

FINAL ENVIRONMENTAL ASSESSMENT

In Support Of

**Community Plan Amendment / Change in
Zoning / Conservation District Use
Application**

**PROPOSED POSELEY SINGLE-
FAMILY DWELLING AND RELATED
IMPROVEMENTS AT
TMK: (2) 4-8-003: 047**

**Approving Agency:
Maui Planning Commission**

**Applicant:
Douglas Poseley**

**Agent for Applicant:
Rory Frampton, Land Use Planner**

April 2011

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Executive Summary

Project Name: Poseley Single-Family Dwelling and Related Improvements

Type of Document: Final Environmental Assessment

Legal Authority: Chapter 343, Hawai`i Revised Statutes

Agency Determination: Finding of No Significant Impact (FONSI)

Applicable Chapter 343, HRS "Trigger": Amendment to Maui County General Plan; Use of Conservation District Lands

Location: TMK: (2) 4-8-003:047
Olowalu, Maui Island

Applicant: Douglas Poseley
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Project Summary: The applicant proposes the development of a single-family dwelling and related improvements on Lot 47-A of the Olowalu Makai-Hikina Subdivision in Olowalu, Maui. Lot 47-A, approximately 0.54 of an acre in area, is identified by Tax Map Key Number (2) 4-8-003:047. Related onsite infrastructure improvements include irrigation, utilities and drainage improvements. The applicant is seeking to amend the West Maui Community Plan Land Use Map from "Park" to "Agricultural" in order to establish consistency with the State Land Use "Agricultural" Classification. A Change in Zoning from A-3 Apartment to Agricultural is also being requested. The applicant also will be seeking approval of landscape improvements for portions of the subject property and an abutting area (Easement "G") which are located in the Conservation District.

I. PROJECT OVERVIEW

A. PROPERTY LOCATION OWNERSHIP AND EXISTING USE

The subject property is located in Olowalu, Maui and is identified as TMK (2) 4-8-003: 47 (also referred to as Lot 47-A of the Olowalu Makai-Hikina Consolidation and Re-subdivision). See **Figures 1 and 2**. The subject property is owned by Douglas and Donna Anne Poseley, husband and wife, and Pete and Janet J. Ugrinich, husband and wife. Douglas Poseley is the “Applicant.” The subject property encompasses approximately 23,700 square feet (0.54 acre) and is currently vacant and undeveloped. The project area also includes Easement “G” an abutting area approximately .199 acres in size. Easement “G” is an exclusive perpetual landscape and access easement in favor of Lot 47-A. Access is provided from Honoapiʻilani Highway at the Olowalu General Store intersection via an access easement across Lot 84-A (TMK (2) 4-8-003: 84). See **Figure 2**. Photographs of the subject property are presented in **Appendix “A”**.

Lands directly adjacent to the subject property include Lot 46-A and Lot 84-A of the Olowalu Makai-Hikina Consolidation and Re-subdivision (hereinafter referred to as the “subdivision”). Lot 46-A, approximately .80 acres in size, lies along the subject property’s west boundary, whereas Lot 84-A, approximately 28.87 acres in size, occupies the north, south and east property boundaries. Land uses in the vicinity of the subject property include single family dwellings and the former Pioneer Mill Plantation Manager’s Residence property to the west near Olowalu Wharf; the Olowalu General Store/Chez Paul Restaurant building to the northwest; a government beach reserve along the coastline to the south; and, Camp Olowalu (formerly Camp Pecusa) to the east. Honoapiʻilani Highway, a state-owned and operated roadway, linking central/south and west Maui areas, follows along the northern boundary of Lot 84A. **See Figure 14.**

The parcel originated as a Land Commission Award 240 to Clark. The Land Commission Award was created as part of the Mahele around 1850. At the time, the parcel was used as a house site. The parcel was slightly reconfigured in 2001 as part of a Consolidation and Re-subdivision (LUCA Subdivision File No. 4.834.) As part of this action the lot line was adjusted and the parcel size was slightly reduced from .588 acre to .544 acre. The applicant purchased the property in 2004.

B. **PROJECT DESCRIPTION**

The applicant is proposing to construct a single-family dwelling and related improvements (hereafter referred to as the "proposed project") on the subject property. See **Figure 3**.

The proposed 2-story single-family dwelling is currently designed to contain 5-bedrooms and occupy a footprint of approximately 4,750 square feet. See **Figures 4a and 4b, Figure 5, Figure 6, and Figure 7**. The maximum height of the residential structure will be no greater than 30 feet. Site work related to the construction of the proposed residence will include grading, driveway improvements and installation of water, wastewater and drainage systems. Off-site improvements will consist of connection to electrical, telephone, cable and water transmission systems. Landscape improvements within easement "G" and the portion of the parcel within the Conservation District will consist of removal of alien or noxious plants and trees and replanting with native Hawaiian or Polynesian introduced plants. See **Figures 4a and 4b**.

The applicant is also proposing to remove exotic and invasive species as well as debris from the portion of the Government Beach Reserve fronting the Easement "G". At present, the area is heavily overgrown and there is a large amount of kiawe debris and thickets creating fire hazards and other nuisance concerns. Larger, healthier mature kiawe trees will be maintained in order to preserve a naturalistic setting of the Beach Reserve. Appropriate signage will be established to identify the Government Beach Reserve boundary. Landscape plantings proposed within Easement "G" will serve to provide a visual demarcation between private and public lands.

In addition, the applicant, in conjunction with the Olowalu Elua, the owner of Lot 84-A, is requesting approval to remove of alien or noxious plants and trees and debris within the government beach reserve in order to enhance lateral shoreline access. This will involve clearing vegetation and debris to create an 8-10 ft. wide pathway for lateral shoreline access within the Government Beach Reserve between the western edge of Camp Olowalu and the western boundary of TMK Parcel 4-8-003: 001. The route would be roughly parallel to the shoreline and located within 20 ft. from the shoreline. See **Figure 15a**. The objective is to create a clear pathway for lateral shoreline access. The pathway will meander around mature trees and is intended to exist in a naturalistic

setting (as opposed to a more urban or resort type walkway path.) No paving or hardened surface is proposed.

The lateral access pathway will be established prior to or concurrently with the vegetation clearing fronting Easement "G". The lateral access pathway will be established prior to initiation of construction of the single family residence on Lot 47A. Sensitive clearing methods will be employed to minimize impacts to coastal and marine resources. Trees will be flush cut to minimize disruption to existing soils. No debris, vegetation, logs or limbs of trees will be deposited in the ocean. Care will be taken to ensure that debris, vegetation, logs or tree limbs are properly removed from the area and will not negatively impact the marine environment or create navigational hazards.

C. **OVERVIEW OF ENTITLEMENT REQUIREMENTS**

The subject property is designated "Agricultural" and "Conservation" by the State Land Use Commission, designated "Park" by the West Maui Community Plan and is zoned "A-3, Apartment District" by the County of Maui. **See Figures 8 and 9.** The subject property is also located within the County of Maui, Special Management Area (SMA).

To ensure consistency between state, and county land use designations, a Community Plan Amendment (CPA) to change the current classification from "Park" to "Agricultural" is being requested from the County of Maui. In addition, a Change In Zoning (CIZ) from "A-3, Apartment" to "Agricultural" will also be required for the project to proceed. (The CIZ will only apply to the portion of the Property within the State Agricultural District.)

Upon receipt of the necessary land use entitlement changes, a Special Management Area (SMA) approval from the County of Maui, Department of Planning will also be necessary for the proposed project to proceed. The construction of a single-family dwelling is not classified as "development" under the SMA Rules for the Maui Planning Commission. As such, it is anticipated that the proposed project will qualify as an exempt action according to the Maui County's SMA rules.

The above-noted CPA represents a trigger for the preparation and processing of an Environmental Assessment (EA) pursuant to Chapter 343, Hawai'i Revised

Statutes. In addition, the proposed activity will involve use of a portion of the property and an abutting easement area (Easement "G") classified as "Conservation" by the State Land Use Commission, which is also an EA trigger. The applicant's request to clear vegetation and fallen trees within the government beach reserve is also a trigger. Accordingly, this EA has been prepared in order to document and review the project's technical characteristics, environmental impacts and alternatives. The Maui Planning Commission will be the approving agency for the EA. The EA will act as the primary supporting technical document for the consolidated CPA/CIZ requests as well as a Conservation District Use Application and request for right of entry and landscape maintenance of the government beach reserve.

D. DEVELOPMENT TIMELINE

It is anticipated that the above-mentioned entitlement request will take approximately one year to complete. Construction activities will commence immediately after entitlement approvals and is expected to take approximately one year to complete. Thus, project completion is anticipated to occur in 2012.

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

A. PHYSICAL SETTING

1. Existing and Surrounding Land Use

a. Existing Conditions

The subject property, located between Olowalu Wharf and Camp Olowalu, is approximately 14.5 miles from Wailuku and 5.5 miles from Lahaina Town.

In a regional context, Olowalu has historically been a plantation settlement. Prior to 1999 and the closure of Pioneer Mill, significant acreages of lands within the Olowalu area were cultivated in sugar cane. Olowalu Wharf (consisting of a pier and breakwater) formerly used for the loading and unloading of sugar into barges, is located along the shoreline to the west of the subject property as are remnants of the Olowalu Sugar Mill.

Land uses currently surrounding the subject property include two similarly sized parcels located within the State Land Use Conservation District to the west; single-family residences and the Olowalu Manager's house further west. The Chez Paul restaurant and Olowalu General Store is to the north, Camp Olowalu (formerly known as Camp Pecusa) and Olowalu Village with various existing single-family residences to the east. **See Figures 1, 2 and 14.**

b. Potential Impacts and Mitigation Measures

The proposed project involves the construction of a 2-story single-family dwelling on an existing approximately ½-acre parcel, similar in character to existing single-family structures along the shoreline in this area. The parcel is adjacent to two similarly sized parcels whose owners have recently received approvals from the State Department of Land and Natural Resources for the construction of

single-family dwellings. As such, the proposed project is considered compatible with existing and surrounding land uses.

2. Climate

a. Existing Conditions

Like most areas of Hawai'i, Olowalu's climate is relatively uniform year round. This stability is attributed to its tropical latitude, its position relative to storm tracts and the Pacific anticyclone, and the surrounding ocean. Variations in climate among different regions, then, are largely left to local terrain.

Wind patterns affecting the islands are typically out of the northeast, which occurs 90 percent of the time during the summer, and 50 percent of the time in the winter.

Recorded temperatures in Lahaina, located approximately 5.5 miles to the north of Olowalu, range from an average high temperature in the high 80's to an average low temperature in the low 60's. Rainfall in the Olowalu area ranges between 15 to 20 inches per year.

b. Potential Impacts and Mitigation Measures

The scope of the proposed project is limited to the construction of a single-family dwelling. As such, there will be no impacts generated by the project which would be expected to have an adverse effect on local climatic and meteorological conditions.

3. Topography

a. Existing Conditions

Most of the Olowalu area surrounding the subject property was formerly utilized for sugar cultivation and is now fallow. The topography of this area reflects the general topographical patterns of the West Maui region. Near the shoreline, the topography is generally flat to slightly sloping. Proceeding mauka, the land slopes gently higher to the foothills of the West Maui Mountains. Elevations in the Olowalu area generally range from sea level to approximately

400 feet above sea level. The topography of the subject property is generally flat to slightly sloping in a southerly direction towards the ocean at about a one (1) percent gradient. **See Figure 8.**

b. **Potential Impacts and Mitigation Measures**

As noted previously, minor grading work will be undertaken prior to the initiation of construction activities. All grading work will comply with applicable requirements of Chapter 20.08, Soil Erosion and Sedimentation of the Maui County Code. The proposed project will not present any significant adverse impacts on the existing topography and landform of the surrounding area.

4. **Soils**

a. **Existing Conditions**

Underlying the subject property is the Pulehu-Ewa-Jaucas association. **See Figure 10.** This series consist of well-drained soils on alluvial fans and stream terraces and in basins. These soils were developed in alluvium washed from basic igneous rock. The soil types specific to the subject property consist of Pulehu silt loam, 0 to 3 percent slopes (PpA) and Jaucus Sand, 0 to 15 percent slopes (JaC). **See Figure 11.**

PpA is a well-drained soil commonly found on alluvial fans and stream terraces and in basins. Permeability is moderate, runoff is slow, and the erosion hazard is no more than slight.

JaC is an excessively drained, calcareous soil that occurs as narrow strips on coastal plains adjacent to the ocean. It is characterized by rapid permeability, very slow to slow runoff, slight water erosion hazard and severe wind erosion in places where vegetation has been removed.

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”, 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” agricultural lands include those that have not been rated as “Prime” or “Unique”.

Analysis of the ALISH map for the Olowalu area indicates that the subject property comprises of lands that have been defined as both “Prime” and “Unclassified” agricultural lands.

The University of Hawai`i, Land Study Bureau (LSB) developed the Overall Productivity Rating, in association with the Detailed Land Classification for the island of Maui, which classifies 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 subject property is located on lands designated as “A7li” by the LSB. These lands are characterized as non-stony, well-drained lands that are well-suited for machine tillability. Lands designated A7li are suitable for sugarcane production and grazing.

b. **Potential Impacts and Mitigation Measures**

The scope of the proposed project is limited to the construction of a single-family dwelling and related improvements. The subject property (approximately 1/2 of an acre) represents approximately 0.0002 percent of the roughly 246,000 acres of State Agricultural district lands on the island of Maui. The proposed project is not anticipated to have a significant adverse effect on the inventory of lands available for agricultural cultivation, nor is it expected to affect the inventory of land for diversified agricultural use. Minor grading activities will be undertaken prior to the initiation of construction for the proposed project. Best Management Practices will be implemented both prior to and during grading and construction to

minimize opportunities for soil erosion at the site. Upon completion of construction, plants and groundcover will be installed which will stabilize the ground on a permanent basis. With implementation of the foregoing mitigation measures, the proposed project is not anticipated to present significant adverse impacts on soil conditions within the subject property. Moreover, the soil types found on the property do not present any limitations to the constructability of the proposed single-family residence.

5. Flood and Tsunami Hazards

a. **Existing Conditions**

The subject property is located within Flood Zone “X” and “AE”. Zone “AE”, an area of the 100-year flood with a base flood elevation of five (5) feet above sea level, occupies a narrow strip of the southern portion of the subject property. The remaining balance of the property is located in Zone “X”, an area of minimal flooding. **See Figure 12.** The subject property is situated within a defined Tsunami Evacuation Area.

b. **Potential Impacts and Mitigation Measures**

The dwelling is proposed to be situated entirely within Zone “X”, outside of the “AE” Flood Zone. Based on a recent Federal Emergency Management Agency (FEMA) sponsored study examining the potential for coastal flooding, new flood zone maps have been proposed for the area. The new maps will increase the predicted base flood elevation to 8 feet above sea level within the “AE” Flood Zone, however the proposed dwelling site will remain within Zone “X”, outside of the proposed “AE” area. Nevertheless, the proposed dwelling has been designed so that the finish floor height of 9 feet above sea level is 1 foot above the predicted base flood elevation in the adjacent “AE” zone. Although not anticipated, Flood Hazard Area Development Permits, if applicable, will be obtained prior to the initiation of construction activities.

6. **Flora and Fauna**

a. **Existing Conditions**

A botanical survey of the Olowalu area (including the subject property) was conducted by Char & Associates (March 1999) in conjunction with a previous subdivision of the Olowalu lands by Olowalu Elua Associates LLC in 2000. Prior to 1999, between 85 to 90 percent of the surrounding Olowalu area was under sugar cane cultivation, or was used to support sugar cane related activities (plantation village, manager's residence, wharf facilities, etc.). The steeper kiawe and buffelgrass-covered slopes on the higher slopes of the Olowalu area were used for grazing cattle at one time. Uncultivated areas of Olowalu are characterized by introduced species, such as kiawe, buffelgrass, 'opiuma, koa haole, and lantana, are the dominant components of the vegetation (Char & Associates, 1999).

Of the total 115 plant species inventoried within the Olowalu study area, 94 (82 percent) are introduced or alien species; five (four percent) are originally of Polynesian introduction; and 16 (14 percent) are native. Of the native species, 13 are indigenous, that

is, they are native to the Hawaiian Islands and also elsewhere, and three are endemic, that is, they are native only to the Hawaiian Islands. The three endemic species are the nehe (Lipochaeta lavarum), wiliwili (Erythrina sandwicensis), and pua kala (Argemone glauca). None of the plants inventoried on the site is a threatened and endangered species or a species of concern (U.S. Fish and Wildlife Service 1997). All of the plants may be found in similar dry, lowland habitats throughout the main Hawaiian Islands. A botanical survey for the Ma'alaea to Lahaina 69 kilovolt transmission line (Char 1993) included portions of Olowalu and recorded similar findings.

Coastal vegetation in the Olowalu area occurs as a narrow band along the seaward front of the lands between the ocean and the Honoapi'ilani Highway. Formerly cultivated sugar cane (saccharum officinarum) fields are typically located mauka of this coastal vegetation zone.

The beaches in the area of the subject property are rounded, waterworn basalt and bleached coral rubble. In places, a few pockets of grayish-colored, fine sand are found along the black and white colored cobble beaches. The coastal vegetation on this type of substrate consists of low, scattered mats of pohuehue or beach morning glory (Ipomoea pes-caprae) with clumps of buffelgrass (Cenchrus ciliaris), a few small wind-pruned trees of kiawe (Prosopis pallida) and 'opiuma (Pithecellobium dulce), and small mixed patches of swollen fingergrass (Chloris barbata), 'uhaloa (Waltheria indica), koa haole (Leucaena leucocephala), and sourbush (Pluchea carolinensis). The coastal area within the government beach reserve immediately fronting the project area is dominated by kiawe.

Fauna present within the Olowalu area include a host of introduced species, including the Japanese White-eye (Zosterops japonicus), Zebra-dove (Geopelia striata), spotted dove (Streptopelia chinensis), and common Myna (Acridotheres tristis). According to the U. S. Fish and Wildlife Service, the Hawaiian hoary bat (Lasiurus cinereus semotus) was also sighted near Mopua in 1989. Other mammals common to this area include rats, mice and mongoose.

b. **Potential Impacts and Mitigation Measures**

There are no known habitats of rare, endangered or threatened species of flora or fauna located within the subject property. No significant adverse impacts on flora and fauna in the area are expected to be generated through implementation of the proposed project. The project will involve removal of introduced plants re-introduction of Native Hawaiian or Polynesian introduced plants in the area fronting and surrounding the proposed dwelling. The applicant will utilize, where feasible and available, drought resistant and coastal tolerant species.

7. **Archaeological Resources**

a. **Existing Conditions**

The subject property is located in the Olowalu ahupua`a. Olowalu was an important agricultural area in pre-contact times. As long as water was available, the hot climate was ideal for producing taro.

In the post-contact period, the Olowalu area was notable for the infamous Olowalu Massacre, which took place in 1790. This involved a cultural misunderstanding that resulted in tragic consequences. See Appendix G (pages 7-9) for a detailed discussion of this event.

As foreign influence became more pervasive following the unification of the Hawaiian Islands under Kamehameha, Lahaina became the center for West Maui because of favorable conditions for sailing craft. An 1832 missionary census showed the population of Lahaina at 4,028; Olowalu at 832; and Ukumehame at 573.

Following the Great Mahele in 1848, there were 46 individual Land Commission Awards (LCAs) granted in the Olowalu ahupua`a, including the subject parcel. The majority are in the upper reaches of the area, along Olowalu Stream, however, nine were located makai in the general vicinity of the subject parcel. A review of the Land Commission Awards for the subject and abutting LCAs indicates that access was provided by a "government road" which is inland of the properties, in approximately the same location as the

existing Honoapiilani Highway. Refer to **Appendix “H”**. This old government road is shown on an 1881 Olowalu Sugar Plantation map and followed a traditional trail that encircled the island in pre-contact times (Fredericksen and Fredericksen, 2000.)

The distribution of land awards and a review of late 1800's and early 1900's plantation maps suggest that the stream outlet was originally located near Hekili Point but was channeled in a general, straighter north-south direction sometime after the Mahele. This was probably done to control flooding of agricultural fields.

The Olowalu Sugar Company is said to have been an enterprise of King Kamehameha V, who reigned from 1863 to 1872. He began the operation sometime during his reign. It was incorporated as the Olowalu Sugar Company in May 1881 and eventually was sold to Pioneer Mill Company, Ltd. in 1931.

The subject parcel originated as a Land Commission Award (LCA) 240 to John Clark. The Land Commission Award was created as part of the Mahele and conveyed to Clark on August 22, 1849. At the time, the parcel was used as a house lot. John Clark deeded the property to P. Milton & Company on April 30, 1877. Olowalu Company purchased it on May 12, 1881. Pioneer Mill Company, Ltd. purchased the parcel in 1931 and sold it to Olowalu Elua in 1999. The applicant purchased the parcel from Olowalu Elua in 2004.

The Olowalu Mill was probably constructed in the 1870's located adjacent to the wharf. A two-foot gauge railroad was built parallel to the old government road. The plantation manager's house, located approximately 100 meters to the northwest of the Mill within the subject property, was built around 1920. There are also three (3) other houses between the Mill and the highway, which may have been built around the same time.

Archaeological inventory surveys of Olowalu lands on both the mauka and makai (including the subject property) sides of the Honoapi'ilani Highway were conducted by Xamanek Researches in 1999/2000. The State Historic Preservation Division (SHPD)

approved the archaeological inventory survey reports for the mauka and makai areas on February 25, 2000 and April 12, 2000, respectively. The Archaeological Mitigation and Preservation Plan was approved by SHPD on June 4, 2001. Refer to **Appendix “B”**.

The survey of the area makai of Honoapiilani Highway included the government beach reserve and resulted in the identification of eight previously unrecorded sites. **See Figure 13.** Sites in the nearby vicinity of the subject parcel include the former Olowalu Mill Ruins (Site 1602), a pre-contact wall remnant (Site 4694), a probable early post contact subsurface habitation deposit (Site 4697) and a pre-contact burial ground (Site 4693.)

The Olowalu Mill Ruins (Site 1602) are designated for preservation and are located approximately 1,100 feet to the west of the subject parcel.

The Maui/Lana`i Islands Burial Council accepted the Preservation Plan for Site 4693 (burial ground) at its August 26, 1999 meeting. The Preservation Plan consists of a minimum 100 ft. buffer area, which is located entirely on Lot 84A. The edge of the preservation buffer is situated approximately 220 feet to the east of the subject parcel.

Site 4694, the pre-contact wall remnant, is situated mostly on the government beach reserve with a small portion (5 feet or less than 10% of the length of the structure) situated on Lot 84A. This site is designated for preservation and is located approximately 160 feet south east of the subject parcel.

The subsurface habitation deposit (Site 4697) is situated on Lot 84A and is located approximately 230 feet to the east of the subject parcel.

The survey did not identify any significant surface or subsurface archaeological resources within the boundaries of the subject property.

An examination of historic maps was undertaken to determine the

presence of historic trails or roads along the shoreline. Prior to the development of the Olowalu Sugar Plantation, the parcel was one of several LCAs used as house lots. Land Commission records dating to 1848 indicate the presence of a government road inland of these LCAs, in roughly the same position as the existing Honoapiʻilani Highway. In addition, plantation maps dated 1865, 1881 and 1906 also show the presence of the inland government road. This old government road is believed to have followed the route of the traditional Piʻilani coastal trail which encircled the island. (Xamanek Researches, 2000.) Neither the Land Commission records nor the 1865, 1881 and 1906 plantation maps show the presence of a trail or road through the parcels or any form of documented coastal road or trail other than the inland road at the current location of Honoapiʻilani Highway. Refer to **Appendix “H”**.

Historic plantation maps from the 1930’s show development of an agricultural field road along the makai edge of the plantation fields. A portion of this agricultural field road runs through the parcel as well as the two neighboring parcels to the west, all three of which were previously owned by the plantation.

In addition to the identification of the old government road inland of the parcel on Mahele Award documents, the fact that the parcels were being used as house lots supports the conclusion that a coastal access road or trail did not run through these three LCAs prior to conversion to sugar cane cultivation. After the Plantation consolidated ownership of land in the area, portions of the parcels became part of the cultivated sugar cane fields of the Plantation. Historic maps show the edges of the fields running through the parcels. Over time, as sugar cultivation became more mechanized, field roads were developed along the edge of the fields. The 1939 Plantation Field Map shows the field road in roughly the same position it is today. It did not serve as a major haul cane road and was limited to activities supporting the adjacent field.

Lastly, in 1906 when the government lands in the area were sold to Walter M. Gifford, the Government reserved and established the approximately 100 foot wide Beach Reserve fronting the entire

Olowalu peninsula. As previously noted, this Beach Reserve is makai of the agricultural field road and runs along the shoreline fronting the parcel and is separated from the parcel by Easement "G". Thus, in 1906 the government officially established lateral shoreline access for the Public through the Beach Reserve.

b. **Potential Impacts and Mitigation Measures**

There have been no surface or subsurface archaeological resources identified within the subject property. As such, it is anticipated that the proposed project will not impact any potential undiscovered subsurface historic resources. Should any cultural artifacts or human remains be encountered during construction for the proposed project, work will stop in the immediate vicinity of the find and the SHPD will be immediately notified in order to establish an appropriate mitigation strategy.

8. **Cultural Assessment**

a. **Existing Conditions**

A CIA report was prepared by Scientific Consulting Services, Inc. in July 2006 for a neighboring parcel of land (Lot 45-A) within the Olowalu Makai-Hikina subdivision. Refer to **Appendix F**. Lot 45-A is located approximately 200-feet from the subject property and is one of three adjacent parcels, including the subject parcel, which originated from Land Commission Awards. The 2006 CIA obtained input on cultural perspectives in the vicinity of the subdivision and was prepared in accordance with the methodology and content protocol provided in the Guidelines for Assessing Cultural Impacts as established by the State of Hawai'i, Office of Environmental Quality Control (OEQC, 1997). As part of the research for the CIA, input was solicited from the Maui office of the Office of Hawaiian Affairs, as well as various individuals familiar with the Olowalu area including Wally Fujii, Adeline Rodrigues and Hinano Rodrigues. Due to the proximity of Lot 45-A to the subject property, it is anticipated that the level of analysis and findings/recommendations of the CIA can be applied to the proposed project on Lot 47-A.

A site visit to the parcel and the shoreline was conducted on

September 14, 2010 with Ms. Adeline Rodrigues, Mr. Hinano Rodrigues and Mr. Ed Ka`ahui. These individuals were raised in Olowalu and have been fishing and collecting ocean resources in the area for most of their lives. These individuals confirmed that cultural-related practices conducted in the vicinity of the property are limited to recreational swimming, fishing and ocean access activities. These individuals also confirmed that access to the shoreline for traditional and customary activities occurred along the shoreline and not inland via the Plantation's field access road. It is only in recent years, after the cessation of sugar cane in 1999 and since the government beach reserve area has become over grown with vegetation and debris, that portions of the agricultural field road have been used for lateral shoreline access.

b. **Potential Impacts and Mitigation Measures**

Based on State archaeological reviews, land use history and information gained from informant interviews, the proposed project is not anticipated to have an adverse impact upon cultural resources. Cultural-related practices conducted in the vicinity of the property are limited to recreational swimming, fishing and ocean access activities. Legal shoreline access is provided via a government beach reserve that runs along the shoreline fronting the property. The applicant, in conjunction with the neighboring land owner is proposing to clear vegetation within the government beach reserve in order to enhance lateral shoreline access along the beach reserve fronting the property. (See Section II.A.12, Shoreline Access.) As such, shoreline access will not be negatively impacted by the project. Based on the foregoing, cultural practices or resources are not anticipated to be adversely impacted by the proposed project.

9. **Air Quality**

a. **Existing Conditions**

There are no point sources of airborne emissions within close proximity of the subject property. Smoke and dust from sugar cane harvesting and cultivation operations formerly caused an intermittent impact to the region's air quality. However, since Pioneer Mill

Company, Inc. has ceased its sugar growing operations, this temporary air quality impact has also ceased.

Although minimal, airborne pollutants are largely attributable to vehicular exhaust from traffic along the region's roadways, as well as dust from unplanted or recently plowed fields. However, sources are intermittent and prevailing winds quickly disperse particulates generated by these temporary sources.

b. **Potential Impacts and Mitigation Measures**

The scope of the proposed project is limited to construction of a single-family dwelling. As such, there are no anticipated air quality impacts associated with the proposed project.

10. **Noise**

a. **Existing Conditions**

Vehicular noise from traffic traveling along Honoapiʻilani Highway are the primary sources of intermittent noise at the subject property. Ambient noise conditions are generally attributable to natural conditions such as ocean waves, wind and rain.

b. **Potential Impacts and Mitigation Measures**

As with air quality, there are no impacts to ambient noise levels associated with the proposed project.

11. **Scenic and Open Space Resources**

a. **Existing Conditions**

The shoreline in the vicinity of the subject property offers views and vistas of the Pacific Ocean, as well as the islands of Lanaʻi and Kahoolawe. The Kihei-Makena coastline and the islet of Molokini are also visible from this locale. The subject property is separated from the shoreline by an existing government beach reserve. Refer to **Figure 2**. The width of the beach reserve varies with shoreline accretion and erosion, but generally is approximately 100 feet in width. These lands are open to the public, although the area fronting the subject parcel is currently heavily overgrown, primarily

with kiawe trees. View planes of the Pacific Ocean from the subject property are currently non-existent and blocked by the vegetation. The West Maui Mountains and Olowalu Valley can be seen to the northeast of the subject property.

b. **Potential Impacts and Mitigation Measures**

The proposed project, limited in scope to a 2-story single-family dwelling, is not anticipated to affect the long-term aesthetic and visual character of the surrounding Olowalu area. The proposed clearing of vegetation within the Government Beach reserve will open up views to and along the shoreline. Given the vegetative cover characteristics of the area mauka of the subject property, it is anticipated that the proposed single-family structure will have minimal impact on views from Honoapiʻilani Highway.

12. **Shoreline Access**

a. **Existing Conditions**

The subject property is not considered a shoreline property. A government beach reserve is located between the property and the ocean. The shoreline along the government beach reserve consists of rounded, waterworn basalt and bleached coral rubble. Lateral shoreline access opportunities to the coastline are available through the government beach reserve on the makai side of the subject property. Access to the government beach reserve is available through both the eastern and western ends where the reserve meets Honoapiʻilani Highway, and through the access to the Olowalu Landing to the west of the subject property.

At present, the existence of dense vegetation, mostly fallen Kiawe trees, make access along the shoreline through the government beach reserve around Hekili Point difficult. In recent years, persons desiring to access the coastline from the east have utilized portions of an agricultural field road which was developed and used by the former sugar plantation. The agricultural field road extends east from the project site to a trail which connects to Camp Olowalu. At present, this trail/ag road is used to bypass the overgrown vegetation on the State owned beach reserve. The trail/ag road run

through privately owned land, including the subject parcel, and is inland and roughly parallel to, the State Owned Beach Reserve. **See Figure 15a.**

b. **Potential Impacts and Mitigation Measures**

In recent years, a trail and portions of the agricultural field road which runs through the subject parcel have been used for lateral shoreline access due to the presence of thick vegetation and debris within the adjacent Government Beach Reserve. Individuals with ancestral ties to the area have expressed a preference for re-establishing lateral shoreline access along the shoreline, and not at an inland location where the lateral access would be separated from the shoreline by significant noxious and alien vegetation and debris. This is consistent with the position of the Department of Land and Natural Resources Maui Land Agent who has noted that the Beach Reserve is the legally and culturally appropriate location for lateral shoreline access in the area. In order to assist the State of Hawaii in re-establishing lateral access within the Beach Reserve, the applicant, along with Olowalu Elua, owner of Lot 84A, will be participating in a selective vegetation and debris removal in order to enhance lateral shoreline access in the government beach reserve between Camp Olowalu and the area fronting the subject parcel. The request to clear vegetation on state owned land will require the approval of the Department of Land and Natural Resources Land Management Division as well as the Office of Conservation and Coastal Lands. See request letter dated April 8, 2011 in Appendix I. Sensitive clearing methods will be employed to minimize impacts to coastal and marine resources. Trees will be flush cut to minimize disruption to existing soils. No debris, vegetation, logs or limbs of trees will be deposited in the ocean. Care will be taken to ensure that debris, vegetation, logs or tree limbs are properly removed from the area and will not negatively impact the marine environment or create navigational hazards. Appropriate signage will be established to identify the Government Beach Reserve boundary. Landscape plantings proposed within Easement "G" will serve to provide a visual demarcation between private and public lands. The lateral access pathway will be established prior to or concurrently with the vegetation clearing fronting Easement "G". The lateral access

pathway will be established prior to initiation of construction of the single family residence on subject parcel. The clearing of vegetation and debris within the Beach Reserve will enhance lateral shoreline access for the public.

B. **SOCIO-ECONOMIC ENVIRONMENT**

1. **Population**

a. **Existing Conditions**

The resident population of the West Maui Community Plan region has demonstrated a substantial increase over the last two decades. Population gains were especially evident in the 1970's as the rapidly developing visitor industry attracted many new residents. The population of the Lahaina District increased from 14,574 in 1990 to 17,967 in 2000. Projections of the resident population in the Lahaina District for the years 2010, 2020 and 2030 are 21,577, 25,096 and 28,903, respectively (County of Maui, June 2006).

Growth at the County level exhibits a similar pattern. The County's resident population increased from 101,709 in 1990 to 128,968 in 2000. Projections for the resident County population in 2010, 2020 and 2030 are 151,300, 174,450 and 199,550, respectively (County of Maui, June 2006).

b. **Potential Impacts and Mitigation Measures**

The proposed single-family dwelling project will not have an adverse impact upon population parameters.

2. **Economy**

a. **Existing Conditions**

The economy of Maui is heavily dependent upon the visitor industry. The dependency on the visitor industry is especially evident in West Maui, which is one of the State's major resort destination areas. The Ka'anapali Resort includes a number of hotels, including the Maui Marriott Resort (720 rooms), Hyatt Regency Maui (816 rooms), the Westin Maui (761 rooms), and the Sheraton Maui (510 rooms).

West Maui's visitor orientation is reflected in the character of Lahaina Town, which serves as a center for visitor-related retail outlets, as well as visitor-related activities.

In terms of the agriculture industry, Pioneer Mill Company, Inc. ceased sugar cane cultivation on its lands in 1999. Of its 6,700 acres, approximately 500 acres are currently utilized for the growing of coffee. Other crops, such as seed corn, are being planned.

b. **Potential Impacts and Mitigation Measures**

The proposed project, in the short term, will provide tangible economic benefits to the West Maui region in the form of construction employment. On a long-term basis, benefits will accrue through the generation of real property tax revenues.

C. **PUBLIC SERVICES**

1. **Solid Waste Disposal**

a. **Existing Conditions**

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

To facilitate solid waste collection services for the West Maui region, a refuse transfer station has been established at the former County Olowalu Landfill site that is located to the north of the subject properties.

b. **Potential Impacts and Mitigation Measures**

During construction, green waste from grubbing or plant removal activities, will either be mulched on-site or taken to the County's green waste recycling facilities. Construction debris will be disposed of at the Maalaea Construction and Demolition Landfill. Post-

construction, all solid waste generated by the proposed project will be disposed of at the Central Maui Landfill in Puunene by County Collection Crews or private refuse collection company, as applicable.

2. Medical Facilities

a. **Existing Conditions**

The only major medical facility on the Island is Maui Memorial Medical Center, located approximately 16 miles from Olowalu, midway between Wailuku and Kahului. The 231-bed facility provides general, acute, and emergency care services.

Regular hours are offered by private medical practices in Lahaina, which include the Maui Medical Group, Lahaina Physicians, West Maui Healthcare Center, and Kaiser Permanente Lahaina Clinic.

b. **Potential Impacts and Mitigation Measures**

Medical services will not be adversely impacted by the proposed project. The project will not extend existing service area limits.

3. Police and Fire Protection

a. **Existing Conditions**

The subject property is within the Lahaina Police Station service area, which services the entire Lahaina district. The Lahaina Station is located in the Lahaina Civic Center complex at Wahikuli, approximately 7.5 miles from the subject property.

The Lahaina Fire Station, also located in the Lahaina Civic Center and the Napili Fire Station, located in Napili, provides fire prevention, suppression and protection services for the Lahaina District. The Lahaina Fire Station includes an engine and a ladder company. The Napili Fire Station consists of an engine company.

b. **Potential Impacts and Mitigation Measures**

Police and fire protection services will not be adversely impacted by

the proposed project. The project will not extend existing service area limits for the Police Department and Department of Fire and Public Safety.

4. Educational Facilities

a. **Existing Conditions**

The West Maui area is served by four public schools operated by the State of Hawai'i, Department of Education: Lahainaluna High School; Lahaina Intermediate School; King Kamehameha Elementary School; and Princess Nahienaena Elementary School. All of the public schools are located within the Lahaina Town area.

b. **Potential Impacts and Mitigation Measures**

The subject project will not adversely affect educational services and facilities.

5. Recreational Facilities

a. **Existing Conditions**

West Maui is served by numerous recreational facilities offering diverse opportunities for the region's residents. There are seventeen (17) County parks and three (3) State beach parks in West Maui. Approximately one-third of the County parks are situated along the shoreline.

In addition, Ka'anapali and Kapalua Resorts operate world-class golf courses which are available for public use.

The governmental beach reserve, which runs between the subject property and the Pacific Ocean, provides public access to the recreational opportunities (including swimming, fishing, snorkeling and diving) available along the Olowalu shoreline.

b. **Potential Impacts and Mitigation Measures**

The subject project will not adversely affect recreational services and facilities. Public access opportunities to the government beach

reserve fronting the subject property will remain unaffected with implementation of the proposed project.

D. **INFRASTRUCTURE**

1. **Roadways**

a. **Existing Conditions**

The only major roadway facility providing vehicular access to and from the Olowalu area is Honoapiʻilani Highway, a State-owned and maintained highway linking West Maui with the central valley of the island. This highway through Olowalu primarily serves as access for vehicles traveling to and from the Lahaina, Kaʻanapali and Kapalua resort areas. In the vicinity of the subject property, Honoapiʻilani Highway is a two-lane rural highway generally aligned in an east to west direction following the coastline. The highway has a posted speed limit of 35 miles per hour (mph) in the vicinity of the subject property which increases to 45 mph outside of this area. The highway has 12-foot-wide lanes with paved shoulders varying in widths from about 6 to 10 feet wide. Access to the highway is provided at the Olowalu General Store intersection where existing storage lanes are provided for turning movements.

b. **Potential Impacts and Mitigation Measures**

As the scope of the proposed project is limited to a single-family dwelling, there are no significant impacts expected to traffic flow conditions along Honoapiʻilani Highway in the vicinity of the access road.

2. Water

a. Existing Conditions

The County of Maui Department of Water Supply presently does not service the Olowalu area. Water supply for the limited number of residential and commercial uses (including the subject property) in the Olowalu area is provided by Olowalu Water Company, Inc. (OWC). OWC is a public water system (ID# 209). OWC provides both potable and non-potable irrigation water for residents and agricultural users within the 700-acre region known as Olowalu. The OWC received a Certificate of Public Convenience and Necessity (CPCN) from the State of Hawai'i Public Utilities Commission to provide potable water service in August of 2000. In November 2003, the OWC amended the CPCN to add the sales of irrigation water. Potable and non-potable water service is provided across parcel 84A via recently installed water lines. A fire hydrant is located approximately 200 feet to the west of the property.

b. Potential Impacts and Mitigation Measures

There is no County water system in the vicinity of the subject property. As such, water requirements for the proposed single-family residence will be provided by a private water system in the area owned and operated by Olowalu Water, Inc. The proposed project will involve minimal use of potable water. Due to the scope of the project, only minimal additional demand on the existing privately owned water supply system is anticipated to result from the proposed project.

3. Wastewater Systems

a. Existing Conditions

There are no County operated wastewater disposal facilities in the Olowalu area, including the subject property. Individual wastewater disposal needs in the Olowalu area are currently addressed either by cesspools, septic tanks or individual wastewater treatment systems.

b. **Potential Impacts and Mitigation Measures**

An individual wastewater treatment system will be installed to handle the wastewater treatment requirements for the proposed single-family residence. The individual wastewater treatment system, consisting of a septic tank and onsite leaching field, will be designed to comply with all applicable Federal Environmental Protection Agency (EPA) and State Department of Health requirements. Due to the site's proximity to coastal areas, an aerobic treatment unit will be included in the system. As such, there will be no impacts to County-owned wastewater facilities resulting from the proposed project.

The applicant is proposing aerobic treatment of the effluent and as such, there is no minimal requirement for separation between the bottom of the leach field and the groundwater table. However, in order for the system to adequately discharge, the bottom of the leach field will be established at approximately 4-feet above the existing water table (as measured during high tide). Thus, there could be over 3-feet of rise in the water table due to sea level rise before it would reach the bottom of the leach field.

The septic tank will be adequately anchored in order to mitigate the effects of buoyancy should ground water levels rise. In the event that sea level rise is greater than 4-feet and the water table reaches the leach field, effluent from the septic tank could be re-routed or pumped from the septic tank to a higher elevation for disposal.

4. **Drainage**

a. **Existing Conditions**

Other than existing culverts which convey drainage beneath Honoapiʻilani Highway, the Olowalu area contains no other drainage improvements. Runoff generally sheet flows from the northeast to the southwest collecting in various swales and gullies. The Olowalu area, including the subject property, contains no engineered drainage systems.

b. **Potential Impacts and Mitigation Measures**

A Preliminary Engineering and Drainage Report (PER) has been prepared for the subject project by R.T. Tanaka Engineers, Inc. See **Appendix “C”**. Drainage from the subject property currently flows in a southerly direction towards the ocean. Existing rates of surface run-off are expected to increase under “with-project” conditions due to an increase of impervious surfaces on the subject property, such as concrete slabs and roofs. Implementation of the proposed project is expected to increase the 10-year surface run-off rates from 0.6 cfs to 1.0 cfs (a 0.4 cfs increase) and 1,486 cf to 2,574 cf (a 1,118 cf increase), respectively. To accommodate the increase in surface run-off, a drainage system is proposed consisting of open-cut grassed lined basin on between the parcel and the shoreline. The basin will be able to accommodate over 3,000 cubic feet of run-off, well above the estimated 2,574 cf of run-off from a 50-year storm. The drainage system will mitigate greater than one hundred percent of the projected increase in surface run-off resulting from the proposed project. As such, the proposed project is not anticipated to present any significant drainage-related impacts on adjacent or downstream properties in the vicinity of the subject property or the marine environment. Furthermore, a Best Management Practices (BMPs) program will be implemented both prior to and during construction to prevent drainage flows from entering the ocean.

5. **Electrical, Telephone and CATV Considerations**

a. **Existing Conditions**

Electrical power and telephone service are provided to the Olowalu area by Maui Electric Company, Ltd. (MECO) and Hawaiian Telcom, via overhead lines along Honoapi`ilani Highway. MECO's 69 kilovolt overhead transmission lines from Central Maui to the Lahaina-Kapalua area extend along the lands situated mauka of the Honoapi`ilani Highway. Oceanic Time Warner does not currently provide cable service to the Olowalu area, including the subject property.

b. **Potential Impacts and Mitigation Measures**

Coordination with MECO and Hawaiian Telcom will be undertaken during the engineering plans preparation phase of work to ensure all electrical and telephone service requirements for the proposed project are adequately addressed. Electrical and telephone distribution systems will be extended to serve the proposed project. No impact to electrical, telephone and cable systems is anticipated to result from the proposed project.

The applicant intends on incorporating solar power facilities to provide renewable power for water heating and electrical purposes. In addition, architectural design features have been incorporated into the project that will lesson energy demand. This includes the open-air design that allows for natural cooling as well as incorporation of appropriate insulation materials.

III. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES AND CONTROLS

A. STATE LAND USE DISTRICTS

Chapter 205, Hawai'i Revised Statutes, relating to the Land Use Commission, establishes four (4) major land use districts in which all lands in the State are placed. These districts are designated "Urban", "Rural", "Agricultural", and "Conservation". The subject property encompasses lands classified as both "Agricultural" and "Conservation".

The proposed single-family dwelling will be located within the portion of the Property Classified as "Agricultural". Chapter 205, HRS, allows for single-family dwellings on parcels located within the Agricultural District prior to June 4, 1976. The subject parcel originated from a Land Commission Award created during the Mahele around 1850 and was in existence in 1976.

At present, the existing Community Plan and County Zoning designations are not consistent with the State Land Use "Agricultural" classification. The proposed CPA and CIZ requests would establish consistency with the existing State "Agricultural" classification.

Although the parcel size and proposed use would appear to more closely align with the standards set forth in the State Rural Districts, the Maui County Planning Department has requested that the applicant establish Agricultural designations in order to be consistent with the surrounding Agricultural land use designations.

Conservation District Use Analysis

A portion of the subject property is classified as "Conservation", "Limited" subzone. Land uses in the Conservation District are regulated by Chapter 13-5 of the Hawai'i Administrative Rules under the jurisdiction of the Department of Land and Natural Resources. Proposed activities in within the Conservation District will be limited to landscaping and removal of noxious plants which is an identified land use in the "Limited" subzone (L-4). Approval of this use will require a Conservation District Use Permit from the Department. Chapter 13-5 establishes the following criteria for evaluating proposed land uses.

1. The Proposed Land Use is Consistent With the Purpose of the Conservation District:

The proposed project is consistent with the purpose of the Conservation District in that the proposed project will not have a significant impact on the natural resources of the State. The proposed project area is located along a narrow strip of Conservation classified land that runs along the shoreline. The project area is not within or near significant land based natural resource systems, such as watersheds or wetlands. Potential impacts to coastal resources will be mitigated through implementation of drainage, wastewater treatment and erosion control measures which are documented in this assessment.

2. The Proposed Land Use is Consistent With the Objectives of the Subzone of the Land on Which the Use Will Occur:

The objective of the “Limited” subzone classification is “to limit uses where natural conditions suggest constraint on human activities”. Typically, these areas will include steep slopes or areas susceptible to erosion or flood hazard. The proposed landscape planting area is located in an area of coastal flooding and the base flood elevation is determined to be 5-feet above sea level. Activities will be limited to clearing of existing noxious or alien species and replanting with Native Hawaiian or Polynesian introduced species that are adapted to low lying coastal lands.

3. The Proposed Land Use Complies With Provisions and Guidelines Contained in Chapter 205A, HRS, Entitled “Coastal Zone Management”, Where Applicable:

Chapter 205A, HRS, is intended to regulate “development” within the Special Management Areas of the state in order to minimize impacts to the resources of the Coastal Zone. Use of any land for cultivating plants is considered exempt from the definition of development, provided that there is no significant environmental or ecological effect on a special management area. Based on the analysis and findings within this Environmental Assessment, it is anticipated that a Finding of No Significant Impact will be made and that the proposed landscaping within the Conservation District as well as the associated construction of a single-family dwelling, will not be considered development pursuant to Chapter 205A and an SMA exemption determination will be made by the County of Maui.

4. The Proposed Land Use Will Not Cause Substantial Adverse Impact to Existing Natural Resources Within the Surrounding Area.

As noted, the project location is not located near significant land based natural resource areas. Best Management Practices, such as drainage and erosion controls will be implemented to ensure that potential adverse impacts to coastal related natural resources are appropriately mitigated. With the incorporation of the mitigation measures identified within this document, the proposed land use is not anticipated to have substantial adverse impact to existing natural resources within the area.

5. The Proposed Land Use, Including Buildings, Structures, and Facilities Shall be Compatible With the Locality and Surrounding Areas, Appropriate to Physical Conditions and Capabilities of the Specific Parcel or Parcels.

The proposed residential use is consistent with the historic land use patterns in the Olowalu area. Olowalu was a village in pre-contact times as well as during the plantation era. The proposed use is also consistent with existing residential uses in the nearby vicinity, to the east and west of the Plantation Manager's house.

The relatively flat topography of the parcel is conducive to residential use. Historic use of the parcel as a home site is an indication of the appropriateness of the site for residential use. As previously mentioned, replanting will occur with Native Hawaiian or Polynesian introduced species that are adapted to low lying coastal lands.

6. The Existing Physical and Environmental Aspects of the Land, Such as Natural Beauty and Open Space Characteristics, Will be Preserved or Improved Upon, Whichever is Applicable.

The physical and environmental aspects of the site are similar to flat, nearshore coastal lowlands that extend from Ukumehame to the Olowalu Landfill, and, as such, the site does not contain unique features either topographically or geologically. Natural or existing vegetation consists of non-native plants and the biological report concluded there is little of biological concern due to the non-native and weedy nature of the vegetation on the subject parcel. In order to further enhance the area and minimize impact, the landscaping plan proposes to reintroduce native Hawaiian and drought resistant plantings to replace invasive species in the area.

7. Subdivision of Land Will Not be Used to Increase the Intensity of Land Uses Within the Conservation District.

The proposed action will not result in a subdivision of land.

8. The Proposed Land Use Will Not be Materially Detrimental to the Public Health, Safety and Welfare.

With the incorporation of an appropriately designed and operated individual wastewater system, combined with the other BMPs identified within this assessment, the proposed landscape plantings and associated residential land use will not result in materially detrimental impacts to public health, safety and welfare.

B. Maui Countywide Policy Plan

The Countywide Policy Plan provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. This includes: (1) a vision statement and core values for the County to the year 2030; (2) an explanation of the plan-making process; (3) a description and background information regarding Maui County today; (4) identification of guiding principles; and (5) a list of countywide goals, objectives, policies, and implementing actions related to the following core themes:

- Protect the Natural Environment
- Preserve Local Cultures and Traditions
- Improve Education
- Strengthen Social and Healthcare Services
- Expand Housing Opportunities for Residents
- Strengthen the Local Economy
- Improve Parks and Public Facilities
- Diversify Transportation Options
- Improve Physical Infrastructure
- Promote Sustainable Land Use and Growth Management
- Strive for Good Governance

The following Goals, Objective and Policies have been considered in the preliminary planning for the project.

Goal: Maui County's natural environment and distinctive open spaces will be preserved, managed, and cared for in perpetuity.

Objective:

1. Improve the opportunity to experience the natural beauty and native biodiversity of the islands for present and future generations.

Policies:

a. Perpetuate native Hawaiian biodiversity by preventing the introduction of invasive species, containing or eliminating existing noxious pests, and protecting critical habitat areas.

b. Protect undeveloped beaches, dunes, and coastal ecosystems, and restore natural shoreline processes.

f. Protect the natural state and integrity of unique terrain, valued natural environments, and geological features.

c. Protect and restore nearshore reef environments and water quality.

d. Protect, enhance, and expand access to public shoreline and mountain resources.

Objective:

1. Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity.

Policies:

a. Capitalize on existing infrastructure capacity as a priority over infrastructure expansion.

b. Preserve the public's rights of access to and continuous lateral access along all shorelines.

c. Ensure that new development projects requiring discretionary permits demonstrate a community need, show consistency with the General Plan, and provide an analysis of impacts.

C. WEST MAUI COMMUNITY PLAN

Maui County's General Plan consists of an overall Countywide Policy Plan, a yet to be adopted Maui Island Plan as well as nine community plans which consists of policies and objectives as well as land use maps. 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. The subject property is located within the West Maui Community Plan region. See **Figure 9**.

The subject parcel is located on land currently designated as “Park” in the current version of the West Maui Community Plan that was last amended in 1996. Part of the proposed action is the reclassification of a portion of the subject property to the “Agricultural” land use category.

The Park designation in this area was intended to provide a 10-acre public beach park for camping and ocean-related recreational and educational activities (WMCP, pg 17, Item 10.b). Furthermore, the recommendation specifically provides that “The final boundaries of this park shall be determined in consultation with the landowner.” (WMCP, pg 17, Item 10.b). As such, the precise location or boundaries of the future Park area have yet to be defined, and the Community Plan anticipated flexibility during implementation. The subject property is situated in the western corner of the Park designated area and is the only small size parcel included in the Park area. The remainder of the Park designation is located within Parcel 84A. Amending the Community Plan designation to remove the subject parcel from the Park designated area will have a minimal impact on the larger park designated area, especially given the uncertainty of the final boundaries.

The Community Plan recommendation goes on to say that if “agriculture in the area is decreased by 50 percent, 20 acres of park land shall be considered for addition to the 10 acres of park land currently designated in the Land Use Map.” As previously discussed, the requested action is limited to the subject 0.54 acre parcel. The adjacent larger parcel, Parcel 84A, will maintain its Agricultural designation. The owners of Parcel 84A have provided notice that they intend to request land use amendments for a master planned community in the area. The Community Plan recommendation for twenty additional acres of park land would be addressed through these entitlement requests. Preliminary plans by the adjacent owner indicate that there would be substantial amount of park lands in the vicinity.

The County Planning Department has completed a coastal park planning initiative referred to as the Pali to Puamana Parkway Master Plan “to make known its desire to preserve open space along the coastline of West Maui.” One of the stated purposes is to implement the goals and objectives of the West Maui Community Plan. The final recommendations of the Pali to Puamana Master Plan provides for an expansion of park lands in the vicinity of

the project site, mostly on Parcel 84A, but this plan does not include the subject parcel as part of the recommended expansion of park lands in the area. Thus, the subject request is consistent with the detailed findings and recommendations of the County's Pali to Puamana Master Plan, whose principal aim is to implement the West Maui Community Plan. This provides additional basis to conclude that the request is consistent with the Goals, Objectives and Policies of the West Maui Community Plan.

Other applicable goals, objectives and policies of the West Maui Community Plan are cited below.

1. **Land Use**

Goal

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

Objectives and Policies for the West Maui Region in General

- Protect and enhance the quality of the marine environment.
- Preserve and enhance the mountain and coastal scenic vistas and the open space areas of the region.

2. **Environment**

Goal

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

Objectives and Policies

- Protect all waters and wetland resources. Such resources provide

open space and habitat for plant and animal life in the aquatic environment. They are also important for flood control and natural landscape.

- Preserve agricultural lands and open space with particular emphasis on natural coastal areas along major highways.
- Protect the quality of nearshore and offshore waters. Monitor outfall systems, streams and drainage ways and maintain water quality standards. Continue to investigate, and implement appropriate measures to mitigate, excessive growth and proliferation of algae in nearshore and offshore waters.
- Encourage soil erosion prevention measures and the installation of siltation basins to minimize downstream sedimentation and degradation of nearshore and offshore water quality.
- Promote the planting of trees and other landscape planting to enhance streetscapes and the built environment.
- Promote drainage and stormwater management practices that prevent flooding and protect coastal water quality.

3. **Cultural Resources**

Goal

To preserve, protect and restore those cultural resources and sites that best represent and exemplify the Lahaina region's pre-contact, Hawaiian Monarchy, missionary and plantation history.

Objectives and Policies

- Preserve and protect significant archaeological, historical and cultural resources that are unique in the State of Hawai'i and Island of Maui.
- Ensure that new projects or developments address potential impacts on archaeological, historical, and cultural resources and identify all cultural resources located within the project area as part of initial project studies. Further require that all proposed activity adequately mitigate potential adverse impacts on cultural resources.
- Ensure that site identification and interpretation is not damaging to any historical or archaeological sites.

4. **Housing**

Goal

A sufficient supply and choice of attractive, sanitary and affordable housing accommodations for a broad cross section of residents.

Objectives and Policies

- Promote efficient housing designs in order to reduce residential home energy consumption.

5. Urban Design

Goal

An attractive and functionally integrated urban environment that enhances neighborhood character, promotes quality design at the resort destinations of Ka'anapali and Kapalua, defines a unified landscape planting and beautification theme along major public roads and highways, watercourses, and at major public facilities, and recognizes the historic importance and traditions of the region.

Objectives and Policies

- Save and incorporate healthy mature trees in the landscape planting plans of subdivisions, roads or any other construction or development.
- Incorporate drought-tolerant plant species in future landscape planting.
- Emphasize contrasting earth-tone color schemes for buildings and avoid bright or garish colors.

6. Infrastructure

Goal

Timely and environmentally sound planning, development, and maintenance of infrastructure systems which serve to protect and preserve the safety and health of the region's residents, commuters, and visitors through the provision of clean water, effective waste disposal and efficient transportation systems which meets the needs of the community.

7. Water and Utilities

Objectives and Policies

- Promote water conservation and education programs.
- Encourage the installation of underground electrical, telephone and cable television lines.

8. Drainage

Objectives and Policies

- Insure that new developments will not result in adverse flooding conditions for downstream properties by requiring onsite retention facilities for stormwater run-off generated by the development.

9. Energy

Objectives and Policies

- Support energy efficient technologies in conjunction with new urban development and encourage energy efficient building design and site development practices.

D. COUNTY ZONING

A portion of the subject property is currently zoned “A-3, Apartment” by the County of Maui. Part of the proposed action is the proposed rezoning of this area to “Agricultural”.

The change in zoning to “Agricultural” would establish land zoning consistency with the existing Land Use Commission’s “Agricultural” designation as well as the proposed CPA application from “Park” to “Agricultural”.

Section 19.510.040.A.4, Maui County Code, provides that the county council may grant a change of zoning if specific criteria are met. The following analysis discusses the request with respect to said criteria:

1. The Proposed Request Meets the Intent of the General Plan and the Objectives and Policies of the Community Plans of the County

The previous section of this document, provides the basis for concluding that the request is consistent with the General Plan and the objectives and policies of the West Maui Community Plan.

2. The Proposed Request is Consistent with the Applicable Community Plan Land Use Map of the County.

The purpose of the consolidated CPA/CIZ application is to establish consistency with the West Maui Community Plan Land Use Map.

3. The Proposed Request Meets the Intent and Purpose of the District Being Requested,

One of the primary purposes of the Agricultural Districts is to support the agricultural character and components of the County's economy and lifestyle. While the existing parcel size and proposed use might more closely fit the standards of the Rural District, the Maui County Planning Department has requested that the applicant seek Agricultural Zoning in order to preserve the Agricultural character of the surrounding area. The parcel represents one of three abutting parcels, which historically have been used for residential use, and granting of the request will not significantly alter the character of the area.

4. The Application, if Granted, Would Not Adversely Affect or Interfere with Public or Private Schools, Parks, Playgrounds, Water Systems, Sewage and Solid Waste Disposal, Drainage, Roadway and Transportation Systems, or Other Public Requirements, Conveniences and Improvements.

The application is limited to a single 0.54-acre parcel and, as documented in this Environmental Assessment, approval of the request would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements.

5. The Application, if Granted, Would Not Adversely Impact the Social, Cultural, Economic, Environmental, and Ecological Character and Quality of the Surrounding Area.

This Environmental Assessment has documented that the project will not adversely impact the social, cultural, economic, environmental, and

ecological character and quality of the surrounding area. The project's size and scope is limited, the project site does not contain sensitive environmental or ecological areas and measures may be implemented to mitigate potential impacts to shoreline and coastal resources.

6. If the Application Change in Zoning Involves the Establishment of an Agricultural District With a Minimum Lot Size of Two Acres, an Agricultural Feasibility Study Shall be Required and Reviewed by the Department of Agriculture and the United States Soil and Conservation Service.

This section is not applicable since the application involves the establishment of an Agricultural District on a parcel that is less than the standard 2-acre minimum lot size established in Chapter 19.30A, MCC. Within Chapter 19.30A, MCC, Section 090 provides standards for non-standard sized lots. Since the parcel is less than 2-acres in size, the standards established via Section 19.30A.090 will apply.

E. SPECIAL MANAGEMENT AREA OBJECTIVES AND POLICIES

Pursuant to Chapter 205A, Hawai'i Revised Statutes, and the Rules and Regulations of the Planning Commission of the County of Maui, actions located within the SMA are evaluated with respect to SMA objectives, policies and guidelines. As mentioned in Chapter I, the project area is located within the County SMA. See **Figure 14**. Upon receipt of the necessary land use entitlement changes, a Special Management Area (SMA) approval from the County of Maui, Department of Planning will, therefore, also be necessary for the proposed project. The construction of a single-family dwelling is not classified as "development" under the SMA Rules for the Maui Planning Commission. As such, it is anticipated that the proposed project will qualify as an exempt action according to the SMA rules.

For analysis purposes, this section addresses the proposed project's relationship to applicable coastal zone management considerations, as set forth in Chapter 205A and the Rules and Regulations of the Maui Planning Commission.

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 use of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;
 - (vi) Adopting water quality standards and regulating point and non-point sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;
 - (vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and
 - (viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of

land and natural resources, county planning commissions; and crediting such dedication against the requirements of Section 46-6, HRS.

Response: The subject project will maintain coastal zone access and recreational opportunities. The existing government beach reserve will remain unaffected by the subject project.

2. **Historic resources**

Objective:

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

Policies:

- a. Identify and analyze significant archeological resources;
- b. Maximize information retention through preservation of remains and artifacts or salvage operations; and
- c. Support state goals for protection, restoration, interpretation, and display of historic resources.

Response: An archaeological inventory survey previously completed for the Olowalu area included the subject property. No significant surface or subsurface resources were identified within the subject property. As such, no impacts to historic resources are anticipated as a result of the proposed project. Should cultural or historic remains be discovered during construction activities for the project, all work in the immediate area of the find will cease and the SHPD will be notified to determine the appropriate level of mitigation.

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 which are not coastal dependent to locate in inland areas.

Response: The subject project involving construction of a 2-story single-family dwelling will not adversely impact scenic or open space resources, nor will it alter the existing topographic character of the surrounding area.

4. Coastal ecosystems

Objective:

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

Policies:

- a. Improve the technical basis for natural resource management;
- b. Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;

- c. Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and
- d. Promote water quantity and quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and prohibit land and water uses which violate state water quality standards.

Response: Best Management Practices (BMPs) will be utilized to prevent runoff generated during construction from entering the ocean. The proposed drainage system will handle all post-development drainage to ensure that no adjacent or downstream properties are impacted by the project. As such, no impacts to coastal ecosystems are, therefore, anticipated to result from the subject project.

5. **Economic uses**

Objective:

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

Policies:

- a. Concentrate coastal dependent development in appropriate areas;
- b. Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and
- c. Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:

- (i) Use of presently designated locations is not feasible;
- (ii) Adverse environmental effects are minimized; and
- (iii) The development is important to the State's economy.

Response: The subject project will provide beneficial impacts to the local economy through the provision of construction employment and the generation of real property tax revenues. In the long term, the subject project will not adversely affect the region's economic stability.

6. **Coastal hazards**

Objectives:

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

Policies:

- a. Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;
- b. Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint pollution hazards;
- c. Ensure that developments comply with requirements of the Federal Flood Insurance Program;
- d. Prevent coastal flooding from inland projects; and
- e. Develop a coastal point and nonpoint source pollution control program.

Response: According to the Federal Flood Insurance program maps, the proposed dwelling site is located in an area of minimal flooding (Zone "X"). Based on a recent Federal Emergency Management Agency (FEMA) sponsored study examining the potential for coastal flooding, new flood zone maps have been proposed for the area. The new maps will increase

the predicted base flood elevation to 8 feet above sea level within the “AE” Flood Zone, however the proposed dwelling site will remain within Zone “X”, outside of the proposed “AE” area. Nevertheless, the proposed dwelling has been designed so that the finish floor height of 9 feet above sea level is 1 foot above the predicted base flood elevation in the adjacent “AE” zone. Although not anticipated, Flood Hazard Area Development Permits, if applicable, will be obtained prior to the initiation of construction activities.

According to an analysis by the University of Hawaii, the shoreline location fronting the project area has been relatively stable with an estimated Annual Erosion Hazard Rate between 0.0 ft and 0.4 feet per year. **See Figure 15** The relative stable shoreline combined with the structure being located approximately 196 feet from the shoreline should minimize concerns related to impacts from shoreline erosion.

7. Managing development

Objective:

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

Policies:

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

Response: All aspects of the subject project will be conducted in accordance with applicable State and County requirements. Opportunity

for review of the subject project is offered through the HRS, Chapter 343 Environmental Assessment (EA) review process and the Community Plan Amendment (CPA) and Change in Zoning (CIZ) processes.

8. Public participation

Objective:

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

Policies:

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

Response: EA, CPA and CIZ proceedings are all applicable to the subject project. Opportunities for public awareness, education, and participation in coastal management are provided through the EA, CPA and CIZ review and approval processes.

9. Beach protection

Objective:

Protect beaches for public use and recreation.

Policies:

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

Response: The proposed structure is setback approximately 196 from the shoreline and is separated from the ocean by a government beach reserve that runs along the shoreline fronting the subdivision. According to an analysis by the University of Hawai'i, the shoreline location fronting the project area has been relatively stable with an estimated Annual Erosion Hazard Rate between 0.0 ft and 0.4 feet per year. The relative stable shoreline combined with the structure being located approximately 196-feet from the shoreline should minimize concerns related to impacts from shoreline erosion. No impacts to beach processes are anticipated from the subject project. Access and recreational opportunities along the shoreline will remain unaffected by the proposed project.

10. **Marine Resources**

Objective:

Implement the State's ocean resources management plan.

Policies:

- a. Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;
- b. Assure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;
- c. Coordinate the management of marine and coastal resources and

activities management to improve effectiveness and efficiency;

- d. Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;
- e. Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and
- f. Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

Response: Increases in surface drainage flows across the subject property will be mitigated by the proposed drainage system improvements for the project. No impacts to marine resources along the Olowalu coastline are, therefore, anticipated to result from the subject project.

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.

In addressing light pollution issues, all lighting for the proposed single-family residence will be shielded and of the directional down lighting variety to mitigate light pollution and to prevent lighting traveling across property boundaries toward the shoreline and

ocean.

F. **OTHER PLANNING POLICY CONSIDERATIONS**

Proposed Maui Island Plan

The Maui Island Plan is currently under review by the Maui County Council. In the latest version of the Maui Island Plan forwarded to the County Council by the Maui County Planning Department, the subject parcel is located within an Agricultural designated area and is not located within a proposed Rural or Urban Growth area. In addition, the parcel is not located within the abutting Park designated area.

Proposed Pali to Puamana Plan

On a similar note, within the latest version of the County's Pali to Puamana Park Plan, as illustrated in Figure 4 of the Final Environmental Assessment dated August 8, 2008, the parcel is not located within the abutting area that has been designated as a future park.

IV. SUMMARY OF ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

The proposed project will result in unavoidable construction-related impacts which include noise-generated impacts occurring from the proposed improvements. In addition, there may be temporary air quality impacts associated with dust generated from site work and exhaust emissions discharged by construction equipment. These impacts will be mitigated by erosion control measures and best management practices designed to minimize dust and erosion. Construction of the proposed project will be carried out in compliance with State Department of Health Community Noise Control standards.

Accordingly, the subject project is not anticipated to create any significant, long-term adverse environmental impacts.

V. ALTERNATIVES ANALYSIS

A. NO ACTION OR NO BUILD ALTERNATIVE

At the present time, the subject property is vacant and undeveloped. The no action or no build alternative would involve the continuation of the underutilized and unmaintained nature of the property. Discussions with the County Planning Department have indicated that there is no intent on acquiring the property for “Park” use as suggested by the WMCP Land Use Map. Importantly, the WMCP anticipated that the specific boundaries of the anticipated Public Park in this area would be revised based on consultations with the landowner.

Other indications of current County Policy include: 1) in the current version of the Maui Island Plan, the Planning Commission and Planning Department have recommended that the parcel not be included in the abutting Park designated area; and 2) within the latest version of the County’s Pali to Puamana Park Plan, the parcel is not located within the abutting area which has been designated as a future park.

Based on the foregoing, the existing WMCP Park designation does not reflect future Park development plans by the County. However, according to the Planning Department’s current practice, requests for projects that would be considered exempt from the SMA Law’s definition of “development” cannot be processed if there is an apparent inconsistency with the Community Plan Land Use Map designation. Thus, based on current policy of the Maui County Planning Department, the existing “Park” designation prevents any private use of the property.

B. DEFERRED ACTION ALTERNATIVE

A “deferred action” alternative would have similar consequences as the “no action” alternative in that the land use objectives of the proposed project would be delayed and would not be immediately realized.

This alternative could result in potentially higher development costs due to increases in labor and material costs or changes to infrastructure or the existing physical or socio-economic environment (i.e. opportunity costs). Based on the preceding, the “deferred action” alternative was not considered.

C. **ALTERNATIVE LAND USE DESIGNATION**

The applicant would have preferred to request Rural land use designations since the State and County Rural District Standards more accurately reflect the existing parcel size and proposed use. However, the County Planning Department is recommending the establishment of Agricultural designations in order to maintain consistency with abutting areas that are also designated as Agricultural by the State Land Use Commission and the West Maui Community Plan. Whether the project area is designated as Rural or Agricultural, the proposed use will not change and the findings related to potential environmental impacts associated with the project would not be altered.

D. **ALTERNATIVE LAND USE**

As noted above, the applicant would have preferred to request Rural land use designations since the State and County Rural District Standards more accurately reflect the existing parcel size and proposed use. However, the County Planning Department is recommending the establishment of Agricultural designations in order to maintain consistency with abutting areas that are also designated as Agricultural by the State Land Use Commission and the West Maui Community Plan. There are limited opportunities to utilize the property only for Agricultural use given the size of the parcel. Requiring the applicant to utilize the parcel exclusively for Agricultural enterprises would not allow for economic use of the property, and, depending on the type and intensity of use, could have the potential for greater impacts to the nearshore marine environment versus a single family home.

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Major resource commitments include the land, on which the project will be developed, as well as fuel, labor, funding and material resources. Impacts relating to the use of these resources should be weighed against the expected positive socio-economic benefits to be derived from the project versus the consequences of taking no action.

The commitment of resources required for the development of the single-family dwelling includes building materials and labor, both of which are non-renewable and irretrievable. In addition, the proposed project is not anticipated to require commitment of government services or facilities. In general, the proposed action is not anticipated to place significant additional requirements upon public services and infrastructure. There is no other significant irreversible commitment of resources associated with the proposed project.

VII. FINDINGS AND CONCLUSIONS

The “Significance Criteria”, Section 12 of the Administrative Rules, Title 11, Chapter 200, “Environmental Impact Statement Rules”, were reviewed and analyzed to determine whether the proposed project has significant impacts on the environment. The following criteria and analysis are provided:

1. **Involves an Irrevocable Commitment to Loss Or Destruction of Any Natural or Cultural Resource.**

The proposed project does not result in any adverse environmental impacts. There are no known, rare, endangered or threatened species of flora or fauna located within the subject property. There are no known wetlands located within the subject property. An archaeological inventory survey previously prepared for the area did not identify any significant surface or subsurface archaeological or cultural resources within the subject property. Should any historic or cultural remains be discovered during construction, work will cease in the immediate area of the find and consultation will be undertaken with the SHPD to determine appropriate mitigation measures. No impacts to cultural or historic resources are therefore anticipated to result from the proposed project

2. **Curtails the Range of Beneficial Uses of the Environment.**

The use of the subject property for the proposed project will not curtail the range of beneficial uses of the environment.

3. **Conflicts with the State’s Long-Term Environmental Policies or Goals and Guidelines as Expressed in Chapter 344, HRS, and any Revisions Thereof and Amendments Thereto, Court Decisions or Executive Orders.**

The State's Environmental Policy and Guidelines are set forth in Chapter 344, Hawai'i Revised Statutes and were reviewed in connection with the proposed project. The proposed project is in consonance with the guidelines.

4. **Substantially Affects the Economic Welfare, Social Welfare, and Cultural Practices of the Community or State.**

The proposed project will have a beneficial impact on the West Maui economy through the creation of employment positions related to construction and the generation of real property tax revenues. The economic and social welfare of the community will not be negatively affected by the proposed project.

5. **Substantially Affects Public Health.**

No adverse impacts to the public's health and welfare are anticipated to result from the proposed project. As noted previously, BMPs will be employed during construction work to mitigate any environmental impacts.

6. **Involves Substantial Secondary Impacts, Such as Population Changes or Effects on Public Facilities.**

The proposed project, including construction of a 2-story single-family dwelling, will not affect the island's population base. The subject project will not significantly impact existing traffic flows along Honoapi'ilani Highway. The proposed project will not adversely impact public services such as police, fire and medical services. Impacts upon educational, recreational and solid waste parameters are also not expected to result from the construction of the single-family residence.

7. **Involves a Substantial Degradation of Environmental Quality.**

During the construction phase of the project, there will be short-term air quality and noise impacts generated. No long-term degradation of environmental quality is anticipated from the proposed project.

8. **Is Individually Limited but Cumulatively has Considerable Effect Upon the Environment or Involves a Commitment for Larger Actions.**

The proposed project, limited in scope to the construction of a 2-story single-family residence and related improvements, does not represent a commitment to larger actions. There are no cumulative impacts associated with the subject project that would result in considerable effects on the environment.

9. **Substantially Affects a Rare, Threatened, or Endangered Species or its Habitat.**

There are no known significant habitats or rare, endangered or threatened species of flora and fauna that will be adversely affected by the proposed project.

10. **Detrimentially Affects Air or Water Quality or Ambient Noise Levels.**

Construction activities for the proposed project will result in short-term air quality and ambient noise impacts. Dust control measures, such as regular watering and sprinkling, will be implemented to minimize wind blown emissions during construction. It is anticipated that construction will be limited to daylight working hours only. Water quality is not anticipated to be affected with implementation of BMPs. There will be no impact on adjacent or downstream properties from drainage flows related to the proposed project.

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

11. **Affects or is Likely to Suffer Damage by Being Located in an Environmentally Sensitive Area Such as a Flood Plain, Tsunami Zone, Beach, Erosion-Prone Area, Geologically Hazardous Land, Estuary, Fresh Water or Coastal Waters.**

The subject property is located within Flood Zone “X” and “AE”. Zone “AE”, an area of the 100-year flood with a base flood elevation of five (5) feet, occupies a narrow strip of the southern portion of the property. The remaining balance of the property is located in Zone “X”, an area of minimal flooding. The proposed residence will be located in Zone “X”.

The project will comply with Chapter 19.62 of the Maui County Code (MCC), Flood Hazard Areas, as applicable. The proposed project will not result in any significant impacts to coastal waters.

12. Substantially Affects Scenic Vistas and Viewplanes Identified in County or State Plans or Studies.

The subject property is separated from the Pacific Ocean by an existing government beach reserve that runs along the shoreline fronting the subdivision. View planes of the Pacific Ocean from the subject property are currently non-existent and blocked by the vegetation. Removal of thick strands of kiawe trees and other alien species will open up views to and along the shoreline in the immediate vicinity. The proposed single-family dwelling is separated from Honoapiʻilani Highway by approximately 500 feet. With the intervening vegetative cover, the proposed residence will not adversely affect makai views from the highway.

13. Requires Substantial Energy Consumption.

The proposed project will involve the short-term commitment of equipment requiring substantial energy consumption. The fuel consumption and electricity requirements for the proposed project, on both a short- and long-term basis, are not anticipated to result in a substantial consumption of energy resources. The project will utilize solar power for water heating and energy production and has also incorporated design elements to lesson energy demand. These design elements include incorporation of free flow and movement of air for natural cooling purposes as well as roof insulation in order to lesson cooling requirements.

Based on the foregoing findings, it is anticipated that the assessment of the subject project will result in the issuance of a Finding of No Significant Impact (FONSI).

VIII. LIST OF PERMITS AND APPROVALS

The following State and County permits and approvals will be required for the subject project.

State of Hawai`i

1. Conservation District Use Permit (Departmental Permit) – DLNR

County of Maui

1. Community Plan Amendment from the Maui County Council
2. Change in Zoning from the Maui County Council
3. Special Management Area (SMA) Exemption from the County of Maui, Department of Planning.
4. Applicable Grading and Construction Permits from County of Maui, Department of Public Works and Environmental Management, Development Services and Administration
5. Special Flood Hazard Area Development Permit, as applicable.

REFERENCES

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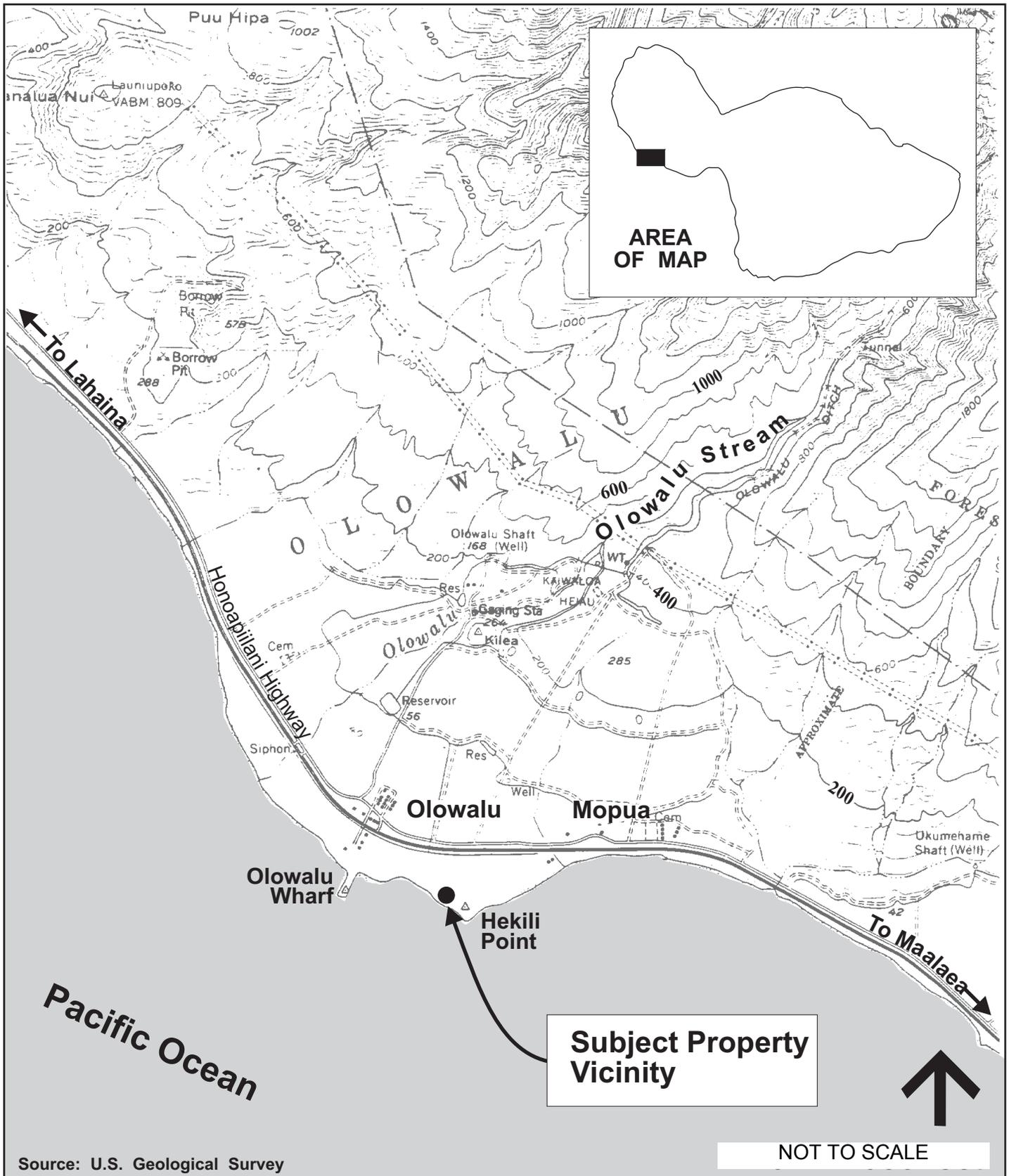
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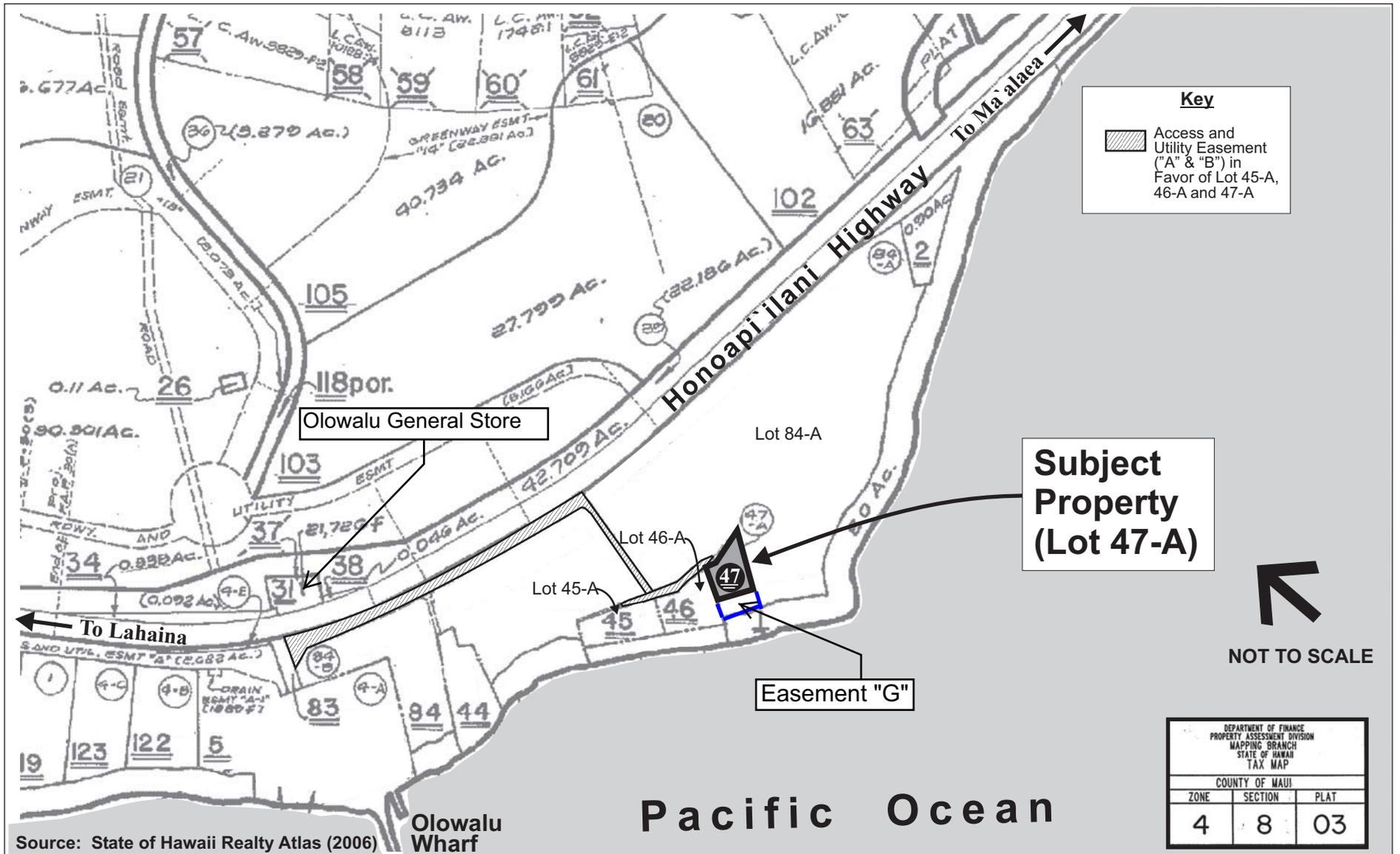
Xamanek Researches, Archaeological Inventory Survey of Makai Portion of Olowalu Development Parcel L (Phase II), Olowalu Ahupua`a, Lahaina District, Maui Island, July 23, 1999 (Revised February 2, 2000).

FIGURES

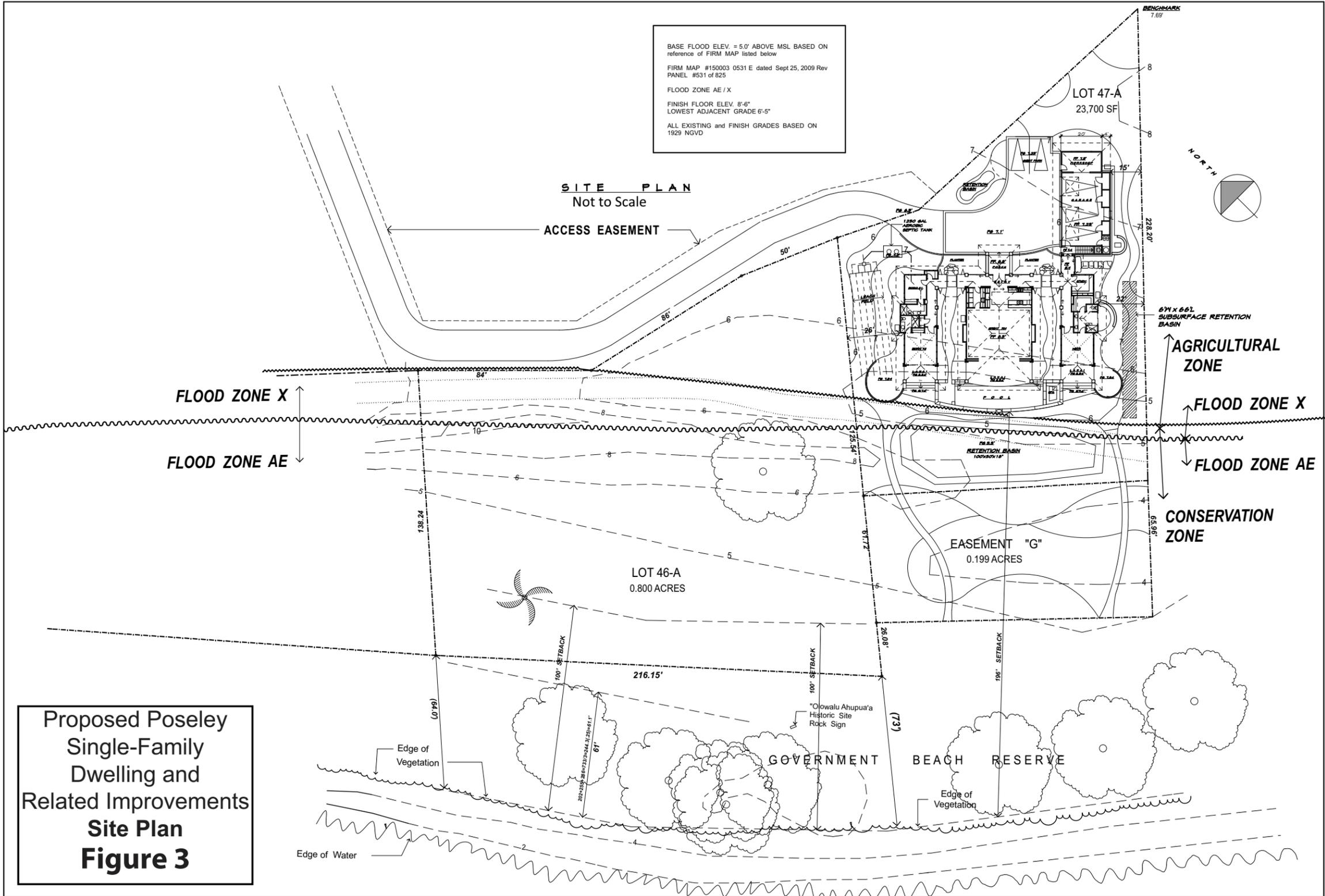


Proposed Poseley Single-Family Residence and Related Improvements
 Regional Location Map

Figure 1



Proposed Poseley Single-Family Residence and Related Improvements
 Site Location Map
Figure 2



BASE FLOOD ELEV. = 5.0' ABOVE MSL BASED ON
reference of FIRM MAP listed below
FIRM MAP #150003 0531 E dated Sept 25, 2009 Rev
PANEL #531 of 825
FLOOD ZONE AE / X
FINISH FLOOR ELEV. 8'-6"
LOWEST ADJACENT GRADE 6'-5"
ALL EXISTING and FINISH GRADES BASED ON
1929 NGVD

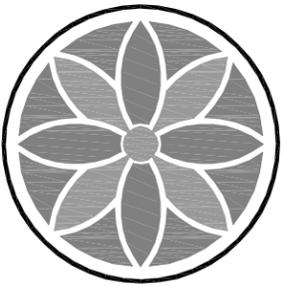
**Proposed Poseley
Single-Family
Dwelling and
Related Improvements
Site Plan
Figure 3**

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PROJECT WILL BE UNDER MY OBSERVATION
Supervision of construction to be as defined in
Section 1-2, Chapter 10, Title VII, Professional and
Vocational Licensing Division, Department of
Regulatory Agencies, State of Hawaii.

RICHARD S. YOUNG - ARCHITECT
HC-1 BOX 185, KAUNAKAKAI, MOLOKAI, HAWAII 96748

POSELEY RESIDENCE
DOUG and DONNA POSELEY
CLOWALLU, MAUI, HAWAII
TMK 4-8-03-05 & 47 PORTIONS

DATE 10-2-10
APP'D 25-07
A-1



**MAXWELL
DESIGN GROUP**
LANDSCAPE ARCHITECTURE
PLANNING

2670 Wai Wai Place
Kihei, Maui, HI 96753
Office: 808-891-0629
Fax: 808-891-1869

Email: mdghawaii@gmail.com
www.landscapearchitect.net

PREPARED FOR:

**POSELEY
RESIDENCE**

OWALU, MAUI, HAWAII
TMK 4-8-003:47
& 84 PORTIONS

SHEET TITLE

LANDSCAPE
PLANTING
PLAN

REVISIONS

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| | | | |
| | | | |
| | | | |
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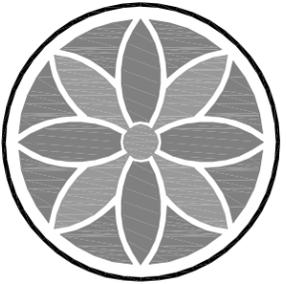
JOB NUMBER 4735 DATE 2011-04-11

DESIGNED BY BPM CHECKED BY BPM

SHEET SCALE
1"=30'



Proposed Poseley Single-Family Dwelling and Related Improvements
Planting Plan
Figure 4a



**MAXWELL
DESIGN GROUP**
LANDSCAPE ARCHITECTURE
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2670 Wai Wai Place
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Office: 808-891-0629
Fax: 808-891-1869

Email: mdghawaii@gmail.com
www.landscapearchitect.net

PREPARED FOR:

**POSELEY
RESIDENCE**

OLOWALU, MAUI, HAWAII
TMK 4-8-003:47
& 84 PORTIONS

SHEET TITLE

LANDSCAPE
PLANTING
PLAN

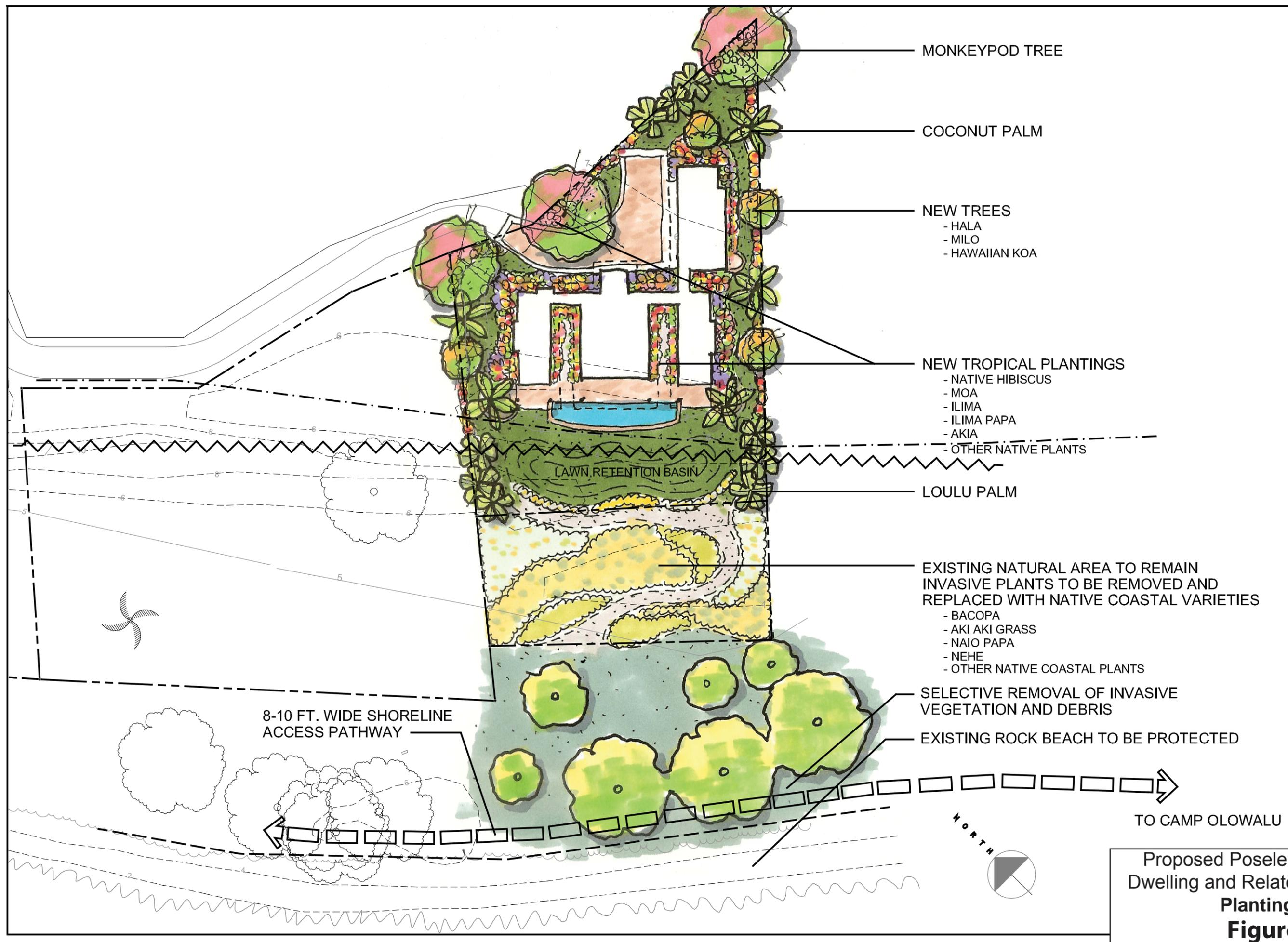
REVISIONS

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| 1 | | | |
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| | | | |

JOB NUMBER: 4735 DATE: 2011-04-11

DESIGNED BY: BPM CHECKED BY: BPM

SHEET SCALE
1"=30'



MONKEYPOD TREE

COCONUT PALM

NEW TREES
- HALA
- MILO
- HAWAIIAN KOA

NEW TROPICAL PLANTINGS
- NATIVE HIBISCUS
- MOA
- ILIMA
- ILIMA PAPA
- AKIA
- OTHER NATIVE PLANTS

LOULU PALM

EXISTING NATURAL AREA TO REMAIN
INVASIVE PLANTS TO BE REMOVED AND
REPLACED WITH NATIVE COASTAL VARIETIES
- BACOPA
- AKI AKI GRASS
- NAI O PAPA
- NEHE
- OTHER NATIVE COASTAL PLANTS

SELECTIVE REMOVAL OF INVASIVE
VEGETATION AND DEBRIS

EXISTING ROCK BEACH TO BE PROTECTED

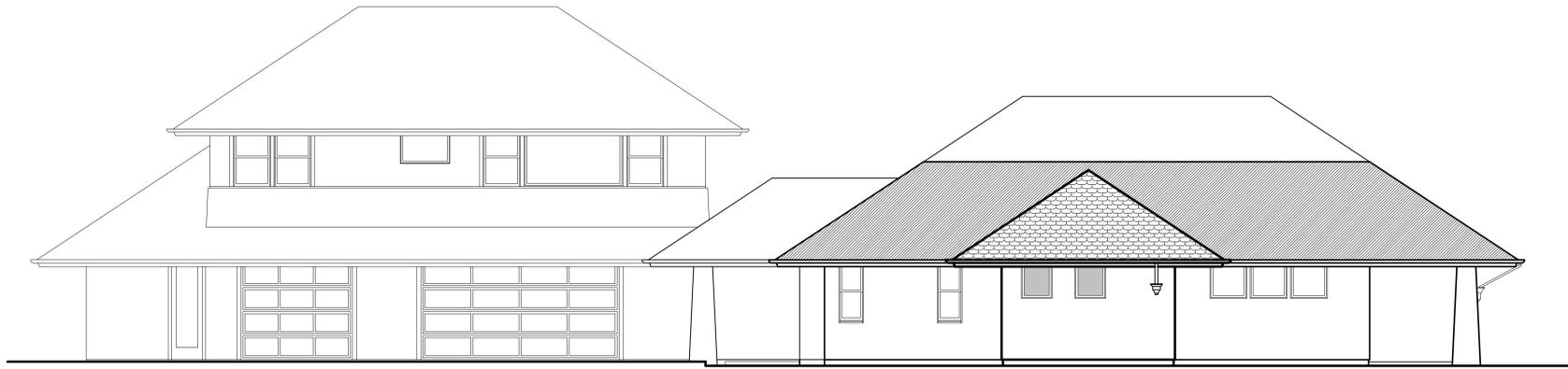
8-10 FT. WIDE SHORELINE
ACCESS PATHWAY

LAWN RETENTION BASIN



TO CAMP OLOWALU

Proposed Poseley Single-Family Dwelling and Related Improvements
Planting Plan
Figure 4b

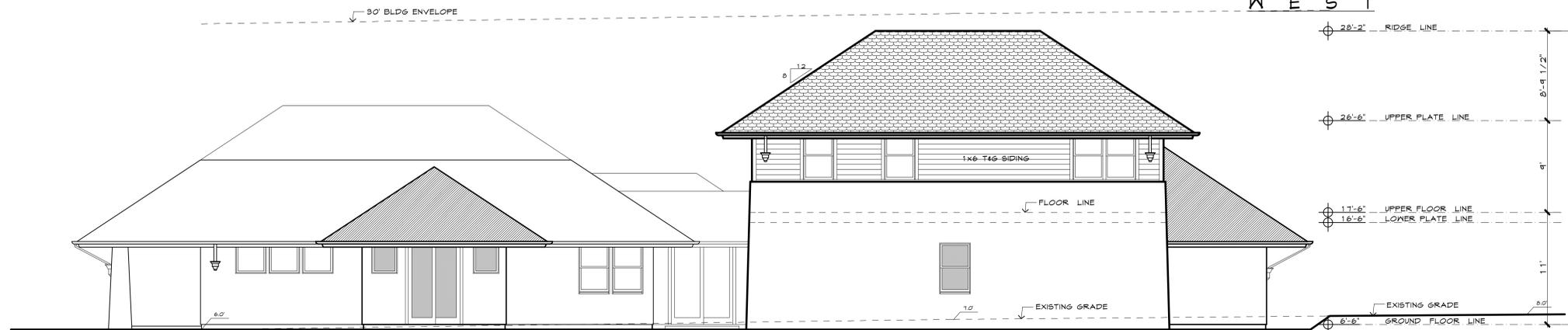


N O R T H

- MATERIALS:
- ROOF: "Fire-Free" SHAKES
 - FASCIA: PAINTED CEDAR
 - GUTTER: COPPER
 - WALLS: NATURAL CUT CORAL COLUMNS
SUTCOO
1x6 T&G CEDAR SIDING
 - WINDOWS: MILGARD "Ultra" - SAND COLOR W/ Gray Glass
 - DOORS: African Mahogany



N E S T



S O U T H
3/16" = 1'-0"

NOT TO SCALE



E A S T

Proposed Poseley Single-Family Dwelling and
Related Improvements
Elevations
Figure 5



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RICHARD S. YOUNG - ARCHITECT

HC-1 BOX 185, KAUNAKAKAI, MOLOKAI, HAWAII 96748

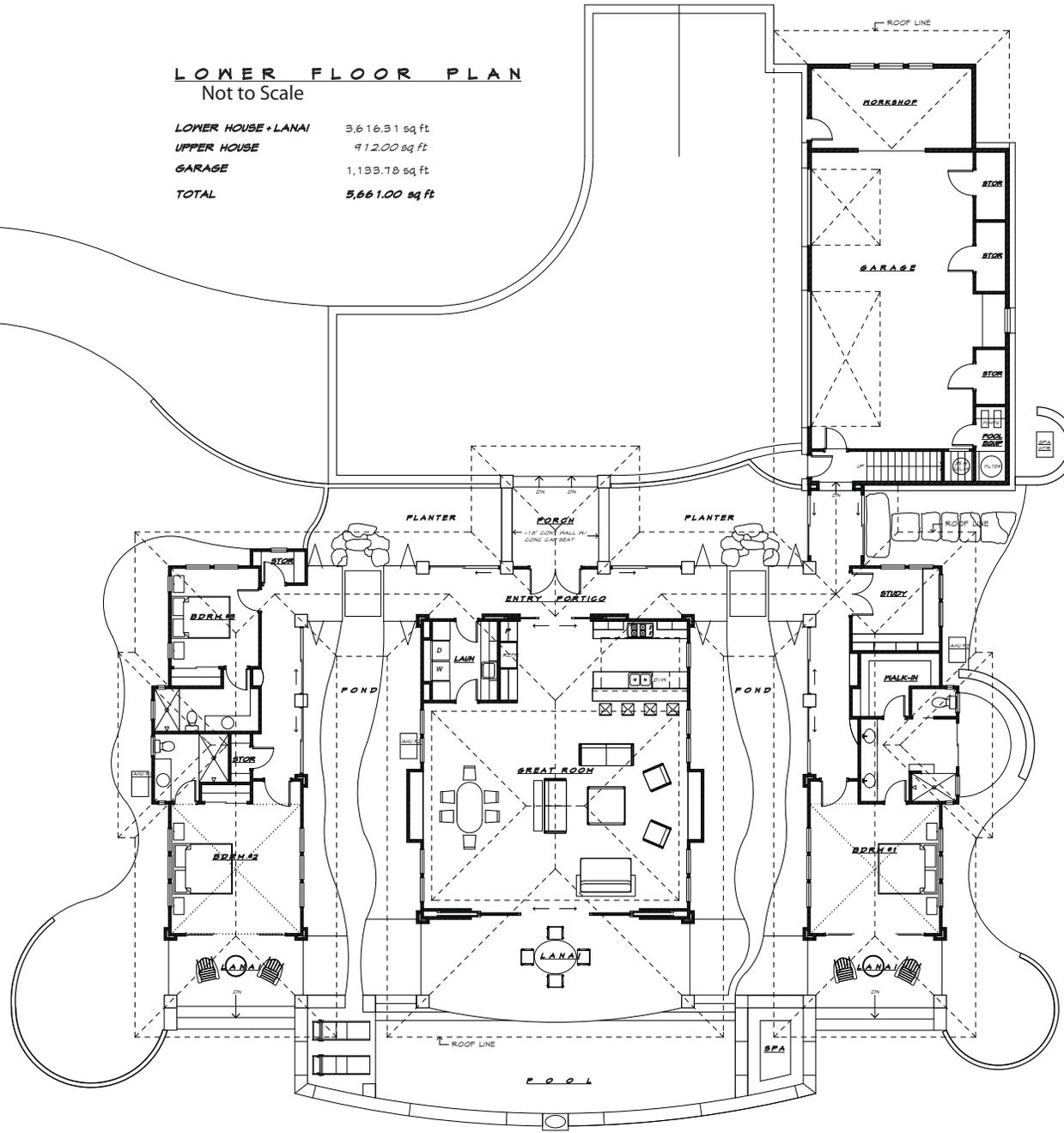
POSELEY RESIDENCE

DOUG and DONNA POSELEY
OLOVALU, MAUI, HAWAII
TMK 4-8-03:05 & 47 PORTIONS

DATE 11-6-07
JOB NO. 03-05
SHEET
A-5

LOWER FLOOR PLAN
Not to Scale

| | |
|----------------------------|-----------------------|
| LOWER HOUSE + LANAI | 3,616.31 sq ft |
| UPPER HOUSE | 912.00 sq ft |
| GARAGE | 1,133.78 sq ft |
| TOTAL | 5,661.00 sq ft |



Proposed Poseley
Single-Family Dwelling
and
Related Improvements
Lower Floor Plan
Figure 6



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RICHARD S. YOUNG - ARCHITECT

HC-1 BOX 105, KAUNAKAKAI, MOLOKAI, HAWAII 96748

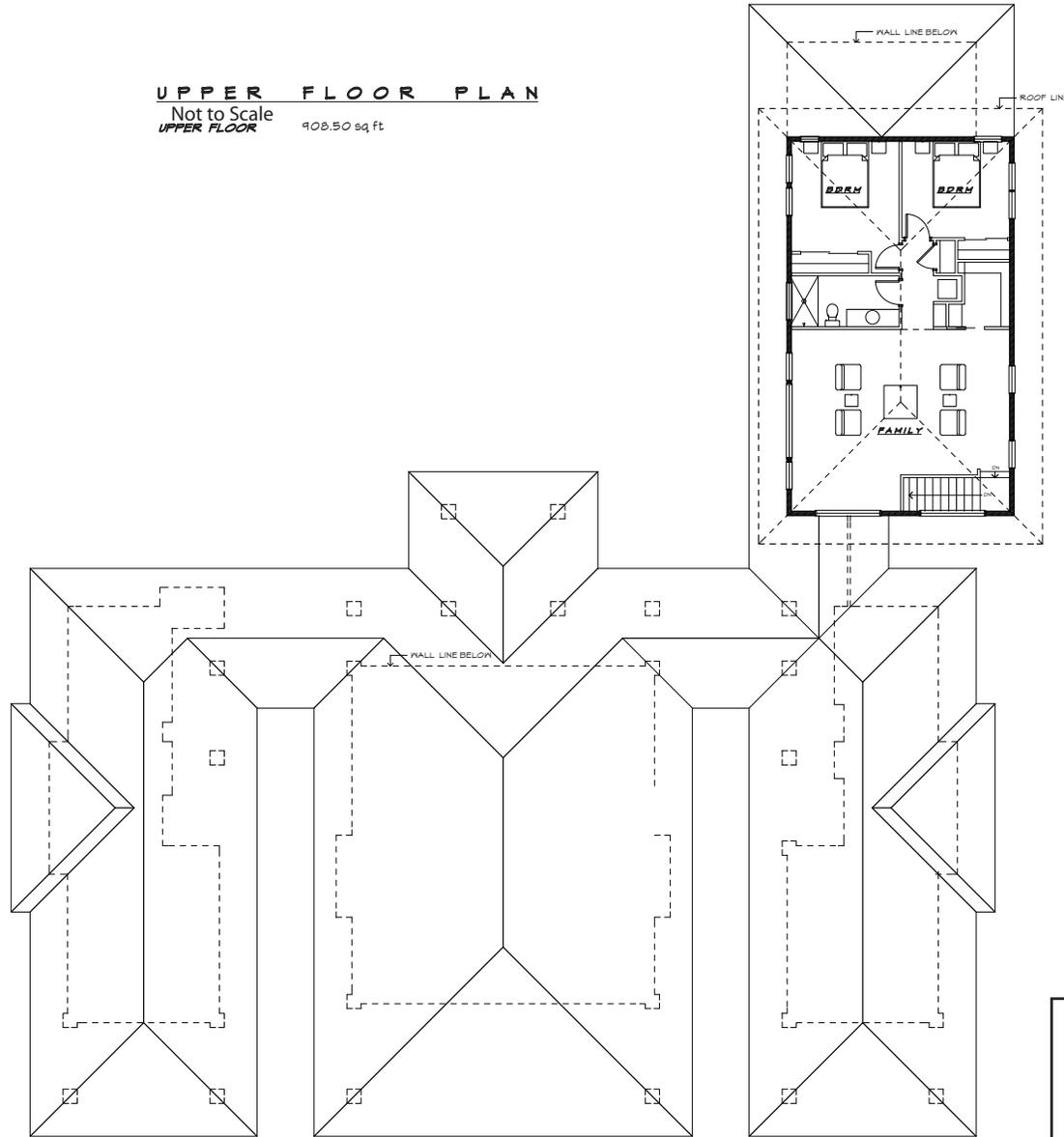
POSELEY RESIDENCE

DOUG and DONNA POSELEY
OLONALU, MAUI, HAWAII
TMK 4-8-03-05 4 47 PORTIONS

DATE 10-1-10
PROJECT 03-05
SHEET **A - 2**

UPPER FLOOR PLAN

Not to Scale
UPPER FLOOR 908.50 sq. ft.



Proposed Poseley Single-Family Dwelling and Related Improvements
Upper Floor Plan
Figure 7



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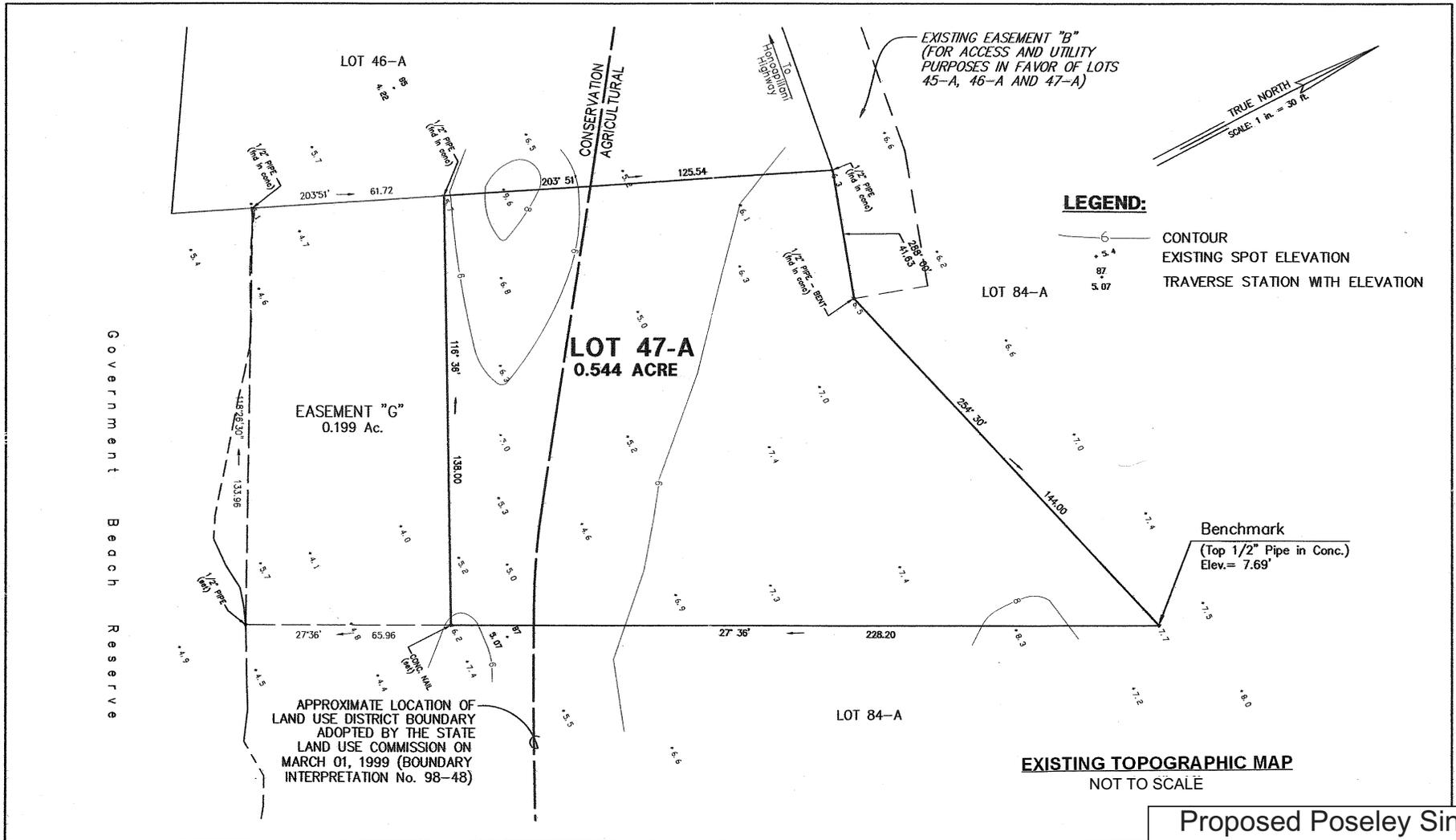
RICHARD S. YOUNG - ARCHITECT

HC-1 BOX 185, KAUNAKAKAI, MOLOKAI, HAWAII 96748

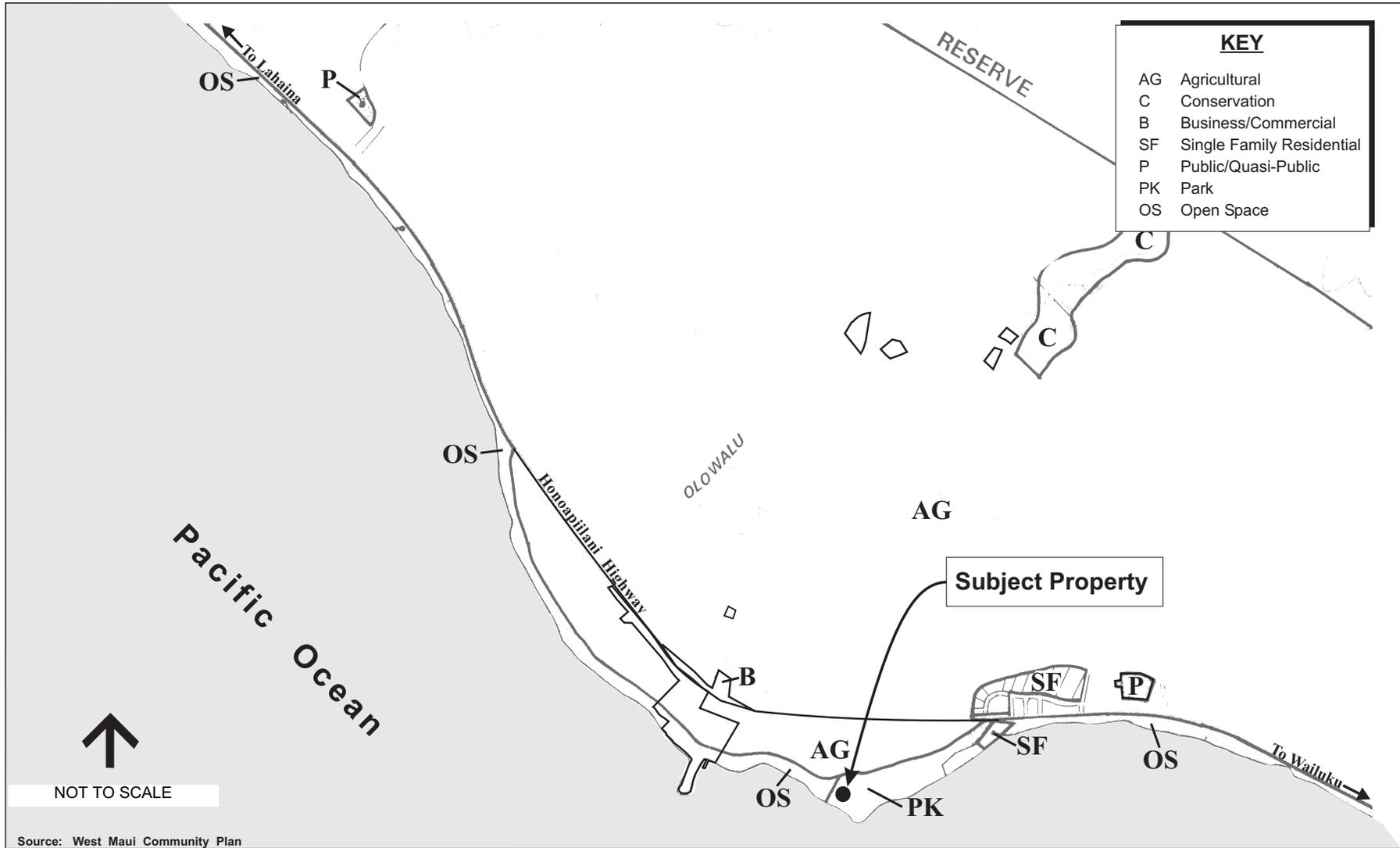
POSELEY RESIDENCE

DOUG and DONNA POSELEY
OLONALU, MAUI, HAWAII
TMK 4-8-03-05 4 47 PORTIONS

| | |
|---------|--------------|
| DATE | 10-1-10 |
| PROJECT | 03-05 |
| SHEET | A - 3 |



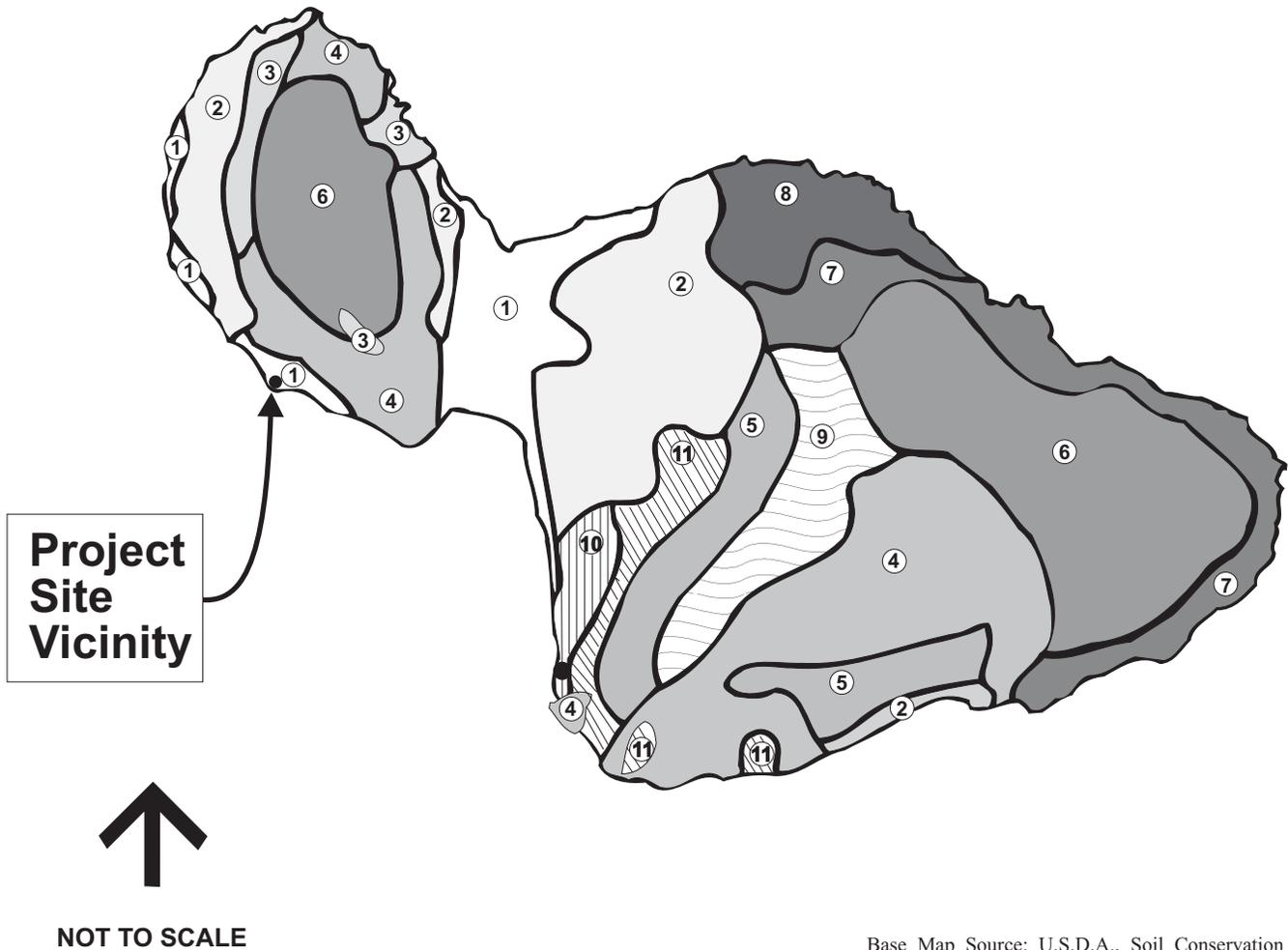
Proposed Poseley Single-Family Dwelling and Related Improvements
 Topographic Survey Map
Figure 8



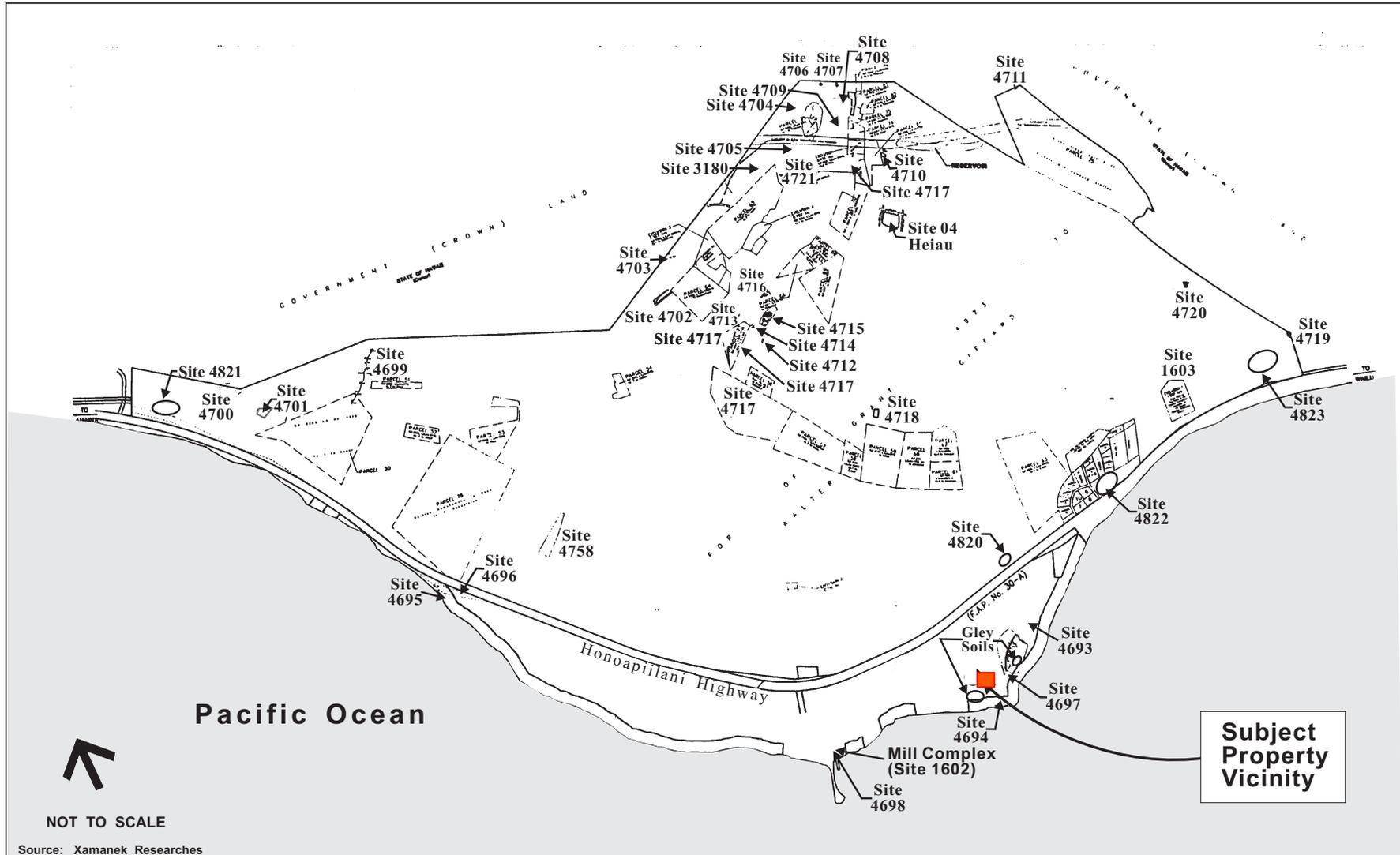
Proposed Poseley Single-Family Residence and Related Improvements
 West Maui Community Plan Land Use Designations Map
Figure 9

LEGEND

- | | |
|--|-------------------------------------|
| ① Pulehu-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 | |



Proposed Poseley Single-Family
Residence and Related Improvements
Soil Association Map
Figure 10



Proposed Poseley Single-Family Residence and Related Improvements
 Location of Archaeological Sites

Figure 13



Source: Hawai'i Coastal Geology Group

**Proposed Poseley Single-Family Residence and
Related Improvements
Aerial Photograph - Olowalu Vicinity (6/1/07)
Figure 14**



Proposed Poseley Single-Family Dwelling
and Related Improvements
**Aerial Photo with Approximate Location
of Government Beach Reserve**
Figure 15

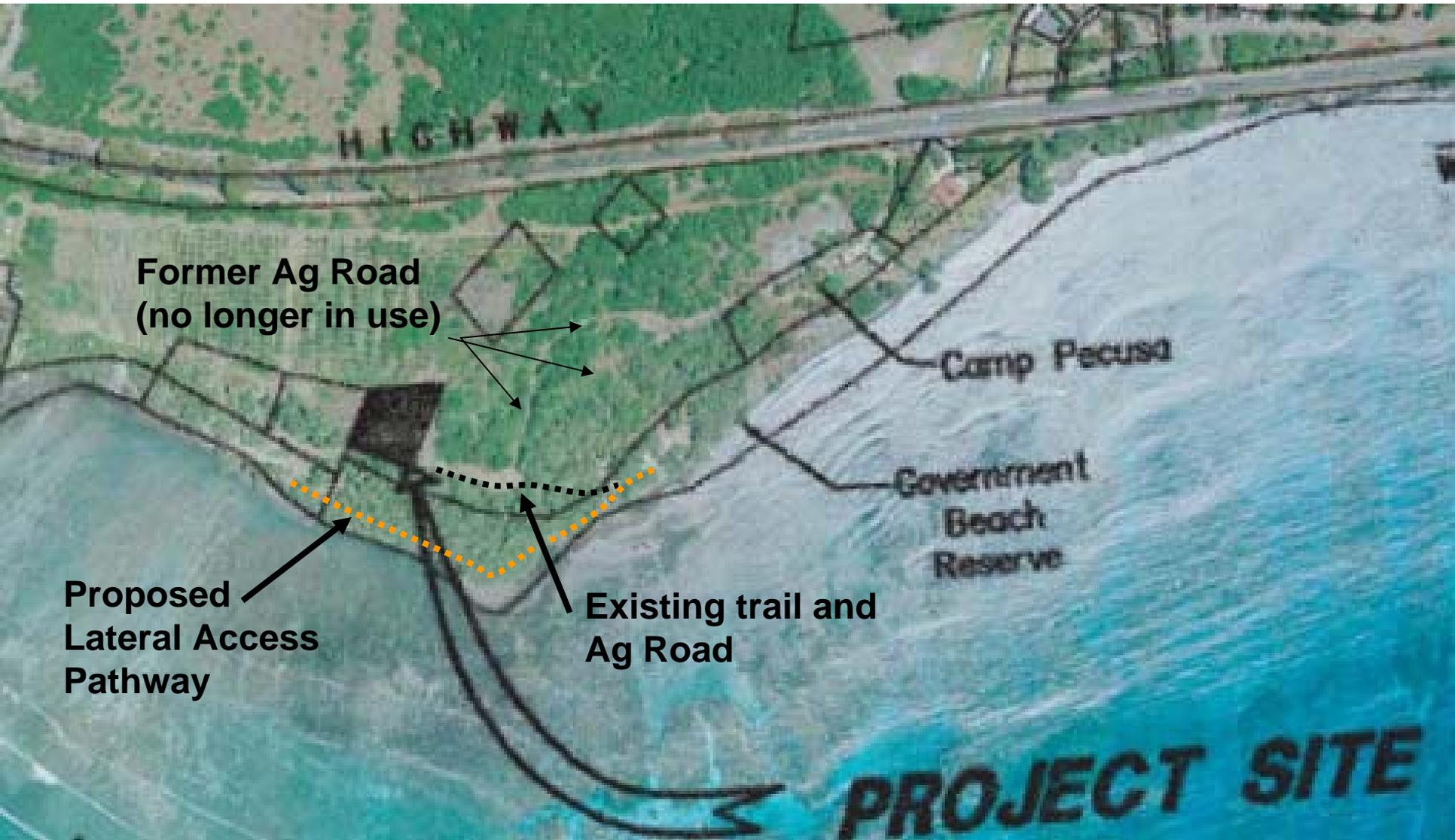


Figure 15a – Proposed lateral access pathway



Note: This is an architectural depiction and is not intended to reflect proposed landscape plans.

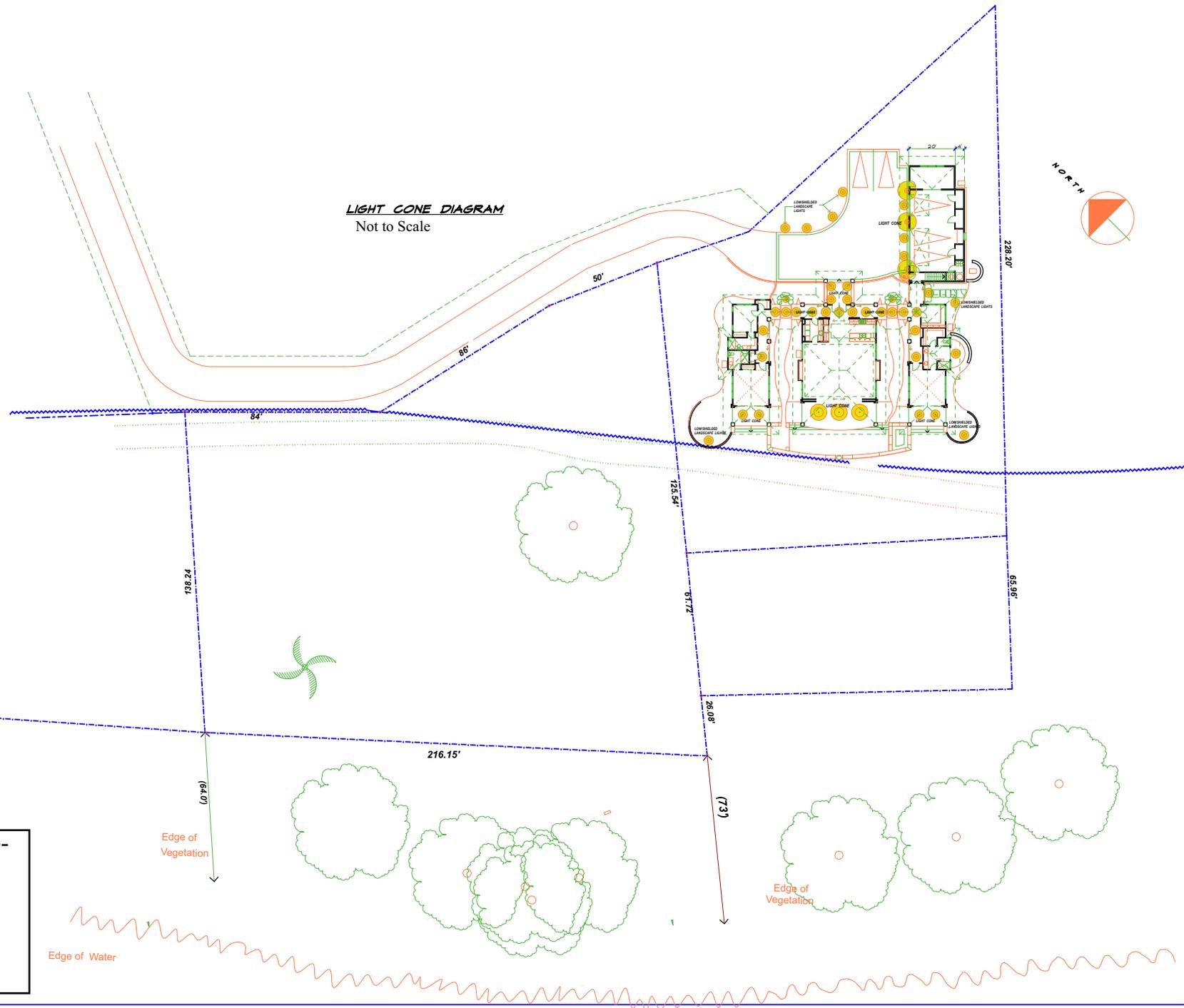
Proposed Poseley Single-Family Dwelling
and
Related Improvements
3-D Image
Simulated View From Shoreline Vicinity
Figure 16



Note: This is an architectural depiction and is not intended to reflect proposed landscape plans.

Proposed Poseley Single-Family Dwelling
and
Related Improvements
3-D Image
Simulated View From Highway Vicinity
Figure 17

LIGHT CONE DIAGRAM
Not to Scale



Proposed Poseley Single-Family Dwelling and Related Improvements
Light Cones
Figure 18

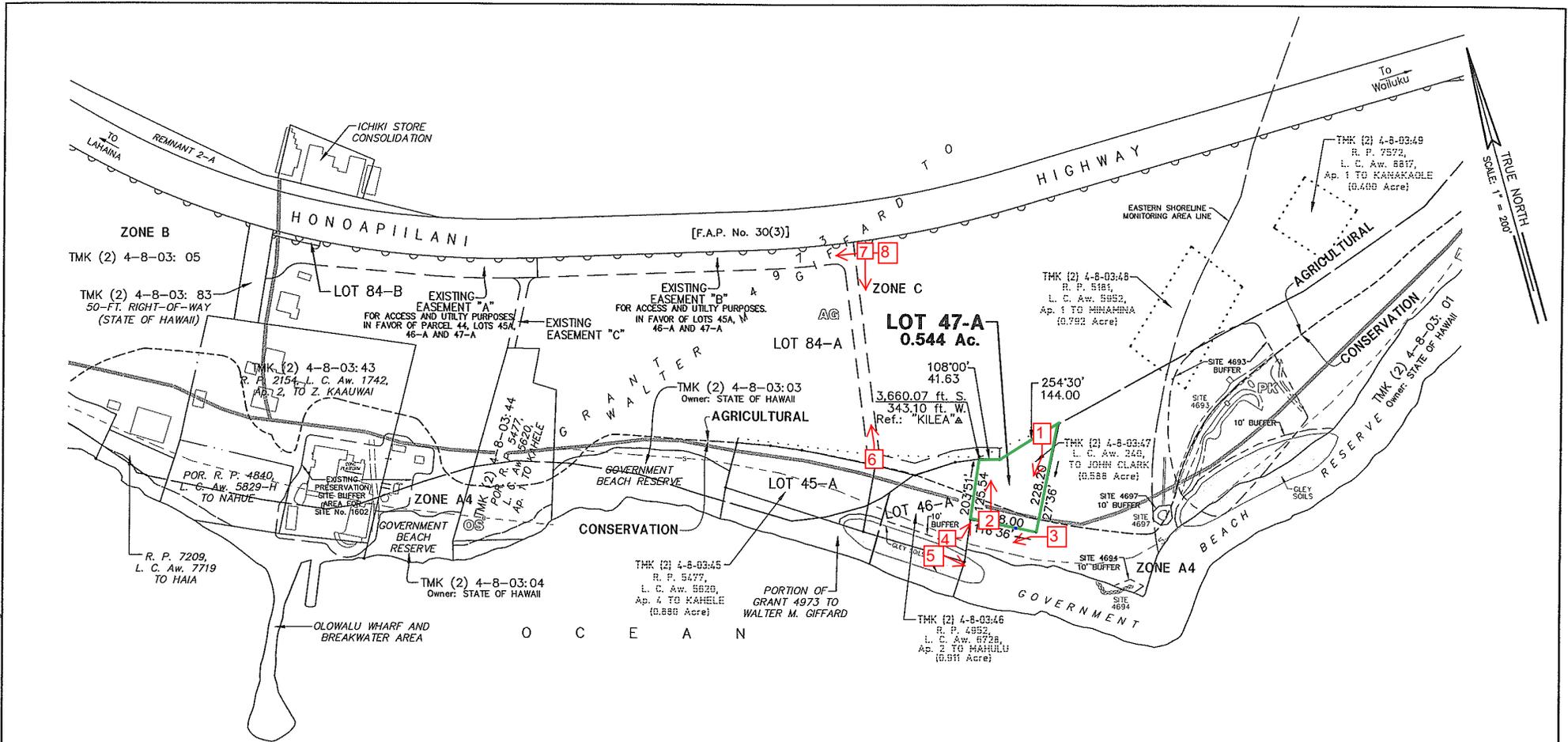
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION, CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION. Supervision of construction to be as defined in Section 1-2, Chapter 10, Title VII, Professional and Vocational Licensing Division, Department of Regulatory Agencies, State of Hawaii.

RICHARD S. YOUNG - ARCHITECT
HC-1 BOX 185, KAUNAKAKAI, MOLOKAI, HAWAII 96748

POSELEY RESIDENCE
DOUG and DONNA POSELEY
OLOMALU, MAUI, HAWAII
TMK 4-8-03-05147 PORTIONS

DATE: 10-2-10
SCALE: AS SHOWN

APPENDIX A
Site Photographs



**PLAT MAP SHOWING
LOT 47-A
OLOWALU MAKAI-HIKINA SUBDIVISION
AT OLOWALU, LAHAINA, MAUI, HAWAII**

LEGEND:
 - - - STATE LAND USE COMMISSION BOUNDARY SEPARATING CONSERVATION LANDS FROM AGRICULTURAL LANDS. TAKEN FROM L.U.C. BOUNDARY INTERPRETATION No. 98-48 CERTIFIED BY THE L.U.C. ON MARCH 01, 1999.
 - - - WEST MAUI COMMUNITY PLAN DESIGNATION BOUNDARY LINE BETWEEN AGRICULTURAL (AG), SINGLE FAMILY (SF), PARK (PK) AND OPEN SPACE (OS).
 - - - BASE FLOOD CONTOUR
 - - - LINE SEPARATING FLOOD ZONES

Tax Map Key (2) 4-8-03: 47
 871 KOLU STREET, SUITE 201
 WAILUKU, MAUI, HAWAII 96793

R. T. TANAKA ENGINEERS, INC.
 LAND SURVEYORS - CIVIL & STRUCTURAL ENGINEERS

APPENDIX A
 Site Photos Key
 Proposed Poseley
 Single-Family Residence

C:\1998\98-59\LOT47A_MAKAI-HIKINA-SUBB.dwg



Photo 1: Makai View Across Property



Photo 2: Mauka View Across Property



Photo 3: Makai View across Easement "G"



Photo 4: Mauka View Across Easement "G"



Photo 5: Southeastern View along coastline



Photo 6: Mauka View along access and utility easement



Photo 7: Makai View from Honoapiʻilani Highway along easement



Photo 8: Westerly view along access and utility easement

APPENDIX B

Approval Letters From:
Department of Land & Natural
Resources (DLNR)
State Historic Preservation (SHPD)



STATE OF HAWAII

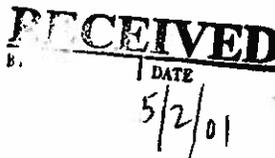
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

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

April 16, 2001

Mr. Robert Horcajo
Olowalu Elua Associates, LLC
173 Ho'ohana Street, Suite 201
Kahului, Hawai'i 96732



LOG NO: 27285 ✓
DOC NO: 0103MK08

Dear Mr. Horcajo,

**SUBJECT: Review of Archaeological Mitigation and Preservation Plan
the Makai Portion
Olowalu Ahupua'a, Lahaina District, Maui
TMK 4-8-3:1, 3, 4, 5, 6, 33, 41-49, 83 & 84**

Thank you for the opportunity to review this combined mitigation and preservation plan which our staff received on January 25, 2001 (Olowalu Elua Associates, LLC, 2001, *Archaeological Mitigation & Preservation Plan, Makai Portion (Phase I) Olowalu Ahupua'a, Lahaina District, Maui Island, TMK 4-8-3:1, 3, 4, 5, 6, 33, 41-49, 83 & 84*)...Olowalu Elua Associates, LLC ms.

The preservation plan includes six sites recommended for in-place preservation -- Site 4693, consisting of burials and a subsurface archaeological deposit outside of the burial area (burials covered under a separate preservation plan), Site 4694 (a wall structure on the subject parcel and on State Beach Reserve Land), Site 4697 (subsurface archaeological deposit), Site 4698 (subsurface archaeological deposit) and Site 1602 (the Olowalu Mill Complex), and the gleyed soils.

Interim protection of the sites will be provided by placement of temporary fencing along the buffer edge where construction may occur. This will be in place for any sites where construction will occur within one hundred feet (100'). Construction supervisors will be notified as to the nature and location of the site through written and verbal notice. This is acceptable, but the plan needs minor revision to include a statement saying that once the fences are in place our Division will be contacted, and our Division will then verify in writing that the interim protection measures are in place.

Long term preservation will consist of boundary markers along the outer edge of the buffer zones. Buffer zones vary on each site (10 feet for Sites 4694, 4697, and 4693, 30 feet for Site 1602). This is acceptable.

Mr. Robert Horcajo
Page 2

Public Access for Site 4694 is along Beach Reserve access, and has no limitations. Access to Site 1602, the mill area, will be during daylight hours seven days a week. Access issues are not applicable for Sites 4697, and 4698, subsurface deposits. This part of the plan is acceptable.

Maintenance measures are applicable for Site 4693 (detailed in burial treatment plan) and 1602 (flush cut trees, native plants in an area that will not damage the structure). All maintenance is the responsibility of Olowalu Elua Associates, LLC.

Signage as indicated in the preservation plan consists of the State Site Number, the ahupua'a, moku, and island, and function. A brief description/explanation of each site is also included on each sign. Signs conclude with citation of appropriate statutes. The heading and text of some signs do need revision. Please see the attachment.

Archaeological monitoring will be conducted on the Eastern shoreline sand areas in case subsurface historic sites are found, allowing for their identification, documentation and appropriate treatment. The monitoring plan is acceptable.

Please make the minor revisions to the preservation plan. You can replacement pages if you wish. As always, if you disagree with our comments or have any questions, please contact our review staff as soon as possible to resolve these concerns. Should you have questions, please contact Dr. Melissa Kirkendall (Maui/Lana'i SHPD 243-5169).

Aloha,



Don Hibbard, Administrator
State Historic Preservation Division

MK:jen

Attachment

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



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

June 4, 2001

Mr. Robert Horcajo
Olowalu Elua Associates LLC
173 Ho Ohana Street, Suite 201
Kahului, Hawaii 96732

LOG NO: 27621
DOC NO: 0105MK20

Dear Mr. Horcajo:

**Subject: Historic Preservation Review of the Revised Archaeological Mitigation
and Preservation Plan Olowalu Makai Lands
Olowalu Ahupua'a, Lahaina District, Maui**

Thank you for the opportunity to review this revised plan which was sent to our office on 4 May 2001.

You have now addressed the concerns in our initial review (Log No. 27285, Doc. No. 0103MK08).

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

Aloha,

Nathan Napier

for DON HIBBARD, Administrator
State Historic Preservation Division

MK:amk

- 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

RECEIVED
BY _____ DATE _____

6/4/01

APPENDIX C
Preliminary Engineering and Drainage Report

PRELIMINARY
CIVIL ENGINEERING AND DRAINAGE REPORT
FOR
PROPOSED RESIDENCE

LOT 47-A

OLOWALU MAKAI-HIKINA SUBDIVISION

LAHAINA, MAUI, HAWAII

TAX MAP KEY: (2) 4-8-03:47

PREPARED FOR:

**MR. DOUGLAS POSELEY
P. O. BOX 10772
LAHAINA, HI 96761**

PREPARED BY:



CIVIL ENGINEERING • LAND SURVEYING • CONSTRUCTION MANAGEMENT & INSPECTIONAL SERVICES

**871 KOLU STREET, SUITE 201
WAILUKU, MAUI, HAWAII - 96793
JOB 05-021**

**DECEMBER 2007
REVISED: JANUARY 9, 2008**

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- III. LOCATION
- IV. ACCESS
- V. EXISTING SOILS AND TOPOGRAPHY
- VI. WASTEWATER SYSTEM
- VII. WATER SYSTEM
- VIII. DRAINAGE
 - A. GENERAL
 - B. FLOODING HAZARD
 - C. EXISTING DRAINAGE CONDITIONS
 - D. STORM RUNOFF QUANTITIES
 - E. CONCEPTUAL DRAINAGE PLAN
 - F. CONCLUSION
- IX. GRADING REQUIREMENTS
- X. BEST MANAGEMENT PRACTICES
- XI. CONSTRUCTION PLAN APPROVALS
- XII. REFERENCES
- XIII. APPENDIX A - PRELIMINARY DRAINAGE CALCULATIONS
- XIV. FIGURES
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 - FIGURE 3 - ACCESS PLAN
 - FIGURE 4 - SOILS MAP

FIGURE 5 - FLOOD MAP

FIGURE 6 - EXISTING TOPOGRAPHIC MAP

FIGURE 7 - SCHEMATIC SITE PLAN

I. INTRODUCTION:

The purpose of this report is to provide a brief description of the existing infrastructural and drainage conditions at the project site and vicinity. It will also provide a brief summary of probable site improvements to support the project. It will also define the requirements for grading and Best Management Practices to control soil erosion during construction.

II. PROJECT DESCRIPTION:

The proposed project entails the construction of a 2-story, 4-bedroom residence occupying a land area of about 4,750 square feet.

Related site work generally includes grading, driveway improvements, water, sewer and drainage systems. The proposed improvements are discussed in their respective sections of this report.

III. LOCATION:

The project site is located in Olowalu, a small community that lies along the shores of West Maui Mountains. It is particularly situated along the seashore about 600 feet south of Honoapiilani Highway. Refer to Figures 1, 2 and 3.

IV. ACCESS:

Regional access to the project site is primarily via Honoapiilani Highway which links West Maui to other parts of the island. The project site will be accessed from Honoapiilani Highway via a 24-foot wide access easement across Lot 84-A of Olowalu Makai-Hikina Subdivision as shown on Figure 3.

V. EXISTING SOILS AND TOPOGRAPHY:

Soils at the project site are classified as Pulehu Silt Loam, 0 to 3 percent slopes (PpA) and Jaucas Sand, 0 to 15 percent slopes (JaC) [2]. PpA occupies most of the lot area while JaC is found on a narrow strip of the southern portion of the property. Refer to Figure 4. PpA belongs to Pulehu Soil Series that consist of well-drained soils on alluvial fans and stream terraces and in basins. It is characterized by slow runoff, no more than slight erosion hazard and moderate permeability.

JaC belongs to Jaucas Soil Series which consist of excessively drained, calcareous soils that occurs as narrow strips on coastal plains adjacent to the ocean. It is characterized by rapid permeability, very slow to slow runoff, slight water erosion hazard and severe wind erosion hazard where the vegetation is removed.

The existing topography of the project parcel is shown on Figure 6. The site is currently vacant. The ground is nearly flat and is generally sloping down in a southerly direction towards the ocean at about one (1) percent.

VI. WASTEWATER SYSTEM:

There is no existing County sewer collection system in the Olowalu area. The proposed residence will be served by an individual wastewater system (IWS) consisting of a septic tank and onsite leaching field. The IWS will be designed and installed in accordance with the requirements of the State Department of Health, Wastewater Branch. Location of the proposed IWS is schematically shown on Figure 7.

Based on the Department of Health Guidelines, the proposed four (4) bedroom residence must have a septic tank of at least 1,000 gallons capacity. The absorption area (leaching field) is based upon a flow of 200 gallons per bedroom per day and depends on the percolation rate (minutes per one inch) of the existing soil. Hence, the soil percolation rate must be determined before the design of the IWS.

VII. WATER SYSTEM:

There is no existing County water system in the vicinity that could serve the proposed project.

Water requirements for the proposed residence is planned to be provided by Olowalu Water Company, LLC, a private entity that is currently providing potable water to users in Olowalu such as the Olowalu Mauka Subdivision.

VIII. DRAINAGE:

A. General:

The preliminary Drainage Study, in general, is based on the requirements, formulas, charts and tables of the Rules of the Design of Storm Drainage Facilities of the County of Maui [1] hereinafter referred to as County Drainage Standards.

B. Flooding Hazard:

The site is located within Flood Zones “C” and A4 as plotted on Panel 15003-0229B of the Flood Insurance Rate Map for the County of Maui. Refer to Figure 5.

Zone "A4", which occupies a narrow strip of the southern portion of the lot, are areas of 100-year flooding. The established base flood elevation at the vicinity of the site is 5 feet. The remainder of the site falls under Zone "C" where the potential of flooding is minimal.

C. Existing Drainage Conditions:

At present, surface runoff from the site generally flows in a southwesterly direction to discharge into the shoreline area. There is no man-made drainage facilities at the site or immediate vicinity.

D. Storm Runoff Quantities:

Hydrologic calculations are given in Appendix A - Preliminary Drainage Calculations. Based on the County Drainage Standards, the 10-year, 1-hour storm is used for surface runoff rates while the 50-year, 1-hour duration is used for the design of retention basin.

Based on the preliminary drainage calculations, the proposed project is anticipated to increase the existing 10-year runoff rate of 0.6 cfs to 1.0 cfs and the existing 50-year runoff volume of 1,486 cf to 2,574 cf, an increase of about 0.4 cfs and 1,118 cf, respectively. The runoff increases are due mainly to the introduction of impervious surfaces.

E. Conceptual Drainage Plan:

The proposed drainage plan is primarily to impound onsite the expected runoff volume increase as a result of the proposed project. This will be attained by the construction of a retention basin which will be sized at a minimum to contain the 50-year runoff volume increase. The basin could be open-cut grassed lined or subsurface (perforated pipes with rock

envelope buried underground) depending on the available space within the site. Preliminarily, a subsurface retention basin is proposed and schematically laid out on Figure 7. A conceptual section of the proposed basin is shown in Appendix A.

F. Conclusion:

The proposed project will increase the existing storm runoff mainly due to addition of impervious surfaces such as concrete slabs and roofs. Despite the increase of runoff, the proposed residential development is not anticipated to have adverse significant drainage effects on adjacent and downstream properties. The proposed retention basin will retain the runoff increase onsite resulting in zero runoff increase to downstream properties. The proposed retention basin will also have the effect of reducing the potential for sediments contained in the runoff from entering the nearby seashore.

IX. GRADING REQUIREMENTS:

The site will be graded to properly receive the proposed improvements. Site grading will be in conformance with the applicable requirements of Chapter 20.08, Soil Erosion and Sedimentation of the Maui County Code. A grading and grubbing permit must be obtained from the Development Services Administration prior to grading and grubbing work. Along with the Grading and Best Management Practices (BMPs) plans, the following are to be submitted for grading permit application:

1. Verification if a coastal dune exists on the property by a Coastal Scientist.
Grading of coastal dune is prohibited.
2. Copy of SMA permit. All construction related conditions of the SMA permit shall be included in the grading plans.
3. Limits of shoreline setback area as determined by the Department of Planning. The importation and placement of soil within the shoreline area is prohibited.

X. BEST MANAGEMENT PRACTICES:

Requirements for the temporary control of soil erosion and dust during site improvement will be outlined and shown on the design construction plans. Some of the requirements will be as follows:

1. Control dust by means of water trucks or by installing temporary sprinkler systems or both if necessary.
2. Graded areas shall be thoroughly watered after construction activity has ceased for the day and for weekends and holidays.
3. All exposed areas shall be paved, grassed, or permanently landscaped as soon as finished grading is completed.
4. Storm runoff will be diverted away from graded areas to natural and/or existing drainageways during construction by means of sand bag berms or lined temporary swales.
5. Time of construction will be minimized.
6. Only areas that are needed for new improvements will be cleared.
7. Early construction of drainage control features.

8. Construction of drainage basin prior to mass grading of project site. Drainage basin will be temporarily utilized as sediment catchment during construction. Storm runoff from construction area will be diverted to the basin.
9. Installation of dust control fence surrounding the project site.
10. Installation of silt fence, gravel bag berms or other approved sediment trapping devices at the downstream side of the grading area.
11. Temporary control measures shall be in place and functional prior to construction and shall remain operational throughout the construction period or until permanent controls are in place.

The Contractor will also be required to submit a satisfactory soil erosion control plan to minimize soil erosion prior to an issuance of a grubbing and grading permit by the Development Services Administration. Best Management Practices shall be in compliance with Section 20.08.035 of the Maui County Code (Ord. No. 2684) and "Construction Best Management Practices (BMPs) for the County of Maui" of the Department of Public Works & Waste Management, May 2001.

XI. CONSTRUCTION PLAN APPROVALS:

Approval of construction plans for site development of the proposed project will be obtained from the Development Services Administration, Department of Public Works; Fire Prevention Bureau; Department of Planning; and State Department of Health, Wastewater Branch. The various improvements

will be designed in compliance with the applicable requirements of these governmental agencies.

XII. REFERENCES:

1. Rules for the Design of Storm Drainage Facilities in the County of Maui, Title MC-15, Department of Public Works and Waste Management, County of Maui, Chapter 4.
2. Soil Survey of Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii, prepared by U. S. Department of Agriculture, Soil Conservation Service, August 1972.
3. Flood Insurance Rate Maps for the County of Maui, June 1981.
4. Rainfall-Frequency Atlas of the Hawaiian Islands, Technical Paper No. 43, U. S. Department of Commerce, Weather Bureau, 1962.
5. Erosion and Sediment Control Guide for Hawaii, prepared by U. S. Department of Agriculture, Soil Conservation Service, March 1981.
6. Construction Best Management Practices (BMPs) for the County of Maui, Dept. of Public Works and Waste Management, County of Maui, May 2001.

APPENDIX A

PRELIMINARY DRAINAGE CALCULATIONS
PROPOSED RESIDENCE
LOT 47-A
OLOWALU MAKAI-HIKINA SUBDIVISION
TMK: (2) 4-8-03:47
DECEMBER 2007

GENERAL

I. Reference: Rules for the Design of Storm Drainage Facilities in the County of Maui, November 12, 1995

II. Hydrologic Criteria:

A. 10-Year, 1-Hour: for surface flow runoff rate

1-Hr. Rainfall Value = 2.0"

B. 50-Year, 1-Hour: for storm runoff volumes

1-Hr. Rainfall Value = 2.5"

III. Runoff Quantity:

A. Methodology:

1. Rational Method, $Q = CIA$

Where Q = Flow rate in cubic feet per second (cfs)

C = Runoff Coefficient

I = Rainfall intensity in inches per hour for a duration equal to the time of concentration

A = Drainage Area in Acres

= 0.544 Acs.

Hydrologic calculations employing this method were performed on computer using hydrologic software "Hydraflow Hydrographs 2004" by Intelisolve. The Standard Rational Method is used to calculate runoff

peak discharges while the Modified Rational Method is employed to determine runoff volumes.

B. Runoff Coefficient, C:

C Values:

Unimproved = 0.30

Impervious Areas (Roofs, Conc., etc.) = 0.95

Lawn (Developed) = 0.17

1. Existing Condition:

C = 0.30

2. Developed Condition:

Impervious = 0.25 Ac.

Lawn = 0.29 Ac.

$$C_w = \frac{0.25 \times 0.95 + 0.29 \times 0.17}{0.54}$$

= 0.53

C. Time of Concentration, TC:

Length = 160 ft.

Slope = 1.0%

Tc = 18 min. (Average Grass, Existing)

= 5 min. (Paved, Developed)

D. Runoff Discharge:

Refer to attached Hydrograph Calculations. The proposed project is anticipated to increase the storm runoff as follows:

10-Year Storm Runoff Peak Rate:

Existing = 0.6 cfs (Hyd. No. 1)

Developed = 1.0 cfs (Hyd. No. 2)

Increase = 0.4 cfs

50-Year Storm Runoff Volume:

Existing = 1,456 cf (Hyd. No. 3)

Developed = 2,574 cf (Hyd. No. 4)

Increase = 1,118 cf (Min. Volume to be retained onsite in order not to increase existing runoff volume)

IV. SUBSURFACE RETENTION BASIN:

Following the applicable guidelines of the Storm Drainage Standards, the proposed subsurface retention basins will be designed to contain, at least, the 1-hour, 50-year runoff volume increase generated by areas less than 100 acres. Furthermore, capacity of the basins will be calculated without taking into account the volume that percolates into the ground and that only 50% of void volume of the crushed rock envelopes will be included.

Section and Storage Capacity Calculations of the proposed drainage subsurface retention basin are shown on the attached drawing. Location of the proposed basin system is shown on Figure 7.

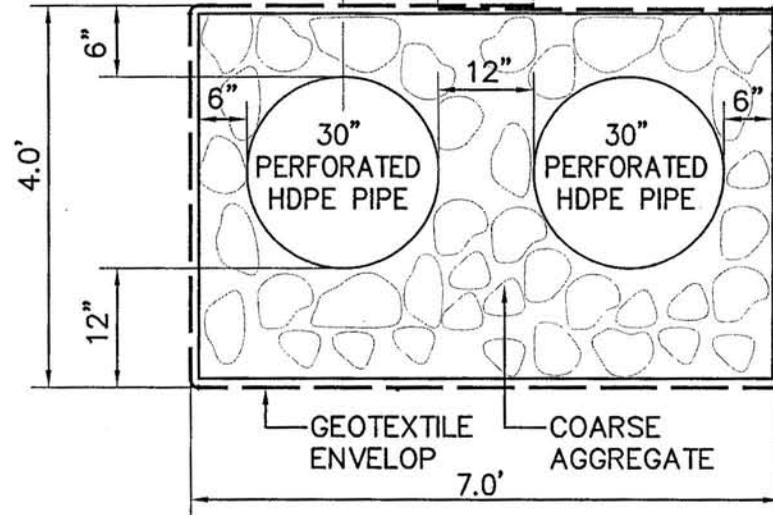
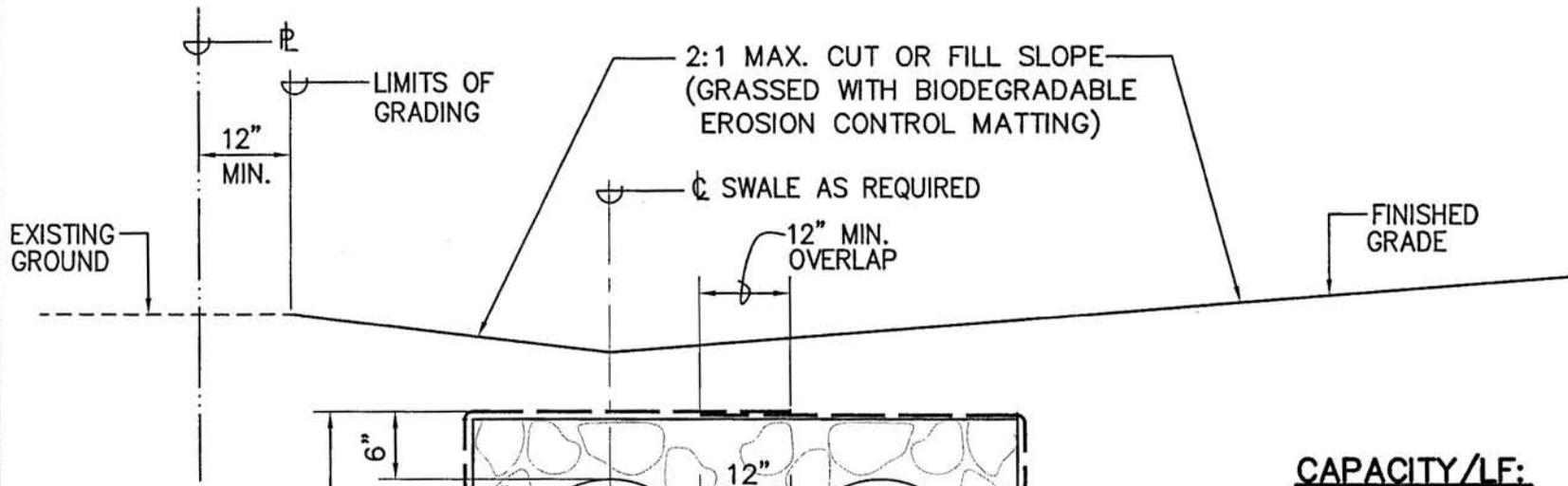
The minimum length (L) of subsurface retention basin needed for the proposed project is:

$$\text{Min. L} = \frac{V_{\text{inc}} (50\text{-Yr., 1-Hr. Storm})}{\text{Capacity/LF}}$$

$$= \frac{1,118}{13.4}$$

$$= 83 \text{ Ft.}$$

$$= 85 \text{ Ft.}$$



CAPACITY/LF:

$$\begin{aligned} \text{PIPE } V &= 2 \pi R^2 \\ &= 2 \times 3.1416 \times 1.25^2 \\ &= 9.8 \text{ C.F.} \end{aligned}$$

$$\begin{aligned} \text{ROCK ENVELOPE} &= 7 \times 4 = 28 \\ &= 28 - 9.8 \\ &= 18.2 \end{aligned}$$

$$\begin{aligned} \text{EFF. } V &= 18.2 \times 40\% \times 50\% \\ &= 3.6 \text{ C.F.} \end{aligned}$$

$$\text{TOTAL } V/LF = 13.4 \text{ C.F.}$$

DETERMINE HOLDING CAPACITY:

Stone Void Ratio = 40%

Effective Volume
of Rock envelop = 50% of Void Volume

TYPICAL SECTION - PROPOSED SUBSURFACE RETENTION BASIN

NOT TO SCALE

Hydraflow IDF Report

| Return Period (Yrs) | Equation Coefficients (FHA) | | | |
|------------------------|-----------------------------|---------|--------|-------|
| | B | D | E | (N/A) |
| 1 | 0.0000 | 0.0000 | 0.0000 | ----- |
| 2 | 0.0000 | 0.0000 | 0.0000 | ----- |
| 3 | 0.0000 | 0.0000 | 0.0000 | ----- |
| 5 | 0.0000 | 0.0000 | 0.0000 | ----- |
| 10 | 27.3279 | 9.9000 | 0.6180 | ----- |
| 25 | 0.0000 | 0.0000 | 0.0000 | ----- |
| 50 | 36.7032 | 10.6000 | 0.6330 | ----- |
| 100 | 115.2477 | 10.5000 | 0.8225 | ----- |

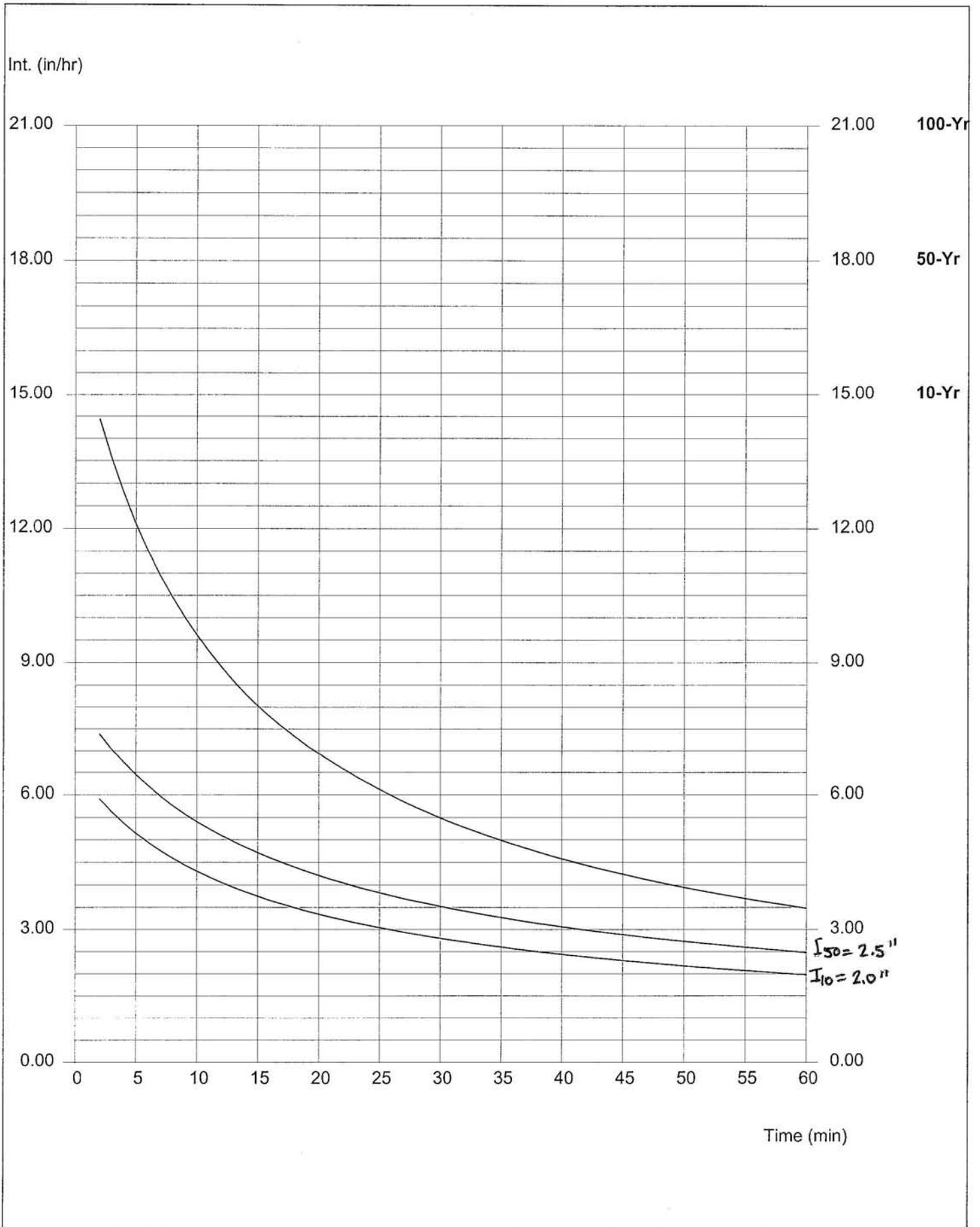
C:\Program Files\Hydraflow\Hydrographs\2004\Poseley 05021.IDF

Intensity = B / (Tc + D)^E

| Return Period (Yrs) | Intensity Values (in/hr) | | | | | | | | | | | |
|------------------------|--------------------------|------|------|------|------|------|------|------|------|------|------|------|
| | 5 min | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 |
| 1 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 3 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 5 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 10 | 5.15 | 4.30 | 3.75 | 3.35 | 3.04 | 2.80 | 2.60 | 2.44 | 2.30 | 2.18 | 2.07 | 1.98 |
| 25 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 50 | 6.45 | 5.41 | 4.71 | 4.21 | 3.83 | 3.52 | 3.27 | 3.06 | 2.88 | 2.73 | 2.60 | 2.48 |
| 100 | 12.10 | 9.61 | 8.03 | 6.93 | 6.12 | 5.49 | 4.99 | 4.58 | 4.24 | 3.95 | 3.70 | 3.48 |

Tc = time in minutes

Hydrograph IDF Curves



Hydrograph Plot

Hydraflow Hydrographs by Intelisolve

Tuesday, Dec 11 2007, 11:41 AM

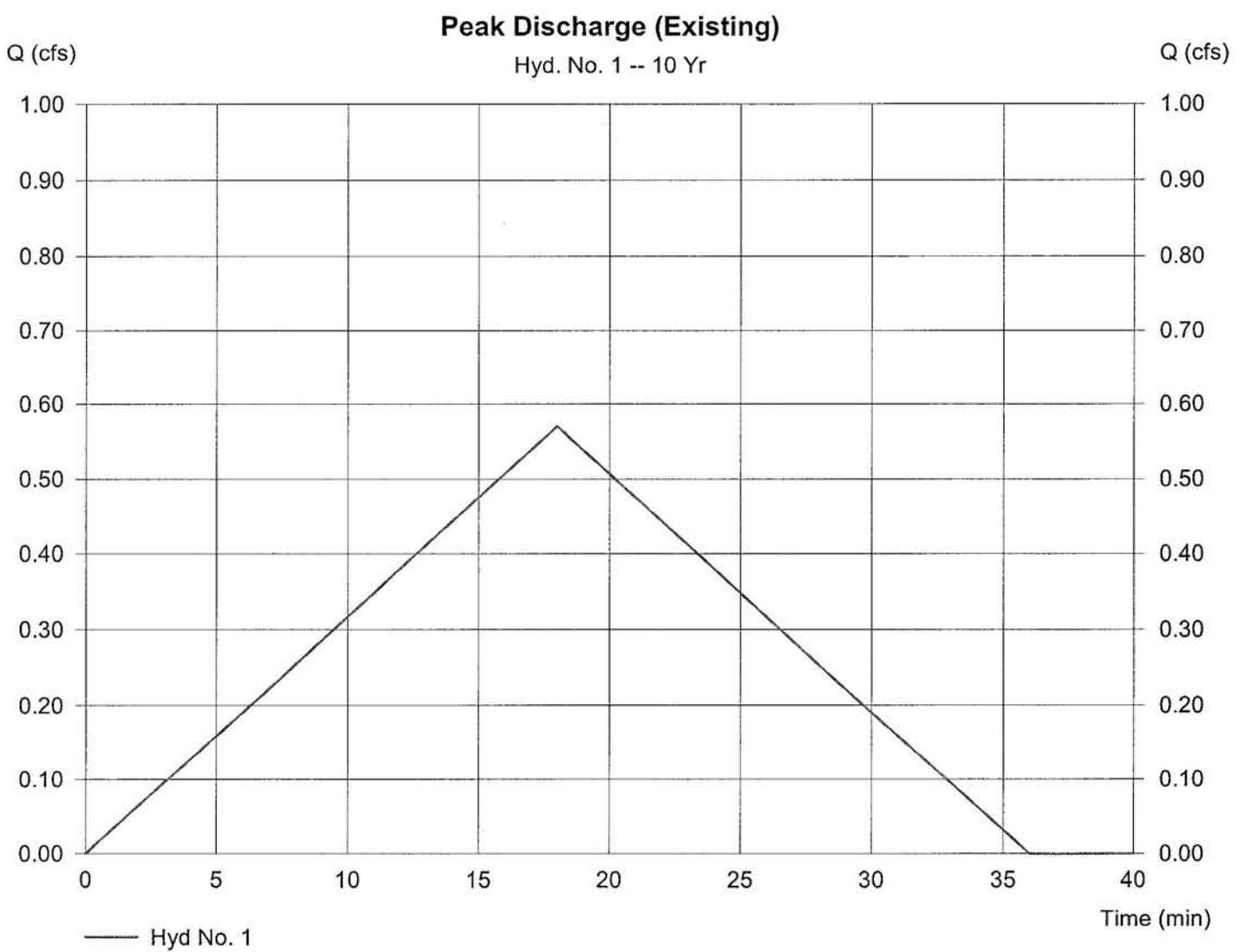
Hyd. No. 1

Peak Discharge (Existing)

Hydrograph type = Rational
Storm frequency = 10 yrs
Drainage area = 0.544 ac
Intensity = 3.493 in/hr
IDF Curve = Poseley 05021.IDF

Peak discharge = 0.57 cfs
Time interval = 1 min
Runoff coeff. = 0.3
Tc by User = 18.00 min
Asc/Rec limb fact = 1/1

Hydrograph Volume = 616 cuft



Hydrograph Plot

Hydraflow Hydrographs by Intelisolve

Tuesday, Dec 11 2007, 3:58 PM

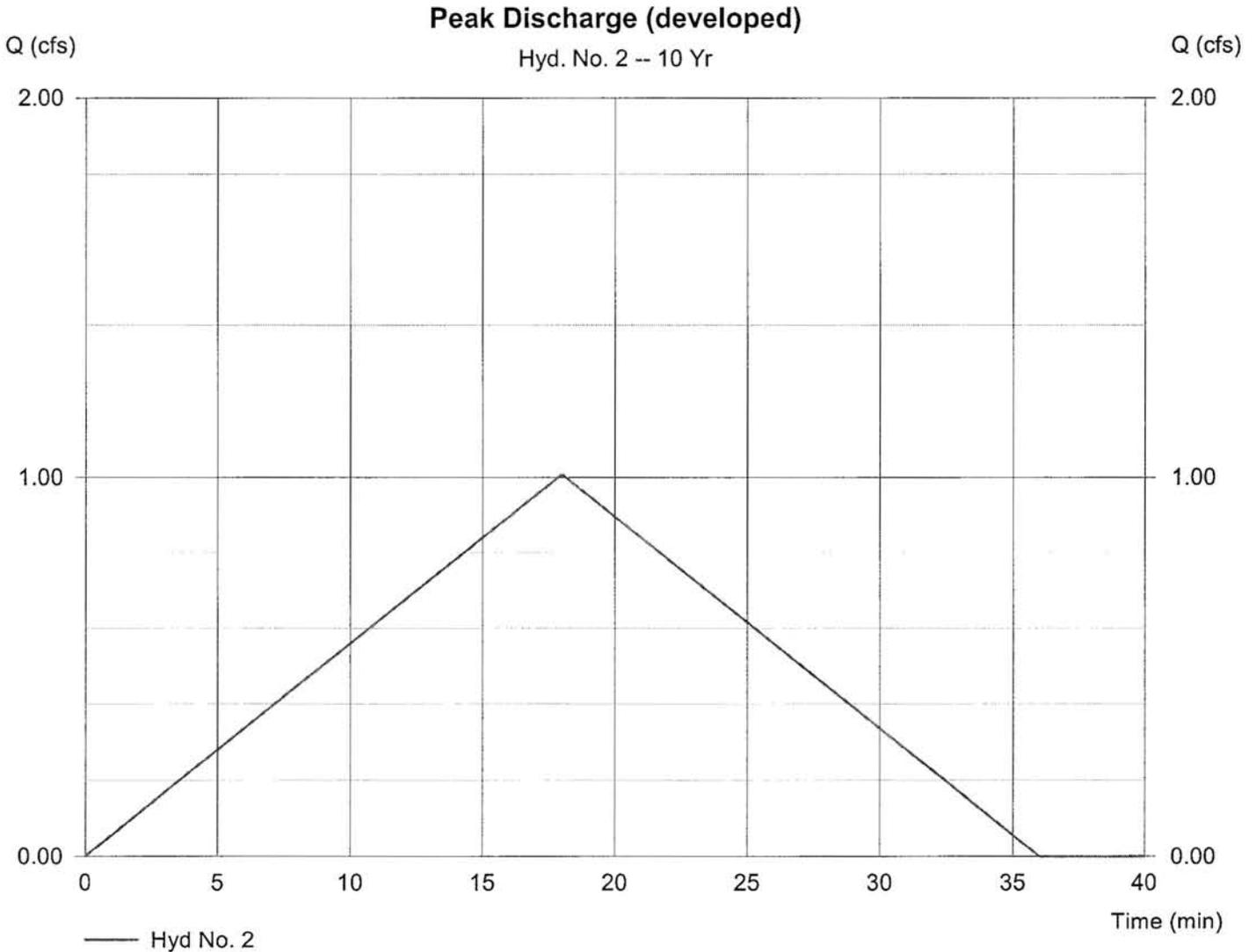
Hyd. No. 2

Peak Discharge (developed)

Hydrograph type = Rational
Storm frequency = 10 yrs
Drainage area = 0.544 ac
Intensity = 3.493 in/hr
IDF Curve = Poseley 05021.IDF

Peak discharge = 1.01 cfs
Time interval = 1 min
Runoff coeff. = 0.53
Tc by User = 18.00 min
Asc/Rec limb fact = 1/1

Hydrograph Volume = 1,088 cuft



Hydrograph Plot

Hydraflow Hydrographs by Intelisolve

Tuesday, Dec 11 2007, 3:59 PM

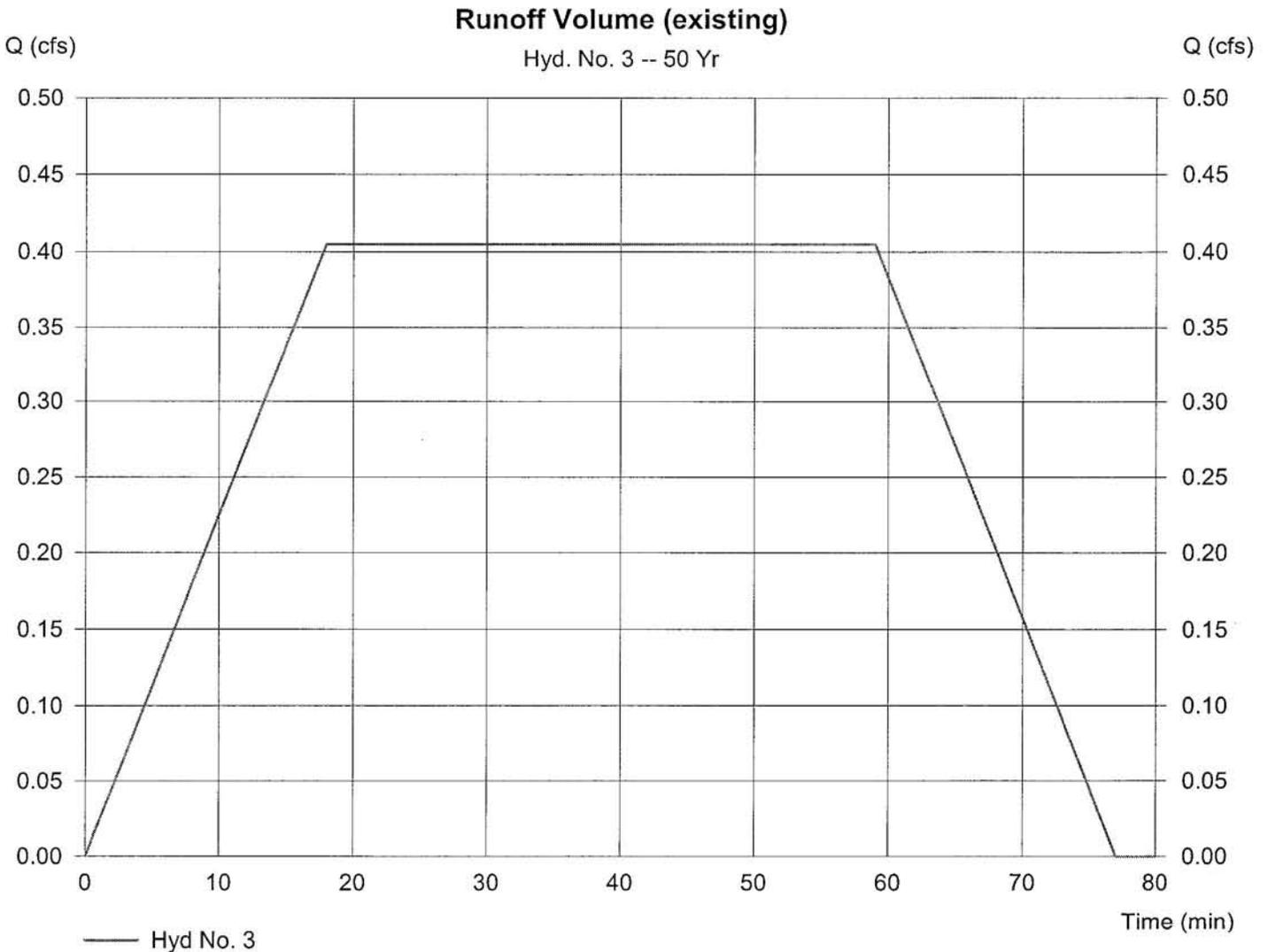
Hyd. No. 3

Runoff Volume (existing)

Hydrograph type = Mod. Rational
Storm frequency = 50 yrs
Drainage area = 0.544 ac
Intensity = 2.481 in/hr
IDF Curve = Poseley 05021.IDF

Peak discharge = 0.40 cfs
Time interval = 1 min
Runoff coeff. = 0.3
Tc by User = 18.00 min
Storm duration = 3.33 x Tc

Hydrograph Volume = 1,456 cuft



Hydrograph Plot

Hydraflow Hydrographs by Intelisolve

Tuesday, Dec 11 2007, 3:59 PM

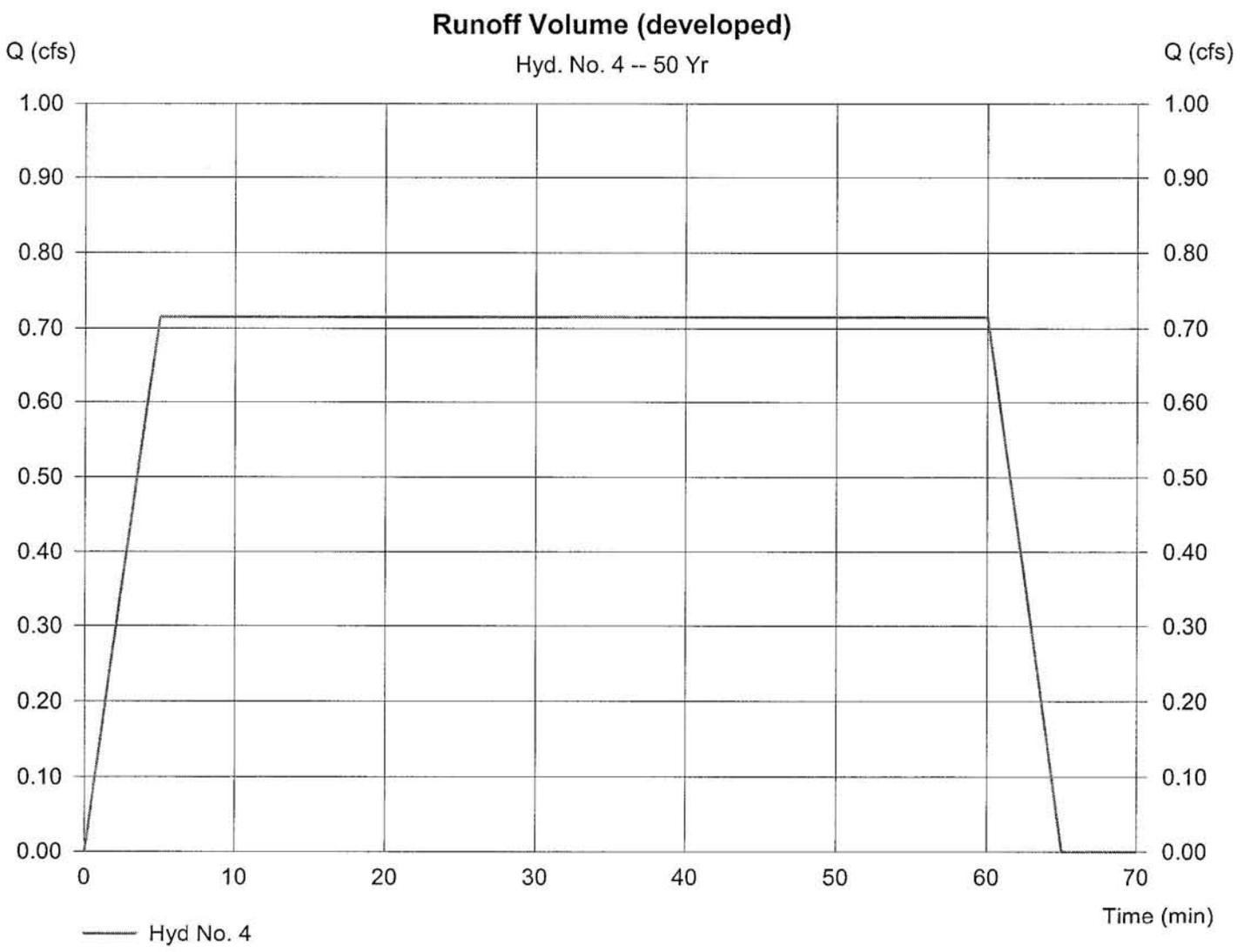
Hyd. No. 4

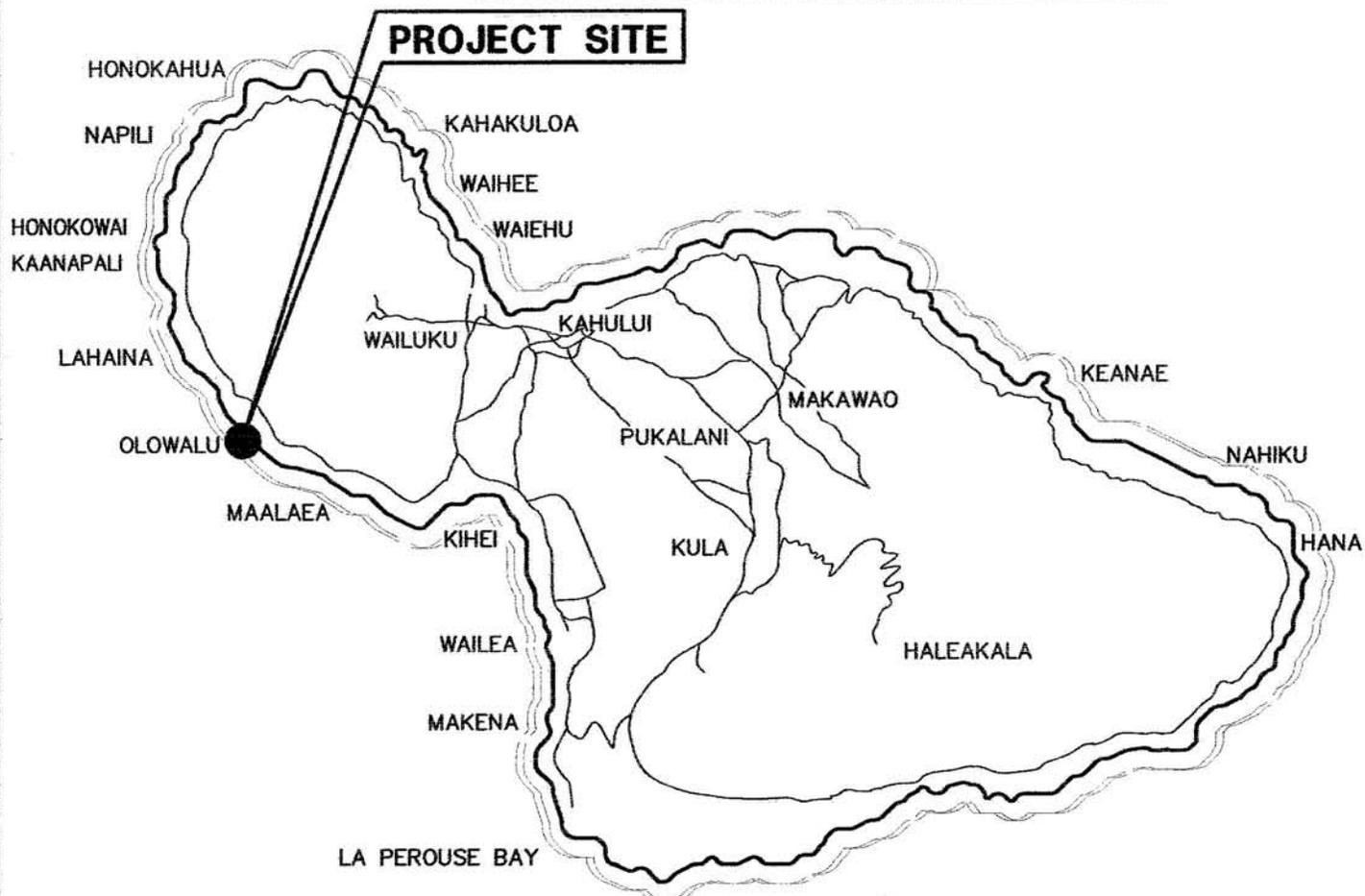
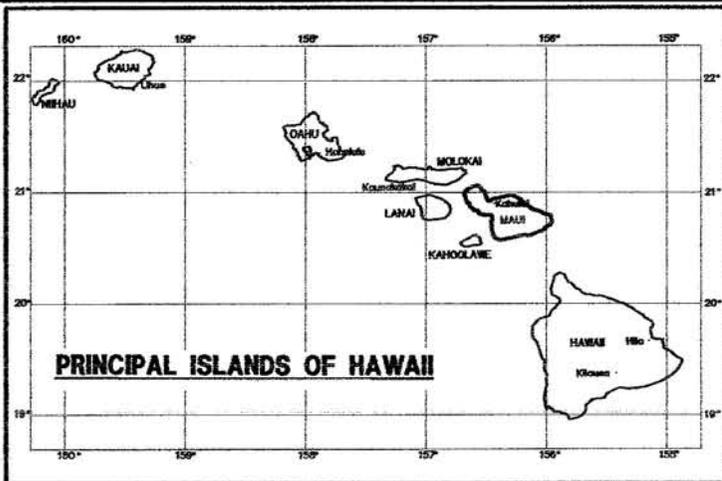
Runoff Volume (developed)

Hydrograph type = Mod. Rational
Storm frequency = 50 yrs
Drainage area = 0.544 ac
Intensity = 2.480 in/hr
IDF Curve = Poseley 05021.IDF

Peak discharge = 0.72 cfs
Time interval = 1 min
Runoff coeff. = 0.53
Tc by User = 5.00 min
Storm duration = 12 x Tc

Hydrograph Volume = 2,574 cuft



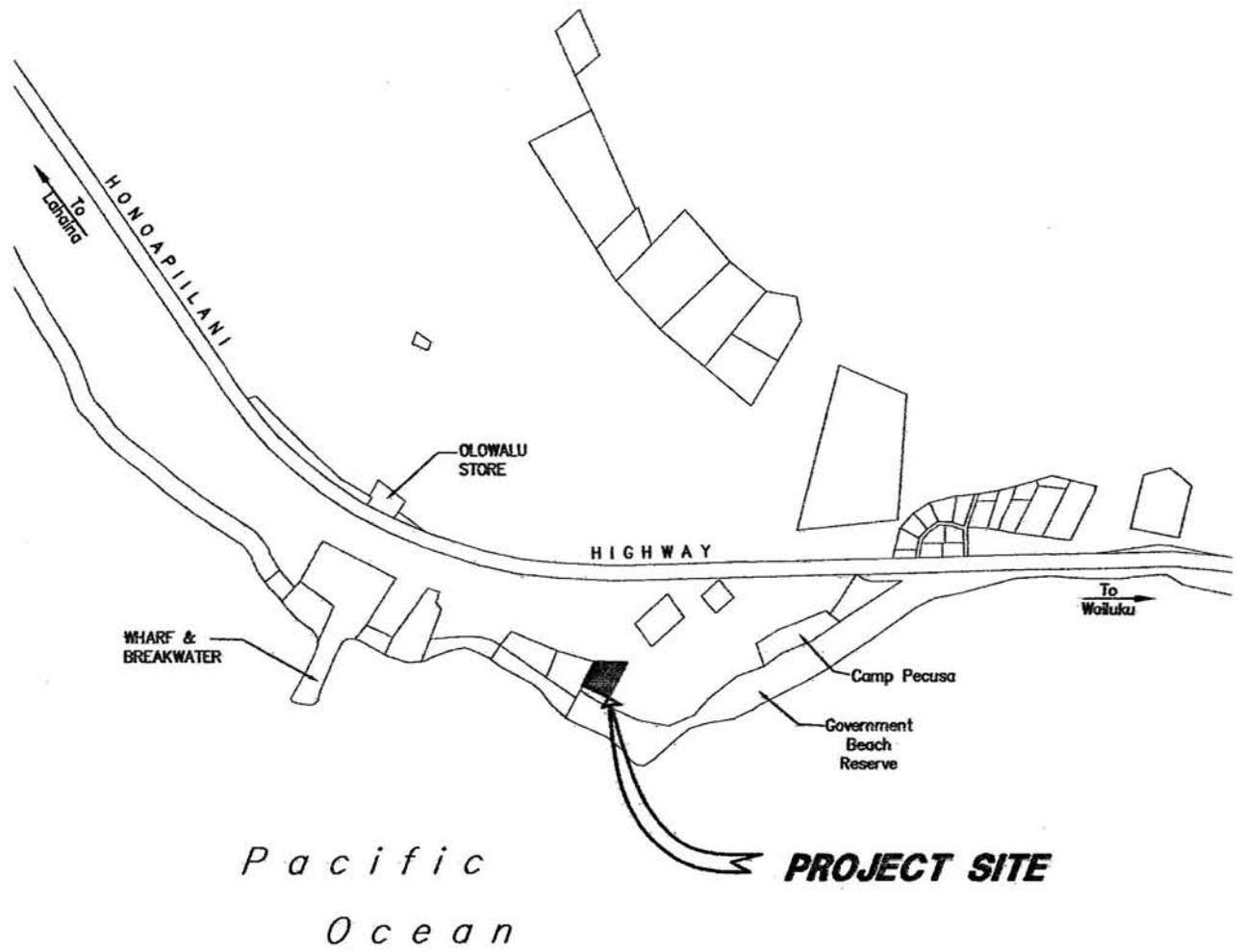


**LOCATION MAP
 ISLAND OF MAUI**

G:\2005\05-021\POSELEY_LOCATIONMAP.dwg

Tax Map Key (2) 4-8-03: 047

FIGURE 1



VICINITY MAP
NOT TO SCALE

FIGURE 2

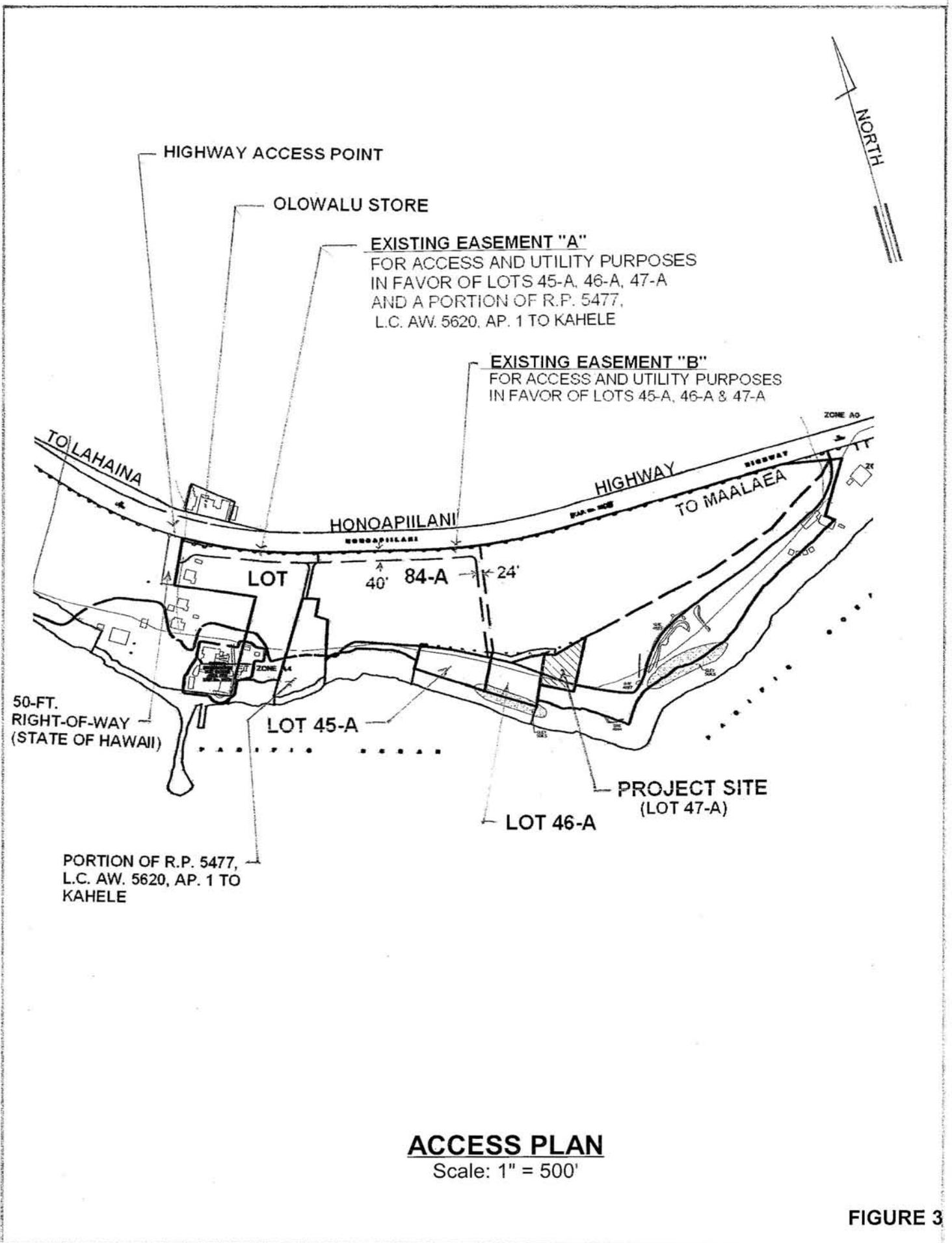
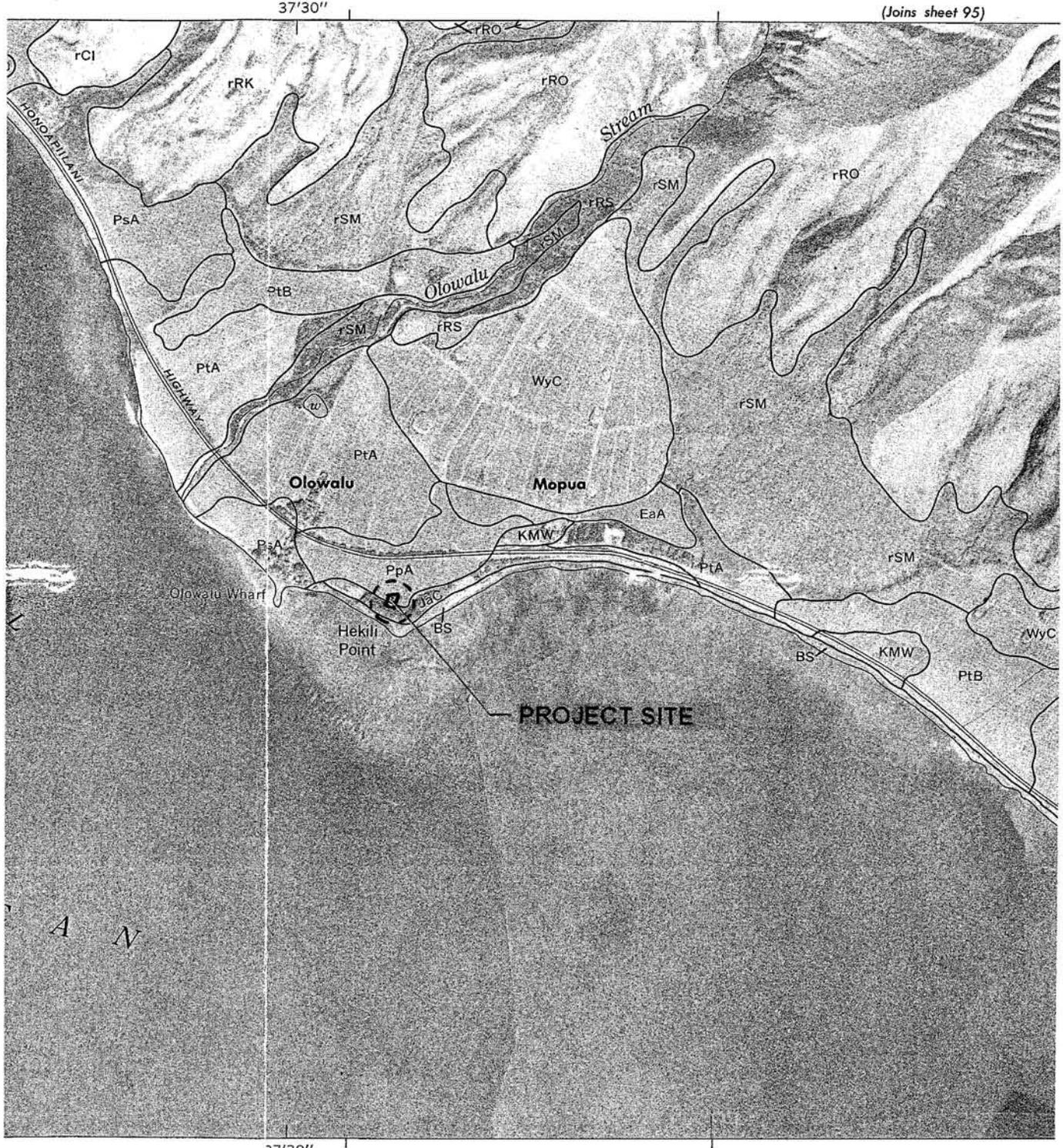


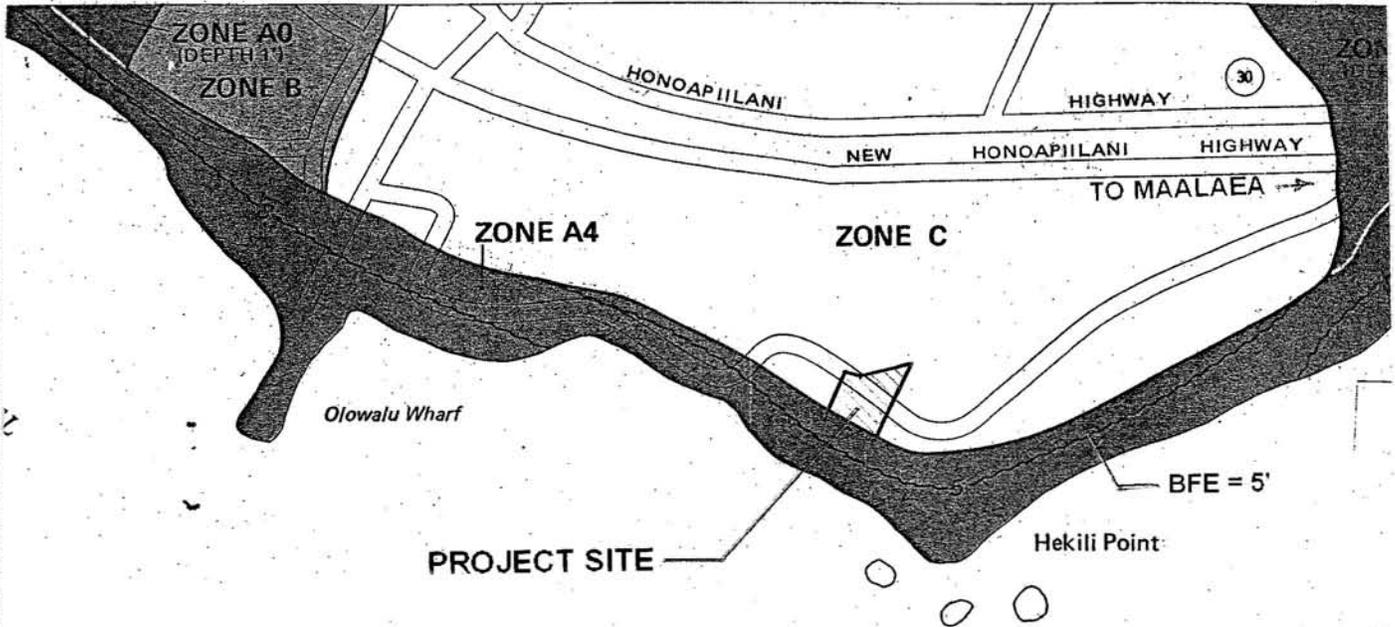
FIGURE 3

(Joins sheet 95)



SOILS MAP
Scale: 1" = 2,000'

FIGURE 4



FLOOD ZONE DESIGNATION

- Zone C: Areas of Minimal Flooding
No Shading
- Zone A4: Area of 100-year flood;
base flood elevations (BFE) and
flood hazard factors are determined

FLOOD MAP

Scale: 1" = 500'

FIGURE 5

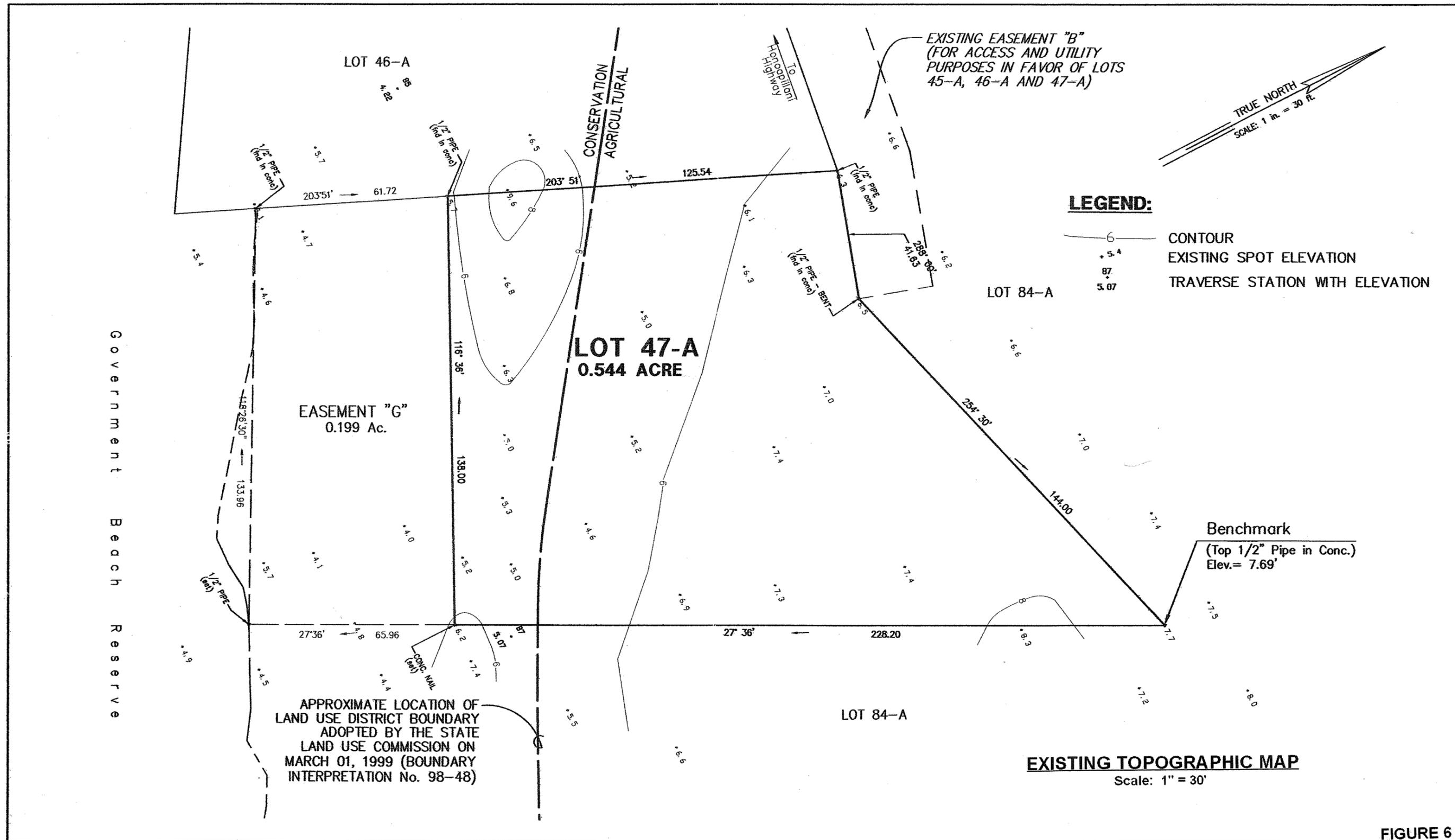


FIGURE 6

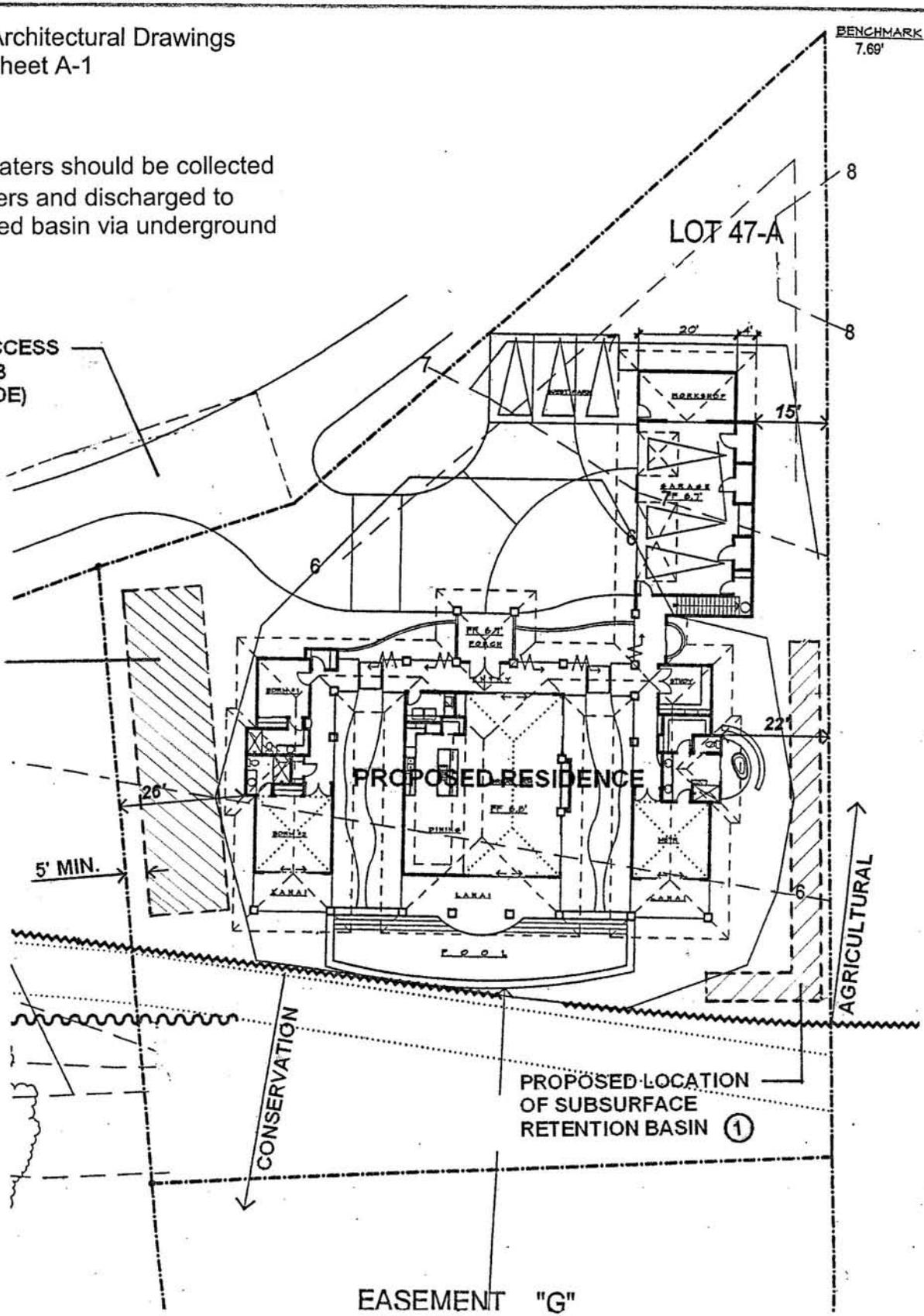
Source: Architectural Drawings
Sheet A-1

BENCHMARK
7.69'

- ① Roof waters should be collected by gutters and discharged to proposed basin via underground piping.

EXISTING ACCESS
EASEMENT B
(24 FEET WIDE)

PROPOSED
LOCATION
OF IWS



SCHEMATIC SITE PLAN

Scale: 1' = 30'

APPENDIX D.
*Agencies / Organizations Consulted During
the Preparation of the Draft Environmental
Assessment, Comments Received and
Response Letters*

APPENDIX D.

Agencies/Organizations Consulted During The Preparation Of The Draft Environmental Assessment And Responses Received

The following agencies were contacted prior to or during the preparation of the Draft Environmental Assessment. Comments received from these agencies, as well as responses to substantive comments, are included in this chapter.

1. Larry Yamamoto
State Conservationist
U.S. Department of Agriculture
Natural Resources Conservation Service
P.O. Box 50004
Honolulu, Hawai'i 96850-0001
2. Ranae Ganske-Cerizo
Soil Conservationist
Natural Resources Conservation Service
U.S. Department of Agriculture
210 Imi Kala Street, Suite 209
Wailuku, Hawai'i 96793-2100
3. 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
4. Patrick Leonard
Field Supervisor
U. S. Fish and Wildlife Service
300 Ala Moana Blvd., Rm. 3-122
Box 50088
Honolulu, Hawai'i 96813
5. Russ K. Saito, State Comptroller
Department of Accounting and General Services
1151 Punchbowl Street, #426
Honolulu, Hawai'i 96813
6. Sandra Lee Kunimoto, Chair
Department of Agriculture
1428 South King Street
Honolulu, Hawai'i 96814-2512
7. Theodore E. Liu, Director
State of Hawai'i
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804
8. Patricia Hamamoto, Superintendent
State of Hawai'i
Department of Education
P.O. Box 2360
Honolulu, Hawai'i 96804
9. Ron Okumura
Complex Area Superintendent
(Lanai/Molokai/Hana/Lahaina)
Department of Education
54 High Street, 4th Floor
Wailuku, Hawai'i 96793
10. Micah Kane, Chairman
Department of Hawaiian Home Lands
P. O. Box 1879
Honolulu, Hawai'i 96805
11. Chiyome Fukino, M.D., Director
State of Hawai'i
Department of Health
919 Ala Moana Blvd., Room 300
Honolulu, Hawai'i 96814
12. 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

13. Herbert Matsubayashi
District Environmental Health
Program Chief
State of Hawai'i
Department of Health
54 High Street
Wailuku, Hawai'i 96793
14. Peter Young, Chairperson
State of Hawai'i
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawai'i 96809
15. Melanie Chinen, Administrator
State of Hawai'i
Department of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Blvd., Room 555
Kapolei, Hawai'i 96707
14. Barry Fukunaga, Director
State of Hawai'i
Department of Transportation
869 Punchbowl Street
Honolulu, Hawai'i 96813
cc: Fred Cajigal
15. Genevieve Salmonson, Director
Office Of Environmental Quality Control
235 S. Beretania Street, Suite 702
Honolulu, Hawai'i 96813
16. Clyde Namu`o, Administrator
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawai'i 96813
17. Laura Thielen, Director
State of Hawai'i
Office of Planning
P.O. Box 2359
Honolulu, Hawai'i 96804
18. Carl Kaupololo, Chief
County of Maui
Department of Fire and Public Safety
200 Dairy Road
Kahului, Hawai'i 96732
19. Vanessa A. Medeiros, Director
County of Maui
Department of Housing and Human Concerns
200 South High Street
Wailuku, Hawai'i 96793
20. Tamara Horcajo, Director
County of Maui
Department of Parks and Recreation
700 Halia Nako Street, Unit 2
Wailuku, Hawai'i 96793
21. Jeffrey Hunt, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawai'i 96793
22. Thomas Phillips, Chief
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawai'i 96793
23. Milton Arakawa, Director
County of Maui
Department of Public Works and Environmental Management
200 South High Street
Wailuku, Hawai'i 96793
24. Donald Medeiros, Director
County of Maui
Department of Transportation
200 South High Street
Wailuku, Hawai'i 96793
25. Jeffrey Eng, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawai'i 96793

26. Hawaiian Telcom
60 South Church Street
Wailuku, Hawai'i 96793
27. Neal Shinyama, Manager –
Engineering
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, Hawai'i 96733
28. Theo Morrison, Executive Director
Lahaina Bypass Now
505 Front Street, Suite 202
Lahaina, Hawai'i 96761
29. Keoki Freeland, Executive Director
Lahaina Restoration Foundation
120 Dickenson Street
Lahaina, Hawai'i 96761
30. Karee Karlucci, Executive Director
Lahainatown Action Committee
648 Wharf Street, Suite 102
Lahaina, Hawai'i 96761
31. Joe Pluta, President
**West Maui Improvement
Foundation**
P. O. Box 10338
Lahaina, Hawai'i 96761
32. Mahealani Strong, Executive Director
West Maui Taxpayers Association
P.O. Box 10338
Lahaina, Hawai'i 96761

MAR 13 2007

United States Department of Agriculture



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

March 12, 2007

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

Dear Mr. Roy:

Subject: Chapter 343, Hawaii Revised Statutes Early Consultation Request for Proposed Poseley Single-Family Residence at Lot 47-A; TMK: 4-8-003: 047, Olowalu Makai-Hikina Subdivision

We have no comment in this matter.

Thank you for the opportunity to comment.

Sincerely,

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

Ranae Ganske-Cerizo
District Conservationist

Helping People Help the Land

An Equal Opportunity Provider and Employer





REPLY TO
ATTENTION OF

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

March 15, 2007

Corps File No. POH-2007-82

Regulatory Branch

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

Subject: Early consultation request for proposed Poseley single-family residence at Lot 47-A, Olowalu Makai-Hikina Subdivision, Olowalu, Maui, Hawaii (TMK: (2) 4-8-3:047).

Dear Mr. Roy:

This office has reviewed the materials you submitted on February 23, 2007 for the above-referenced project. Work related to the construction of the two-story residence will include grading, driveway improvements and installation of water, sewer and drainage systems.

The draft Environmental Assessment (dEA), prepared pursuant to Chapter 343, Hawaii Revised Statutes, should indicate whether any waters of the United States, as represented by the presence of perennial or intermittent streams or wetlands, are in, or adjacent to, the proposed project area. The dEA should also state in appropriate sections if there is an existing surface water connection to the Pacific Ocean. When the dEA addresses this information, it can be determined, upon receipt of the dEA, if a Department of Army (DA) permit under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 will be required for activities associated with construction of the proposed residence.

Information regarding the Corps regulatory program can be found at the following web site: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>.

If you have any further questions, please contact Ms. Connie Ramsey by telephone at 808-438-2039, by facsimile at 808-438-4060 or by electronic mail at Connie.L.Ramsey@usace.army.mil. Please refer to the file number listed above for future inquiries. Thank you for your cooperation with our regulatory program.

Sincerely,

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

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawaii 96790

cell 808 298 4956
rory@westmauiand.com

May 28, 2010

George P. Young, P.E., Chief, Regulatory Branch
Department of the Army
Attention: Connie Ramsey
US Army Engineer District, Honolulu
Ft. Shafter, Hawai`i 96858-5400

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai`i (Corps
File No. POH-2007-82)

Dear Mr. Young:

We are in receipt of your letter dated March 15, 2007 providing early consultation comments on the subject project. We apologize for the delay in responding to your comments. Based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We offer the following in response to your comments arranged in the same order as in your letter.

1. The subject property does not contain any perennial or intermittent streams, special aquatic sites (anchialine, ponds, wetlands, etc.), or surface water connection to the Pacific Ocean. A Preliminary Drainage Resport will be included in the Draft Environmental Assessment (DEA) along with a discussion of potential impacts from the project on water resources in the area. Opportunities for mitigation will also be identified to ensure minimization of any identified impacts to the maximum extent practicable.
2. We look forward to receiving the department's determination on the applicability of Department of Army's Permit requirements following review of the DEA.

We appreciate your input. A copy of the DEA will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,


Rory Frampton
Land Use Planner

cc: Douglas Poseley

MAR 20 2007

LINDA LINGLE
GOVERNOR OF HAWAII



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

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

In reply, please refer to:
EMD / CWB

03057PKP.07

March 16, 2007

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

Dear Mr. Roy:

Subject: Early Consultation Request for Proposed Poseley Single-Family Residence at Lot 47-A, Olowalu Makai-Hikina Subdivision, Olowalu, Maui, Hawaii

The Department of Health (DOH), Clean Water Branch (CWB), has reviewed the limited information contained in the subject document and offers the following comments:

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

Mr. Mark Alexander Roy
March 16, 2007
Page 2

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

Mr. Mark Alexandar Roy

March 16, 2007

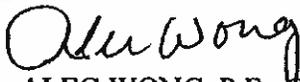
Page 3

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

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

If you have any questions, please contact the Engineering Section, CWB, at 586-4309.

Sincerely,


ALEC WONG, P.E., CHIEF
Clean Water Branch

KP:np

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauiland.com

May 28, 2010

Alec Wong, P.E., Chief
State of Hawai'i, Department of Health
Clean Water Branch
P. O. Box 3378
Honolulu, HI 96801-3378

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK: (2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai'i (03057PKP.07)

Dear Mr. Wong:

We are in receipt of your letter dated March 16, 2007 providing early consultation comments on the subject project. We apologize for the delay in responding to your comments. Based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We offer the following in response to your comments arranged in the same order as in your letter.

1. Coordination with the Department of the Army is being undertaken for the proposed action. Water quality certification requirements will be addressed as applicable prior to the initiation of construction for the project.
2. As applicable, an individual permit or a Notice of Intent (NOI) for general permit coverage under the National Pollutant Discharge Elimination System (NPDES) will be obtained in connection with construction activities for this subject project.
3. The project will comply with applicable requirements of Section 11-55-38, Hawai'i Administrative Rules (HAR).
4. The project will comply with applicable State Water Quality Standards as specified in HAR, Chapter 11-54.
5. The project will comply with Hawai'i Revised Statutes, Subsection 342D-50(a)

Alec Wong
May 28, 2010
Page 2

We appreciate your comments and input. A copy of the Draft Environmental Assessment will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rory Hampton". The signature is fluid and cursive, with a large loop at the end.

Rory Hampton
Land Use Planner

cc: Douglas Poseley

MAR 09 2007

LINDA LINGLE
GOVERNOR



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

MAR - 8 2007

(P)1056.7

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

Dear Mr. Roy:

Subject: Early Consultation Request for Proposed Poseley Single-Family Residence at
Lot 47-A (TMK: (2) 4-8-003:047)
Olowalu Makai-Hikina Subdivision
Olowalu, Maui, Hawaii

Your letter of February 23, 2007, requested early review and comment on the proposed action to construct a single-family residence at Lot 47-A (TMK: (2) 4-8-003:47), Olowalu Makai-Hikina Subdivision, Olowalu, Maui, Hawaii. 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 808-586-0400, or have your staff call Mr. Clarence Kubo at 808-586-0488

Sincerely,


RUSS K. SAITO
State Comptroller

MAR 15 2007



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
LAURA H. THIELEN
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Ref. No. P-11696

March 14, 2007

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

Attention: Mr. Mark Alexander Roy
Planner

Subject: Early Consultation Request
Chapter 343, Hawaii Revised Statutes (HRS)
Proposed Poseley Single-family Residence
TMK: (2)4-8-003: 47
Olowalu Makai-Hikina Subdivision
Olowalu, Maui, Hawaii

Dear Mr. Roy:

It is our understanding that the subject property consists of approximately 0.54 acres (23,522 square feet) and is "split-zoned" Agricultural District and Conservation District according to the State Land Use Commission. The applicant will seek a reclassification to the Rural District.

The applicant proposes to build a two-story single-family residence with four bedrooms and a footprint of approximately 3,265 square feet.

A county Community Plan Amendment (CPA) is required from "Park" to "Rural". The project is also within the Shoreline Management Area (SMA).

Since there is no State Rural District in the Olowalu area, we recommend that the applicant seek an amendment to the West Maui Community Plan first, to determine public policy regarding single-family development and parks for the shoreline properties makai of Honoapiilani Highway. Most of the coastal areas are in the State Agricultural District with a narrow band of Conservation District along the shoreline.

Mr. Mark Alexander Roy
Page 2
March 14, 2007

Thank you for the opportunity to comment. Should you have any questions,
please call the Land Use Division at 587-2842.

Sincerely,



Laura H. Thielen
Director

c: Sam Lemmo, DLNR
Anthony Ching, LUC
Theodore E. Liu, DBEDT

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawaii 96790

cell 808 298 4956
rory@westmauiland.com

May 28, 2010

Abbey Seth Mayer, Director
Department of Business, Economic Development & Tourism
Office Of Planning
P. O. Box 2359
Honolulu, HI 96804

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A;
TMK: (2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui,
Hawai'i (Ref. No. P-11696)

Dear Mr. Mayer:

We are in receipt of your office's letter dated March 14, 2007 providing early consultation comments on the subject project.

We apologize for the delay in responding to your comments. Based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We appreciate your comments and input. A copy of the Draft Environmental Assessment will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

LINDA LINGLE
GOVERNOR

MAR 06 2007

PATRICIA HAMAMOTO
SUPERINTENDENT



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

OFFICE OF THE SUPERINTENDENT

March 6, 2007

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

Dear Mr. Roy:

Subject: Early Consultation for Poseley Residence, Olowalu, Maui

The Department of Education has no comment to offer on the early consultation.

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

Very truly yours,

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

Patricia Hamamoto
Superintendent

PH:jmb

c: Randolph Moore, Acting Assistant Superintendent, OBS
Duane Kashiwai, Public Works Administrator, FDB

MAR 13 2007

LINDA LINGLE
GOVERNOR OF HAWAII



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

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

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

March 12, 2007

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

Dear Mr. Roy:

Subject: **Poseley Single-Family Residence**
TMK: (2) 4-8-003: 047

Thank you for the opportunity to participate in the early consultation process for the Poseley Single Family Residence project. The following comments are offered:

1. 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.
2. Plan review and approval of all new wastewater disposal systems is required prior to construction of the systems.

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".

Herbert S. Matsubayashi
District Environmental Health Program Chief

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawaii 96790

cell 808 298 4956
rory@westmauland.com

May 28, 2010

Herbert S. Matsubayashi
State of Hawaii
Department of Health
Maui District Health Office
54 South High Street
Wailuku, HI 96793-2102

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai'i

Dear Mr. Matsubayashi:

We are in receipt of your letter dated March 12, 2007 providing early consultation comments on the subject project. We apologize for the delay in responding to your comments. Based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We offer the following in response to your comments arranged in the same order as in your letter.

1. The proposed project will comply with the applicable requirements of Hawaii Administrative Rules (HAR) Chapter 11-46, "Community Noise Control" and a noise permit, if required, will be obtained prior to the commencement of construction work for the project.+
2. The applicant's civil engineer will coordinate with the State Department of Health prior to construction to address plan review requirements related to the installation of the proposed wastewater treatment system for the project.

We appreciate your comments and input. A copy of the Draft Environmental Assessment will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:MC

Corr MA-07-195

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

MAR - 5 2007

Dear Mr. Roy

SUBJECT: Consultation on Single-Family Residence
Olowalu, Lahaina, Maui
TMK (2) 4-8-03:47

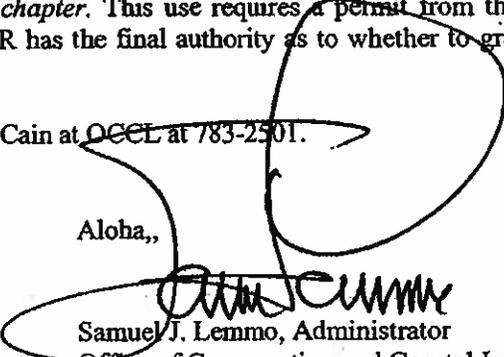
The Office of Conservation and Coastal Lands (OCCL) has received your letter to the Department of Land and Natural Resources (DLNR) requesting consultation on your client's proposal to seek a Conservation District Boundary amendment and to then seek a permit for a single-family residence.

The subject parcel is currently in the Limited Subzone of the State Land Use Conservation District. Boundary amendment requests are handled by the State Land Use Commission. If the Commission re-designates the parcel as rural then the County will oversee the permitting process for any proposed residence.

If the land remains in the Conservation District then OCCL will oversee the permitting process. Single family residences in the limited subzone are only identified land uses under certain conditions pursuant to Hawai'i Administrative Rules (HAR) §13-5-23 *Identified land uses in the limited subzone, L-6 SINGLE FAMILY RESIDENCES, (D-1) A single family residence in a floodplain or coastal high hazard area that conforms to applicable county regulations regarding the National Flood Insurance Program and single family residential standards as outlined in this chapter.* This use requires a permit from the Board of Land and Natural Resources (BLNR). The BLNR has the final authority as to whether to grant or deny the permit.

If you have further questions please call Michael Cain at OCCL at 783-2501.

Aloha,,


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

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai`i 96790

cell 808 298 4956
rory@westmauland.com

May 28, 2010

Samuel J. Lemmo, Administrator
State of Hawai`i
Department of Land & Natural Resources
Office of Conservation & Coastal Lands
PO Box 621
Honolulu, HI 96709

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai`i (REF:
OCCL:MC Corr MA-07-195)

Dear Mr. Lemmo:

We are in receipt of your letter dated March 5, 2007 providing early consultation comments on the subject project. We apologize for the delay in responding to your comments.

We offer the following in response to your comments.

The property is split-zoned, with the makai portion located in the Conservation District. Based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the portion of the property within the State Agricultural District. The proposed dwelling will be located outside of the Conservation District, entirely within the State Agricultural District. The applicant will be requesting approval from your office for associated landscape improvements which are proposed in the Conservation District. A description and analysis of the proposed actions within the Conservation District will be included in the Draft Environmental Assessment (DEA), in compliance with Chapter 343, HRS.

The request for Community Plan Amendment also triggers the review requirements under Chapter 343, HRS. It is our understanding that the Maui Planning Commission will act as the accepting agency for the Environmental Assessment, as part of its processing of the Community Plan Amendment.

We appreciate your comments and input. A copy of the DEA will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,


Rory Frampton
Land Use Planner

cc: Douglas Poseley

LINDA LINGLE
GOVERNOR



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

MAR 14 2007
BARRY FUKUNAGA
INTERIM DIRECTOR

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

IN REPLY REFER TO:

STP 8.2424

March 8, 2007

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

Dear Mr. Roy:

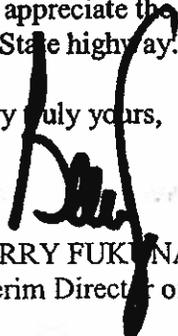
Subject: Douglas Poseley
Early Consultation – Proposed Poseley Single-Family Residence
TMK: (2) 4-8-003: 047, Olowalu, Maui

The proposal for a single new residential dwelling to be used by one family is anticipated not to have a significant traffic impact on the State highway. However, proper documentation, recordation and driveway connection design of the access at the highway for the new residential use may need to be completed by the owner.

A copy of your letter of February 23, 2007 has been forwarded to our Highways Division Planning Branch for further coordination with other Highways offices involved with use of the highways on Maui. When your firm completes the environmental assessment (EA) supporting the associated land use and zoning applications for the proposed residence, please provide at least three (3) copies of the EA (with land use/zoning applications) to the Highways Planning Branch in Honolulu and one (1) copy to the Highways Maui District Office in Kahului, and continue to work with the Highways staff, as may be determined by the staff, on the access for the proposed residence.

We appreciate the courtesy of your early notice on the proposed new residence and connection to the State highway.

Very truly yours,


BARRY FUKUNAGA
Interim Director of Transportation

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai`i 96790

cell 808 298 4956
rory@westmauland.com

May 28, 2010

Brennon Morioka, Director
State of Hawai`i
Department Transportation
869 Punchbowl Street
Honolulu, HI 96813-5097

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai`i (STP
8.2424)

Dear Mr. Morioka:

We are in receipt of your office's letter dated March 8, 2007 providing early consultation comments on the subject project. We apologize for the delay in responding to your comments. Based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We offer the following in response to your comments.

Access to the property is provided via the existing intersection at the Olowalu General Store. It is the applicant's understanding that this is a properly recorded access.

We appreciate your comments and input. A copy of the Draft Environmental Assessment will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

MAR 05 2007

LINDA LINGLE
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
E-mail: oeqc@health.state.hi.us

March 2, 2007

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

Subject: Pre-consultation for Proposed Poseley Single-Family Residence at Lot 47-A,
Olowalu Makai-Hikina Subdivision, Olowalu, Maui, Hawaii

Dear Mr. Roy:

We have received your letter dated February 23, 2007 for the Poseley Single Family Residence.

We have following suggestions:

1. Use the guidelines for a sustainable building design
2. Use of native plants for landscaping
3. Use of solar water heating or other energy saving technology
4. Use of recycled materials such as glass cullet for back fill or sub base

We have no further comments to offer at this time, but will reserve comments when the documents are submitted. Thank you for the opportunity to review your request. Should you have any questions, please feel free to call our office at 586-4185.

Sincerely,

Genevieve Salmonson
Genevieve Salmonson

Director

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauiand.com

May 28, 2010

Genevieve Salmonson, Director
State of Hawai'i
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai'i

Dear Ms. Salmonson:

We are in receipt of your letter dated March 5, 2007 providing early consultation comments on the subject project. We apologize for the delay in responding to your comments. Based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We offer the following in response to your comments.

Thank you for your design suggestions. The applicant will be utilizing native plants for landscaping, solar water heating and other energy saving technology. Other sustainable building design and use of recycled materials will also be considered.

We appreciate your comments and input. A copy of the DEA will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley



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

HRD06/2925

March 16, 2007

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

RE: Pre-Draft Environmental Assessment Consultation for the Proposed Construction of a Single Family Residence at Lot 47-A, Olowalu, Maui, TMK (2) 4-8-003: 047.

Dear Mr. Roy,

The Office of Hawaiian Affairs (OHA) is in receipt of your February 26, 2007 submission and offers the following comments:

Please contact Thelma Shimaoka of OHA's Maui office as well as Paulo Fujishiro of Ukumehame, as they may have specific recommendations regarding the proposed project. Our staff looks forward to reviewing the Draft Environmental Assessment upon completion. Thank you for your continued correspondence.

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.

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

Aloha,

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

Clyde W. Nāmu'o
Administrator

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

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauland.com

May 28, 2010

Clyde Nāmu`o, CEO
Office of Hawaiian Affairs
Attention: Jesse Yorck, Native Right Policy Advocate
711 Kapiolani Boulevard, Suite 500
Honolulu, HI 96813

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai'i
(HRD06/2925)

Dear Mr. Nāmu`o:

We are in receipt of your letter dated March 16, 2007 providing early consultation comments on the subject project. We apologize for the delay in responding to your comments. Based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We offer the following in response to your comments arranged in the order of your letter.

A copy of the Draft Environmental Assessment (DEA) will be sent to OHA's Maui office for review and comment. In accordance with Section 6E-46.6, Hawaii Revised Statutes, and Chapter 13-300, Hawaii Administrative Rules, should any archaeological remains be discovered during ground altering activities for the proposed project, all work in the vicinity shall cease and the SHPD will be contacted to identify the appropriate level of mitigation.

We appreciate your comments and input. A copy of the DEA will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,


Rory Frampton
Land Use Planner

cc: Douglas Poseley

MAR 15 2007

CHARMAINE TAVARES
Mayor



TAMARA HORCAJO
Director

ZACHARY Z. HELM
Deputy Director

DEPARTMENT OF PARKS & RECREATION

Planning & Development Division
700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793

(808) 270-7931
Fax (808) 270-7162

March 12, 2007

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

**RE: Chapter 343, Hawaii Revised Statutes (HRS) Early Consultation
Request for Proposed Poseley Single-Family Residence at Lot 47-A
TMK (2) 4-8-003:047, Olowalu Makai-Hikina Subdivision, Olowalu,
Maui, Hawaii**

Dear Mr. Roy:

Thank you for the opportunity to review and provide early comment on the proposed Poseley Single-Family Residence at Lot 47-A in Olowalu.

Our department does not generally support the removal of land from "Park" designation in a community plan. The applicant should justify their request for a Community Plan Amendment to change the current classification of the parcel from "Park" to "Rural."

Should you have any questions or require further comment regarding the above subject action, please call me or Patrick Matsui, Chief of Parks Planning & Development, at 270-7387.

Sincerely,

A handwritten signature in cursive script that reads "Tamara Horcajo".

Tamara Horcajo
Director

c: Patrick Matsui, Chief of Parks Planning & Development

MAR 15 2007

CHARMAINE TAVARES
Mayor



TAMARA HORCAJO
Director

ZACHARY Z. HELM
Deputy Director

DEPARTMENT OF PARKS & RECREATION

Planning & Development Division
700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793

(808) 270-7931
Fax (808) 270-7162

March 12, 2007

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

**RE: Chapter 343, Hawaii Revised Statutes (HRS) Early Consultation
Request for Proposed Poseley Single-Family Residence at Lot 47-A
TMK (2) 4-8-003:047, Olowalu Makai-Hikina Subdivision, Olowalu,
Maui, Hawaii**

Dear Mr. Roy:

Thank you for the opportunity to review and provide early comment on the proposed Poseley Single-Family Residence at Lot 47-A in Olowalu.

Our department does not generally support the removal of land from "Park" designation in a community plan. The applicant should justify their request for a Community Plan Amendment to change the current classification of the parcel from "Park" to "Rural."

Should you have any questions or require further comment regarding the above subject action, please call me or Patrick Matsui, Chief of Parks Planning & Development, at 270-7387.

Sincerely,

A handwritten signature in cursive script that reads "Tamara Horcajo".

Tamara Horcajo
Director

c: Patrick Matsui, Chief of Parks Planning & Development

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauland.com

May 28, 2010

Tamara Horcajo, Director
County of Maui, Department of Parks & Recreation
Planning & Development Division
700 Hali`a Nakoa Street, Unit 2
Wailuku, HI 96793

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai'i

Dear Ms. Horcajo:

We are in receipt of your letter dated March 12, 2007 providing early consultation comments on the subject project. We apologize for the delay in responding to your comments. Based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We offer the following in response to your comments.

According to the West Maui Community Plan (WMCP), the Park designation was provided in this area with the intention of providing for a 10-acre public beach park for camping and ocean-related recreational land and educational activities (WMCP, pg. 17). Furthermore, the recommendation specifically provides that "The final boundaries of this park shall be determined in consultation with the landowner." As such, the precise location or boundaries of the future Park area have yet to be defined and the Community Plan anticipated flexibility during implementation.

The subject property is situated in the western corner of the Park designated area and is the only small-sized parcel included in the Park area. The remainder of the Park designation is located within Parcel 84A, a larger 28.87 acres which abuts the property. Amending the Community Plan designation to remove the subject parcel from the Park designated area will have a minimal impact on the larger park designated area especially given the uncertainty of the final boundaries.

Lastly, in their recent review of the Maui Island Plan, the Maui Planning Commission and the Maui County Planning Department have recommended that the parcel not be included in the abutting Park designated areas.

Tamara Horcajo
May 28, 2010
Page 2

We appreciate your comments and input. A copy of the Draft Environmental Assessment will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rory Frampton". The signature is written in a cursive, flowing style with some loops and flourishes.

Rory Frampton
Land Use Planner

cc: Douglas Poseley

MAY 08 2007

CHARMAINE TAVARES
Mayor



JEFFREY K. ENG
Director

ERIC H. YAMASHIGE, P.E., L.S.
Deputy Director

DEPARTMENT OF WATER SUPPLY

COUNTY OF MAUI

200 SOUTH HIGH STREET

WAILUKU, MAUI, HAWAII 96793-2155

www.mauiwater.org

April 20, 2007

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

Dear Mr. Roy:

SUBJECT: Early Consultation Request for the Proposed Poseley Single-Family Residence
at Lot 47-A TMK 248003047

Thank you for the opportunity to participate in the EA early consultation process for the above stated project proposal.

Source Availability

The project site is outside of the DWS service area. The EA should include the source of potable and non-potable water for the proposed development.

System Infrastructure

We recommend that water systems be built in accordance with the Statewide Water System Standards.

Conservation

We encourage the applicant to consider the following water conservation measures in the project design and construction:

Use brackish and /or reclaimed water sources for dust control and for all non-potable water uses during construction.

Eliminate Single-Pass Cooling: Single-pass, water-cooled systems should be eliminated per Maui County Code Subsection 14.21.20. Although prohibited by code, single-pass water cooling is still manufactured into some models of air conditioners, freezers, and commercial refrigerators.

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

"By Water All Things Find Life"

The Department of Water Supply is an Equal Opportunity provider and employer. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington DC 20250-9410. Or call (202) 720-5964 (voice and TDD)

Mr. Mark Alexander Roy
April 20, 2007
Proposed Poseley Single-Family Residence

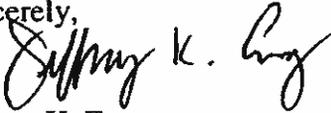
Use Climate -adapted Plants: The project is located in the Maui County Planting Plan - Plant Zones 3 and 5. We encourage the applicant to utilize appropriate native and non invasive species and avoid the use of potentially invasive plants. Native plants adapted to the area, conserve water and protect the watershed from degradation due to invasive alien species. Attached is a list of appropriate plants for the zone as well as potentially invasive plants to avoid.

Pollution Prevention

The project overlies the Olowalu aquifer which has an estimated sustainable yield of 3MGD. In order to protect ground and surface water resources, we recommend that the applicant adopt Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction and vehicle operations.

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

Sincerely,



Jeffrey K. Eng
Director

eam

c: engineering division
applicant, with attachments:

The Costly Drip

Maui County Planting Plan - Saving Water in the Yard - What and How to Plant in your Area

Ordinance No. 2108 - A Bill for an Ordinance Amending Chapter 16.20 of the Maui County Code, Pertaining to the Plumbing Code

Selected BMP's from "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters"-EPA

A Checklist of Water Conservation Ideas for the Home and Yard

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MAY 08 2007

CHARMAINE TAVARES
Mayor



JEFFREY K. ENG
Director

ERIC H. YAMASHIGE, P.E., L.S.
Deputy Director

DEPARTMENT OF WATER SUPPLY

COUNTY OF MAUI

200 SOUTH HIGH STREET

WAILUKU, MAUI, HAWAII 96793-2155

www.mauiwater.org

April 20, 2007

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

Dear Mr. Roy:

SUBJECT: Early Consultation Request for the Proposed Poseley Single-Family Residence
at Lot 47-A TMK 248003047

Thank you for the opportunity to participate in the EA early consultation process for the above stated project proposal.

Source Availability

The project site is outside of the DWS service area. The EA should include the source of potable and non-potable water for the proposed development.

System Infrastructure

We recommend that water systems be built in accordance with the Statewide Water System Standards.

Conservation

We encourage the applicant to consider the following water conservation measures in the project design and construction:

Use brackish and /or reclaimed water sources for dust control and for all non-potable water uses during construction.

Eliminate Single-Pass Cooling: Single-pass, water-cooled systems should be eliminated per Maui County Code Subsection 14.21.20. Although prohibited by code, single-pass water cooling is still manufactured into some models of air conditioners, freezers, and commercial refrigerators.

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

"By Water All Things Find Life"

The Department of Water Supply is an Equal Opportunity provider and employer. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington DC 20250-9410. Or call (202) 720-5964 (voice and TDD)

Mr. Mark Alexander Roy
April 20, 2007
Proposed Poseley Single-Family Residence

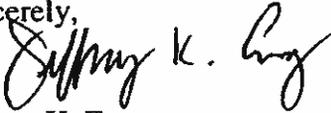
Use Climate -adapted Plants: The project is located in the Maui County Planting Plan - Plant Zones 3 and 5. We encourage the applicant to utilize appropriate native and non invasive species and avoid the use of potentially invasive plants. Native plants adapted to the area, conserve water and protect the watershed from degradation due to invasive alien species. Attached is a list of appropriate plants for the zone as well as potentially invasive plants to avoid.

Pollution Prevention

The project overlies the Olowalu aquifer which has an estimated sustainable yield of 3MGD. In order to protect ground and surface water resources, we recommend that the applicant adopt Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction and vehicle operations.

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

Sincerely,



Jeffrey K. Eng
Director

eam

c: engineering division
applicant, with attachments:

The Costly Drip

Maui County Planting Plan - Saving Water in the Yard - What and How to Plant in your Area

Ordinance No. 2108 - A Bill for an Ordinance Amending Chapter 16.20 of the Maui County Code, Pertaining to the Plumbing Code

Selected BMP's from "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters"-EPA

A Checklist of Water Conservation Ideas for the Home and Yard

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Rory FRAMPTON

Land Use and Environmental Planning ▪ Consulting ▪ Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauland.com

May 28, 2010

Jeffrey K. Eng, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, HI 96793-2155

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai'i

Dear Mr. Eng:

We are in receipt of your letter dated March 8, 2007 providing early consultation comments on the subject project. We apologize for the delay in responding to your comments. Based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We offer the following in response to your comments.

Source Availability

The Draft Environmental Assessment (DEA) will describe that the potable and non-potable water sources for this project will be via the existing Olowalu Water Company's systems.

System Infrastructure

The existing water system has been designed according to applicable system standards.

Conservation

The applicant will consider water conservation measures including the use of brackish and/or reclaimed water sources during construction utilizing low flow fixtures and devices, and the use of climate adapted plants.

Pollution Prevention

The project will incorporate BMPs designed to protect ground and surface water resources.

Jeffery K. Eng
May 28, 2010
Page 2

We appreciate your comments and input. A copy of the Draft Environmental Assessment will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,

A handwritten signature in black ink that reads "Rory Frampton". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Rory Frampton
Land Use Planner

cc: Douglas Poseley



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

MAR - 2 2007
CHARMAJNE TAVARES
Mayor
VANESSA A. MEDEIROS
Director
LORI TSUHAKO
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165 • EMAIL director.hhc@mauicounty.gov

February 27, 2007

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

Dear Mr. Roy:

**Subject: Early Consultation Request For Proposed Posely
Single-Family Residence at Lot 47-A
[TMK (2)4-8-003:047], Olowalu Makai-Hikina
Subdivision, Olowalu, Maui, Hawaii**

The proposed project will involve the construction of one single family dwelling. Therefore, the project is not subject to the requirements of Chapter 2.96, Maui County Code (Residential Workforce Housing Policy).

Thank you for the opportunity to comment.

Very truly yours,

VANESSA A. MEDEIROS
Director of Housing and
Human Concerns

ETO:bp

c: Housing Administrator

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai`i 96790

cell 808 298 4956
rory@westmauiand.com

May 28, 2010

Lori Tshako, Director
County of Maui
Department of Housing and Human Concerns
200 South High Street
Wailuku, HI 96793-2155

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai`i

Dear Ms. Tshako:

We are in receipt of your office's letter dated March 2, 2007 providing early consultation comments on the subject project and offer the following in response to your comments.

We acknowledge the confirmation from your office that the project is not subject to the requirements of Chapter 2.96, Maui County Code (Residential Workforce Housing Ordinance).

For your information, based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We apologize for the delay in responding to your comments and appreciate your comments and input. A copy of the Draft Environmental Assessment will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley



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

March 12, 2007

MAR 14 2007



THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

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

Dear Mr. Roy:

SUBJECT: Early Consultation Request for Proposed Poseley Single-Family Residence at Lot 47-A TMK (2) 4-8-003:047, Olowalu Makai-Hikina Subdivision

Thank you for your letter of February 23, 2007, requesting comments on the above subject.

At this time, we will defer any comments until the Environmental Assessment is produced. We will then review the EA and make any necessary comments. Thank you for giving us the opportunity to comment on this project.

Very truly yours,

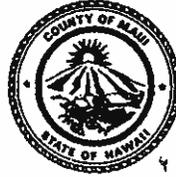
Assistant Chief Wayne T. Ribao
for: Thomas M. Phillips
Chief of Police

c: Jeff Hunt, Planning Department

CHARMAINE TAVARES
Mayor

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

MICHAEL M. MIYAMOTO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

APR 10 2007

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

DAVID TAYLOR, P.E.
Wastewater Reclamation Division

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

TRACY TAKAMINE, P.E.
Solid Waste Division

March 30, 2007

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

Dear Mr. Roy:

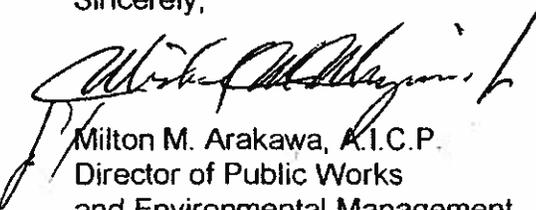
SUBJECT: APPLICATION FOR EARLY CONSULTATION REQUEST FOR
PROPOSED SINGLE-FAMILY RESIDENCE
FOR MR. DOUGLAS POSELEY
TMK: (2) 4-8-003:047

We reviewed the subject application and have the following comment:

1. Address construction waste recycling.

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

Sincerely,


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

MMA:MMM:da

S:\LUCIA\CZMPoseley_early_consult_single_fam_res_48003047_ls.wpd

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauiland.com

May 28, 2010

Milton M. Arakawa, A.I.C.P., Director
County of Maui, Department of Public Works
Development Services Administration
250 South High Street
Wailuku, HI 96793

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai'i

Dear Mr. Arakawa:

We are in receipt of your office's letter dated March 30, 2007 providing early consultation comments on the subject project and offer the following in response to your comments.

Opportunities for the recycling of construction waste will be assessed during the construction phase of the subject project. All waste deemed unfit for recycling purposes will be transported to a State of Hawaii, Department of Health permitted construction waste facility for disposal.

For your information, based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We apologize for the delay in responding to your comments and appreciate your comments and input. A copy of the Draft Environmental Assessment will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

MAR 16 2007

March 13, 2007

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

ATTN: Mark Alexander Roy, Planner
Phone: (808) 244-2015
Fax: (808) 244-8729

SUBJECT: Chapter 343, Hawai'i Revised Statutes (HRS) Early Consultation
Request for Proposed Poseley Single-Family Residence at Lot 7-A
(TMK (2)4-8-003:047), Olowalu Makai-Hikina Subdivision, Olowalu,
Maui, Hawaii

Dear Mr. Roy:

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 Poseley Single-Family residence at Lot 7-A, Olowalu Makai-Hikina on the Island of Maui.

At this time, Hawaiian Telcom Inc. would like to notify you that telephone service requests for this project will require a perpetual easement through the surrounding properties from Honoapiilani Highway and may be subject to a Line Extension or service connection fee as well as State or County permitting processes, should work along a State Highway or County access road be required in order to service this project.

If there are any questions, please call Sheri Tihada at (808) 242-5258.

Sincerely,



Gordon Yadao
Section Manager –
Network Engineering & Planning

C: File (3045 0702-017)
S. Tihada

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai`i 96790

cell 808 298 4956
rory@westmauiand.com

May 28, 2010

Gordon Yadao, Section Manager
Network Engineering & Planning
Hawaiian Telcom
Attention: Sheri Tihada
60 South Church Street
Wailuku, HI 96793

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai`i

Dear Mr. Yadao:

We are in receipt of your office's letter dated March 16, 2007 providing early consultation comments on the subject project and offer the following in response to your comments.

Easements have been established to the property for utilities including telephone service. The necessary utility connections will be identified in the Environmental Assessment as part of the County's permitting review processes.

For your information, based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We apologize for the delay in responding to your comments and appreciate your comments and input. A copy of the Draft Environmental Assessment will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

MAR 06 2007

Maui Electric Company, Ltd. • 210 West Kamehameha Avenue • PO Box 398 • Kahului, Maui, HI 96733-6898 • (808) 871-8461



March 2, 2007

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

Subject: Chapter 343, Hawai'i Revised Statutes (HRS) Early Consultation Request for
Proposed Poseley Singly-Family Residence at Lot 47-A (TMK (2)4-8-003:047),
Olowalu Makai-Hikina Subdivision, Olowalu, Maui, Hawai'i

Dear Mr. Roy,

In reviewing our records and the information received, Maui Electric Company (MECO) has no objection to the subject project at this time. Please note that in order for Maui Electric Company to provide electric service to the proposed residence, an easement will be required to extend the electrical line from Honoapi'ilani Highway to Lot 47-A. We highly encourage the developer's electrical consultant to submit the 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 Mark Suehiro at 872-3273.

Sincerely,

A handwritten signature in black ink, appearing to read "Neal Shinyama". The signature is fluid and cursive, written over a light background.

Neal Shinyama
Manager, Engineering

NS/ms:lh
cc: Sage Kiyonaga – MECO DSM

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai`i 96790

cell 808 298 4956
rory@westmauland.com

May 28, 2010

Mark Suehiro
Maui Electric Company, Engineering
210 West Kamehameha Avenue
PO Box 398
Kahului, HI 96732

Subject: Proposed Poseley Single-Family Dwelling and Related Improvements at Lot 47-A; TMK:
(2) 4-8-003: 047 of Olowalu Makai-Hikina Subdivision, Lahaina, Maui, Hawai`i

Dear Mr. Suehiro:

We are in receipt of your office's letter dated March 6, 2007 providing early consultation comments on the subject project and offer the following in response to your comments.

The applicant's electrical engineer will coordinate with Maui Electric Company, as necessary, during the plans preparation phase of work to ensure that all electrical requirements for the project are addressed. Easements have been established to the property for utilities including for electrical service.

Based on recent consultation with the Maui County Planning Department, the applicant will be requesting to establish Agricultural land use designations on the property instead of Rural designations indicated in the original correspondence to your office.

We apologize for the delay in responding to your comments and appreciate your comments and input. A copy of the Draft Environmental Assessment will be provided for your review and comment. Please contact me at (808) 877-4202 should you have any questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

APPENDIX E.
Photos Showing Shoreline Access



Photo 1: Public Access Sign



Photo 2: East View of Public Access and Parking Area



Photo 3: West View of Parking Area Along Shoreline



Photo 4: West View Fronting Parking Area



Photo 5: West View Fronting “Red Tile Roof” House



Photo 6: West View Towards Camp Olowalu



Photo 7: West View Fronting Camp Olowalu



Photo 8: West View Fronting Camp Olowalu

APPENDIX F.
Cultural Impact Assessment

**A CULTURAL IMPACT ASSESSMENT OF
APPROXIMATELY 0.8 ACRES OF LAND
IN OLOWALU AHUPUA`A, WAILUKU DISTRICT,
MAUI, HAWAII
[TMK: 4-8-003:45A]**

Prepared by:
Leann McGerty, B.A.
and
Robert L. Spear, Ph.D.
July 2006

Prepared for:
Mr. and Mrs. Jim Riley
and
Mr. and Mrs. Warren Dean

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INTRODUCTION

Scientific Consultant Services, Inc. (SCS) has been contracted by Frampton and Ward, LLC, to conduct a Cultural Impact Assessment on approximately 0.8-acres of land in Olowalu Ahupua`a, Wailuku District, Maui TMK: 4-8-003:45A (Figures 1 and 2). According to information provided by the owners, a single family home is proposed for construction on this parcel of conservation land.

The Constitution of the State of Hawai`i clearly states the duty of the State and its agencies is to preserve, protect, and prevent interference with the traditional and customary rights of native Hawaiians. Article XII, Section 7 requires the State to “protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua`a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778” (2000). Beginning in 1850 with the establishment of Hawai`i Revised Statutes (HRS) 7-1, native Hawaiians were given access rights to undeveloped private property and waterways in order to gather specific natural resources for customary uses. In 1992, the State of Hawai`i Supreme Court, reaffirmed HRS 7-1 and expanded it to include, “native Hawaiian rights...may extend beyond the ahupua`a in which a native Hawaiian resides where such rights have been customarily and traditionally exercised in this manner” (Pele Defense Fund v. Paty, 73 Haw.578, 1992).

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

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

Act 50 requires state agencies and other developers to assess the effects of proposed land use or shore line developments on the “cultural practices of the community and State” as part of the HRS Chapter 343 environmental review process (2001). Its purpose has broadened, “to promote and protect cultural beliefs, practices and resources of native Hawaiians [and] other

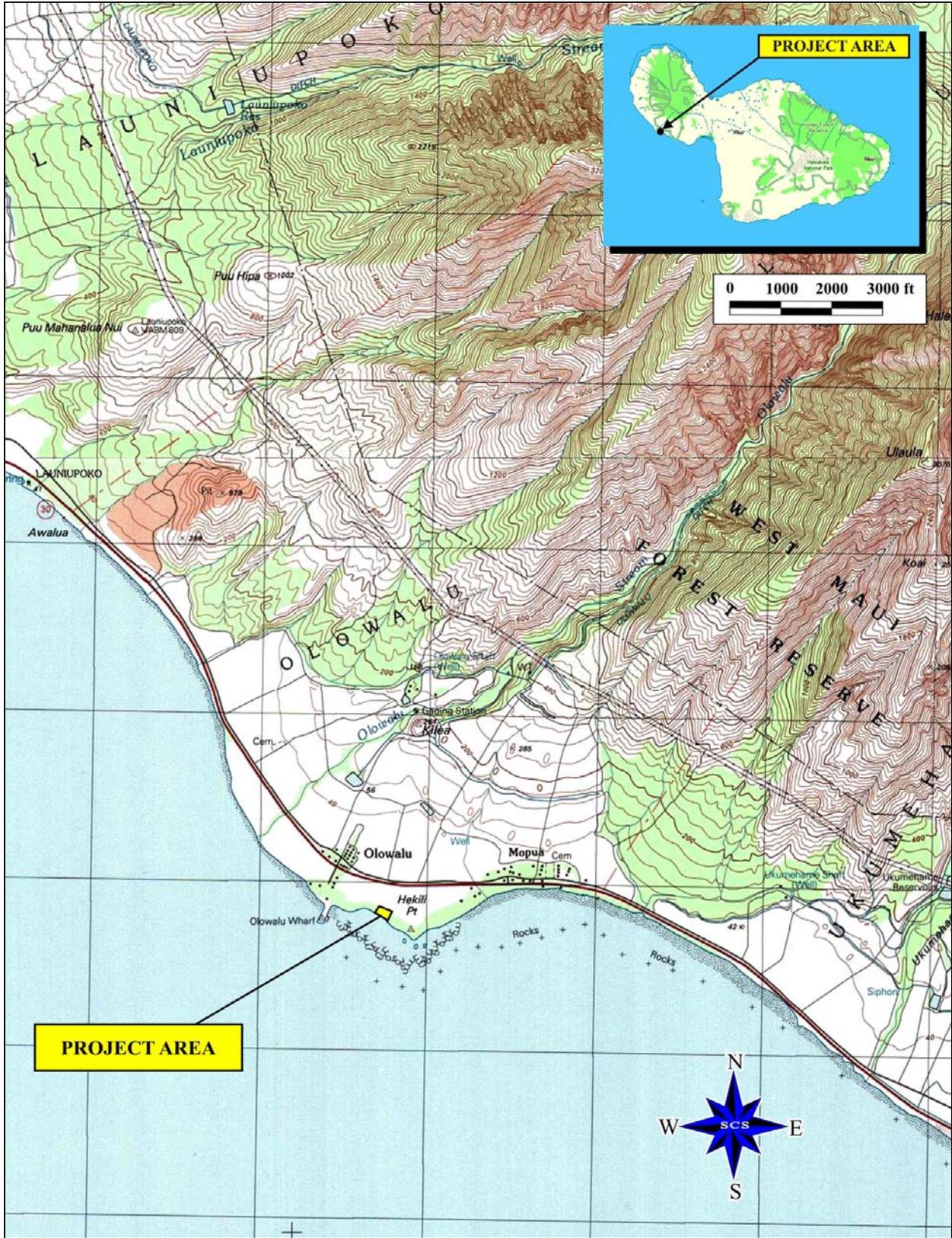


Figure 1: USGS Olowalu Quadrangle Map Showing Project Area.

ethnic groups. Cultural resources include a broad range of often overlapping categories, including places behaviors, values, beliefs, objects, records, stories, etc. (H.B. 2895, Act 40, 2000).

Act 50 also amended the definition of ‘significant effect’ to be re-defined as “the sum of effects on the quality of the environment including actions that are...contrary to the State’s environmental policies...or adversely affect the economic welfare, social welfare, or cultural practices of the community and State” (H.B. 2895, Act 50, 2000). Thus, not only are native Hawaiian cultural resources evaluated, but those of other ethnic groups as well.

Act 50 requires that an assessment of cultural practices be included in the Environmental Assessments and the Environmental Impact Statements, and to be taken into consideration during the planning process. The concept of geographical expansion is recognized by using, as an example, “the broad geographical area, e.g. district or *ahupua`a*” (OEQC 1997). It was decided that the process should identify ‘anthropological’ cultural practices, rather than ‘social’ cultural practices. For example, *limu* (edible seaweed) gathering would be considered an anthropological cultural practice, while a modern-day marathon would be considered a social cultural practice.

According to the Guidelines for Assessing Cultural Impacts established by the Hawaii State Office of Environmental Quality Control (OEQC 1997):

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

This Cultural Impact Assessment involves evaluating the probability of impacts on identified cultural resources, including values, rights, beliefs, objects, records, and stories occurring within the project area and its vicinity (H.B. 2895, Act 50, 2000).

METHODOLOGY

This Cultural Impact Assessment was prepared in accordance with the methodology and content protocol provided in the Guidelines for Assessing Cultural Impacts (OEQC 1997). In outlining the “Cultural Impact Assessment Methodology”, the OEQC states: that “...information

may be obtained through scoping, community meetings, ethnographic interviews and oral histories...” (1997).

This report contains archival and documentary research, as well as communication with organizations having knowledge of the project area, its cultural resources, and its practices and beliefs. This Cultural Impact Assessment was prepared in accordance with the methodology and content protocol provided in the Guidelines for Assessing Cultural Impacts (OEQC 1997). The assessment concerning cultural impacts should address, but not be limited to, the following matters:

- (1) a discussion of the methods applied and results of consultation with individuals and organizations identified by the preparer as being familiar with cultural practices and features associated with the project area, including any constraints or limitations which might have affected the quality of the information obtained;
- (2) a description of methods adopted by the preparer to identify, locate, and select the persons interviewed, including a discussion of the level of effort undertaken;
- (3) ethnographic and oral history interview procedures, including the circumstances under which the interviews were conducted, and any constraints or limitations which might have affected the quality of the information obtained;
- (4) biographical information concerning the individuals and organizations consulted, their particular expertise, and their historical and genealogical relationship to the project area, as well as information concerning the persons submitting information or being interviewed, their particular knowledge and cultural expertise, if any, and their historical and genealogical relationship to the project area;
- (5) a discussion concerning historical and cultural source materials consulted, the institutions and repositories searched, and the level of effort undertaken, as well as the particular perspective of the authors, if appropriate, any opposing views, and any other relevant constraints, limitations or biases;
- (6) a discussion concerning the cultural resources, practices and beliefs identified, and for the resources and practices, their location within the broad geographical area in which the proposed action is located, as well as their direct or indirect significance or connection to the project site;
- (7) a discussion concerning the nature of the cultural practices and beliefs, and the significance of the cultural resources within the project area, affected directly or indirectly by the proposed project;
- (8) an explanation of confidential information that has been withheld from public disclosure in the assessment;
- (9) a discussion concerning any conflicting information in regard to identified cultural resources, practices and beliefs;
- (10) an analysis of the potential effect of any proposed physical alteration on cultural resources, practices, or beliefs; the potential of the proposed action to isolate cultural resources, practices, or beliefs from their setting; and the potential of the proposed action to introduce elements which may alter the setting in which cultural practices take place, and;

- (11) the inclusion of bibliography of references, and attached records of interviews which were allowed to be disclosed.

Based on the inclusion of the above information, assessments of the potential effects on cultural resources in the project area and recommendations for mitigation of these effects can be proposed.

ARCHIVAL RESEARCH

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

INTERVIEW METHODOLOGY

When appropriate, interviews are conducted in accordance with Federal and State laws and guidelines. Individuals and/or groups who have knowledge of traditional practices and beliefs associated with a project area or who know of historical properties within a project area are sought for consultation. Individuals who have particular knowledge of traditions passed down from preceding generations and a personal familiarity with the project area are invited to share their relevant information. Often people are recommended for their expertise or can be located by visiting the area. Organizations, such as Hawaiian Civic Clubs, the Island Branch of Office of Hawaiian Affairs, historical societies, Island Trail clubs, and Planning Commissions are invited to contribute their input and suggest further avenues of inquiry, as well as specific individuals to interview.

Personal interviews are taped and then transcribed. These draft transcripts are returned to each of the participants for their review and comments. After corrections are made, each individual signs a release form, making the information available for this study. Key topics discussed with the interviewees vary from project to project, but usually include: personal association to the *ahupua`a*; land use in the project's vicinity; knowledge of traditional trails, gathering areas, water sources, religious sites; place names and their meanings; stories that were handed down concerning special places or events in the project area; or any evidence of previous activities identified while in the project vicinity.

In this case, letters, briefly outlining the development plans along with maps of the project area, were sent to organizations whose jurisdiction includes knowledge of the area with an invitation for consultation. Consultation was sought from the Maui Office of Hawaiian Affairs, Community Resource Coordinator, Maui; the Office of Hawaiian Affairs, O`ahu; Cultural Resource Planner for the Maui Planning Department; the Central Maui Civic Club; and the Cultural Historian with the State Historic Preservation Division, Maui Office (SHPD). In addition, seven individuals familiar with Olowalu Ahupua`a were contacted by phone for an informal interview concerning the possibility of cultural activities within the project area.

Based on the responses, an assessment of the potential effects on cultural resources in the project area and recommendations for mitigation of these effects can be proposed.

PROJECT AREA AND VICINITY

The project area is located on the *makai* side of Honoapi`ilani Highway and about 2000 feet (ca. 607 m) north of Olowalu Store. It is situated on the beach with the Pacific Ocean as its western boundary. To the east is the main highway and there is open land to the north and south.

CULTURAL AND HISTORICAL CONTEXT

The island of Maui ranks second in size of the eight main islands in the Hawaiian Archipelago. Pu`u Kukui, forming the west end of the island (1,215 m amsl), is composed of large, heavily eroded amphitheater valleys that contain well-developed, permanent stream systems that water fertile agricultural lands extending to the coast. The deep valleys of West Maui and their associated coastal regions have been witness to many battles in ancient times and were coveted productive landscapes.

PAST POLITICAL BOUNDARIES

Traditionally, the division of Maui's lands into districts (*moku*) and sub-districts was performed by a *kahuna* (priest, expert) named Kalaiha`o`hia, during the time of the *Ali`i Kaka`alaneo* (Beckwith 1940:383; Fornander places Kaka`alaneo at the end of the 15th century or the beginning of the 16th century [Fornander 1919-20, Vol. 6:248]). Land was considered the property of the king or *ali`i`ai moku* (the *ali`i* who eats the island/district), which he held in trust for the gods. The title of *ai`i`ai moku* ensured rights and responsibilities to the land, but did not confer absolute ownership. The king kept the parcels he wanted, his higher chiefs received large parcels from him and, in turn, distributed smaller parcels to lesser chiefs. The *maka`ainana* (commoners) worked the individual plots of land.

In general, several terms, such as *moku*, *ahupua`a*, *`ili* or *`ili`āina* were used to delineate various land sections. A district (*moku*) contained smaller land divisions (*ahupua`a*) which customarily continued inland from the ocean and upland into the mountains. Extended household groups living within the *ahupua`a* were therefore, able to harvest from both the land and the sea. Ideally, this situation allowed each *ahupua`a* to be self-sufficient by supplying needed resources from different environmental zones (Lyons 1875:111). The *`ili`āina*, or *`ili*, were smaller land divisions and were next to importance to the *ahupua`a*. They were administered by the chief who controlled the *ahupua`a* in which it was located (*ibid*: 33; Lucas 1995:40). The *mo`o`āina* were narrow strips of land within an *`ili*. The land holding of a tenant or *hoa`āina* residing in an *ahupua`a* was called a *kuleana* (Lucas 1995:61). The project area is located in the *ahupua`a* of Olowalu, meaning literally “many hills” (Pukui *et al.* 1974:170).

TRADITIONAL SETTLEMENT PATTERNS

The Hawaiian economy was based on agricultural production and marine exploitation, as well as raising livestock and collecting wild plants and birds. Extended household groups settled in various *ahupua`a*. During pre-Contact times, there were primarily two types of agriculture, wetland and dry land, both of which were dependent upon geography and physiography. River valleys, such as Olowalu, provided ideal conditions for wetland *kalo* (*Colocasia esculenta*) agriculture that incorporated pond fields and irrigation canals. Other cultigens, such as *kō* (sugar cane, *Saccharum officinarum*) and *mai`a* (banana, *Musa* sp.), were also grown and, where appropriate, such crops as *`uala* (sweet potato, *Ipomoea batatas*) were cultivated. This was the typical agricultural pattern seen during traditional times on all the Hawaiian Islands (Kirch and Sahlins 1992, Vol. 1:5, 119; Kirch 1985). Agricultural development on the leeward side of Maui was likely to have begun early in what is known as the Expansion Period (A.D. 1200-1400, Kirch 1985).

WAHI PANI (LEGENDARY PLACES)

Scattered amongst the agricultural and habitation sites were other places of cultural significance to the *kama`āina* (those familiar with the area) of the district. Information concerning only a few has been retained. Three *heiau* were recorded in Olowalu Ahupua`a in the 1920s (Thrum 1908, 1916, 1917; Walker 1930, Sterling 1998). Petroglyphs were inscribed and are still visible on the bare stone sides of a hill about a mile in from the highway past the present Olowalu Store. The figures are of several types, including those of dogs, women, children, letters from the English alphabet, having been drawn during different periods. It was suggested by one *kama`āina* (John Ka`aea Fujishiro, pers. Comm; McGerty and Spear 2005) that

this area had functioned as a rest stop before attempting the crossing of the Olowalu mountains to `Īao Valley. As Olowalu is the largest and deepest valley on the southwest side of Maui, Handy recorded in the 1930s:

...[Olowalu] used to support extensive terraced cultivation. The lower ranges of terraces have been completely obliterated by canefields; by just where the sugar cane ends and the valley begins there is a little spot where five Hawaiian families, all of them intermarried, raise several varieties of taro in flourishing wet patches. Some of it is sold, but most is pounded by hand for the family poi. There are said to be abandoned terraces far up in Olowalu [1940: 103].

Indeed, in the valley, Walker recorded old taro patches and house sites, a lookout site, and a traditional `auwai still in use by the sugar plantation to bring water from the valley to the cane fields as the plantation did with the old `auwai in Ukumehame Ahupua`a, next door (Walker 1930; McGerty and Spear 2005).

Trails extended from the coast to the mountains, linking the two for both economic and social reasons. A trail known as the *alanui* or “King’s trail” built by Kihapi`ilani, extended along the coast passing through all the major communities between Lāhainā and Mākena. A path along Kealaloa ridge leads to the summit of Pu`u Kukui, the headwaters of many streams, and continues beyond. The Lahaina Pali Trail, constructed in 1841, provided access to other parts of the island, including Wailuku (Tomonari Tuggle 1991, 1995). The most famous of the trails is that used to cross from `Īao Valley to Olowalu and was used by the surviving warriors and *ali`i* (Kalola, Keopolani, Kalanikupule, etc) of Maui to escape the forces of Kamehameha in the battle of *Kepaniwai* in the 1790s (Kamakau 1961).

Historically, Olowalu is known for the Olowalu Massacre perpetrated by Capt. Simon Metcalf of the ship *Eleanora* in 1790 (*ibid.*). Instead of seeking out and punishing those natives guilty of a crime, Metcalf chose to retaliate on the innocent inhabitants of Olowalu Village. Placing all his ship’s guns on the starboard side of the ship, Metcalf encouraged the natives to come in their canoes to trade at which time he fired on them, slaughtering men, women and children (Kuykendall 1980, Vol. I).

Most of the *ahupua`a* on the southern coast have been overshadowed by the famous roadstead and village of Lāhainā which served as the capitol of the Hawaiian Kingdom after the conquest of Kamehameha until 1855. The ethnographic and historic literature, often our only link to the past, reveals that the lands around Lāhainā were rich agricultural areas irrigated by

aqueducts originating in well-watered valleys with permanent occupation predominately on the coast. Handy and Handy have stated the space cultivated by the natives of Lāhainā (district) at about "...three leagues [9 miles] in length, and one in its greatest breadth. Beyond this all is dry and barren; everything recalls the image of desolation" (1972:593). Crops cultivated included coconut, breadfruit, paper mulberry, banana, taro, sweet potato, sugar cane, and gourds.

Olowalu Valley, with its permanent stream, was one of the sources along with Ukumehame, Launiupoko, and Kaua`ula, providing agricultural opportunities for the growing leeward population. Handy and Handy reported:

Southeastward along the coast from the *ali`i* settlement [Lāhainā] were a number of areas where dispersed populations grew taro, sweet potato, breadfruit and coconut on the slopes below and in the sides of valleys which had streams with constant flow. All this area, like that around and above Lahaina, is now sugar-cane land...[1972].

THE GREAT MĀHELE

In the 1840s, traditional land tenure shifted drastically with the introduction of private land ownership based on western law. While it is a complex issue, many scholars believe that in order to protect Hawaiian sovereignty from foreign powers, Kamehameha III was forced to establish laws changing the traditional Hawaiian economy to that of a market economy (Kame`eleihiwa 1992:169-70, 176; Kelly 1983:45, 1998:4; Daws 1968:111; Kuykendall 1938 Vol. I: 145). The Great Māhele of 1848 divided Hawaiian lands between the king, the chiefs, the government, and began the process of private ownership of lands. The subsequently awarded parcels were called Land Commission Awards (LCAs). Once lands were made available and private ownership was instituted, the *maka`āinana*, if they had been made aware of the procedures, were able to claim the plots on which they had been cultivating and living. These claims did not include any previously cultivated but presently fallow land, *`okipū* (on O`ahu), stream fisheries, or many other resources necessary for traditional survival (Kelly 1983; Kame`eleihiwa 1992:295; Kirch and Sahlins 1992). If occupation could be established through the testimony of two witnesses, the petitioners were awarded the claimed LCA and issued a Royal Patent after which they could take possession of the property (Chinen 1961:16).

There were 88 claims for land in Olowalu during the Māhele (Waihona `Aina Database 2006). The project area incorporated LCA 05620 awarded to Kehele (or Kahele) along with five other parcels (Appendix A). According to Mopua who testified for Kehele, there were two lots on the coast, both of which were houselots. Lot #6 is located in the *`ili* of Kaluaaha and is

incorrectly numbered as (LCA) 5620:1 on TMK: 4-8-03. Lot #5 is incorrectly numbered (LCA) 5620:4 and is the project area. Mopua stated that Kehele received these lands from Maka in 1824, “and his title is without dispute” (LCA 05620, Mahele Database 2006).

Sugar was to be the economic future of Hawai`i and as early as 1828, two Chinese brothers, Ahung and Atai, of Honolulu’s Hungtai Company arrived in Wailuku to explore the possibility of setting up one of its earliest sugar mills. Atai soon created a plant that processed sugar cane cultivated by Hawaiians, named the Hungtai Sugar Works (Dorrance and Morgan 2000:15–16). Ahung later joined Kamehameha III’s sugar producing enterprise, although by 1844 both operations had ceased. The Wailuku Sugar Company was the next to follow, in 1862, and would expand sugar production over the next 126 years of its existence—4,450 acres by 1939. The Olowalu Company was organized in 1881 on lands given up by the West Maui Plantation. A small company, it produced a maximum of 2, 969 tons of sugar in 1931 (Dorrance and Morgan 2000:64). At this time, it was purchased by the Pioneer Mill and became a part of their acreage. A Map of Olowalu Sugar Plantation recorded in 1881, shows cane lands slowly creeping towards and around the *kuleana* that are still in the possession of the awardees: John Clark LCA 240, Z. Kaauwai LCA 1742, Nahue Wahine LCA 5829, Minamina LCA 5952, Haia LCA 7719, and Kehele (Kahele) LCA 5620 (Figure 3). At some point in time, all the LCAs, including the project area became a part of the sugar lands belonging to the Pioneer Mill Company Ltd.

SUMMARY

The “level of effort undertaken” (OEQC 1997) has not been officially defined and is left up to the investigator. A good faith effort can mean contacting agencies by letter, interviewing people who may be affected by the project or who know its history, research identifying sensitive areas and previous land use, holding meetings in which the public is invited to testify, notifying the community through the media, and other appropriate strategies based on the type of project being proposed and its impact potential. Sending inquiring letters to organizations concerning development of a piece of property that has already been totally impacted by previous activity and is located in an already developed industrial area may be a “good faith effort”. However, when many factors need to be considered, such as in coastal or mountain development, a good faith effort would undoubtedly mean an entirely different level of research activity.

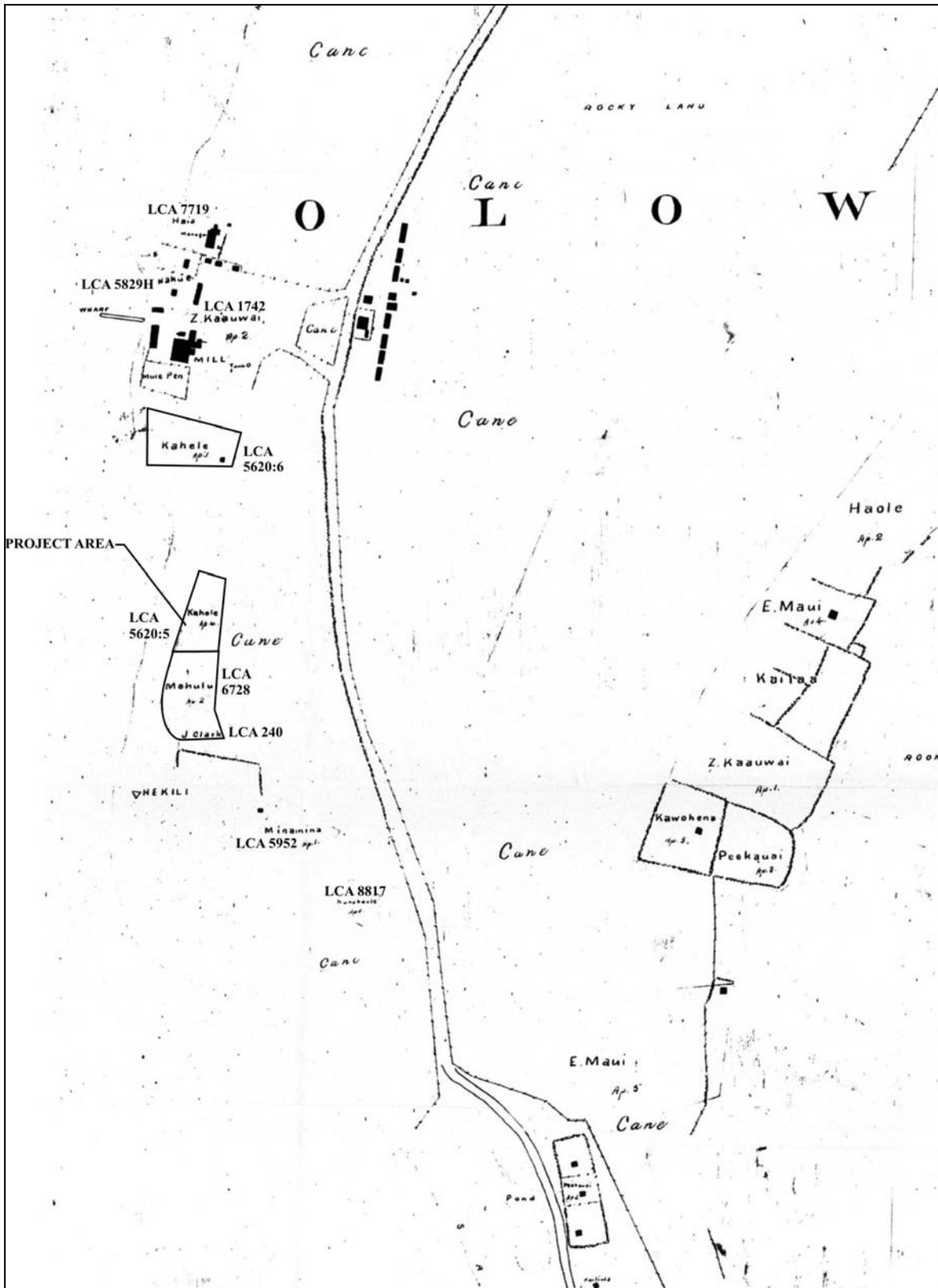


Figure 3: Map of Olowalu Sugar Plantation Maui, November 1881 (County of Maui Department of Planning).

INTERVIEWS

As suggested in the “Guidelines for Accessing Cultural Impacts” (OEQC 1997), CIAs incorporating personal interviews should include ethnographic and oral history interview procedures, circumstances attending the interviews, as well as the results of the consultation. It is also permissible to include organizations with individuals familiar with cultural practices and features associated with the project area.

In the case of the present parcel which was a house lot at least until 1881 and then a part of the Pioneer Mill sugar lands, letters of inquiry were sent to organizations whose expertise would include the project area. Consultation was sought from the Maui Office of Hawaiian Affairs, Community Resource Coordinator, Maui; the Office of Hawaiian Affairs, O’ahu; Cultural Resource Planner for the Maui Planning Department; the Central Maui Civic Club; and the Cultural Historian with the SHPD, Maui office. Six individuals familiar with Olowalu were contacted by phone. Three individuals did not respond to our request, one preferred to not be cited, but two others, Wally Fujii and Adeline Rodrigues, were willing to be interviewed. In addition, Hinano Rodrigues, Cultural Historian for SHPD and also a resident of Olowalu contributed his knowledge.

Wally Fujii is the owner of Olowalu Store and the retired principle of Baldwin High School. He was born in Olowalu in 1936. To his knowledge there were no cultural activities associated with the project area or its vicinity except fishing. Presently, access is easy for those who want to fish off the rocky beach (pers. comm Wally Fujii, July 7, 2006).

Addie Rodrigues was raised in Olowalu and has spent most of her life here. Her family comes from the Olowalu/Ukumehame area, extending back before the Māhele. She did not know of any cultural activities associated with the specific project area, but mentioned how the ocean resources have long been included as a food source. Activities such as net-fishing, gathering *limu* and hard-back crabs have continued from generation to generation and are very much alive today. Because of this, her concern was for access to the beach and ocean resources to continue.

Hinano Rodrigues, a resident of Olowalu and the Cultural Historian for SHPD, Maui Office, reiterated what Addie had reported. In addition, he included gathering *loli* (sea cucumber), *hā`uke`uke* and *hā`ue`ue* (sea urchin), fishing for *he`e* (octopus), lobster, and *lamalama* or torch fishing. All are activities that are still conducted along the beach and in the bay. Again, the concern was for easy access to allow these activities to continue.

Archival research included historical and cultural source materials that were used extensively and can be found listed in the References Cited portion of the report. Such scholars as Beckwith, Chinen, Kame`eleihiwa, Fornander, Kuykendall, Kelly, Handy and Handy, Puku`i and Elbert, Thrum, and Walker have contributed, and continue to contribute, to our knowledge and understanding of Hawai`i, past and present. The works of these, and other authors, were consulted and incorporated in the report where appropriate. Land use document research was supplied by the Waihona `Aina 2004 Database.

Analysis of the potential effect of the project on cultural resources, practices or beliefs, its potential to isolate cultural resources, practices or beliefs from their setting, and the potential of the project to introduce elements which may alter the setting in which cultural practices take place is a requirement of the OEQC (No. 10, 1997). The project area has not been used for traditional cultural purposes within recent times except for the coastal section that continues to provide ocean resources to people of the district. Based on historical research and those responses received from the Maui Office of Hawaiian Affairs, Community Resource Coordinator, Maui; the Office of Hawaiian Affairs, O`ahu; the Cultural Resource Planner for the Maui Planning Department; the Central Maui Civic Club; and the Cultural Historian for SHPD, it is reasonable to conclude that Hawaiian rights related to gathering, access or other customary activities within the project parcel will not be affected and there will be no direct adverse effect upon cultural practices or beliefs. However, as always with oceanfront development, the issue of access of the community to marine resources is prominent. The project is for a single family home and at this point in time there is vacant land on each side of the lot. It would seem for the present coastal access is insured for resource gathering, fishing and other activities customarily enjoyed by the local population.

CULTURAL ASSESSMENT

Based on organizational response and archival research, it is reasonable to conclude that, pursuant to Act 50, the exercise of native Hawaiian rights, or any ethnic group, related to gathering, access, or other customary activities, will not be affected by development activities on Parcel 45-A. However, this land parcel was owned by the same individual from at least 1824 to 1881 and there is the possibility of family members having been buried on the site or in the vicinity during the 57 years of occupation. Beach internments were a common occurrence in Hawai`i, because of the easy burial conditions provided by the sand. In addition, it was

generally not necessary to hide the bones of the *maka`āinana* for fear of desecration from enemies, as was the case with the *ali`i*.

In the unlikely event that human remains are encountered, all work in the immediate area should cease. The State Historic Preservation Division island archaeologist (M. Kirkendall) and State Historic Preservation Division Burial Sites Program (located in Kapolei, O`ahu) should both be immediately notified about the inadvertent discovery of human remains on the property. Only the State Historic Preservation Division has the authority to approve the removal of human remains, which is typically conducted in consultation with the appropriate burial council members.

Because there were no specific cultural activities identified within the project area parcel, there are no adverse effects.

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APPENDIX A: LCA DATA



- Articles
- Navigation
- Samples
- Gallery
- About Us
- Contact Us
- Mahele Database
- Boundary Commission
- Land Grants
- Royal Patents
- Review Cart & Checkout

DOCUMENT DELIVERY

[Change password](#) [Log out](#)

Mahele Database Documents
Number: 05620

Claim Number: **05620**
Claimant: **Kehele**
Other claimant:
Other name:
Island: **Maui**
District: **Lahaina**
Ahupuaa: **Olowalu**
Ili: **Kaluaha, Kaunukukahi, Maomao**
Apana: **6** Awarded: **1**
Loi: **5** FR:
Plus: **+** NR: **322v6**
Mala Taro: FT: **227v5**

| | | | |
|------------------------|-----------|--------------------------|------------------------|
| Kula: | 1 | NT: | 103v5 |
| House lot: | 2 | RP: | 5477 |
| Kihapai/Pakanu: | | Number of Royal Patents: | 1 |
| Salt lands: | | Koele/Poalima: | No |
| Wauke: | | Loko: | No |
| Olonā: | | Lokoia: | No |
| Noni: | | Fishing Rights: | No |
| Hala: | | Sea/Shore/Dunes: | Yes |
| Sweet Potatoes: | | Auwai/Ditch: | No |
| Irish Potatoes: | | Other Edifice: | No |
| Bananas: | | Spring/Well: | No |
| Breadfruit: | | Pigpen: | No |
| Coconut: | | Road/Path: | Yes |
| Coffee: | | Burial/Graveyard: | No |
| Oranges: | | Wall/Fence: | No |
| Bitter Melon/Gourd: | | Stream/Muliwai/River: | Yes |
| Sugar Cane: | | Pali: | Yes |
| Tobacco: | | Disease: | No |
| Koa/Kou Trees: | | Claimant Died: | No |
| Other Plants: | | Other Trees: | |
| Other Mammals: | No | Miscellaneous: | government road |

**No. 5620, Kehele
N.R. 322v6**

To the Land Commissioners, Greetings: I, Kahele, hereby state my claim for a little lot. Z. Kaauwai knows of it, it was an unused place and I worked on it. It was disputed by the konohiki, who had no right, he did not work on it. I had not right, so said the konohiki, therefore, I present it to you for you to work on it.

KAHELE

Olowalu, Maui

28 January 1848

F.T. 227v7

Cl. 5620, Kahele

Mopua, sworn, I know the lands of the claimant. There are 3 pieces in Maomao, One piece of 2 lois in Wailoa, one house lot in "Kaumukukahi, and another in Kaluaaha, all in Olowalu.

No. 1 is a section of kalo land.

No. 2 is a section of kalo land.

No. 3 is a section of kula land.

No. 4 is a section of 3 lois.

No. 5 is a house lot.

No. 6 is a house lot.

The claimant received these lands from Maka in the year 1824 or about, and his title is without dispute.

No. 1 is bounded:

Mauka by the pali of Olowalu

Hana and Makai sides by the creek of Olowalu

Kaanapali by Naea's land.

No. 2 is bounded:

Mauka, Hana and Makai sides by the creek of Olowalu.
Kaanapali by the pali of Olowalu.

No. 3 is bounded:
Mauka by Puolaia
Hana by Kalaipaihala's land
Makai by the Government road
Kaanapali by Niupaipai.

No. 4 is bounded:
Mauka by Kaukama's land
Hana by Maui's land
Makai by the same
Kaanapali by the creek of Olowalu.

No. 5 is bounded:
Mauka by Naea's land
Hana by Mahulu's lot
Makai by the sea shore
Kaanapali by Capt. Saffrey's lot.

No. 6 is bounded:
Mauka by the Alanui Aupuni
Hana by Capt. Saffrey's lot
Makai by the sea shore
Kaanapali by the creek of Olowalu.

N.T. 103-104v5
No. 5620, Kahele

Mopua sworn he has seen 6 sections in these ilis below here in Olowalu. They were

from Maria in 1824, no objections. The boundaries are:

Section 1 - Taro in Maomao.
Mauka by Olowalu pali
Hana and Makai by Olowalu stream
Kaanapali by Naea's land/pali,

Section 2 - Taro in Maomao.
Mauka, Hana and Makai by stream.
Kaanapali by pali.

Section 3 - Pasture in Maomao.
Mauka by Puolaia.
Hana by Kalaipaihala
Makai by Government road
Kaanapali by Niupaipai.

Section 4 - 2 patches in Wailoa.
Mauka by Kaukama's (Female) land
Hana and Makai by E. Maui's land
Kaanapali by Olowalu stream.

Section 5 - House lot at Kaumukukahi.
Mauka by Naea's land
Hana by Mahulu's land
Makai by sea
Kaanapali by Kawaaiiki.

Section 6 - House lot at Kaluaaha.
Mauka by Government road
Hana by Kawaaiiki
Makai by sea

Kaanapali by Olowalu Stream.

[Award 5620; R.P. 5477; Kaluaha Olowalu; 1 ap.; 1 Ac. 1 rood 10 rods; Kaunukukahi Olowalu; 1 ap.; 3 roods 21 rods; Maomao Olowalu; 1 ap.; 2 roods 5 rods]



APPENDIX G.

Pages 7 – 9

Archaeological Inventory Survey of Makai
Portion of Olowalu (Phase 1) of Olowalu
Development Parcel

**ARCHAEOLOGICAL INVENTORY
SURVEY OF *MAKAI* PORTION (Phase 1) OF
LOWALU DEVELOPMENT PARCEL
LOWALU *AHUPUA`A*, LAHAINA
DISTRICT, MAUI ISLAND
(TMK 4-8-3: por. 5)**

Prepared for:

**Olowalu Elua Associates
Kahului, Maui**

Prepared by:

***Xamanek Researches
Pukalani, Hawaii***

**Demaris L. Fredericksen
Erik M. Fredericksen**

January 28, 2000

Captain Dixon. They landed at Kealahou on May 26th, but found the “natives troublesome and no chief of apparently sufficient authority to keep them in order”, so they left on the 27th (Fornander, 1996, p. 230). On May 28th, the notable French explorer, La Perouse, anchored near Lahaina on Maui, after having visited the southern part of the island that bears his name—La Perouse Bay. Other vessels followed, which were chiefly occupied in the fur trade on the Northwest Coast of America. Hawaii also became a stopover on the trade route to and from China. The most desirable trade items continued to be arms and ammunition, which were in high demand by the different chiefs. For the most part, trading was friendly. However, cultural misunderstandings sometimes led to tragic consequences. Such was the case that culminated in the infamous incident that occurred off Olowalu in 1790.

Olowalu Massacre

The ship Eleanora, under the command of Captain Metcalf, and a smaller schooner, Fair American, under the command of Metcalf's son, Thomas, arrived off Hawaii island in the winter of 1789, to engage in trade. In February 1790, the Eleanora proceeded to Honua'ula on Maui to trade there. The following is Fornander's recounting of what followed (pp. 232-234):

“The native accounts state that the captain was an irritable and harsh man, and liberal in his use of the rope 's-end on trifling provocations; yet trade was continued and his ill-usage submitted to for the gain the common people thought they obtained in the barter of the commodities for those that the foreigner brought them.

Kalola, the widow of Kalaniopuu, with her new husband, Kaopuiki, and her family, were at this time living in the village of Olowalu², some fifteen miles from where Metcalf's vessel was anchored. Hearing of the arrival of the trading ship at Honuaula, Kaopuiki got ready a number of hogs and other produce, and started for Honuaula to trade for musquets, ammunition, and such other articles. It is not known that Kaopuiki received any bad usage from Captain Metcalf, although others did; but noticing that the ship's boat was left towing astern during the night, Kaopuiki formed the design of getting the boat into his possession. The following night the plan was carried into effect, the boat was set adrift from the vessel, the watchman, who had fallen asleep in her, was killed, the boat towed ashore and broken up for the sake of the iron fastenings, and Kaopuiki and his men returned to Olowalu.

When the loss of the boat and the death of the seaman were ascertained in the morning, Captain Metcalf fired on the people ashore, and took two prisoners, from one of whom belonging to Olowalu it is thought that he received information as to who the party was that had stolen his boat. In a day or two the vessel left her anchorage at Honuaula and came-to off Olowalu.”

The account is continued by Kamakau (pp. 145-147):

² An informant, Ms. Adeline Rodrigues was told by her grandfather that their property was the location of Kalola's residence. See Maps 6 and 8.

“...in the morning Ka-lola declared a tabu restricting canoes from going out to the ship on pain of being burned to death if they disobeyed. ‘Withered grass’ (Mau`umae) was the name of this law. It belonged to Ka-lola alone and to her children and grandchildren; no other chief could declare such a tabu. It lasted three days. On the fourth the tabu was ended, and canoes in great numbers went out to trade with the foreigners. Many came from Lahaina as well as from Ka`anapali, Lanai, and neighboring places. The canoes gathered under the ship’s sides, the men eager to procure iron, beads, looking-glasses, scissors, muskets for the constant warring going on at the time, red cloth and other foreign material. Little did they suspect the terrible carnage that was to follow, a carnage without any effort to apprehend and punish the offenders or any pity for the innocent. So these Christians murdered the Hawaiian people without any more mercy than cannibal Nukuhivans show, or people of pagan lands. Canoes that drifted toward bow or stern were compelled by a shower of stones to keep admidships, and when all were clustered together, the captain was pretending to trade, and the people were busily eyeing the objects they desired, just as Aka-kane and another man had climbed upon the deck, the ship opened fire and shot the people down without mercy, just as if they were creatures without souls. Even those who swam away were shot down. John Young was an eyewitness on board the ship and has testified to the great number who were killed at this time. At noon that day the Eleanor [sic.] sailed, and the people went out and brought the dead ashore, some diving down into the sea with ropes and others using hooks; and the dead were heaped on the sands at Olowalu. Because the brains of many were oozing out where they had been shot in the head, this battle with the ship Eleanor and her captain was called ‘The spilled brains’ (Kalolopahu). It was a sickening sight, as Mahulu and others have reported it: the slaughtered dead were heaped upon the sand; wives, children, parents, and friends came to view and mourn over their dead; and the sound of loud wailing arose.”

Fornander relates the incident (pp. 233-234):

“But Captain Metcalf meditated a terrible revenge for the loss of his boat and the death of his seaman. As the canoes collected around the ship, he ordered the guns and small arms to be loaded, and the unsuspecting natives were ordered to keep their canoes off the waists of the ship, and when any strayed either under the bows or the stern, they were pelted with stones or other missiles until they rejoined the fleet of canoes lying off either broadside of the ship waiting for trade to commence. When all was ready, Captain Metcalf mounted on the rail and gave orders to open the ports of the ship, loaded with small shot and grapnel, and the musketry of the sailors, were fired in the crowd of canoes lying within easy range on both sides. The carnage was immense. Over a hundred natives were killed outright, and several hundred more or less seriously wounded. The confusion, the wailing, the rush to escape was indescribable.

After this cruel and wonton vengeance on an innocent multitude—for the main trespasser, Keopuiki [sic.], was not among the slain, and does not appear to have been afloat that day—Captain Metcalf lifted his anchor and proceeded to Hawaii to join his tender, the Fair American.”

On the morning of March 17th the Fair American was captured off Kaupulehu in North Kona by Kameeiamoku, a great chief and supporter of Kamehameha. He had

suffered a beating at the hands of the elder Metcalf, and vowed vengeance on the next foreign vessel he could get aboard. The 18-year old captain, Thomas Metcalf, was thrown overboard and drowned, and the other members of the crew were killed. For some reason, the mate, Isaac Davis, was wounded, but his life spared. The vessel was taken ashore and the guns, ammunition and general cargo, along with the wounded Davis, were taken to Kamehameha at Kealakeakua.

The Eleanora was anchored there at Kealakeakua. The boatswain, John Young, and several other men had gone ashore. Young became separated from his fellow crewmembers, and was detained by Kamehameha, since the latter needed a foreigner to show him how to use the newly acquired guns and ammunition (Ibid., p. 235) The Eleanora waited for 2 days for Young to return. On the third day when he did not appear, Captain Metcalf sailed away, not knowing the fate of his son.

Davis and Young spent the remainder of their lives in the service of Kamehameha. Their knowledge of foreign technology proved extremely valuable to Kamehameha. One of the cannons which was taken from the Fair American, Lopaka, was used in the Battle of Kepaniwai, where Kamehameha defeated the warriors of Kahekili, in 1790. The Maui warriors were driven into Iao Valley, attacked with the cannon and other firearms, and slaughtered in great numbers. Those that escaped did so by climbing over the steep ridge and down into Olowalu Valley.³

Although his warriors were defeated on Maui, Kahekili still commanded a sizeable army on the island of Oahu. He was considered to be a very old chief when he was visited at Lahaina by Vancouver in March of 1793. Kamakau reports (1992, p. 165) that during this meeting Vancouver urged Kahekili to stop fighting and establish friendly relations with the chiefs of Hawaii. Kahekili said that it was not right for the chiefs of Hawaii to raid Maui “and rob and pillage without cause. Ka-hekili requested Vancouver, if he desired peace, to stay there all the time and guard him against further wars.” Vancouver recognized that Kamehameha had superior numbers of chiefs and warriors, and they possessed firearms and the knowledge of their use. Sometime after Vancouver’s departure for Oahu, Kahekili died.

With the great chief’s passing, Kamehameha moved to bring Maui and Oahu under his rule. In 1796, following the battle of Nu’uanu, the southern islands were united under one chief for the first time.

Early 19th century

Foreign influence became more and more pervasive following the unification of the Hawaiian Islands under Kamehameha. These forces brought commercial, social and religious changes to Lahaina District, as well as to the other islands. Lahaina was the

³ According to Handy and Handy (1972, p. 490), the overland trail provided a link between the Lahaina District and the north coast of West Maui, as well as allowing the exploitation of forest resources found at higher elevations. More specifically, this trail extended *mauka* into Olowalu Valley and over the summit at Mauna Kukui.

APPENDIX H.
Historic Maps of Olowalu

C. N. 210. John Clark.

11

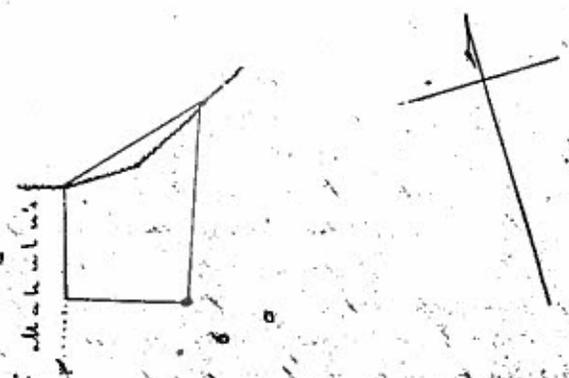
This is a claim for a House lot in Kahuakanaka, Olowalu Maui.

The Claimant, by permission of Ketauluohi, enclosed the place and built upon it. His right to do so, is perfectly clear from the testimony of H. K. John Young, then Governor of Maui.

The house lot contains an area of 721 fathoms .28 feet, according to the survey made by S. Metcalf.

He is hereby advised to the said John Clark, a feehold title has been collected in the said house lot, subject to Commutation according to law.

"Survey of John Clark's house lot in Kahuakanaka, Olowalu Maui": Commence at Makai S. E. corner of this lot. 56 ft. in a direction N. 31° W. from a Ko tree - and running N. 72° 15' W. 2 Ch. 6 ft. along Makai wall of this to Makuhia lot - thence N. 16° E. 1 Ch. 68 1/2 ft. along Makuhia lot to large stone wall - thence N. 72° E. 2 3/4 Ch. along Maieka side of this lot to N. E. corner - thence S. 19° 30' W. 3 Ch. 31 1/2 ft. along Maieka wall to place of Commence. Includes an area of 721 fathoms .28 feet.
Metcalfe Sur.



Cost. Inc. Exp. 4. Action of Comm. 7. Station 36
Reduced Copy of Claim 50th D. and Express Testimony
Survey by S. Metcalf 8. Expenses 18
22 August



Approximate
Project Location

COAST LINE
OF A PART OF
OLOWALU AND UKUMEHAME
WEST MAUI

From Map by C. J. Lyons Sur.

Scale 1:12000.

Reduced by Pantagraph.

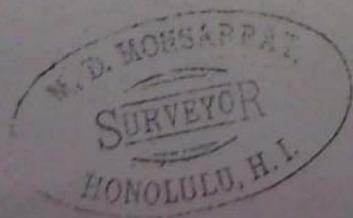
OLOWALU

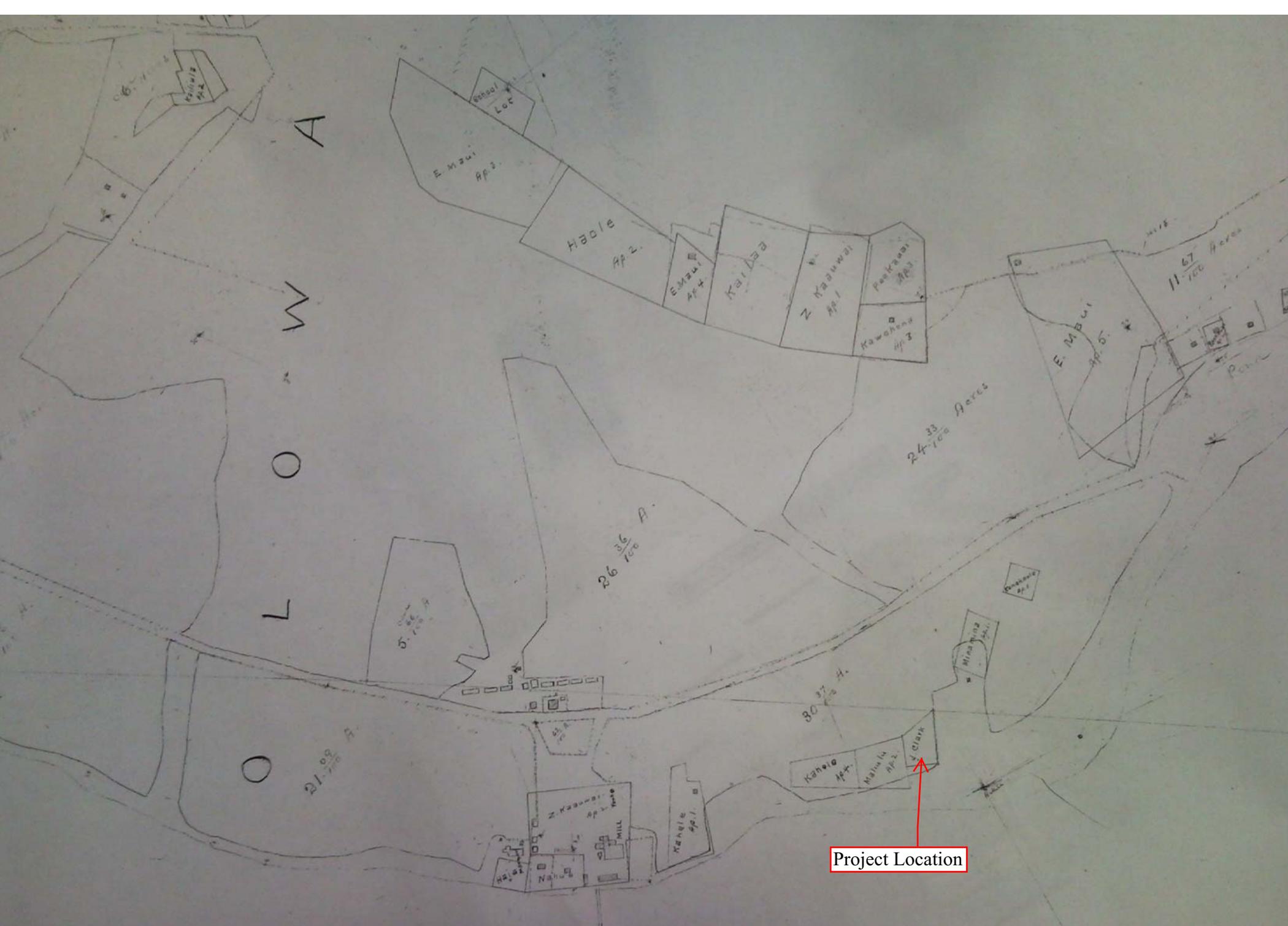
Sugar Plantation

MAUI

Surveyed Nov. 1881

300. ft. = 1 inch





Project Location

APPENDIX I.

Draft Environmental Assessment Comments
and Response Letters

Agency & Organization Consultation

Agencies and Organizations Consulted in the Environmental Review Process:

| Respondents & Distribution | Received July 2010 DEA | Comments Received on DEA | Responded to DEA Comments |
|--|-------------------------------|---------------------------------|----------------------------------|
| A. Federal Agencies | | | |
| Dept. of Interior - Fish & Wildlife Service | X | | |
| National Marine Fisheries | X | | |
| USDA – Natural Resources Conservation Service - Maui | X | | |
| B. State Agencies | | | |
| Department of Accounting & General Services | X | | |
| Department of Agriculture | X | | |
| Department of Hawaiian Homelands | X | | |
| Department of Health, Maui | X | X | X |
| Department of Land & Natural Resources (DLNR); Land Administration, Maui | X | | |
| Department of Land & Natural Resources (DLNR); Land Administration (Forestry & Wildlife) | | X | X |
| DLNR - Office of Conservation & Coastal Lands (OCCL) | X | X | X |
| DLNR - Planning | X | | |
| DLNR - Planning Office | X | | |
| DLNR - State Historic Preservation Division (SHPD) | X | | |
| Department of Transportation (DOT), Statewide Planning Office | X | X | X |
| Office of Hawaiian Affairs (OHA) | X | | |
| Office of Planning | X | | |
| C. County of Maui | | | |
| Department of Parks & Recreation | X | X | X |
| Department of Public Works | X | X | X |
| Department of Water Supply | X | | |
| Department of Fire & Public Safety | X | | |
| Department of Planning | X | | |
| Police Department | X | | |
| ZAED, Zoning & Enforcement Division | X | X | X |
| D. Other | | | |
| Hawaiian Telecom | X | | |
| Maui Electric Company, Ltd. | X | | |
| Tara Miller, SeaGrant Agent | X | | |
| Camp Olowalu | | X | |
| F. Libraries | | | |
| Kahului Public Library | X | | |
| Lahaina Public Library | X | | |
| | | | |
| | | | |

| | | | |
|------------------------|--|--------------|--|
| AGENCY NAME | | PHONE | |
|------------------------|--|--------------|--|

Agency Transmittal – POSELY COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING
 CPA 2010/0002, CIZ 2010/0004, EA 2010/0004
 July 20, 2010
 Page 2

Please identify any comments you would like the Department of Planning to propose as conditions of project approval. Please also provide any previous comments, letters, etc. pertinent to this application. Submit your comments directly to me **by August 11, 2010**. A comment box is also provided to assist you. If no comment, please sign the "No Comment" box and fax to (808) 270-1775. Thank you for your time and assistance. For additional clarification, please contact me via email at jeff.hunt@mauicounty.gov or at (808) 270-7821.

Sincerely,

 Jeffrey S. Hunt, AICP, Staff Planner

JSH:
 xc: Clayton I. Yoshida, AICP, Planning Program Administrator
 Project File
 General File

| | | | |
|-------------------|--|--------|--|
| NO COMMENT | | | |
| Signed: | | Dated: | |
| Print Name: | | Title: | |

| | | | |
|-----------------------------------|--|--------|--|
| COMMENT/RECOMMENDATION BOX | | | |
| | | | |
| Signed: | | Dated: | |
| Print Name: | | Title: | |

10/2555

LINDA LINGLE
GOVERNOR OF HAWAII



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

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

10 AUG 16 P1:14

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

August 12, 2010

Ms. Kathleen Ross Aoki
Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Attention: Jeffrey S. Hunt

Dear Ms. Ross Aoki:

Subject: Posely Community Plan Amendment
Applicant: Douglas Posely
Subject I.D.: CPA 2010/0002, CIZ 2010/0004, EA 2010/0004
TMK: (2) 4-8-003:047
Street Address: Access from near Milepost 15 on Honoapiilani Highway at Olowalu
Description: EA, CPA from Park to Agriculture and CIZ from A-3 Apartment to Agriculture to provide for the future construction of a single family farm dwelling

We have no further comments than what was submitted in our March 12, 2007 letter.

It is strongly recommended that the Standard Comments found at the Department's website: <http://hawaii.gov/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,

Patti Kitkowski
Acting District Environmental Health Program Chief

c EPO

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

March 12, 2007

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

Dear Mr. Roy:

Subject: **Poseley Single-Family Residence**
TMK: (2) 4-8-003: 047

Thank you for the opportunity to participate in the early consultation process for the Poseley Single Family Residence project. The following comments are offered:

1. 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.
2. Plan review and approval of all new wastewater disposal systems is required prior to construction of the systems.

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 in a circular scribble.

Herbert S. Matsubayashi
District Environmental Health Program Chief

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauland.com

October 25, 2010

Ms. Patti Kitkowski, Acting District Environmental Health Program Chief
State of Hawai'i, Department of Health
Maui District Health Office
54 High Street
Wailuku, HI 96793-2102

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in
Zoning TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai'i

Dear Ms. Kitkowski:

Thank you for your comment letter dated August 12, 2010. As noted in the Environmental Assessment, the applicant will incorporate appropriate Best Management Practices in order to mitigate impacts from the project.

Thank you for your comments on the subject applications. Please do not hesitate to contact me if you have any further questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

Office of Planning

Agency Transmittal – PI SELV COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING
CPA 2010/0002, CIZ 2010/0004, EA 2010/0004
July 20, 2010
Page 2

Please identify any comments you would like the Department of Planning to propose as conditions of project approval. Please also provide any previous comments, letters, etc. pertinent to this application. Submit your comments directly to me by August 11, 2010. A comment box is also provided to assist you. If no comment, please sign the "No Comment" box and fax to (808) 270-1775. Thank you for your time and assistance. For additional clarification, please contact me via email at jeff.hunt@mauicounty.gov or at (808) 270-7821.


Jeffrey S. Hunt, AICP, Staff Planner

JSH:
xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Project File
General File

| | | |
|---|--|---------------------|
|  | | 8/3/2010 |
| Abe Mizuda | | Planning Prog Admin |

COMMENT/RECOMMENDATION BOX

| | | | |
|-------------|--|--------|--|
| | | | |
| Signed: | | Dated: | |
| Print Name: | | Title: | |

10/2557

LINDA LINGLE
GOVERNOR OF HAWAII



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



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

'10 AUG 16 P1:08

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

August 12, 2010

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

Attention: Mr. Jeffrey S. Hunt, AICP, Staff Planner

Ladies and Gentlemen:

Subject: Posely Community Plan Amendment and Change in Zoning

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

Other than the comments from Division of Forestry & Wildlife, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Historic Preservation will be submitting comments through a separate letter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

for Morris M. Atta
Acting Administrator



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 4, 2010

RECEIVED
LAND DIVISION
2010 AUG -9 P 3:06
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

MEMORANDUM

TO: **DLNR Agencies:**
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division -Gavin

Charlene

FROM: Charlene Unoki, Assistant Administrator
SUBJECT: Posely Community Plan Amendment and Change In Zoning
LOCATION: Island of Maui
APPLICANT: Douglas Posely

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by August 9, 2010.

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

Attachments

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

Signed: *Paul J. Conry*

Date: AUG 9 2010

**PAUL J. CONRY, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE**

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauiland.com

October 25, 2010

Morris M. Atta, Acting Administrator
State of Hawai'i
Department of Land & Natural Resources
Land Division
PO Box 621
Honolulu, HI 96709

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in Zoning
TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai'i

Dear Mr. Atta:

Thank you for your comment letter dated August 12, 2010. Your letter noted that the Land Division and Division of Forestry and Wildlife had no further comments to offer.

Thank you for your comments on the subject applications. Please do not hesitate to contact me if you have any further questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
WILLIAM D. BALFOUR, JR.
SUMNER ERODMAN
NEAL S. FUJIMURA
CHRYOME L. FUKINO, M.D.
DONNA FAY K. KIYOSAKI, P.E.
LAWRENCE H. MIKE, M.D., J.D.

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

August 12, 2010

RECEIVED
LAND DIVISION
LENORE N. OHYE
ACTING DEPUTY DIRECTOR
AUG 13 P 3:04
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

TO: Morris Atta, Administrator
Land Division

FROM: Lenore N. Ohye, Acting Deputy Director *Lenore N. Ohye*
Commission on Water Resource Management

SUBJECT: Posely Single-Family Dwelling Community Plan Amendment and Zoning Change, Olowalu, Maui

FILE NO.: N/A

TMK NO.: (2) 4-8-003:047

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/cwrm>.

Our comments related to water resources are checked off below.

- 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EPA as having high water efficiency can be found at <http://www.epa.gov/watersense/pp/index.htm>.
- 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.

DRF-IA 06/19/2008

- 6. We recommend the use of alternative water sources, wherever practicable.
- 7. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM:

Additional information and forms are available at http://hawaii.gov/dlnr/cwrm/resources_permits.htm.

- 8. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water.
- 9. A Well Construction Permit(s) is (are) required any well construction work begins.
- 10. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- 11. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- 12. Ground water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- 13. A Stream Channel Alteration Permit(s) is (are) required before any alteration(s) can be made to the bed and/or banks of a stream channel.
- 14. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is (are) constructed or altered.
- 15. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- 16. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

OTHER:

No CWRM action is required.

If there are any questions, please contact Charley Ice at 587-0218.

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauland.com

October 25, 2010

Lenore N. Ohye, Acting Deputy Director
State of Hawai'i
Department of Land & Natural Resources
Commission on Water Resource Management
PO Box 621
Honolulu, HI 96709

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in Zoning
TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai'i

Dear Ms. Ohye:

Thank you for your comment letter dated August 12, 2010. The applicant will utilize water efficient fixtures and practices, such as the utilization of plants which are adapted to the area, in order to reduce the water demand. Also, an alternative water source is available for landscape irrigation purposes.

Thank you for your comments on the subject applications. Please do not hesitate to contact me if you have any further questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

10/2943

LINDA LINGLE
GOVERNOR OF HAWAII



10 SEP 13 P1:04

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

RUSSELL Y. TSUJI
ACTING FIRST DEPUTY

LENORE N. OHYE
ACTING DEPUTY DIRECTOR - WATER

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

REF:OCCL:DH

Correspondence: MA-11-15

Jeffrey S. Hunt, Staff Planner
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

SEP 10 2010

Dear Mr. Hunt,

SUBJECT: Subject Parcel TMK: (2) 4-8-003:047 and (2) 4-8-003:048, Olowalu, Island of Maui

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is in receipt of your letter dated, July 28, 2010 regarding the proposed improvements to Subject Parcel (2) 4-8-003:047 and (2) 4-8-003:048, located at Olowalu, Island of Maui.

According to your information, the subject parcel is located in the State Land Use Commission (LUC) Agricultural District (Subject Parcel (2) 4-8-003:047) and Conservation District, Limited subzone (identified as Easement "G" 0.1999 acres - Subject Parcel (2) 4-8-003:048). Various improvements (Single Family Residence) will occur in the Agricultural District. Related improvements to occur in the Conservation District will include landscaping, removal of alien and noxious plants and trees, replanting with Native Hawaiian or Polynesian plants.

The OCCL notes a Conservation District Use Application (CDUA) will be required to be submitted and processed for the proposed work, pursuant to Section 13-5-23, Hawaii Administrative Rules (HAR), identified land uses in the Limited subzone, LANDSCAPING AND REMOVAL OF NOXIOUS PLANTS, C-2, removal of noxious plants for maintenance purposes in an area less than ten thousand square feet that results in significant ground disturbance (e.g. clearing or grubbing).

Should you have any questions, please feel free to contact Dawn Hegger of our Office of Conservation and Coastal Lands at 587-0381.

Sincerely,

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

c: MDLO

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai`i 96790

cell 808 298 4956
rory@westmauland.com

October 25, 2010

Samuel J. Lemmo, Administrator
State of Hawai`i
Department of Land & Natural Resources
Office of Conservation & Coastal Lands
PO Box 621
Honolulu, HI 96709

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in Zoning
TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai`i
REF: OCCL:DH Corr MA-11-15

Dear Mr. Lemmo:

Thank you for your comment letter dated September 10, 2010. As described in the Environmental Assessment, the applicant is aware that the proposed removal of noxious plants, grading and replanting with Native Hawaiian or Polynesian introduced plants in the Conservation District will require that a Conservation District Use Application (CDUA) be submitted and processed for the proposed work. The applicant will submit the application after the Environmental Review process is complete.

Thank you for your comments on the subject applications. Please do not hesitate to contact me if you have any further questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

10/2977

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
JIRO A. SUMADA

10 SEP 15 12:25 STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

IN REPLY REFER TO:
HWY-PS
2.6467

September 14, 2010

Ms. Kathleen Ross Aoki
Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Aoki:

Subject: Posely Community Plan Amendment and Change in Zoning
CPA 2010/0002, CIZ 2010/0004, EA 2010/0004
Wailuku, Maui, Hawaii, TMK: (2) 4-8-003:047

Thank you for the opportunity to comment on the subject Community Plan Amendment (CPA 2010/0002) and Change in Zoning (CIZ 2010/0004) application. It is our understanding that the applicant wishes to construct a single-family farm dwelling with access being provided at the current intersection on Honoapiilani Highway near the Olowalu General Store. As mentioned in our previous letter STP 8.2424 dated March 8, 2007, since the application is for a proposed single-family residence, it is anticipated to have no significant impacts to our State facility. Although there may be no anticipated impacts, the applicant should be aware of the State's planned widening project of Honoapiilani Highway from Maalaea to Launiupoko which may result in significant impacts to the aforementioned intersection access. Also, the applicant should be aware of the developments in the Olowalu area and the current efforts with the Olowalu Town Master Plan, including any proposed changes to the adjacent roadway facilities. The applicant should also remain in contact with the State Highways Division for any permitting necessary to perform work on or along our State facilities.

If you have any questions, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Division, Planning Branch, at (808) 587-1830.

Very truly yours,

A handwritten signature in black ink, appearing to read "BM", with a horizontal line extending to the right.

BRENNON T. MORIOKA, Ph.D., P.E.
Director of Transportation

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai`i 96790

cell 808 298 4956
rory@westmauland.com

October 25, 2010

Brennon Morioka, Director
State of Hawai`i
Department Transportation
869 Punchbowl Street
Honolulu, HI 96813-5097

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in Zoning –
TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai`i
Ref: HWY-PS 2.6467

Dear Mr. Morioka:

Thank you for your letter dated September 14, 2010, which reiterated that the proposed single-family dwelling would have no significant impacts to the State Highway facility. The applicant is aware of the State's plans for the widening of Honoapi`ilani Highway from Ma`alaea to Launiupoko as well as the current efforts regarding the Olowalu Town Master Plan. Lastly, the applicant does not anticipate the need to perform work on or along State facilities.

Thank you for your comments on the subject applications. Please do not hesitate to contact me if you have any further questions.

Respectfully submitted,

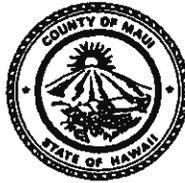


Rory Frampton
Land Use Planner

cc: Douglas Poseley

10/2529

CHARMAINE TAVARES
Mayor



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

August 6, 2010

Mr. Jeffrey S. Hunt, AICP, Staff Planner
County of Maui, Department of Planning
250 S. High St.
Wailuku, HI 96793

**SUBJECT: Posely Community Plan Amendment and Change in Zoning
TMK: (2) 4-8-003:047
Olowalu, Maui, Hawai'i**

Dear Mr. Hunt:

Thank you for the opportunity to review and comment on the subject project.

The department does not generally support removal of land from "Park" designation in a community plan, and remains concerned with how the parcel will be replaced.

Please feel free to contact me or Mr. Patrick Matsui, Chief of Parks Planning & Development, at (808) 270-7931 should you have any questions.

Sincerely,

TAMARA HORCAJO
Director of Parks & Recreation

xc: Patrick Matsui, Chief of Parks Planning and Development

TH:PTM:ca

S:\PLANNING\CSA\County Reviews\EA & EIS Reviews\Posely CPA CIZ Olowalu.doc

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauland.com

October 25, 2010

Tamara Horcajo, Director
County of Maui, Department of Parks & Recreation
Planning & Development Division
700 Hali'a Nako'a Street, Unit 2
Wailuku, HI 96793

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in Zoning
TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai'i

Dear Ms. Horcajo:

Thank you for your comment letter dated August 6, 2010, which expressed concern regarding the removal of the parcel from the "Park" designation in the West Maui Community Plan.

According to the West Maui Community Plan (WMCP), the Park designation was provided in this area with the intention of providing for a 10-acre public beach park for camping and ocean-related recreational land and educational activities (WMCP, pg. 17). The designated area is over 10.5 acres in size. Furthermore, the recommendation specifically provides that "The final boundaries of this park shall be determined in consultation with the landowner." As such, the precise location or boundaries of the future Park area have yet to be defined and the Community Plan anticipated flexibility during implementation.

The subject property, which is approximately 0.5 acre in size, is situated in the western corner of the Park designated area and is the only small-sized parcel included in the Park area. The remainder of the Park designated area is located within Parcel 84A, a larger 28.87 acre parcel that abuts the property. Amending the Community Plan designation to remove the subject parcel from the Park designated area will have a minimal impact on the larger park designated area especially given the uncertainty of the final boundaries.

In their recent review of the Maui Island Plan, the Maui Planning Commission and the Maui County Planning Department have recommended that the parcel not be included in the abutting Park designated areas. In addition, the parcel is not identified as Park in the County of Maui's plans for the Pali to Puamana Parkway, as recently illustrated in the Pali to Puamana Parkway Final Environmental Assessment.

Thank you for your comments on the subject applications. Please do not hesitate to contact me if you have any further questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

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

10 AUG 11 A 9:53

COUNTY OF MAUI

DEPARTMENT OF PUBLIC WORKS

200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

August 10, 2010

MEMO TO: KATHLEEN ROSS AOKI, PLANNING DIRECTOR

FROM: *JM* MILTON M. ARAKAWA, A.I.C.P., DIRECTOR OF PUBLIC WORKS *Michael M. Miyamoto*

SUBJECT: **ENVIRONMENTAL ASSESSMENT, COMMUNITY PLAN AMENDMENT
FROM PARK TO AGRICULTURE AND CHANGE IN ZONING FROM A-3
APARTMENT TO AGRICULTURE FOR DOUGLAS POSELEY
CPA 2010/0002, CIZ 2010/0004, EA 2010/0004
TMK: (2) 4-8-003:047**

We reviewed the subject application and have the following comment:

1. The documents submitted for this project do not adequately show sufficient details to determine whether the project is compliant with the Housing and Building Codes.

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

MMA:MMM:ls

xc: Highways Division
Engineering Division

S:\LUCA\CZM\poseley_ciz_cpa_ea_48003047_ls.wpd

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai`i 96790

cell 808 298 4956
rory@westmauland.com

October 25, 2010

Milton M. Arakawa, A.I.C.P., Director
County of Maui, Department of Public Works
Development Services Administration
250 South High Street
Wailuku, HI 96793

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in Zoning
TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai`i

Dear Mr. Arakawa:

Thank you for your comment letter dated August 10, 2010. Upon completion of the Community Plan Amendment and Change in Zoning application processes, the applicant will have a licensed architect prepare detailed drawings for submittal to your Department and for determination of compliance with Housing and Building Codes.

Thank you for your comments on the subject applications. Please do not hesitate to contact me if you have any further questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

CHARMAINE TAVARES
Mayor



JEFFREY K. ENG
Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauewater.org

August 16, 2010

Mr. Jeffrey S. Hunt, Staff Planner
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Re: I.D.: CPA 2010/0002, CIZ2010/0004, EA 2010/0004
TMK: (2) 4-8-003:047
Project Name: Poseley CPA and CIZ

Dear Mr. Hunt:

Thank you for the opportunity to comment on these applications. Please find attached our comment letter dated April 20, 2007.

Source Availability and System Infrastructure

As noted in the attached letter, the project site is out of the DWS service area, and we recommend that water systems be built in accordance with the Statewide Water Systems Standards.

Conservation

To alleviate demand on the Olowalu system, we encourage the applicant to consider implementing the following conservation measures:

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

Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day.

Pollution Prevention

The subject property overlies the Olowalu aquifer, which has an estimated sustainable yield of 2 MGD according to the Commission on Water Resource Management. In order to protect ground and surface water sources, Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction should be implemented during construction. In addition to the required

"By Water All Things Find Life"

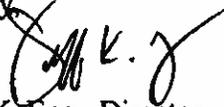


BMPs, the mitigation measures below should be included in the project design:

- Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the ground. Maintain vehicles and equipment to prevent oil or other fluids from leaking. Concrete trucks and tools used for construction should be rinsed off-site.
- Properly and promptly dispose of all loosened and excavated soil and debris material from drainage structure work.
- Properly install and maintain erosion control barriers such as silt fencing.
- Disturb the smallest area possible.
- Retain ground cover until the last possible date.
- Stabilize denuded areas by sodding or planting as soon as possible. Replanting should include soil amendments, mulch and temporary irrigation. Use high seeding rates to ensure rapid stand establishment.
- Minimize paved areas that increase runoff and prevent water from seeping into the ground.
- Keep run-off on site.
- No construction or toxic materials or debris should be placed where it may enter the ocean.
- Construction debris and sediment should be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris should be disposed of outside the coastal zone.

Should you have any questions, please contact our Water Resources and Planning Division at 808-244-8550.

Sincerely,



Jeffrey K. Eng, Director
mlb

cc: engineering division

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai`i 96790

cell 808 298 4956
rory@westmauland.com

October 25, 2010

Jeffrey K. Eng., Director
County of Maui, Department of Water Supply
200 South High Street
Wailuku, HI 96793

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in Zoning
TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai`i

Dear Mr. Ing:

Thank you for your comment letter dated August 16, 2010. The water systems in Olowalu were built in accordance with Statewide Water System Standards.

Thank you for your comments on the subject applications. Please do not hesitate to contact me if you have any further questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

CHARMAINE TAVARES
Mayor



JEFFREY K. ENG
Director
ERIC H. YAMASHIGE, P.E., L.S.
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

April 20, 2007

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

Dear Mr. Roy:

SUBJECT: Early Consultation Request for the Proposed Poseley Single-Family Residence
at Lot 47-A TMK 248003047

Thank you for the opportunity to participate in the EA early consultation process for the above stated project proposal.

Source Availability

The project site is outside of the DWS service area. The EA should include the source of potable and non-potable water for the proposed development.

System Infrastructure

We recommend that water systems be built in accordance with the Statewide Water System Standards.

Conservation

We encourage the applicant to consider the following water conservation measures in the project design and construction:

Use brackish and /or reclaimed water sources for dust control and for all non-potable water uses during construction.

Eliminate Single-Pass Cooling: Single-pass, water-cooled systems should be eliminated per Maui County Code Subsection 14.21.20. Although prohibited by code, single-pass water cooling is still manufactured into some models of air conditioners, freezers, and commercial refrigerators.

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

"By Water All Things Find Life"

The Department of Water Supply is an Equal Opportunity provider and employer. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington DC 20250-9410. Or call (202) 720-5964 (voice and TDD)



Mr. Mark Alexander Roy
April 20, 2007
Proposed Poseley Single-Family Residence

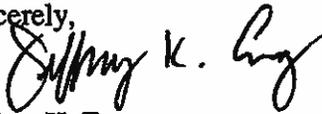
Use Climate -adapted Plants: The project is located in the Maui County Planting Plan - Plant Zones 3 and 5. We encourage the applicant to utilize appropriate native and non invasive species and avoid the use of potentially invasive plants. Native plants adapted to the area, conserve water and protect the watershed from degradation due to invasive alien species. Attached is a list of appropriate plants for the zone as well as potentially invasive plants to avoid.

Pollution Prevention

The project overlies the Olowalu aquifer which has an estimated sustainable yield of 3MGD. In order to protect ground and surface water resources, we recommend that the applicant adopt Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction and vehicle operations.

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

Sincerely,



Jeffrey K. Eng
Director

eam

c: engineering division
applicant, with attachments:

The Costly Drip

Maui County Planting Plan - Saving Water in the Yard - What and How to Plant in your Area

Ordinance No. 2108 - A Bill for an Ordinance Amending Chapter 16.20 of the Maui County Code, Pertaining to the Plumbing Code

Selected BMP's from "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters"-EPA

A Checklist of Water Conservation Ideas for the Home and Yard

D:\My Documents\WP_permit rev\Proj Rev\Laahina_comment\Poseley SF Residence.wpd

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai`i 96790

cell 808 298 4956
rory@westmauland.com

October 25, 2010

Jeffrey K. Eng., Director
County of Maui, Department of Water Supply
200 South High Street
Wailuku, HI 96793

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in Zoning
TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai`i

Dear Mr. Ing:

Thank you for your comment letter dated August 16, 2010. The water systems in Olowalu were built in accordance with Statewide Water System Standards.

Thank you for your comments on the subject applications. Please do not hesitate to contact me if you have any further questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley



POLICE DEPARTMENT
COUNTY OF MAUI



CHARMAINE TAVARES
MAYOR

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

10 AUG -9 P12:38

GARY A. YABUTA
CHIEF OF POLICE

OUR REFERENCE
YOUR REFERENCE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

August 6, 2010

MEMORANDUM

TO : JEFFREY S. HUNT, AICP, STAFF PLANNER
PLANNING DEPARTMENT

FROM : GARY A. YABUTA, CHIEF OF POLICE

SUBJECT : I.D. : CPA 2010/0002, CIZ 2010/0004, EA
2010/0004
TMK : (2) 4-8-003:047
Project Name : Posely Community Plan Amendment and
Change in Zoning
Applicant : Douglas Posely

No recommendation or comment to offer.

Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project. We are returning the Environmental Assessment, Community Plan Amendment, and Change in Zoning applications which were submitted for our review.

Assistant Chief Danny Matsuura
For: GARY A. YABUTA
Chief of Police

Enclosure

CHARMAINE TAVARES
Mayor
KATHLEEN ROSS AOKI
Director
ANN T. CUA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 2, 2010

Mr. Rory Frampton
Land Use Planner
340 Napoko Place
Kula, Hawaii 96790

Dear Mr. Frampton:

SUBJECT: COMMENTS THE DRAFT ENVIRONMENTAL ASSESSMENT (DEA) PREPARED IN SUPPORT OF APPLICATIONS FOR A COMMUNITY PLAN AMENDMENT (CPA) AND CHANGE IN ZONING (CIZ) FOR THE PROPOSED POSELEY SINGLE-FAMILY RESIDENCE LOCATED AT OLOWALU, MAUI, HAWAII; TMK: (2) 4-8-003:047 (CPA 2010/0002) (CIZ 2010/0004) (EA 2010/0004)

At its regular meeting on August 24, 2010, the Maui Planning Commission (Commission) reviewed the above-referenced document for the proposed Poseley single-family residence (the project) located on TMK: (2) 4-8-003:047 (the property) and provided the following comments:

1. Discuss conservation efforts and the use of renewable power;
2. Include a discussion on the history of the property including: Land Commission Awards, how the property was created such as any re-subdivisions, tax map key numbers, the purpose of tax map key numbers in general, the date of the adoption of the West Maui Community Plan, when the subject lot was created, and a title report if feasible;
3. Provide documentation regarding comment #2, above;
4. Provide a history of the property taxes that have been paid for the property;
5. Provide a history of the massacre that occurred in Olowalu, including any remaining artifacts, and discuss the potential of creating a memorial;
6. Include a copy of the Cultural Inventory Assessment with the DEA;
7. Include photos of the property, both mauka and makai views, and include computer generated images of the project;
8. Provide a discussion of light pollution, and include a map indicating the extent of light extrusion that will result from the project;

9. Provide aerial photos of the area with an overlay indicating the State beach reserve and any blocking of access to the reserve especially near the "red tiled roof" house;
10. Indicate all public access from the State highway to the shoreline;
11. Include a discussion on whether the residence would be used for short-term rental, and compare this to the long-term residential use including impacts on the archeology and ecology of the area;
12. Include the language that exempts the property from the requirements for a farm plan;
13. Provide a discussion on sea level rise using a five (5) foot increase in sea level, and discuss impacts to the retention basin and septic system;
14. Provide a survey of the elevation in detail for the property and conservation easement;
15. Provide more details on potential reef impacts including those from the septic system, retention basin, and drainage system;
16. Provide a quantification of lawn chemicals and septic emissions that will result from the project, including the time to enter the ocean, and affects on the reef. Include a quantification of the existing reef health near the property;
17. Provide documentation concerning discussions with the State concerning removal of the kiawe trees in the conservation easement, and include a discussion of the impacts of such removal;
18. Provide a sketch of historical trails in the area;
19. Provide a discussion on an alternative use of the property for agricultural purposes;
20. Indicate the maximum square footage of the water features and the amount of evaporation that will occur, and a discussion of the State Water Code;
21. Include all recent correspondences received concerning the DEA;
22. Obtain comments from Camp Olowalu including any concerns with the proximity of the project to the camp;
23. Obtain comments from fishers and other ocean users in the area regarding the project;

Mr. Rory Frampton
September 2, 2010
Page 3

24. Contact the Maui Island Burial Council concerning any comments they have regarding the project; and
25. Provide an analysis of impacts to reef health due to cumulative development in the area, including other projects in the entitlement process.

The Commission appreciates the opportunity to comment and also appreciates your anticipated responsiveness to the above comments. Should you have any questions about the comments in this letter, please feel free to contact Staff Planner Jeffrey Hunt at jeff.hunt@mauicounty.gov or at (808) 270-7821.

Sincerely,



KATHLEEN ROSS AOKI
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Jeffrey S. Hunt, AICP, Staff Planner
Project File
General File

KRA:JSH:atn

K:\WP_DOCS\PLANNING\Cpa\2010\0002_PoseleySFdwelling\MPC_Comments_DEA.doc

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauland.com

October 25, 2010

Kathleen Ross Aoki, Planning Director
County of Maui, Department of Planning
250 South High Street
Wailuku, HI 96793

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in Zoning
TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai'i
(CPA 2010/002) (CIZ 2010/0004) (EA 2010/0004)

Dear Ms. Aoki:

This letter provides responses to the comments provided by the Maui Planning Commission via your letter dated September 2, 2010, related to the Draft Environmental Assessment for the above reference project.

1. **Renewable Power.** The applicant intends on utilizing solar power for water heating and energy production. In addition, a major objective of the architectural design has been to lesson energy demands. The indoor/outdoor architectural style will allows for natural ventilation and cooling thus reducing the need for substantial air conditioning. This information will be included in the Final Environmental Assessment.
2. **Parcel History.** The Final EA discusses the origination of the parcel as Land Commission Award 240 to Clark, on August 22, 1849. At the time, the parcel was used as a house lot. On April 30, 1877, Clark sold the parcel to P. Milton and Company. In 1881, the parcel was sold to the Olowalu Sugar Company. The Sugar Company changed ownership a number of times until eventually being incorporated into Pioneer Mill in December 1931. The parcel was purchased from Pioneer Mill Company by Olowalu Elua Associates in 1998, and was subsequently sold to the applicant in 2004. Title insurance has been provided for the property (copy available upon request) based on the above deed transactions, however, a detailed title report is not available.

In 2001, the parcel was slightly reconfigured as part of a Consolidation and Re-subdivision (LUCA Subdivision File No. 4.834.) As part of this action, the lot lines were slightly reconfigured and the parcel size was reduced from .588 acre to .544 acre.

As noted, the applicant purchased the property in 2004. The County has taxed the property as an individual Tax Map Key parcel since at least 2001 (the most recent on-line real property tax record.)

The West Maui Community Plan was adopted in 1996.

3. **Documentation of Parcel History.** Documentation regarding the history of the parcel's ownership has been included in the Final EA.
4. **Tax History.** The applicant purchased the property in 2004. County on-line tax records indicate that the property has been taxed as a separate parcel since at least 2001 (the earliest year that on-line records are available.) Annual property taxes have varied from a low of \$1,829 to a high of \$8,868 over this period.

Historically, since the parcel was part of a contiguous group of parcels all owned by the same entity (Pioneer Mill) and all being used for the same purpose (sugar cane cultivation) the County of Maui had only assigned one Tax Map Key number to the immediate area. This was a historical practice commonly used by the County of Maui Real Property Tax Division in order to simplify tax collection activities. However, the assignment of Tax Map Key numbers is for tax collection purposes and does not affect the status of the existence of the parcel. In other words, the parcel has existed since its origination in 1849, despite the fact the Pioneer Mill paid only one tax bill for all of the contiguous parcels in the area.

5. **Olowalu Massacre.** A brief history of the Olowalu Massacre is noted in the Final EA and a more detailed description is included in Appendix G Archaeological Inventory Survey, (pages 7-9) in the Final EA. According to Hinano Rodrigues, Cultural Historian for the State Historic Preservation Division, the massacre occurred at sea at a location to east of the subject parcel. As such, there have never been any artifacts from this event found on or near the parcel. According to Mr. Rodrigues, due to the remoteness from the site where the massacre occurred, the parcel is not considered as an appropriate candidate for a memorial.
6. **Cultural Impact Assessment.** A copy of the referenced Cultural Impact Assessment has been included in the Final EA.
7. **Photos and View Images.** Photos illustrating mauka and makai views from the property and in the vicinity are included in the Final EA. Computer generated images of the proposed structure have also been included.
8. **Lighting.** As noted in the Draft EA, lighting for the proposed single-family residence will be shielded and of the directional down lighting variety to mitigate light pollution and to prevent lighting traveling across property boundaries toward the shoreline and ocean. An illustration of the light footprint (light cones) has been included in the Final EA.

9. **Access to Shoreline Reserve.** An aerial photo showing the approximate location of the beach reserve has been included in the Final EA as well as photos showing the access from the highway to Camp Olowalu. The photos illustrate that there is no blockage of shoreline access from the Highway to Camp Olowalu (including the area fronting the “red tiled roof” house.)
10. **Shoreline Access from the Highway.** As noted, photos showing access from the State Highway have been included in the Final EA.
11. **Short Term Rental.** The applicant does not intend to use the residence for short-term rentals. Such use would require approval from the County of Maui, either as a Bed & Breakfast or Transient Rental. From a theoretical perspective, there would appear to be no major differences in impacts to the ecology or archaeology of the area if the residential use is for short or long term.
12. **Farm Plan Requirements.** The Final EA will include written documentation from the County indicating that parcels under one acre in size do not require a Farm Plan.
13. **Sea Level Rise and Impacts on Wastewater and Drainage Disposal.** University of Hawaii Professor, Chip Fletcher, has provided a summary of the various causes and estimates of global sea level rise.
(http://www.soest.hawaii.edu/coasts/sealevel/FletcherSeaLevel09_web.pps)
According to Dr. Fletcher, The Intergovernmental Panel on Climate Change (IPCC) has estimated that the range of global sea level rise over the next century will be between .18m-0.59m (7-23 inches). Other predictions based on increased temperature projections have estimated a range of 0.5m to 1.4m (19-55 inches). Extreme predictions based on increased ice dynamics have estimated range of 0.8m to 2.0m (31-78 inches). The ranges differ based on location as well. Dr. Fletcher notes that while global sea level rise has accelerated in other places, it has not yet been detected in Hawaii. He notes that the effects of melt water from ice caps and glaciers in the Pacific will be delayed and likely will be greater in the second half of the century. Based on his review of the various studies, Dr. Fletcher suggests that the use of an anticipated 1.0m rise in sea level over the next century as a conservative approach.

The applicant is proposing aerobic treatment of the effluent and as such, there is no minimal requirement for separation between the bottom of the leach field and the groundwater table. However, in order for the system to adequately discharge, the bottom of the leach field will be established at approximately 4-feet above the existing water table. Thus, there could be over 3-feet of rise in the water table due to sea level rise before it would reach the bottom of the leach field.

The septic tank will be adequately anchored in order to mitigate the effects of buoyancy should ground water levels rise. In the event that sea level rise is greater than 4-feet and the water table reaches the leach field, effluent from the septic tank could be re-routed or pumped from the septic tank to a higher elevation for disposal.

The top of the berm of the retention basin will be at elevation 5-feet above sea level and the bottom approximately 3.5 feet. Thus, if sea level rises 1m, the top of the retention basin will be approximately 2-feet above sea level.

14. **Topographic Survey.** A topographic survey showing elevations of the property and conservation easement was included in the Draft EA as Figure 8.
15. **Potential Reef Impacts from Drainage and Septic Systems.** More discussion has been included in the Final EA regarding the Drainage and Wastewater disposal systems. Both systems have been designed to minimize the potential for impacts to near shore water quality and marine life. To accommodate the increase in surface run-off, a drainage system is proposed consisting of open-cut grassed lined basin located between the parcel and the shoreline. The basin will be able to accommodate over 3,000 cubic feet of run-off, well above the estimated 1,893 cubic feet of run-off from a 50-year storm from the entire property after project development (not just the increase.) For wastewater disposal, the applicant is proposing the use of an aerobic treatment system that provides for a higher degree of treatment than typical residential individual wastewater systems (see discussion below.)
16. **Quantification of Lawn Chemicals and Wastewater Emissions.** The landscape-planting plan will incorporate plants naturally adapted to the conditions of the area. Based on the applicants' experience living in Olowalu and overseeing the maintenance of the Olowalu Manager's residence and grounds, the applicant does not anticipate the use of lawn chemicals and fertilizers in order to maintain landscape features.

Typical estimates of wastewater flow from residential dwellings are approximately 350 gallons per day. Given the proximity to the shoreline, the applicant is proposing an aerobic treatment system so that the wastewater effluent will be treated to a higher degree than for typical residential individual wastewater systems. The treated effluent will percolate through approximately 4-feet of soil before entering the ground water.

Aerobic systems are similar to septic systems in that they both use natural processes to treat wastewater. Because aerobic systems use a higher rate process, they are able to achieve superior effluent quality. According the US EPA, the effluent can be discharged to the subsurface as in a septic tank leach field or, in some cases, discharged directly to the surface. Studies indicate that these types of units can provide from 70 to 90 percent Biological Oxygen Demand (BOD) and suspended solids reductions for combined household wastewater, yielding effluent BOD and suspended solids concentrations as low as 20 mg/l. (EPA 832-F-00-031, September 2000)

According to Tom Nance of Tom Nance Water Resource Engineering, groundwater flow rates in this area vary widely and the time that it would take for the effluent to be

transported via groundwater movement to the marine environment could vary from 2 weeks to 2 years. As part of an on-going study of the area, it appears that groundwater movement and discharge in the specific project area is low. Given the higher level of proposed treatment, the distance to the ocean (over 200 feet) and the nutrient loading that occurs naturally from millions of gallons of groundwater that flows into the marine environment everyday, the effluent from the proposed disposal system is expected to have minimal impacts.

It is noted that as part of the Environmental Impact Statement for Olowalu Town, a comprehensive assessment of groundwater, marine water quality and marine communities in the near shore marine environments fronting the proposed Olowalu Town Project area is currently being undertaken. (As noticed in the EIS Preparation Notice for Olowalu Town in the July 8, 2010 OEQC Bulletin.) The scope of the study area includes approximately 2.5 miles of coastline and encompasses the near shore area fronting subject parcel.

17. **Removal of Trees from Conservation Easement.** Correspondence from the State Department of Land and Natural Resources, Office of Conservation and Coastal Lands will be included in the Final EA. As noted in the EA, removal of the trees within the Conservation District will require DLNR approval and will be subject to detailed list of conditions and mitigation measures. The impact of the removal of the trees is seen to be positive since these alien species will be replaced with native Hawaiian or Polynesian introduced species that are adapted to the area.
18. **Historic Trails in the area.** The archaeological investigation did not indicate the presence of any remnants or documentation of historic trails along the shoreline in the project area. In addition, historic maps dating from 1849 indicate that the "road" in the area was mauka or inland from the subject property. Copies of maps from 1849, 1865 and 1888 which shows a mauka road in the area have been included in the Final EA.
19. **Alternative use of the Property.** The Final EA will include an analysis of using the property solely for Agricultural Purposes. Due to the property size, there are limited opportunities for viable agricultural use. In addition, some of the more intensive types of Agricultural uses have the potential for greater impacts to the near shore waters as compared to a single family home. Lastly, even if Agriculture were to be the only use of the property, the request to amend the Community Plan from Park to Agricultural would still be appropriate.
20. **Water Features.** The total size of the planned water features is approximately 1,050 s.f. Water loss due to evaporation from these features is estimated to range from 100 to 150 gallons per day. This water will be supplied via the Olowalu Water Company potable well source, which has been approved by the State Commission on Water Resource Management and is in accordance with the State Water Code.

21. **Correspondence.** All recent correspondence will be included in the Final EA.
22. **Camp Olowalu.** The Final EA will contain a comment letter from Camp Olowalu regarding the proximity of the project to the Camp.
23. **Comments from Ocean Users.** A site visit to the parcel and the shoreline was conducted on September 14, 2010 with Ms. Adeline Rodrigues, Mr. Hinano Rodrigues and Mr. Ed Ka`ahui. These individuals were raised in Olowalu and have been fishing and collecting ocean resources in the area for most of their lives. Given the distance from the shoreline to the proposed structure and the presence of the 100-foot wide government owned beach reserve along the shoreline, these individuals did not feel that the project would have a significant impact on fishers or ocean users. The individuals are supportive of the efforts to establish limited coastal access via a pedestrian trail through the government beach reserve fronting the property.
24. **Maui Island Burial Council.** An Burial Treatment Plan was reviewed and approved by the Maui/Lana`i Islands Burial Council on August 26, 1999. This was for SHPD Site No. 4693 which is located approximately 300 feet to the east of the subject parcel. Based on consultation with Mr. Hinano Rodrigues, Cultural Historian with SHPD, the Burial Treatment Plan is still applicable and in effect.
25. **Cumulative Analysis of Reef Health.** As previously noted, a comprehensive analysis of the impacts to reef health in the area is currently being undertaken by Olowalu Town. The applicant's request is limited to one single-family dwelling and mitigation measures have been incorporated into the project to minimize potential for impacts to the marine environment. Given the limited scope of the applicant's project, the distance to the shoreline (approximately 199 feet) as well as proposed mitigation measures specifically designed to minimize impacts to near shore waters, it is not appropriate to impose the requirement of a regional study of reef health on this subject applicant.

Thank you for your assistance in this matter. If there are any further questions or clarifications, please do not hesitate to contact me.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

TRANSMITTED TO YOU ARE THE FOLLOWING:

X Application(s)

THESE ARE TRANSMITTED AS CHECKED BELOW:

X For your Comment and Recommendation

Please identify any comments you would like the Department of Planning to propose as conditions of project approval. Please also provide any previous comments, letters, etc. pertinent to this application. Submit your comments directly to me by August 11, 2010. A comment box is also provided to assist you. If no comment, please sign the "No Comment" box and fax to (808) 270-1775. Thank you for your time and assistance. For additional clarification, please contact me at jeff.hunt@mauicounty.gov or at (808) 270-7821.

Sincerely,

Jeffrey S. Hunt, Staff Planner

| | | | |
|-------------|---|----------|--|
| Proj. Name: | Posey Community Plan Amendment and Change in Zoning | | |
| Permit no. | CPA 2010/0002, CIZ 2010/0004, EA 2010/0004 | | |
| TMK | (2) 4-8-003:047 | Address: | Access from near Milepost 15 on Honoapiilani hwy. at Olowalu |

COMMENT/RECOMMENDATION BOX

1. The lot area is 0.544 acre and agricultural district requires a minimum of 2 acres. The change in zoning is creating a new substandard ag lot that may not be qualified to use the substandard section 19.30A.090 because the standards applies to the lots existing prior to the enactment of the ordinance.
2. Special management area assessment and building permit are required prior to the construction of the single family dwelling.
3. That all other required State and County permits be obtained from the appropriate public agency.

| | | | | | |
|--------------------|---|----------------|--------------------------------------|-------|-----------|
| Commenting Agency: | ZAED | Phone: | 2707139 | Date: | 8/11/2010 |
| Signed: |  | Email address: | avelina.cabais@mauicounty.gov | | |
| Print Name: | Avelina Cabais | Title: | Land Use and Building Plans Examiner | | |

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai`i 96790

cell 808 298 4956
rory@westmauland.com

October 25, 2010

Avelina Cabais, Land Use and Building Plans Examiner
County of Maui, Planning Department
Zoning Administration and Enforcement Division
250 South High Street
Wailuku, HI 96793

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in Zoning
TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai`i

Dear Ms. Cabais:

Thank you for your comments that were provided to the Planning Department via e-mail dated August 11, 2010. The following responses are provided to your comments in the order they were received:

1. Substandard Lot. It is our understanding that the Agricultural Ordinance provides that substandard agricultural lots existing prior to the enactment of the Agricultural Ordinance, are subject to the substandard lot standards found in Section 19.30A.090. The subject parcel did exist as a substandard lot in the State Agricultural District prior to the adoption of the Agricultural Ordinance and thus it would appear that Section 19.30A.090 would apply. If there is uncertainty, then the applicant would request that this be made clear through a condition of zoning.
2. The applicant is aware that a Special Management Area assessment and building permit will be required prior to the construction of the single-family dwelling.
3. The applicant will comply with all other applicable State and County permits.

Thank you for your comments on the subject applications. Please do not hesitate to contact me if you have any further questions.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

From: Paul Haake
To: Jeff Hunt
Date: 8/24/2010 2:35 PM
Subject: Poseley CPA 2010/0002, CIZ 2010/0004, and EA 2010/0004

Date : August 24, 2010

To : Jeff S. Hunt
Staff Planner, County of Maui

RE: Poseley CPA 2010/0002, CIZ 2010/0004 & EA 2010/0004
TMK (2) 4-8-003: 047
Olowalu, Maui

Dear Jeff,

Thank you for the opportunity to comment on this project's CPA, CIZ, and EA. At this time, our office has no comment or objections to the CPA, CIZ, and EA.

The applicant should be advised that our office reserves the right to comment on the project during the building permit process at which time, fire apparatus access and water supply for fire protection shall be reviewed.

If there are any questions or comments, please feel free to contact me at 244-9161 ext. 23.

Sincerely,

Paul Haake
Fire Prevention Bureau Captain
313 Manea Place Wailuku, HI 96793
244-9161 ext. 23
244-1363 fax

Rory Frampton

From: Francis Cerizo
Sent: Wednesday, July 21, 2010 1:41 PM
To: Jeff Hunt
Cc: Aaron Shinmoto; Clayton Yoshida
Subject: Re: Fwd: Poseley Olowalu Lot

Attachments: 2010MayFarmPlanGuidelines.pdf



2010MayFarmPlanG
uidelines.pdf ...

Assuming that the parcel is already state Ag and that the lot existed prior 1976, a farm plan would not be required. Our current rules would not require it either - one acre or greater parcels requires a farm plan. Our current policy on this matter is attached for your information.

>>> Jeff Hunt 7/21/2010 1:19 PM >>>
Francis,

Mr. Posely is applying for a CPA from Park to Agric and a CIZ from Apartment to Agric.

Rory is arguing that if the 0.54 acre lot receives Agricultural Zoning, then it would be subject to the State provision for single family (non-farm) dwellings on lots existing prior to 1976, and so a farm plan would not be necessary. Does ZAED have a response to his argument?

Mahalo, Jeff

- - - - -
County of Maui.

IT Security measures will reject attachments
larger than 12 MB, and will block or quarantine
high-risk file types in attachments.

Olowalu

Camp Olowalu

800 Olowalu Village Road, Olowalu ♦ Lahaina, Maui, Hawaii 96761
♦ Telephone (808) 661-4303 ♦

October 25, 2010

Maui Planning Commission
c/o Maui County Planning Department
250 S. High Street
Wailuku, Hawaii 96793

Dear Planning Commission Members:

Camp Olowalu has been asked to provide comments on the request for a Single-Family residence in Olowalu by Mr. Doug Poseley. We are not concerned about impacts from this residence on the our camp site due to the location of this residence which will be approximately 800 feet to the west of Camp Olowalu tent camping area.

We would like to request that should the parcel be sold, that future (or prospective) buyers be provided notice about the presence of Camp Olowalu and its associated tent camping facilities.

Thank you for the opportunity to comment on this matter.

Sincerely,
CAMP OLOWALU



Noelani Wayas
Manager

Cc: Douglas Poseley

Rory FRAMPTON

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place
Kula, Hawai'i 96790

cell 808 298 4956
rory@westmauland.com

October 27, 2010

Noelani Wayas, Manager
Camp Olowalu
800 Olowalu Village Road
Lahaina, Hawaii 96761

Subject: Poseley Environmental Assessment, Community Plan Amendment and Change in Zoning
TMK: (2) 4-8-003: 047 Olowalu, Lahaina, Maui, Hawai'i
(CPA 2010/002) (CIZ 2010/0004) (EA 2010/0004)

Dear Ms. Wayas:

Thank you for your comment letter, dated October 25, 2010. The applicant will ensure that in the event the property is offered for sale, new or prospective owners will be provided notice of the presence of the Camp Olowalu facilities and functions.

Please do not hesitate to contact me if you have any further questions or comments.

Respectfully submitted,



Rory Frampton
Land Use Planner

cc: Douglas Poseley

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April 8, 2011

Mr. Daniel Ornellas, Maui Land Agent
Department of Land and Natrual Resources
Wailuku, Hawaii 96793

Mr. Ornellas:

Subject: Request for Right of Entry
Olowalu Government Beach Reserve
Olowalu, Lahaina District, Maui
TMK (2) 4-8-003: 001

On behalf of Olowalu Elua Associates and Mr. Douglas Poseley (Applicants), and via this letter, we are requesting a Right of Entry over State owned land identified as a portion of the Olowalu Government Beach Reserve, TMK 4-8-003: 001 for the purposes of landscape clearing in order to enhance lateral shoreline access.

Background. The Olowalu Beach Reserve and related easements provide for continuous lateral public access along the shoreline fronting the entire Olowalu peninsula. In the vicinity of Hekili Point, the Beach Reserve is identified as TMK 4-8-03: 001 (Parcel 1). **See Figure 1.** The approximately 100 ft. wide Beach Reserve runs along the shoreline makai of TMK Parcels (2) 4-8-003: 84 and 47 (Parcels 84 and 47), owned by Olowalu Elua Associates and Mr. Douglas Poseley, respectively.

The presence of existing vegetation and debris makes access through portions of the beach reserve difficult. Specifically, in the vicinity of Hekili Point, between Camp Olowalu (formerly Camp Pecusa) and Parcel 47, vegetation and debris make access extremely difficult and as such lateral shoreline access is currently taking place inland on private property, along a makeshift trail headed west out of Camp Olowalu and along portions of an agricultural service road. The lack of maintenance of the area over time has led to the buildup of debris and woody thickets, comprised mostly aged or dead kiawe. **See Figure 2 and Photos 1-4.**

Camp Olowalu and the trail/agricultural road are situated on TMK 4-8-003: 84 (Parcel 84.), which is owned by Olowalu Elua. Portions of the agricultural road also cross Mr. Poseley's property. As you are aware, Mr. Poseley has proposed the construction of single family residence on Parcel 47, as well as Landscape improvements within portions of Parcels 47 and 84 (Easement G) located within the Conservation District.

In our previous discussions, you noted that the lateral shoreline access should be occurring through the Government Beach Reserve and related legally established easements, however, the

State does not currently have funding to maintain the vegetation or clear the existing debris in the area.

In our discussions with members of families with ancestral ties to the area, they expressed that for traditional and customary access purposes, the lateral shoreline access should be along the shoreline, and not at an inland location where the lateral access would be separated from the shoreline by significant noxious and alien vegetation and debris. (per 9/14/10 site visit with Adeline Rodrigues, Eddie Ka`ahui and Hinano Rodrigues; also per testimony of Mr. Hinano Rodrigues at the 3/8/11 Maui Planning Commission Meeting.)

Proposed Request. Mr. Poseley and Olowalu Elua, are proposing to assist the State of Hawaii in selective clearing of noxious vegetation, alien species and debris removal in order to enhance the public's opportunity to access and utilize the Beach Reserve. The intent is to provide for lateral pedestrian shoreline access in the legally established Government Beach Reserve in close proximity to the shoreline.

Project Description:

Creation of Lateral Shoreline Access Pathway. This will involve the creation of an 8-10 ft. wide pathway for lateral shoreline access within the Government Beach Reserve between the western edge of Camp Olowalu and the western boundary of Parcel 1. See **Figure 2**. The route would be roughly parallel to the shoreline and be located within 20 ft. from the shoreline. The objective is to create a clear pathway for lateral shoreline access. The pathway will meander around mature trees and is intended to exist in a naturalistic setting (as opposed to a more urban or resort type walkway path.) No paving or hardened surface is proposed. The character would be similar to the conditions within Parcel 1 to the west of Camp Olowalu, see **Photos 5 and 6**.

Vegetation and debris clearing fronting Parcel 47. The applicant is proposing to remove exotic and invasive species as well as debris from State owned land fronting parcel 47. At present the area is heavily overgrown and there is a large amount of kiawe debris and thickets creating fire hazards and other nuisance concerns. Larger, healthier mature kiawe trees will be maintained in order to preserve a naturalistic setting of the Beach Reserve. See **Landscape Planting Plan, LP-1**.

Signage and physical demarcation. Appropriate signage will be established to identify the Government Beach Reserve boundary. Landscape plantings proposed within Easement G will serve to provide a visual demarcation between private and public lands.

Timing. The applicants are requesting to initiate the proposed request after acceptance of the Final Environmental Assessment for the proposed Poseley Residence. The lateral access pathway will be established prior to or concurrently with the vegetation clearing fronting Parcel 47. The lateral access pathway will be established prior to initiation of construction of the single family residence on Parcel 47.

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Mitigation Measures. Sensitive clearing methods will be employed to minimize impacts to coastal and marine resources. Trees will be flush cut to minimize disruption to existing soils. No debris, vegetation, logs or limbs of trees will be deposited in the ocean. Care will be taken to ensure that debris, vegetation, logs or tree limbs are properly removed from the area and will not negatively impact the marine environment or create navigational hazards.

In addition to this Right of Entry request, the applicants will also request approval from the Office of Conservation and Coastal Lands for Landscaping and removal of noxious plants within Conservation District.

Thank you for your time and assistance in this matter. Please do not hesitate to contact me if you have any questions, comments or clarifications.

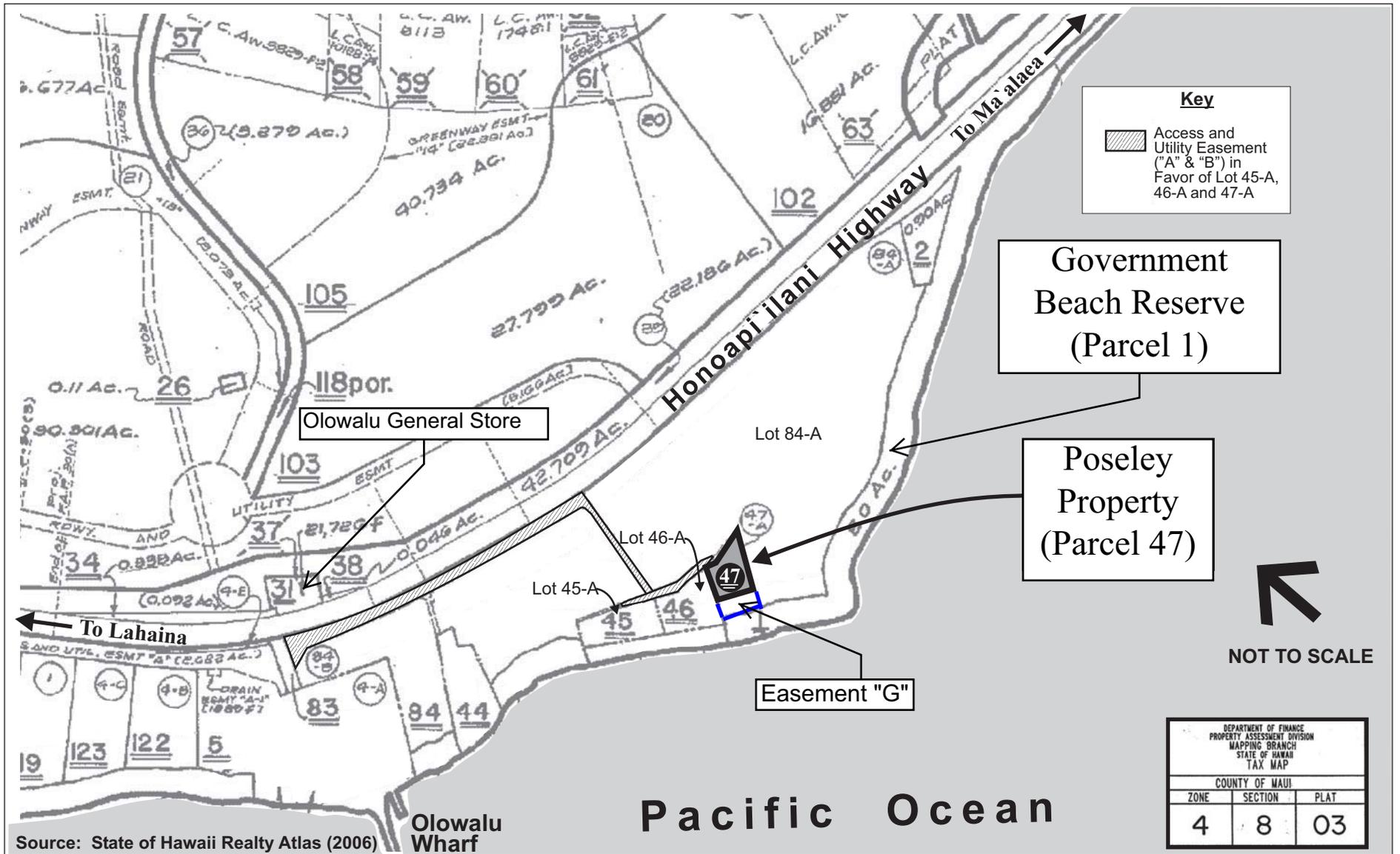
Respectfully submitted,



Rory Frampton

Cc: Sam Lemmo, Office of Conservation and Coastal Lands
Gina Flammer, Maui Planning Department
Hinano Rodrigues, Olowalu resident
Olowalu Elua Associates
Douglas Poseley

Encls.



Proposed Poseley Single-Family Residence and Related Improvements
 Site Location Map
FIGURE 1

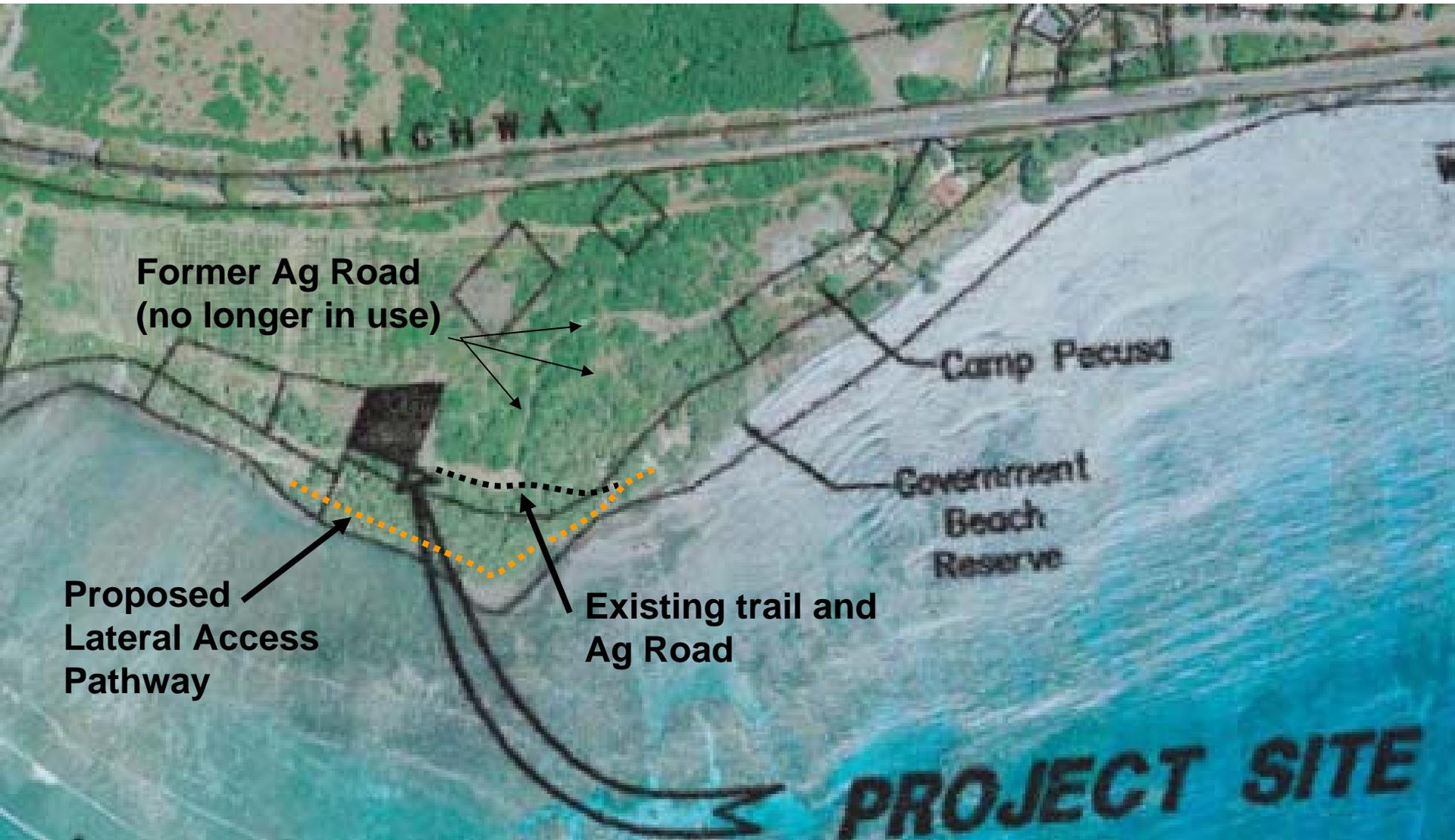


Figure 2



Photo 1 – Existing Conditions within Beach Reserve



Photo 2 – Existing Conditions within Beach Reserve



Photo 3 - Existing Conditions within Beach Reserve



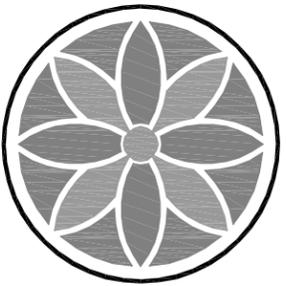
Photo 4 - Existing Conditions within Beach Reserve



Photo 5 – Existing Conditions – Lateral shoreline access within Beach Reserve, west of Camp Olowalu



Photo 6 - Existing Conditions – Lateral shoreline access within Beach Reserve, west of Camp Olowalu



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PREPARED FOR:

**POSELEY
RESIDENCE**

OLOWALU, MAUI, HAWAII
TMK4-8-03-05
& 47 PORTIONS

SHEET TITLE

LANDSCAPE
PLANTING
PLAN

REVISIONS

NO. DESCRIPTION DATE BY

| NO. | DESCRIPTION | DATE | BY |
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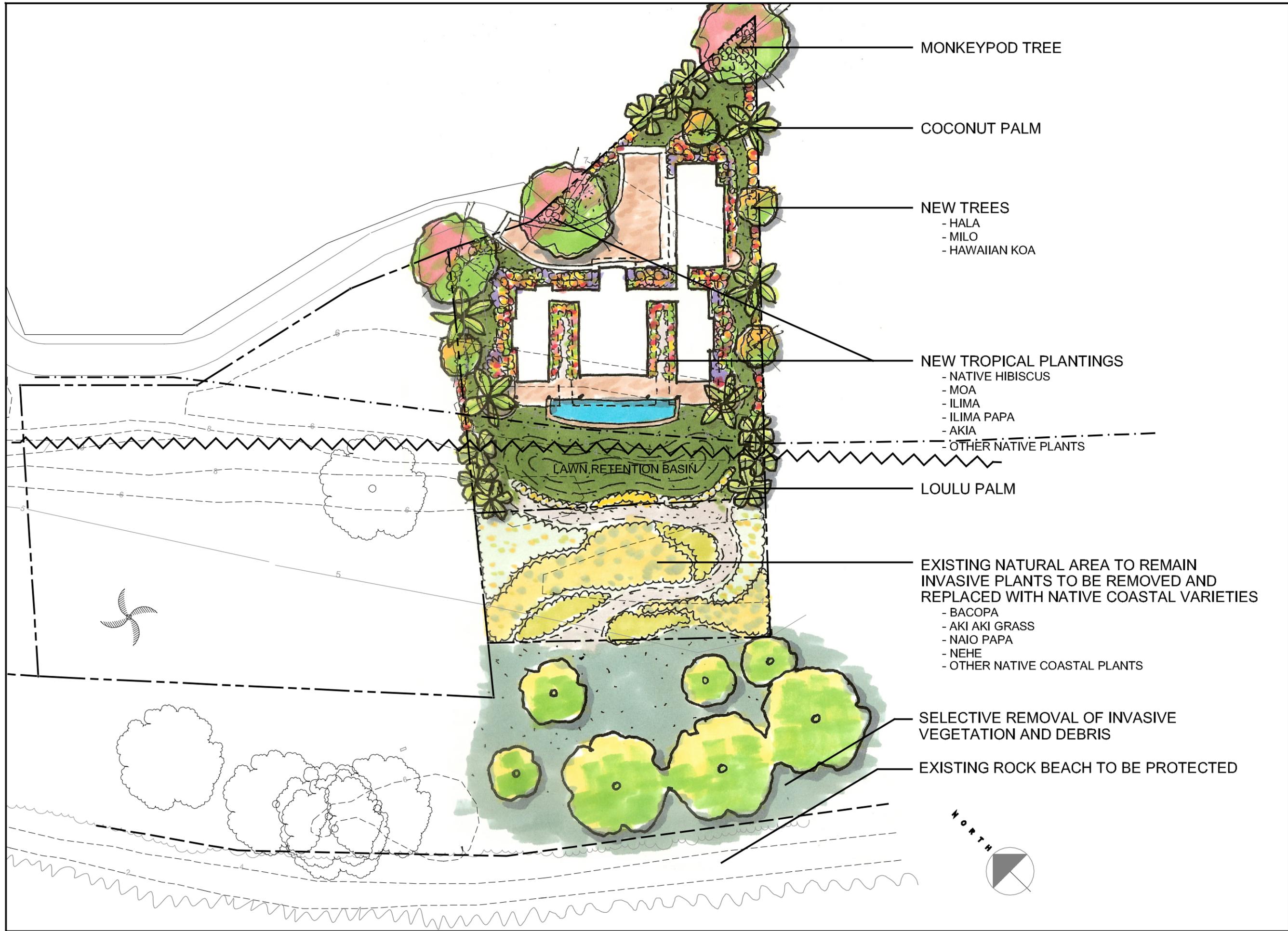
JOB NUMBER 4735 DATE 2011-03-8

DESIGNED BY BPM CHECKED BY BPM

SHEET SCALE
1"=30'

LP-1

SHT1 of SHT2



MONKEYPOD TREE

COCONUT PALM

NEW TREES

- HALA
- MILO
- HAWAIIAN KOA

NEW TROPICAL PLANTINGS

- NATIVE HIBISCUS
- MOA
- ILIMA
- ILIMA PAPA
- AKIA
- OTHER NATIVE PLANTS

LAWN RETENTION BASIN

LOULU PALM

EXISTING NATURAL AREA TO REMAIN
INVASIVE PLANTS TO BE REMOVED AND
REPLACED WITH NATIVE COASTAL VARIETIES

- BACOPA
- AKI AKI GRASS
- NAIIO PAPA
- NEHE
- OTHER NATIVE COASTAL PLANTS

SELECTIVE REMOVAL OF INVASIVE
VEGETATION AND DEBRIS

EXISTING ROCK BEACH TO BE PROTECTED



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