paid by residents to fund parks and recreation personnel and capital improvement projects.

5. Solid Waste Disposal

a. Existing Conditions

Single-family residential solid waste collection service is provided by the County of Maui. Residential solid waste collected by County crews is disposed of at the County's Central Maui Landfill facility, located 4.0 miles southeast of the Kahului Airport. In addition to County-collected refuse, the Central Maui Landfill also accepts commercial waste from private collection companies. A new expansion to the Central Maui solid-waste landfill facility was recently opened. Privately owned facilities, such as the Maui Demolition and Construction Landfill and the Pohakulepo Concrete Recycling Facility, accept solid waste and concrete from demolition and construction activities. These facilities are located at Ma'alaea, near Honoapi'ilani Highway's junctions with North Kihei Road and with Ku'ihelani Highway. A County supported green waste recycling facility is located at the Central Maui Landfill.

b. Potential Impacts and Proposed Mitigation Measures

The Kenolio Leilani Subdivision will be served by the County of Maui's solid waste collection and disposal systems. The proposed project is not anticipated to affect the service capabilities of residential or commercial waste collection operations. In the *Public Facilities Assessment Update, County of Maui (2002)*, R. M. Towill Corporation projected that the Central Maui Landfill would have adequate capacity to accommodate commercial

and residential waste through the year 2025, with a surplus of approximately one (1) million cubic yards of landfill space.

D. INFRASTRUCTURE

1. Roadways

a. Existing Conditions

Access to the Kihei region is provided via North Kihei Road from the West Maui and the Wailuku areas and via Mokulele Highway from the Kahului and the Upcountry areas. The following is a summary of major roadways in the vicinity of the project site.

(1) Pi`ilani Highway

Pi`ilani Highway is a four-lane, State arterial highway providing access between Kihei and Wailea and runs parallel to and mauka of South Kihei Road. Pi`ilani Highway is the main arterial road in the area. In addition to paved shoulders, Pi`ilani Highway has traffic signals and right- and left-turn lanes at major intersections. Pi`ilani Highway narrows to two (2) lanes near the Maui Meadows subdivision and ends at Wailea Ike Drive in the Wailea Resort.

The State Department of Transportation (DOT) is currently constructing the Mokulele Highway Widening, Vicinity of Maui Humane Society to Pi`ilani Highway project. This project will result in the realignment of both Pi`ilani and Mokulele Highways where both highways converge. With these improvements, vehicles heading southbound on Mokulele Highway will access onto Pi`ilani Highway without having to make any turns. Conversely, vehicles northbound on Pi`ilani Highway will access onto Mokulele Highway without making any turns.

(2) Mokulele Highway

Mokulele highway connects Kihei and Kahului. Mokulele Highway is a two-lane and four-lane State arterial highway which is currently being widened and realigned as part of the Mokulele Highway Widening, Vicinity of Maui Humane Society to Pi`ilani Highway project. With the improvements

currently underway, Mokulele Highway will become a four-lane, divided roadway. The widening project is scheduled for completion in 2008. The Pu'unene Sugar Mill, the Maui Humane Society, the Army National Guard, and various industrial facilities are located along Mokulele Highway.

(3) **North Kihei Road**

This two-lane, undivided State roadway runs along the coastline and adjacent to the Kealia Pond National Wildlife Refuge. Near the southern end of this roadway, there are a number of residential complexes at Sugar Beach. In the north, North Kihei Road intersects Honoapi'ilani Highway at Ma'alaea. North Kihei Road is used primarily by vehicles traveling between West Maui, Central Maui, and Kihei.

(4) **South Kihei Road**

This two-lane, undivided County collector roadway runs in a north-south direction along the Kihei coastline from its intersection with North Kihei Road to Okolani Drive in Wailea. At its northern terminus, South Kihei Road turns into North Kihei Road, which continues north to Ma'alaea. South Kihei Road provides local access to residences, visitor accommodations, shopping areas, and parks along the Kihei coastline.

(5) **Kenolio Road**

Kenolio Road is a two-lane, undivided County roadway which is located between Pi'ilani Highway and South Kihei Road and runs parallel to those two (2) roadways. Kenolio Road forms a portion of the North-South Collector Road. At its northern terminus, Kenolio Road intersects Uwapo Road and runs southward to a location just past Kaonoulu Street. Various residential areas, including the project site, and condominiums are located along Kenolio Road.

(6) **Leilani Street**

Leilani Street is a short, local County roadway which is approximately 400 feet in length. Leilani Street is located between and connects to South Kihei Road and Kenolio Road. The project site is located at the southwest corner of the intersection of Kenolio Road and Leilani Street.

(7) **Uwapo Road**

Uwapo Road is a two-lane, undivided, east-west County collector roadway between South Kihei Road and Pi'ilani Highway. Uwapo Road provides access to a number of multi-family residential complexes and Kenolio Park.

(8) **Ohukai Road**

Like Uwapo Road, Ohukai Road is a two-lane, undivided County roadway which runs in an east-west direction south of the project site. Ohukai Road intersects Pi'ilani Highway, Kenolio Road, and South Kihei Road and provides access to residences and commercial areas.

b. **Potential Impacts and Proposed Mitigation Measures**

The proposed development will introduce seven (7) individuals/families to the area. Additional demand on Kenolio Road and surrounding roadways related to this project will be experienced, but its impact is anticipated to be minimal in the context of the project's size and surrounding residential area. The subject property is currently entitled for residential use.

2. **Water System**

a. **Existing Conditions**

The Kihei area is served by the Department of Water Supply (DWS) of the County of Maui. The project area is served by the Iao and Waihee aquifers. There is an 8-inch main located along Kenolio Road in the vicinity of the project site with one (1) fire hydrant located near Konale Place. The project site is currently connected to the County water system and is served by a single 5/8-inch water meter.

b. **Potential Impacts and Proposed Mitigation Measures**

Based on Department of Water Supply (DWS) system standards, the Kenolio Leilani Subdivision is expected to require approximately 4,200 gallons per day for domestic and irrigation water usage. The DWS noted that it does not issue meters until the project is ready to receive service. During the building permit process, the applicant will provide domestic and

irrigation water calculations to secure the additional six (6) 5/8-inch water meters.

3. Wastewater System

a. Existing Conditions

The Kihei region is currently serviced by a wastewater collection, treatment, and disposal system owned and operated by the County of Maui, Department of Public Works and Environmental Management, Wastewater Division (WWD). The system consists of a number of pump stations and force mains which convey wastewater through the County's transmission lines. The Kihei Wastewater Reclamation Facility (KWRF) processes the wastewater for the South Maui area.

The KWRF is located mauka (east) of Pi'ilani Highway and south of the Elleair Maui Golf Club. The KWRF provides treatment for the South Maui region to produce recycled water at the R-1 level by the State Department of Health standards. R-1 recycled water is the highest quality of recycled water. The capacity of the KWRF is approximately 8.0 mgd and the current dry weather flow into the plant is approximately 4.7 mgd. The KWRF is currently operating at approximately 59 percent of its capacity. There currently are 8-inch gravity collection mains along both Kenolio Road and Leilani Street.

b. Potential Impacts and Proposed Mitigation Measures

Each of the seven (7) homes of the project will connect to the County wastewater collection service fronting the property. Specifically, each residence will have a 6-inch lateral connection to the 8-inch gravity collection main. The estimated wastewater discharge for each residence is 350 gallons per day, or a total of 2,450 gallons per day for the project. The applicant will continue discussions with the Department of Environmental Management to ensure that any impacts to the existing wastewater system are minimized.

4. **Drainage System**

a. **Existing Conditions**

Maui receives varying levels of rainfall in a given year depending on location. The average annual rainfall (1999-2005) for the Kihei area was 11.25 inches (Maui County Data Book, December 2006). The project site is currently gently sloped, with the existing grade ranging between 14 feet and 22 feet above mean sea level (amsl). Further, the current Flood Insurance Rate Map (FIRM) for this area of Maui designates the project site as being located within Zone C, an area of minimal flooding.

b. **Potential Impacts and Proposed Mitigation Measures**

As there are no existing drainage structures in the immediate vicinity of the project site, the project must retain all additional post-development runoff. To accommodate the additional drainage flow, each residential lot will contain an onsite drywell, engineered to be in compliance with State and County health and drainage standards. As such, the proposed project is not anticipated to have an adverse impact on adjacent or downstream properties with regards to drainage.

E. **CUMULATIVE AND SECONDARY IMPACTS**

Cumulative impacts are defined as the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions.

The proposed project is not part of a larger action, nor would it occur within the context of such actions. It is noted, however, that the County of Maui's ongoing General Plan update process will involve the formulation of a Maui Island Plan which would delineate urban and rural growth boundaries. Other landowners in the vicinity may seek to have portions of their respective land holdings placed on the Maui Island Plan for purposes of defining future development potential in the North Kihei region. The overall timeframe for the General Plan covers a planning horizon up to the year 2030.

The applicant acknowledges the possibility that future regional growth opportunities in surrounding lands in the North Kihei region may be possible. Specifically, owners of lands

located mauka of Pi'ilani Highway may pursue the development of their lands for residential, commercial, and industrial development. The proposed Kenolio Leilani project, at approximately one (1) acre in size, is much smaller in comparison to the potential large acreages of lands situated mauka of Pi'ilani Highway poised for future urban growth. Therefore, based on the relatively small scale of the 7-unit proposed project coupled with the property's previous use for residential purposes, cumulative impact contribution from the proposed actions will be minimal.

Secondary impacts are those which have the potential to occur later in time or farther in distance, but are still reasonably foreseeable. They can be viewed as actions of others that are taken because of the presence of the project. Secondary impacts from highway projects, for example, can occur because they can induce development by removing one of the impediments to growth-transportation access. Aside from the direct development impacts discussed in the previous sections of this chapter, secondary impacts may be attributed to project effects on the island's overall housing situation. That is, the provision of housing in North Kihei may affect demand and pricing in other areas of the island, depending on market conditions at the time of project development.

As noted previously, a significant increase in housing supply will be needed to accommodate the region's anticipated growth. The project will provide resident housing opportunities in the near term, which in turn is anticipated to result in a slightly more balanced housing market. The project is not anticipated to have a significant adverse impact on the physical environment. Necessary infrastructure systems and services can be reasonably provided to serve the project. The proposed action is not anticipated to result in significant adverse secondary impacts.

III. RELATIONSHIP TO LAND USE PLANS, POLICIES, AND CONTROLS

III. RELATIONSHIP TO LAND USE PLANS, POLICIES, AND CONTROLS

A. STATE LAND USE DISTRICT

Chapter 205, Hawai'i Revised Statutes, relating to the Land Use Commission, establishes four (4) major land use districts in which all lands in the state are placed. These districts are designated as "Urban", "Rural", "Agricultural", and "Conservation". The project site is located within the "Urban" district. See **Figure 11**. The proposed project is a permitted use in the "Urban" district.

B. HAWAII STATE PLAN

Chapter 226, HRS, also known as the Hawai'i State Plan, is a long-range comprehensive plan which serves as a guide for the future long-term development of the State by identifying goals, objectives, policies, and priorities, as well as implementation mechanisms. Examples of State objectives and policies relevant to the proposed project are as follows:

1. **Section 226-05, Objectives and policies for population. To achieve this objective, it shall be the State policy to:**
 - a. Promote increased opportunities for Hawai'i's people to pursue their socio-economic aspirations throughout the islands.
 - b. Plan the development and availability of land and water resources in a coordinated manner so as to provide for the desired levels of growth in each geographic area.
2. **Section 226-13, Objectives and policies for physical environment-land, air, and water quality. To achieve this objective, it shall be the State policy to:**
 - a. Promote effective measures to achieve desired quality in Hawai'i's surface, ground, and coastal waters.
 - b. Reduce the threat to life and property from erosion, flooding, tsunamis, hurricanes, earthquakes, volcanic eruptions, and other natural or man-induced hazards and disasters.

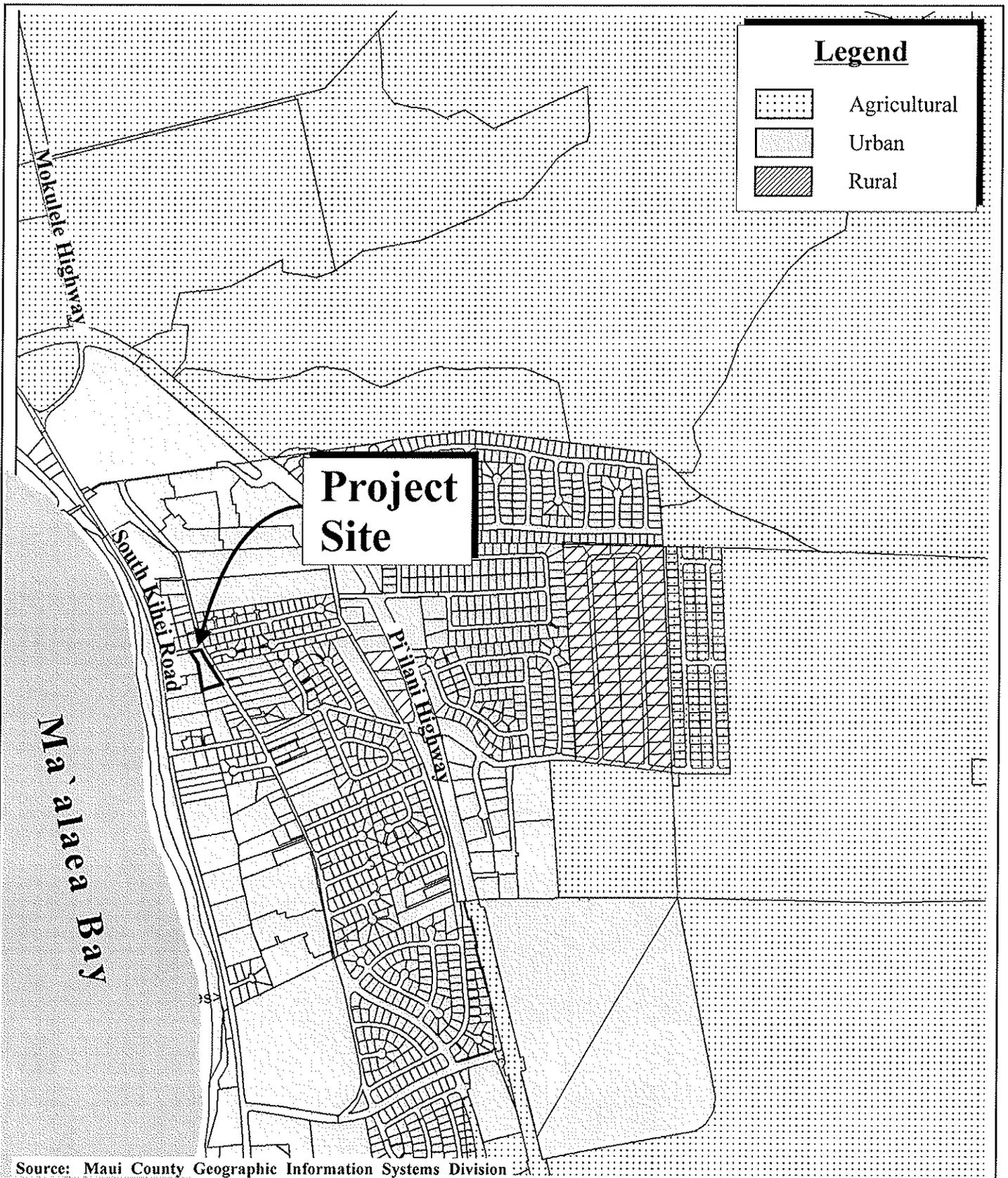


Figure 11 Proposed Kenolio Leilani Subdivision
State Land Use District Map

NOT TO SCALE



- c. Encourage design and construction practices that enhance the physical qualities of Hawai'i's communities.
- d. Encourage urban developments in close proximity to existing service and facilities.

**3. Section 226-19, Objectives and policies for socio-cultural advancement – housing.
To achieve the housing objectives, it shall be the policy of the State to:**

- a. Effectively accommodate the housing needs of Hawai'i's people.
- b. Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income, and gap-group households.
- c. Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.

The proposed Kenolio Leilani Subdivision is located in close proximity to existing public services and infrastructure. The project will provide affordable homes which will serve to meet the housing needs of the region at an attractive and central location in North Kihei. Additional housing choices will provide healthy competition and allow for a more balanced housing market. To this end, the proposed project is in conformance with the above-noted objectives and policies of the Hawai'i State Plan.

C. 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 Maui County General Plan advances five (5) major themes that focus on the overall goals of the plan. The proposed project responds to the following General Plan themes:

Theme Number 2: Prepare a Directed and Managed Growth Plan

Amendments to the General Plan will preserve a desired quality of life where areas of urban settlement must be managed and directed within a framework that consistently and concurrently balances growth demands against human service needs and physical infrastructure supply.

Theme Number 5: Provide for Needed Resident Housing

Amendments to the General Plan will address the development of resident housing as a major social need in our community.

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

POPULATION

Objective:

To plan the growth of resident and visitor population through a directed and managed growth plan so as to avoid social, economic, and environmental disruptions.

Policy:

Balance population growth by achieving concurrency between the resident employee work force, the job inventory created by new industries, affordable resident/employee housing, constraints on the environment and its natural resources, public and private infrastructure, and essential social services such as schools, hospitals, etc.

LAND USE

Objectives:

1. To preserve for present and future generations existing geographic, cultural, and traditional community lifestyles by limiting and managing growth through environmentally sensitive and effective use of land in accordance with the individual character of the various communities and regions of the County.

2. 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. Encourage land use methods that will provide a continuous balanced inventory of housing types in all price ranges.
3. Encourage programs to stabilize affordable land and housing prices.

HOUSING

Objective:

To provide a choice of attractive, sanitary and affordable homes for all our residents.

Policies:

1. Encourage the construction of housing in a variety of price ranges and geographic locations.
2. Ensure that each community plan region contains its fair share of affordable housing.

URBAN DESIGN

Objective:

To encourage developments which reflect the character and the culture of Maui County's people.

Policy:

Encourage community design which establishes a cohesive identity.

The Kenolio Leilani Subdivision consists of the development of seven (7) affordable, single-family homes in an area that is an infill location, within an existing residential area. Necessary infrastructure systems and services are within close proximity to serve the project. In addition, the homes will be architecturally designed to assimilate well into the existing

residential community. The proposed project is in conformance with the above-noted objectives and policies of the Maui County General Plan.

D. COUNTY OF MAUI COMMUNITY PLANS

Within Maui County, there are nine (9) community plan regions. From a General Plan implementation standpoint, each region is governed by a community plan which sets forth desired land use patterns, as well as goals, objectives, policies, and implementing actions for a number of functional areas including infrastructure-related parameters.

- **Kihei-Makena Community Plan**

The proposed Kenolio Leilani Subdivision is located within the Kihei-Makena Community Plan region. The existing land use designations for the project area under the Community Plan are set forth in the Kihei-Makena Community Plan Land Use Map. See **Figure 12**. The lands underlying the subject property are designated as Single-Family by the Kihei-Makena Community Plan.

The proposed Kenolio Leilani Subdivision would involve the development of seven (7) single-family homes and would not necessitate changes to the Kihei-Makena Community Plan. The proposed project is in conformance with the following, goals, objectives, and policies of the Kihei-Makena Community Plan:

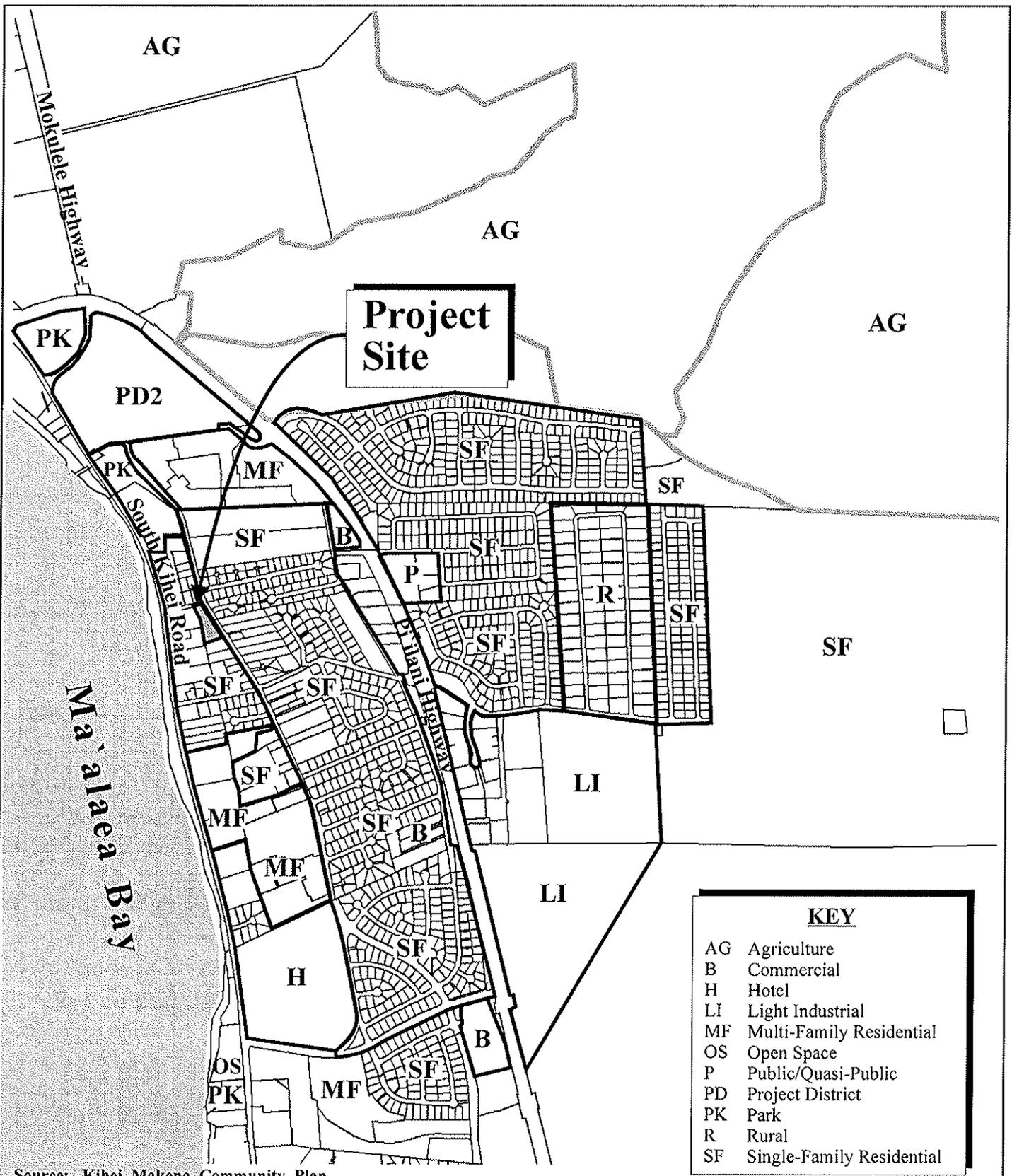
LAND USE

Goal:

A well-planned community with land use and development patterns designed to achieve the efficient and timely provision of infrastructural and community needs while preserving and enhancing the unique character of Ma'alaea, Kihei, Wailea and Makena as well as the region's natural environment, marine resources, and traditional shoreline uses.

Objectives and Policies:

1. Identify priority growth areas to focus public and private efforts on the provision of infrastructure and amenities to serve existing residents and to accommodate new growth.



Source: Kihei Makena Community Plan

Figure 12 Proposed Kenolio Leilani Subdivision

Kihei-Makena Community Plan

Land Use Designations

NOT TO SCALE



2. Encourage the establishment of single-family and multi-family land use designations which provide affordable housing opportunities for areas which are in close proximity to infrastructure systems and other urban services.
3. Limit commercial services to neighborhood business uses or other low-key business activities with a residential scale on those properties which abut single-family residential uses.

HOUSING AND URBAN DESIGN

Goal:

A variety of attractive, sanitary, safe and affordable homes for Kihei's residents, especially for families earning less than the median income for families within the County. Also, a built environment which provides complementary and aesthetically pleasing physical and visual linkages with the natural environment.

Objectives and Policies:

1. Provide an adequate variety of housing choices and range of prices for the needs of Kihei's residents, especially for families earning less than the median income for families within the County, through the project district approach and other related programs. Choices can be increased through public/private sector cooperation and coordinated development of necessary support facilities and services.
2. Require a mix of affordable and market-priced housing in all major residential projects, unless the project is to be developed exclusively as an affordable housing project.

PHYSICAL AND SOCIAL INFRASTRUCTURE

Goal:

Provision of facility systems, public services, and capital improvement projects in an efficient, reliable, cost effective, and environmentally sensitive manner which accommodates the needs of the Kihei-Makena community, and fully support present and planned land uses, especially in the case of project district implementation. Allow no development for which infrastructure may not be available concurrent with the development's impacts.

Objectives and Policies:

1. Undertake transportation system improvements concurrently with planned growth of the Kihei-Makena region. Require adequate interregional highway capacity, including the widening of Pi'ilani and Mokulele Highways to four (4) lanes, prior to the construction of major projects south of Kilohana Road or mauka of Pi'ilani Highway.
2. Provide for appropriate water source and transmission improvements concurrent with planned growth of the Kihei-Makena region.
3. Provide efficient, safe, and environmentally sound systems for the reuse, recycling, and disposal of liquid and solid wastes.
4. Minimize the increase of discharge of stormwater runoff to coastal waters by preserving flood storage capacity in low-lying areas, and encouraging infiltration of runoff.
5. Encourage the provision of public utilities which will meet community needs in a timely manner.
6. Provide high-quality recreational facilities to meet the present and future needs of residents of all ages and physical ability.

As mentioned, the subject property is currently designated for single-family use; therefore, the proposed seven (7) home affordable subdivision is a permitted use with respect to its Kihei-Makena Community Plan designation. The project is intended to provide affordable homes within an existing residential area with ready access to infrastructure systems. The subdivision will be architecturally designed to assimilate well into the existing residential neighborhood so as to not impact the character of the area.

E. COUNTY ZONING

The project site is currently zoned "R-2, Residential" by the County of Maui. See **Figure 13**. According to the Maui County Code, single-family residential dwellings are permitted in the "R-2, Residential" zoning district. Areas for single-family dwellings are established to provide for harmonious residential neighborhoods without the detraction of commercial and industrial activities. The proposed Kenolio Leilani Subdivision is consistent with the underlying zoning designation.

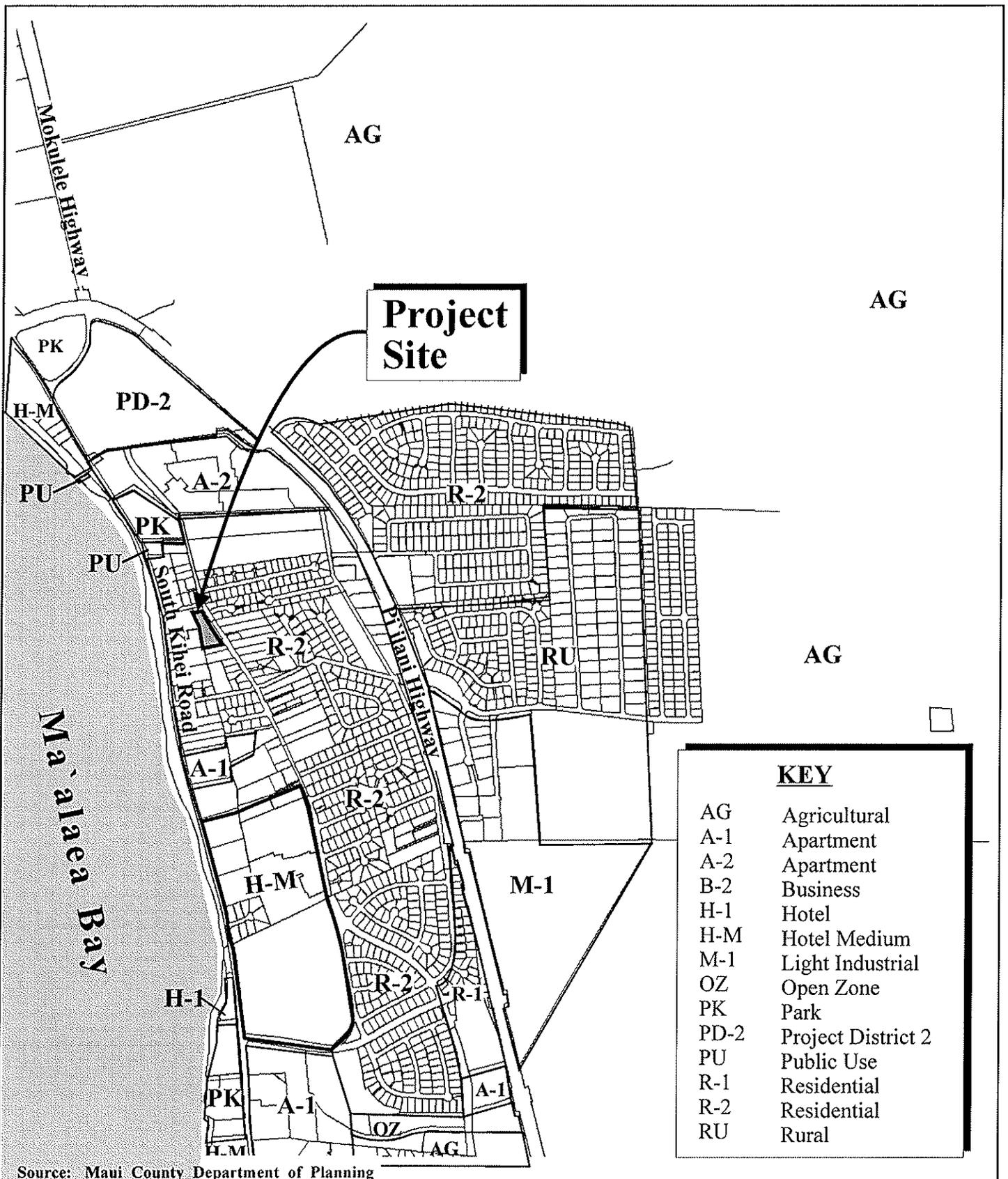


Figure 13 Proposed Kenolio Leilani Subdivision

Maui County Zoning Designations

NOT TO SCALE



F. COASTAL ZONE MANAGEMENT/SPECIAL MANAGEMENT AREA

The Hawai'i Coastal Zone Management Program (HCZMP), as formalized in Chapter 205A, HRS, establishes objectives and policies for the preservation, protection, and restoration of natural resources of Hawai'i's coastal zone. The project site is located within the County of Maui's Special Management Area (SMA). See **Figure 14**. An SMA Use Permit was granted by the County Department of Planning on February 23, 2005. See **Appendix "C"**.

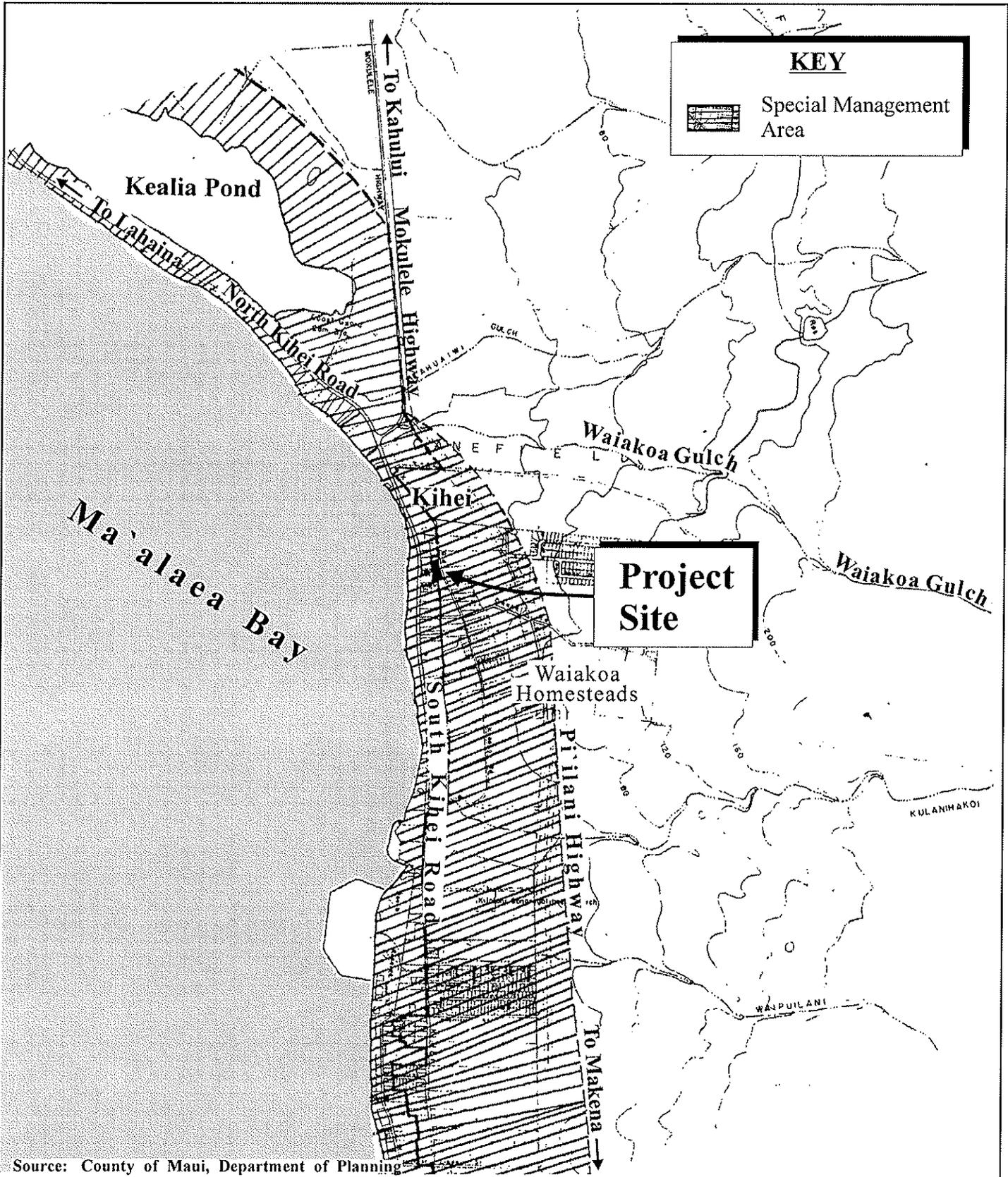
As set forth in Chapter 205A, HRS, this section addresses the project's relationship to applicable coastal zone management considerations.

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



Source: County of Maui, Department of Planning

Figure 14 Proposed Kenolio Leilani Subdivision NOT TO SCALE
Special Management Area (SMA)
Boundary Map



consistent with public safety standards and conservation of natural resources;

- vi. Adopting water quality standards and regulating point and nonpoint 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.

Response: Recreational area needs of the proposed project are anticipated to be addressed by the existing public parks and beach areas. Based on its location and development parameters, the project is not anticipated to adversely impact coastal resources, including access to the shoreline.

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 archaeological 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: As noted previously, no significant impacts to cultural or historic resources are anticipated from the proposed project. Refer to **Appendix "B"**. Should human remains be inadvertently discovered during ground-altering activities, work will promptly cease in the immediate area of the find, and the find will be further protected from damage. The SHPD and the Maui/Lana`i Islands Burial Council will

be notified immediately and procedures for the treatment of inadvertently discovered human remains will be followed pursuant to Chapter 6E, HRS, including stoppage of work in the immediate vicinity of the burial.

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 subject property is located along the lower slope of Haleakala below Pi'ilani Highway at elevations ranging from approximately 14 feet to 22 feet above mean sea level (amsl). The urban forms established by the proposed project plan will conform to height restrictions under Title 19 of the Maui County Code and will be buffered with landscaping to mitigate visual impact. View corridors will not be adversely affected by the proposed project.

4. **Coastal Ecosystems**

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

Policies:

- a. Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;
- b. Improve the technical basis for natural resource management;

- c. Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;
- d. 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
- e. Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.

Response: With implementation of Best Management Practices (BMPs), the proposed project should have minimal long-term adverse effects on the nearby coastal ecosystems. Appropriate BMPs and erosion-control measures will be implemented to ensure that coastal ecosystems are not adversely impacted by construction activities. Project-related drainage system improvements will be designed in accordance with applicable regulatory standards to mitigate potential adverse impact to surrounding properties.

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 industry 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 project is not located at or near the coastline. Based on the Kihei-Makena Community Plan's single-family land use designation and County's "R-2, Residential" zoning classification, the proposed action at the location identified is considered appropriate. The proposed action does not contravene the objective and policies for economic use.

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 source pollution hazards;
- c. Ensure that developments comply with requirements of the Federal Flood Insurance Program; and
- d. Prevent coastal flooding from inland projects.

Response: Project-related drainage system improvements will be designed in accordance with applicable regulatory standards to mitigate potential adverse impact to surrounding properties. The project is located in Flood Zone C, an area of minimal flooding. There are no restrictions or development in Flood Zone C with regards to the Federal Flood Insurance Program.

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 or 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: Public input will be solicited in coordination with the processing of the Draft EA, pursuant to the Chapter 343, HRS environmental assessment review process. All aspects of development will be conducted in accordance with applicable Federal, State, and County standards. Opportunities for review of the proposed action are also offered through the regulatory review process for construction and development permits.

8. Public Participation

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

Policies:

- a. Promote public involvement in coastal zone management processes;
- 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: The EA document will be processed in accordance with Chapter 343, HRS, and opportunity for comment by agencies and the public will be provided.

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, minimize interference with natural shoreline processes, and 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: The proposed project is situated inland, away from the shoreline and no adverse effect on beach processes is anticipated. Appropriate Best Management Practices (BMPs) will be implemented to mitigate storm water runoff associated with the project and to ensure that downstream and adjoining properties will not be adversely affected.

10. **Marine Resources**

Objective: Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

Policies:

- a. Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;
- b. Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;
- c. 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;
- d. 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

- e. Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

Response: The proposed project is situated inland, away from the ocean and no adverse effect on marine or coastal resources is anticipated. Appropriate BMPs and erosion control measures will be implemented to ensure that coastal resources are not adversely impacted by construction activities.

In addition to the foregoing objectives and policies, SMA permit review criteria pursuant to Act 224 (2005) provides that:

No special management area use permit or special management area minor permit shall be granted for structures that allow artificial light from floodlights, uplights, or spotlights used for decorative or aesthetic purposes when the light:

- (1) Directly illuminates the shoreline and ocean waters; or
- (2) Is directed to travel across property boundaries toward the shoreline and ocean waters.

Response: The proposed subdivision is not located on or near the shoreline. The preliminary lighting plan for the project will be designed to ensure that no lighting is directed across property boundaries towards the shoreline.

G. OTHER REGULATORY APPROVALS

Activities necessitating requirements for Department of the Army permitting and Section 401 Water Quality Certification are not anticipated. Additionally, there are no other Federal permits or licenses required which would prompt the need for a Coastal Zone Management Consistency review.

IV. ALTERNATIVES TO THE PROPOSED ACTION

IV. ALTERNATIVES TO THE PROPOSED ACTION

The following potential alternatives to the proposed action have been examined.

A. NO ACTION ALTERNATIVE

The “no action” alternative does not deal with the increasing need for affordable housing on Maui. As mentioned, area home sales prices at a median of \$695,000.00 are out of the reach of low- and low-moderate income individuals and families. The site presents a beneficial opportunity to develop affordable housing surrounded by similar residential uses. If the “no action” alternative were implemented, the project site would continue to be underutilized as a vacant house lot, surrounded by residential uses.

B. ALTERNATIVES TO THE PROPOSED ACTION

The proposed development of seven (7) single-family homes is needed to address the growing demand for affordable housing in the Kihei area. Alternative project sites were considered, but were discounted as many lacked necessary land use entitlements or were cost prohibitive. The proposed action represents the preferred alternative since the project site had the appropriate land use entitlements for residential development and was reasonably priced. In this regard, the project has been granted an SMA Use Permit by the Maui Planning Commission, thus facilitating timely project implementation.

**V. SUMMARY OF
UNAVOIDABLE IMPACTS
AND COMMITMENTS OF
RESOURCES**

V. SUMMARY OF UNAVOIDABLE IMPACTS AND COMMITMENTS OF RESOURCES

The development of the project will result in certain unavoidable construction-related environmental impacts as outlined in Chapter II.

In the short term, construction associated with the proposed development will generate noise impacts. These impacts will be limited to the immediate vicinity of the project construction areas. Sound attenuating construction equipment will be used, where practicable, to mitigate noise impacts caused by construction.

Unavoidable air quality impacts will also arise as a result of construction activities, such as the generation of dust and other airborne pollutants. Appropriate BMPs will be incorporated in the construction process to mitigate adverse impacts, including frequent watering of exposed surfaces and regular maintenance of construction equipment to minimize construction-related impacts.

The project will commit approximately 1.010 acres of vacant residential land to an urban use. Development of the project will alter the existing landscape, but is not anticipated to have an adverse impact upon scenic or open space resources. The proposed project will be developed as an architecturally integrated area with low-rise residential structures. Landscaping will be installed as part of the development improvements to ensure visual buffering and softening of the built landscape.

VI. SIGNIFICANCE CRITERIA ASSESSMENT

VI. SIGNIFICANCE CRITERIA ASSESSMENT

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.**

As mentioned in Chapter II of this document, a cultural study of the project area concluded that no significant impacts to cultural practices were anticipated, while the archaeological investigation concluded that no historic properties would be affected. The archaeological monitoring plan was submitted to the State Historic Preservation Division (SHPD) for review and the SHPD subsequently accepted the plan. Refer to **Appendix "B"**. Flora and fauna observed on the property were generally limited to non-native, abundant species, therefore, the proposed project is not anticipated to have significant adverse impact on the biological resources in the area.

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

The proposed project will not curtail the range of beneficial uses of the environment. Development of specific site plans will allow for the identification of applicable Best Management Practices (BMPs) to minimize any construction-related impacts. The project will provide needed affordable housing for Maui residents in close proximity to existing residential neighborhoods, employment centers, and infrastructure.

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 proposed project does not conflict with the State's Environmental Policy and Guidelines as set forth in Chapter 344, Hawai'i Revised Statutes (HRS).

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

On a short-term basis, the project will support construction and construction-related employment and have a beneficial impact on the local economy during the period of construction. From a long-term perspective, project residents will require services related to family maintenance, goods, and services which are expected to further support local business owners. Real property taxes generated by the project residents will contribute to the County's revenue tax base to support the increase in regional public services over time.

5. **Substantially affects public health.**

The proposed project is not anticipated to have any significant adverse impacts to public health.

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

While the proposed project may add to resident population in the Kihei-Makena region, it is not anticipated to result in significant adverse secondary impacts. The site is an infill location, within an existing residential area. Necessary infrastructure systems and services are available to serve the project. Impacts upon public services and facilities will be addressed with the applicable governmental agencies.

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

The project is not anticipated to have a significant adverse impact upon the natural environment. During construction, recommended Best Management Practices (BMPs) will be implemented for erosion and sedimentation control. Design of the project will incorporate the use of a drainage basin to mitigate offsite drainage runoff and impacts to coastal waters. Other appropriate mitigation measures will be developed in consultation with the applicable governmental agencies during the project design process.

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

The proposed project is not anticipated to have a cumulative adverse impact on the environment, nor involve a commitment to larger actions. As previously noted, the project site is an infill location, within an existing residential area. Due to its location within an existing residential area, infrastructure systems and services are available to serve the project. Residential development at the site is not anticipated to have a significant adverse impact on the physical environment.

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

Flora and fauna surveys of the property found the site generally limited to non-native, abundant species, and the proposed project is not anticipated to have significant negative impact on the biological resources in the area. No rare, threatened, or endangered species were observed during the surveys.

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

Construction activities will result in short-term air quality and noise impacts. Dust control measures, such as regular watering and sprinkling, and installation of dust screens will be implemented to minimize wind-blown emissions. Noise impacts will occur primarily from construction equipment. Equipment mufflers or other noise attenuating equipment, as well as proper equipment and vehicle maintenance, will be used during construction activities. Construction noise impacts will be mitigated through compliance with the provisions of the State of Hawai'i, Department of Health Administrative Rules Title 11, Chapter 46, "Community Noise Control". These rules require a noise permit if the noise levels from construction activities are expected to exceed the allowable levels set forth in the Chapter 46 rules.

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.**

The site is situated inland of the shoreline and is not anticipated to have any adverse impact upon coastal waters or resources. The project site is situated within Zone C, an area of minimal flooding. The site is not situated within a tsunami inundation zone. The use of drywells is expected to mitigate offsite drainage runoff and impacts to coastal waters. Further appropriate mitigation measures will be developed in

consultation with the applicable governmental agencies during the design process. During construction, recommended Best Management Practices (BMPs) will be implemented for erosion and sedimentation control.

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

The proposed project is located near sea level and will not adversely affect any previously identified scenic vistas or viewplanes. Landscaping will be implemented as part of the development improvements to ensure visual buffering and softening of the built landscape. Adverse impacts to scenic or open space resources resulting from the project are not anticipated.

13. **Requires substantial energy consumption.**

The proposed project will involve the commitment of fuel for construction equipment, vehicles, and machinery during construction and maintenance activities. Coordination with Maui Electric Company (MECO) will be undertaken during the electrical plans preparation phase of work to ensure all operational parameters are addressed for the proposed project. Where feasible, energy saving measures will be incorporated into the project design. The project's central location in North Kihei, in close proximity to employment centers in South and Central Maui, will result in lower long term transportation/fuel costs than other more distant locations.

In summary, the site is situated at an attractive and central location in North Kihei, in close proximity to employment centers in South and Central Maui. The site is an infill location, within an existing residential area. Necessary infrastructure systems and services are within near proximity. Residential development at the site is not anticipated to have a significant adverse impact on the physical environment. The site is suitable for the development of the seven (7) affordable homes to help address the affordable housing needs of the region. Based on the foregoing analysis, it is anticipated that the proposed action will result in a Finding of No Significant Impact (FONSI).

VII. LIST OF PERMITS AND APPROVALS

VII. LIST OF PERMITS AND APPROVALS

The following list of permits and approvals are anticipated to be needed for project implementation.

1. State of Hawai'i

A. NPDES Permits, as applicable.

2. County of Maui

A. Subdivision.

B. Construction Permits.

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

VIII. PARTIES CONSULTED DURING THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS

The following agencies were consulted during preparation of the Draft Environmental Assessment (EA). Agency comments and responses to substantive comments are included herein.

FEDERAL AGENCIES

1. Ranae Ganske-Cerizo, Soil
Conservationist
**Natural Resources Conservation
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210 Imi Kala Street, Suite 209
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2. George Young
Chief, Regulatory Branch
U.S. Department of the Army
U.S. Army Engineer District, Honolulu
Regulatory Branch
Building 230
Fort Shafter, Hawai'i 96858-5440
3. Gordon Furutani, Field Office Director
**U.S. Department of Housing and
Urban Development**
500 Ala Moana boulevard, Suite 3A
Honolulu, Hawai'i 96813-4918
4. Patrick Leonard
Field Supervisor
U. S. Fish and Wildlife Service
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Honolulu, Hawai'i 96813

STATE AGENCIES

5. Barry Fukunaga, Director of
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Hawai'i Department of Transportation
869 Punchbowl Street
Honolulu, Hawai'i 96813-5097
6. Russ Saito, State Comptroller
**Department of Accounting and
General Services**
1151 Punchbowl Street, #426
Honolulu, Hawai'i 96813
7. Sandra Lee Kunimoto
Department of Agriculture
1428 South King Street
Honolulu, Hawai'i 96814-2512
8. Theodore Liu, Director
**Department of Business, Economic
Development and Tourism**
220 South King Street
Honolulu, Hawai'i 96813
9. Patricia Hamamoto, Superintendent
Department of Education
P. O. Box 2360
Honolulu, Hawai'i 96804
10. Laurence K. Lau, Interim Director
**Office Of Environmental Quality
Control**
235 S. Beretania Street, Suite 702
Honolulu, Hawai'i 96813

- | | |
|---|--|
| <p>11. Haunani Apoliona, Chairman
Office of Hawaiian Affairs
711 Kapiolani Blvd, Suite 500
Honolulu, Hawai'i 96813</p> <p>12. Micah Kane, Chairman
Department of Hawai'ian Home Lands
P. O. Box 1879
Honolulu, Hawai'i 96805</p> <p>13. Melanie Chinen, Administrator
State Historic Preservation Division
601 Kamokila Boulevard
Suite 555
Kapolei, Hawai'i 96707</p> <p>14. Mary Lou Kobayashi
Planning Program Administrator
Office of Planning
P. O. Box 2359
Honolulu, Hawai'i 96804</p> <p>15. Bruce Anderson
Complex Area Superintendent
(Central/Upcountry Maui)
Department of Education
54 High Street, 4th Floor
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Planning Section
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809 Eighth Avenue
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Program Chief
State of Hawai'i
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54 High Street
Wailuku, Hawai'i 96793</p> <p>18. Dan Davidson, Executive Director
Hawai'i Housing Finance and
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677 Queen Street
Honolulu, Hawai'i 96813</p> | <p>19. Chiyome Fukino, M.D., Director
State of Hawai'i
Department of Health
919 Ala Moana Blvd., Room 300
Honolulu, Hawai'i 96814</p> <p>20. Alec Wong, P.E., Acting Chief
Clean Water Branch
State of Hawai'i
Department of Health
919 Ala Moana Blvd., Room 300
Honolulu, Hawai'i 96814</p> <p>21. Laura Thielen, Chairperson
State of Hawai'i
Department of Land and Natural
Resources
P.O. Box 621
Honolulu, Hawai'i 96809</p> <p>22. Hinano Rodrigues
Maui/Lana'i Islands Burial Council
130 Mahalani Street
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State of Hawai'i
State Land Use Commission
P.O. Box 2359
Honolulu, Hawai'i 96804</p> <p style="text-align: center;"><u>COUNTY AGENCIES</u></p> <p>24. Carl Kaupalolo, Chief
County of Maui
Department of Fire and
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200 Dairy Road
Kahului, Hawai'i 96732</p> <p>25. Vanessa Medeiros, Director
County of Maui
Department of Housing and
Human Concerns
200 South High Street
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Maui County Council
200 South High Street
Wailuku, Hawai'i 96793</p> |
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27. Councilmember Danny Mateo
Maui County Council
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28. Councilmember Michelle Anderson
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Wailuku, Hawai`i 96793
29. Councilmember Gladys Baisa
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30. Councilmember JoAnne Johnson
Maui County Council
200 South High Street
Wailuku, Hawai`i 96793
31. Councilmember Bill Medeiros
Maui County Council
200 South High Street
Wailuku, Hawai`i 96793
32. Councilmember Michael Molina
Maui County Council
200 South High Street
Wailuku, Hawai`i 96793
33. Councilmember Joseph Pontanilla
Maui County Council
200 South High Street
Wailuku, Hawai`i 96793
34. Councilmember Michael Victorino
Maui County Council
200 South High Street
Wailuku, Hawai`i 96793
35. Jeff Hunt, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawai`i 96793
36. Tamara Horcajo, Director
County of Maui
Department of Parks and Recreation
700 Hali`a Nakoia Street, Unit 2
Wailuku, Hawai`i 96793
37. Thomas Phillips, Chief
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawai`i 96793
38. Milton Arakawa, Director
County of Maui
Department of Public Works
200 South High Street
Wailuku, Hawai`i 96793
39. Cheryl Okuma, Director
County of Maui
Department of Environmental Management
One Main Plaza
2200 Main Street, Suite 176
Wailuku, Hawai`i 96793
40. Don Medeiros, Director
County of Maui
Department of Transportation
200 South High Street
Wailuku, Hawai`i 96793
41. Jeff Eng, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawai`i 96793
- UTILITIES**
42. Neal Shinyama, Manager - Engineering
Maui Electric Company, Ltd.
P. O. Box 398
Kahului, Hawai`i 96732
43. **Hawaiian Telcom**
60 South Church Street
Wailuku, Hawai`i 96793
- COMMUNITY ORGANIZATIONS**
44. **Kihei Community Association**
P. O. Box 662
Kihei, Hawai`i 96753
45. **Alu Like, Inc.**
1977 Kaohu Street
Wailuku, Hawai`i 96793

NOV 14 2007



U.S. Department of Housing and Urban Development

Honolulu Field Office – Region IX
500 Ala Moana Boulevard, Suite 3A
Honolulu, Hawaii 96813
<http://www.hud.gov>
<http://www.espanol.hud.gov>

NOVEMBER 9 2007

Kyle Ginoza
Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Mr. Ginoza:

SUBJECT: Proposed Kenolio Leilani Subdivision
TMK (2) 3-9-006:019
Kihei, Maui, Hawaii

Thank you for the opportunity to comment the Draft Environmental Assessment for the proposed Kenolio Leilani subdivision project. We note that the project involves use of grant funds from the County of Maui (County). We have confirmed with the County that the funds are Federal HOME Investment Partnership Program (HOME) funds from our office. The County has advised HUD that they are completing the federal environmental requirements separate from your Chapter 343 review. At this time we have no further comments. Please keep us informed as you progress with your assessment. Should you have any questions, please call me at 808-522-8180, extension 264.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Chandler".

Mark A. Chandler, Director
Office of Community Planning
and Development

NOV 13 2007

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
COMPTROLLER

BARBARA A. ANNIS
DEPUTY COMPTROLLER

(P)1261.7

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

NOV - 9 2007

Mr. Kyle Ginoza
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Mr. Ginoza:

Subject: Proposed Kenolio Leilani Subdivision
TMK (2) 3-9-006:019
Kihei, Island of Maui, Hawaii

Thank you for the opportunity to review the subject project. This project does not impact any of the Department of Accounting and General Services' projects or existing facilities and we have no comments to offer.

If you have any questions, please call me at 586-0400 or have your staff call Mr. David Deponte of the Public Works Division at 586-0492.

Sincerely,

A handwritten signature in cursive script that reads "Russ K. Saito".

RUSS K. SAITO
State Comptroller

c: Mr. Laurence Lau, OEQC
Mr. David Victor, Maui District Office, DAGS



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

OFFICE OF THE SUPERINTENDENT

November 7, 2007

Mr. Kyle Ginoza, Project Manager
Munekiyo & Hiraga, Inc.
305 High Street
Wailuku, Hawaii 96793

Dear Mr. Ginoza:

Subject: Proposed Kenolio Leilani Subdivision
TMK: 3-9-006:019, Kihei, Maui, Hawaii

The Department of Education (DOE) has reviewed your request for early consultation on a proposed seven-unit single-family residential subdivision called Kenolio Leilani.

The 2007 Legislature passed a bill establishing school impact fees. The bill became Act 245 and is in the process of being implemented. We believe it is likely the project will fall within an impact district under this new law. The project may be required to pay an impact fee, depending on when the impact fees are implemented and when the project proponent requests building permits. We currently do not know the amount of the fee per residential unit to be charged in that district.

Thank you for the opportunity to review this document. If you have any questions, please call Heidi Meeker of our Facilities Development Branch at (808) 733-4862.

Very truly yours,

A handwritten signature in cursive script, reading "Patricia Hamamoto".

Patricia Hamamoto
Superintendent

PH:jmb

c: Randolph Moore, Assistant Superintendent, OSFSS
Duane Kashiwai, Public Works Administrator, FDB
Bruce Anderson, CAS, Baldwin/King Kekaulike/Maui High Complex Areas



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

MARK ALEXANDER ROY
KYLE GINOZA

April 11, 2008

Patricia Hamamoto, Superintendent
State of Hawai'i
Department of Education
P. O. Box 2360
Honolulu, Hawai'i 96804

SUBJECT: Proposed Kenolio Leilani Subdivision TMK (2) 3-9-006:019

Dear Ms. Hamamoto:

We are writing to you on behalf of the applicant, Lokahi Pacific, to thank you for your letter dated November 7, 2007, regarding the Kenolio Leilani Subdivision project in Kihei, Maui, Hawai'i.

The applicant recognizes that the 2007 Legislature passed a bill establishing school impact fees. The applicant will work with the Department of Education in addressing applicable requirements.

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

Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

Kyle Ginoza
Project Manager

KG:yp

cc: Maile Sombelon, Lokahi Pacific

F:\DATA\LokahiPac\Kenolio\DOEec.res.wpd



DEC 03 2007

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:
EPO-07-206

November 28, 2007

Mr. Kyle Ginoza
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Maui, Hawaii 96793

Dear Mr. Ginoza:

SUBJECT: Pre-Assessment Consultation for the Proposed Development of Kenolio Leilani Residential Subdivision
Kihei, Maui, Hawaii
TMK: (2) 3-9-006: 019

Thank you for allowing us to review and comment on the project. The document was routed to the various branches of the Department of Health (DOH) Environmental Health Administration. We have the following Clean Water Branch, Wastewater Branch and General comments.

Clean Water Branch

The Department of Health, Clean Water Branch (CWB), has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at <http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.

1. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

Mr. Ginoza
November 28, 2007
Page 2

2. Please call the Army Corps of Engineers at (808) 438-9258 to see if this project requires a Department of the Army (DA) permit. Permits may be required for work performed in, over, and under navigable waters of the United States. Projects requiring a DA permit also require a Section 401 Water Quality Certification (WQC) from our office.
3. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
 - a. Storm water associated with 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 start of the construction activities.
 - b. Hydrotesting water.
 - c. Construction dewatering effluent.

You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before to the start of construction activities. 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>.

4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

If you have any questions, please visit our website at
<http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the Engineering Section, CWB, at 586-4309.

Mr. Ginoza
November 28, 2007
Page 3

Wastewater Branch

The project intends to develop the Kenolio Leilani residential subdivision in Kihei, Maui on a 1.010 acres site. The development consists of seven (7) units.

The project is located in the Critical Wastewater Disposal Area (CWDA) where no new cesspools will be allowed.

The project area can be served by the County of Maui's sewer system. Therefore we have no objections to the development **provided that wastewater is handled by connection to the public sewer system.**

All wastewater plans must meet Department's Rules, HAR Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to Applicable rules. If you have any questions, please contact the Planning & Design Section of the Wastewater Branch at 586-4294.

General

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 Jiakai Liu with the Environmental Planning Office at 586-4346.

Sincerely,



KELVIN H. SUNADA, MANAGER
Environmental Planning Office

c: EPO
CWB
WWB
EH-Maui

Standard Comments from the Clean Water Branch

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of the subject document on (insert received date). 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 AClean Water Act≡ (CWA)), Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for A[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 Adischarge≡ is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40, Code of Federal Regulations, 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).
 1. 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>.
 2. 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>.
 1. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi). [HAR, Chapter 11-55, Appendix B]
 2. 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]

Standard Comments from the Clean Water Branch

3. Discharges of treated effluent from leaking underground storage tank remedial activities. [HAR, Chapter 11-55, Appendix D]
 4. Discharges of once through cooling water less than one (1) million gallons per day. [HAR, Chapter 11-55, Appendix E]
 5. Discharges of hydrotesting water. [HAR, Chapter 11-55, Appendix F]
 6. Discharges of construction dewatering effluent. [HAR, Chapter 11-55, Appendix G]
 7. Discharges of treated effluent from petroleum bulk stations and terminals. [HAR, Chapter 11-55, Appendix H]
 8. Discharges of treated effluent from well drilling activities. [HAR, Chapter 11-55, Appendix I]
 9. Discharges of treated effluent from recycled water distribution systems. [HAR, Chapter 11-55, Appendix J]
 10. Discharges of storm water from a small municipal separate storm sewer system. [HAR, Chapter 11-55, Appendix K]
 11. 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.

Hawaii Revised Statutes, Subsection 342D-50(a) requires that A[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant

Standard Comments from the Clean Water Branch

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.



MICHAEL T. MUNDAY
GWELI OHAHI HIRAGA
MITSUO "M. H." HIRAGA
KAZUYUKI KAWAKURA
MARK ALVARADO BOY

March 28, 2008

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

SUBJECT: Proposed Kenolio Leilani Subdivision (TMK (2) 3-9-006:019)

Dear Mr. Sunada:

We are writing to you on behalf of the applicant, Lokahi Pacific, to thank you for your letter (EPO-07-206) dated November 28, 2007, regarding the Kenolio Leilani Subdivision project in Kihei, Maui, Hawai'i.

We offer the following comments, in response to your remarks:

Clean Water Branch

The applicant's civil engineer will review the branch's standard comments and will incorporate applicable recommendations into the construction plans. With regards to the specific comments provided by the branch, please see below.

1. The applicant's civil engineer will evaluate potential impacts to State waters to determine whether or not specific sections of Hawai'i Administrative Rules (HAR), Chapter 11-54 are applicable. All discharges related to project construction or operation activities will comply with the relevant State Water Quality Standards. Discharges will be kept at a minimum through the application of engineering Best Management Practices (BMPs).
2. The applicant will consult with the Army Corps of Engineers to determine whether or not a Department of the Army (DA) permit is required. We note that projects which require a DA permit will also require a Section 401 Water Quality Certification (WQC) from the Clean Water Branch.
3. The applicant's civil engineer will contact the Clean Water Branch to address applicable National Pollutant Discharge Elimination System (NPDES) permit requirements for the project, including the possible submittal of a Notice of Intent

(NOI) for general permit coverage. The NPDES permit application or NOI will also be submitted for review by the State Historic Preservation Division of the Department of Land and Natural Resources (SHPD/DLNR).

4. All discharges related to project construction or operation activities will comply with the applicable State Water Quality Standards, as specified in HAR, Chapter 11-54 and/or permitting requirements as specified in HAR, Chapter 11-55. Discharges will be kept to a minimum through the application of engineering BMPs.

Wastewater Branch

We affirm that the project will connect to the County sewer system. The applicant's civil engineer will review Hawai'i Administrative Rules (HAR), Chapter 11-62, Department of Health, "Wastewater Systems" to ensure that all wastewater plans meet appropriate State wastewater system requirements. We note that the Department of Health reserves the right to review the detailed wastewater plans for conformance to applicable rules.

Lastly, we will review the department's standard comments on the department website and the applicant will adhere to any comments specifically applicable to this project.

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

Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,



Kyle Ginoza
Project Manager

KG:yp

cc: Maile Sombelton, Lokahi Pacific

F:\DATA\LokahiPact\Kenolio\DOH-EPOec.res.wpd

LINDA LINGLE
GOVERNOR OF HAWAII



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

LORRIN W. PANG, M. D., M. P. H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2102

November 9, 2007

Mr. Kyle Ginoza
Munekiyo & Hiraga, Inc.
305 South High Street, Suite 104
Wailuku, Hawai'i 96793

Dear Mr. Ginoza:

**Subject: Early Consultation for Proposed Kenolio Leilani Subdivision
TMK: (2) 3-9-006:019**

Thank you for the opportunity to participate in the early consultation process for the proposed Kenolio Leilani Subdivision. The following comments are offered:

1. National Pollutant Discharge Elimination System (NPDES) permit coverage is required for this project. The Clean Water Branch should be contacted at 808 586-4309.
2. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control". A noise permit may be required and should be obtained before the commencement of work.

HAR, Chapter 11-46 sets maximum allowable sound levels from stationary equipment such as compressors and HVAC equipment. The attenuation of noise from these sources may depend on the location and placement of these types of equipment. This should be taken into consideration during the planning, design, and construction of the building and installation of these types of equipment.

3. All wastewater plans must conform to applicable provisions of the HAR, Chapter 11-62, "Wastewater Systems". Plan review and approval of all new wastewater disposal systems is required prior to construction of the systems.

Mr. Kyle Ginoza
November 9, 2007
Page 2

It is strongly recommended that the Standard Comments found at the Department's website: www.state.hi.us/health/environmental/env-planning/landuse/landuse.html be reviewed, and any comments specifically applicable to this project should be adhered to.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Matsubayashi', enclosed within a large, loopy oval scribble.

Herbert S. Matsubayashi
District Environmental Health Program Chief



Michael J. Mankin
General Director
MOUNTAIN VIEW HEALTH
KAWAII, KAUAI
MAUI, HAWAII

March 28, 2008

Herbert Matsubayashi
District Environmental Health
Program Chief
State of Hawai'i
Department of Health
54 High Street
Wailuku, Hawai'i 96793

SUBJECT: Proposed Kenolio Leilani Subdivision (TMK (2) 3-9-006:019)

Dear Mr. Matsubayashi:

We are writing to you on behalf of the applicant, Lokahi Pacific, to thank you for your letter dated November 9, 2007, regarding the Kenolio Leilani Subdivision project in Kihei, Maui, Hawai'i.

We offer the following comments, in response to your remarks:

1. The applicant's civil engineer will contact the Clean Water Branch to address applicable National Pollutant Discharge Elimination System (NPDES) permit requirements for the project.
2. Pursuant to Hawai'i Administrative Rules (HAR), Chapter 11-46, "Community Noise Control", a noise permit will be secured prior to commencement of construction, as applicable.

The planning, design, and construction of the project will be undertaken in accordance with the maximum allowable sound levels as set forth by HAR, Chapter 11-46.

3. The project will connect to the County sewer system. The applicant's civil engineer will review Hawai'i Administrative Rules (HAR), Chapter 11-62, Department of Health, "Wastewater Systems", to ensure that all wastewater plans meet appropriate State wastewater system requirements. We note that the Department of Health reserves the right to review the detailed wastewater plans for conformance to applicable rules.

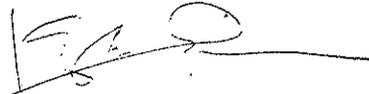
Herbert Matsubayashi
March 28, 2008
Page 2

4. The applicant will review the Department of Health's standard comments and will adhere to comments specifically applicable to this project.

We appreciate the input from your office. A copy of the Draft EA will be provided for your review and comment.

Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,



Kyle Ginoza
Project Manager

KG:yp

cc: Maile Sombelon, Lokahi Pacific

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LINDA LINGLE
GOVERNOR



BARRY FUKUNAGA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRENNON T. MORIOKA
BRIAN H. SEKIGUCHI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

STP 8.2667

November 13, 2007

Mr. Kyle Ginoza
Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Ginoza:

Subject: Kenolio Leilani Subdivision (Seven Unit Residential Development)
Early Consultation
TMK: 3-9-006: 019

Thank you for your transmittal requesting our review of the subject project.

The proposed project is not anticipated to significantly impact any State transportation facilities.

We appreciate the opportunity to provide comments.

Very truly yours,

BARRY FUKUNAGA
Director of Transportation

c: Jeffrey Hunt, Maui Planning Department

PHONE (808) 594-1888

FAX (808) 594-1865



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

HRD07/3340

November 16, 2007

Kyle Ginoza
Munekyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

RE: Proposed Kenolio Leilani Subdivision, TMK (2) 3-9-006: 019, Kīhei, Maui, Hawaii'i

Dear Kyle Ginoza,

The Office of Hawaiian Affairs (OHA) is in receipt of your October 24, 2007 request for comments concerning the above listed seven (7)-unit Kenolio Leilani residential subdivision and offers the following comments:

We request that any future submissions to the Office of Hawaiian Affairs be addressed to our Administrator, Clyde Nāmu'o.

Our office has previously commented on this project during the Special Management Area (SMA) permitting process. OHA voiced concerns about subsurface cultural resources and the potential to unearth them during construction. At that time our office also expressed interest in ascertaining the nature of potential traditional cultural practices in the area.

In preparation of the Draft Environment Assessment, in accordance with Chapter 343 of the Hawai'i Revised Statutes (HRS), we recommend that it should include a Cultural Impact Assessment (CIA). In accordance with the requirement of Act 50, Session Laws of Hawaii 2000, a CIA shall include information relating to the practices and beliefs of the Native Hawaiians who once inhabited this area and it is recommended that the community be involved in this assessment.

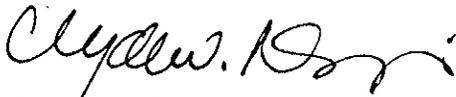
Kyle Ginoza
Munekiyo & Hiraga, Inc.
November 16, 2007
Page 2

If a CIA had previously been conducted during the SMA permitting process, we request that another attempt be made to reach out to those knowledgeable of the traditions and cultural practices in the area. This would leave no stone unturned, metaphorically speaking.

OHA asks that, in accordance with Section 6E-46.6, Hawaii Revised Statutes and Chapter 13-300, Hawaii Administrative Rules, if the project moves forward, and if any significant cultural deposits or human skeletal remains are encountered, work shall stop in the immediate vicinity and the State Historic Preservation Division (SHPD/DLNR) shall be contacted. OHA would also like to be notified.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jason Jeremiah, Policy Advocate-Preservation, Native Rights, Land and Culture, at (808) 594-1816 or jasonj@oha.org.

Aloha,



Clyde W. Nāmu'o
Administrator

C: Irene Kaahanui
Community Resource Coordinator
OHA Maui Office
P.O. Box 1717
Kaunakakai, HI 96748



MICHAEL T. MUNEKIYO
GWER DHASIP HIRABA
MITSURU "MICK" HIRANO
KARLEEN KAWANABA

MARK ALEXANDER BOY

March 28, 2008

Clyde Namu`o
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawai`i 96813

SUBJECT: Proposed Kenolio Leilani Subdivision (TMK (2) 3-9-006:019)

Dear Mr. Namu`o:

We are writing to you on behalf of the applicant, Lokahi Pacific, to thank you for your letter dated November 16, 2007, regarding the Kenolio Leilani Subdivision project in Kihei, Maui, Hawai`i.

We offer the following comments, in response to your remarks:

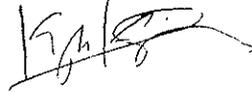
1. We acknowledge your comment regarding the potential disturbance of subsurface cultural resources during construction activities. An archaeological monitoring plan for the project was submitted to and approved by the State Historic Preservation Division (SHPD) in 2003.
2. A cultural impact assessment (CIA) will be included in the Draft Environmental Assessment (EA). The CIA will include at least one (1) interview with someone knowledgeable of the traditions and cultural practices in the area.
3. In accordance with Section 6E-43.6, Hawai`i Revised Statutes and Chapter 13-300, Hawai`i Administrative Rules, if any significant cultural deposits or human skeletal remains are encountered, work will stop in the immediate vicinity and the State Historic Preservation Division (SHPD/DLNR) and your office will be contacted. This language will be included in the Draft EA.

We appreciate the input from your office. A copy of the Draft EA will be provided for your review and comment.

Clyde Namu'o
March 28, 2008
Page 2

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 'Kyle Ginoza', with a stylized flourish extending to the right.

Kyle Ginoza
Project Manager

KG:yp

cc: Maile Sombelon, Lokahi Pacific

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NOV 08 2007

Director of Council Services
Ken Fukuoka

Council Chair
G. Riki Hokama

Vice-Chair
Danny A. Mateo

Council Members
Michelle Anderson
Gladys C. Baisa
Jo Anne Johnson
Bill Kauakea Medeiros
Michael J. Molina
Joseph Pontanilla
Michael P. Victorino



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.maui-county.gov/council

November 6, 2007

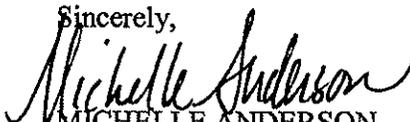
Munekiyo & Hiraga, Inc.
Attention Kyle Ginoza
305 High Street, Suite 104
Wailuku, Hi. 96793

Dear Mr. Ginoza:

SUBJECT: PROPOSED KENOLIO LEILANI SUBDIVISION

Thank you for the opportunity to comment on the above project. I appreciate your timely responses to my questions; accordingly, I have no comments to make on the preparation of the necessary EIS. I wish both you and Lokahi Pacific all the best in completing this much needed project, as soon as feasible.

Sincerely,


MICHELLE ANDERSON
Councilmember

sdd/MAA

NOV 0 8 2007

Council Chair
G. Riki Hokama

Vice-Chair
Danny A. Mateo

Council Members
Michelle Anderson
Gladys C. Baisa
Jo Anne Johnson
Bill Kauakea Medeiros
Michael J. Molina
Joseph Pontanilla
Michael P. Victorino



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

November 6, 2007

Mr. Kyle Ginoza, Project Manager
Munekiyo and Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

**SUBJECT: Proposed Kenolio Leilani Subdivision
TMK (2) 3-9-006:019 Kihei, Maui, Hawaii**

Dear Mr. Ginoza:

Thank you for the opportunity to review the proposed development information.
After review, I have no comments at the present time.

Sincerely,


JOSEPH PONTANILLA,
COUNCIL MEMBER

NOV 27 2007

CHARMAINE TAVARES
MAYOR



CARL M. KAUPALOLO
CHIEF

NEAL A. BAL
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY
FIRE PREVENTION BUREAU

780 ALUA STREET
WAILUKU, HAWAII 96793
(808) 244-9161
FAX (808) 244-1363

November 23, 2007

Mr. Kyle Ginoza, Project Manager
Munekiyo & Hiraga, Inc
305 High Street, Suite 104
Wailuku, Hawaii 96793

Subject: Kenolio Leilani Subdivision Project, TMK (2)3-9-006:019

Dear Mr. Ginoza,

At this time, we have no specific concerns regarding the Kenolio Leilani Project. A detailed look of the subdivision will take place by our office during the subdivision permit process.

We will look at emergency vehicle turn around requirements and roadway widths when the plans are submitted.

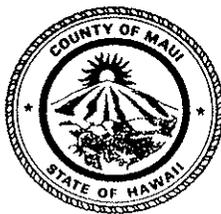
Please feel free to contact myself if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Valeriano F. Martin". The signature is written in a cursive, flowing style.

Valeriano F. Martin
Captain
Fire Prevention Bureau

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



TRACY TAKAMINE, P.E.
Solid Waste Division
DAVID TAYLOR, P.E.
Wastewater Reclamation
Division

**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**
2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

December 19, 2007

Mr. Kyle Ginoza
Project Manager
305 High Street, Suite 104
Wailuku, Hawaii 96793

**SUBJECT: KENOLIO LEILANI SUBDIVISION
EARLY CONSULTATION
TMK (2) 3-9-006:019, KIHEI**

Dear Mr. Ginoza,

We reviewed the subject project as a pre-application consultation and have the following comments:

1. Solid Waste Division comments
 - a. None.
2. Wastewater Reclamation Division comments:
 - a. Although wastewater system capacity is currently available as of 12/19/2007, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.
 - b. Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees.
 - c. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.
 - d. Plans should show the installation of a single service lateral and advanced riser for each lot.
 - e. Indicate on the plans the ownership of each easement (in favor of which party). Note: County will not accept sewer easements that traverse private property.

- f. Non-contact cooling water and condensate should not drain to the wastewater system.

If you have any questions regarding this memorandum, please contact Gregg Kresge at 270-8230.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl K. Okuma". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cheryl Okuma, Director



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

MARK ALEXANDER ROY
KYLE GINZA

April 11, 2008

Cheryl Okuma, Director
Department of Environmental Management
One Main Plaza
2200 Main Street, Unit 100
Wailuku, Hawai'i 96793

SUBJECT: Proposed Kenolio Leilani Subdivision (TMK (2) 3-9-006:019)

Dear Ms. Okuma:

We are writing to you on behalf of the applicant, Lokahi Pacific, to thank you for your letter dated December 19, 2007, regarding the Kenolio Leilani Subdivision Project located in Kihei, Maui, Hawai'i.

We offer the following comments, in response to your remarks:

1. We acknowledge that wastewater capacity cannot be ensured until the issuance of the building permit.
2. The applicant will pay assessment fees for treatment plant expansion costs in accordance with Maui County Code, Chapter 14.34.
3. We acknowledge that the developer is required to fund any necessary offsite improvements to the collection system and wastewater pump stations.
4. The project plans will show the installation of a single service lateral and advanced riser for each lot.
5. Ownership of sewer easements will be shown on the project plans. It is noted that the County will not accept sewer easements that traverse private property.
6. Provisions to prevent non-contact cooling water and condensate will be implemented to prevent drainage into the wastewater system.

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

Cheryl Okuma, Director
April 11, 2008
Page 2

Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

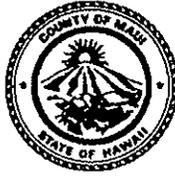
A handwritten signature in black ink, appearing to read 'K. Ginoza', with a long horizontal flourish extending to the right.

Kyle Ginoza
Project Manager

KG:yp

cc: Maile Sombelon, Lokahi Pacific
F:\DATA\LokahiPac\Kenoli\DEMec.res.wpd

CHARMAINE TAVARES
Mayor



NOV 09 2007

TAMARA HORCAJO
Director

ZACHARY Z. HELM
Deputy Director

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

DEPARTMENT OF PARKS & RECREATION

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

November 2, 2007

Munekiyo & Hiraga, Inc.
Attention: Kyle Ginoza
305 High Street, Suite 104
Wailuku, Hawaii 96793

**SUBJECT: Early Consultation-Draft EA
Proposed Kenolio Leilani Subdivision
TMK (2) 3-9-006: 019
Kihei, Maui, Hawai'i**

Dear Mr. Ginoza:

Based on our review of the proposed Kenolio Leilani Subdivision, the Parks Department does not have any comments or objections at this time.

The Department of Parks & Recreation will require that the applicant satisfy park and playground requirements for the subject subdivision with a cash contribution in lieu of land. The 3 lot exemption has not been used for this development. Based on the current park assessment rate for the Kihei-Makena community plan area, that fee is \$70,040 (\$17,510/lot X 7 - 3 lot exemption). The fee is valid till June 30, 2008, thereafter it will be subject to the new rate.

Please feel free to contact me or Mr. Baron Sumida, CIP Coordinator Parks Planning and Development, at 270-6173 should you have any questions.

Sincerely,


TAMARA HORCAJO
Director

xc: Baron Sumida, CIP Coordinator Parks Planning & Development



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

MARK ALEXANDER ROY
KYLE GINOZA

April 11, 2008

Tamara Horcajo, Director
County of Maui
Department of Parks and Recreation
700 Hali`a Nako Street, Unit 2
Wailuku, Hawai`i 96793

SUBJECT: Proposed Kenolio Leilani Subdivision (TMK (2) 3-9-006:019)

Dear Ms. Horcajo:

We are writing to you on behalf of the applicant, Lokahi Pacific, to thank you for your office's letter dated November 2, 2007, regarding the Kenolio Leilani Subdivision project in Kihei, Maui, Hawai`i.

The applicant intends on satisfying the County parks and playground requirements with a cash contribution for the seven (7) unit subdivision in accordance with the Maui Residential Workforce Housing Policy. We understand that the fee amount stated in your letter is only valid until June 30, 2008.

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

Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

Kyle Ginoza
Project Manager

KG:yp

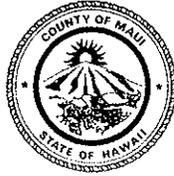
cc: Maile Sombelon, Lokahi Pacific

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CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

COLLEEN M. SUYAMA
Deputy Director



DEC 06 2007

COUNTY OF MAUI
DEPARTMENT OF PLANNING

December 4, 2007

Mr. Kyle Ginoza
Munekiyō & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Ginoza:

SUBJECT: PRE-CONSULTATION COMMENTS IN PREPARATION OF A DRAFT ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED KENOLIO LEILANI SEVEN-LOT SUBDIVISION LOCATED AT TMK: 3-9-006:019, ISLAND OF MAUI, HAWAII (EAC 2007/0039)

The County of Maui Planning Department (Department) is in receipt of the above-referenced document for the proposed Kenolio Leilani Seven-Lot Subdivision. The Department understands the proposed action includes the following:

- The applicant is Lokahi Pacific;
- The applicant proposes to develop a seven-lot subdivision comprised of three-bedroom, two-bath, single-family residences on lots ranging in size from 5,340 and 5,462 square feet; and
- All homes will be offered to families whose household income is 80 percent and below median household income.

Based on the foregoing, the Department provides the following comments in preparation of the Draft EA:

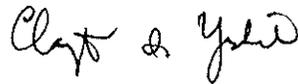
1. The land use designations for the project area are as follows:
 - a. State Land Use – Urban
 - b. Community Plan – Single-Family
 - c. County Zoning – R-2 Residential
 - d. Other – Located within the Special Management Area

Mr. Kyle Ginoza
December 4, 2007
Page 2

2. On February 22, 2005, a Special Management Area (SMA) Permit (SM1 2003/0022) was issued for the project by the Maui Planning Commission.
3. A timely request for a time extension of the SMA Permit is being processed by our office.

Thank you for the opportunity to comment. Please include the Department on the distribution list for the Draft EA . Should you require further clarification, please contact Staff Planner Robyn Loudermilk by email at robyn.loudermilk@mauicounty.gov or by phone at 270-7180.

Sincerely,



CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

xc: Robyn L. Loudermilk, Staff Planner
Livit U. Callentine, Staff Planner

CIY:RLL:bv

Project File
General File

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NOV 09 2007

CHARMAINE TAVARES
Mayor

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

MICHAEL M. MIYAMOTO
Deputy Director

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



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

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

November 6, 2007

Mr. Kyle Ginoza
MUNEKIYO & HIRAGA, INC.
305 High Street, Suite 104
Wailuku, Maui, Hawaii 96793

Dear Mr. Ginoza:

**SUBJECT: PROPOSED KENOLIO LEILANI SUBDIVISION EARLY
CONSULT; TMK: (2) 3-9-006:019**

We reviewed the subject application and have no additional comments to offer.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Milton M. Arakawa".

Milton M. Arakawa, A.I.C.P.
Director of Public Works

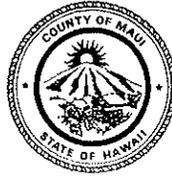
MMA:MMM:ls

xc: Highways Division
Engineering Division

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DEC 05 2007

CHARMAINE TAVARES
MAYOR



DON A. MEDEIROS
Director
WAYNE A. BOTELHO
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

November 29, 2007

Mr. Kyle Ginoza
Munekiyo & Hiraga Inc.
305 High Street, Suite 104
Wailuku, Maui, Hawaii 96793

Subject: Kenolio Leilani Subdivision Traffic Management Plan

Dear Kyle:

Thank you for the opportunity to comment on this project. At this time we do not have our bus system operating on Kenolio Road but we anticipate a future bus route to service this area. With this in mind we would like to ask that in your overall design of your project that a bus pull in and bus shelter area be factor into the design along the frontage to Kenolio Road.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Medeiros", is written over a white background.

Don Medeiros
Director



MICHAEL T. MURKIN
Governor
M. HIRAGA
K. HIRAGA

MAILE A. SOMBELON

March 28, 2008

Donald Medeiros, Director
County of Maui
Department of Transportation
200 South High Street
Wailuku, Hawai'i 96793

SUBJECT: Proposed Kenolio Leilani Subdivision (TMK (2) 3-9-006:019)

Dear Mr. Medeiros:

We are writing to you on behalf of the applicant, Lokahi Pacific, to thank you for your letter dated November 29, 2007, regarding the Kenolio Leilani Subdivision project in Kihei, Maui, Hawai'i.

This project is a 100 percent affordable housing development for individual and families making below 80 percent of the household median income level. As such, the applicant is trying to minimize costs for the development. Nonetheless, your request for consideration of a bus pull-in and bus shelter adjacent to the project site will be forwarded to the applicant.

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

Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

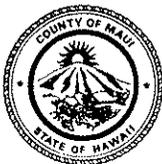
Kyle Ginoza
Project Manager

KG:yp

cc: Maile Sombelon, Lokahi Pacific

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NOV 20 2007



CHARMAINE TAVARES
MAYOR

OUR REFERENCE
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

November 14, 2007

Mr. Kyle Ginoza
Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

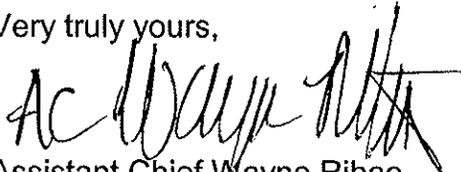
Dear Mr. Ginoza:

SUBJECT: Proposed Kenolio Leilani Subdivision
TMK (2) 3-9-006:019

Thank you for your letter of October 24, 2007, requesting comments on the above subject.

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

Very truly yours,


Assistant Chief Wayne Ribao
for: Thomas M. Phillips
Chief of Police

c: Jeff Hunt, Planning Department

Enclosures

COPY

TO : THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI
VIA : CHANNELS
FROM : ALAN BROWN, POLICE OFFICER III, DISTRICT VI KIHEI
SUBJECT : EARLY CONSULTATION REQUEST FOR KENOLIO LEILANI
SUBDIVISION

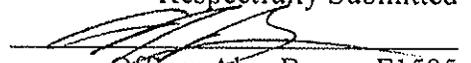
CONCUR:
AC Wayne Miller
11/14/07

This To-From is in response to a request for early consultation request for a 7 unit subdivision project. At this time with the limited information provided by the developer the comments will be limited to the following.

During the planning of the subdivision the use of CPTED, Crime Prevention Through Environmental Design, should be used. CPTED is the framework where the design of buildings, lighting and landscaping are used to discourage crime. It is recommended that the use of Best Practices be used in designing this project. The use of any CPTED practices will ultimately be the responsibility of Kenolio Leilani subdivision developer and the individual home owner. For information about CPTED refer to the National Criminal Justice Reference Service web site at, www.ncjrs.org.

Any further comment will be reserved until further information in provided.

Respectfully Submitted


Officer-Alan Brown E1505
110907 @ 2030 hrs

Noted:
Capt. T. [Signature]
111307



MICHAEL J. MUNEKIYO
County Director, HIRAGA
MICHAEL J. MUNEKIYO HIRAGA
KAREN T. KAWANOE
Maui, Hawaii, USA

March 28, 2008

Thomas Phillips, Chief
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawai'i 96793

SUBJECT: Proposed Kenolio Leilani Subdivision (TMK (2) 3-9-006:019)

Dear Chief Phillips:

We are writing to you on behalf of the applicant, Lokahi Pacific, to thank you for your department's letter dated November 14, 2007, regarding the Kenolio Leilani Subdivision project in Kihei, Maui, Hawai'i.

We reviewed and forwarded the National Criminal Justice Reference Service website information to the applicant for consideration in the development of the construction plans.

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

Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

Kyle Ginoza
Project Manager

KG:yp

cc: Maile Sombelon, Lokahi Pacific

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NOV 05 2007



November 1, 2007

Mr. Kyle Ginoza, Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawai'i 96793

Dear Mr. Ginoza,

Subject: Early Consultation Request for Proposed
Kenolio Leilani Subdivision
Kihei, Maui, Hawaii
TMK: (2) 3-9-006:019

Thank you for allowing us to comment on the early consultation phase of the proposed subject project, which was received on October 24, 2007.

In reviewing our records and the information received, Maui Electric Company (MECO) has no objection to the project at this time. However, in addition to an electrical line extension, upgrades to our substation, transmission, and/or distribution system may be necessary to accommodate this project's anticipated load demand. We highly encourage the developer's electrical consultant to submit its electrical demand requirements and project time schedule as soon as practical so that service can be provided on a timely basis.

In addition, may we suggest that the developer and/or their consultant make contact with Sage Kiyonaga 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 Kim Kawahara at 871-2345.

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/kk:lh
cc: Sage Kiyonaga – MECO DSM



MICHAEL T. MUNEKIYO
GWEN O'HARA HIRAGA
MITCHELL M. O'HARA
KARL J. KAWAHARA

MAUI ALLOCATION BID

March 28, 2008

Neal Shinyama, Manager – Engineering
Maui Electric Company, Ltd.
P. O. Box 398
Kahului, Hawai'i 96733

SUBJECT: Proposed Kenolio Leilani Subdivision (TMK (2) 3-9-006:019)

Dear Mr. Shinyama:

We are writing to you on behalf of the applicant, Lokahi Pacific, to thank you for your office's letter dated November 1, 2007, regarding the Kenolio Leilani Subdivision project in Kihei, Maui, Hawai'i.

We offer the following comments, in response to your remarks:

1. We acknowledge that MECO may require an electrical line extension and upgrades to MECO's substation, transmission, and distribution system to accommodate the project's anticipated load demand. The project's electrical consultant will submit electrical drawings and a project time schedule, as early as is practical, to facilitate the provision of electrical service.
2. Energy conservation and efficiency opportunities will be considered in the design phase of the development. Coordination with MECO's Demand Side Management Group will be undertaken at that time.

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

Neal Shinyama, Manager – Engineering
March 28, 2008
Page 2

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 'K. Ginoza', with a long horizontal flourish extending to the right.

Kyle Ginoza
Project Manager

KG:yp

cc: Maile Sombelon, Lokahi Pacific

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NOV 26 2007

Network Engineering and Planning
OSP Engineering - Maui

Hawaiian Telcom

60 S. Church Street
Wailuku, Maui, HI 96793

Phone 808 242-5258
Fax 808 242-8899

November 21, 2007

Munekiyō & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793
Attention: Kyle Ginoza, Project Manager
Phone: (808) 244-2015 / Fax: (808) 244-8729

**SUBJECT: Chapter 343, Hawai'i Revised Statutes (HRS) Early Consultation
Request for Proposed Kenolio Leilani Subdivision at TMK (2)3-9-006:019,
Kihei, Maui, Hawaii**

Dear Mr. Ginoza:

Thank you for providing Hawaiian Telcom Incorporated, the opportunity to comment on the proposed action for Chapter 343, HRS Early Consultation Request for the proposed Kenolio Leilani Subdivision located at the southwester corner of the Kenolio Road and Leilani Road intersection on the Island of Maui.

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

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

Sincerely,



Gordon Yadao
Manager – Network Engineering & Planning

c: File (3035 0710-086)
T. Hutchison

IX. REFERENCES

IX. REFERENCES

- County of Maui, The General Plan of the County of Maui, September 1990 Update.
- County of Maui, Kihei-Makena Community Plan, March 1998.
- County of Maui, Office of Economic Development, Maui County Data Book, December 2006.
- Cultural Surveys of Hawai'i, Inc., An Archaeological Inventory Survey Report for An Approximately 100-Acre Parcel Pūlehu Nui Ahupua'a, Wailuku District, Maui Island, February 2006.
- Flood Insurance Rate Map, Community Panel Nos. 150003 0265C and 150003 0255B.
- Maui Architectural Group, Special Management Area Permit Application for Kenolio Leilani Subdivision, October 2003.
- Munekiyo & Hiraga, Inc., Draft Environmental Impact Statement Proposed Kihei Residential Project, September 2007.
- R.M. Towill Corporation, Public Facilities Assessment Update County of Maui, March 9, 2007.
- Realtors Association of Maui, Facts and Figures website, http://www.mauiboard.com/facts_figures.html, 2007.
- SMS, Maui County Community Plan Update Program: Socio-Economic Forecast, June 2006.
- SMS, Hawai'i Housing Policy Study Update, 2003.
- State of Hawai'i, Department of Business, Economic Development and Tourism (DBEDT), Hawai'i Census 2000. Hawai'i State Data Center Report and Tables, <http://www.hawaii.gov/dbedt/census2k/hsdc-rt.html>.
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- State of Hawai'i, Land Use Commission, <http://luc.state.hi.us/>, October 2006.
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- University of Hawai'i at Hilo, Department of Geography, Atlas of Hawai'i, Third Edition, 1998.

U. S. Department of Agriculture, Soil Conservation Service, The Soil Survey of the Islands of Kaua`i, O`ahu, Maui, Moloka`i and Lana`i, State of Hawai`i, August 1972.

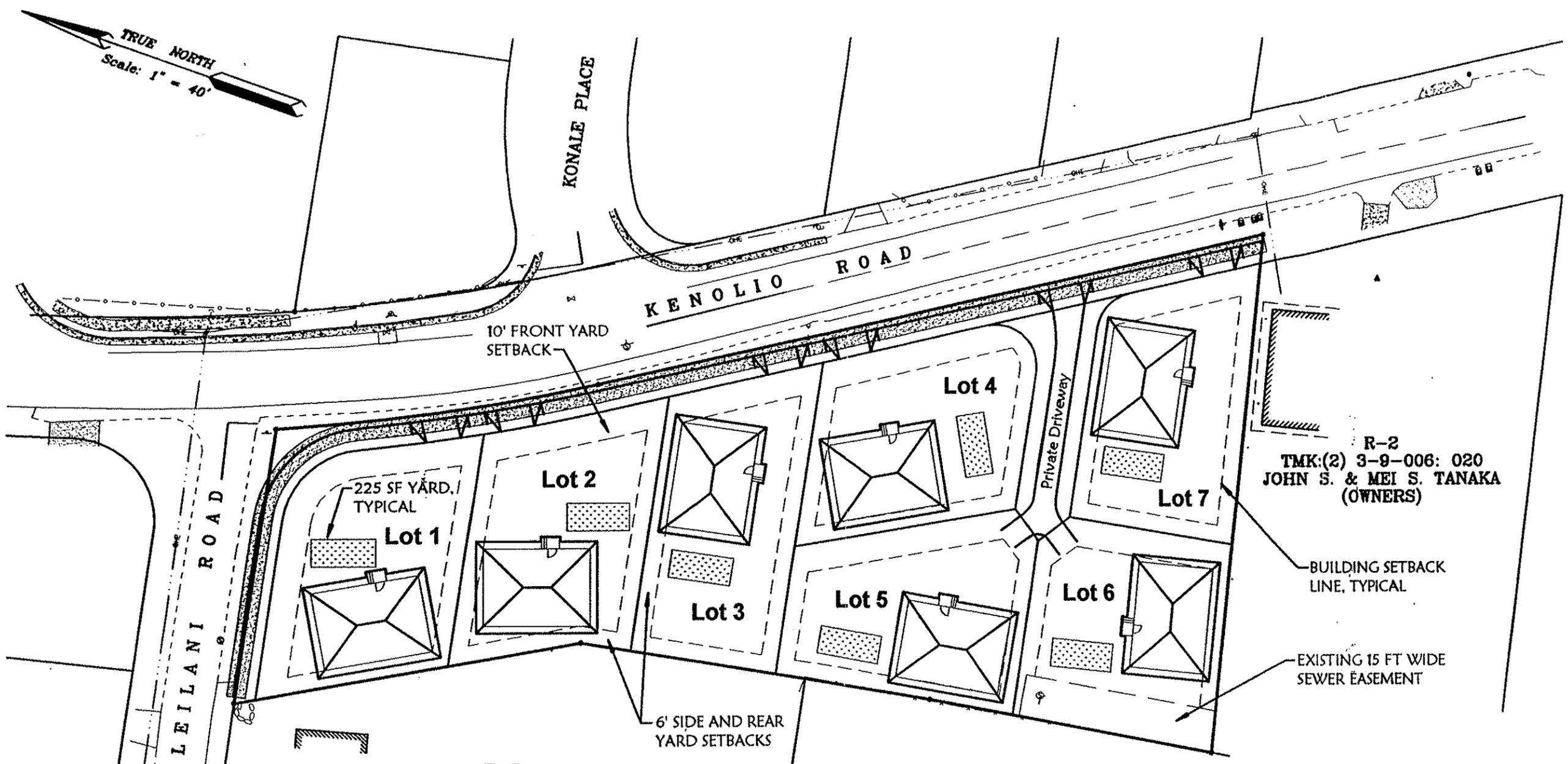
APPENDIX A.

Architectural and Landscaping Plans for Proposed Kenolio Leilani Subdivision



MAUI ARCHITECTURAL GROUP INC.
 www.maularch.com
 2331 W. MAIN STREET
 WAILUKU, MAUI, HAWAII 96783
 TELEPHONE (808) 244-8011
 FAX (808) 242-1776
 email: mag@maularch.com

Kenolio Leilani Subdivision
 Kihei, Maui, Hawaii
 TMK (2) 3-9-06: 19



R-2
 TMK:(2) 3-9-006: 005
 KOICHI EDO, ETAL
 (OWNERS)

R-2
 TMK:(2) 3-9-006: 004
 STANLEY E. MELOTT
 ALJILANI LIMITED PARTNERS
 (OWNERS)

R-2
 TMK:(2) 3-9-006: 020
 JOHN S. & MEI S. TANAKA
 (OWNERS)

KENOLIO LEILANI SUBDIVISION
 TMK (2) 3-9-06: 21
 Area = 43,998 square feet

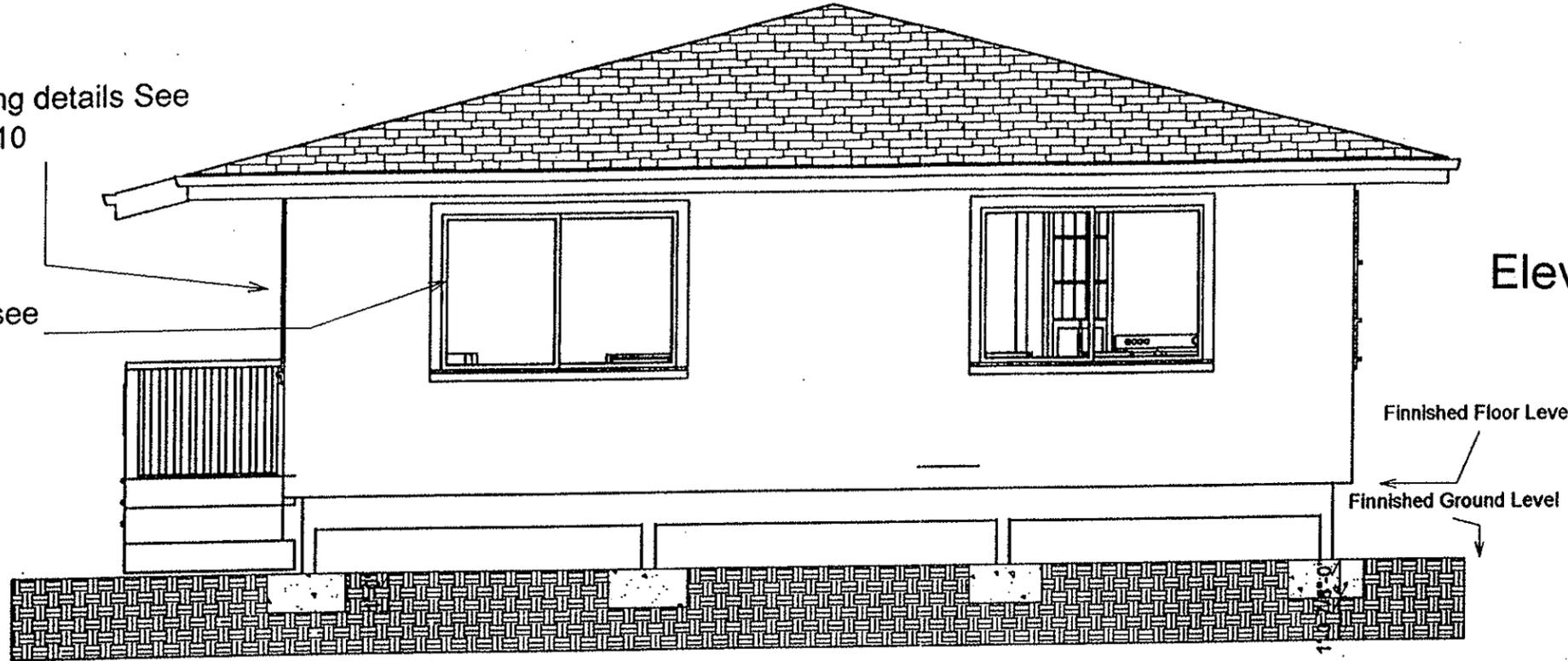
Lot #	Area	Width
1	5462 sf	65 ft
2	5462 sf	63 ft
3	5462 sf	53 ft
4	5340 sf	78 ft
5	5353 sf	88 ft
6	5413 sf	73 ft
7	5397 sf	60 ft

PROPOSED SITE PLAN
 SCALE: 1" = 40'

Date 06 17 03
Scale= 1/4"=1'
Ammended 06 20 03
Exterior HW Heater added

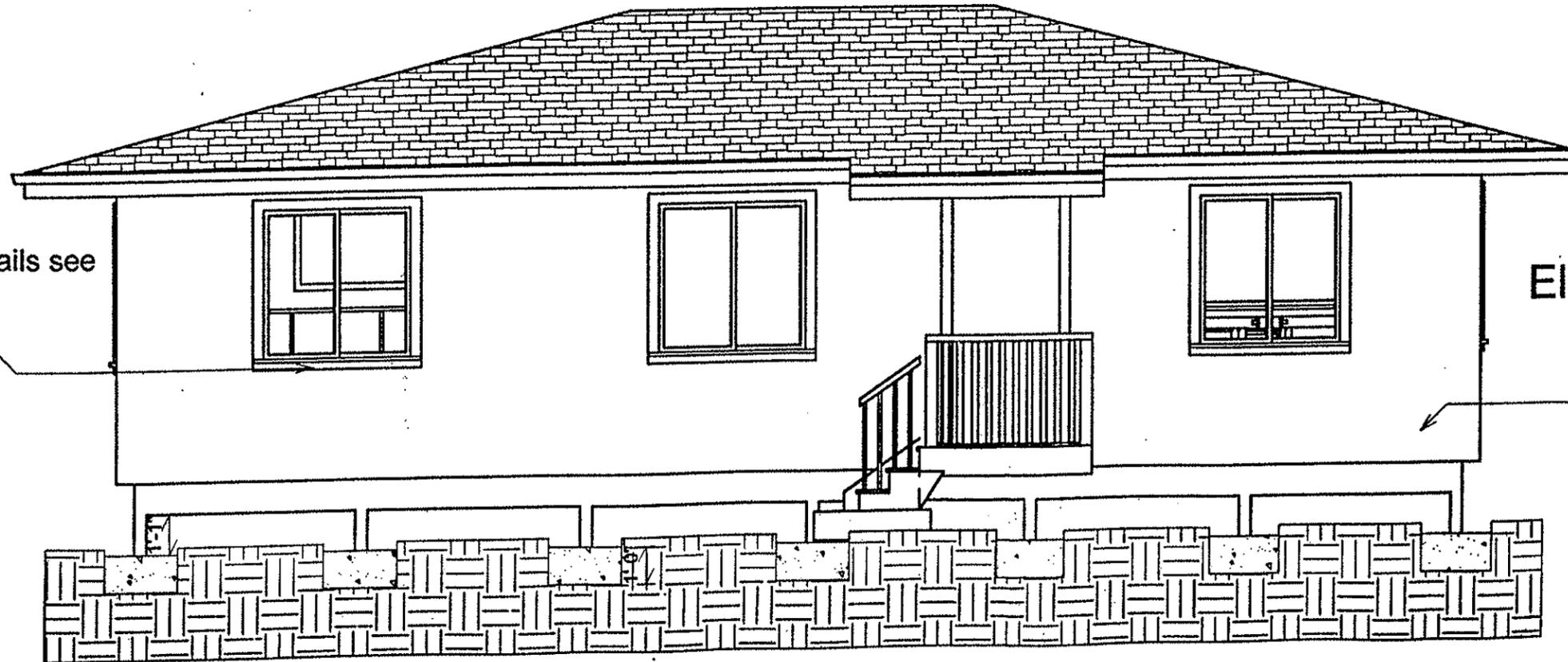
Cladding details See
Sheet 10

Window Details see
Sheet 12



Elevation B

Window Details see
Sheet 12



Elevation A

Cladding details
See Sheet 10

Parcel 19 Tax Map Key: (2) 3-9-06

Project

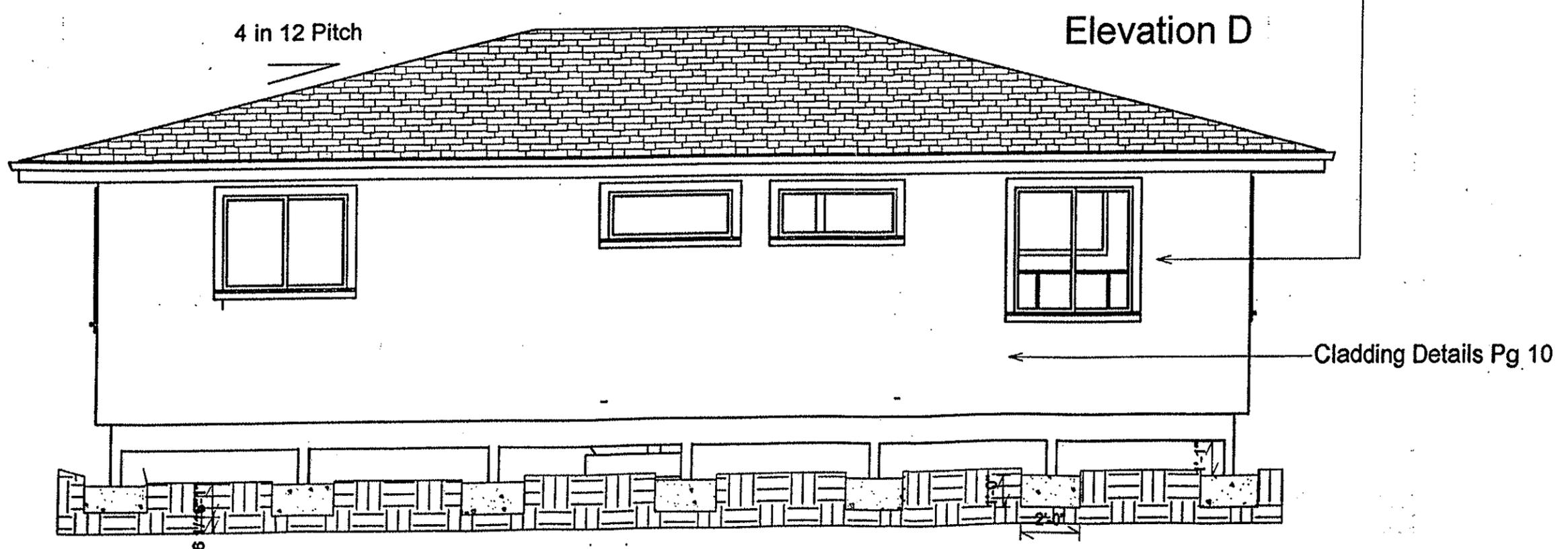
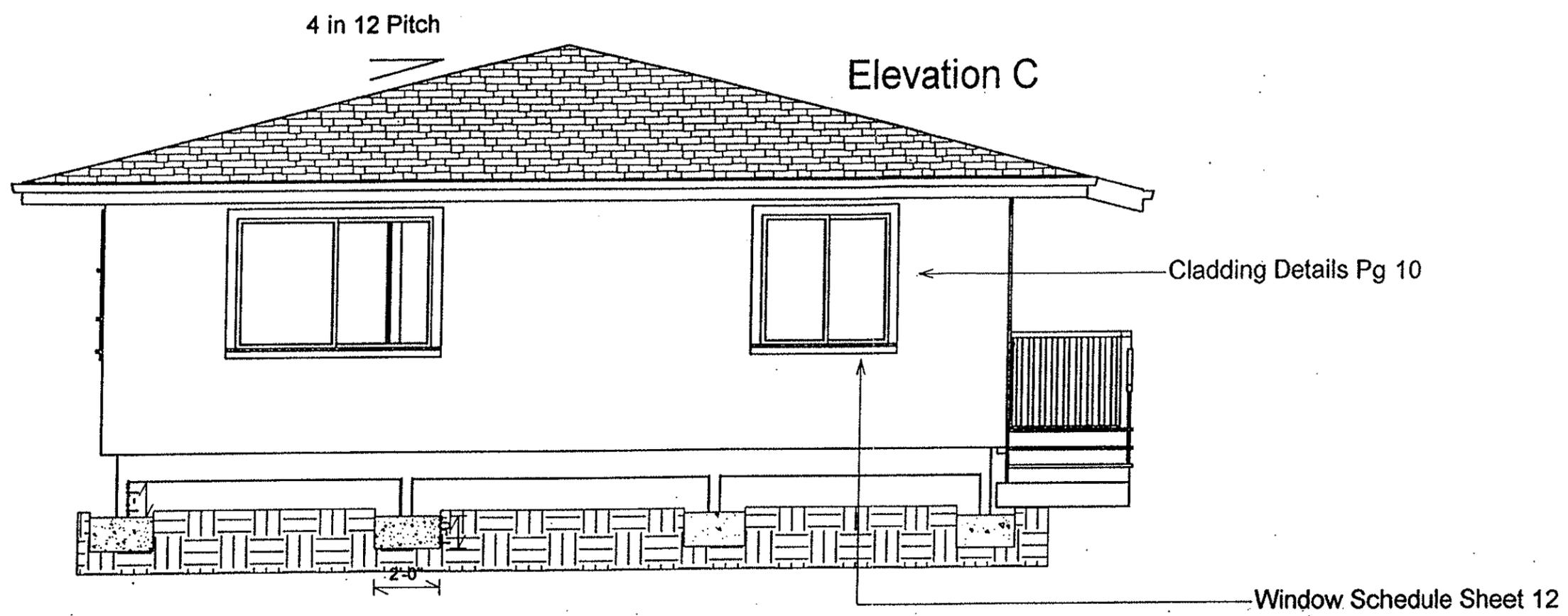
Transpacific Housing Development
Corp. 7 Unit Development. Kehei. Maui.

Sheet 7

Title

Elevations A & B

Date 06 17 03
Scale= 1/4"=1'
Ammended 06 20 03
Exterior H/W Heater added



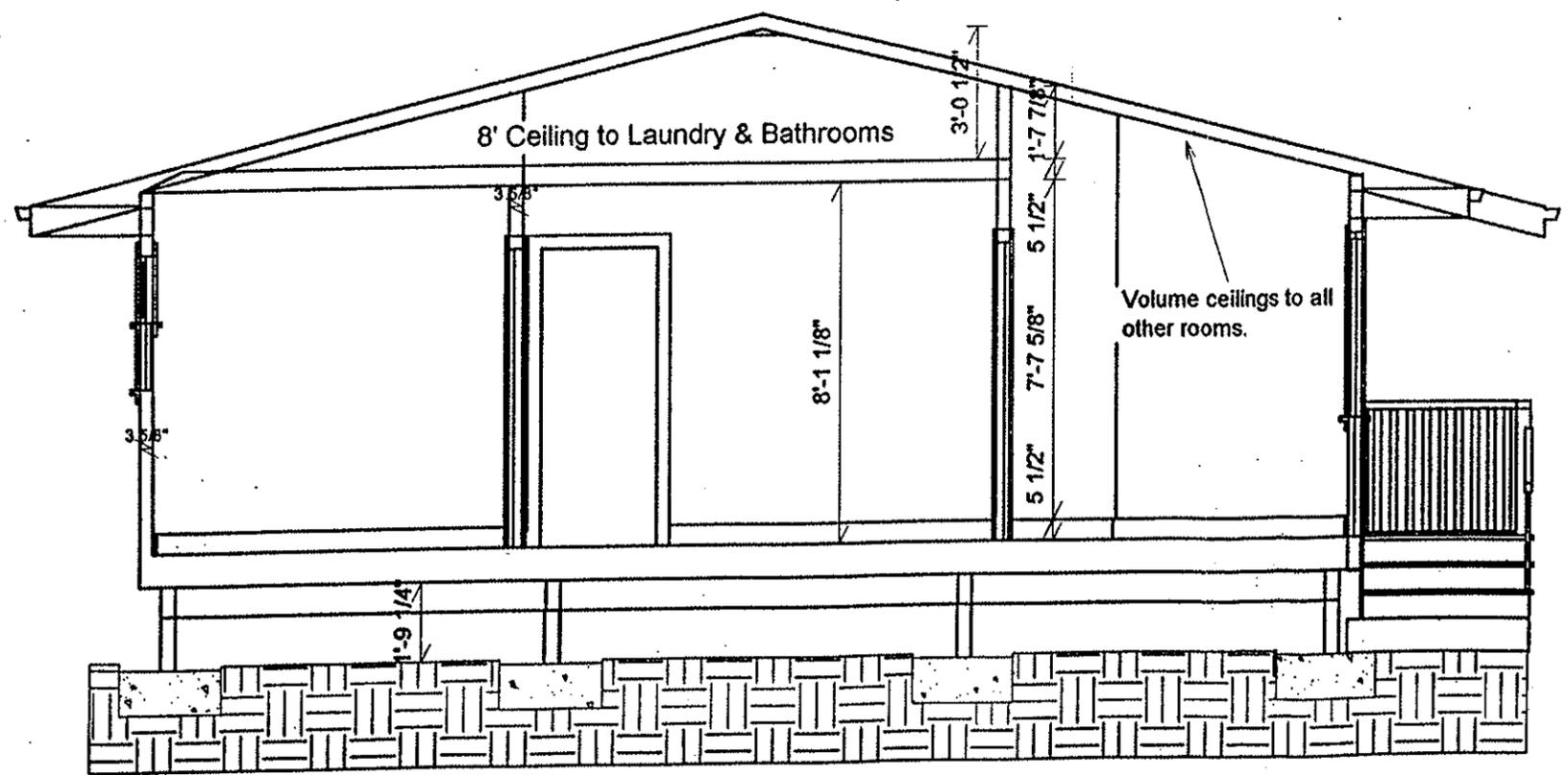
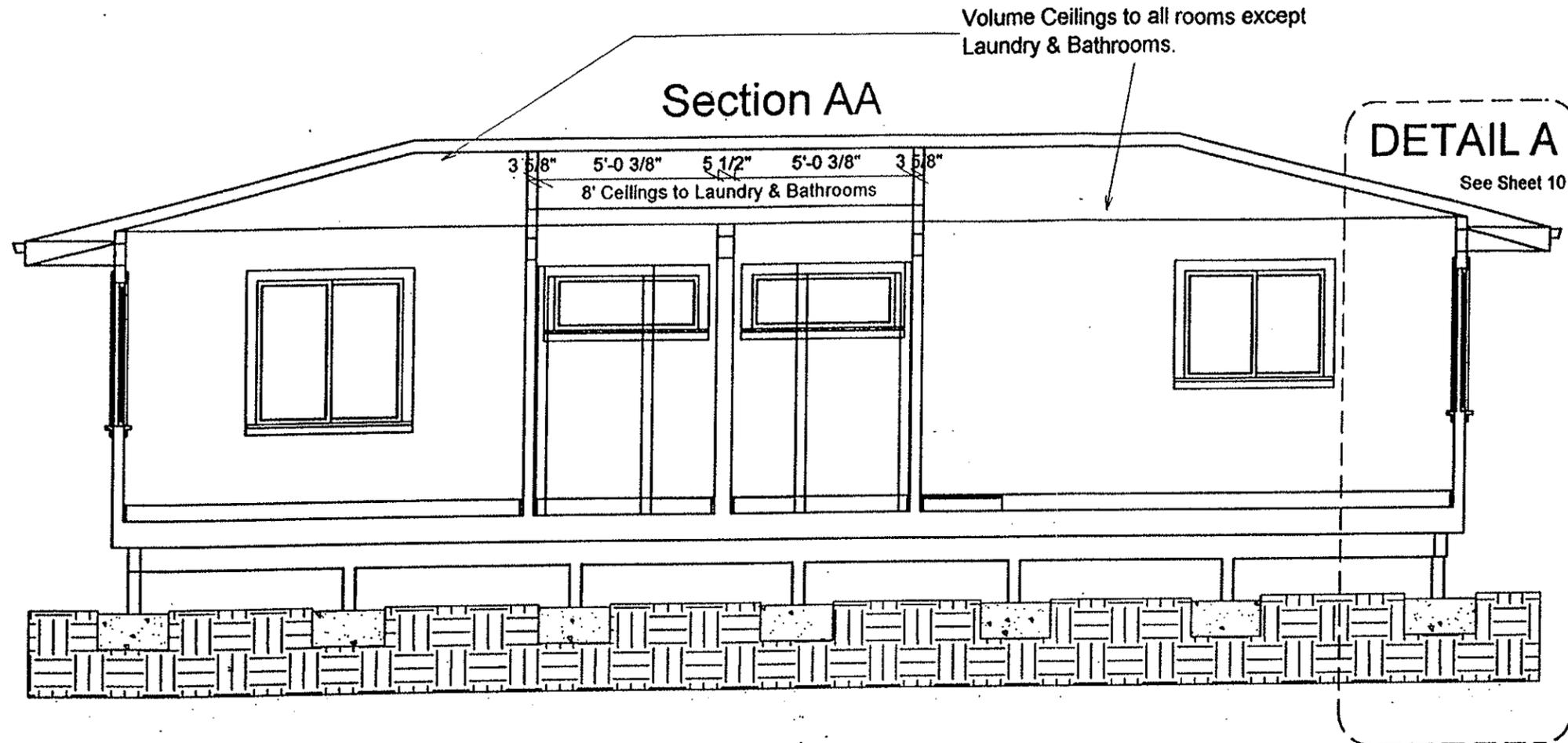
Title

Elevation C & D

Parcel 19 Tax Map Key: (2) 3-9-06

Project

Transpacific Housing Development
Corp. 7 Unit Development. Kehei. Maui.



Date 06 17 03
Scale= 1/4"=1'
Ammended 06 20 03
Exterior H/W I added

Title

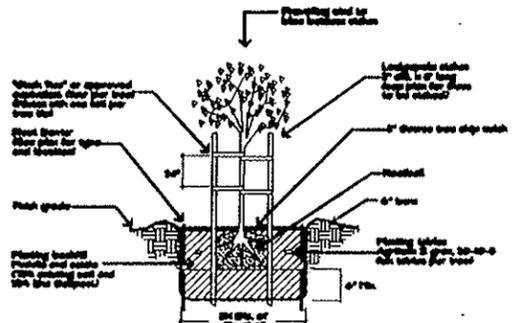
Cross Section AA & BB

Parcel 19 Tax Map Key: (2) 3-9-06

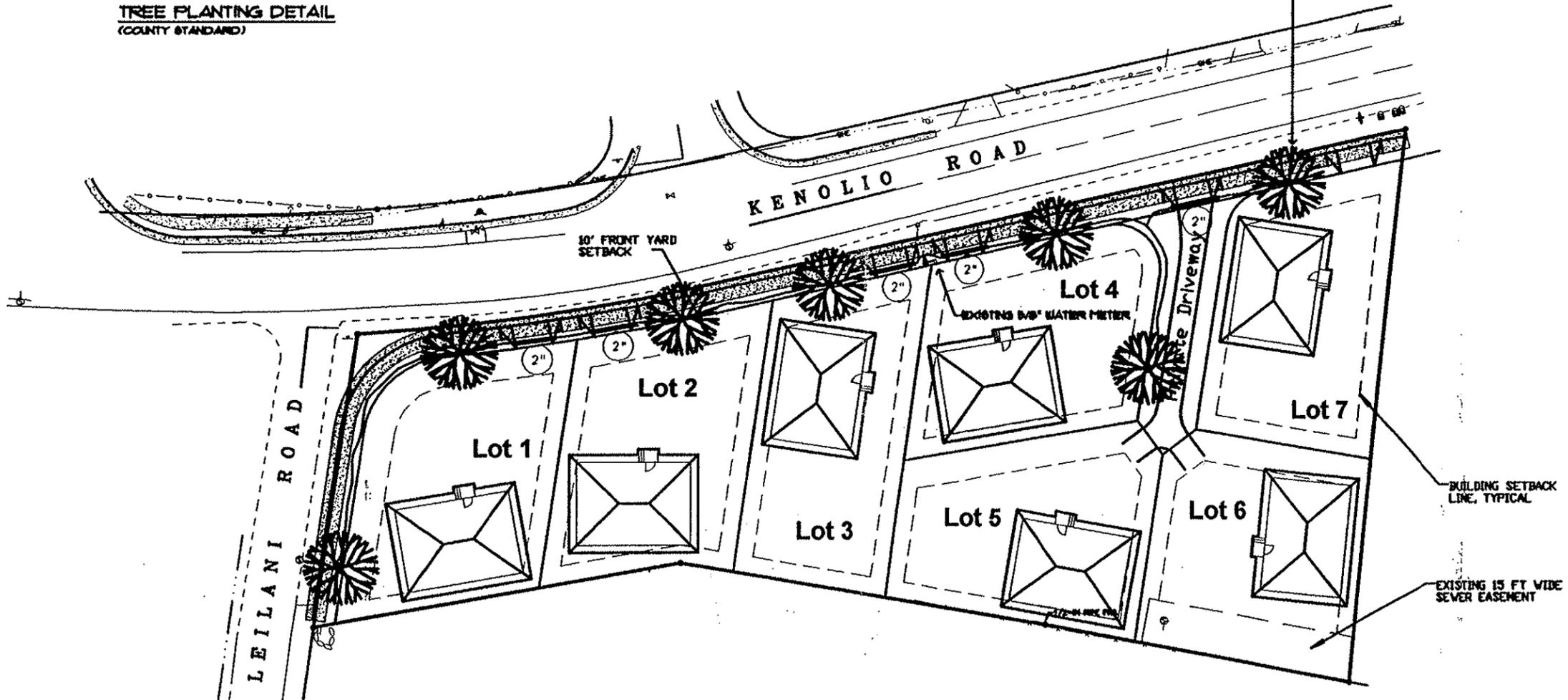
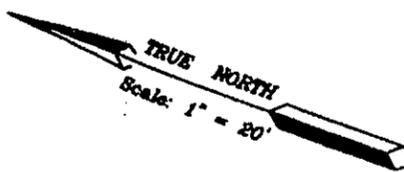
Project

Transpacific Housing Development
Corp. 7 Unit Development. Kehei. Maui.

Sheet 9



TREE PLANTING DETAIL
(COUNTY STANDARD)



Tabebuia argentea
"Silver Trumpet Tree"
(1) 15 gal, 6'-7" ht., 2" cal.
(setback per detail and install
18" sq. by 18" deep 1/2\"/>

NOTES:

- The Landscape Contractor shall coordinate with the General Contractor to ensure that all piping and sleeves are installed prior to paving operation and through walls (if any).
- Care shall be taken in routing of pipes and locating of irrigation components so as not to interfere with trees and drive locations as well as other utilities. All irrigation components shall be located within the planting grade wherever possible.

IRRIGATION LEGEND

SYMBOL	DESCRIPTION	MANUFACTURER & MODEL
	Control Zone Kit, Rainbird 90CZ-07B and Esygrah controller in valve box	
	IRRIGATION MAINLINE	PVC SCH. 40 INSTALL 12" MIN. BELOW FINISH GRADE
	IRRIGATION SLEEVE	PVC SCH. 40 INSTALL PRIOR TO PAVING
	DRIP IRRIGATION TUBING, Rainbird Xert-tube w/ XE-30 emitters (two per tree)	(Install 8" below grade and with loop around each tree at 4" below grade)
	IRRIGATION SLEEVE SIZE, see plan for size	

REVISIONS	BY



PLANTING PLAN
KENOLIO LEILANI SUBDIVISION
(2) 3-9-0619
KIHEI, MAUI, HAWAII

MAYBERRY & ASSOCIATES
LANDSCAPE ARCHITECTURE
P. O. Box 510 Makawao, Maui, HI (808) 573-2222



DRAIN	21
CHECKED	21
DATE	10/24/03
SCALE	1"=20'-0"
JOB NO.	Kenolio
SHEET	1
OF SHEETS	1

APPENDIX B.

**State Historic Preservation
Division Acceptance Letters
Dated July 9, 2002 and
November 7, 2003**

BENJAMIN J. CAYetano
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KUKA-IHEWA BUILDING, ROOM 565
801 KAHOKOLA BOULEVARD
KAPOLEI, HAWAII 96707

RECEIVED JUL 16 2002
GILBERT S. COLOMA-AGARAN, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT

DEPUTIES
ERIC T. HIRANO
LIVNEL MISHOKA

July 9, 2002

Mr. Erik Fredericksen
Xamanek Researches
P.O. Box 880131
Pukalani, Hawai'i 96788
Dear Mr. Fredericksen,

LOG NO: 30256 ✓
DOC NO: 0206MK09

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

**SUBJECT: Chapter 6-E-42 Historic Preservation Review of an Archaeological Monitoring Plan A Portion of Land along Kenolio Road Waiakoa Ahupua'a, Wailuku District, Maui
TMK (2) 3-9-6:19**

Thank you for the opportunity to review this plan which was sent to our office on June 4, 2002.

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. If human burials are identified, work will cease and Maui SHPD office 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.

The plan is acceptable. If you have any questions, please contact Dr. Melissa Kirkendall at 243-5169.

Aloha,

A handwritten signature in black ink, appearing to read "Don Hibbard".

Don Hibbard, Administrator
State Historic Preservation Division

MK:jen

c: John Min, 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

LINDA LINGLE
GOVERNOR OF HAWAII



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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER



'03 NOV 12 P12:31

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

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

NOV - 7 2003

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

LOG NO: 2003.2221
DOC NO: 0310CD90

Dear Mr. Ueno,

SUBJECT: National Historic Preservation Act Section 106- Preliminary Plat Review for the Proposed Kenolio Leilani Subdivision (File No.: 3.2070) [County/DSA] Waiakoa Ahupua`a, Wailuku District, Island of Maui TMK: (2) 3-9-006:019

Thank you for the opportunity to review and comment on the Preliminary Plat Review for the proposed Kenolio Leilani Subdivision, which was received by our staff September 30, 2003. Our review is based on reports, maps, and aerial photographs maintained at the State Historic Preservation Division; no field inspection was conducted of the subject property.

Based on the submitted plans, we understand the proposed undertaking consists of the subdivision of a portion of Land Patent Grant 10478 to Ahina Apeau into Lots 1 to 7 inclusive, private roadway Lot 8, and Road Widening Lot 9. The submitted plans indicate a rock wall along the north edge of the property and extending down the eastern boundary.

We have previously provided comments to Daryl Atay, Community Development Manager, County of Maui, for the proposed affordable housing project, which is federally funded, according to Ms. Atay. The project site is underlain by Dune Lands, according to the USDA soil maps; the property has undergone previous, extensive alterations. Nonetheless, there is a possibility that significant historic sites, such as remnant cultural layers or burials, are still present in subsurface portions of the property. Thus, construction of the proposed affordable housing development could have an "adverse effect" on significant historic sites. Consequently, at that time we

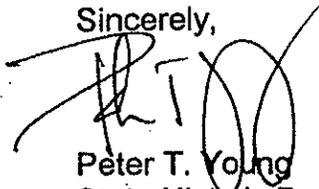
Mr. Glen Ueno
Page 2

recommended a qualified archaeological monitor be present during all ground-altering activities as the subject property has undergone extensive previous alterations (SHPD DOC NO.: 0204CD52/LOG NO. 29785). Xamanek Researches has submitted a monitoring plan (*An Archaeological Monitoring Plan for a Portion of Land Along Kenolio Road, Waiakoa Ahupua`a, Wailuku District, Maui TMK: 2-3-9-6:19. Fredericksen 2002*) which we have reviewed and accepted (SHPD DOC NO.: 02106MK09/LOG NO.: 30256). If the boundary wall, noted above, is historic in age, and if it will adversely affected by the proposed development, then the approved monitoring plan may need to be amended so as to include the wall in its provisions.

Given the above information, we believe that any "adverse effect" on significant historic sites will be mitigated through implementation of the approved monitoring plan, thus resulting in a finding of "no adverse effect."

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

Sincerely,



Peter T. Young
State Historic Preservation Officer

c: Michael Foley, Director, Dept of Planning, 250 South High Street, Wailuku, HI 96793
Cultural Resources Commission, Plng Dept, 250 S. High Street, Wailuku, HI 96793
Chair, Maui/Lana`i Islands Burial Council
Kana`i Kapeliela, Burial Sites Program

APPENDIX C.

**Special Management Area
Permit Approved
February 23, 2005**

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

February 23, 2005

RECEIVED

FEB 28 2005

MAUI ARCHITECTURAL GROUP, INC.

Ms. Annette Matsuda
Maui Architectural Group
2331 West Main Street
Wailuku, Hawaii 96793

Dear Ms. Matsuda:

RE: Special Management Area Use Permit and R0 Lot Overlay District for Kenolio Leilani Subdivision at 250 Kenolio Road at Maui Tax Map Key: 3-9-006:019, Waiakoa Houselots, Kihei, Island of Maui, Hawaii (SM1 2003/0022) (R0 2003/0002)

At its regular meeting on February 22, 2005, 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 February 28, 2007. 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.
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 may be in accordance with preliminary architectural plans presented to the Maui Planning Commission at its February 22, 2005 Meeting. These plans show the single-family structure being slab on grade, however, the single-family structure may also be post on pier.
5. That appropriate measures shall be taken during construction to mitigate the short term impacts of the project relative to dust and 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 §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 non-observance or non-performance of any of the terms and conditions of this permit. A copy 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 submitted 30 days after the granting of final subdivision for review and approval by the Planning Department. A final compliance report shall be submitted prior to issuance of the building permit to the Planning Department for review and approval.
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.
12. That appropriate energy conservation measures shall be incorporated into the project, including solar water heaters.

PROJECT SPECIFIC CONDITIONS:

13. That the applicant shall enter into an affordable housing agreement with the County of Maui which shall include a 10-year buy back restriction on the units acceptable to the Director of Housing and Human Concerns.

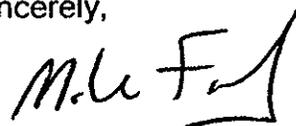
Ms. Annette Matsuda
February 23, 2005
Page 4

14. That the applicant shall obtain a National Pollution Discharge Elimination Permit.
15. That the owners of each lot shall be made aware of, and shall maintain the onsite retention basin in perpetuity.

Further, the Commission adopted the Department Report and Recommendation prepared for them February 22, 2005 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.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Robyn L. Loudermilk, Staff Planner, of my office at 270-7735.

Sincerely,



MICHAEL W. FOLEY
Planning Director

MWF:RLL:lar

Enclosures

c: Clayton I. Yoshida, AICP Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Robyn L. Loudermilk, Staff Planner
DSA (2)
Department of Housing and Human Concerns
Department of Public Works and Environmental Management, Engineering
Department of Health, Clean Water Branch
Department of Health, Maui District Office
CZM 2005
Project File
General File
K:\WP_DOCS\PLANNING\SM1\2003\22_KenolioLeilaniSubd\approval.wpd

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



COUNTY OF MAUI
DEPARTMENT OF PLANNING

January 3, 2007

RECEIVED
JAN 08 2007
MAUI ARCHITECTURAL GROUP, INC.

Ms. Annette Matsuda
Maui Architectural-Group
2331 West Main Street
Wailuku, Hawaii 96793

Dear Ms. Matsuda:

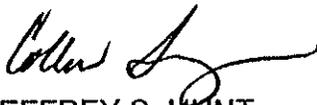
RE: Amendment to Terms of Special Management Area Use Permit and R0 Lot Overlay District for Kenolio Leilani Subdivision at 250 Kenolio Road at Maui TMK:: 3-9-006:019, Waiakoa Houselots, Kihei, Island of Maui, Hawaii (SM1 2003/0022) (R0 2003/0002)

The Maui Planning Department (Department) is in receipt of the above referenced request, and in accordance with Section 12-202-17 of the Special Management Area Rules of the Maui Planning Commission (Commission), in order to continue processing, please provide the following item:

- Completed Application for Amendment to Permit Terms, Conditions, and Time Stipulations; a copy is enclosed for your reference.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Livit U. Callentine, Staff Planner, of this office by email to livit.callentine@co.maui.hi.us or by telephone to 270-5537.

Sincerely,


JEFFREY S. HUNT
Planning Director

MWF:LUC:sls
Enclosure

c: Clayton I. Yoshida, AICP Planning Program Administrator
Livit U. Callentine, Staff Planner
Project File
General File
K:\WP_DOCS\PLANNING\SM1\2003\22_KenolioLeilaniSubd\receiptofamendment.wpd

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of)
)
 Maui Architectural Group on behalf) DOCKET NO. SM1 2003/022 &
 TransPacific Housing Dev. Corp.) R-0 Zero Lot Overlay District of
) TransPacific Housing Dev. Corporation
) (RLL)
)
 To Obtain a Special Management Area)
 Use Permit to Develop a Seven Lot)
 Affordable Housing Subdivision Using)
 the R-0 Zero Lot Overlay District on)
 approximately one acre of Land at)
 Maui Tax Map Key 3-9-06:019, Kihei,)
 Island of Maui, Hawaii)

MAUI PLANNING DEPARTMENT'S RECOMMENDATION
TO THE MAUI PLANNING COMMISSION
FEBRUARY 22, 2005 MEETING

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

SM1 2003/0022 & R-0 2003/0002
(RLL)

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of)
)
 Maui Architectural Group on behalf)
 TransPacific Housing Dev. Corp.) DOCKET NO. SM1 2003/022 &
) R-0 Zero Lot Overlay District of
) TransPacific Housing Dev. Corporation
) (RLL)
)
 To Obtain a Special Management Area)
 Use Permit to Develop a Seven Lot)
 Affordable Housing Subdivision Using)
 the R-0 Zero Lot Overlay District on)
 approximately one acre of Land at)
 Maui Tax Map Key 3-9-06:019, Kihei,)
 Island of Maui, Hawaii)

CONCLUSIONS OF LAW

Pursuant to Section 205A-26, Hawaii Revised Statutes (HRS) and §12-202-10 and §12-302-11 of Chapter 202, Special Management Area Rules of the Maui Planning Commission, the proposed action:

- ◆ Is not anticipated to have an adverse effect on the quality of the environment and the ecology of the property and surrounding property. There are no known state or federal listed plants or animals on and around the subject property;
- ◆ The project is located on Sand Dune, which is known to have a high probability of "historic sites". An archaeological monitoring plan has been reviewed and approved the Department of Land and Natural Resources Historic Preservation Division. Thus any "adverse effect" on significant historic sites will be mitigated through the implementation of the approved monitoring plan;
- ◆ is not anticipated to significantly curtail the ranges of beneficial uses of the environment;
- ◆ does not conflict with the County's or State's long-term environmental

policies or goals;

- ◆ is anticipated to positively affect the economy, social welfare, and activities of the community, County or State;
- ◆ is not anticipated to have substantial secondary impacts such as population changes and increased effects on public facilities, streets, drainage, sewage, water systems, and pedestrian walkways;
- ◆ is not anticipated to have cumulative adverse effects upon the environment or involvement of a commitment for larger actions;
- ◆ there are no known rare, threatened, or endangered species of animal or plant, or its habitat on the subject property or surrounding properties;
- ◆ is in compliance with the State Plan, County General Plan, Hana Community Plan (Single-Family), Zoning (R-2 Residential with a proposed R-0 Zero Lot Line Overlay District), and subdivision ordinances;
- ◆ is not anticipated to impact air, water quality, or ambient noise;
- ◆ will not affect environmentally sensitive area adjacent to the shoreline as the project is located mauka of the shoreline;
- ◆ will not alter natural land forms and existing public views to and along the shoreline; and
- ◆ is not contrary to the objectives and policies of Chapter 205A, Hawaii Revised Statutes.

Pursuant to the Special Management Area Rules of the Maui Planning Commission, §12-202-12 and §12-202-15, a determination has been made that:

- ◆ The project is a development;
- ◆ the project has a valuation in excess of \$125,000.00 (valuation: \$1,200,000.00)
- ◆ the project has no significant adverse environmental or ecological effect, taking into account potential cumulative effects; and
- ◆ the project is consistent with the objectives and policies, and Special Management Area guidelines set forth in the Hawaii Revised Statutes ,

Chapter 205A, and consistent with the County General Plan and Zoning.

RECOMMENDATION

The Maui Planning Department recommends approval of the Special Management Area Use Permit subject to the following conditions:

STANDARD CONDITIONS:

1. That construction of the proposed project shall be initiated by February 28, 2007. 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.

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 presented to the Maui Planning Commission at its February 22, 2005 Meeting.

5. That appropriate measures shall be taken during construction to mitigate the short term impacts of the project relative to dust and 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 §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 non-observance or non-performance of any of the terms and conditions of this permit. A copy 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 30 days after the completion of the subdivision to the Planning Department for review and approval.

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.

12. That appropriate energy conservation measures shall be incorporated into the project, including solar water heaters.

PROJECT SPECIFIC CONDITIONS:

13. That the applicant shall enter into an affordable housing agreement with

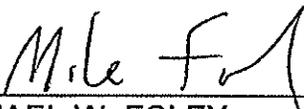
the County of Maui which shall include a 10-year buy back restriction on the units acceptable to the Director of Housing and Human Concerns.

14. That the applicant shall obtain an National Pollution Discharge Elimination Permit.

15. That the owners of each lot be made aware of the onsite retention basin and advised that the onsite retention basin shall not be filled.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the February 22, 2005 meeting as its Findings of Fact, Conclusion of Law and Decision and Order and to authorize the Director of Planning to transmit said written Decision and Order on behalf of the Planning Commission.

APPROVED:



MICHAEL W. FOLEY
Planning Director