DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

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August 21, 2013

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

Dear Interim Director Salmonson:

SUBJECT: PROPOSED KAHOMA VILLAGE PROJECT
TMK (2) 4-5-008:001 (Por) LAHAINA, MAUI, HAWAII

With this letter, the County of Maui Department of Housing and Human Concerns (DHHC) hereby transmits the Final Environmental Assessment (EA) and finding of no significant impact (FEA-FONSI) for the Proposed Kahoma Village Project situated at TMK (2)4-5-008:001 (por), in the Lahaina District on the island of Maui for publication in the next available edition of the Environmental Notice.

The DHHC has included copies of comments and responses that it received during the 30-day public comment period on the draft EA and anticipated finding of no significant impact (DEA-AFONSI).

Enclosed is a completed OEQC Publication Form, two (2) copy of the FEA-FONSI, an Adobe Acrobat PDF file of the same, and an electronic copy of the publication form in MS Word. Simultaneous with this letter, we have submitted the summary of the action in a text file by electronic mail to your office.

If there are any questions, please contact the consultant Ms. Colleen Suyama, Senior Associate, with Munekiyo & Hiraga, Inc. at (808) 244-2015.

Sincerely,

JO-ANN T. RIDAO
Director of Housing and Human Concerns

Enclosures
cc: Jay Nakamura, Stanford Carr Development, LLC
Buddy Almeida, Housing Division
Danny Dias, Department of Planning
Colleen Suyama, Munekiyo & Hiraga, Inc.

AGENCY ACTIONS
SECTION 343-5(B), HRS
PUBLICATION FORM (FEBRUARY 2013 REVISION)

RECEIVED
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OFC. OF ENVIRONMENTAL QUALITY CONTROL

Project Name Kahoma Village Project
Island: Maui
District: Lahaina
TMK: (2)4-5-008:001 (por)
Permits: 201H Approval, Special Management Area Permit, Construction Permits
Proposing/Determination Agency: County of Maui, Department of Housing and Human Concerns, 2200 Main Street, Suite 546, Wailuku, Hawaii 96793; Contact: Jo Ann T. Ridao, Director; Telephone: (808) 270-7805
Accepting Authority: *(for EIS submittals only)* Not Applicable
Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawaii 96793: Contact: Colleen Suyama, Senior Associate; Telephone: (808) 244-2015

Status (check one only):

__DEA-AFNSI — Submit the proposing agency notice of determination/transmittal on agency letterhead, a hard copy of DEA, a completed OEQC publication form, along with an electronic word processing summary and a PDF copy (you may send both summary and PDF to oeqchawaii@doh.hawaii.gov); a 30-day comment period ensues upon publication in the periodic bulletin.

_X_FEA-FONSI — Submit the proposing agency notice of determination/transmittal on agency letterhead, a hard copy of the FEA, an OEQC publication form, along with an electronic word processing summary and a PDF copy (send both summary and PDF to oeqchawaii@doh.hawaii.gov); no comment period ensues upon publication in the periodic bulletin.

__FEA-EISPN — Submit the proposing agency notice of determination/transmittal on agency letterhead, a hard copy of the FEA, an OEQC publication form, along with an electronic word processing summary and PDF copy (you may send both summary and PDF to oeqchawaii@doh.hawaii.gov); a 30-day consultation period ensues upon publication in the periodic bulletin.

__Act 172-12 EISPN — Submit the proposing agency notice of determination on agency letterhead, an OEQC publication form, and an electronic word processing summary (you may send the summary to oeqchawaii@doh.hawaii.gov). NO environmental assessment is required and a 30-day consultation period upon publication in the periodic bulletin.

__DEIS — The proposing agency simultaneously transmits to both the OEQC and the accepting authority, a hard copy of the DEIS, a completed OEQC publication form, a distribution list, along with an electronic word processing summary and PDF copy of the DEIS (you may send both the summary and PDF to oeqchawaii@doh.hawaii.gov); a 45-day comment period ensues upon publication in the periodic bulletin.

__FEIS — The proposing agency simultaneously transmits to both the OEQC and the accepting authority, a hard copy of the FEIS, a completed OEQC publication form, a distribution list, along with an electronic word processing summary and PDF copy of the FEIS (you may send both the summary and PDF to oeqchawaii@doh.hawaii.gov); no comment period ensues upon publication in the periodic bulletin.

__ Section 11-200-23 Determination — The accepting authority simultaneously transmits its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS to both OEQC and the proposing agency. No comment period ensues upon publication in the periodic bulletin.

__Section 11-200-27 Determination — The accepting authority simultaneously transmits its notice to both the proposing agency and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is not required. No EA is required and no comment period ensues upon publication in the periodic bulletin.

__Withdrawal (explain)

Summary (Provide proposed action and purpose/need in less than 200 words. Please keep the summary brief and on this one page)**:**

The proposed Kahoma Village project will consist of 203 units, including 69 single-family dwellings in clusters of two (2) to six (6) dwelling units along a common driveway, 32 single-family dwellings with a rear service alley, and 102 multi-family units located in 17 two-story, six-plexes. The project also includes three (3) private park areas that have a combined area of approximately 1.75 acres. The larger of the three (3) parks areas will also function as a drainage detention basin. There will be landscaping on the exterior boundaries of the project, common areas of the multi-family portion of the project, open area parking lots and parking along internal street frontages. Driveway access into the project will be provided off of Front Street across from Puunoa Place and off of Kenui Street across from Nakeli Place. The proposed project also includes connections to the County's roadways and utilities, road widening and drainage improvements involving work within the County right-of-ways and the use of County lands.

VOLUME I OF II

Final Environmental Assessment

PROPOSED KAHOMA VILLAGE PROJECT

LAHAINA, MAUI, HAWAII
(TMK (2) 4-5-008:001 (POR.))

Prepared for:

Stanford Carr Development, LLC
On behalf of
The Harry and Jeanette Weinberg Foundation, Inc.

August 2013

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MUNEKIYO & HIRAGA, INC.

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List of Acronyms

AAS	Archaeological Assessment Survey
ASTM	American Society for Testing and Materials
BMP	Best Management Practices
CFS	Cubic Feet Per Second
CIA	Cultural Impact Assessment
DDT	Dichlorodiphenyltrichloroethane
DHHC	Department of Housing and Human Concerns
DOE	Department of Education
DOFAW	Division of Forestry and Wildlife
DOH	Department of Health
DP	Department of Planning
DPW	Department of Public Works
DWS	Department of Water Supply
EA	Environmental Assessment
EaA	Ewa Silty Clay Loam
EB	Eastbound
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FIRM	Flood Insurance Rate Map
FONSI	Findings of No Significant Impact
GPD	Gallons Per Day
HAR	Hawaii Administrative Rules
HCZMP	Hawaii Coastal Zone Management Program
HRS	Hawaii Revised Statutes
L	Left Movement
LID	Low Impact Development
LOS	Level of Service
LWRF	Lahaina Wastewater Reclamation Facility
MCC	Maui County Code
MG	Million Gallons
MIP	Maui Island Plan
MSL	Mean Sea Level
NB	Northbound
NPDES	National Pollutant Discharge Elimination System
PpA	Pulehu Silt Loam
R	Right Movement
SB	Southbound
Sec/Veh	Second per Vehicle
SHPD	State Historic Preservation Division
SMA	Special Management Area
T	Through Movement
TGM	Technical Guidance Manual

TIAR	Traffic Impact Assessment Report
TMK	Tax Map Key
UH-MC	University of Hawaii – Maui College
USFWS	U.S. Fish and Wildlife Service
WB	Westbound
WMIFD	West Maui Impact Fee District
WWRF	Wastewater Reclamation Facility

Executive Summary

Project Name:	Proposed Kahoma Village
Type of Document:	Final Environmental Assessment
Legal Authority:	Chapter 343, Hawaii Revised Statutes
Agency Determination:	Finding of No Significant Impact (FONSI)
Applicable Environmental Assessment Review "Trigger":	Use of County Lands
Location:	Island of Maui Lahaina TMK (2) 4-5-008:001 (por.)
Landowner:	The Harry and Jeanette Weinberg Foundation, Inc. 3660 Waiale Avenue, Suite 400 Honolulu, Hawaii 96816 Contact: Jay Nakamura, Stanford Carr Development, LLC Phone: (808) 537-5220
Applicant:	Stanford Carr Development, LLC on behalf of The Harry and Jeanette Weinberg Foundation, Inc. Alakea Corporate Tower 1100 Alakea Street, 27th Floor Honolulu, Hawaii 96813 Contact: Jay Nakamura Phone: (808) 537-5220
Approving Agency:	Department of Housing and Human Concerns 2200 Main Street, Suite 546 Wailuku, Hawaii 96793 Contact: JoAnn Ridao, Director Phone: (808) 270-7805
Consultant:	Munekiyo & Hiraga, Inc. 305 High Street, Suite 104 Wailuku, Hawaii 96793 Contact: Colleen Suyama Phone: (808) 244-2015

Project Summary:

The applicant, Stanford Carr Development, LLC on behalf of The Harry and Jeanette Weinberg Foundation, Inc. proposes a mixed housing project on property identified as TMK (2) 4-5-008:001 (por.) in Lahaina, Maui, Hawaii. The project is located on approximately 21.6 acres of the larger 24.354-acre Parcel. The project site is designated as "Urban" by the State Land Use Commission, "Project District 4" and "Open Space" by the West Maui Community Plan, and zoned "A-1, Apartment".

The proposed Kahoma Village project will consist of 203 units, including 69 single-family dwellings in clusters of two (2) to six (6) dwelling units along a common driveway, 32 single-family dwellings with a rear service alley, 102 multi-family units located in 17 two-story, six-plexes. The project site is bordered by Honoapiilani Highway to the east, Front Street to the west, Kenui Street to the south, and the channelized Kahoma Stream to the north. The Kahoma Stream Flood Control improvements constructed by the U.S. Corps of Engineers occupies approximately 2.8 acres of the Parcel. The project also includes three (3) private park areas that have a combined area of approximately 1.75 acres. The larger of the three (3) park areas will also function as a drainage detention basin. There will be landscaping on the exterior boundaries of the project site, common areas of the multi-family portion of the project, open area parking lots and parking along internal street frontages. Driveway access into the project area will be provided off of Front Street across from Puunoa Place and off of Kenui Street across from Nakeli Place. The proposed project includes connections to the County's roadways and utilities, road widening and drainage improvements involving work within the County right-of-ways and the use of County lands. The use of County lands is a trigger for Chapter 343, HRS. As such, an Environmental Assessment (EA) has been prepared in accordance with Chapter 343, HRS and Chapter 200 of Title 11, Hawaii Administrative Rules (HAR).

The proposed project is being processed in accordance with Section 201H-38, Hawaii Revised Statutes (HRS). Section 201H-38, HRS promotes the delivery of affordable housing by allowing the exemption of endorsed projects from "*...all statutes, ordinances, charter provisions, and rules of any governmental agency relating to planning, zoning, construction standards for subdivisions, development and*

improvement of land and the construction of units thereon".

As the subject property is located within the County of Maui's Special Management Area (SMA) a SMA Use Permit application will be submitted to the County of Maui, Department of Planning.

I. PROJECT OVERVIEW

I. PROJECT OVERVIEW

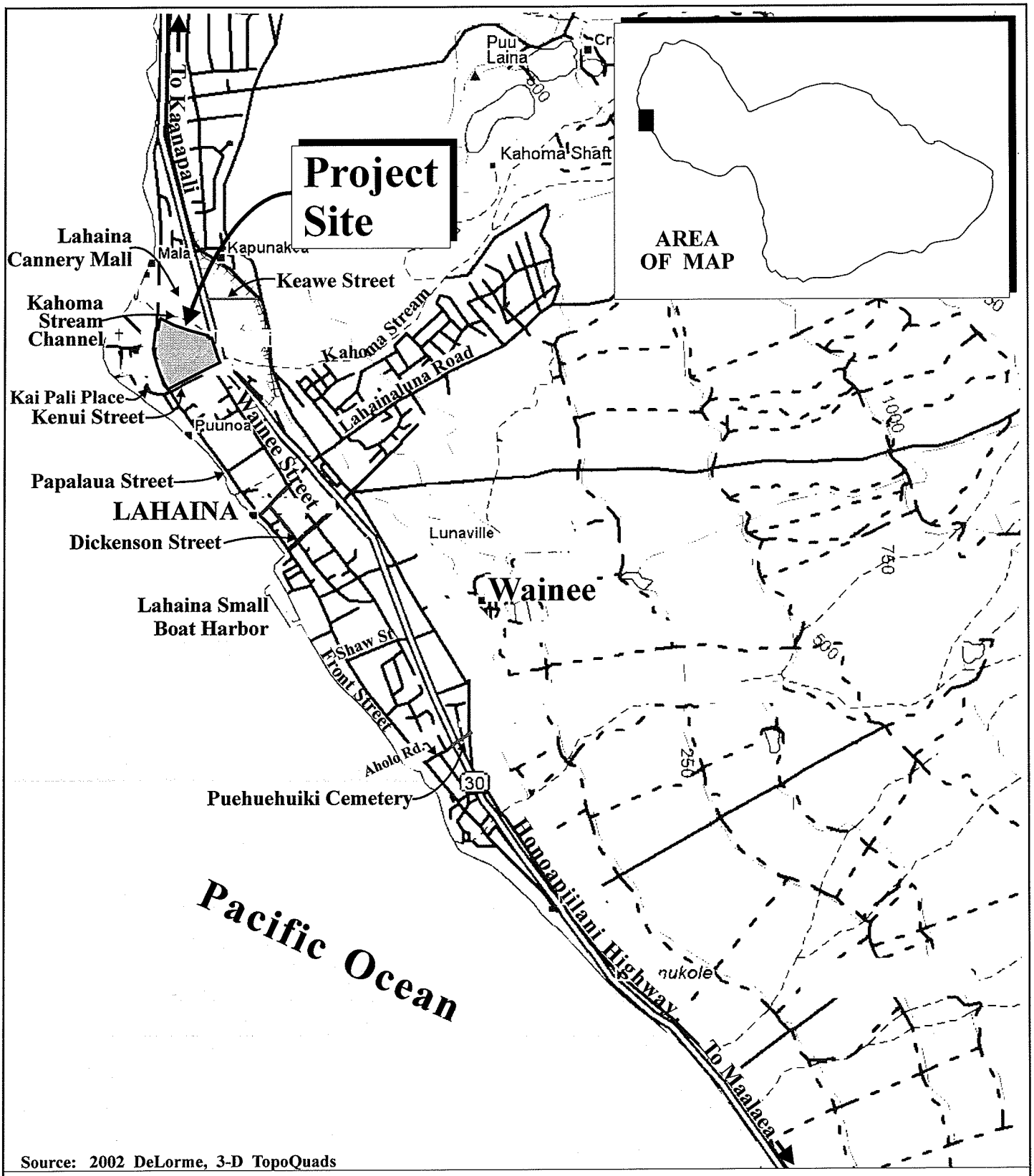
A. PROPERTY LOCATION, EXISTING USE, AND LAND OWNERSHIP

The applicant, Stanford Carr Development, LLC on behalf of The Harry and Jeanette Weinberg Foundation, Inc. (Foundation), is proposing the 203-unit Kahoma Village Project located in Lahaina, Maui, Hawaii. See **Figure 1**. The project site is bordered by Honoapiilani Highway to the east, Front Street to the west, Kenui Street to the south, and the channelized Kahoma Stream to the north. The project site is identified by TMK (2) 4-5-008:001 (por.) (hereafter referred to as "project site"), and encompasses approximately 21.6 acres of the 24.354-acre parcel. See **Figure 2**. The project site is owned in fee by the Foundation. The Kahoma Stream Flood Control improvements constructed by the U.S. Army Corps of Engineers occupies approximately 2.8 acres of the Parcel and was originally held by HRT, Ltd. then owned by Harry Weinberg when the project site was conveyed to the Foundation. No records have been found that indicate the 2.8 acres were conveyed to the County of Maui.

The project site is located within the State Land Use "Urban" district. The West Maui Community Plan currently designates the project site as "Project District 4" and the Kahoma Channel portion of the parcel as "Open Space". The subject property is designated "A-1, Apartment" by Maui County zoning. In addition to the aforementioned land use designations, the subject property is within the County of Maui's Special Management Area (SMA) and is currently vacant.

B. PROPOSED ACTION

The proposed Kahoma Village Project will consist of 203 housing units, as shown in **Table 1**. See **Figure 3**.



Source: 2002 DeLorme, 3-D TopoQuads

Figure 1 Proposed Kahoma Village Project

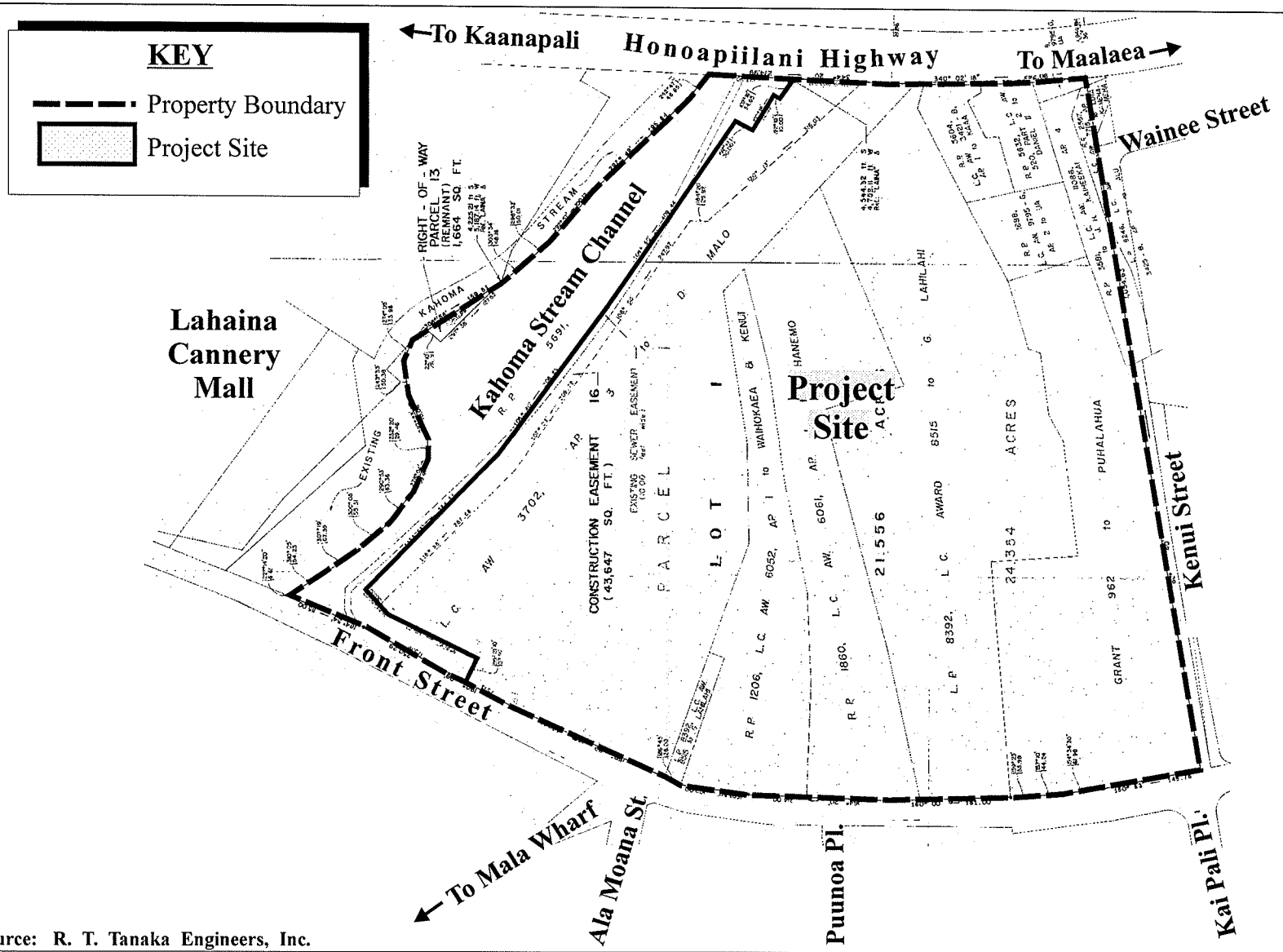
Regional Location Map

NOT TO SCALE

Prepared for: Stanford Carr Development, LLC, on behalf of
The Harry and Jeanette Weinberg Foundation, Inc.

MUNEKIYO & HIRAGA, INC.

Weinberg\LahainaRes\regloca



Source: R. T. Tanaka Engineers, Inc.

Figure 2

Proposed Kahoma Village Project

Parcel Location Map

NOT TO SCALE

Prepared for: Stanford Carr Development, LLC, on behalf of
The Harry and Jeanette Weinberg Foundation, Inc.

MUNEKIYO & HIRAGA, INC.

Weinberg\LahainaRes\ParcelLocation

Source: Alakea Design Group, LLC

Figure 3 Proposed Kahoma Village Project

Conceptual Site Plan

NOT TO SCALE

Prepared for: Stanford Carr Development, LLC, on behalf of
The Harry and Jeanette Weinberg Foundation, Inc.

MUNEKIYO & HIRAGA, INC.

Weinberg\Lahaina\SitePlan

Table 1. Kahoma Village Units

KAHOMA VILLAGE UNITS			
Unit Type	**Square Feet**	**Number of Bedrooms and Bathrooms**	**Number of Units**
SINGLE FAMILY			
Cluster Units			**69**
Plan 1	1,545	3 Bed 2 Bath	14
Plan 2	1,691	3 Bed 2-1/2 Bath	12
Plan 3	1,851	3 Bed 2-1/2 Bath	17
Plan 4	2,003	4 Bed 2-1/2 Bath	14
Plan 5	2,068	4 Bed 2-1/2 Bath	12
Alley Units			**32**
Plan 1	2,013	3 Bed 2-1/2 Bath	11
Plan 2	2,136	3 Bed 2-1/2 Bath	10
Plan 3	2,574	4 Bed 3 bath	11
		Subtotal	**101**
MULTI-FAMILY			
Six-Plex Building			**102**
Plan 1	1,000	2 Bed 2-1/2 Bath	34
Plan 2	1,223	3 Bed 2-1/2 Bath	34
Plan 3	1,090	3 Bed 2 Bath	34
		Total	**203**

In the cluster single-family units between two (2) to six (6) dwelling units will be clustered along a common driveway. The alley units will have a service alley at the rear of each unit providing access to the parking garage. The parking garages for the single-family units will be visually removed from the streetscape and service alley access to parking garages and will create a pedestrian friendly street frontage in which only one (1) side of the street will be used for vehicular parking. The multi-family units will be located within 17 two-story buildings each containing six (6) units with common trash enclosures. Each building will contain four (4) two-story units and two (2) one-story units at each end of the building so homeowners will have no one living above or below their unit. Open surface parking containing two (2) parking stalls for each unit will be provided in a common parking lot.

Associated improvements will include three (3) park areas that have combined area of approximately 1.75 acres. The larger of the three (3) park areas will also function as a drainage detention basis. Landscaping will also be provided along the exterior boundaries of the project site, common areas of the multi-family portion of the project, open area parking lots and along the internal street frontages. Two (2) access driveways will be provided, one (1) off of Front Street across Puunoa Place and a second access from Kenui Street directly across Nakeli Place. Road widening improvements consisting of pavement widening, curbs, gutters, sidewalks, and street landscaping are also proposed to upgrade Front Street and Kenui Street to County standards, as well as necessary utility connections to County services and upgrades to the County's drainage system.

To lessen dependancy on fossil fuels and conserve energy and water, the Kahoma Village project is considering implementing the following green and sustainable measures:

- Utilize energy efficient building materials, whenever feasible, such as but not limited to insulation, radiant barrier roof sheathing and insulated glass
- Utilize architectural details that reduces heat effects within buildings, such as 30-inch roof overhangs for solar control
- Installation of low-flow plumbing fixtures
- Installation of solar water heating for the multi-family units
- Optional photovoltaic panels for the single-family dwellings
- Installation of energy star appliances
- Installation of Photovoltaic/LED parking lot and common areas lighting with sensors
- Landscaping shall include water efficient plant materials and irrigation systems

C. PURPOSE AND NEED FOR PROJECT

According to the Market Study prepared by Data@Work, there are signs that the economy has stabilized with an improved visitor industry and the upward turn in the job market. Continuation of this trend will result in improvements in the local housing market. Historically, the preferred choice of housing by residents has been single-family homes. In light of financial constraints and the growing number of first time buyers who have put their plans to purchase a home on hold until there is economic recovery, the Market Study

concludes that market demand will shift from detached single-family products to attached multi-family housing.

Data@Work also foresees there will be a reduced level of competition for the project from other developments since there is a limited supply of housing on the market in the West Maui region that is affordable to residents. Further, the Kahoma Village Project has smaller up-front infrastructure costs and is able to self-finance the project which is an advantage over the larger developments such as Pulelehua and Puukolii Village which have larger infrastructure costs requiring development loans.

Given the timing of this project within the next five (5) years and the mix of affordable and market units and housing types, this project will address the need for housing as economic recovery occurs and buyers look at purchasing homes, as well as with future population growth. See **Appendix "A"**.

D. REGULATORY CONTEXT

1. Section 201H-38, Hawaii Revised Statutes

The Kahoma Village Project has been developed to meet the criteria for a Section 201H-38, Hawaii Revised Statutes (HRS) project by the applicant. Section 201H-38, HRS promotes the delivery of affordable housing by allowing the exemption of a project from:

> *... all statutes, ordinances, charter provisions, and rules of any governmental agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land and the construction of units thereon.*

As such, a Section 201H-38, HRS application will be filed with the Maui County Council to request exemptions from the Community Plan Amendment process, as well as other County requirements in order to support the timely implementation of the project, without compromising public health, safety, or welfare considerations. See **Appendix "B"**. The exemptions being proposed as part of this project are presented in **Appendix "C"**.

At least 51 percent of the proposed units will meet the County of Maui affordable housing criteria. The units will be for fee simple ownership with the multi-family units affordable to those earning incomes 110 percent or less of the Maui island

median income. Refer to **Appendix "B"**.

2. Special Management Area

Inasmuch as the subject property is located within the County of Maui, Special Management Area (SMA), an application for a SMA Use Permit will be filed with the Maui Planning Department for review and action by the Maui Planning Commission.

3. Chapter 343, Hawaii Revised Statutes

The proposed project includes the use of County lands involving interconnections to the County's roadways, road widening improvements, drainage system upgrades and utilities involving work within the County right-of-ways. The use of County lands is a trigger for Chapter 343, Hawaii Revised Statutes (HRS). As such, an Environmental Assessment (EA) has been prepared pursuant to Chapter 343, HRS, and Chapter 200 of Title 11, Hawaii Administrative Rules (HAR), Environmental Impact Statement Rules. Accordingly, this document addresses the project's technical characteristics and environmental impacts and alternatives, advances findings and conclusions relative to the significance of the project. As the project involves multiple jurisdictions, there was consultation with the Department of Public Works (DPW), Department of Housing and Human Concerns (DHHC) and the Department of Planning (DP) and it was determined that the accepting and approving agency for the EA will be the DHHC. See **Appendix "D"**.

Final design and construction of the proposed improvements will be initiated upon approval of the Section 201H-38 and SMA permitting processes.

E. PROJECT COST AND IMPLEMENTATION SCHEDULE

The construction cost of the Kahoma Village Project is approximately $60 million. The project will be initiated upon receipt of the Section 201H-38, HRS approval, SMA Use Permit and applicable construction-related permits. The project is anticipated to take 48 months to complete construction.

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

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

A. PHYSICAL ENVIRONMENT

1. Surrounding Land Use

a. Existing Conditions

The existing vacant project site is situated to the south and adjacent to the channelized Kahoma Stream in the Mala Wharf area of Lahaina Town. Visitor oriented, commercial, and residential land uses are all located in close proximity to the project site.

The channelized Kahoma Stream represents the defining physical feature on the north side of the project site, with the Lahaina Cannery Mall located on the northern side of the channelized Kahoma Stream. The Kahoma Stream Flood Control project completed in 1990 is managed by the County of Maui, Department of Public Works with over sight by the U.S. Corps of Engineers and serves a drainage basin of 54 square miles. This Flood Control project occupies approximately 2.8 acres of the 24.354 acres of the parcel. The 21.6-acre project site is owned by The Harry and Jeanette Weinberg Foundation, Inc.

A mixture of single-family residential and public uses are located across from the project site along the makai side of Front Street, while the Front Street Apartments are located across Kenui Street to the south. To the east is Honoapiilani Highway as well as commercial and multi-family residential uses consisting of the Lahaina Gateway Shopping Center and Opukea project.

b. Potential Impacts and Mitigation Measures

Land uses surrounding the project site consist of commercial, public/quasi-public, single-family, and multi-family uses. The proposed Kahoma Village housing project is compatible with the adjacent residential uses and is not anticipated to have an adverse impact on other surrounding land uses in the area. The property is located within the limits of an existing urban area and has ready access to infrastructure systems.

2. Climate

a. Existing Conditions

Like most areas of Hawaii, Lahaina's climate is relatively uniform year-round. Lahaina's tropical latitude, its position relative to storm tracts and the Pacific anticyclone, and the surrounding ocean combine to produce this stable climate. Variations in climate among different regions on Maui are, therefore, dictated by the inherent characteristics of local terrain.

Average daily temperatures in Lahaina typically range between 66 degrees and 85 degrees Fahrenheit. August is historically the warmest month, while January and February are the coolest.

Rainfall in West Maui is both low and highly seasonal in nature, with most precipitation occurring between the months of October and April when winter storms hit the area, with January being the wettest month, with 3.15 inches on average, and June being the driest, with 0.08 inch of precipitation. Situated on the leeward side of the West Maui Mountains, this dry region receives most of its rainfall in late afternoon and early evening, after seabreezes take moisture upslope during the day. Annual average rainfall for Lahaina is 14.62 inches as opposed to Kahului, which receives 18.82 inches (County of Maui, 2011).

The winds in the Lahaina area are also seasonal, although northeasterly tradewinds are predominant and occur 90 percent of the time during the summer and just 50 percent of the time in winter with average wind speeds of approximately 16 miles per hour. Wind patterns also vary on a daily basis,

with tradewinds generally being stronger in the afternoon. During the day, winds blow onshore toward the warmer land mass. This process reverses in the evening when breezes blow toward the relatively warm ocean. Between October and March, the southerly winds of Kona storms may be experienced.

b. Potential Impacts and Mitigation Measures

From an environmental standpoint, replacement of vegetative surfaces with hardscapes associated with roadways and housing units may yield a tendency towards slightly increasing ambient air temperatures. To address this so-called "heat island" effect, the proposed resident recreation park and landscaping has been integrated in the Kahoma Village housing project. Landscape design and a planting plan will be employed to provide shading. As such, the proposed project is not anticipated to have an adverse effect on climate.

3. Topography and Soil Characteristics

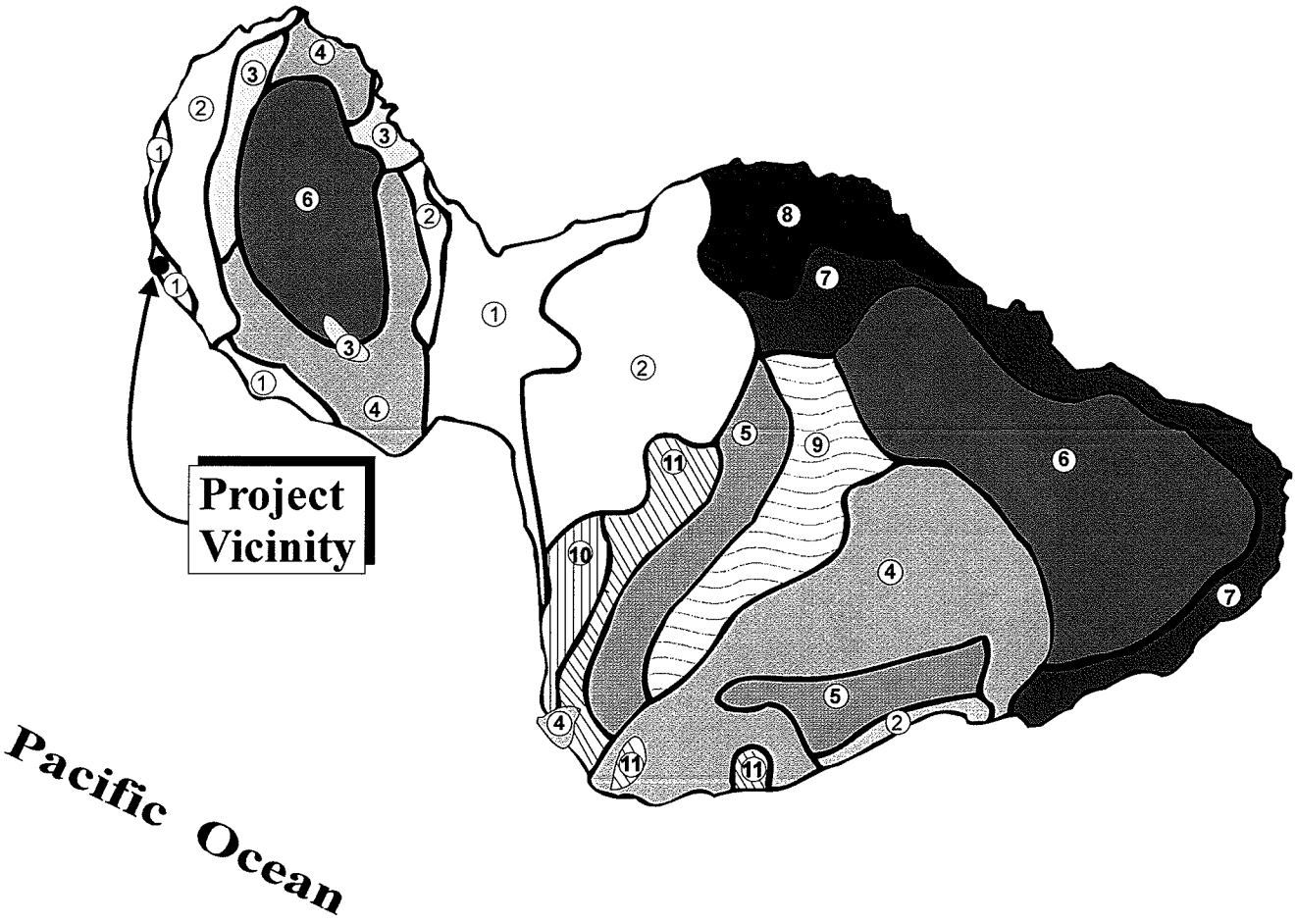
a. Existing Conditions

The property was previously used for sugarcane cultivation until Honoapiilani Highway was constructed and is currently vacant with trees and brush. The ground generally slopes in a westerly direction toward Front Street. The existing elevations range between five (5) feet and 20 feet above mean sea level (msl).

According to the U.S. Department of Agriculture Soil Conservation Service (1972), soils within the subject property belong to the Pulehu-Ewa-Jaucas association. See **Figure 4**. The Pulehu-Ewa-Jaucus association is characterized by deep, nearly level to moderately sloping, well-drained and excessively drained soils that have a moderately fine textured to coarse-textured subsoil or underlying material. The specific soil type underlying the project site is Ewa Silty Clay Loam (EaA) and Pulehu Silt Loam (PpA). See **Figure 5**. EaA (0-3 percent slopes) is characterized by very slow runoff rates and very slight erosion hazard. PpA (0-3 percent slopes) is found on alluvial fans and stream terraces and basins. The soil is characterized as moderate permeability with slow runoff rates and slight erosion hazard. These soil

LEGEND

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



Map Source: USDA Soil Conservation Service

Figure 4 Proposed Kahoma Village Project
Soil Association Map

NOT TO SCALE

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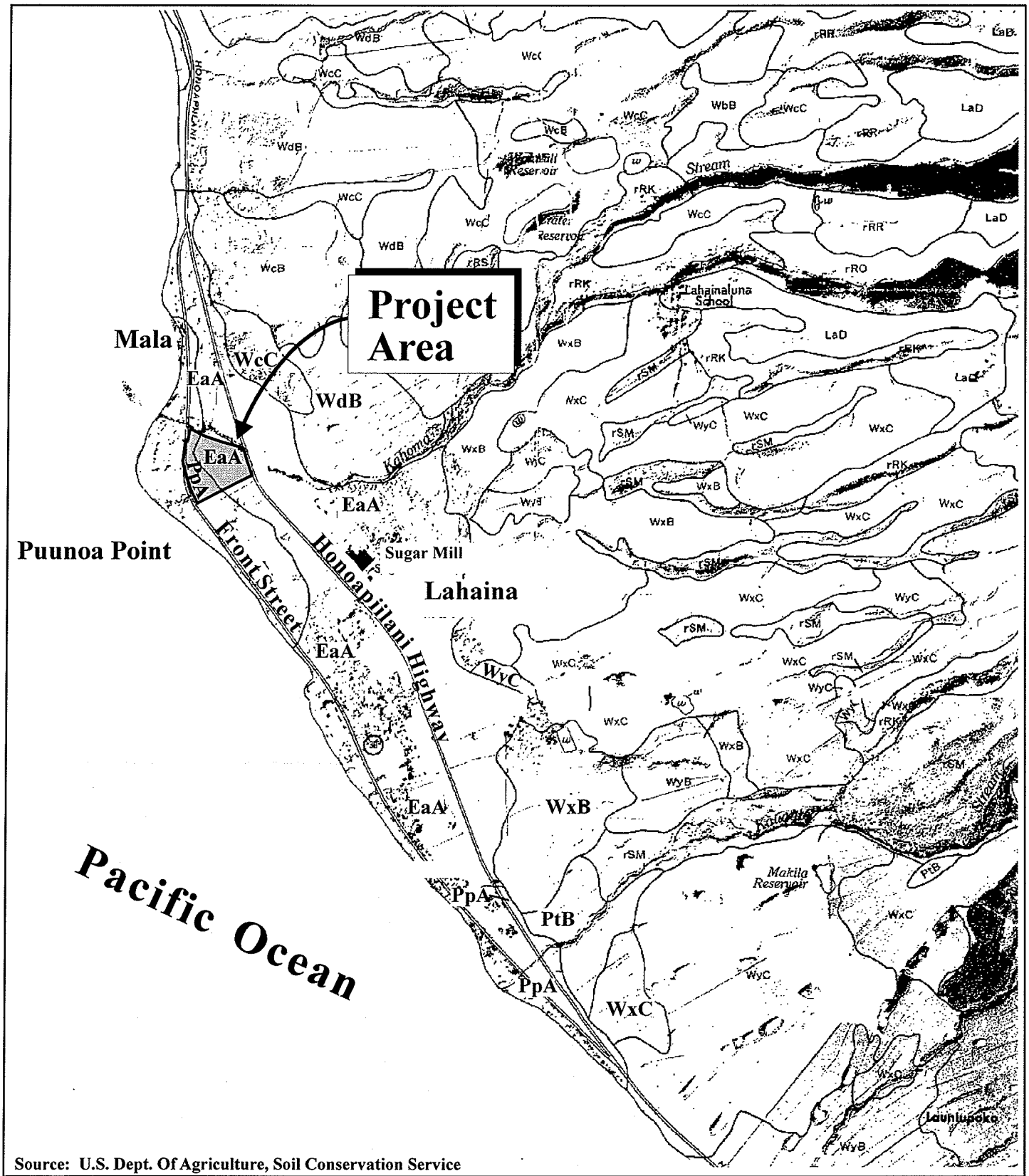
MUNEKIYO & HIRAGA, INC.

Weinberg\LahainaRes\SOILS



Source: U.S. Dept. Of Agriculture, Soil Conservation Service

Figure 5 Proposed Kahoma Village Project

Soil Classification Map

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Weinberg\LahainaRes\soilclass

types are typically used for sugarcane, truck crops, and pasture (U.S. Department of Agriculture, 1972).

A Geotechnical Engineering Evaluation was conducted by Geolabs, Inc. on the subject property. See **Appendix "E"**. According to the report, most of the site is underlain by about 8 to 15 feet of variable soft to hard silt and clayey silt alluvial soils over a deposit of basalt and coral beach sands. The study encountered groundwater in the borings at the time of field exploration at depths ranging from about 7 to 10 feet below the existing ground surface corresponding to elevations near sea level. The basalt formations underlying the project site are part of the Wailuku Volcanic Series, which consist of a thick series of thinly-bedded a'a and pahoehoe lava flows dipping seaward.

Test borings on the site ranged from a depth of 5 feet to 21.5 feet below the ground surface. Also, test pits were excavated to depths extending to 10 feet below the ground surface. Field exploration encountered a surface layer of agriculturally disturbed alluvial soils over relatively undisturbed alluvial soils, extending to depths ranging from 8 to 18 feet below the existing ground surface. The alluvial soils generally consisted of medium stiff to hard dark brown to gray silt, and clayey silt. The alluvial soil was observed to be underlain by a coral and basalt sand material typical of beach type deposits.

Rock formation was not encountered within the extent of the exploration at the project site. Although rock formation was not encountered by the drilled borings and test pits, the presence of basalt boulders are common near alluvial deposits.

b. <u>Potential Impacts and Mitigation Measures</u>

Public comments received on the Draft EA indicated a karst system may be present on the project site. According to Geolabs, karst is a geologic term used to describe landscape underlain by limestone rock formation which has been eroded by dissolution, producing fissures, sinkholes, and undulating topography. As such, limestone rock or hard coral formation must be present to have karst geology/formation.

Geolabs, Inc. reevaluated the geotechnical report and by letter dated March 22, 2013 indicated that the alluvial deposits underlying the site did not contain karst conditions, such as limestone or hard coral formation. See **Appendix "E-1"**.

Although the project site was formerly used for sugarcane cultivation, since the construction of Honoapiilani Highway, the land has remained vacant for more than 50 years. Before the 1970s, the most prevalent pesticide used in farming was dichlorodiphenyltrichloroethane (DDT). According to the National Pesticide Information Center, the soil half-life for DDT, which is the time for DDT to degrade, takes between two (2) to 15 years. As an average, it is estimated that it would take approximately 50 years for DDT to degrade in soil. As noted previously, the subject site has been out of cultivation for more than 50 years. As such, any DDT constituent should have degraded and is no longer a health hazard.

As former sugarcane land, a Phase I Environmental Site Assessment (ESA) was conducted by Bureau Veritas. See **Appendix "F"**. The ESA revealed no evidence of recognized environmental conditions on the subject property, as defined by the ASTM International (American Society for Testing and Materials). However, the ESA noted the following environmental concerns:

(1) <u>Past Agricultural Use of Property</u>

Agricultural use of the property may be cause for environmental concern because of pesticides and herbicides commonly used in agricultural operations. Historical research did not identify the subject property as a site of mixing, storage, or excessive application of agricultural chemicals.

According to the ESA, there is a potential that agricultural chemicals exist in the soil at concentrations above the Department of Health (DOH) action levels, and residential development is planned for the subject property. Therefore, the ESA recommended conducting multi-increment soil sampling with laboratory analyses for chemicals of concern across the subject property, in accordance with the DOH's Technical Guidance Manual for the Implementation of the State

Contingency Plan Interim Final (TGM), dated June 21, 2009.

(2) Soil and Debris Piles on the Subject Property

Piles of soil, debris, and soil mixed with debris are located throughout the subject property. The observed debris included rocks, dead vegetation, concrete rubble, scrap metal, household-type garbage, and three (3) automotive batteries. Except for the batteries, no chemical containers or evidence of hazardous materials was observed at the subject property. However, such items may be buried in the soil/debris piles and were hidden from view.

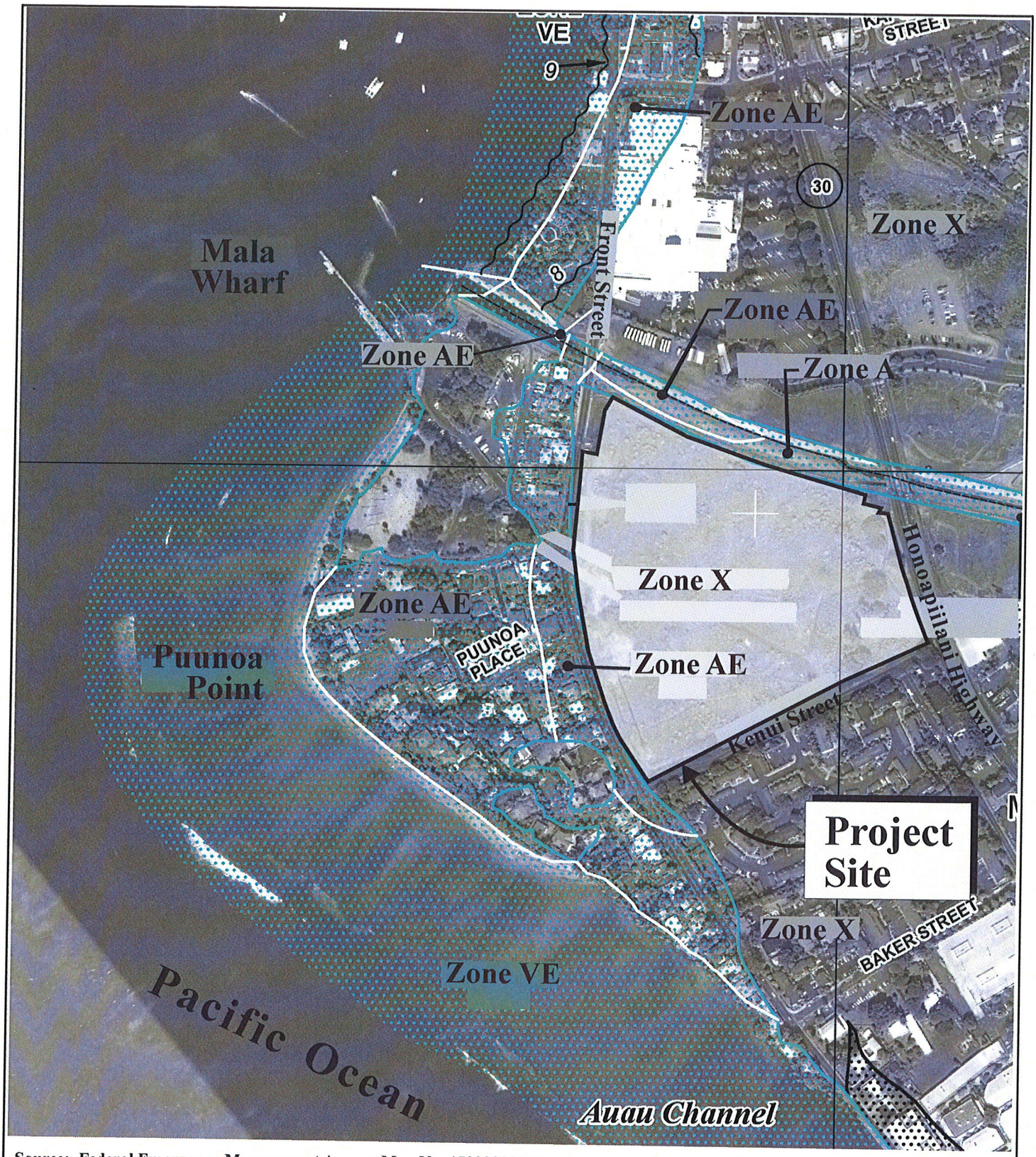
The ESA recommended removal and proper disposal/recycling of the automotive batteries. In addition, removal of the soil/debris piles during future grading activities should be monitored for chemical containers, hazardous materials, and evidence of releases (i.e., stained soil). If such items are discovered, proper cleanup and disposal are recommended.

The topographic character of the site is relatively flat and minimal grading will be required to prepare the site for development. Best Management Practices (BMPS) will be implemented to minimize impacts during the construction period and includes ESA recommendations if contaminates are encountered. The soil composition of the project site will not be altered and does not contain characteristics that would hinder development of the site. As such, no adverse impacts on topography and soils are anticipated.

4. Flood and Tsunami Hazard

a. Existing Conditions

The Flood Insurance Rate Map (FIRM) for this area of the island designates the project site as being within Zone "X" (unshaded) and is not subject to the Flood Hazard District Ordinance, Chapter 19.62 of the Maui County Code. See **Figure 6**. Zone "X" (unshaded) indicates an area of minimal flooding



Source: Federal Emergency Management Agency Map No. 1500030361F

Figure 6 Proposed Kahoma Village Project

Flood Insurance Rate Map

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Weinberg\LahainaRes\Final EA\FIRM

and has no restrictions placed on development. According to the FIRM the project site remains in Zone X. The subject property is located within the tsunami evacuation zone. Evacuation routes during a tsunami event would be available towards the upper slopes of Lahaina Town mauka of Honoapiilani Highway towards Keawe Street across of the Lahaina Cannery Mall connecting to the Lahaina Bypass which a portion was completed this year. Certified evacuation centers are located at the Lahaina Intermediate School, Lahainaluna High School, Princess Nahienaena Elementary School and the Lahaina Civic Center, located all within a 3.0 miles radius from the project site.

b. Potential Impacts and Mitigation Measures

The project site is located within an area of minimal flooding. The channelization of Kahoma Stream north of the project site was completed as a U. S. Army Corps of Engineers-sponsored Flood Control project to mitigate flooding events along the stream. No adverse impacts on the flood and tsunami hazard zones are anticipated during implementation of the project.

5. Flora and Fauna

a. Existing Conditions

Mr. Robert Hobdy conducted a field survey of the project site in May 2011. See **Appendix "G"**. Although the project site was previously farm land and cultivated for sugarcane, over the past 50 years, since Honoapiilani Highway was constructed through Lahaina, the project site has been idle and overgrown with dry-land grasses, shrubs and scattered trees.

Existing vegetation within the project site consists of weed species that is typical on disturbed sites in dry areas such as Lahaina. Species of flora currently present onsite include buffelgrass, salt bush, kiawe, and koa haole. There are no rare, threatened or endangered species of plants found at or in the vicinity of the project site. Of the 47 plant species found, two (2) are indigenous to Hawaii, and are widespread on the mainland and other pacific islands: the uhaloa (*Waltheria indica*) and popolo (*Solanum Americanum*). The remaining 45 species are not native to Hawaii.

Twenty (20) species of mammals, birds and insects were found on the project site, which has been disturbed for over a century and is overwhelmingly inhabited by non-native organisms and surrounded by an urbanized community. One insect, the globe skimmer (*Pantala flavescans*), a dragonfly, was observed as native. No endangered plants or animals are known to be closer than 2.5 miles from this project area. These endangered species occur on ridges above Lahainaluna High School and will not be affected by this project.

About 20 tobacco tree (*Nicotiana glauca*) plants were seen throughout the property. These trees are a non-native host for Hawaii's endemic and endangered Blackburn's sphinx moth (*Manduca blackburni*). No eggs, larvae or adults of this endangered moth were found during the field inspection.

On March 11, 2013 Robert Hobdy conducted a biological resources survey for the Blackburn's sphinx moth on 43 non-host tobacco tree plants located on the project site. See **Appendix "G-1"**. Of these, eight (8) were small plants less than 3-feet tall, 33 were moderate in size between 3- and 10-feet tall, and two (2) were large plants over 10-feet tall. Each of the living tree tobacco plants was systematically examined, looking for the presence of Blackburn's sphinx moth eggs, larvae and signs of feeding on leaves and succulent stems. No Blackburn sphinx moth activity of any kind was observed on any of the 43 plants.

Animal life which may be found in this area is typical of other urbanized regions around West Maui. Domestic mammals found in the area include dogs and cats. Also, commonly found in this area are the common rats, mice and mongoose. Eight (8) species of non-native birds were observed. Further, no Hawaiian hoary bats were identified during an evening field survey, while using a bat detection device. Refer to **Appendix "G"**.

b. <u>Potential Impacts and Mitigation Measures</u>

There have been no federally endangered or threatened plants or special plant communities/habitats identified within the project site. The proposed project is not anticipated to have significant impacts on botanical resources. Refer to **Appendix "G"**.

Although no endangered Blackburn's sphinx moths were found during the field survey, because of the number of tobacco trees in the project area, which is their non-native host plant, caution is recommended during site preparation. Robert Hobdy recommends that any removal of the approximately 43 tobacco tree plants be done by hand in the fall months after the Blackburn's sphinx moth's breeding cycle is completed. Also, large scale clearing should not occur before at least the passage of another four (4) months in order to allow any potential pupae in the soil to hatch and disperse.

The U.S. Fish and Wildlife Service (USFWS) recommended a qualified biologist to re-survey the project area, and areas adjacent to the project footprint, for the presence of native and non-native Blackburn's sphinx moth host plants. Also, the surveys should be conducted during the wettest portion of the year (November-April) and approximately four (4) to eight (8) weeks following a significant rainfall event. Surveys should include looking for eggs, larvae, and signs of larval feeding (chewed stems, frass, or leaf damage).

If the Blackburn's sphinx moth, eggs, or larvae are found, the USFWS and the Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) will be contacted by the applicant for further guidance and consultation. The following protocol is recommended by the DOFAW:

> *Land clearing work shall wait until the plants are free of Blackburn's sphinx moth eggs and larvae. Then the following steps will be implemented to minimize project impacts to Blackburn's sphinx moth individuals:*
>
> - *If the Solanaceous plant is entirely herbaceous (such as a small un-branched young plant) and there are no Blackburn's sphinx moth eggs, larvae, or signs indicating the possibility of pupating larvae (such as frass, chewed stems or other browsing characteristic of Blackburn's sphinx moth on the plant), the plant may be removed. Because Solanaceous plants can re-sprout, removal of roots of these plants is recommended.*

- *If the Solanaceous plant is woody and there are no Blackburn's sphinx moth eggs, larvae, or signs indicating the possibility of pupating larvae (such as frass, chewed stems or other browsing characteristic of Blackburn's sphinx moth on the plant), the above-ground portion of the plant may be cut and removed. If the Solanaceous plant has developed woody structure, it is possible that the signs of Blackburn's sphinx moth foraging have been shed and that root disturbance could dislodge larvae. Therefore, the soil and plant roots will be left undisturbed for a period of one year. A 33-foot (10-meter) disturbance-free buffer around the woody host plant will be established to prevent disturbance to any pupating larvae which may be in the ground in the area around the plant. Cut stems should be maintained to be free of regrowth (by either carefully painting herbicide on the cut stem or frequent hand clipping) to prevent leaf growth and potential use by the Blackburn's sphinx moth. After one year, the plant roots may be removed. The one-year waiting period will ensure any larvae pupating in the soil will have pupated and emerged from soil prior to disturbance of the plant or soil*

On March 11, 2013, Robert Hobdy conducted a survey as recommended by the USFWS prior to the removal of the tree tobacco plants. The survey concluded that no Blackburn sphinx moth activity was found. In coordination with USFWS the tree tobacco plants have been removed. As recommended, no ground disturbance is planned in the area of the plants for at least one year. Construction activity on the project site is not planned until after all approvals are granted which is anticipated to occur in mid-2014.

Due to fire safety concerns and homeless problem on the property, a portion of the property has been cleared in coordination with County agencies. The tobacco trees were identified and a 20 to 30 foot buffer established around the trees prior to clearing to ensure the trees and surrounding ground remain undisturbed.

The endangered seabirds, the Hawaiian petrel (*Pterodroma sandwichensis*) and the threatened Newell's shearwater (*Puffinus newelli*) nest high in the mountains in the spring, summer and fall. These seabirds fly over the

lowlands on Maui in the late evening to reach their burrows, then fly back to the ocean in the early dawn. Bright lights can confuse these species of seabird, therefore, Mr. Hobdy recommends that any significant outdoor flood lights or pole lights be hooded to direct the light downward to minimize these distractions to the seabirds. Refer to **Appendix "G"**.

These specific recommendations resulting from the Biological Resources Survey will be implemented as part of the project.

6. Streams, Wetlands and Reservoirs

a. Existing Conditions

As mentioned, the Kahoma Stream Flood Control Channel is located north of the project site. Refer to **Figure 1**. Aside from periodic moderate to heavy rains, there is no active flow in the Kahoma Stream Flood Control Channel. The project site is overgrown with dry-land grasses, shrubs and scattered trees and did not include plants found in wetlands. There are no other streams, wetlands, or reservoirs within or near the project site.

b. Potential Impacts and Mitigation Measures

The project site is located outside of the limits of the Kahoma Flood Control Channel. The drainage characteristics within the channel will not be altered by the Kahoma Village project. Mitigation measures, such as Best Management Practices (BMPs) for erosion and sediment control and landscaping will not include trees on project site that can negatively affect the levee. Measures will be implemented to ensure that the functional integrity of the Kahoma Stream Flood Control Channel is not affected. See Section II.D.4., Drainage, in this document.

7. Air Quality and Noise

a. Existing Conditions

The project site in general does not experience adverse air quality conditions. Airborne pollutants that do exist can largely be attributed to automobile exhaust from Honoapiilani Highway and other surrounding roadways. These sources, however, are intermittent and prevailing winds quickly disperse the

particulates generated by these temporary sources. The cessation of large scale agriculture on the surrounding agricultural lands mauka of Honoapiilani Highway and the slopes of West Maui Mountains may contribute to temporary adverse air quality conditions from airborne dust due to wind erosion.

Existing background noise in the vicinity of the project site is principally attributed to traffic movements along the adjoining stretch of Honoapiilani Highway as well as the other local roadways surrounding the site.

b. Potential Impacts and Mitigation Measures

In the short term, construction related activities will be the primary source of airborne pollutants and ambient noise. Site work involving clearing, grubbing and grading operations will generate fugitive dust. Emissions and noise from construction equipment and other vehicles involved in construction activities may temporarily affect the ambient air quality and noise within the immediate vicinity. These effects, however, can be mitigated by proper maintenance of construction equipment and vehicles. Equipment mufflers or other noise attenuating equipment may also be utilized.

In addition, dust generated during construction, especially from earth-moving operations, such as excavating, trenching, and filling, may also result in a temporary decrease in ambient air quality. A program of BMPs will be implemented during construction to mitigate potential for dust-related impacts, including but not limited to, utilizing dust barriers, water wagons and/or sprinklers to control dust, and watering graded areas upon the completion of daily construction activities. On a long-term basis, the proposed project is not anticipated to generate any adverse air quality impacts.

An application for a Community Noise Permit for construction activities will be submitted to the State Department of Health for review and approval as necessary.

Upon completion, the proposed project is not expected to be a source of long-term adverse air or noise conditions.

8. Historical and Archaeological Resources

a. Existing Conditions

An Archaeological Assessment Survey (AAS) was completed for the project site in October 2011 by Xamanek Researches, LLC, revised in December 2012 and Supplemental Testing conducted in May 2013. See **Appendix "H"**.

The project site is located in the Alamihi *Ahupuaa* outside of the Lahaina National Historic Landmark District. The project site is currently vacant but has been previously impacted by land altering activities. Disturbance activities in the past include sugarcane cultivation, heavy equipment clearing, construction of informal homeless shelters and camps, and piles of construction related debris.

The AAS consisted of 100 percent surface survey and 30 mechanically excavated backhoe test trenches within a portion of the site that is not currently heavily vegetated. The stratigraphic layers were mostly consistent throughout the project area with Layers I and II indicating previous disturbance.

Since the 1970's there have been archaeological studies and inventory surveys and monitoring conducted around the project site. Based on literature research and the 1884 S.E. Bishop map, the Alamihi Pond was located makai of Front Street which was filled in the first half of the 20th Century, during the Mala Wharf construction in 1922 when an access road was installed. See **Appendix "H-1"**.

b. Potential Impacts and Mitigation Measures

No material remains or evidence of intact cultural deposits were encountered during the backhoe trench excavations completed during the AAS. There was no evidence of traditional or pre-contact surface features at the project site. The area, including the project site, has been heavily impacted by post-contact activities associated with the filling of Alamihi Pond makai of Front Street, nearby agricultural cultivation, residential development, road construction and similar activities. However, because of the location of the

project site, pre-contact and/or post-contact human burials and/or previously disturbed human remains may lie in those portions of the project site that were not tested.

In cooperation with the Maui Police Department, Maui Department of Fire and Public Safety, the Department of Housing and Human Concerns and non-profit organizations the project site was cleared of trespassers, trash and abandoned vehicles. The portions that were cleared and not tested in the original AAS have since been tested. The revised AAS included the supplemental tests conducted on May 16, 2013. Refer to **Appendix "H"**. An additional 17 test trenches were conducted. Twelve (12) of the test trenches contained alluvial deposits of coarse streambed sand and smooth river pebbles, suggesting that Kahoma Stream may have meandered through the south and southwestern portions of the project site in the past. There was no evidence of any significant cultural material remains or subsurface site remnants located in any of the 47 backhoe trenches that were excavated within the project site.

The AAS recommends archaeological monitoring for all future earth disturbance activities on the project site as human burials have been previously documented on nearby parcels, including the Lahaina Cannery Mall property. Refer to **Appendix "H"**.

9. Cultural Impact Assessment

a. Historical Context

The Lahaina District was a favored place to live by chiefs and commoners alike, because of its natural resources and favorable weather. The valleys of Kahoma, Kanaha, Kauaula and Olowalu among others were filled with *lo`i* wherever there was water to sustain the flood-style irrigation of wetland *lo`i.* In other areas dryland taro, sugarcane, sweet potato, coconut, banana and breadfruit were grown. Lahaina is well known for its cultivation of the breadfruit tree (*`ulu*). The original name for the Lahaina area was Lele and the famous saying of the area was "Ka Malu Ulu o Lele", the shade of the breadfruit trees at Lele (Handy, 190). Also, in the time of Piilani the area was called Honoapiilani, meaning "the bays belonging to Piilani" (Sterling, 37).

The name Lahaina is a relatively recent name for the land and stems from the time of the chief Hua. During Hua's reign, when his kahuna Luaho`omoe was condemned to death he cursed the lands of Hua, which resulted in a drought and famine that spread through the lands. The name Lahaina means La (sun) and Haina (cruel or merciless).

Lahaina was an agriculturally productive area utilizing the then perennial watercourses of Kahoma, Kanaha and Kauaula with miles upon miles of aqueducts spanning the lowlands, watering a quilt-work pattern of wet and dryland taro, sweet potato, bananas, breadfruit and other crops. Handy relates that the majority of Lahaina was watered by two streams, Kahoma and Kanaha (Handy, 1940).

Towards the ocean and across Front Street was the inland fishpond of Alamihi, for which the area is named. The fishpond traditionally was used for mullet but was nearly defunct by the time of Western contact and was filled in to make the road to Mala wharf in the early 1900's.

After consolidating his rule over the islands, Kamehameha returned to Lahaina to set up his seat of government for the Kingdom of Hawaii. Mokuula was the home of royalty until the capital was transferred to Honolulu under King Kamehameha III.

Also, with the reign of Kamehameha and an increase in foreign ships Lahaina became a port of call for the sandalwood trade and whaling era. The Lahaina whaling industry ended in 1860 with the onset of petroleum and kerosene fuel, and finally the development of San Francisco as a full-service port (Proposal for the Historical Restoration and Preservation of Lahaina, 1961).

With the decline of the whaling industry, which brought a new populace to Lahaina, the sugar industry began to evolve. The sugar industry was developed in the mid-1800's and over the next few years, further developed with the eventual consolidation of multiple smaller mills into what is known today as Pioneer Mill Company, Ltd. (Pioneer Mill). As with other sugar plantation communities, the late 1800's and early 1900's saw the rapid expansion and growth of the Pioneer Mill. A 1919 map by W.E. Wall further reveals that approximately 15,000 acres were under sugarcane cultivation by

Pioneer Mill (Rosendahl, 1989.) Sugar cultivation areas extended from Ukumehame to Honokowai.

In addition to sugar, pineapple was established as a viable commercial crop in West Maui. Baldwin Packers opened a cannery in Lahaina in 1919 at the site of the Lahaina Cannery Mall to provide the product processing component of the pineapple industry. Pineapple cultivation lands were delineated from Honokowai, north to Honokohau.

A Cultural Impact Assessment (CIA) was completed by Hana Pono, LLC, in November 2011. See **Appendix "I"**.

The CIA included interviews with persons familiar with the area. The following is a summary of these interviews conducted during July and August, 2011:

1. **George Kahumoku**

Although George Kahumoku is not a lineal descendant of the project area, he has been a cultural practitioner on the lands surrounding the project area for many years. Considered knowledgeable about Lahaina, he was a teacher at Lahainaluna High School and used to take his students to an area mauka of the Kahoma area to farm. Known in the community, he has lived all his life in the Lahaina area and is well respected among the elders of the Kahoma community.

George remembers going into the valley and visiting with the families who were raising donkeys and goats and cultivating *loi*. The *auwai* (canal) used to run to Lahainaluna, but when the plantation closed the *auwai* stopped running.

He talked about stone walls in Kahoma and believed that people used to live there. There were terraces for dry-land taro or sweet potato and walls for the mala (gardens). Later those walls were destroyed.

2. Malihini Keahi

Malihini, a life long Lahaina resident, is a lineal descendant of larger Kahoma area, not specific to the project area. Her ties to the area are from her grandfather, Kapaliueloa Haiakekai and her grandmother Meleana Maka`aha Pu`upu`u. She practices the Hawaiian lifestyle of sharing Aloha at Kaanapali Beach Hotel where she works.

Malihini recalls the Kahoma area as being plentiful with orchard trees in the valley. Amongst the orchard trees (lemon, orange, apple and mango) was medicine (mamaki and ti). An old donkey trail from Lahainaluna ran down the side of the mountain and into the Kahoma area. She tried to access that trail about ten years ago and found it had degraded.

Malihini spoke of a few ahu (alters) mauka (upland) from the Kahoma area that are cared for by families such as Kelepa Ohana, Uncle David Sharp and her family. Malihini moved back to her family land in the late 70's with a thought to making a learning place for the Hawaiian children and even the kupuna. She wanted people to see how the *auwai* gives water to Lahaina. Her grandfather was brought from Kahikinui to Lahaina to care for the watershed and she wanted to restore it for educational purposes.

She expressed concern that the proposed affordable housing will not be available to those in the lower income category. She believes the County's income guidelines are too high for those who are in the lower income.

3. George Makekau

George is a lineal descendant of land about two (2) miles from the project area and his family are long-time Kahoma residents. George's great-grandparents, the Pukahia's, owned land in the mauka Kahoma area and their family had several lo'i there.

George traveled from the family land to the Kahoma area about 2.5

miles away. The lower part of Kahoma used to flood a lot, so that land wasn't used as much. He recalls his family talking about the *loi* because his family used to order the *loi* and that is what everyone used to talk about the most.

The family grew sugarcane from Lahainaluna all the way down to Front Street. The proper name for the area was Kahoma, but it was easier for them to call it Lahainaluna. George recalls the locomotive that ran through the area bringing sugarcane down to Mala Wharf. He also recalled the arrivals of the passenger ships.

b. Potential Impacts and Mitigation Measures

None of the interviewees noted any cultural practices or uses directly on the project site. However, the interviewees noted that they themselves and family members still access the mauka Kahoma lands. These mauka sites, the agricultural complex known as the Kahoma complex, and the Haia cemetery among others are approximately two (2) miles inland from the project site.

The CIA report also noted the finding of the flora and fauna survey and the concern that the presence of the tobacco plant may indicate the presence of the endangered Blackburn Sphinx moth. It is also noted that the channelization of Kahoma Stream has drastically altered the natural habitat in the project area and surrounding vicinities.

There has been no active taro or other traditional agricultural cultivation on the project area for upwards of 100 years due to the sugar plantation's use of the land and diversion of water from Kahoma and Kanaha streams. This has left the project area devoid of previously available natural resources or native flora and fauna.

Although the interviewees did not directly identify any known family burials in the project site, previous archaeological work in the general area would indicate the possibility of isolated or grouped pre- and post-contact remains being present.

The CIA recommends that care be taken during any grading, grubbing or

other ground disturbing activities due to the possible presence of subsurface cultural features. All workers should have some cultural knowledge of the history of the Lahaina region, the Alamihi region, and the possibility of finding subsurface cultural features. In order to assure the cultural integrity of the project, a qualified cultural specialist should participate in various cultural-related activities, such as the development and implementation of the cultural orientation for construction personnel, advice and protocol concerning inadvertent finds, and any other cultural concerns during the construction of the project.

Since the preparation of the Draft EA, public comment expressed concerns that there may be undiscovered burials within a karst system below the subject property. The voids in karsts were used by native Hawaiians as burial sites. If found under the subject property there is a potential for undiscovered native Hawaiian burials which was a cultural concern expressed by the public commenters. Geolabs, Inc. re-evaluated the borings in the geotechnical report and concluded that there are no karst conditions (limestone and harden coral) under the property. Refer to **Appendix "E-1"**. Since no karst conditions were found under the subject property, it is unlikely that there are voids under the property that could have been used as burial sites which would have required appropriate mitigation.

10. Scenic and Open Space Resources

a. Existing Conditions

The project site is located along Front Street in the Mala Wharf area of Lahaina. The site is also bordered to the east by the Honoapiilani Highway. This highway represents West Maui's principal access route to the central and southern areas of Wailuku, Kahului and Kihei. Due to the urbanized nature of the surrounding area, scenic resources in the vicinity of the project site are limited. See **Appendix "J"**. Views through the project site are obstructed by the existing vegetation. Views east towards the mountains have been affected by the development of the Lahaina Gateway Shopping Center and the Opukea Housing project. Other open space resources in the region include the vast expanse of vacant agricultural lands that lie between the mountains and the existing urbanized areas.

b. Potential Impacts and Mitigation Measures

The proposed Kahoma Village Project will be a low-rise development consisting of two-story structures compatible with the surrounding residential character of the Lahaina Town area. Building design and massing will be similar to the surrounding single-family residential and multi-family developments. The project site is not part of a designated scenic corridor and as such, there are no significant adverse impacts on scenic and open space resources.

The project site is approximately three (3) to five (5) feet below Honoapiilani Highway and gradually slopes to approximately 17 feet below the highway near Front Street. Once constructed, views from Honoapiilani Highway are not anticipated to be adversely impacted since there are no existing view corridors to the ocean due to the existing built environment and vegetation.

B. SOCIO-ECONOMIC ENVIRONMENT

1. Land Use and Community Character

a. Existing Conditions

Urbanized lands occupying the lower elevations of the West Maui Mountains along the coast include the communities of Lahaina, Kaanapali, Honokowai, Kahana, Napili, and Kapalua. The resort communities north of Lahaina include hotels and visitor-oriented condominiums. Lahaina, meanwhile, is the commercial center of the West Maui region. The town contains several shopping centers and retail business areas, and serves as a core for the region's residential housing.

Part of West Maui's attraction can be attributed to its year-round dry and warm climate, complemented by its many white-sand beaches and scenic landscape. Visitor accommodation can be found in Lahaina as well as the resort communities of Kaanapali, Honokowai, Kahana, Napili and Kapalua.

The Kapalua-West Maui Airport at Mahinahina, owned by the State of Hawaii, Department of Transportation, conveniently links West Maui to Oahu and other neighbor islands.

Diversified agriculture occupies a portion of the land in the West Maui region. Pioneer Mill's and Maui Land & Pineapple Company's vacant agricultural fields span along the slopes of the West Maui Mountains.

b. Potential Impacts and Mitigation Measures

The proposed Kahoma Village Project is an urban in-fill project located adjacent to existing residential and commercial uses and designated for future housing in the West Maui Community Plan and Maui Island Plan. It is consistent with existing land uses and is not at a scale to significantly impact the regional setting of the area. This project provides an efficient use of vacant land within the urban area, utilizing existing infrastructure.

2. Population

a. Existing Conditions

The population of the County of Maui has exhibited relatively strong growth over the past decade. According to the U.S. Census, the resident population of the County of Maui in 2000 was estimated to be 128,094 and was estimated to be 158,834 in 2010. This represents a 20.9 percent increase over the past decade (U.S. Census Bureau, 2010). By 2020, the population of the County of Maui is projected to reach 174,450 and 199,550 by 2030 (SMS, 2006).

The project site is located in the midst of Lahaina Town, within the West Maui Community Plan region. Just as the County's population has grown, the resident population of the West Maui region has also increased. The estimated population of Lahaina in 2000 was approximately 18,000 and approximately 22,200 in 2010 (U.S. Census Bureau, 2010), comprising 14 percent of the island's population. The resident population for this region in 2010 increased by 23 percent since 2000. By 2020, the population for the region is projected to reach approximately 25,100 and 29,000 by 2030 (SMS, 2006).

b. Potential Impacts and Mitigation Measures

The Kahoma Village Project is an urban in-fill project intended to satisfy a portion of the region's residential demand for housing which may result in a

slight increase in the population (i.e., buyers/renters may relocate from other areas of Maui). As noted previously, the population for the region is projected to reach approximately 25,100 by 2020 and 29,000 by 2030 (SMS, 2006). Kahoma Village will accommodate this anticipated population growth which will occur with or without the project. Aside from the slight increase in population, no significant impacts to population are anticipated.

3. 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. Major hotels in this region include the Hyatt Regency Maui, Maui Marriott Resort and Ocean Club, Westin Maui, the Sheraton Maui, Westin Kaanapali Ocean Resort, Honua Kai, the Kapalua Bay Residences, and the Ritz-Carlton.

West Maui's visitor orientation is reflected in the unique character and history of Lahaina Town, which serves as a center for retail outlets, as well as tourism activities. The 137,000 sq. ft. Lahaina Gateway Shopping Center located nearby on the mauka side of Honoapiilani Highway on Keawe Street, currently represents the largest retail shopping center in Lahaina. The 120,000 sq. ft. Lahaina Cannery Mall is located immediately north of the project site and is easily accessible to the future residents of Kahoma Village.

The closure of the Pioneer Mill in 1999 marked the end of sugarcane cultivation in West Maui. In December 2009, Maui Land & Pineapple Company ceased larger scale pineapple cultivation. The cessation of these two (2) major plantation crops ended large scale plantation-style agriculture in the West Maui region. The largest agriculture operation in West Maui is the 300-acre Kaanapali Coffee Farm.

b. Potential Impacts and Mitigation Measures

The Kahoma Village Project will provide short-term construction-related employment and services. In the long term, these housing units will generate real property taxes which will contribute to the County's tax revenue base to

support any increase in regional public service demand over time. Those services include fire and police protection, street maintenance, water, sewer, refuse collection and recreational activities. New homeowners moving into this area will also support the local economy with new consumers of services and goods from local business owners.

4. Housing

a. Existing Conditions

As reported by the Realtors Association of Maui, Inc., in 2012 the year to date median sales prices for a single-family home on Maui was $470,000.00 and $358,995.00 for a condominium. While in the West Maui Region for a single-family home it was $512,500.00 in Lahaina, $1,230,000.00 in Kaanapali and $2,880,000.00 in Kapalua. In 2012, the year to date median sales prices for condominiums in West Maui was $365,100.00 in Lahaina, $499,900.00 in Kaanapali, and $575,000.00 in Kapalua.

Lahaina continues to experience a shortage of affordable housing. In June 2013, the year to date median sales price for a single-family home ranged from $550,000.00 in Lahaina to a high of $2,975,000.00 in Kapalua. Also, the year to date median sales price of a condominium ranged from $368,000.00 in Lahaina to a high of $787,500.00 in Kapalua (Realtors Association of Maui, July 2013).

On July 9, 2013 the Maui News reported that the housing market is moving upward due to dwindling supplies. According to President P. Denise La Costa of the Realtors Association of Maui "the market is moving upward because we have no inventory". Currently there are only 19 homes in Maui County under $350,000.00 and only 134 homes from $350,001.00 to $750,000.00 on the market. In the condominium market there are only 156 units for sale under $350,000.00 (Maui News, 2013). The Kahoma Village project will increase the inventory of for-sale fee simple units in Maui County and West Maui.

Socio-economic forecast data prepared for the County of Maui's General Plan Update process reflect a continuing increase in housing demand. In the West Maui region in 2000 there was a resident housing demand for 6,348 units.

The resident housing demand increased by 773 units in 2005 to 7,121 units and by 1,003 units in 2010 to 8,124 units. By the year 2020, the demand for resident housing units is projected to increase to 9,687 units and by 2030 to 11,369 units (Planning Department, 2006).

b. Potential Impacts and Mitigation Measures

As contained in the Market Study, housing demand is a function of the economy, demographics and social trends. In the short term, residential housing demand is driven by the economics of job creation/income growth and interest rate trends. Job creation in Maui was steady until 2009 when the global financial impacts affected Maui.

There are signs that the economy has stabilized and the visitor industry is recovering. The job market is turning upward as the visitor industry continues to grow. The upward turn in the job market is expected to generate gradual improvements in the local housing market. There is concern that with a general improvement in economic conditions, new housing production will recover as well.

It is, therefore, anticipated that the demand for housing will increase while the supply of new housing units will remain flat. Although there will be competition from the resale market, those units will not be competitive with the quality of new housing units in the proposed Kahoma Village development. In addition, many of the re-sales in the West Maui area will not be as well located as the proposed project which is located in the midst of Lahaina Town within walking distance of shops and the beach.

Within Lahaina Town, new housing units marketed to residents are limited to the Opukea projects. The proposed 68-lot Kahoma Residential Subdivision was recently approved on April 5, 2013 by the State Land Use Commission, however, an appeal of the decision has been filed which is expected to delay construction of the project. Depending on the resolution of the appeal, this project may not be constructed within the same time frame as the Kahoma Village project. As such, the proposed development with its unit counts, type of housing product and pricing is expected to be absorbed by the demand for housing by residents within three (3) to four (4) years from commencement of the development. The other major residential project

proposed in West Maui is the 1,200 unit Pulelehua project. However, this project is expected to take several years before the first units become available for sale due to the large infrastructure investment that will be needed before construction of the housing units. Refer to **Appendix "A"**.

The construction of the Kahoma Village Project will accommodate a small portion of the projected housing units needed to accommodate population growth in the West Maui region. As such, project implementation is expected to generate positive impacts on housing conditions within Lahaina Town.

C. PUBLIC SERVICES

1. Solid Waste Disposal

a. Existing Conditions

Single-family residential automated solid waste collection service is provided by the County of Maui on a twice-a-week basis. Residential solid waste collected by County crews is disposed at the County's 55-acre Central Maui Landfill, located four (4) miles southeast of the Kahului Airport. In addition to County-collected residential refuse, the Central Maui Landfill also accepts residential and commercial waste from private collection companies.

A recycling and refuse convenience center located about six (6) miles south of the project site at Olowalu serves West Maui residents and accommodates household refuse and green waste, as well as used oil and recyclable materials. No commercial waste is accepted at this facility. A private waste disposal service has been contracted by the County to transport waste from this facility to the Central Maui Landfill.

b. Potential Impacts and Mitigation Measures

During construction, solid waste will consist mainly of vegetation removed during grading and residual construction and debris materials. Prior to the initiation of construction, a solid waste management plan will be submitted and coordinated with the Department of Environmental Management.

The single- and multi-family residential units in this proposed project will be served by a private solid waste disposal company. The proposed project is not anticipated to affect the service capabilities of County or private waste collection operations and disposal facilities. According to the County of Maui's Integrated Solid Waste Management Plan (2009) there is available capacity at the Central Maui Landfill to accommodate population growth until 2026.

Recently the County of Maui, Department of Environmental Management announced implementation of their "Integrated Waste Conversion and Energy Project" with the selection of Anaergia Services to develop a waste conversion project at the Central Maui Landfill in Puunene. Various waste streams, including municipal solid waste, green waste, sewage sludge, fats, oils, grease and landfill gas, will be processed to produce renewable fuels. These renewable fuels may be used for energy on-site or off-site locally as a replacement to existing imported fossil fuels (Pacific Business News, April 25, 2013). This waste conversion project is expected to extend the life of the Central Maui Landfill.

According to the 2009 Integrated Solid Waste Management Plan, the average residential solid waste generated for Maui island is 2.9 tons per person. The 2010 census found that for Maui County the average person per household is 2.87 persons. The Kahoma Village project is estimated to generate approximate 8.323 tons of solid waste annually.

2. Medical Facilities

a. Existing Conditions

The only major medical facility on the island is Maui Memorial Medical Center, located approximately 25 miles from Lahaina, midway between Wailuku and Kahului. The 231-bed facility provides general, acute, and emergency care services (Maui Memorial Medical Center, December, 2011). Emergency ambulance services are located at the Lahaina Comprehensive Health Center at the Lahaina Civic Center Complex and in Napili at the Napili Fire Station.

In addition, medical services are offered by the Maui Medical Group, Lahaina

Physicians, West Maui Healthcare Center, Kaiser Permanente's Lahaina Clinic, and other private medical and dental offices.

b. Potential Impacts and Mitigation Measures

Given that the proposed project is an urban infill project, it will not extend or affect the existing service area for emergency medical services. Further, a new West Maui Medical Facility is proposed in north Kaanapali, off of Kakaalaneo Drive. As such, the proposed project is not anticipated to present impacts on existing medical facilities and services.

3. Police and Fire Protection

a. Existing Conditions

The project site is within the Maui Police Department's service area, which services the Lahaina district. The Department's Lahaina Station is located in the Lahaina Civic Center complex at Wahikuli, approximately one (1) mile east of the project site. The Lahaina Patrol includes 54 full-time personnel, including management-level officers and field officers. Additional personnel consist of public safety aides and administrative support staff.

Fire prevention, suppression and protection services for the Lahaina District are provided by the Department of Fire and Public Safety's Lahaina Fire Station, in the Lahaina Civic Center and the Napili Fire Station, located about nine (9) miles north of the project site in Napili. The Lahaina Fire Station includes an engine and a ladder company, and is staffed by approximately 30 full-time personnel. The Napili Fire Station consists of an engine company including 15 full-time firefighting personnel. All firefighting personnel are first-responders trained to provide emergency medical care.

b. Potential Impacts and Mitigation Measures

The proposed project is an urban infill project within Lahaina Town currently within existing service areas for fire and police. As such, it is not anticipated to present significant adverse impacts on the capabilities of existing police and fire services in the West Maui region. Also, in accordance with fire protection requirements of the Fire Code, an internal fire line will be designed to supplement existing fire hydrants along Front Street.

4. Educational Facilities

a. Existing Conditions

The West Maui area is served by four (4) public schools operated by the State of Hawaii, Department of Education (DOE): Lahainaluna High School, Lahaina Intermediate School, Princess Nahienaena Elementary School and King Kamehameha Elementary III School. The region is also served by privately operated pre-elementary and elementary schools, such as Sacred Hearts Elementary School and Maui Preparatory Academy.

The enrollments in the four (4) public schools have grown significantly in concert with the growth of residential development in the area. Currently, all four (4) public schools are over capacity. See **Table 2**.

Table 2. Enrollments at Department of Education Schools

School	Actual Enrollment						
Lahaina Complex	**2007-08**	**2008-09**	**2009-10**	**2010-11**	**2011-12**	**Projected Enrollment 2015-16**	***Capacity**
Lahainaluna High	996	977	969	1027	1057	1081	969
Lahaina Intermediate	615	683	693	653	651	672	571
Princess Nahienaena Elementary	624	643	610	607	643	675	612
Kamehameha III Elementary	701	689	713	733	760	788	646

Source: Department of Education, 2012.
*DOE Analysis of the West Maui School Impact District, 2010.

University of Hawaii-Maui College (UH-Maui), which is located in Kahului, is a part of the University of Hawaii system. In addition, there is a UH-Maui Lahaina Education Center that opened in Fall 2007. UH-Maui is the primary higher education institution serving Maui.

b. Potential Impacts and Mitigation Measures

The Kahoma Village Project is located within the recently adopted West Maui Impact Fee District (WMIFD). In accordance with the Fee, the DOE will assess the single-family and multi-family units based on the projected

number of students to be generated from the Kahoma Village Project, as identified in **Table 3.**

Table 3. Projected Students

School	Student/Single-Family Ratio	Students 101 Single-Family Units	Student/Multi-Family Ratio	Students 102 Multi-Family Units
Elementary	0.22/unit	22	0.09/unit	9
Middle	0.12/unit	12	0.04/unit	4
High	0.16/unit	16	0.05/unit	5
	Total	**50**		**18**
Source: DOE West Maui Impact Fee District, 2010.				

Fifty-one percent of the proposed housing units will meet the affordable housing requirements of the County of Maui. As such, the applicant will work with the DOE to comply with the applicable impact fee requirements for the Kahoma Village Project. The applicant will need to enter into an education contribution agreement with the DOE.

5. Recreational Facilities

a. Existing Conditions

West Maui has numerous recreational facilities offering diverse opportunities for the region's residents. These facilities include several County and State parks and beach parks. Approximately one-third of the County parks are situated along the shoreline and offer excellent swimming, diving, and snorkeling areas. In addition, Kaanapali and Kapalua Resorts operate world-class golf courses available for public use.

Recreational facilities in Lahaina town include the Lahaina Aquatic Center, the West Maui Youth Center, the Lahaina Recreation Center, and the Lahaina Civic Center. The Lahaina Aquatic Center contains an Olympic-size swimming pool, a children's wading pool, a paved parking lot, and office and storage space, as well as shower, restroom, and changing room facilities. The 15-acre addition to the Lahaina Recreation Center includes fields, parking,

and washroom facilities. The West Maui Youth Center has a building for youth activities, as well as paved parking, an outdoor playground, and a basketball court. The Lahaina Recreation Center has baseball fields and other playfields for soccer and football, as well as restrooms and paved parking facilities. The Lahaina Civic Center includes a gymnasium, amphitheater, and tennis courts complex, as well as restrooms and paved parking facilities.

The clear ocean waters and well-developed reef systems along the Lahaina and Kaanapali coastlines offer many recreational opportunities for residents and visitors. Fishing, by shorecasting and netting, is practiced in the waters near the outlet of Kauaula Stream and Makila Point. Edible seaweed collecting, octopus diving, and spearfishing occur on the adjacent reef flat fronting Kaanapali. During periods of wave activity, the West Maui coastline is a good location for surfing.

b. Potential Impacts and Mitigation Measures

Pursuant to Section 18.16.320, Parks and Playgrounds, of the Maui County Code (MCC), the proposed project is subject to parks assessment. The project includes three (3) privately owned and maintained park areas that have a combined area of approximately 1.75 acres. These landscaped common areas are for residents and will be open to the public. These park areas will be graded, grassed landscaped and include a tot lot and open space for passive recreational use. The larger of the three (3) park areas will be used as a detention basin.

An exemption from Section 18.16.320, MCC will be requested as part of the Section 201H-38 application process to allow the approximate 1.75 acres of landscaped park areas to satisfy the park assessment requirement and to waive the requirement for parking and a comfort station. The residents who will utilize the park are in walking distance of the park as well as in close proximity of their homes such that parking and a comfort station are not necessary.

The larger of the three (3) park areas will also function as a drainage detention basin. The basin design allows the dissipation of captured storm water, and containment will be for as short a time as is feasible. The drainage detention basin will be designed to accommodate a 50-year storm event, it

will also accommodate the stormwater runoff from the more frequent 10-year storm event. As such, during a 10-year storm event standing water is not expected to last beyond several days.

Residents in the area expressed concerns that the residents from the Kahoma Village project would impact shoreline recreation at "Baby Beach" located at the end of Mala Wharf Street near the Lahaina Jodo Mission. There are existing adverse parking impacts from vehicles parking at the end of Mala Wharf in order to access the beach. The Kahoma Village project is within walking distance of the beach and as such residents would most likely walk to the beach instead of driving and should not increase the demand for beach access parking. The Kahoma Village project will include road widening improvements. As much as practicable, consideration will be given to include on-street parking that may be used by beach goers.

D. INFRASTRUCTURE

1. Roadways

a. Existing Conditions

A Preliminary Traffic Impact Analysis Report (TIAR) was prepared for the project by SSFM International, Inc. See **Appendix "K"**. Honoapiilani Highway is a State four-lane primary urban arterial roadway on the east boundary of the project site. The speed limit along this section of the highway is 40 miles per hour (mph). On the west and south boundaries of the project site are two (2) County roadways that provide access to the property. Front Street is located along the western boundary and is a two-lane minor arterial running parallel to Honoapiilani Highway with a speed limit of 20 mph. Kenui Street is located along the southern boundary connecting Honoapiilani Highway and Front Street with a speed limit of 20 mph. Kenui Street is a two-lane minor street that also intersects with Wainee Street at a T-intersection located approximately 100 feet from the intersection of Kenui Street at Honoapiilani Highway. At the intersection with Honoapiilani Highway, the intersection is limited to right-turn in and right-turn out.

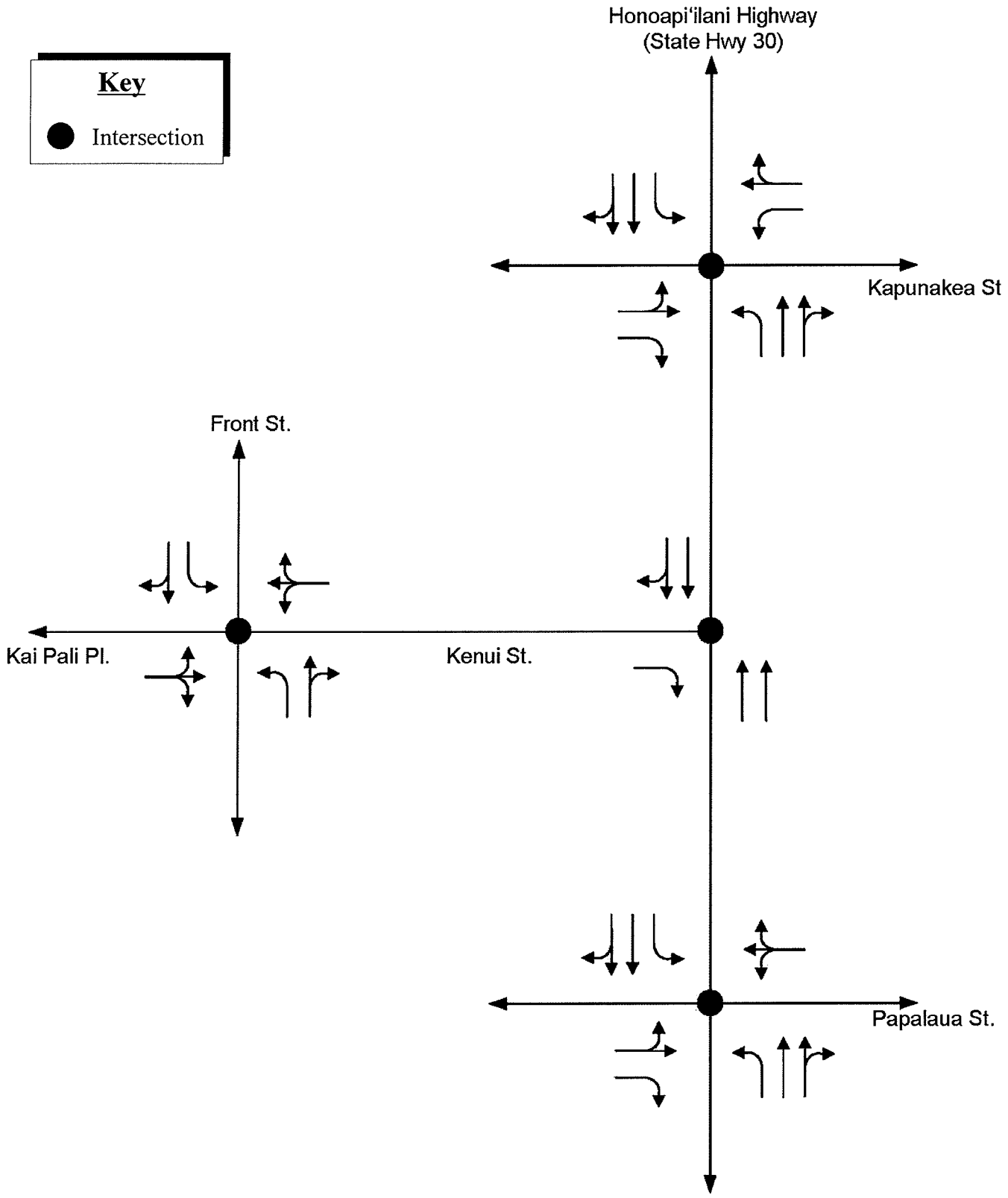
Vehicles accessing the development are expected to travel through the following study intersections:

1. Honoapiilani Highway and Kapunakea Street
2. Honoapiilani Highway and Kenui Street
3. Honoapiilani Highway and Papalaua Street
4. Front Street and Kenui Street

At the signalized intersection with Kapunakea Street, Honoapiilani Highway has a left-turn lane, a single through lane and a shared through/right-turn lane for the northbound and southbound approaches. The left-turn movements from these approaches have protected traffic signal phasing. There are no acceleration or deceleration lanes for right turning vehicles along Honoapiilani Highway. The west (makai) bound approach on Kapunakea Street has a left-turn and a shared through/right-turn lane while the east (mauka) bound approach has a shared through/left-turn lane and a right-turn lane. See **Figure 7**.

As stated previously, the T-intersection at Kenui Street and Honoapiilani Highway is unsignalized and is restricted to right-turn in and right-turn out. The eastbound approach is a single channelized turn lane with stop sign control and no acceleration lane. Along Honoapiilani Highway, the northbound approach has two (2) through lanes and the southbound approach has one (1) through lane and one (1) shared through/right-turn lane with no deceleration lane. Refer to **Figure 7**. Pedestrian crosswalks and push-buttons exist for crossings along the north, east and west legs of the intersection.

At the signalized intersection with Papalaua Street, Honoapiilani Highway has a left-turn lane, a single through lane and a shared through/right-turn lane for the northbound and southbound approaches. The left-turn movements from these approaches have protected traffic signal phasing. There are no acceleration or deceleration lanes for right turning vehicles along Honoapiilani Highway. The eastbound approach of Papalaua Street has a shared through/left-turn/right-turn lane. On the westbound approach of Papalaua Street there is one (1) lane for all turning movements. Refer to **Figure 7**. Pedestrian crossings are marked, and pedestrian push-buttons exist along the south, west and east legs of the intersection.



Source: SSFM International, Inc.

Figure 7 Proposed Kahoma Village Project

Existing Lane Configuration

NOT TO SCALE

Prepared for: Stanford Carr Development, LLC, on behalf of
The Harry and Jeanette Weinberg Foundation, Inc.

MUNEKIYO & HIRAGA, INC.

Weinberg\LahainaRes\LaneConfig

At Front Street, Kenui Street and Kai Pali Place intersect as a two-way stop controlled intersection. The makai-bound approach on Kenui Street and the mauka-bound approach on Kai Pali Place are stop controlled, with one (1) lane for all turning movements. The northbound and southbound approaches on Front Street have a left turning lane and a shared through/right-turn lane. Refer to **Figure 7**. A marked pedestrian crosswalk exists on the mauka leg and a raised crosswalk exists on the south leg of the intersection. Sidewalks are present along the mauka side of Front Street and south side of Kenui Street.

Existing level-of-service (LOS) on Honoapiilani Highway at the Kapunakea Street and Papalaua Street intersections is LOS C for both AM and PM traffic while the mauka-bound approach a the intersection at Kenui Street operates at LOS B in the AM and LOS C in the PM. At the Front Street intersection at Kenui Street and Kai Pali Place, the LOS for northbound and southbound traffic making left-turn movements is LOS A for both AM and PM traffic and for mauka-bound and makai-bound left-turn movements is LOS B in the AM and LOS C for mauka-bound traffic and LOS B for makai-bound traffic during the PM. The intersections operate at acceptable LOS. The roadway segment of Honoapiilani Highway between Kapunakea Street and Papalaua Street operate at LOS D.

b. <u>Potential Impacts and Proposed Mitigation</u>

During a community meeting held on February 15, 2012, concerns were raised by residents in the area that the proposed access driveway on Front Street across from Mala Wharf Street would conflict with existing traffic exiting the Mala Wharf area, especially boaters and their boat trailers. In response to the community concerns the driveway access was relocated further south across Puunoa Place.

Concerns were also raised regarding the proposed driveway access on Kenui Street across from the Wainee Street T-intersection. Due to limited separation between the Honoapiilani Highway intersection with Kenui Street and the Kenui Street/Wainee Street intersection, as well as an existing driveway access to the southerly apartment project adjacent to the highway, there are existing traffic conflicts from drivers attempting left turns into the apartment's driveway access and Wainee Street. Residents in the area were

concerned that the proposed driveway access would aggravate the existing traffic conflicts in the area. As such, the driveway access from Kenui Street was relocated further west toward Front Street directly across Nakuli Place that provides access to the Lahaina Residential project.

The TIAR evaluated future conditions for the Year 2017, the anticipated year Kahoma Village is expected to be built and fully occupied. No additional roadway improvements were anticipated at the study intersections along Honoapiilani Highway or Front Street prior to the Year 2017. Background growth was applied to the existing (2011) volumes to determine the future traffic volumes for 2017 without the project. Anticipated traffic from Kahoma Village were determined for 2017 and applied to determine future traffic volumes with the project. The LOS without and with the project are, as follows in **Table 4**.

Table 4. Future Level-of-Service (LOS) Year 2017

		Without Project		With Project	
Signalized Intersections		**AM**	**PM**	**AM**	**PM**
Honoapiilani Highway at Kapunakea Street		C	C	C	C
Honoapiilani Highway at Papalaua Street		C	C	C	C
Unsignalized Intersections					
Honoapiilani Highway at Kenui Street	Mauka-bound Right	B	C	B	C
Front Street at Kenui Street/Kai Pali Place	Northbound Left	A	A	A	A
	Southbound Left	A	A	A	A
	Mauka-bound Left	B	C	B	C
	Makai-bound Left	B	B	B	B
Source: SSFM International, Inc.					

According to the TIAR, the Honoapiilani Highway segment between Kapunakea Street and Papalaua Street in Year 2017 without and with the project is expected to operate at LOS F for northbound traffic between Kapunakea Street and Kenui Street and LOS D between Kenui Street and Papalaua Street. For southbound traffic the LOS is D between Kapunakea Street and Papalaua Street.

According to the TIAR, traffic from Kahoma Village at build-out Year 2017 is expected to have an insignificant impact on the study intersection and roadway network. Existing intersection operations along Honoapiilani Highway and Front Street currently operate at appropriate LOS and are expected to maintain appropriate operations in 2017. Existing road segment LOS along Honoapiilani Highway is undesirable with slightly worsening conditions in 2017 without or with the project.

Opening the first two (2) phases of the Lahaina Bypass in 2013 is expected to alleviate some of the congestion along Honoapiilani Highway between Lahainaluna Road and Keawe Street by reducing traffic volumes traveling along this section of the corridor. Opening additional phases of the Lahaina Bypass will serve to alleviate future traffic congestion by providing a more direct bypass in Lahaina. Refer to **Appendix "K"**.

During the public review period, concerns were raised that the driveway entry across Puunoa Place would adversely impact residents accessing this roadway. An addendum to the TIAR was prepared by SSFM International, Inc. to address the driveway access on Front Street and Kenui Street. See **Appendix "K-1"**. Access points analyzed were Front Street at Puunoa Place, Ala Moana Street at Front Street, and Kenui Street at Nakeli Place.

According to the addendum, at these three (3) intersections without and with the project the following LOS and second/vehicle for delay (Sec./Veh) will be experienced by 2017 when the project is anticipated to be occupied. See **Table 5**.

Table 5. Level of Service and Vehicle Delay Without and With Project

Intersection	Movement	Without Project				With Project			
		LOS AM	Delay (Sec/Veh)	LOS PM	Delay (Sec/Veh)	LOS AM	Delay (Sec/Veh)	LOS PM	Delay (Sec/Veh)
Front Street at Puunoa Place/ Kahoma Village Driveway	NB L	A	7.9	A	8.2	A	7.9	A	8.2
	SB L					A	7.9	A	8.3
	WB LTR					B	11.1	B	12.8
	EB LR	B	10.5	B	11.6				
	EB LTR					B	10.8	B	12.3
Kenui Street at Nakeli Place/Kahoma Village Driveway	NB L	A	9.0	A	9.6				
	NB LTR					A	9.2	B	10.3
	SB LTR					B	10.2	B	11.4
	WB L	A	7.4	A	7.4	A	7.5	A	7.8
	EB L					A	7.4	A	7.5
Front Street at Ala Moana Street/ Alternate Kahoma Village Driveway	NB L	A	7.9	A	8.3	A	7.9	A	8.3
	SB L					A	7.9	A	8.3
	WB LTR					B	11.0	B	13.3
	EB LR	B	12.0	B	14.9				
	EB LTR					B	13.6	C	17.7

NB=Northbound
SB=Southbound
WB=Westbound
EB=Eastbound

L=Left movement
R=Right movement
T=Through movement

Source: SSFM International, Inc.

The existing (2013) conditions at the intersections of Front Street at Puunoa Place, Front Street at Ala Moana Street, and Kenui Street at Nakeli Place resulted in appropriate LOS A or B operations for all movements. Analysis of Future (2017) Without Project conditions also resulted in appropriate LOS A or B for all movements. With project-related traffic added to the Future (2017) Without Project volumes, the LOS operations of the Kahoma Village driveways and the intersections of Front Street at Puunoa Place and Kenui Street at Nakeli Place were appropriate LOS A or B and no mitigation measures are recommended. Refer to **Table 5**.

As an alternate location, analysis of Front Street at Ala Moana Street/Kahoma Village driveway resulted in a LOS C or better operations. Although movements at all Kahoma Village driveway intersections resulted in appropriate LOS operations, the complicated intersection configuration at Front Street with Ala Moana Street and Mala Wharf, conflicts with church parking, and heavy boat trailer traffic that was previously noted by the community. As such, the addendum report recommended the Kahoma Village driveways be located on Front Street at Puunoa Place and Kenui Street at Nakeli Place.

The addendum report was submitted to the County of Maui Department of Public Works (DPW) for review. By letter dated May 21, 2013, the DPW concurred with the report and recommendation for the proposed locations of the Kahoma Village driveways. See **Appendix "K-2"**.

Consideration will be given to coordinate bus stops with the County of Maui, Department of Transportation.

2. Water System

a. Existing Conditions

A Preliminary Engineering Report was prepared for the project by SSFM International, Inc. See **Appendix "L"**.

The West Maui region is served by the County's Department of Water Supply (DWS) domestic water system. The County water system services the coastal areas from Launiupoko to Kaanapali and from Honokowai to Napili. The County's system includes both surface and groundwater sources.

The sources of water for Lahaina are four (4) deepwells located above Alaeloa and referred to as Napili Wells 1, 2, and 3 and Honokohau Well A. These wells are supplemented by water treatment plants above Honokowai and Lahainaluna High School that draws surface water from the Honolua Ditch and Kanaha Valley. Several miles of 12- and 16-inch lines and two (2) in-line booster stations convey water from these sources to consumers in Lahaina. Storage is provided by a 1.5 million gallon (MG) storage tank above Wahikuli and a 1.0 MG and a 0.5 MG tank on Lahainaluna Road.

The project site is currently not served by the DWS domestic water system, however, in the project area, there are existing water lines which serve the adjacent residential subdivisions to the south. The system consists of water mains with sizes ranging from 2-inch to 12-inch pipes. The system is fed by the existing 0.5 and 1.0 MG concrete water reservoirs located east (mauka) of the project site along Lahainaluna Road. There are existing fire hydrants along Front Street. Refer to **Appendix "L"**.

b. <u>Potential Impacts and Mitigation Measures</u>

Utilizing the 2002 DWS Water System Standards, the proposed development average daily water use demand is 120,000 gallons per day (gpd) and the maximum daily demand is estimated as 180,000 gpd.

According to the DWS, based on water system standards, the anticipated daily water consumption is approximately 124,720 gpd. This estimate includes the private parks. The Kahoma Village project proposes to connect to the County of Maui, DWS's Lahaina-Alaeloa water system. The project will connect to a 12-inch main line along Front Street. During the design phase water meter requirements will be determined. Preliminary projections indicate a 4-inch master meter is needed for domestic service.

As part of the building permit process, domestic water and fire flow calculations will be provided to determine the adequacy of the existing water system in accordance with the rules of the DWS. All water system improvements will be designed in accordance with applicable regulatory design standards. Also, an internal fire line will be designed in accordance with requirements of the Fire Code, in order to supplement existing fire hydrants along Front Street. Refer to **Appendix "L"**.

The Kahoma Village project will be subject to Chapter 14.12, Water Availability. Prior to issuance of building permits the applicant will be required to show that the project has a reliable water source. To this end, the applicant is in ongoing discussions with the DWS on possible participation with the DWS in developing new sources. Consideration is being given to either participate in system upgrades that provide additional source through water efficiencies or source development such as new wells and transmission systems.

To conserve water resources during construction, consideration will be given to use non-potable water from the Lahaina Wastewater Reclamation Facility's (LWRF) R-1, Recycled water. Water conservation measures will include installation of low-flow plumbing fixtures and use of water efficient landscaping and irrigation systems.

3. Wastewater System

a. Existing Conditions

The County of Maui, Department of Environmental Management's Wastewater Reclamation Division provides wastewater service for the West Maui region.

Wastewater from the Kaanapali and Lahaina areas is treated at the County's LWRF located approximately five (5) miles north of the project site on the east (mauka) side of Honoapiilani Highway. The LWRF's total treatment capacity is 9.0 million gallons per day (mgd). The average daily flow is approximately 4.1 mgd.

A portion of the treated effluent is used to irrigate the Kaanapali Golf Courses. The remaining treated effluent is disposed into four (4) injection wells located within the facility. Under the conditions of its Environmental Protection Agency (EPA) permit, the County is allowed to dispose a maximum flow of 6.7 mgd into the injection wells. Refer to **Appendix "L"**.

There are 12-inch and 18-inch gravity collection mains on Front Street that can provide service to the project site. A 14-inch force main from Lahaina Pump Station No. 4 traverses, along the Kahoma Stream Channel, adjacent to the north boundary of the subject project to Honoapiilani Highway.

b. Potential Impacts and Mitigation Measures

The proposed project is not anticipated to impact existing County wastewater collection and treatment facilities. Wastewater generation for the proposed project is estimated at 71,400 gallons per day (gpd) or 0.07 million gallons per day (mgd). The project system will be serviced by the 12-inch and 18-inch gravity collection mains on Front Street. The County is in the process

of replacing a 14-inch force main from Lahaina pump station along the Kahoma Stream Channel to the north of the project site.

All wastewater system improvements will be designed in accordance with appropriate regulatory design criteria. The development schedule for the project will be coordinated with the Department of Environmental Management's Wastewater Reclamation Division to assure availability of wastewater capacity at the Lahaina Wastewater Reclamation Facility.

4. Drainage

a. Existing Conditions

A Preliminary Drainage Report was prepared for the project by SSFM International, Inc. See **Appendix "M"**.

The Kahoma Stream drainageway located along the northern boundary of the project site provides storm drainage for the surrounding area. Kahoma Stream is adjacent to the project site to the north, serving a drainage basin of 5.4 square miles. Improvements to Kahoma Stream were constructed in 1990 on 2.8 acres of the parcel which was provided by HRT, Ltd., then owner of the parcel. After construction of Kahoma Stream improvements, the project site was transferred to The Harry and Jeanette Weinberg Foundation, Inc. This Flood Control project by the U.S. Army Corps of Engineers eliminated flooding in Lahaina due to stream overtopping. This Flood Control improvement is managed by the County of Maui, Department of Public Works with over sight by the U.S. Army Corps of Engineers. A drainage system along Front Street, identified as Line W in the Lahaina Town Drainage Master Plan discharges into the ocean.

An 18-inch pipe culvert exists at the southwest corner of the project site, conveying flow from south to north under Kenui Street and discharging into this property. Along Kenui Street an existing drain line with a series of catch basins, discharges runoff towards Front Street.

It is estimated that the existing 50-year, 1-hour storm occurrence from the project site is 17.5 cubic feet per second (cfs). There are dirt berms surrounding most of the property perimeter limiting downstream runoff. If

any discharge were to occur, it would be at the intersection of Front Street and Kenui Street. Refer to **Appendix "M"**.

b. Potential Impacts and Mitigation Measures

It is estimated that due to the increase in impervious areas associated with the proposed improvements, surface runoff discharge for the project site is approximately 53.4 cfs, an increase of 35.9 cfs. The net increase in stormwater runoff detention volume is 34,000 cubic feet.

The County of Maui requires peak flow and total volume of stormwater runoff from the project site to have no adverse impact on adjacent or downstream properties and coastal waters. Potential onsite drainage systems include grated inlets, catch basins and swales to detain peak flows through perforated drainage pipes and/or a detention basin. Based on County of Maui Drainage Standards, drainage features will be sized to retain the 50-year, 1-hour storm runoff volume increase that is anticipated to be generated by the project. Underground storage opportunities for stormwater management may be limited due to the elevation of the project site relative to the ground water table. If it is determined that existing drainage systems in the area are inadequate, upgrades to the County system may be required, including the installation of the drainage system along Ala Moana Street as indicated in the Lahaina Town Drainage Master Plan.

All drainage improvements will conform to County standards and will be coordinated with the Department of Public Works (DPW) to ensure there are no significant adverse effect on existing downstream properties. On November 9, 2012 the DPW adopted "Rules for the Design of Storm Water Treatment for Best Management Practices" to implement Low Impact Development (LID) practices. LID manages storm water at its source by using techniques that infiltrate, filter, store, evaporate, and detain water. Practices include conservation of natural areas, bio-retention cells, rain barrels, green roofs, permeable pavement, grassed swales, and commercially manufactured filtration or infiltration devices.

Soil loss will be minimized during the construction period through the implementation of appropriate Best Management Practices (BMPs) and erosion control measures, including but not limited to:

1. Minimizing the time of construction.

2. Construction shall be sequenced to minimize exposure time of cleared surface area.

3. Initiating the early construction of drainage features.

4. Stationing a water truck on site during the construction period to provide for immediate sprinkling, as needed, in active construction zones (weekends and holidays included).

5. Stormwater flowing toward the construction area shall be diverted by using temporary berms, filter berms, and cut-off ditches, or other appropriate measures, where needed, for control of erosion and pollution to protect surrounding water resources.

6. Install inlet protection devices around all new catch basins and drain inlets.

7. Ensuring graded areas are thoroughly watered after construction activity has ceased for the day and on weekends and holidays.

8. Permanent soil stabilization with perennial vegetation shall be applied, as soon as practicable, after final grading to ensure all cut and fill slopes are sodded or planted.

Stormwater quality degrades with development and increased impervious surfaces when various pollutants, such as pesticides and petroleum products, are introduced into stormwater runoff. As a mitigative measure, the drainage system will be designed to incorporate permanent BMPs to ensure there are no adverse impacts on downstream properties and coastal resources from stormwater runoff. Examples of permanent BMPs would be scheduled street sweeping to reduce litter and other constituents from collection on pavement and being washed into the storm drain system, detention basins and underground infiltration systems.

5. Electrical, Telephone, and CATV Services

a. Existing Conditions

Electrical, telephone, and CATV service to the West Maui region is provided by Maui Electric Company, Ltd., Hawaiian Telcom, and Oceanic Time

Warner Cable, respectively.

b. Potential Impacts and Mitigation Measures

There are existing overhead lines and power poles on the mauka side of Front Street along the project that are available to provide service to the proposed project. The proposed project is not anticipated to have significant impacts to electrical, telephone, or cable TV services.

As the project progresses through the development process, energy saving measures will be considered such as the use of solar water heaters, low flow water fixtures and drought tolerant landscaping. Homeowners will have the option of installing photovoltaic panels and multi-family buildings will have solar water heaters.

E. CUMULATIVE AND SECONDARY IMPACTS

1. Cumulative Impacts

Pursuant to the Hawaii Administrative Rules, Chapter 200, Section 11-200-2, entitled Environmental Impact Statement Rules, a cumulative impact means:

> *The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.*

A key element in understanding the requirement for assessing cumulative impacts, therefore, is the need to recognize what constitutes "reasonably foreseeable actions". Projects having relevance in this regard are other developments that have been approved in the vicinity of the project site. Since preparation of the Draft EA the 68-lot Kahoma Residential Subdivision was approved by the State Land Use Commission, however, an appeal of the decision has been filed. This project may not be constructed within the same timeframe as the Kahoma Village project. As such, construction of Kahoma Village will have less cumulative impacts on public services and infrastructure.

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

Since preparation of the Draft EA, the Maui Island Plan (MIP) which delineates future urban and rural growth boundaries has been adopted by the County on December 28, 2012. The MIP includes the Kahoma Village project in the urban growth boundary for the West Maui region. Planning for these future growth areas will need to consider land planning integration opportunities. With the adoption of the MIP, the respective community plans, including the West Maui Community Plan, will be updated. The timeframe for the overall completion of the updating of the community plans has not yet been established. However, the overall timeframe for the General Plan covers a planning horizon up to the year 2030.

The TIAR prepared for the project examined and evaluated traffic impacts of the project, as well as other potential projects proposed in the expected timeframe, build-out in 2017. These included the proposed Kahoma Residential, Villages of Leiali`i Phase 1B, Wainee Street Commercial Center and Lahaina Cannery Mall expansion. Traffic from Kahoma Village is not expected to significantly impact study intersections and the roadway network in and around Lahaina. Existing intersections along Honoapiilani Highway and Front Street currently operate at acceptable LOS and are expected to maintain these levels of operations up to 2017. Existing road segment LOS along Honoapiilani Highway is undesirable with slightly worsening conditions in 2017. The opening of the first two (2) phases of the Lahaina Bypass in 2013 is expected to alleviate some congestion along Honoapiilani Highway between Lahainaluna Road and Keawe Street, reducing traffic volumes in this area. Opening of additional phases of Lahaina Bypass in future years will further serve to alleviate congestion in the area of Lahaina Town. Refer to **Appendix "K"**.

In accordance with the MIP, Kahoma Village is an infill project in the urban growth boundary located near existing services and infrastructure. There are available public services and infrastructure to accommodate the project without the need for public or private expenditures to upgrade public infrastructure or to increase public services such as police and fire. There may be indirect secondary impact on shoreline recreational usage since the project is within a short walk to the ocean and the area known as "Baby Beach". The area is currently impacted due to the lack of adequate

beach parking, however, since Kahoma Village is located within a short walk it is anticipated that residents will walk to the beach. Also, consideration will be given to include on-street parking, as much as practicable, that may be used by beach goers.

Any increase in beach going residents is not anticipated to have any significant adverse impact on this recreational resource.

Replacement of vegetative surfaces with hardscapes associated with roadways and housing units may yield a tendency towards slightly increased ambient air temperatures. To address this "heat island" effect, open spaces and park lands are integrated within the site plan. Landscape design and planting plan will be employed to provide shading to reduce the "heat island" effect and any adverse secondary impact on ambient air temperatures in the project area.

The mitigation of other potential adverse cumulative impacts resulting from infrastructure use and public facilities will be resolved during the course of planning, permitting and development of this project. Potential cumulative impacts will be appropriately addressed and resolved through the provision of additional infrastructure and facilities onsite and offsite (drainage, water, wastewater and parks) and assessment fees (i.e., school impact fee) through coordination with State and County agencies.

In general, processes and mechanisms for coordinating mitigation measures attributed to cumulative impacts are in place. An example of a process which addresses cumulative impacts is the scoping of infrastructure studies (i.e. traffic impact) to include those projects which are anticipated to be implemented within a timeframe similar to that of the proposed action. Although there is the pending court decision delaying the construction of the 68-lot Kahoma Residential project, that project was included in the appropriate infrastructure studies. These studies assessed that any cumulative impacts may be reduced.

2. Indirect or Secondary Impacts

Indirect effects are also referred to as secondary impacts. According to the Hawaii Administrative Rules, Chapter 200, Section 11-200-2, entitled Environmental Impact Statement Rules, a secondary impact or indirect effect means:

Effects which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Indirect or secondary impacts can be viewed as actions of others that are taken because of the presence of the project. Secondary impacts from highway projects, for example, can occur because they can induce development by removing one of the impediments to growth – transportation access.

Aside from the direct development impacts discussed in the previous sections of this chapter, secondary impacts may be attributed to project effects on the island's overall housing situation. The provision of new housing units in Lahaina Town targeted toward the local resident especially the 102 units reserved for those within 80 percent to 160 percent of the island median income and not the high end off-shore market may open up housing (for rental or purchase) in other areas of the island, depending on market conditions at the time of project development. In general, however, the proposed action is not considered a generator of significant secondary impacts.

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

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

A. STATE LAND USE DISTRICTS

Pursuant to Chapter 205A, Hawaii Revised Statutes (HRS), all lands in the State have been divided and placed into one (1) of four (4) land use districts by the State Land Use Commission. These land use districts have been designated "Urban", "Rural", "Agricultural", and "Conservation". The project site is located within the State "Urban" district. The proposed action is compatible with, and deemed permissible within, the State "Urban" land use district. See **Figure 8**.

B. HAWAII STATE PLAN

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

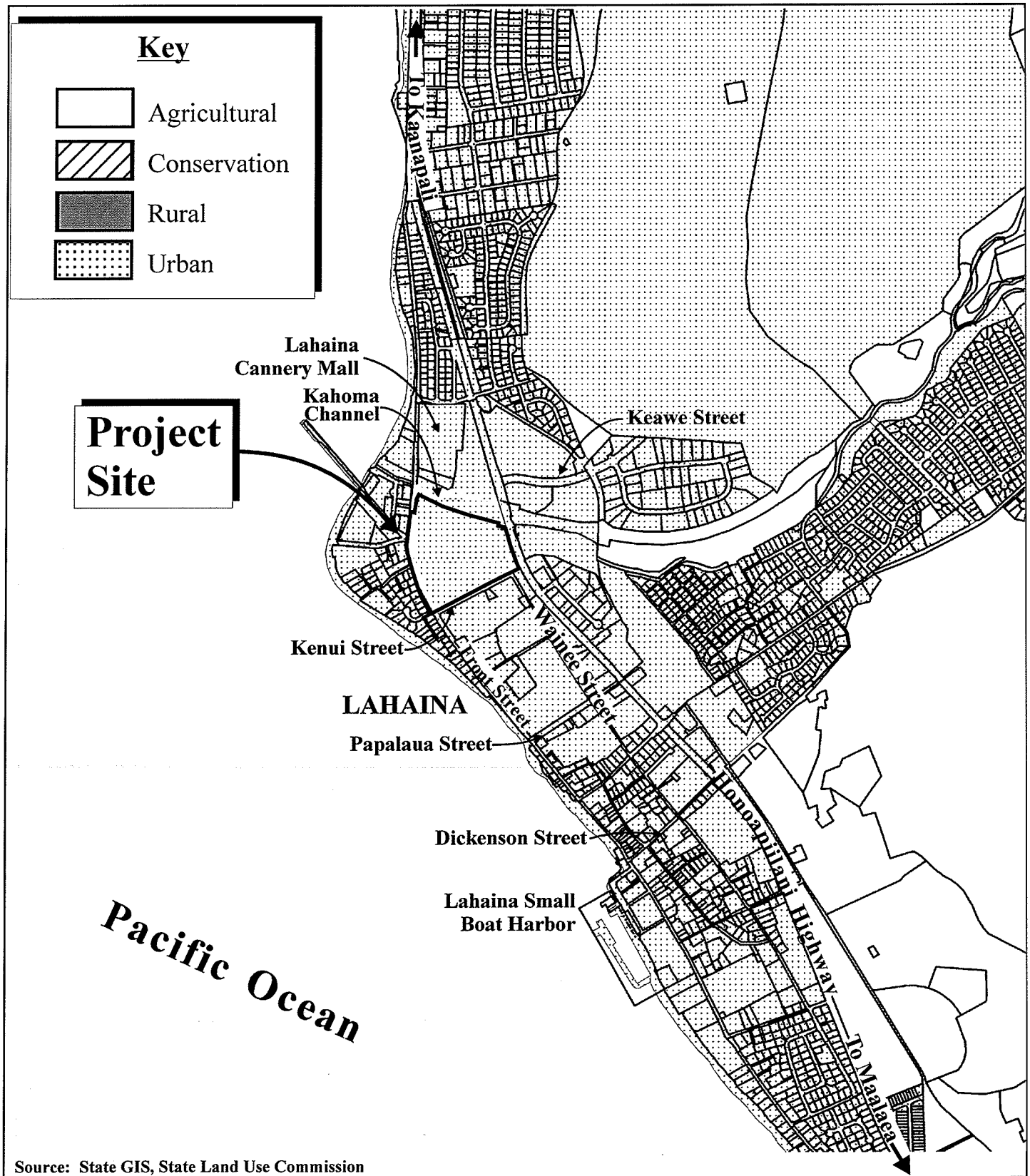
Section 226-11 Objectives and Policies for the Physical Environment–Land-Based, Shoreline, and Marine Resources.

Planning for the State's physical environment with regard to land-based, shoreline, and marine resources shall be directed towards achievement of the following objectives:

(1) Prudent use of Hawaii's land-based, shoreline, and marine resources.

(2) Effective protection of Hawaii's unique and fragile environmental resources.

To achieve the land-based, shoreline, and marine resources objectives, it shall be the policy of this State to:



Source: State GIS, State Land Use Commission

Figure 8 Proposed Kahoma Village Project

State Land Use District Map

NOT TO SCALE

Prepared for: Stanford Carr Development, LLC, on behalf of
The Harry and Jeanette Weinberg Foundation, Inc.

MUNEKIYO & HIRAGA, INC.

Weinberg\LahainaRes\slud

(1) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.

(2) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawaii.

Section 226-12 Objective and Policies for the Physical Environment–Scenic, Natural Beauty, and Historic Resources.

Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historical resources.

To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:

(1) Promote the preservation and restoration of significant natural and historic resources.

Section 226-13 Objectives and Policies for the Physical Environment–Land, Air, and Water Quality.

Planning for the State's physical environment with regard to land, air, and water quality shall be directed towards achievement of the following objectives:

(1) Maintenance and pursuit of improved quality in Hawaii's land, air, and water resources.

To achieve the land, air, and water quality objectives, it shall be the policy of this State to:

(1) Promote the proper management of Hawaii's land and water resources.

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

(3) Encourage urban developments in close proximity to existing services and facilities.

Section 226-19 Objectives and Policies for Socio-Cultural Advancement - Housing

Planning for the State's socio-cultural advancement with regard to housing shall be directed toward the achievement of the following objectives:

(1) Greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more affordable housing is made available to very low, low- and moderate-income segments of Hawaii's population.

(2) The orderly development of residential areas sensitive to community needs and other land uses.

(3) The development and provision of affordable rental housing by the State to meet the housing needs of Hawaii's people.

To achieve the housing objectives, it shall be the policy of this State to:

a. Effectively accommodate the housing needs of Hawaii's people.

b. Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income, and gap-group households.

c. Increase home ownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.

d. Facilitate the use of available, vacant, developable, and underutilized urban lands for housing.

The foregoing State Plan objectives and policies will be advanced through the implementation of the proposed project. According to the Hawaii Housing Finance and Development Corporation, Kahoma Village is consistent with the affordable housing policy set forth in the Hawaii State Plan of increasing home ownership housing opportunities and housing choices. Refer to Section 10.

The State Functional Plans define actions for implementation of the Hawaii State Plan through the identification of needs, problems and issues, and recommendations on policies and priority actions which address the identified areas of concern. Twelve (12) State

Functional Plans were adopted in the 1980s and updated in 1989 and 1991. The following objectives are identified in the State's Housing Functional Plan:

> ***Objective A:*** *Home ownership for at least sixty percent, or roughly 248,500 households by the year 2000.*
>
> ***Implementing Action A:*** *Develop infill projects on Oahu, Hawaii, Maui, Molokai, Lanai and Kauai.*
>
> ***Objective B:*** *Sufficient amount of affordable rental housing units by the year 2000.*

The proposed project will provide a mix of residential housing types for a variety of income groups, especially those in the low-income, moderate-income and gap-group. The proposed project will also implement Best Management Practices and sustainable, energy, and water conservation measures. As such, the project is consistent with the State's objectives to meet housing demands, promote increased home ownership opportunities for residents and protect the environment by implementing appropriate measures.

C. OTHER STATE STUDIES

1. Hawaii Watershed Guidance

The Hawaii Watershed Guidance recommends measures to control urban runoff and treat pollutants generated by development. The following are recommendations for new development which will be considered:

- *For design purposes, post-development peak runoff rate and average volume should be based on the 2-year/24-hour storm.*
- *Plan, design, and develop sites to: 1) Protect areas that provide important water quality benefits and/or are particularly susceptible to erosion and sediment loss; 2) Limit increases of impervious areas, except where necessary; 3) Limit land disturbance activities such as clearing and grading, and cut and fill to reduce erosion and sediment loss; and 4) Limit disturbance of natural drainage features and vegetation.*

The proposed project is implementing measures to address storm water runoff (e.g.

detention basin).

2. State Multi-Hazard Mitigation Plan, 2010 Update

The State Multi-Hazard Mitigation Plan establishes a framework to protect lives and property from loss and destruction during a natural hazard such as wildfires that occur in the West Maui region which has created disruptions such as the closure of the main access into the region. Hazard mitigation encouraged by the State of Hawaii and County of Maui attempts to reduce risks during disasters in order to reduce the cost and extent of disasters.

The Plan recognizes that hazard mitigation depends on appropriate land use policies and practices, including zoning and coastal zone management, flood control, building codes and standards, infrastructure development and standards, regulatory measures, incentive programs and participatory planning methods. Recently, the Flood Insurance Rate Maps (FIRM) for Maui County were updated. According to the September 19, 2012 FIRM, the project site is located in Zone X, an area of minimal flooding, as well as outside of the Kahoma Flood Control Channel's Zone A and AE designation. Although the project site is located in the tsunami evacuation zone, the project site is located outside the tsunami inundation zone identified on the FIRM.

The Applicant will discuss the existing outdoor warning signage coverage for the area with appropriate agencies, such as State and County Civil Defense.

The project site is located outside of a hazard zone and is in keeping with the goal of the State Hazard Mitigation plan to "Protect life and ensure safety of people in Hawaii".

D. MAUI COUNTY GENERAL PLAN

As indicated by the Maui County Charter, the purpose of the General Plan shall be to:

> *... indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions*

to be pursued with respect to population density; land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.

Chapter 2.80B of the Maui County Code (MCC), relating to the general plan and community plans, implements the foregoing Charter provision through enabling legislation which calls for a Countywide Policy Plan and a Maui Island Plan. The Countywide Policy Plan was adopted as Ordinance No. 3732 and took effect on March 24, 2010. The Maui Island Plan was adopted as Ordinance No. 4004 and took effect on December 28, 2012.

1. Countywide Policy Plan

With regard to the Countywide Policy Plan, Section 2.80B.030 of the MCC states the following:

> *The countywide policy plan shall provide broad policies and objectives which portray the desired direction of the County's future. The countywide policy plan shall include:*
>
> *1. A vision for the County;*
>
> *2. A Statement of core themes or principles for the county; and*
>
> *3. A list of countywide objectives and policies for population, land use, the environment, the economy, and housing.*

Core principles set forth in the Countywide Policy Plan are listed as follows:

> *1. Excellence in the stewardship of the natural environment and cultural resources;*
>
> *2. Compassion for and understanding of others;*
>
> *3. Respect for diversity;*
>
> *4. Engagement and empowerment of Maui County residents;*
>
> *5. Honor for all cultural traditions and histories;*
>
> *6. Consideration of the contributions of past generations*

as well as the needs of future generations;

7. *Commitment to self-sufficiency;*

8. *Wisdom and balance in decision making;*

9. *Thoughtful, island-appropriate innovation; and*

10. *Nurturance of the health and well-being of our families and our communities.*

Congruent with these core principles, the Countywide Policy Plan identifies goals, objectives, policies and implementing actions for pertinent functional planning categories, which are identified as follows:

1. *Natural environment*

2. *Local cultures and traditions*

3. *Education*

4. *Social and healthcare services*

5. *Housing opportunities for residents*

6. *Local economy*

7. *Parks and public facilities*

8. *Transportation options*

9. *Physical infrastructure*

10. *Sustainable land use and growth management*

11. *Good governance*

With respect to the Kahoma Village Project the following goals, objectives, policies and implementing actions are illustrative of the project's compliance with the Countywide Policy Plan:

PROTECT THE NATURAL ENVIRONMENT

Goal:

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

Objective:

Improve the stewardship of the natural environment.

EXPAND HOUSING OPPORTUNITIES FOR RESIDENTS

Goal:

Quality, island-appropriate housing will be available to all residents.

Objective:

Reduce the affordable housing deficit for residents.

Policies:

- *Ensure that an adequate and permanent supply of affordable housing, both new and existing units, be made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low- to moderate-income families, and ensure that all affordable housing remains affordable in perpetuity.*

- *Develop neighborhoods with a mixture of accessible and integrated community facilities and services.*

Objective:

Increase the mix of housing types in towns and neighborhoods to promote sustainable land use planning, expand consumer choice, and protect the County's rural and small-town character.

Policies:

- *Design neighborhoods to foster interaction among neighbors.*

- *Encourage a mix of social, economic, and age groups within neighborhoods.*

- *Develop workforce housing in proximity to job centers and transit facilities.*

IMPROVE PARKS AND PUBLIC FACILITIES

Goal:

A full range of island-appropriate public facilities and recreational opportunities will be provided to improve the quality of life for residents and visitors.

Objective:

Expand access to recreational opportunities and community facilities to meet the present and future needs of residents of all ages and physical abilities.

Policy:

- *Expand and enhance the network of parks, multi-use paths, and bikeways.*

Objective:

Improve the quality and adequacy of community facilities.

Policies:

- *Provide and maintain community facilities that are appropriately designed to reflect the traditions and customs of local cultures.*

- *Maintain, enhance, expand, and provide new active and passive recreational facilities in ways that preserve the natural beauty of their locations.*

DIVERSIFY TRANSPORTATION OPTIONS

Goal:

Maui County will have an efficient, economical, and environmentally sensitive means of moving people and goods.

Objective:

Reduce the reliance on the automobile and fossil fuels by encouraging walking, bicycling, and other energy-efficient and safe alternative modes of

transportation.

Policies:

- *Make walking and bicycling transportation safe and easy between and within communities.*

- *Require development to be designed with the pedestrian in mind.*

IMPROVE PHYSICAL INFRASTRUCTURE

Goal:

Maui County's physical infrastructure will be maintained in optimum condition and will provide for and effectively serve the needs of the County through clean and sustainable technologies.

Policy:

- *Support green building practices such as the construction of buildings that aim to minimize carbon dioxide production, produce renewable energy, and recycle water.*

PROMOTE SUSTAINABLE LAND USE AND GROWTH MANAGEMENT

Goal:

Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.

Objective:

Improve land use management and implement a directed-growth strategy.

Policy:

- *Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.*

In summary, the Kahoma Village Project, as an urban infill development in Lahaina Town close to other support services and available infrastructure, is consistent with the theme and principles of the Countywide Policy Plan.

2. Maui Island Plan

The proposed project meets the goals and objectives of the MIP as discussed in this Section.

The MIP incorporates diagrams and two (2) types of maps within the plan: (1) background maps; and (2) Directed Growth Maps. Diagrams are a graphical expression of the plan's policies and intended to provide useful information and guidance in creating future regulations, management, or facility plans.

Background maps depict existing or projected baseline information (such as environmental conditions, population and employment trend data, and existing infrastructure facilities) and are intended to provide an understanding of conditions that may have influenced policy proposals. These maps were largely developed to assist in the Directed Growth Plan, as well as to guide the County in identifying and addressing relevant issues. These maps are not intended to be used in any land use permitting, decision making or project review, but rather are informational in nature. Background maps are not intended to be regulatory.

Directed Growth Maps are regulatory. The MIP refers to the Kahoma Village Project as "Lahaina Infill". As an infill project, Kahoma Village is located in the Urban Growth Boundary of the West Maui Region.

According to the MIP, the

> *"Lahaina Infill project provides an efficient use of vacant land within Lahaina's urban area. The project takes advantage of existing infrastructure and does not expand Lahaina's urban boundary. The Lahaina Infill site will have single-family and mutlifamily residential uses and park land to service the new and exisiting community. Innovative site planning shall be incorporated into the housing project to create a compact and walkable community. Creating a pedestrian-friendly project with transit access points should be a priority to meet senior citizen needs."*

Population

Goal:

Maui's people, values, and lifestyles thrive through strong, healthy, and vibrant island communities.

Policies:

Expand housing, transportation, employment, and social opportunities to ensure residents are able to comfortably age within their communities.

Support funding for transportation, housing, health care, recreation, and social service programs that help those with special needs (including the elderly and disabled).

Heritage Resources

Cultural, Historical, and Archaeological Resources Issues

Goal:

Our community respects and protects archaeological and cultural resources while perpetuating diverse cultural identities and traditions.

Objective:

An island culture and lifestyle that is healthy and vibrant as measured by the ability of residents to live on Maui, access and enjoy the natural environment, and practice Hawaiian customs and traditions in accordance with Article XII, Section 7, Hawaii State Constitution, and Section 7-1, Hawaii Revised Statutes (HRS).

Policy:

Ensure that cultural, historic, and archaeological resources are protected for the benefit of present and future generations.

Objective:

Enhance the island's historic, archaeological, and cultural resources.

Policy:

Ensure compliance with historic preservation laws, and discourage demolition of properties that are determined to be eligible for listing on the National or State Register of Historic Places.

Shoreline, Reefs and Nearshore Waters

Goal:

An intact, ecologically functional system of reef, shoreline, and nearshore waters that are protected in perpetuity.

Objective:

Improved reef health, coastal water quality, and marine life.

Policies:

Reduce the amount of impervious surface and devise site plan standards that aim to minimize storm runoff and NPS pollution.

Avoid development actions that impair Maui's reef systems and remove identified stressors.

Watersheds, Streams and Wetlands Issues

Objective:

Decreased NPS and point source pollution.

Policy:

Support the use of LID Techniques such as those described in the State of Hawaii LID Practitioner's Guide (June 2006), as amended.

Objective:

Greater preservation of native flora and fauna biodiversity to protect native species.

Wildlife and Natural Area Issues

Goal:

Maui's natural areas and indigenous flora and fauna will be protected.

Policies:

Identify and inventory the following:

(1) Natural, recreational, and open space resources

(2) Flora and fauna with medium, high, and very high concentrations of threatened or endangered species; and

(3) Location and extent of invasive species.

Require flora and fauna assessment and protection plans for development in areas with concentrations of indigenous flora and fauna; development shall comply with the assessment and protection plan and shall use the avoidance, minimization, and mitigation approach respectively, with an emphasis on avoidance.

Objective:

Greater protection of sensitive lands, indigenous habitat, and native flora and fauna.

Scenic Resources Issues

Objective:

A greater level of protection for scenic resources.

Policies:

Protect views to include, but not be limited to, Haleakala, `Iao Valley, the Mauna Kahalawai (West Maui Mountains), Puù O`lai, Kahoolawe, Molokini, Molokai, and Lanai, Mauna Kea, Mauna Loa, sea stacks, the Pacific Ocean, and significant water features, ridgelines, and landforms.

Protect scenic resources along Maui's scenic roadway corridors.

Natural Hazard

Goal:

Maui will be disaster resilient.

Objective:

Greater protection of life and property.

Economic Development

Policy:

Facilitate and expedite permits and approvals.

Housing

Goal:

Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong

neighborhoods and a thriving island community.

Objective:

More livable communities that provide for a mix of housing types, land uses, income levels, and age.

Policies:

Promote livable communities (compact/walkable/bikeable, access to transit) that provide for a mix of housing types and land uses, including parks, open space, and recreational areas.

Utilize the following approaches to promote resident housing and to minimize off-shore market impacts:

(1) Ensure that the future housing stock is composed of a mix of housing types (multifamily, small lots, ohana units, co-housing, cottage houses, etc.);

(2) Encourage new housing in proximity to jobs and services, in places that are conducive/affordable to island residents; and

(3) Explore taxation alternatives and building fee structures.

Objectives:

Provide affordable housing, rental or in fee, to the broad spectrum of our island community.

Provide infrastructure in a more timely manner to support the development of affordable housing.

Policies:

Prioritize the development of infrastructure that supports the development of affordable housing.

Tailor infrastructure requirements to correspond with appropriate level-of-service standards to help control housing costs and to maintain safety.

Objective:

Reduce the cost to developers of providing housing that is affordable to families with household incomes 160 percent and below of annual median income.

Policies:

Support fast-track processing procedures for the following housing-related entitlements: affordable housing projects/units; indigenous Hawaiian housing/units; and special-needs housing units (seniors, disabled, homeless, etc.).

Require the construction of affordable for-sale and rental housing units as part of the construction of new housing developments.

Infrastructure and Public Facilities

Wastewater: The MIP noted that if regulatory constraints and requirements remain unchanged, the Lahaina WWRF should have adequate treatment capacity to serve the projected population growth through the 2030 planning horizon.

Water: The MIP noted that the West Maui system receives water from ground and surface sources. Total available water supply for the West Maui water system is 8 mgd. Projected demand for 2030 is estimated to be 6.56 mgd.

Parks: The MIP noted the West Maui Community Plan area currently has 125 acres of sub-regional parks which are primarily neighborhood parks. Based on current de facto population, the area is already deficient in sub-regional park lands. Future projections to 2030 indicate this deficit will increase to 497 acres.

Land Use:

According to the MIP, Maui's future urban growth will take place in four different physical forms: (1) as infill development; (2) within urban expansion areas; (3) as new towns and settlements; and (4) as orderly infill and expansion of existing country

towns and villages. Each development pattern has benefits and costs that will determine the extent and location of their use.

The Kahoma Village project is an infill development that "represents the best utilization of our existing infrastructure and the best opportunity to preserve open space." It focuses growth to an existing urbanized area and creatively utilizes vacant or underdeveloped property.

Goal:

Maui will have livable human-scale urban communities, an efficient and sustainable land use pattern, and sufficient housing and services for Maui residents.

Objective:

Facilitate and support a more compact, efficient, human-scale urban development pattern.

Policies:

Ensure higher-density compact urban communities, infill, and redevelopment of underutilized urban lots within Urban Growth Boundaries.

Facilitate the development of housing by focusing projects in locations where land and infrastructure costs facilitate the development of affordably-priced housing.

Objective:

Strengthen the island's sense of place.

Policy:

Require community input through Design Workshops for major new urban expansion, new towns, and major urban infill projects.

Directed Growth Plan

The Kahoma Village project is identified as the "Lahaina Infill" planned growth area in the Directed Growth Plan. As described in the MIP, Kahoma Village is an infill site that will contain a mixture of single-family and multi-family residential units, and parks and open space.

The MIP states that the,

> *"Lahaina Infill project provides an efficient use of vacant land within Lahaina's urban area. The project takes advantage of existing infrastructure and does not expand Lahaina's urban boundary. The Infill site will have single-family and multi-family residential uses and park land to service the new and existing community".*

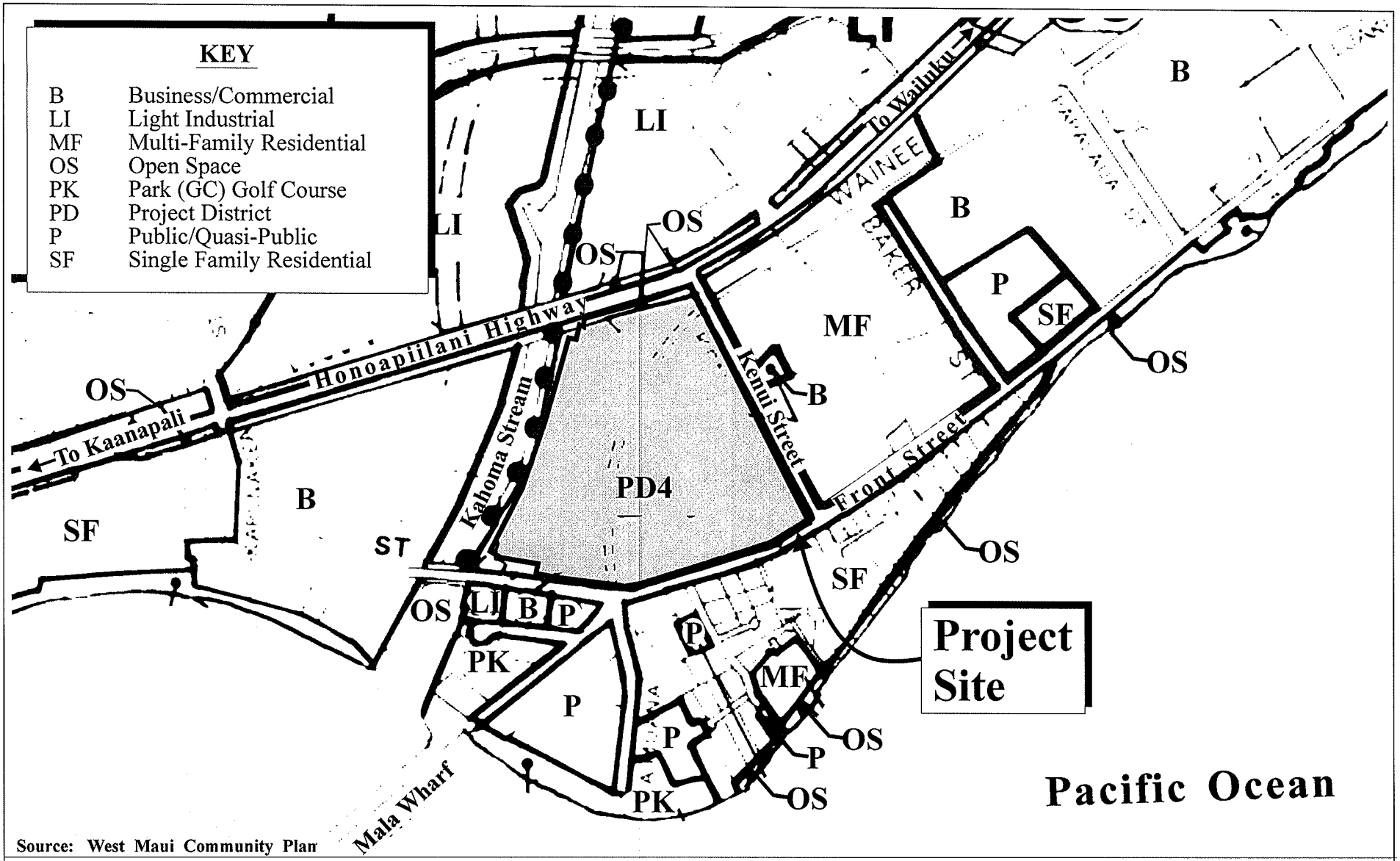
E. WEST MAUI COMMUNITY PLAN

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

Land use guidelines are established by the West Maui Community Plan land use map. The subject property, bounded by Honoapiilani Highway, Kenui Street, Front Street, and the channelized Kahoma Stream, is designated "Project District 4" and "Open Space" by the community plan land use map. See **Figure 9**.

The West Maui Community Plan states that this project district is intended to:

> *...provide a mixture of commercial/business and multi-family and senior citizen residential uses. There shall also be 6 acres of park land within the project district, including a linear park or greenway adjacent to the south bank of Kahoma Stream, from Honoapiilani Highway to Front Street, at least 60 feet wide and approximately 1.5 acres in size. The extension of Wainee Street from its present terminus at Kenui Street to Front Street, as well as the realignment of Kenui Street shall also be considered. Said roadway improvements should be developed and funded in conjunction with appropriate government agencies. The remaining acres in the project district shall be evenly divided between the commercial/business uses, and the multi-*



Source: West Maui Community Plan

Figure 9

Proposed Kahoma Village Project

West Maui Community Plan Designation

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family and senior citizen residential uses, to the greatest extent practicable.

The Kahoma Village Project is partially in compliance with the description of Project District 4 in the West Maui Community Plan. The proposed project does not include any commercial uses and consists of single-family and multi-family housing units with a combined park area of approximately 1.75 acres. The linear park or greenway adjacent to the south bank of Kahoma Stream is located in the 2.8-acre portion of the parcel and was not implemented by the County of Maui when the service road was constructed. Wainee and Kenui Streets are not proposed by the County of Maui to be realigned. As a Section 201H-38, HRS affordable housing project, an exemption from Chapter 2.80B, MCC, General Plan and Community Plans is being requested in order that the Kahoma Village Project, as described, is deemed compliant with the West Maui Community Plan. Refer to **Appendix "C"**.

F. COUNTY ZONING

The subject property is designated "A-1, Apartment" by Maui County zoning. The property is currently vacant. The proposed single-family and multi-family housing with the proposed park are permitted uses and consistent with the existing zoning of the property. To clarify that the Kahoma Village project will be developed in accordance with the uses and plans presented during the entitlement process and does not conflict with interpretations of Title 19, Comprehensive Zoning, Maui County Code, the following Section 201H-38, HRS exemptions are being requested:

1. Exemption from Section 19.04.040, MCC, Definitions, "Height", shall be granted defining height as the vertical distance as measured from a point on the top of the structure to a corresponding point directly below on the finished grade.

2. Exemption from Section 19.040, MCC, Definitions, "Lot Area", shall be granted defining lot area as the total project site which is 21.6 acres.

3. Exemption from Section 19.04.040, MCC, Permitted Uses, shall be granted to allow the following principal uses: 1) cluster single-family units, 2) rear alley single-family units, 3) multi-family townhouse units, and 4) parks and playgrounds. The following accessory uses and structures shall be permitted: 1) carports and private garages, 2) parking areas, 3) energy systems, small-scale, 4) fences and walls, 5) storage sheds, and 6) park recreational buildings and structures, including but not limited to gazebo, pavilions, courts and pools, and playground equipment.

Refer to **Appendix "C"**.

G. COASTAL ZONE MANAGEMENT AND SPECIAL MANAGEMENT AREA CONSIDERATIONS

The subject property is located within the County of Maui's Special Management Area (SMA). See **Figure 10**. A SMA Permit application will be submitted to the Maui Planning Department for review and action by the Maui Planning Commission. Pursuant to Chapter 205A, HRS, and the Rules and Regulations of the Maui Planning Commission, actions proposed within the SMA are evaluated with respect to the Hawaii Coastal Zone Management Program (HCZMP) and SMA objectives, policies and guidelines. This section addresses the project's relationship to applicable coastal zone management considerations, as set forth in Chapter 205A, HRS and the Rules and Regulations of the Maui Planning Commission.

Chapter 205A, Hawaii Revised Statutes

1. Recreational Resources

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

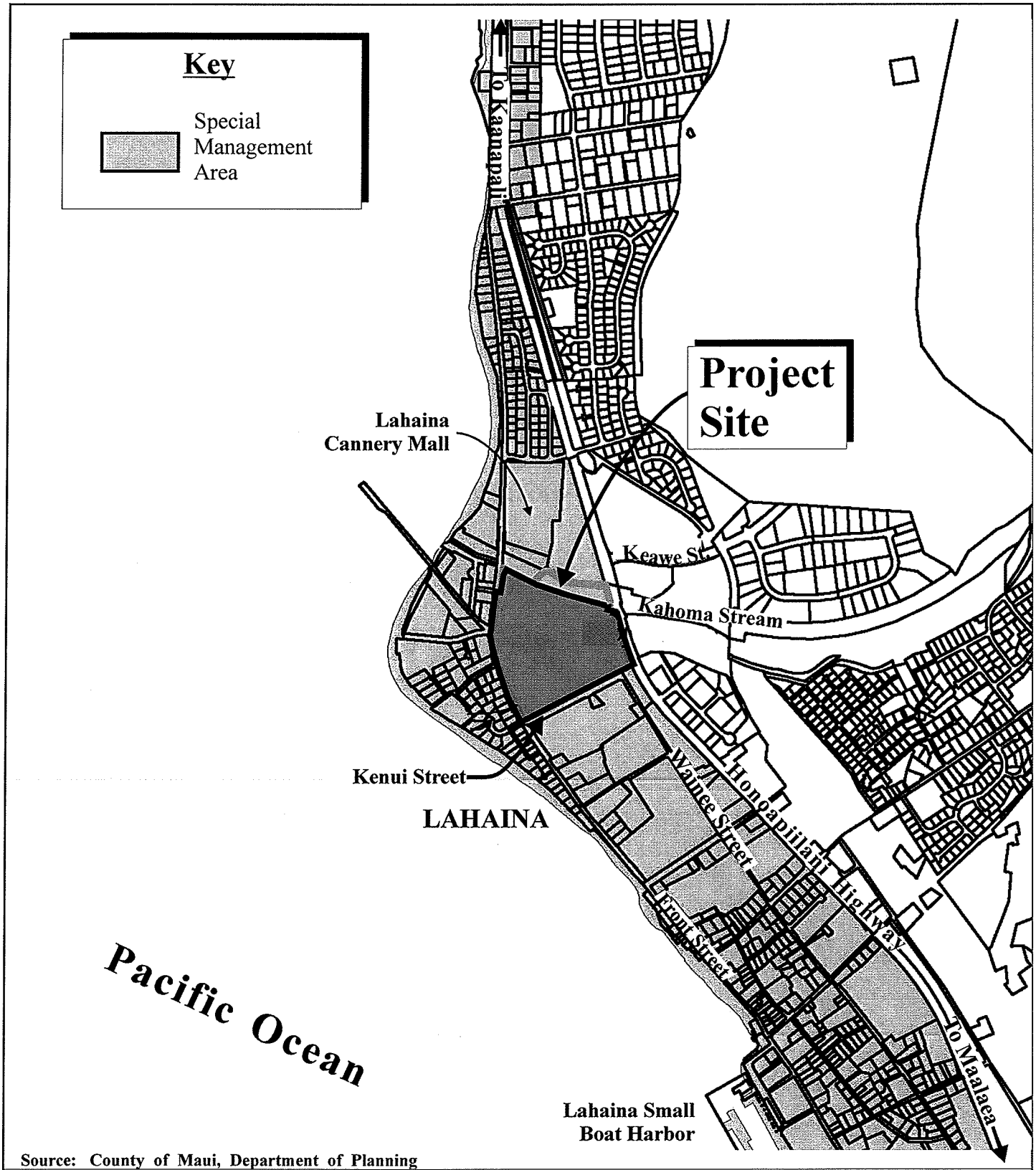
Policies:

a. *Improve coordination and funding of coastal recreation 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 recreation 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 sandy 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;*



Source: County of Maui, Department of Planning

Figure 10 Proposed Kahoma Village Project

Special Management Area Map

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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 of the Hawaii Revised Statutes.*

Response: The project site is located on the mauka side of Front Street and is not a shoreline-abutting property and includes a drainage system designed to protect nearshore waters. Further, there are several beach accesses within walking distance of the Kahoma Village Project that will provide shoreline recreational opportunities to residents without impacting beach access parking. The proposed action is not anticipated to impact coastal recreational opportunities or affect existing public access to the shoreline. As noted previously, consideration will be given to include on-street parking, as much as practicable, that may be used by beach goers.

2. Historical/Cultural Resources

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

Policies:

a. *Identify and analyze significant archaeological resources;*

b. *Maximize information retention through preservation of remains and artifacts or salvage operations; and*

c. *Support State goals for protection, restoration, interpretation and display of historic resources.*

Response: The project site is located outside of the Lahaina National Historic Landmark District. According to the Archaeological Assessment Survey and additional testing on site, there was no evidence of traditional or pre-contact surface or subsurface features or cultural deposits. However, because of its location pre-contact and/or post-contact human burials and/or previously disturbed human remains may lie in those portions of the project area that were not tested. Refer to **Appendix "H"**.

As such, archaeological monitoring of all future earth disturbance activities on the project area is recommended as human burials have been previously documented on nearby parcels, including the Lahaina Cannery Mall property.

Should human remains be inadvertently discovered during earth moving activities for the proposed project, work shall cease at once in the immediate area of the find, and the find shall be protected from further damage. The State Historic Preservation Division (SHPD) shall be immediately notified and procedures for the treatment of inadvertently discovered human remains shall be followed pursuant to Chapter 6E, HRS.

3. Scenic and Open Space Resources

Objectives: *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 land forms 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 proposed project is located on the mauka side of Front Street and does not abut the shoreline. It will be designed and landscaped in accordance with applicable regulatory standards to ensure visual compatibility with the surrounding land uses. The project site is within an urban infill area identified for housing in the Maui Island Plan and West Maui Community Plan. The proposed action is not anticipated to impact coastal scenic and open space resources, nor will it adversely affect public views to and along the coastline.

4. **Coastal Ecosystem**

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

Policies:

a. *Exercise an overall conservation ethic, and practice stewardship in the protection, use and development of marine and coastal resources;*

b. *Improve the technical basis for natural resource management;*

c. *Preserve valuable coastal ecosystems of significant biological or economic importance;*

d. *Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and*

e. *Promote water quantity and quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and non-point source water pollution control measures.*

Response: The proposed action is not expected to adversely impact coastal ecosystems. Drainage system improvements will include a combination of underground perforated pipes and a detention basin as a mitigation control measure designed in accordance with applicable regulatory standards to ensure that there are no adverse effects to adjacent or downstream properties from stormwater runoff.

In addition, appropriate BMPs and erosion control measures will be implemented to minimize the effects of stormwater runoff during construction of the project.

5. Economic Use

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 developments 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 project site is located within an urban infill area identified for future housing in the West Maui Community Plan. It is noted also that the project site is included as a future residential growth area for Lahaina Town in the Maui Island Plan. As such, the project is located in a suitable location. There are no anticipated adverse impacts to coastal zone resource parameters anticipated to result from the proposed action.

6. Coastal Hazards

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

Policies:

a. *Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, point and nonpoint source pollution hazards;*

b. *Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards;*

c. *Ensure that developments comply with requirements of the Federal Flood Insurance Program; and*

d. *Prevent coastal flooding from inland projects.*

Response: The project site is an urban infill location situated within the midst of Lahaina Town. Lands underlying the project site fall within Zone X (unshaded) of the FIRM map, an area of minimal flooding. Refer to **Figure 6**. Drainage improvements will include a combination of underground perforated pipes and a detention basin designed in accordance with the Drainage Standards of the County of Maui to ensure that stormwater runoff from the project will not adversely affect downstream and adjoining properties and nearshore waters.

The project site is located in the tsunami evacuation zone. Evacuation routes during a tsunami event would be readily available towards the upper slopes of Lahaina Town mauka of Honoapiilani Highway towards Keawe Street across the Lahaina Cannery Mall.

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 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 general public to facilitate public participation in the planning and review process.*

Response: All aspects of the development will be conducted in accordance with applicable State and County requirements. Opportunity for public review of the proposed action will be offered through the Chapter 343, HRS, Environmental Assessment, Section 201H-38, HRS application and SMA permitting processes.

8. Public Participation

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

Policies:

a. *Promote public involvement in coastal zone management processes;*

b. *Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal-related issues, developments, and government activities; and*

c. *Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.*

Response: As mentioned previously, opportunities for public participation will be provided through the Section 201H-38, HRS application and SMA permitting processes. Further, a community meeting was held on February 15, 2012 where approximately 27 persons attended. See **Appendix "N"**.

9. **Beach Protection**

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

Policies:

a. *Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;*

b. *Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and*

c. *Minimize the construction of public erosion-protection structures seaward of the shoreline.*

Response: The project site is located approximately 0.5 mile away from the shoreline on the landward (mauka) side of Front Street. As the project site is not a shoreline abutting property and appropriate BMPs will be implemented during construction, the proposed project is not anticipated to impact shoreline activities in the area.

10. **Marine Resources**

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

Policies:

a. *Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;*

b. *Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;*

c. *Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;*

d. Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and

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

Response: The project will be designed in compliance with the County of Maui's drainage requirements to ensure that there are no adverse impacts from stormwater runoff on marine resources located downstream of the project site. BMPs will be incorporated into the construction phase of the project to support the policies of effective management to protect marine and coastal resources.

In addition to the foregoing objectives and policies, SMA permit review criteria pursuant to Section 205A-30.5 (a) 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.

The project site is located landward of Front Street and is approximately 0.5 mile from the shoreline. However, in addressing light pollution issues, the proposed project lighting and landscape plan will specify that all lights within the project be shielded and of the directional down lighting design to mitigate light pollution and to prevent lighting traveling across property boundaries. All outdoor lighting will comply with the County's outdoor lighting ordinance.

Rules and Regulations of the Maui Planning Commission

Pursuant to Section 12-202-12(e) of the Maui Planning Commission Rules, the project has been evaluated in accordance with the following criteria.

a. **Involves an irrevocable commitment or destruction of any natural or cultural resources.**

The project site was previously used for sugarcane cultivation until Honoapiilani Highway was constructed and separated the site from the rest of the plantation's cultivated fields. Any native habitat that may have been a natural resource on the site has long been destroyed by this previous agricultural cultivation. The project site is currently vacant and overgrown with non-native vegetation species.

An Archaeological Assessment Survey and a Cultural Impact Assessment have been prepared for the proposed project. No archaeological, historic or cultural sites were identified during the completion of these reports. However, as a precaution, archaeological monitoring during ground altering work is recommended. Further, no traditional cultural practices were found. As such, the proposed project will not involve an irrevocable commitment or destruction of any natural or cultural resources.

b. **Significantly curtails the range of beneficial uses of the environment.**

The project site is located within the Urban District and identified as an urban infill area for future housing in the West Maui Community Plan and Maui Island Plan. The proposed development is compatible with the surrounding residential uses and will not significantly curtail the range of beneficial uses of the environment.

c. **Conflicts with the county's or the state's long-term environmental policies or goals.**

The proposed project includes Best Management Practices such as a drainage system designed as a mitigation control measure to protect downstream and coastal waters. As such, the proposed project is consistent with and does not conflict with the State's and County's long-term environmental policies and goals.

d. **Substantially affects the economic or social welfare and activities of the community, county, or state.**

The proposed development will provide a positive effect on availability of affordable housing in West Maui for local residents. Fifty-one percent of the units will meet the affordable criteria of the County of Maui. The proposed project would utilize the existing vacant property which has been an area of makeshift homeless shelters,

vagrancy, loitering, illegal dumping, and drug activities. As such, the project will not substantially adversely affect the economic or social welfare and activities of the community, County, or State.

e. **Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems and pedestrian walkways.**

The proposed development will provide housing in West Maui for its growing population, and 51 percent of the units will meet the affordable criteria of the County of Maui. Necessary improvements, such as roadways, sidewalks, drainage, sewage, water and other utilities will be provided during implementation of the proposed project. There is existing infrastructure service to accommodate the proposed project. Pursuant to Chapter 14.12, MCC, the applicant will work with the Department of Water Supply to provide a reliable water source for the project prior to obtaining building permits. Streets and sidewalks will be improved to county standards and onsite drainage improvements will be constructed to accommodate the increase in stormwater runoff from the project. The proposed project does not involve substantial secondary impacts.

f. **In itself has no significant adverse effects but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.**

The project site is identified in the Maui Island Plan and West Maui Community Plan for future housing. The project is not part of a larger action and, as such, is not anticipated to result in any cumulative impacts.

g. **Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat.**

A Biological Resources Study was conducted on the subject property. No rare, threatened, or endangered species of animal or plant were identified during the course of the study. Although the tobacco tree plant, which is a non-native habitat for the Blackburn sphinx moth was found on the property, no moths, eggs or larvae were encountered. Appropriate mitigation measures were implemented prior to the removal of the tobacco tree plants to ensure the project does not impact any moths.

h. **Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances.**

Pursuant to the Section 201H-38, HRS exemptions, the proposed project is not considered to be contrary to the State Plan, County's General Plan, West Maui Community Plan, zoning and subdivision ordinances. The project is intended to implement the intent of the West Maui Community Plan's project district designation by providing housing opportunities in a central and convenient location in Lahaina Town.

i. **Detrimentally affects air or water quality or ambient noise levels.**

The proposed project includes a drainage system as a mitigation control matter to protect downstream and coastal waters from stormwater runoff. The proposed project is not anticipated to have a detrimental effect on air or water quality or ambient noise levels.

j. **Affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters.**

The proposed project is located in the tsunami evacuation zone. Evacuation routes, during a tsunami event are readily available towards the upper slopes of Lahaina Town mauka of Honoapiilani Highway. As such, the proposed project is not anticipated to affect an environmentally sensitive area.

The project includes a drainage system as a mitigation control measure to protect downstream and coastal waters from stormwater runoff.

k. **Substantially alters natural land forms and existing public views to and along the shoreline.**

The proposed project, which is on the landward (mauka) side of Front Street, is not anticipated to substantially alter natural land forms or affect existing public views to the shoreline. Public views to the ocean from Honoapiilani Highway to the east of the project site is currently obstructed by existing development on the ocean-side of the highway.

l. **Is contrary to the objectives and policies of chapter 205A, HRS.**

As noted previously, the proposed project is not contrary to the objectives and policies of Chapter 205A, HRS.

H. SECTION 201H-38, HRS APPLICATION

As described in Section I of this document, Section 201H-38, HRS allows eligible developers/housing projects to be exempt

> *"...from all statutes, ordinances, charter provisions, and rules of any governmental agency relating to planning, development and improvement of land, and the construction of units thereon..."*

in order to facilitate the timely and cost effective implementation of proposed affordable housing projects.

As part of the Section 201H-38, HRS application, exemptions from the Maui County Code requirements will be requested. The full list of proposed exemptions requested are described in **Appendix "C"**.

A Section 201H-38, HRS application will be prepared and filed with the County of Maui's Department of Housing and Human Concerns (DHHC). The review of the Environmental Assessment (EA) was coordinated with the DHHC to ensure that issues raised during the EA process, which are pertinent to Section 201H-38, HRS criteria, are appropriately addressed. The Final EA will be included in the Section 201H-38, HRS application which will be transmitted to the Maui County Council by DHHC for review and action.

IV. SUMMARY OF ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

IV. SUMMARY OF ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

The proposed development of the Kahoma Village Project will result in certain unavoidable construction-related environmental impacts and commitments of resources including land, infrastructure, and public services, as outlined in Chapter II. Commitments of these resources are considered irreversible and irretrievable. These commitments, however, are considered appropriate in the context of providing affordable housing opportunities to Maui County.

The project area is an urban infill location within the midst of Lahaina Town. The project site was previously impacted by land altering activities associated with agricultural cultivation, construction of the Kahoma Stream Channel and Flood Control project, nearby residential development, road construction and similar activities due to heavy equipment clearing and piles of construction-related debris. The project site is relatively flat and minimal grading will be done to clear and prepare the site for development with utilization of Best Management Practices (BMPs) during construction. Erosion control measures during construction will also be incorporated into the use of BMPs to minimize soil loss. As such, no adverse impacts to topography and soils are anticipated.

The construction of the proposed project will result in certain construction-related impacts. Such impacts include those related to noise generation occurring from heavy equipment used for site preparation and construction activities. In addition, temporary air quality impacts associated with dust generation from construction activities, and exhaust emissions discharged by construction equipment are also likely. However, during construction these impacts are temporary and will be mitigated through the use of appropriate BMPs, such as dust barriers, water wagons and/or sprinklers to control dust, and watering graded areas upon completion of daily construction activities. Upon completion the proposed project is not expected to be a source of long-term adverse air or noise conditions. The proposed project includes a drainage system designed as a mitigation control measure to protect downstream and coastal waters from stormwater runoff.

V. ALTERNATIVES TO THE PROPOSED ACTION

V. ALTERNATIVES TO THE PROPOSED ACTION

A. PREFERRED ALTERNATIVE

The proposed project, as outlined in Chapter I, Project Overview, is the preferred alternative. It is an efficient use of vacant infill land within the urban area of Lahaina Town which has been designated for housing in the Maui Island Plan and West Maui Community Plan and is easily accessible to existing infrastructure. This is the preferred alternative as it addresses community comments on traffic circulation in the area and accommodates the future housing needs of the population growth projected for West Maui and expands the inventory of affordable housing.

Construction supports the economy by providing jobs and the proposed project and when completed, generates tax revenues to provide public facilities and services.

B. NO ACTION ALTERNATIVE

The no action alternative maintains the existing lack of affordable housing in West Maui. It continues the inability to meet the needs of the future population growth projected in the region. The no action alternative would keep the property vacant and in its current condition. The project area has been idle for over 50 years since it was taken out of sugarcane cultivation and is overgrown with dry-land grasses, shrubs and scattered trees. Such vacant lands encourage the homeless to occupy the property with their makeshift shelters and create social problems in the area. This vacant parcel is the subject of complaints by residents due to drug activities, loitering, illegal dumping, and vagrancy and this condition would continue with the no action alternative.

C. POSTPONED ACTION ALTERNATIVE

Similar to the no action alternative, the postponed action alternative maintains the property in its idle condition and does not address the housing needs for a projected population growth in West Maui.

D. PROJECT DISTRICT ALTERNATIVE

The West Maui Community Plan identifies the project site as "Project District 4". Implementation of the project district would have included six (6) acres of park land, including approximately 1.5 acres for a linear park along the southern bank of Kahoma Stream. A 60-foot wide extension of Wainee Street to Front Street through the project site was also proposed. The remaining acreage was to be equally divided for commercial/business use and multi-family/senior residential use.

The nearby Lahaina Cannery Mall and Lahaina Gateway Shopping Center adequately accommodates the shopping needs of the West Maui region. Since the adoption of the West Maui Community Plan in 1996, no effort has been made to implement the linear park along Kahoma Stream or the extension of Wainee Street. There is no indication from the County of Maui that it will pursue implementation of this land use objective identified in the project district. Further, the recently adopted Maui Island Plan identifies the area for future urban growth as a housing project.

This alternative does not meet the objective of the applicant or the Maui Island Plan to provide affordable resident housing and, as such, is not an alternative.

E. "A-1, APARTMENT" DISTRICT ALTERNATIVE

The "A-1, Apartment" district zoning on the property would allow greater densities and more housing units but it would limit the housing choices while increasing impacts on public services and infrastructure. It would be potentially limited to approximately 300 to 375 rental apartment units, rather than homeownership. There will be increased traffic (600 to 750 vehicles) on the surrounding roadways, increased demand for water and wastewater, as well as increased demand for public services such as education, police and fire. There will also be increased demand on shoreline recreation at the nearby "Baby Beach".

The applicant's objective is to provide a mixture of affordable housing types for homeownership. The applicant's experience in the local housing market indicates that homeowners prefer housing with private yard areas for their families. This would be difficult to achieve if greater densities are used. The applicant provides a specific housing product

which does not correspond to the greater densities in the "A-1, Apartment" district. As such, this is not an alternative.

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

The project is an urban in-fill project designated for future housing in both the West Maui Community Plan and the Maui Island Plan to accommodate a small portion of future growth in West Maui, and is not at a scale to significantly impact the regional setting of the area.

The proposed housing project is anticipated to result in the irreversible and irretrievable commitment of natural and fiscal resources. Other resource commitments include energy, labor, and material resources. Impacts relating to the use of these resources are not considered significant when weighed against the expected positive socio-economic and community benefits derived from the project.

Furthermore, the proposed project is located near existing infrastructure and public services and is not anticipated to require a substantial commitment of government services or facilities, and it is not anticipated to place significant additional requirements on police, fire, medical, and social services.

VII. SIGNIFICANCE CRITERIA ASSESSMENT

VII. SIGNIFICANCE CRITERIA ASSESSMENT

The proposed project includes the use of County lands involving interconnections to the County's roadways and utilities, road widening and drainage improvements involving work within the County right-of-ways. Since County lands are being utilized for the project, an Environmental Assessment (EA) has been prepared pursuant to Chapter 343, HRS and Chapter 200 of Title 11, Hawaii Administrative Rules (HAR) of the State Department of Health, Environmental Impact Statement Rules.

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

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

   The project site was previously used for sugarcane cultivation until Honoapiilani Highway was constructed, separating this site from the rest of the cultivated fields. Natural and cultural resources were destroyed due to this previous ground altering agricultural cultivation and the viability of agriculture diminished due to the construction of the highway. The current site is vacant and overgrown with non-native vegetation species. A number of the non-native tobacco trees, host plant of the Blackburn's sphinx moth were found on the project site. Removal of the trees was coordinated with USFWS after a 2013 survey conducted by Robert Hobdy. He did not find any moth, eggs or larvae. Also, large scale clearing will not occur before at least the passage of another twelve (12) months to allow any potential pupae in the soil to hatch and disperse.

   To protect endangered seabirds that may fly over the project site, outdoor lights will be hooded to direct the light downward to minimize distractions to the seabirds.

   The project site is located outside of the Lahaina National Historic Landmark District. No archaeological, historic or cultural sites were identified during the Archaeological Assessment Survey and Cultural Impact Assessment prepared for the proposed project. Archaeological monitoring during ground altering work is recommended. No traditional cultural practices were identified.

There is no loss or destruction of significant natural or cultural resources associated with the proposed project.

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

The project site is located within the Urban District and identified as an urban infill area for future housing in the West Maui Community Plan and Maui Island Plan. The proposed project is compatible with the surrounding residential uses. As such, the proposed project is not anticipated to result in a significant effect on the 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, HRS. The project is located mauka of Front Street and does not abut the shoreline. Best Management Practices will be implemented and includes a drainage system designed to protect downstream and coastal resources from stormwater runoff. The proposed action is not contrary to the policies and guidelines set forth in Chapter 344, HRS.

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

The proposed project is located outside the Lahaina National Historic Landmark District and will provide housing in West Maui. Fifty-one percent of the units will meet the affordable criteria of the County of Maui. Recognizing that this proposed project will serve to accommodate future housing needs of a projected population growth for West Maui, the proposed project is anticipated to have positive effect on the availability of housing, short-term construction-related employment and services and will utilize what is an existing vacant property.

In the long term, these housing units will generate real property tax as a revenue source for the County's general fund which finances public facilities and services. Those services include fire and police protection, street maintenance, water, sewer, refuse collection and recreational activities. New homeowners moving into this area supports the economy with these added consumers of goods and services.

The Archaeological Assessment Survey conducted for this project did not identify

evidence of traditional or pre-contact surface or subsurface features or cultural deposits. Archaeological monitoring of future earth disturbance activities on the project area was recommended. The cultural impact assessment did not identify any cultural practices occurring on the site.

The proposed project is not anticipated to have an adverse effect on the economic welfare, social welfare and cultural practice in the area.

5. **Substantially affects public health.**

The project site is currently vacant and the subject of complaints related to drug use and vagrancy. The proposed project would have a positive effect by utilizing the property for housing in West Maui. Fifty-one percent of the units will meet the affordable housing criteria of the County of Maui. The Phase I ESA conducted on the site revealed no evidence of recognized environmental conditions on the property. The ESA noted environmental concerns for post agricultural use of property and recommended multi-increment soil sampling and monitoring. As such, no adverse impacts to the public's health and welfare are anticipated as a result of the proposed project.

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

Population growth in West Maui is anticipated to occur with or without the proposed project. Any secondary impacts may be attributed to project effects on the island's overall housing situation. That is, the availability of new housing targeted to local residents in Lahaina may open up housing (for rental or purchase) in other areas of the island, depending on market conditions at the time of project development.

The proposed project will provide housing in West Maui, including at least 51 percent of the units will meet the affordable housing criteria of the County of Maui, to accommodate a small portion of its growing population. There is existing infrastructure and public services to accommodate the proposed project. Pursuant to Chapter 14.12, MCC, the applicant will work with the Department of Water Supply to develop a reliable water source for the project prior to obtaining building permits. Necessary improvements to connect to existing infrastructure, such as roadways, sidewalks, drainage, sewage, water and other utilities, will be done during implementation of the proposed project. The proposed project also includes three (3)

park areas which have a combined area of approximately 1.75 acres. These landscaped common open spaces are for use by residents and open to the public.

Based on projections, the proposed project will add approximately 68 students to the student enrollment in the elementary, middle, and high schools in West Maui. In accordance with the West Maui Impact Fee District, the DOE will assess the housing units based on the projected number of students generated from the Kahoma Village project. The applicant will need to enter into an education contribution agreement with the DOE.

In general, the proposed project is not considered a generator of substantial secondary impacts.

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

The proposed project was previously ground altered as it was utilized for agricultural cultivation. It is now vacant and covered with non-native vegetation species. The project will involve minimal grading for development of this project and is anticipated to have a positive effect on the environmental quality as it will incorporate landscaping for shade, management of soil erosion and stormwater runoff.

The proposed project is located approximately 0.5-mile away from the shoreline on the landward (mauka) side of Front Street and includes a one-acre landscaped private park, a portion of which will also function as a drainage system designed to include permanent BMPs to protect downstream coastal waters from stormwater runoff.

The project is not anticipated to involve a substantial degradation of environmental quality.

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

The proposed project site is identified in the Maui Island Plan and West Maui Community Plan for future housing. The project is not part of a larger action and, as such, is not anticipated to result in any cumulative impacts or have significant adverse impact on the environment.

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

A Biological Resources Study was conducted on the subject property for the proposed project and no rare, threatened, or endangered species of animal or plant or their habitat were identified. The tobacco tree plant, which is a non-native habitat for the Blackburn's sphinx moth was found on the property. As recommended by USFWS, Robert Hobdy conducted supplemental field work and found no Blackburn sphinx moth activity, larvae, or pupae. In coordination with USFWS the tree tobacco plants were removed. The soil around the plants will not be disturbed for one (1) year to allow any pupae in the soil to hatch and disperse.

Also, to protect endangered seabirds that may fly over the project site, outdoor lights will be hooded to direct the light downward to minimize distractions to the seabirds.

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

The proposed project site in general does not experience adverse air quality conditions. Airborne pollutants that do exist are largely attributed to automobile exhaust from Honoapiilani Highway and other surrounding roadways. With additional traffic from the proposed project, these sources of airborne pollutants are intermittent and prevailing winds would quickly disperse the particulates generated by these temporary sources.

Existing background noise in the vicinity of the project area is mainly attributed to traffic movements along the adjoining stretch of Honoapiilani Highway and other surrounding roadways. Any additional traffic from the proposed project would not adversely affect the noise levels attributed to the existing traffic movements in the area of the proposed project.

The proposed project site is located landward of Front Street and is located 0.5 mile away from the shoreline. Drainage improvements will be designed in accordance with the Drainage Standards of the County of Maui and will include permanent BMPs to ensure that stormwater runoff from the project will not adversely affect downstream coastal waters and adjoining properties.

The proposed project is not anticipated to adversely affect air, water quality or ambient noise levels.

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, geological hazardous land, estuary, fresh water, or coastal waters.**

The proposed project is located approximately 0.5 mile away from the coastal waters on the landward (mauka) side of Front Street and is an area of minimal flooding with no restrictions placed on development as indicated in the Flood Insurance Rate Map (FIRM). The project area is not subject to the Flood Hazard District Ordinance, Chapter 19.62 of the Maui County Code.

The project site is within the tsunami evacuation zone. Evacuation routes, during a tsunami event are readily available towards the upper slopes of Lahaina Town mauka of Honoapiilani Highway.

The proposed project is not anticipated to affect any environmentally sensitive area.

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

Although the project site is currently vacant, views to the ocean from Honoapiilani Highway are limited. The existing vegetation on the property, housing units, and commercial uses on the makai side of the highway currently obstruct views to the ocean. The project site is three (3) to five (5) feet below the highway, as such, the proposed two-story structures will be at a lower elevation which will reduce the visual impact of the buildings from the highway.

13. **Requires substantial energy consumption.**

During construction there will be a short-term demand for fuel for construction equipment. The proposed project will include renewable energy, such as solar systems for the units, and the option to install photovoltaic systems to lessen dependency on fossil fuels. As such, the demand for fossil fuel derived energy is not anticipated to be substantial.

Based on the foregoing findings, the proposed action is not anticipated to result in any significant adverse impact.

Accordingly, this Final Environmental Assessment is being processed as a Finding of No Significant Impact (FONSI).

VIII. LIST OF PERMITS AND APPROVALS

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

State

1. Department of Health NPDES Permit, as applicable
2. Department of Health Noise Permit, as applicable

County of Maui

1. Section 201H-38, HRS Affordable Housing Approval
2. Special Management Area Use Permit
3. Subdivision Approval
4. Construction Permits
5. Work in County Rights-of-Way

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

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

The following list of agencies, organizations, and individuals were consulted in the preparation of the Draft Environmental Assessment (EA). Agency comments and responses to substantiate comments are included herein.

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26. Angus L.K. McKelvey, Representative
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27. Alan Arakawa, Mayor
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28. Teena Rasmussen, Coordinator
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39. Honorable Danny Mateo, Council Chair
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41. Honorable Gladys Baisa
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Kahului, Hawaii 96733

49. **Hawaiian Telcom**
60 South Church Street
Wailuku, Hawaii 96793

50. Bob Pure, President
Lahaina Bypass Now
PO Box 11205
Lahaina, Hawaii 96761

51. Theo Morrison, Executive Director
Lahaina Restoration Foundation
120 Dickenson Street
Lahaina, Hawaii 96761

52. Karee Karlucci, Executive Director
Lahaina Town Action Committee
648 Wharf Street, Suite 102
Lahaina, Hawaii 96761

53. Pamela Tumpap, Executive Director
Maui Chamber of Commerce
The Office Center
270 Ho'okahi Street, Suite 212
Wailuku, HI 96793

54. Lyn McNeff, Executive Director
Maui Economic Opportunity
99 Mahalani Street
Wailuku, Hawaii 96793

55. Carol Reimann, Executive Director
Maui Hotel & Lodging Association
1727 Wili Pa Loop, Suite B
Wailuku, Hawaii 96793

56. Joe Pluta, President
West Maui Improvement Foundation
P. O. Box 10338
Lahaina, Hawaii 96761

57. Donald Lehman, President
West Maui Taxpayers Association
P.O. Box 10338
Lahaina, Hawaii 96761

NEIL ABERCROMBIE
GOVERNOR

KATHRYN S. MATAYOSHI
SUPERINTENDENT

APR 09 2012

STATE OF HAWAI`I

DEPARTMENT OF EDUCATION

P.O. BOX 2360

HONOLULU, HAWAI`I 96804

OFFICE OF THE SUPERINTENDENT

April 5, 2012

Ms. Colleen Suyama, Senior Associate
Munekiyo & Hiraga Inc.
305 High Street, Suite 104
Wailuku, Hawai`i 96793

Dear Ms. Suyama:

Subject: Early Consultation on Proposed Kahoma Village Project
Lahaina, Maui TMK:4-5-008:001

The Department of Education (DOE) has reviewed your request for early consultation on the Kahoma Village Project in Lahaina. The Project is located within the West Maui School Impact Fee District and will be required to have an education contribution agreement executed with the DOE.

Thank you for the opportunity to comment. If you have any questions, please call Heidi Meeker of the Facilities Development Branch at 377-8301.

Very truly yours,

Kathryn S. Matayoshi
Superintendent

KSM:jmb

c: Randolph G. Moore, Assistant Superintendent, OSFSS
Lindsay Ball, CAS, Hana-Lahainaluna-Lanai- Molokai Complex Areas

MUNEKIYO HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

September 24, 2012

Kathryn S. Matayoshi, Superintendent
Department of Education
State of Hawaii
P. O. Box 2360
Honolulu, Hawaii 96804

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Ms. Matayoshi:

Thank you for your letter dated April 5, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc., we note that the Department of Education (DOE) has reviewed the information and provided comment. As the proposed project is located within the West Maui School Impact Fee District, the DOE will be contacted regarding an education contribution agreement.

Thank you for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
K:\DATA\Weinberg\LahainaRes\EC Response\DOE.res.doc

MAUI
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NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAI'I

ALBERT "ALAPAKI" NAHALE-A
CHAIRMAN
HAWAIIAN HOMES COMMISSION

MICHELLE K. KAUHANE
DEPUTY TO THE CHAIRMAN

M. WAIALEALE SARSONA
EXECUTIVE ASSISTANT

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 2009
KAUNAKAKAI, HAWAI'I 96748

April 2, 2012

Munekiyo and Hiraga, Inc.
Attn: Colleen Suyama, Senior Associate
305 High Street, Suite 104
Wailuku, Hawai'i 96793

Subject: Request for Early Consultation on the Proposed 201H-38, HRS Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawai'i

Dear Ms. Suyama,

Thank you for the opportunity to provide pre-assessment comments prior to the Draft Environmental Assessment (DEA) for the Kahoma Village 201H Project at Kahoma Stream near Mālā Wharf in Lahaina. The Department understands that this project is for a 203 unit affordable housing project consisting of a mix of cluster and rear service alley single-family dwellings, multifamily dwellings and a 1.3 acre landscaped park.

The Department-owned lands closest to the project site are at Honokowai, a distance of approximately 3.5 miles. Honokowai is designates a Priority site for homelands development in the DHHL Maui Island Plan, with 411 residential homestead lots anticipated, as well as agricultural lots, community facilities and commercial development. There are no Department owned lands directly adjacent to the project site.

Please consider the following comments on your proposed project as you develop the Draft Environmental Assessment:

1. The Department of Hawaiian Homelands (Department) commends the project designers for incorporating elements of Smart

3

Design such as clustering and rear service alleys into the conceptual site plan.

2. The Department would also like to encourage the applicants to consider Kahoma Stream as a project resource and propose an alternative that includes relocation of the park area to the designated open space buffer/linear park/greenway along the southern bank of the stream as described in the West Maui Community Plan. Although the stream is currently channelized, there may be potential for de-channelization and stream restoration in the future in order to reduce nonpoint source pollution, and at that juncture the stream and its restored riparian habitat could become much more of an aesthetic and environmental amenity for the residents of Kahoma Village.

3. As there is a large cemetery across the highway makai of the project site, the utmost care must be taken to prevent inadvertent discoveries of ʻiwi kupuna (ancestral remains), therefore a cultural impact assessment and full archaeological survey is highly advised, and sandy areas of the site should be avoided for development.

4. Due to internal business processes, ten days is not enough time for our Department to process a request for comment. Please allow more time, such as 20-30 days, for preparation of a response to requests for comment as part of the environmental review process.

We thank you for the opportunity to provide preliminary comments as part of early consultation for preparation of a Draft Environmental Assessment. If you have any questions, please contact Nancy McPherson at our Planning Office via email at nancy.m.mcpherson@hawaii.gov or by phone at 808.620.9519.

Aloha and mahalo,

Albert "Alapaki" Nahale-a, Chairman
Hawaiian Homes Commission

MUNEKIYO HIRAGA, INC.

PRESIDENT

EXECUTIVE VICE PRESIDENT

SENIOR VICE PRESIDENT

SENIOR VICE PRESIDENT

VICE PRESIDENT

September 24 2012

Jobie Masagatani, Chairperson
Hawaiian Homes Commission
State of Hawaii
Department of Hawaiian Home Lands
P.O. Box 2009
Kaunakakai, Hawaii 96748

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Ms. Masagatani:

Thank you for your Department's letter dated April 2, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc. we note that the Department of Hawaiian Home Lands, Hawaiian Homes Commission has reviewed the information and provided comments. The following responses to your comments are provided and correspond to the numbered paragraphs in your letter.

1. The developer supports incorporating Smart Design elements into the project to the extent practicable.

2. The open spaces that buffer the lineal park/greenway along the southern bank of Kahoma Stream are in the jurisdiction of the U.S. Army Corps of Engineers (Corps) and outside the scope of the proposed project. Should de-channelization occur, stream restoration would need to be coordinated with the Corps. The developer is assessing options for the project's park area. Details of the park design and location will be included in the Draft EA.

3. The project development will not affect the lands that are makai of this project and across the highway. A cultural impact assessment and archaeological survey has been completed for the project and will be included in the Draft EA.

4. We appreciate your feedback regarding the response time for comment as part of the environmental review process.

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Thank you for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:mge
cc: Jay Nakamura, Stanford Carr Development, LLC
K:\DATA\Weinberg\LahainaRes\EC Response\DHHL.res.doc

APR 11 2012

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

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

In reply, please refer to:
EMD/CWB

04005PDCL.12

April 9, 2012

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

Dear Ms. Suyama:

SUBJECT: Environmental Assessment (EA) Early Consultation for the Kahoma Village Project Lahaina, Island of Maui, Hawaii

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

1. Any project and its potential impacts to State waters must meet the following criteria:

   a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.

   b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.

   c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

2. You may be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for an NPDES general permit coverage by submitting a Notice of Intent (NOI) form:

   a. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than

one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. This includes areas used for a construction base yard and the storage of any construction related equipment, material, and waste products. An NPDES permit is required before the start of the construction activities.

b. Hydrotesting waters.

c. Construction dewatering effluent.

You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at: http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html.

3. For other types of wastewater not listed in Item No. 2 above or wastewater discharging into Class 1 or Class AA waters, an NPDES individual permit will need to be obtained. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at http://hawaii.gov/health/environmental/water/cleanwater/forms/environmental/water/cleanwater/forms/indiv-index.html.

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

If you have any questions, please visit our website at: http://www.hawaii.gov/health/environmental/water/cleanwater/index.html, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,

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

DCL:ml

c: DOH-EPO [via email only]

MUNEKIYO HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

CARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

EWEN LINASCH HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

September 24, 2012

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

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii, EMD/CWB 04005PDCL.12

Dear Mr. Wong:

Thank you for your letter dated April 9, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc. we note that the Department of Health Clean Water Branch has reviewed the information and provided comments. The following responses to your comments are provided.

1. The proposed project is on the landward (mauka) side of Front Street and about 0.5 mile away from the shoreline. As a Best Management Practice (BMP) mitigation measure, the proposed project will include a drainage system consisting of underground perforated pipes and a drainage retention/detention basin located in the largest of the three (3) proposed park sites. The drainage system will be designed in accordance with the County of Maui requirements to avert adverse impact to water quality from sediment and pollutants. Appropriate BMPs will be considered during the design phase of the project.

2. A National Pollutant Discharge Elimination System (NPDES) permit will be applied for, if required. During project construction, temporary BMPs will employ prevention measures to contain stormwater runoff onsite to protect downstream coastal waters from sediments and pollutants.

3. Should other wastewater discharges be identified, an NPDES permit will be applied for, as required.

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4. Compliance and enforcement of the State's Water Quality Standards is acknowledged.

The standard comments posted on the department website noted in your letter will be reviewed.

Thank you for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
Eric Matsuda and Fiona van Ammers, SSFM International, Inc.
K:\DATA\Weinberg\LahainaRes\EC Response\DOHCWB.res.doc

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APR 03 2012

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

12-054
Kahoma Village Project

March 30, 2012

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

Dear Ms. Suyama:

SUBJECT: Early Consultation on the Proposed 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK: (2) 4-5-008: 001, Lahaina, Maui, Hawaii

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your letter, dated March 23, 2012. Thank you for allowing us to review and comment on the subject document. The document was routed to the various branches of the Environmental Health Administration. We have no comments at this time, but reserve the right to future comments. We strongly recommend that you review all of the Standard Comments on our website: www.hawaii.gov/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this application should be adhered to.

The United States Environmental Protection Agency (EPA) provides a wealth of information on their website including strategies to help protect our natural environment and build sustainable communities at: www.epa.gov/sustainability. The DOH encourages State and county planning departments, developers, planners, engineers and other interested parties to apply these strategies and environment principles whenever they plan or review new developments or redevelopments projects. We also ask you to share this information with others to increase community awareness on healthy, sustainable community design. If there are any questions about these comments please contact me.

Sincerely,

Laura Leialoha Phillips McIntyre, AICP
Environmental Planning Office Manager
Environmental Health Administration
Department of Heath
919 Ala Moana Blvd., Ste. 312
Honolulu, Hawaii 96814
Phone: 586-4337
Fax: 586-4370
Email: laura.mcintyre@doh.hawaii.gov
Website: www.hawaii.gov/health/environmental

cc: Stanford Carr, Stanford Carr Development LLC

MUNEKIYO & HIRAGA, INC.

[illegible]
PRESIDENT

[illegible]
EXECUTIVE VICE PRESIDENT

[illegible]
SENIOR VICE PRESIDENT

[illegible]
SENIOR VICE PRESIDENT

[illegible]
VICE PRESIDENT

September 24, 2012

Laura Leialoha Phillips McIntyre, AICP
Environmental Planning Office Manager
Environmental Health Administration
Department of Health
919 Ala Moana Blvd., Suite 312
Honolulu, Hawaii 96814

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii, 12-054 Kahoma Village Project, 12-504 Kahoma Village Project

Dear Ms. McIntyre:

Thank you for your letter dated March 30, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS), Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc., we note that the Department of Health, Environmental Health Administration has reviewed the information and has no comments at this time.

As indicated in your letter, applicable comments in the Standard Comments on the Department of Health website will be complied with. Information on the U.S. Environmental Protection Agency website will also be considered.

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Thank you for your participation in the Chapter 343, HRS, review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
Eric Matsuda and Fiona van Ammers, SSFM International, Inc.
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APR 20 2012

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

LUD – 2 4 5 008 001-ID950
Early Cons Prop Kahoma Village

April 10, 2012

Ms. Colleen Suyama
Senior Associate
Munekiyo & Hiraga, Inc.
305 High Street Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

Subject: Early Consultation on the Proposed 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008: 001, Lahaina, Maui 96761

Thank you for the opportunity to comment during early consultation of the proposed Kahoma Village Project. We have the following comments and information to offer:

The subject project is located in the critical wastewater disposal area as determined by the Maui Wastewater Advisory Committee. Domestic wastewater treatment and disposal have not been addressed in the project document. Please be informed that if a County sewer connection is not available, domestic wastewater generated by the project shall be handled by wastewater systems that comply with our Chapter 11-62, Hawaii Administrative Rules.

Should you have any questions, please contact the Planning & Design Section of the Wastewater Branch at (808) 586-4294 or fax to (808) 586-4300.

Sincerely,

MARSHALL LUM, P.E., ACTING CHIEF
Wastewater Branch

LM:cle

c: DOH's Environmental Planning Office (12-054)
DOH-WWB's Maui Staff – Mr. Roland Tejano

MUNEKIYO HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

CARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

September 24, 2012

Marshall Lum, P.E., Acting Chief
Wastewater Branch
State of Hawaii
Department of Health
P. O. Box 3378
Honolulu, Hawaii 96801-3378

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii, LUD 2-4-5-008:001 ID950

Dear Mr. Lum:

Thank you for your letter dated April 10, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc. we note that the Department of Health, Wastewater Branch has reviewed the information and provided comments. The following responses to your comments are provided.

There will be coordination with the County of Maui, Department of Environmental Management, Division of Wastewater Reclamation so that domestic wastewater generated by this project will be disposed of in the County's wastewater system. In the event connection is not available, the project will comply with Chapter 11-62, Hawaii Administrative Rules.

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Thank you for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
Eric Matsuda and Fiona van Ammers, SSFM International, Inc.
K:\DATA\Weinberg\LahainaRes\EC Response\DOH WWB.res.doc

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

APR 0 2 2012

LORETTA J. FUDDY, A.C.S.W., M.P.H.
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, HAWAII 96793

March 30, 2012

Ms. Colleen Suyama
Senior Associate
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

Subject: Early Consultation on the Proposed 201H-38, Hawaii Revised Statutes, Kahoma Village Project, Lahaina, Hawaii TMK: (2) 4-5-008:001

Thank you for the opportunity to review this project. We have the following comments to offer:

1. National Pollutant Discharge Elimination System (NPDES) permit coverage maybe required for this project. The Clean Water Branch should be contacted at 808 586-4309.

2. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. The Indoor & Radiological Health Branch should be contacted at 808 586-4700.

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 or E-mail me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

Patti Kitkowski

Patti Kitkowski
District Environmental Health Program Chief

MUNEKIYO HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KAREN T. HIRAGA
EXECUTIVE VICE PRESIDENT

GLEN OSHIRO HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

September 24, 2012

Patti Kitkowski, District Environmental
Health Program Chief
State of Hawaii
Department of Health
Maui District Health Office
54 High Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Ms. Kitkowski:

Thank you for your letter dated March 30, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc., we note that the Department of Health Maui District has reviewed the information and provided comments. In response to those comments and the Standard Comments on the Department of Health's website that may apply, the following responses are provided.

1. In the event a National Pollutant Discharge Elimination System (NPDES) permit may be needed for this proposed project, an application will be submitted to the Clean Water Branch of the Department of Health.

2. Should a noise permit be needed in accordance with the Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control", an application will be submitted to the Indoor & Radiological Health Branch of the Department of Health.

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Thank you for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
Eric Matsuda and Fiona van Ammers, SSFM International, Inc.
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NEIL ABERCROMBIE
GOVERNOR OF HAWAII

WILLIAM J. AILA, JR.
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

April 11, 2012

Munekiyo & Hiraga, Inc.
Attention: Ms. Colleen Suyama
Senior Associate
30 High Street, Suite 104
Wailuku, HI 96793

via email: planning@mhplanning.com

Dear Ms. Suyama:

SUBJECT: Early Consultation on the Proposed 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project; TMK (2) 4-5-008:001

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 comments.

At this time, the DLNR has no comments to offer on the subject matter. If you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

Russell Y. Tsuji
Land Administrator

MUNEKIYO HIRAGA, INC.

[illegible]
EXECUTIVE VICE PRESIDENT
SENIOR VICE PRESIDENT
SENIOR VICE PRESIDENT
VICE PRESIDENT

September 24, 2012

Russell Y. Tsuji, Land Administrator
Department of Land and Natural Resources
Land Division
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Mr. Tsuji:

Thank you for your letter dated April 11, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc., we note that the Department of Land and Natural Resources, Land Division has reviewed the information and has no comments at this time.

Thank you for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
K:\DATA\Weinberg\LahainaRes\EC Response\DLNR.res.doc

MAUI
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NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:

STP 8.0815

April 26, 2012

Ms. Colleen Suyama
Senior Associate
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

Subject: Kahoma Village Project, Lahaina, Maui
Early Consultation for Draft Environmental Assessment (DEA)

Thank you for requesting the State Department of Transportation's (DOT) review of the subject project. DOT understands the Harry and Jeanette Weinberg Foundation, Inc., (HJWF) is proposing a 21.6 acres affordable housing project. The project will consist of 101 single-family dwelling units, 102 affordable multi-family units, and a 1.3 acres park for residents. The property is located along Honoapiilani Highway with accesses from Front Street and Kehui Street.

Given the project location and physical constraints, Honoapiilani Highway will be impacted. The DEA shall include a Traffic Impact Analysis Report (TIAR) that shall address, but not limited to, the following concerns:

1. Due to the close proximity of the project's Kenui Street access to Honoapiilanit Highway, potential queing could result in backups onto the highway. The TIAR should address this concern and identify mitigation measures.

2. Plans to convert the current right-turn in and out configuration of the Kenui Street and Honoapiilani Highway intersection should be addressed in the TIAR, including the identification of mitigation measures. However, if there is no intention or plan to do so, that should be specifically stated in the report.

3. The TIAR should address the effects on any proposed impact mitigation measures on Honoapiilani Highway due to the Kahoma Stream Bridge.

DOT appreciates the opportunity to provide comments on the subject project. If there are any questions, including the need to meet with DOT Highways Division staff, please contact Mr. Garrett Smith of the DOT Statewide Transportation Planning Office at (808)831-7976.

Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

September 24, 2012

Glenn M. Okimoto, Ph.D., Director
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii, STP 8.0815

Dear Mr. Okimoto:

Thank you for your letter dated April 26, 2012 responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc., we note that the Department of Transportation has reviewed the information and provided comments. The following responses to your comments are provided and correspond to the numbered paragraphs in your letter.

1. Since our request for early consultation, the site plan for Kahoma Village has been modified to relocate the driveway access on Kenui Street further west toward Front Street, directly across Nakeli Place. As such, the relocated access should not conflict with traffic at the Kenui Street intersection with Honoapiilani Highway.

2. At present, there are no plans to convert the current right-turn in and out configuration of the Kenui Street and Honoapiilani Highway intersection. The project's TIAR note that addition or replacement of pavement marking and signage at the intersection may help notify approaching motorist of the vehicular and pedestrian movement at the intersection.

3. The TIAR does not propose any mitigation measures on Honoapiilani Highway that will affect the Kahoma Stream Bridge.

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Thank you for your participation in the Chapter 343, Hawaii Revised Statutes (HRS) review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:tn
cc: Jay Nakamura, Stanford Carr Development, LLC
Michael Packard, SSFM International, Inc.
Eric Matsuda, SSFM International, Inc.
K:\DATA\Weinberg\LahainaRes\EC Response\SDOT.res.doc

APR 18 2012

The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

April 16, 2012

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

Dear Ms. Suyama,

Thank you for the opportunity to provide comments on the Kahoma Village Project. Affordable housing is a very important issue and I support developments that will assist families that meet certain income requirements. However, I have some concerns about the Kahoma Village Project as I understand its current plan.

After reviewing the figures submitted with your letter, the density of this project appears problematic. The plan places 203 housing units in the development, which is primarily accessed through Front Street. The Kahoma Village Project will likely bring many cars to the area and significantly impact the amount of traffic on Front Street, a two-lane road. A plan with less density would be preferable due to the potential negative impact to the greater community.

Affordable housing is needed on the West Side. I request that the developer work with the community to address some of the concerns related to this project, particularly traffic issues. There must be more discussion with the residents in the surrounding neighborhood.

Again, I appreciate the opportunity to provide comments and look forward to a Kahoma Village Project that is responsive to the community and adds to the quality of life for new residents and existing ones.

Mahalo,

Rosalyn H. Baker
SENATOR
5th District - South and West Maui

MUNEKIYO HIRAGA, INC.

PRESIDENT
EXECUTIVE VICE PRESIDENT
SENIOR VICE PRESIDENT
SENIOR VICE PRESIDENT
VICE PRESIDENT

September 24, 2012

Senator Rosalyn H. Baker
Hawaii State Senate
Hawaii State Capitol, Room 210
415 South Beretania Street
Honolulu, Hawaii 96813

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Senator Baker:

Thank you for your letter dated April 16, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc. we note that you have reviewed the information and provided comments. In response to your comments, the following information is provided.

The project site is zoned "A-1, Apartment District". With this zoning, the project could have a higher density than what is currently proposed. The proposed Kahoma Village is a residential development of 101 single family dwellings and 102 townhouse units which will provide landscaped yards and open space areas. The landscape yards will help to reduce the visual impacts of the project and provide for spacing between residential units and the townhouse buildings.

The Traffic Impact Analysis Report (TIAR) prepared for Kahoma Village examined and analyzed traffic impacts of the project, as well as other potential projects in the area. The study found that upon project build-out in 2017, traffic from the Kahoma Village project is not expected to significantly impact study intersections and the roadway network in and around Lahaina. Existing intersections along Honoapiilani Highway and Front Street currently operate at acceptable levels of service (LOS) and are expected to maintain these levels of operations up to 2017. Existing traffic LOS on Honoapiilani Highway is undesirable, however, the opening of the first two (2) phases of the Lahaina Bypass in 2012 is expected to alleviate some congestion along Honoapiilani Highway.

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between Lahainaluna Road and Keawe Street. Opening of additional phases of Lahaina Bypass in future years will further alleviate congestion in the area of Lahaina Town.

Due to community concerns that have been expressed regarding potential traffic impact from the project, plans have been revised to locate the driveway entrances into Kahoma Village across from Puunoa Place on Front Street and Nakeli Place on Kenui Street. Further, road widening improvements consisting of curbs, gutters, sidewalks and landscaping will be provided along Front Street and Kenui Street.

Thank you for your participation in the Chapter 343, Hawaii Revised Statutes (HRS) review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
Eric Matsuda and Fiona van Ammers, SSFM International, Inc.
Michael Kujubu, Alakea Design Group, LLC
Michael Miyabara, Miyabara Associates LLC
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APR 20 2012

ALAN M. ARAKAWA
MAYOR

JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

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

313 MANEA PLACE • WAILUKU, HAWAII 96793
(808) 244-9161 • FAX (808) 244-1363

April 17, 2012

To : Colleen Suyama
Munekiyo & Hiraga, Inc.
305 High St.
Wailuku, HI 96793

Re : **Kahoma Village Project**
(2) 4-5-008: 001

Dear Colleen:

Thank you for the opportunity to comment on the proposed project. At this time, our office provides the following comments:

- The Department of Fire and Public Safety has no objections or negative comments regarding this proposed project.

- This parcel has been the location of many brush fires and the source of numerous complaints regarding vagrants, crime, and illegal dumping. Development of this parcel will provide needed affordable housing and eliminate many types of community concerns associated with this area.

- Our office reserves the right to comment on fire apparatus access and water supply for fire protection for this project. Detailed plans should be routed to the bureau as soon as possible so that the final design of these important features can be reviewed, discussed if necessary, and approved; adequate access and fire protection are vital components of fire prevention and public safety.

- Our office also reserves the right to comment during the building permit process for the proposed buildings.

To assist with the 201H-38 application process, detailed plans for the project's fire apparatus access and fire protection should be routed to our office at your earliest convenience.

If there are any questions or comments, please feel free to contact me at 244-9161 ext. 23. Thank you for your attention to fire prevention and public safety.

Sincerely,

Paul Haake
Captain, Fire Prevention Bureau
Department of Fire & Public Safety
313 Manea Place
Wailuku, HI 96793

MUNEKIYO HIRAGA, INC.

[illegible]
PRESIDENT

[illegible]
EXECUTIVE VICE PRESIDENT

[illegible]
SENIOR VICE PRESIDENT

[illegible]
SENIOR VICE PRESIDENT

MARK ALEXANDER [illegible]
VICE PRESIDENT

September 24, 2012

Captain Paul Haake
Fire Prevention Bureau
Department of Fire & Public Safety
313 Manea Place
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Captain Haake:

Thank you for your letter dated April 17, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc. we note that the Department of Fire and Public Safety, Fire Prevention Bureau has reviewed the information and has no objections or negative comments at this time.

Detailed project plans addressing adequate access and fire protection for the project will be submitted to the Fire Prevention Bureau for review and approval. We understand that the Fire Prevention Bureau may have comments during the building permit process for this proposed project.

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Thank you for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
Eric Matsuda and Fiona van Ammers, SSFM International, Inc.
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ALAN M. ARAKAWA
Mayor

GLENN T. CORREA
Director

PATRICK T. MATSUI
Deputy Director

(808) 270-7230
FAX (808) 270-7934

APR 04 2012

DEPARTMENT OF PARKS & RECREATION

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

April 3, 2012

Colleen Suyama, Senior Associate
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Ms. Suyama:

SUBJECT: Early Consultation on the Proposed 201H-38, Hawaii Revised Statues (HRS) Kahoma Village Project at TMK (2) 4-5-008:012, Lahaina, Maui, Hawaii

Based on our review of the information provided in the request for early consultation on the proposed Kahoma Village Project, the Department of Parks and Recreation does not support the waiver of Section 18.16.320 of the Maui County Code (MCC). It is our position that, at the very least, the minimum park area required by the MCC, be provided in such a concentrated development.

Further, it appears that the area shown in the conceptual site plan for the proposed park may be the development's drainage retention site. Should that be the case, the department cannot support this dual use.

Thank you for the opportunity to review and comment on this matter. Should you have any questions or need of additional information, please contact me or Robert Halvorson at 808.870.5942 or robert.halvorson@co.maui.hi.us

Sincerely,

Glenn T. Correa
DIRECTOR

c: Robert Halvorson, Planning & Development
Stanford Carr, Stanford Carr Development, LLC
Jay Nakamura, Stanford Carr Development LLC

GTC:RH:do

MUNEKIYO HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KAOLINN FUKUDA
EXECUTIVE VICE PRESIDENT

GIVEN SHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICHI" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

September 24, 2012

Glenn T. Correa, Director
Department of Parks and Recreation
700 Hali'a Nakoa Street, Unit 2
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Mr. Correa:

Thank you for your letter dated April 3, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc., we note that the Department of Parks and Recreation (Department) has reviewed the information and provided comments. In response to your comments, the following information is provided.

1. The applicant is reevaluating the project plans to provide the park area required by Maui County Code.

2. Associated improvements will include three (3) park areas that have a combined area of approximately 1.75 acres. The larger of the three (3) park areas will also function as a drainage retention/detention basin. At the meeting held on June 5, 2012, with your Department, there was a discussion on the design and proposed use of a portion of the private park as a retention/detention drainage basin in combination with underground perforated drainage pipes. As a result of that meeting, it is our understanding that your concerns regarding the park design and use have been addressed to the Department's satisfaction.

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735 Bishop St., Suite 238 Honolulu, Hawaii 96813 | PH: (808)983-1233
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Thank you for your participation in the Chapter 343, HRS, review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
Eric Matsuda and Fiona van Ammers, SSFM International, Inc.
Michael Kujubu, Alakea Design Group, LLC
Michael Miyabara, Miyabara Associates LLC
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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

APR 10 2012

COUNTY OF MAUI

DEPARTMENT OF PLANNING

April 9, 2012

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

Dear Ms. Suyama:

SUBJECT: COMMENTS ON A DRAFT ENVIRONMENTAL ASSESSMENT (EA) EARLY CONSULTATION NOTICE FOR THE PROPOSED 201H-38, HAWAII REVISED STATUTES (HRS) KAHOMA VILLAGE PROJECT LOCATED AT LAHAINA, MAUI, HAWAII; TMK: (2) 4-5-008:001 (RFC 2012/0048)

The Department of Planning (Department) is in receipt of the above-referenced request for comments on the Draft EA for the above-referenced project. The Department understands the proposed action includes the following:

- The Applicant is the Harry and Jeanette Weinberg Foundation, Inc.
- The project will consist of 203 housing units including 69 Single-Family dwellings in clusters of two (2) to six (6) dwelling units along a common driveway, 32 Single-Family dwellings with a rear service alley, 102 affordable Multi-Family units located in 17 two-story, six-plexes. The Applicant also proposes a 1.3 acre park for residents;
- The project proposes to seek a waiver of Project District 4 in the West Maui Community Plan using Section 201H-38, HRS;
- The project is located within the SMA and will thus require a SMA Use Permit; and
- The project triggers compliance with HRS, Chapter 343.

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

1. Please include a Zoning and Flood confirmation form from the Department's Zoning Administration and Enforcement Division;

2. That the Applicant considers including in its development proposal a (public) greenway adjacent to the south bank of Kahoma Stream, from Honoapiilani Highway to Front Street; and

3. Please provide the Department with one (1) hard copy and one (1) electronic copy of the Final EA.

Thank you for the opportunity to comment. Should you require further clarification, please contact Staff Planner Kathleen Ross Aoki at kathleen.aoki@mauicounty.gov or at (808) 270-5529.

Sincerely,

CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

xc: John F. Summer, Planning Program Administrator (PDF)
Kathleen Ross Aoki, Staff Planner (PDF)
Nolly Yagin, Department of Public Works
Project File
General File

WRS:CIY:KRA:sa
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MUNEKIYO HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

CAROLYN TSUKUDA
EXECUTIVE VICE PRESIDENT

OWEN T. HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HINANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

September 24, 2012

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

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Mr. Spence:

Thank you for your letter dated April 9, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS), Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc. we note that the Department of Planning has reviewed the information and provided comments. The following responses to your comments are provided and correspond to the numbered paragraphs in your letter.

1. The Zoning and Flood confirmation form from the Department's Zoning Administration and Enforcement Division will be included in the proposed Section 201H-38 application.

2. In 1990, The Harry and Jeanette Weinberg Foundation (Foundation) provided approximately 2.8 acres to the U.S. Army Corps of Engineers (Corps) for their Kahoma Stream Flood Control improvements. The proposed greenway adjacent to the south bank of Kahoma Stream is located on the 2.8 acres portion of the larger 24.354 acre parcel and is identified on the West Maui Community Plan. The Foundation does not own this 2.8-acre portion of the parcel and as such cannot provide improvements to the greenway area which is under the control of the Corps.

3. One (1) hard copy and one (1) electronic copy of the Final EA will be provided to your Department. One (1) hard copy of the Draft EA will be provided to your Department.

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Thank you for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
K:\DATA\Weinberg\LahainaRes\EC Response\Planning.res.doc

ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

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

May 9, 2012

GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

MAY 14 2012

Ms. Colleen Suyama
Senior Associate
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Ms. Suyama:

SUBJECT: Early Consultation on the Proposed 201H-38, HRS Kahoma Village Project at TMK (2) 4-5-008:001

This is in response to the request for comments on the above subject.

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

Very truly yours,

Assistant Chief Victor K. Ramos
for: Gary A. Yabuta
Chief of Police

c: William Spence, Planning Department

COPY

TO : GARY A. YABUTA, CHIEF OF POLICE

VIA : CHANNELS

FROM : JOHN D. JAKUBCZAK, COMMANDER, LAHAINA PATROL DIVISION

SUBJECT : PROPOSED KAHOMA VILLAGE PROJECT AT TMK (2) 4-5-008:001, LAHAINA

Sir, following a review of the proposed Kahoma Village Project and a site inspection of the area, the following concerns/issues were noted:

1) Traffic

The addition of over 200 housing units in a relatively small area will invariably lead to just as many vehicles, if not more, that will be utilizing the county and state roadways in that area, most notably, Front Street and Kenui Street.

Front Street is a two-lane roadway running north to south, parallel to the Honoapi'ilani Highway, on the makai side. The road is due for improvements (re-paving, etc.) with very little room to expand in width.

Kenui Street is a two-lane roadway running east to west, on the Olowalu side of the proposed project, connecting Front Street to Honoapi'ilani Highway. The roadway is in good condition, with the possibility to expand if needed.

It is not known if the roadways current design and condition will be able to handle the project's anticipated increase in vehicular traffic.

The proposed entry/exit into the project area on Front Street appears to be at the intersection with Ala Moana Street and the Mala Boat Harbor. An expansion of that intersection could cause confusion and traffic congestion, especially during peak traffic hours.

The proposed entry/exit into the project area on Kenui Street is located near the right turn-off lane from Honoapi'ilani Highway onto Kenui Street. Vehicles exiting the highway onto Kenui Street would be encountering vehicles entering/exiting from the proposed project area as soon as they enter onto Kenui Street, which could result in traffic backing up on Honoapiilani Highway, or motor vehicle accidents on Kenui Street or the highway.

2) Population

The addition of 200 housing units will also increase the number of additional residents to the Lahaina Patrol District by approximately 800-1000 people, increasing and expanding the demand for police services.

Respectfully submitted,

Captain John D. Jakubczak E#9144

Commander, Lahaina Patrol Division

05/04/12 @ 1245 hours

MUNEKIYO & HIRAGA, INC.

[illegible]
PRESIDENT

[illegible]
EXECUTIVE VICE PRESIDENT

[illegible]
SENIOR VICE PRESIDENT

[illegible]
SENIOR VICE PRESIDENT

[illegible]
VICE PRESIDENT

September 24, 2012

Gary A. Yabuta, Chief
Maui Police Department
County of Maui
55 Mahalani Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Chief Yabuta:

Thank you for your letter dated May 9, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc., we note that the Maui Police Department has reviewed the information and provided comments. The following responses to your comments are provided and correspond to the numbered paragraphs in your letter.

1. Since the request for early consultation was sent, the site plan has been revised to include road widening improvements on Front Street and Kenui Street. In addition, the entry driveway on Front Street has been relocated further south across Puunoa Place so as not to exacerbate traffic conflicts at the Ala Moana Street and Mala Boat Harbor intersection. Also, the entry driveway on Kenui Street has been relocated further west toward Front Street across Nakeli Place to eliminate potential traffic conflicts with the Honoapiilani Highway and Wainee Street intersections.

2. We acknowledge the increase in housing units will create a demand for expanded police services. However, the new housing units will generate additional tax revenues through the payment of real property taxes. The County of Maui may utilize this new revenue source to provide additional police services to accommodate the Kahoma Village project.

MAUI
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Thank you for your participation in the Chapter 343, Hawaii Revised Statutes (HRS) review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015

Very truly yours,

Colleen Suyama
Senior Associate

CS:lh
cc: Jay Nakamura, Stanford Carr Development, LLC
Mike Packard, SSFM International, Inc.
K:\DATA\Weinberg\LahainaRes\EC Response\MPDres.doc

APR 20 2012

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

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

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

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

April 17, 2012

Ms. Colleen Suyama
MUNEKIYO & HIRAGA, INC.
305 High Street, Suite 104
Wailuku, Maui, Hawaii 96793

Dear Ms. Suyama:

SUBJECT: EARLY CONSULTATION ON THE PROPOSED 201H-38, HAWAII REVISED STATUTES (HRS) KAHOMA VILLAGE PROJECT; TMK (2) 4-5-008:001

We reviewed your early consultation request and offer the following comments:

1. Provide road-widening/frontage improvements along Front Street and Kenui Street.

2. Internal roadways shall be designed to County standards if roads are proposed to be dedicated to the County.

3. Recommend that fencing be installed between the development and the Kahoma Stream Flood Control facility.

4. Proposed roadway entrance/exit closest to Honoapiilani Highway should be aligned opposite of Wainee Street to form a standard four-way intersection.

5. The area of the parcel is 21.345 acres according to our records.

6. The plans submitted for this project do not adequately show sufficient details to determine whether the project is in compliance with building codes. We will review the project for building code requirements during the building permit application process.

Please call Rowena M. Dagdag-Andaya at 270-7845 if you have any questions regarding this letter.

Sincerely,

DAVID C. GOODE
Director of Public Works

DCG:ls
xc: Highways Division
Engineering Division
S:\LUCA\CZM\kahoma_village_proj_ec_45008001_ls.wpd

MUNEKIYO HIRAGA, INC.

[illegible]
PRESIDENT

[illegible]
EXECUTIVE VICE PRESIDENT

[illegible]
SENIOR VICE PRESIDENT

[illegible]
SENIOR VICE PRESIDENT

[illegible]
VICE PRESIDENT

September 24, 2012

David C. Goode, Director
Department of Public Works
200 South High Street, Room No. 434
Wailuku, Maui, Hawaii 96793

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Mr. Goode:

Thank you for your letter dated April 17, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc. we note that the Department of Public Works has reviewed the information and provided comments. The following responses to your comments are provided and correspond to the numbered paragraphs in your letter.

1. The plans will include road widening improvements along Front Street and Kenui Street.

2. The internal roadways within the proposed project will not be dedicated to the County and will remain under private ownership.

3. Fencing will be installed between the proposed project and the Kahoma Stream Flood Control facility.

4. Based on community concerns that have been expressed regarding traffic impact resulting from the proposed project, plans have been revised to locate the roadway entrances into the Kahoma Village project off of Puunoa Place on Front Street and Nakeli Place on Kenui Street. As such, the entry on Kenui Street is no longer planned to be opposite of Wainee Street.

5. The deed recorded in the Bureau of Conveyances March 26, 1989 as Liber 23232, Page 229, indicates that this property is 21.566 acres, which differs from the Department of Public Work's records. The project area acreage will be clarified with your Department as part of the project review process.

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6. Detailed project plans will be submitted during the building permit process.

Thank you for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
Eric Matsuda and Fiona van Ammers, SSFM International, Inc.
K:\DATA\Weinberg\LahainaRes\EC Response\DPW.res.doc

APR 27 2012

ALAN M. ARAKAWA
Mayor

KYLE K. GINOZA, P.E.
Director

MICHAEL M. MIYAMOTO
Deputy Director

TRACY TAKAMINE, P.E.
Solid Waste Division

ERIC NAKAGAWA, P.E.
Wastewater Reclamation Division

COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
2200 MAIN STREET, SUITE 100
WAILUKU, MAUI, HAWAII 96793

April 25, 2012

Ms. Colleen Suyama
Munikiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

SUBJECT: **KAHOMA VILLAGE PROJECT**
EARLY CONSULTATION
TMK (2) 4-5-008:001, LAHAINA

We reviewed the subject application and have the following comments:

1. Solid Waste Division comments:

   a. Address solid waste/recycling and construction waste issues.

2. Wastewater Reclamation Division (WWRD) comments:

   a. Although wastewater system capacity is currently available as of 4/25/2012, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.
   b. Wastewater contribution calculations are required before building permit is issued.
   c. Developer is not required to pay assessment fees for this area at the current time
   d. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.
   e. Show or list minimum slope of new sewer laterals.
   f. Plans shall show the existing property sewer service manhole near the property line.
   g. Indicate on the plans the ownership of each easement (in favor of which party). Note: County will not accept sewer easements that traverse private property.
   h. Non-contact cooling water and condensate should not drain to the wastewater system.

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

Sincerely,

KYLE K. GINOZA, P.E.
Director of Environmental Management

56

MUNEKIYO HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KATLYNN YUKUDA
EXECUTIVE VICE PRESIDENT

EWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICHI" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

September 24, 2012

Kyle K. Ginoza, P.E., Director
Department of Environmental Management
2200 Main Street, Suite 100
Wailuku, Maui, Hawaii 96793

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Mr. Ginoza:

Thank you for your letter dated April 25, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc. we note that the divisions of Solid Waste and Wastewater Reclamation have reviewed the information and provided comments. The following responses to their comments are provided and correspond to the numbered paragraphs in your letter.

Solid Waste

1. a. Prior to the initiation of construction a solid waste management plan, including recycling and construction waste issues, shall be coordinated with the Department of Environmental Management (DEM).

Wastewater Reclamation

2. a. While wastewater system capacity is currently available, the developer acknowledges that wastewater system capacity cannot be ensured until the building permit is issued.

   b. Wastewater calculations will be submitted prior to the issuance of the building permit.

   c. The applicant acknowledges that payment of assessment fees is not required for the project at this time.

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d. The applicant acknowledges that any necessary off-site improvements to the collection system and wastewater pump stations must be funded.

e. The minimum slope of new sewer laterals will be provided at the time of building permit application.

f. The subject project is currently undeveloped, and as such, the project plans will show the existing property sewer service manhole near the property line as part of the building permit application submitted.

g. Project plans will indicate the ownership of each easement. The applicant understands that the County will not accept sewer easements across private property.

h. The applicant acknowledges that non-contact cooling water and condensate should not drain into the wastewater system.

Thank you for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:mge
cc: Jay Nakamura, Stanford Carr Development, LLC
Eric Matsuda and Fiona van Ammers, SSFM International, Inc.
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MAY 0 3 2012

ALAN M. ARAKAWA
Mayor

DAVID TAYLOR, P.E.
Director

PAUL J. MEYER
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

April 23, 2012

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

SUBJECT: Early Consultation on the Proposed 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK: (2) 4-5-008:001

Dear Ms. Suyama:

Thank you for the opportunity to participate in the Environmental Assessment early consultation process for the above stated proposal.

Source Availability and Consumption
The project area is served by our Lahaina system. The main sources of water for this portion of the system are wells withdrawing from Launiupoko aquifer and surface water from Kanaha Stream. DWS does not grant or imply any guarantee of water until an application for water meter has been received and reviewed.

The EA should address anticipated potable and non-potable water use for the proposed development. Based on system standards daily consumption would be approximately 120,000 gallons. Empirical usage information for Lahaina suggests that actual demand would likely be higher.

System Infrastructure
Twelve and eight-inch waterlines as well as fire hydrants are in close proximity of the project site. The applicant proposes to connect to the county water system. The applicant will be required to provide domestic and irrigation services in accordance with system standards. Fire flow requirements for the proposed development will be determined by the Department of Fire and Public Safety in accordance with the County Fire Code.

Conservation

In order to reduce demand in the Lahaina system, we recommend that the following water conservation measures be included in the EA:

- Use brackish and/or reclaimed water sources for dust control and for all non-potable water uses during various phases of construction.
- Low Flow Fixtures - Maui County Code Subsection 16.20A.680 requires the use of low-flow water fixtures. Even more efficient fixtures are both available and tested for consumer satisfaction. The applicant should utilize EPA *WaterSense* certified high-efficiency toilets and other fixtures whereever possible. Additional information on such fixtures may be found at http://www.epa.gov/WaterSense/pp/index.html
    1. Select high efficiency toilets that use 1.28 gallons per flush or less.
    2. Select kitchen and bathroom sink faucets with fixtures that do not exceed 1.5 gpm at 60 psi.
    3. Select showerheads with a flow rate of 1.5 gpm at 60 psi or less
    4. Select washing machines with Energy Star label
- Use Climate-adapted Plants- The project is located in plant zones 3, 4, & 5. We encourage the applicant to utilize appropriate native and non invasive species in landscaping. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species.
- Limit Irrigated Turf to 25% or less of total landscaped area. Low-water use shrubs and ground covers can be equally attractive and require substantially less water that turf.
    1. Help grass develop deep roots – the deeper the roots the more likely turf grass is able to withstand drought and reduced irrigation.
    2. Set lawn mower blades high
    3. Practice grass cycling – grass clippings contain about 85% water and 5% nitrogen; leaving them on the lawn helps hold in moisture, reduces evaporation, keeps grass cool, help fertilize the lawn and can be used as mulch
    4. Fertilize and prune sparingly to curtail growth acceleration that would increase watering requirements.
- 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.
- Look for Opportunities to Conserve Water: A few examples of these are as follows: When clearing driveways, etc. of debris, use a broom instead of a hose; check for leaks in faucets and toilet tanks.

Pollution Prevention

The project overlies the Launiupoko aquifer which has an estimated sustainable yield of 7 MGD of potable water. In order to protect ground and surface water resources, we recommend that the applicant utilize Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction and vehicle operations. We ask the applicant to take precautionary measures during construction to prevent construction materials and debris and eroded soils from entering the Kahoma Stream. We recommend that mitigation measures enumerated below be implemented during construction:

1. Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the water.
2. Properly and promptly dispose of all loosened and excavated soil and debris material from drainage structure work.
3. Retain ground cover until the last possible date.
4. Stabilize denuded areas by sodding or planting as soon as possible. Replanting should include soil amendments, fertilizers and temporary irrigation. Use high seeding rates to ensure rapid stand establishment.
5. Avoid fertilizers and biocides, or apply only during periods of low rainfall to minimize chemical run-off.
6. Keep run-off on site.

Should you have any questions regarding system infrastructure and requirements, please call our Engineering Division at 270-7835. For questions on water resources, please contact Edna Manzano at 463-3108 or edna.manzano@co.maui.hi.us.

Sincerely,

David Taylor, P.E.
Director
eam

c: engineering division

MUNEKIYO HIRAGA, INC.

MICHAEL W. MUNEKIYO
PRESIDENT

KAROLINN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICHI" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

September 24, 2012

David Taylor, P.E., Director
Department of Water Supply
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793-2155

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Mr. Taylor:

Thank you for your letter dated April 23, 2012 responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc., we note that the Department of Water Supply (Department) has reviewed the information and provided comments which are responded to below. The responses correspond to the paragraphs in your letter.

Source Availability and Consumption

Anticipated potable and non-potable water use resulting from the proposed project will be addressed in the Draft EA.

System Infrastructure

Domestic and irrigation services in accordance with the Department of Water Supply (DWS) system standards will be included in the project plans during the building permit review process. There will be coordination with the Department of Fire and Public Safety regarding fire flow requirements for this project.

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Conservation

Recommended water conservation measures, which include the use of brackish and/or reclaimed water sources, low flow fixtures, climate-adapted plants, limiting irrigated turf, maintenance of fixtures to prevent leaks, and opportunities to conserve water have been forwarded to the project consultants for review. As may be practicable, these measures will be incorporated into the project plans.

Pollution Prevention

To protect water resources, Best Management Practices (BMPs) will be implemented during project construction in order to minimize pollution runoff from the site and to prevent materials from entering Kahoma Stream. Measures that include the recommendations set forth in the Department's letter will be incorporated, as applicable, in the BMP plan implemented during construction.

Thank you for your participation in the Chapter 343, Hawaii Revised Statutes (HRS) review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:mge
cc: Jay Nakamura, Stanford Carr Development, LLC
Eric Matsuda and Fiona van Ammers, SSFM International, Inc.
Michael Kujubu, Alakea Design Group, LLC
Michael Miyabara, Miyabara Associates LLC
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APR 05 2012

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White

Director of Council Services
Ken Fukuoka

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

April 3, 2012

Munekiyo and Hiraga, Inc.
Attention: Colleen Suyama, Senior Associate
305 High Street, Suite 104
Wailuku, HI 96793

SUBJECT: Early Consultation Request for the Proposed 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at (TMK (2) 4-5-008:001) Lahaina, Maui, Hawaii

Dear Ms. Suyama:

Thank you for the opportunity to provide early review and comments for the Proposed 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at (TMK (2) 4-5-008:001) Lahaina, Maui, Hawaii.

After review of the information presented, I am submitting the following comments:

1. Are dwelling units for the project being proposed to serve the middle income group category?

2. Has provision of dwelling units in the project been considered to serve the gap group income category?

3. Provide address to traffic impacts resulting from the project upon Front Street, Kenui Street, and Honoapiilani Highway.

4. Provide address to water source and availability for the project.

5. Provide detail and address to matters in regard of any drainage concerns relating to the subject property.

Sincerely,

JOSEPH PONTANILLA,
COUNCIL MEMBER

MUNEKIYO HIRAGA, INC.

September 24, 2012

Honorable Joseph Pontanilla
County Council
County of Maui
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request on the Proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

Dear Councilmember Pontanilla:

Thank you for your letter dated April 3, 2012, responding to our request for early consultation in preparation of a Draft Environmental Assessment (EA) for the proposed Section 201H-38, Hawaii Revised Statutes (HRS) Kahoma Village Project in Lahaina, Maui. On behalf of Stanford Carr Development, LLC for The Harry and Jeanette Weinberg Foundation, Inc., we note that you have reviewed the information and provided comments. The following responses to those comments are provided and correspond to the paragraphs in your letter.

1. The proposed project includes affordable units, as well as market units which will be sold at prices that the market will bear. The affordable units will be sold in accordance with the County's Department of Housing and Human Concern's (DHHC) requirements. The income categories for the affordable units are between 80 percent to 160 percent of the median income for Maui as determined by the U.S. Department of Housing and Urban Development. These include affordable housing for the middle or moderate income groups. Current information on the County's website indicates the affordable prices are from $260,000.00 to $500,000.00 for Maui.

2. The affordable units include units to serve the gap group income category, identified as those persons with a median income between 141 percent to 160 percent for Maui.

3. The Traffic Impact Analysis Report prepared for the proposed project examined and analyzed traffic impacts of the project, as well as other potential projects. That study found that upon project build-out in 2017, traffic from the Kahoma Village project is not expected to significantly impact study intersections and the

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roadway network in and around Lahaina. Existing intersections along Honoapiilani Highway and Front Street currently operate at acceptable levels of service (LOS) and are expected to maintain these levels of operations up to 2017. The existing LOS for the portion of Honoapiilani Highway, adjacent to the project site, is undesirable with slightly worsening conditions in 2017. The opening of the first two (2) phases of the Lahaina Bypass anticipated for 2012 is expected to alleviate some congestion along Honoapiilani Highway between Lahainaluna Road and Keawe Street, reducing traffic volumes in this area. Opening of additional phases of Lahaina Bypass in future years will further serve to alleviate congestion in the area of Lahaina Town.

Due to concerns raised by residents during the February 15, 2012 community meeting on the project, the site plan has been modified to relocate the project entrance to reduce traffic conflicts. The entrance on Front Street has been relocated south of Mala Wharf to across Puunoa Place. The entrance on Kenui Street has been relocated to across Nakeli Place. Also, road widening improvements consisting of curbs, gutters, sidewalks, pavement widening and landscaping will be provided along Front Street and Kenui Street.

4. The applicant is aware of the County's "water availability" requirement and is in discussion with the Department of Water Supply (DWS) regarding available options. The applicant is aware that it will be required to identify a reliable water source prior to obtaining building permits.

5. The County requires that stormwater flow generated by the project have no adverse impact on adjacent or downstream properties and coastal waters. Preliminary drainage improvements for the Kahoma Village project include a combination of an underground drainage system of perforated pipes and a drainage retention/detention basin in a portion of the proposed park areas. If required by the Department of Public Works, upgrades to the County's existing drainage system will be implemented in accordance with the County's Lahaina Town Drainage Master Plan. Further, the drainage retention/detention basin will allow sediments and pollutants to settle within the basin and protect coastal resources.

Thank you for your participation in the Chapter 343, Hawaii Revised Statutes (HRS) review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for further review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:yp
cc: Jay Nakamura, Stanford Carr Development, LLC
Eric Matsuda and Fiona van Ammers, SSFM International, LLC
K:\DATA\Weinberg\LahainaRes\EC Response\J.Pontanilla.res.doc

X. PARTIES CONSULTED DURING THE REVIEW OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENT LETTERS

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

The following list of agencies, organizations and individuals were consulted during the 30-day comment period for the Draft Environmental Assessment (EA) that was filed and published in the Office of Environmental Quality Control's *The Environmental Notice* on October 23, 2012. The 30-day public comment period for the Draft EA ended on November 23, 2012. The following agencies, organizations, and individuals were provided with a copy of the Draft EA for review and comment. This chapter includes comments received during the 30-day public comment period, along with responses to substantive comments.

1. Ranae Ganske-Cerizo, Soil Conservationist
Natural Resources Conservation Service
U.S. Department of Agriculture
77 Hookele Street, Suite 202
Kahului, Hawaii 96732

2. George Young
Chief, Regulatory Branch
U.S. Department of the Army
U.S. Army Engineer District, Honolulu
Regulatory Branch
Building 230
Fort Shafter, Hawaii 96858-5440

3. Gordan Furutani, Field Office Director
U. S. Department of Housing and Urban Development
500 Ala Moana Boulevard, Suite 3A
Honolulu, Hawaii 96813-4918

4. Loyal A. Mehrhoff, Field Supervisor
U. S. Fish and Wildlife Service
300 Ala Moana Blvd., Rm. 3-122
Box 50088
Honolulu, Hawaii 96813

5. Karen Seddon, Executive Director
Hawaii Housing Finance and Development Corporation
677 Queen Street
Honolulu, Hawaii 96813

6. Richard C. Lim, Director
State of Hawaii
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawaii 96804

7. Kathryn Matayoshi, Superintendent
State of Hawaii
Department of Education
P.O. Box 2360
Honolulu, Hawaii 96804

8. Heidi Meeker
Planning Division
Office of Business Services
Department of Education
c/o Kalani High School
4680 Kalanianaole Highway, #T-B1A
Honolulu, Hawaii 96821

9. Jobie Masagatani, Chairman
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805

10. Loretta J. Fuddy, Director
State of Hawaii
Department of Health
919 Ala Moana Blvd., Room 300
Honolulu, Hawaii 96814

11. Alec Wong, P.E., Chief
Clean Water Branch
State of Hawaii
Department of Health
919 Ala Moana Blvd., Room 300
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12. Patti Kitkowski
District Environmental Health
Program Chief
State of Hawaii
Department of Health
54 High Street
Wailuku, Hawaii 96793

13. Laura McIntyre, AICP, Office Manager
Environmental Planning Office
Department of Health
919 Ala Moana Blvd., Suite 312
Honolulu, Hawaii 96814

14. Lene Ichinotsubo
Environmental Management Division
State of Hawaii
Department of Health
919 Ala Moana Blvd., Room 212
Honolulu, Hawaii 96814

15. William J. Aila, Jr., Chairperson
State of Hawaii
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

16. Puaalaokalani Aiu, Administrator
State of Hawaii
Department of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Blvd., Room 555
Kapolei, Hawaii 96707

17. Jenny Pickett, Maui Archaeologist
Department of Land and Natural Resources
State Historic Preservation Division
130 Mahalani Street
Wailuku, Hawaii 96793

18. Daniel Ornellas, Land Agent
Department of Land and Natural Resources
54 High Street
Wailuku, Hawaii 96793

19. Glenn Okimoto, Director
State of Hawaii
Department of Transportation
869 Punchbowl STreet
Honolulu, Hawaii 96813

20. Major General Darryll Wong, Director
Hawaii State Civil Defense
3949 Diamond Head Road
Honolulu, Hawaii 96813-4495

21. Dr. Kamana`opono Crabbe, Chief Executive Officer
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

22. Jesse Souki, Director
State of Hawaii
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804

23. Daniel E. Orodenker, Executive Officer
State of Hawaii
State Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96804

24. University of Hawaii at Manoa
Environmental Center
2550 Campus Road, Crawford 317
Honolulu, Hawaii 96822

25. Rosalyn H. Baker, Senator
Hawaii State Senate
Hawaii State Capitol, Room 210
415 S. Beretania Street
Honolulu, Hawaii 96813

26. Angus L.K. McKelvey, Representative
House of Representatives
Hawaii State Capitol, Room 315
415 S. Beretania Street
Honolulu, Hawaii 96813

27. Alan Arakawa, Mayor
County of Maui
200 South High Street
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28. Teena Rasmussen, Coordinator
County of Maui
Office of Economic Development
2200 Main Street, Suite 305
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29. Anna Foust, Officer Management Officer
Maui Civil Defense Agency
200 South High Street
Wailuku, Hawaii 96793

30. Jeffrey A. Murray, Fire Chief
County of Maui
Department of Fire
and Public Safety
200 Dairy Road
Kahului, Hawaii 96732

31. William Spence
Department of Planning
One Main Street
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

32. Glenn Correa, Director
County of Maui
Department of Parks and Recreation
700 Halia Nakoa Street, Unit 2
Wailuku, Hawaii 96793

33. Gary Yabuta, Chief
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Police Department
55 Mahalani Street
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34. David Goode, Director
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35. Kyle Ginoza, Director
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36. Jo Anne Johnson Winer, Director
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Department of Transportation
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Wailuku, Hawaii 96793

37. David Taylor, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793

38. Honorable Danny Mateo, Council Chair
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

39. Honorable Joseph Pontanilla, Council Vice Chair
Maui County Council
200 South High Street
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40. Honorable Gladys Baisa
Maui County Council
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41. Honorable Robert Carroll
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

42. Honorable Elle Cochran
Maui County Council
200 South High Street
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43. Honorable Don Couch
Maui County Council
200 South High Street
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44. Honorable G. Riki Hokama
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

45. Honorable Mike Victorino
Maui County Council
200 South High Street
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46. Honorable Michael White
Maui County Council
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Wailuku, Hawaii 96793

47. Dan Takahata, Manager – Engineering
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, Hawaii 96733

48. **Hawaiian Telcom**
60 South Church Street
Wailuku, Hawaii 96793

49. Bob Pure, President
Lahaina Bypass Now
PO Box 11205
Lahaina, Hawaii 96761

50. Theo Morrison, Executive Director
Lahaina Restoration Foundation
120 Dickenson Street
Lahaina, Hawaii 96761

51. Karee Karlucci, Executive Director
Lahaina Town Action Committee
648 Wharf Street, Suite 102
Lahaina, Hawaii 96761

52. Pamela Tumpap, Executive Director
Maui Chamber of Commerce
The Office Center
270 Ho'okahi Street, Suite 212
Wailuku, HI 96793

53. Lyn McNeff, Executive Director
Maui Economic Opportunity
99 Mahalani Street
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54. Carol Reimann, Executive Director
Maui Hotel & Lodging Association
1727 Wili Pa Loop, Suite B
Wailuku, Hawaii 96793

55. Joe Pluta, President
West Maui Improvement Foundation
P. O. Box 10338
Lahaina, Hawaii 96761

56. Donald Lehman, President
West Maui Taxpayers Association
P.O. Box 10338
Lahaina, Hawaii 96761

DEC 12 2012

From: Ian Bordenave [mailto:ian_bordenave@fws.gov]
Sent: Tuesday, December 11, 2012 1:59 PM
To: Colleen Suyama
Subject: Service File : 2013-TA-0025 Kahoma Villages Housing Development

Aloha Colleen,

Thank- you for granting an extension on this technical assistance letter. In any future reply please refer to Service File 2013-TA-0025 in regards to this project.

The U.S. Fish and Wildlife Service (Service) received a draft Environmental Assessment (EA) on October 22, 2012, requesting comment on the proposed housing development project (Kahoma Village) in Lahaina Town on the island of Maui. The proposed action involves construction of a 203-unit mixed housing development on approximately 21.6 acres of land on a larger, 24 acre [TMKs: (2)-4-5-008:001], parcel located in Lahaina. The project site is currently vacant and undeveloped. The northern portion of the parcel (approximately 2.8 acres) is part of the Kahoma Stream Flood Control improvements channel constructed by the U.S. Army Corps of Engineers.

Based on information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Program, two species protected by the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), may occur within or transit through the proposed action area and could be impacted by the proposed action: the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), and Blackburn's sphinx moth (*Manduca blackburni*). The Service offers the following recommendations to minimize and avoid impacts to listed species either on or in the vicinity of the proposed project:

- The Hawaiian hoary bat is known to occur throughout the island of Maui. This bat roosts in both exotic and native woody vegetation and, while foraging, leaves young unattended in "nursery" trees and shrubs. If trees or shrubs suitable for bat roosting are cleared during the hoary bat breeding season (June 1 to September 15), there is a risk that young bats could inadvertently be harmed or killed. As a result, the Service recommends that woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season.

- Although surveys for the endangered Blackburn's sphinx moth were initially conducted in May of 2011, the species may presently breed and feed within the proposed action area. Adult moths feed on nectar from native plants, including beach morning glory (*Ipomoea pes-caprae*), iliee (*Plumbago zeylanica*), and maiapilo (*Capparis sandwichiana*); larvae feed upon non-native tree tobacco (*Nicotiana glauca*) and native aiea (*Nothocestrum latifolium*). Blackburn's sphinx moth pupae may occupy the soil within 250 feet of larval host plants for up to a year. The Service recommends that a qualified biologist re-survey the project area, and areas adjacent to the project footprint, for the presence of native and non-native Blackburn's sphinx moth host plants. It is also recommended that these surveys be conducted during the wettest portion of the year (usually November-April) and approximately four to eight weeks following a significant rainfall event. Surveys should include looking for eggs, larvae, and signs of larval feeding (chewed stems, frass, or leaf damage). If presence of the Blackburn's sphinx moth is confirmed, the Service should be contacted for further guidance.

If you have any questions concerning the comments included in this letter, please feel free to contact me for further assistance.

Ian Bordenave
Biologist
U.S. Fish and Wildlife Service
Pacific Islands Field Office
Ecological Services, Consultations & HCP
300 Ala Moana Blvd., Suite 3-122
Honolulu, HI. 96850
Phone: (808) 792-9453
E-Mail: ian_bordenave@fws.gov

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Ian Bordenave, Biologist
U.S. Fish and Wildlife Service
Pacific Islands Field Office
Ecological Services, Consultations & HCP
300 Ala Moana Blvd., Suite 3-122
Honolulu, HI. 96850

SUBJECT: Draft Environmental Assessment, Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii (Service File 2013-TA-0025)

Dear Mr. Bordenave:

Thank you for your email correspondence of December 11, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statues (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document. We offer the following information, which addresses your comments in the order listed in your email correspondence:

HAWAIIAN HOARY BAT

During construction of the project, woody plants greater than 15 feet tall shall not be removed or trimmed during the Hawaiian hoary bat breeding season (June 1 to September 15).

BLACKBURN'S SPHINX MOTH

As you recommended, the project area, and areas adjacent to the project footprint was re-surveyed by Robert Hobdy on March 11, 2013, during the wettest portion of the year

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(usually November-April) and approximately four to eight weeks following a significant rainfall event. Robert Hobdy concludes that no Blackburn sphinx moth activity of any kind was found. See **Exhibit "A"**.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
Enclosure
cc: Buddy Almeida, Department of Housing and Human Concerns (w/enclosure)
Danny Dias, Department of Planning (w/enclosure)
Jay Nakamura, Stanford Carr Development, LLC (w/enclosure)
Robert Hobdy, Biologist (w/enclosure)
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BIOLOGICAL RESOURCES SURVEY FOR THE BLACKBURN'S SPHINX MOTH (*Manduca blackburni*)

KAHOMA VILLAGES HOUSING DEVELOPMENT PROJECT
HARRY & JEANETTE WEINBERG FOUNDATION, INC.

LAHAINA, MAUI

By: Robert W. Hobdy
Environmental Consultant
Koakomo, Maui
March 2013

Prepared for: Stanford Carr Development, LLC

EXHIBIT "A"

INTRODUCTION

The Kahoma Villages Housing Development Project lies on 24.354 acres of undeveloped land (TMK (2) 4-5-08:01) situated in Lahaina, West Maui. The parcel is on the south side of Kahoma Stream channel, below Honoapiilani Highway, north of Kenui Street and above Front street. This biological survey is a follow-up of a broader Flora and Fauna Survey of this property conducted in May, 2011, but with a narrower focus, looking for the occurrence of the Endangered Blackburn's sphinx moth.

SURVEY OBJECTIVES AND METHODS

It was determined by the reviewers of the 2011 report that a survey for the presence of the Endangered Blackburn's sphinx moth needed to be conducted during the wet winter months to get a more definitive assessment of this moth's presence within the project area. As a result a follow up survey was conducted on March 11, 2013, seven weeks after the first significant rainfall event, when the vegetation had greened up. A search of the entire 24.354 acre project area was made to locate all plant species that are known to be the specific hosts for the Blackburn's sphinx moths during their egg laying and larval stages. These included their favorite host, the tree tobacco (*Nicotiana glauca*) as well as other plants in the nightshade family (Solanaceae). These host species were identified, counted and mapped. Each individual was examined for the presence of moths, their eggs and larvae and for signs of larval feeding.

RESULTS

A moderate sized population of 43 tree tobacco plants was found scattered around the property. No other tree tobacco plants were found in the rest of the 24.654 acre project area, and no other potential Blackburn's sphinx moth host plants in the nightshade family were found on the property. No tree tobacco or other potential host plants were seen beyond the project area boundary on adjacent properties.

The population of tree tobacco plants found consisted of 43 total plants. Of these 8 were small plants less than three feet tall, 33 were moderate in size between three and ten feet tall, and 2 were large plants over ten feet tall. Each of the living tree tobacco plants was systematically examined, looking for the presence of Blackburn's sphinx moth eggs, larvae and signs of feeding on leaves and succulent stems. No activity of any kind was observed on any of the 43 plants large or small in this population.

CONCLUSIONS

The presence of Blackburn's sphinx eggs and larval feeding on their preferred host plants is not difficult to detect when they are active. Conditions were close to ideal for such detection in this population when the survey was conducted. No Blackburn's sphinx moth activity of any kind was found.

NOV 16 2012

NEIL ABERCROMBIE
GOVERNOR

KAREN SEDDON
EXECUTIVE DIRECTOR

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

12:PEO/73

November 14, 2012

Ms. JoAnn T. Ridao, Director
Attention: Mr. Buddy Almeida
Department of Housing and Human Concerns
One Main Plaza
2200 Main Street, Suite 546
Wailuku, Hawaii 96793

Dear Mr. Almeida:

Re: Draft Environmental Assessment (EA) and Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application for the Proposed Kahoma Village Project at TMK: (2) 4-5-008: 001 (Por), Lahaina, Maui, Hawaii

We have reviewed the subject Draft EA and offer the following comments.

Stanford Carr Development, LLC, on behalf of The Harry and Jeanette Weinberg Foundation, Inc. proposes the development of 203 two- to four-bedroom units for sale in leasehold. The urban infill project will offer 102 units for households earning between 80 and 160 percent of the area median income for the County of Maui, and 101 market units. Based on the market study, the proposed sales prices for the affordable units will range from approximately $260,300 to $344,000 and fall within the County's affordable price guidelines. The proposed sales prices for the market units will range from approximately $522,000 to $823,000.

The proposed Kahoma Village is consistent with the affordable housing policy set forth in the Hawaii State Plan of increasing homeownership housing opportunities and choices in terms of quality, location, cost densities, style and size of housing.

Thank you for the opportunity to comment.

Sincerely,

Karen Seddon
Executive Director

c: Kathleen Aoki, Department of Planning
✓ Colleen Suyama, Munekiyo & Hiraga, Inc.

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Karen Seddon, Executive Director
Hawaii Housing Finance and Development Corporation
677 Queen Street, Suite 300
Honolulu, Hawaii 96813

SUBJECT: Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii (Reference 12:PEO/73)

Dear Ms. Seddon:

Thank you for your letter of November 14, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document and your confirmation that the project is consistent with the affordable housing policy set forth in the Hawaii State Plan.

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Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Jay Nakamura, Stanford Carr Development, LLC
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NEIL ABERCROMBIE
GOVERNOR

OCT 26 2012

KATHRYN S. MATAYOSHI
SUPERINTENDENT

STATE OF HAWAI`I
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAI`I 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

October 25, 2012

Ms. JoAnn T. Ridao, Director
County of Maui
Department of Housing and Human Concerns
One Main Plaza
2200 Main Street, Suite 546
Wailuku, Hawai`i 96793

Attention: Buddy Almeida

Dear Ms. Ridao:

Subject: Draft Environmental Assessment, 201H-38 Hawaii Revised Statutes Affordable Housing Application And Special Management Area Use Permit Application for Proposed Kahoma Village Project, TMK (2) 4-5-008:001 (por.), Lahaina, Maui, Hawaii

The Department of Education (DOE) has reviewed the Draft Environmental Assessment, 201H-38 Affordable Housing Application, and Special Management Area Use Permit Application for the proposed Kahoma Village Project.

The proposed project is within the boundaries of the West Maui School Impact District, which was adopted by the Board of Education on November 18, 2010, pursuant to Chapter 302A-1604, Hawaii Revised Statutes. New residential units within the West Maui Impact District, including this project, are subject to school impact fees. The developer should contact the DOE to enter into an impact fee agreement to formalize this requirement.

Thank you for the opportunity to provide comments. If you have any questions, please call Jeremy Kwock of the Facilities Development Branch at (808) 377-8301.

Respectfully,

Kenneth G. Masden II
Public Works Manager
Planning Section

KGM:jmb

c: Lindsay Ball, CAS, Hana/Lahainaluna/Lanai/Molokai Complex Areas
William Spence, Director, Department of Planning
√Colleen Suyama, Senior Associate, Munekiyo & Hiraga, Inc.
Duane Kashiwai, Public Works Administrator, FDB

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Kenneth G. Masden II
Public Works Manager
Department of Education
Planning Section
P.O. Box 2360
Honolulu, Hawaii 96804

SUBJECT: Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Mr. Masden:

Thank you for your letter of October 25, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document. The applicant is aware that the project is subject to the West Maui Impact District and will be contacting the Department of Education to discuss an impact fee agreement.

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Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Jay Nakamura, Stanford Carr Development, LLC
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GOVERNOR OF HAWAII

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

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

In reply, please refer to:
DOH/CWB

10032PST.12

October 30, 2012

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

Dear Ms. Suyama:

SUBJECT: Comments on the Draft Environmental Assessment (DEA) for the Kahoma Village Project Lahaina, Island of Maui, Hawaii

The Department of Health (DOH), Clean Water Branch (CWB), has reviewed the subject document and has no comments at this time. The DOH-CWB provided comments on the Early Consultation Request to the DEA for this project (Letter No. 04005PDCL.12, dated April 9, 2012).

Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at: http://hawaii.gov/health/environmental/env-planning/wqm/landuse/landuse.html/CWB-standardcomment.pdf.

If you have any questions, please visit our website at: http://www.hawaii.gov/health/environmental/water/cleanwater/index.html, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,

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

ST:jst

c: Mr. Buddy Almeida, County of Maui, Department of Housing and Human Concerns
[via e-mail buddy.almeida@co.maui.hi.us only]
Ms. Kathleen Aoki, County of Maui, Department of Planning, Current Division
[via e-mail kathleen.aoki@co.maui.hi.us only]
DOH-EPO [via e-mail only]

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Alec Wong, P.E., Chief
Department of Health
Clean Water Branch
P.O. Box 3378
Honolulu, Hawaii 96801-3378

SUBJECT: Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii (DOH/CWB 10032PST.12)

Dear Mr. Wong:

Thank you for your letter of October 30, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document. As recommended we have reviewed the standard comments on your website and applicable comments will be incorporated into the project.

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Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Jay Nakamura, Stanford Carr Development, LLC
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GOVERNOR OF HAWAII

NOV 0 5 2012

LORETTA J. FUDDY, A.C.S.W., M.P.H.
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, HAWAII 96793

November 2, 2012

Ms. Colleen Suyama
Senior Associate
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

Subject: Draft Environmental Assessment, 201H-38, Hawaii Revised Statutes, Affordable Housing Application and Special Management Area Use Permit Application for Proposed Kahoma Village Project, Lahaina, Hawaii
TMK: (2) 4-5-008:001 (Por.)

Thank you for the opportunity to review this project. We have the following comments to offer:

1. National Pollutant Discharge Elimination System (NPDES) permit coverage maybe required for this project. The Clean Water Branch should be contacted at 808 586-4309.

2. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. The Indoor & Radiological Health Branch should be contacted at 808 586-4700.

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 or E-mail me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

Patti Kitkowski
District Environmental Health Program Chief

c EPO
Buddy Almeida (Department of Housing & Human Concerns)
Kathleen Aoki (Department of Planning)

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
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GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Ms. Patti Kitkowski
District Environmental Health Program Chief
Department of Health
Maui District Health Office
54 High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Ms. Kitkowski:

Thank you for your letter of November 2, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statues (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document. We offer the following information, which addresses your comments in the order listed in your letter:

1. As may be required, a National Pollutant Discharge Elimination System (NPDES) permit will be submitted to the Department of Health.

2. As may be required, in compliance with Chapter 11-46 "Community Noise Control" a noise permit will be obtained prior to the commencement of work.

As recommended we have reviewed the standard comments on your website and applicable comments will be incorporated into the project.

MAUI
305 High St., Suite 104 Wailuku, Hawaii 96793
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OAHU
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Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Fiona van Ammers, SSFM International, Inc.
Jay Nakamura, Stanford Carr Development, LLC
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NOV 2 9 2012

NEIL ABERCROMBIE
GOVERNOR

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:

STP 8.1045

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

November 23, 2012

Ms. Jo Ann T. Ridao, Director
Attention: Mr. Buddy Almeida
Department of Housing and Human Concerns
One Main Plaza
2200 Main Street, Suite 546
Wailuku, Hawaii 96793

and

Mr. William Spence, Director
Attention: Ms. Kathleen Aoki
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Almeida and Ms. Aoki:

Subject: Kahoma Village Project
Draft Environmental Assessment,
201H-38 HRS Affordable Housing Application, and
Special Management Area Use Permit Applications
TMK: (2) 4-5-008:001 (por.)

Thank you for requesting the State Department of Transportation's (DOT) review of the subject project. DOT understands the Harry and Jeanette Weinberg Foundation, Inc., (HJWF) is proposing a 21.6 acre affordable housing project. The project will consist of 101 single-family dwelling units, 102 multi-family units and three parks with a combined area of 1.3 acres. The property is located along Honoapiilani Highway with accesses from Front Street and Kehui Street.

Given the project location, Honoapiilani Highway will be impacted.

The DOT Highways Division is still conducting its review and has not yet provided comments. The Statewide Transportation Planning Office (STP) will inform you of any further DOT comments once received.

DOT appreciates the opportunity to provide comments. If there are any questions, including the need to meet with DOT staff, please contact Mr. Garrett Smith of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

c: Ms. Colleen Suyama, Munekiyo & Hiraga, Inc.
Mr. Buddy Almeida, Department of Housing and Human Concerns

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Glenn M. Okimoto, Ph.D., Director
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

SUBJECT: Draft Environmental Assessment, Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii (STP 8.1045)

Dear Mr. Okimoto:

Thank you for your letter of November 23, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project. On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document.

We acknowledge that the Department of Transportation, Highways Division will be completing its review and will provide us with its comments. We will address any comments provided by the Highways Division.

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Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Michael Packard, SSFM International, Inc.
Fiona van Ammers, SSFM International, Inc.
Jay Nakamura, Stanford Carr Development, LLC
K:\DATA\Weinberg\LahainaRes\Draft EA\Reponses\SDOT.ltr.docx

NEIL ABERCROMBIE
GOVERNOR

MAJOR GENERAL DARRYLL D. M. WONG
DIRECTOR OF CIVIL DEFENSE

DOUG MAYNE
VICE DIRECTOR OF CIVIL DEFENSE

NOV 26 2012

PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

November 20, 2012

Ms. JoAnn T. Ridao
Attention: Buddy Almeida
Department of Housing and
Human Concerns
One Main Plaza
2200 Main Street, Suite 546
Wailuku, Hawaii 96793

Dear Ms. Ridao:

Draft Environmental Assessment for Proposed Kahoma
Village Project at TMK (2)4-5-008:001 (Por), Lahaina, Maui, Hawaii

Thank you for the opportunity to comment on this proposed project. After review of the documents provided for the subject project, we have determined that the proposed project area falls within coverage arcs of existing warning sirens.

The proposed multi-family and single-family development will increase the residential population in an area with limited safe room options. As a result, we strongly recommend incorporation of hardening measures for safe rooms within planned residential facilities, so as to withstand high-wind, seismic or other events.

We defer to the appropriate state and federal agencies as to the protection of any cultural, historical, and archeological elements of the property.

If you have any questions please call Havinne Okamura, Hazard Mitigation Planner, at (808)733-4300, extension 556.

Sincerely,

DOUG MAYNE
Vice Director of Civil Defense

c: Kathleen Aoki, County of Maui, Department of Planning ✓
Colleen Suyama, Munekiyo & Hiraga, Inc.

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Mr. Doug Mayne
Vice Director of Civil Defense
Office of the Director of Civil Defense
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495

SUBJECT: Draft Environmental Assessment, Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Mr. Mayne:

Thank you for your letter of November 20, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes (HRS), Affordable Housing Application, and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the documents. Your recommendation to incorporate hardening measures for safe rooms has been forwarded to the applicant for consideration.

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Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Mike Kujubu, Alakea Design Group
Jay Nakamura, Stanford Carr Development, LLC
K:\DATA\Weinberg\LahainaRes\Draft EA\Reponses\HawaiiCivilDefense.ltr.docx

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RICHARD C. LIM
DIRECTOR
MARY ALICE EVANS
DEPUTY DIRECTOR
JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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-13806

December 12, 2012

Ms. JoAnn T. Ridao, Director
Department of Housing and Human Concerns
2200 Main Street, Suite 546
Wailuku, Hawai'i 96793

Attention: Buddy Almeida

Dear Ms. Ridao:

Subject: Draft Environmental Assessment and Special Management Area Use Permit Application
201H-38 HRS Affordable Housing Application
Kahoma Village Project, Lahaina, Maui
Tax Map Key No. (2) 4-5-008: 001 (por.)

The Office of Planning (OP) has reviewed the Special Management Area Use Permit Application and Draft Environmental Assessment (DEA) prepared for the above referenced project. Applicant Stanford Carr Development, LLC, on behalf of the Harry and Jeanette Weinberg Foundation, Inc. (the landowner), proposes to develop the Kahoma Village project on approximately 21.6 acres of land in Lahaina, Maui.

The project will consist of 203 housing units, including 102 single-family dwellings and 102 multi-family dwellings with private park area of 1.75 acres. The 102 multi-family units will be constructed and offered as affordable housing units to those making 100–120% of area median income. The project will include construction of driveway access from Kenui and Front Streets and drainage, infrastructure, and utility improvements. The project is located within the State Urban Land Use District, and project site area is designated as "Project District 4" in the County's West Maui Community Plan. The subject property is zoned "A-1, Apartment." The project lies within the County's adopted Special Management Area.

The Office administers the Hawai'i Coastal Zone Management (CZM) Program, pursuant to Hawai'i Revised Statutes (HRS) Chapter 205A. As CZM's lead agency, OP has a programmatic interest in ensuring that projects do not adversely impact surface and coastal water resources and water quality. In addition, OP strongly encourages land use applicants to review their proposals with respect to the Administration's priorities in implementing the goals of the

Hawai'i State Plan, HRS Chapter 226. These priorities are set out in the Administration's New Day Comprehensive Plan, which is available at http://hawaii.gov/gov/about/a-new-day.

OP offers the following comments on the subject SMA Use Permit application and DEA.

Special Management Area Use Permit Application

The project site is in close proximity to Kahoma Stream, which drains into the ocean in the vicinity of Mala Boat Ramp. The applicant should review the *Hawai'i Watershed Guidance* (http://hawaii.gov/dbedt/czm/initiative/nonpoint/HI Watershed Guidance Final.pdf), specifically, "Chapter V – Urban Areas," management measures for New Development and Site Development. The Guidance provides a summary of, and links to, management measures that may be implemented to minimize coastal nonpoint pollution impacts due to site development.

The DEA includes a discussion on the project's consistency with HRS §§ 205A-2 and 205A-6. OP has no other comments on the project's consistency with HRS § 205A-2.

Draft Environmental Assessment

1. **Flood and Tsunami Hazard.** The project site is located within a tsunami evacuation zone. As an infill project with limited access points, consideration should be given to identifying measures for disaster preparedness education and planning to ensure orderly evacuation of residents. OP recommends that the Final EA include a discussion of the proposed project with respect to the *State Multi-Hazard Mitigation Plan, 2010 Update*, adopted in September 2010, available at http://www.scd.hawaii.gov/documents/HawaiiMultiHazardMitigationPlan2010PUBLIC.pdf, as well as the County's multi-hazard mitigation plan. In addition, the Final EA should identify whether the existing outdoor warning siren coverage is adequate for the area.

2. **Flora and Fauna.** The Final EA should discuss what measures will be taken if adult specimens, eggs, or larvae of the Blackburn's sphinx moth are found on the site.

3. **Housing.** A brief discussion of future residential units that are planned and/or approved in the region should be included in this section of the Final EA.

4. **Educational Facilities.** This section of the Final EA should state that the developer will need to enter into an education contribution agreement with the State Department of Education.

5. **Recreational Facilities.** In its April 9, 2012 comment letter, the County Planning Department requested consideration of the provision of a greenway along the Kahoma Stream Flood Control Channel, as is designated/planned in the West Maui Community Plan. The DEA states that the access road along the Kahoma Stream Flood Control Channel is under the jurisdiction of the U.S. Army Corps of Engineers. OP recommends that special attention be given to site design along the northern boundary of the project to ensure that, should a greenway be established in the future, the project's design and development complements the open space and scenic character of a greenway. This should include consideration of plans to retain any mature shade trees on the project site in the vicinity of this corridor.

6. **Water System.** The DEA states that non-potable R-1, recycled water from the Lahaina Wastewater Reclamation Facility will be used during construction. The Final EA should discuss whether non-potable water will be used for landscape irrigation or other purposes after the project is completed.

7. **Drainage.** The Final EA should state that the drainage plan for the project will meet or exceed post-construction stormwater quality rules being proposed for County adoption, to ensure adequate treatment of stormwater discharges so as to not adversely affect the water quality of coastal receiving waters.

   We also recommend that the project incorporate low impact development techniques into the project and landscape design, as well as the drainage plan to be prepared. Low impact development (LID) consists of designs and practices that minimize alteration of the natural hydrology of a site and promote onsite infiltration to minimize runoff and attendant nonpoint source pollution from storm events. More information on low impact development can be found at http://hawaii.gov/dbedt/czm/initiative/lid.php.

8. **Cumulative and Secondary Impacts.** These sections do not clearly state or summarize the cumulative and secondary impacts of the project. The Final EA should include a summary of the impacts anticipated. In addition, other impacts that may be considered indirect and secondary include: (a) increased usage of coastal recreational resources; (b) the urban heat island effect resulting from project development; and (c) the contribution to traffic loading on the immediate roadway network. The cumulative impacts of traffic in the region may be understated by the use of Year 2017 as the buildout year for analyzing traffic impacts.

9. **Relationship to Hawai'i State Plan.** OP recommends the Final EA cite and discuss additional policies and priority guidelines related to physical

development, including directing growth to areas planned for growth, as well as priority guidelines for sustainability and climate change adaptation. See Item 11 below.

10. **Alternatives to the Proposed Action.** Pursuant to Hawai'i Administrative Rules (HAR) § 11-200-17, the Final EA should discuss additional alternatives to enable a robust evaluation of the relative impacts and benefits of the preferred alternative to other viable alternatives. The DEA does not discuss the following alternatives: (1) development of the project as planned under the Project District designation in the West Maui Community Plan (commercial/business/multi-family residential/green space); or (2) development of higher-density units in accordance with the A-1 apartment zoning to enable a smaller built-up footprint and more open space amenities, including greenways and pathways connecting to the surrounding neighborhoods.

11. **Sustainability and resource use.** The Hawai'i State Plan sets out priority guidelines and principles for sustainability, as codified in HRS § 226-108, Sustainability. In addition, Act 286, Session Laws of Hawai'i 2012, enacted July 9, 2012, set forth new priority guidelines in the Hawai'i State Plan related to climate change adaptation. The Final EA should have a section that clearly states what commitments to sustainable design and development the project will incorporate or consider in development of the project. A stronger commitment to sustainable development practices will support State energy initiatives and the Administration's priorities to move toward clean energy, energy independence, and a green economy. The Final EA should also quantify the current energy use and projected energy requirements of the project, and discuss measures to be taken to reduce energy demand, promote energy efficiency, and to promote use of alternative, renewable energy sources. The Final EA should also discuss what measures could be taken to promote the use of alternative transportation modes, including identification of existing or planned County bus service in the area, and how the project will link into planned pedestrian paths and bikeways.

Other issues. The DEA states that the project's internal roadways and parks will be privately owned and operated. In addition, the project will be served by a private refuse collector. The applicant should discuss why these improvements and services will be privately owned and/or operated, and what impact the cost of these services will have on families in the affordable housing units.

Thank you for the opportunity to comment on the DEA and Special Management Area Use Permit Application. OP looks forward to receiving the Final EA. If you have any questions, please call Ruby Edwards, Land Use Division, at 587-2817.

Sincerely,

Jesse K. Souki
Director

c: Mr. William Spence, County of Maui Planning Department, Attn: Kathleen Aoki
Ms. Colleen Suyama, Munekiyo & Hiraga, Inc.

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Jesse K. Souki, Director
Office of Planning
Department of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, Hawaii 96804

SUBJECT: Draft Environmental Assessment, Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii (Ref. No. P-13806)

Dear Mr. Souki:

Thank you for your letter dated December 12, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statues (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the documents. We offer the following information, which addresses your comments in the order listed in your letter:

HAWAII STATE PLAN

We have reviewed the priorities as set forth in the Administration's New Day Comprehensive Plan. In keeping with the Administration's priorities and the Hawaii State Plan, units at Kahoma Village will be sold to residents of Maui and is intended to provide workforce housing in the West Maui region. A minimum of 51 percent of the housing units will be sold to residents with household incomes of 110 percent (multi-family) to 120 percent (single-family) or less of the median income for Maui island.

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SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION

The engineering consultant SSFM International, Inc. has been advised to review the *Hawaii Watershed Guidance* relating to management measures to minimize coastal nonpoint pollution impacts. As appropriate these measures will be incorporated into the project. Chapter III of the Final EA includes a discussion on the *Hawaii Watershed Guidance*.

DRAFT ENVIRONMENTAL ASSESSMENT

1. ***Flood and Tsunami Hazard.*** Chapter III of the Final EA includes a discussion of the proposed project with respect to the *State Multi Hazard Mitigation Plan, 2010 Update*. The Applicant will discuss the existing outdoor warning signage for the area with appropriate agencies, such as State and County Civil Defense.

2. ***Flora and Fauna.*** The Final EA includes measures by State and Federal agencies to be undertaken if adult specimens, eggs, or larvae of the Blackburn's sphinx moth are found on the site. See **Exhibit "A"**.

3. ***Housing.*** The Market Study prepared for the project indicated that in the West Maui region there were limited housing opportunities for residents. The Final EA includes discussion on future residential projects planned or approved in the West Maui region. The market study notes that available resident housing is limited to the Opukea project and the proposed Kahoma Residential project. Although, the District Boundary Amendment for the proposed Kahoma Residential project was approved by the State Land Use Commission, an appeal of the decision has been filed, which is expected to delay the project. Further, the proposed 1,200 residential Pulelehua project approved in 2011, has not been initiated and is expected to take several years before any units are available for sale due to the large infrastructure investment that will be needed before the first units are constructed. As an infill project, Kahoma Village is located near existing available utility services.

4. ***Educational Facilities.*** The Final EA includes a statement that the applicant will need to enter into an education contribution agreement with the State Department of Education.

5. ***Recreational Facilities.*** The area along the northern property boundary will contain the fenced landscaped back yards of the dwelling units which should complement any future greenway.

6. ***Water System.*** Non-potable R-1, recycled water will not be used for landscape irrigation since there is no reuse waterline near the project site.

7. ***Drainage.*** On November 9, 2012 the County of Maui Department of Public Works adopted *Rules for the Design of Storm Water Treatment for Best Management Practices* to implement Low Impact Development (LID) practices. Construction plans for the Kahoma Village project will implement LID practices in conformance with the new drainage Rules. The Final EA includes LID practices that will be considered in the development of the construction plans.

8. ***Cumulative and Secondary Impacts.*** Chapter II, Section E of the Final EA includes additional discussion of cumulative and secondary impacts as noted in your comments. With regard to your comment on traffic, the analysis of traffic impacts included potential projects to buildout Year 2017 which addresses "reasonably foreseeable actions" resulting from the Kahoma Village project. A portion of Lahaina Bypass Road opened March 2013, providing traffic relief on Honoapiilani Highway between Keawe Street and Lahainaluna Road. See **Exhibit "B"**.

9. ***Relationship to Hawaii State Plan.*** In addition to a discussion of the Hawaii Watershed Guidance and State Multi-Hazard Mitigation Plan, 2010 Update, the Final EA includes additional policies and priority guidelines related to physical development, including directing growth to areas planned for growth, as well as priority guidelines for sustainability and climate change adaptation. See **Exhibit "C"**.

10. ***Alternatives to the Proposed Action.*** Chapter V of the Final EA includes a discussion in the Project District Alternative and higher-density Alternative in accordance with the A-1 Apartment District. See **Exhibit "D"**.

11. ***Sustainability and resource use.*** The Final EA includes a section on sustainable design and development that the project will incorporate. See **Exhibit "E"**.

OTHER ISSUES

The applicant proposes to work with a property management firm to ensure such costs, including refuse collection and common area maintenance costs, with applicable reserves are included in an association fees budget. Such budgets are required whenever filing for a Condominium Property Regime (CPR) in the State of Hawaii.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama
Senior Associate

CS:la
Enclosures
cc: Buddy Almeida, Department of Housing and Human Concerns (w/out enclosures)
Danny Dias, Department of Planning (w/out enclosures)
Robert Hobdy, Biologist (w/out enclosures)
Fiona van Ammers, SSFM International, Inc. (w/out enclosures)
Michael Packard, SSFM International, Inc. (w/out enclosures)
Michael Kujubu, Alakea Design Group (w/out enclosures)
Rick Cassidy, Data@Work (w/out enclosures)
Jay Nakamura, Stanford Carr Development, LLC (w/out enclosures)
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EXHIBIT A.

Although no endangered Blackburn's sphinx moths were found during the field survey, because of the number of tobacco trees in the project area, which is their non-native host plant, caution is recommended during site preparation. Robert Hobdy recommends that any removal of the approximately 43 tobacco tree plants be done by hand in the fall months after the Blackburn's sphinx moth's breeding cycle is completed. Also, large scale clearing should not occur before at least the passage of another four (4) months in order to allow any potential pupae in the soil to hatch and disperse.

The U.S. Fish and Wildlife Service (USFWS) recommended a qualified biologist to re-survey the project area, and areas adjacent to the project footprint, for the presence of native and non-native Blackburn's sphinx moth host plants. Also, the surveys should be conducted during the wettest portion of the year (November-April) and approximately four (4) to eight (8) weeks following a significant rainfall event. Surveys should include looking for eggs, larvae, and signs of larval feeding (chewed stems, frass, or leaf damage).

If the Blackburn's sphinx moth, eggs, or larvae are found, the USFWS and the Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) will be contacted by the applicant for further guidance and consultation. The following protocol is recommended by the DOFAW:

> *Land clearing work shall wait until the plants are free of Blackburn's sphinx moth eggs and larvae. Then the following steps will be implemented to minimize project impacts to Blackburn's sphinx moth individuals:*
>
> - *If the Solanaceous plant is entirely herbaceous (such as a small un-branched young plant) and there are no Blackburn's sphinx moth eggs, larvae, or signs indicating the possibility of pupating larvae (such as frass, chewed stems or other browsing characteristic of Blackburn's sphinx moth on the plant), the plant may be removed. Because Solanaceous plants can re-sprout, removal of roots of these plants is recommended.*

- *If the Solanaceous plant is woody and there are no Blackburn's sphinx moth eggs, larvae, or signs indicating the possibility of pupating larvae (such as frass, chewed stems or other browsing characteristic of Blackburn's sphinx moth on the plant), the above-ground portion of the plant may be cut and removed. If the Solanaceous plant has developed woody structure, it is possible that the signs of Blackburn's sphinx moth foraging have been shed and that root disturbance could dislodge larvae. Therefore, the soil and plant roots will be left undisturbed for a period of one year. A 33-foot (10-meter) disturbance-free buffer around the woody host plant will be established to prevent disturbance to any pupating larvae which may be in the ground in the area around the plant. Cut stems should be maintained to be free of regrowth (by either carefully painting herbicide on the cut stem or frequent hand clipping) to prevent leaf growth and potential use by the Blackburn's sphinx moth. After one year, the plant roots may be removed. The one-year waiting period will ensure any larvae pupating in the soil will have pupated and emerged from soil prior to disturbance of the plant or soil*

On March 11, 2013, Robert Hobdy conducted a survey as recommended by the USFWS prior to the removal of the tree tobacco plants. The survey concluded that no Blackburn sphinx moth activity was found. In coordination with USFWS the tree tobacco plants have been removed. As recommended, no ground disturbance is planned in the area of the plants for at least one year. Construction activity on the project site is not planned until after all approvals are granted which is anticipated to occur in mid-2014.

Due to fire safety concerns and homeless problem on the property, a portion of the property has been cleared in coordination with County agencies. The tobacco trees were identified and a 20 to 30 foot buffer established around the trees prior to clearing to ensure the trees and surrounding ground remain undisturbed.

The endangered seabirds, the Hawaiian petrel (*Pterodroma sandwichensis*) and the threatened Newell's shearwater (*Puffinus newelli*) nest high in the mountains in the spring, summer and fall. These seabirds fly over the

EXHIBIT B.

Warner Cable, respectively.

b. Potential Impacts and Mitigation Measures

There are existing overhead lines and power poles on the mauka side of Front Street along the project that are available to provide service to the proposed project. The proposed project is not anticipated to have significant impacts to electrical, telephone, or cable TV services.

As the project progresses through the development process, energy saving measures will be considered such as the use of solar water heaters, low flow water fixtures and drought tolerant landscaping. Homeowners will have the option of installing photovoltaic panels and multi-family buildings will have solar water heaters.

E. CUMULATIVE AND SECONDARY IMPACTS

1. Cumulative Impacts

Pursuant to the Hawaii Administrative Rules, Chapter 200, Section 11-200-2, entitled Environmental Impact Statement Rules, a cumulative impact means:

> *The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.*

A key element in understanding the requirement for assessing cumulative impacts, therefore, is the need to recognize what constitutes "reasonably foreseeable actions". Projects having relevance in this regard are other developments that have been approved in the vicinity of the project site. Since preparation of the Draft EA the 68-lot Kahoma Residential Subdivision was approved by the State Land Use Commission, however, an appeal of the decision has been filed. This project may not be constructed within the same timeframe as the Kahoma Village project. As such, construction of Kahoma Village will have less cumulative impacts on public services and infrastructure.

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

Since preparation of the Draft EA, the Maui Island Plan (MIP) which delineates future urban and rural growth boundaries has been adopted by the County on December 28, 2012. The MIP includes the Kahoma Village project in the urban growth boundary for the West Maui region. Planning for these future growth areas will need to consider land planning integration opportunities. With the adoption of the MIP, the respective community plans, including the West Maui Community Plan, will be updated. The timeframe for the overall completion of the updating of the community plans has not yet been established. However, the overall timeframe for the General Plan covers a planning horizon up to the year 2030.

The TIAR prepared for the project examined and evaluated traffic impacts of the project, as well as other potential projects proposed in the expected timeframe, build-out in 2017. These included the proposed Kahoma Residential, Villages of Leiali`i Phase 1B, Wainee Street Commercial Center and Lahaina Cannery Mall expansion. Traffic from Kahoma Village is not expected to significantly impact study intersections and the roadway network in and around Lahaina. Existing intersections along Honoapiilani Highway and Front Street currently operate at acceptable LOS and are expected to maintain these levels of operations up to 2017. Existing road segment LOS along Honoapiilani Highway is undesirable with slightly worsening conditions in 2017. The opening of the first two (2) phases of the Lahaina Bypass in 2013 is expected to alleviate some congestion along Honoapiilani Highway between Lahainaluna Road and Keawe Street, reducing traffic volumes in this area. Opening of additional phases of Lahaina Bypass in future years will further serve to alleviate congestion in the area of Lahaina Town. Refer to **Appendix "K"**.

In accordance with the MIP, Kahoma Village is an infill project in the urban growth boundary located near existing services and infrastructure. There are available public services and infrastructure to accommodate the project without the need for public or private expenditures to upgrade public infrastructure or to increase public services such as police and fire. There may be indirect secondary impact on shoreline recreational usage since the project is within a short walk to the ocean and the area known as "Baby Beach". The area is currently impacted due to the lack of adequate

beach parking, however, since Kahoma Village is located within a short walk it is anticipated that residents will walk to the beach. Also, consideration will be given to include on-street parking, as much as practicable, that may be used by beach goers.

Any increase in beach going residents is not anticipated to have any significant adverse impact on this recreational resource.

Replacement of vegetative surfaces with hardscapes associated with roadways and housing units may yield a tendency towards slightly increased ambient air temperatures. To address this "heat island" effect, open spaces and park lands are integrated within the site plan. Landscape design and planting plan will be employed to provide shading to reduce the "heat island" effect and any adverse secondary impact on ambient air temperatures in the project area.

The mitigation of other potential adverse cumulative impacts resulting from infrastructure use and public facilities will be resolved during the course of planning, permitting and development of this project. Potential cumulative impacts will be appropriately addressed and resolved through the provision of additional infrastructure and facilities onsite and offsite (drainage, water, wastewater and parks) and assessment fees (i.e., school impact fee) through coordination with State and County agencies.

In general, processes and mechanisms for coordinating mitigation measures attributed to cumulative impacts are in place. An example of a process which addresses cumulative impacts is the scoping of infrastructure studies (i.e. traffic impact) to include those projects which are anticipated to be implemented within a timeframe similar to that of the proposed action. Although there is the pending court decision delaying the construction of the 68-lot Kahoma Residential project, that project was included in the appropriate infrastructure studies. These studies assessed that any cumulative impacts may be reduced.

2. Indirect or Secondary Impacts

Indirect effects are also referred to as secondary impacts. According to the Hawaii Administrative Rules, Chapter 200, Section 11-200-2, entitled Environmental Impact Statement Rules, a secondary impact or indirect effect means:

> *Effects which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.*

Indirect or secondary impacts can be viewed as actions of others that are taken because of the presence of the project. Secondary impacts from highway projects, for example, can occur because they can induce development by removing one of the impediments to growth – transportation access.

Aside from the direct development impacts discussed in the previous sections of this chapter, secondary impacts may be attributed to project effects on the island's overall housing situation. The provision of new housing units in Lahaina Town targeted toward the local resident especially the 102 units reserved for those within 80 percent to 160 percent of the island median income and not the high end off-shore market may open up housing (for rental or purchase) in other areas of the island, depending on market conditions at the time of project development. In general, however, the proposed action is not considered a generator of significant secondary impacts.

EXHIBIT C.

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

A. STATE LAND USE DISTRICTS

Pursuant to Chapter 205A, Hawaii Revised Statutes (HRS), all lands in the State have been divided and placed into one (1) of four (4) land use districts by the State Land Use Commission. These land use districts have been designated "Urban", "Rural", "Agricultural", and "Conservation". The project site is located within the State "Urban" district. The proposed action is compatible with, and deemed permissible within, the State "Urban" land use district. See **Figure 8**.

B. HAWAII STATE PLAN

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

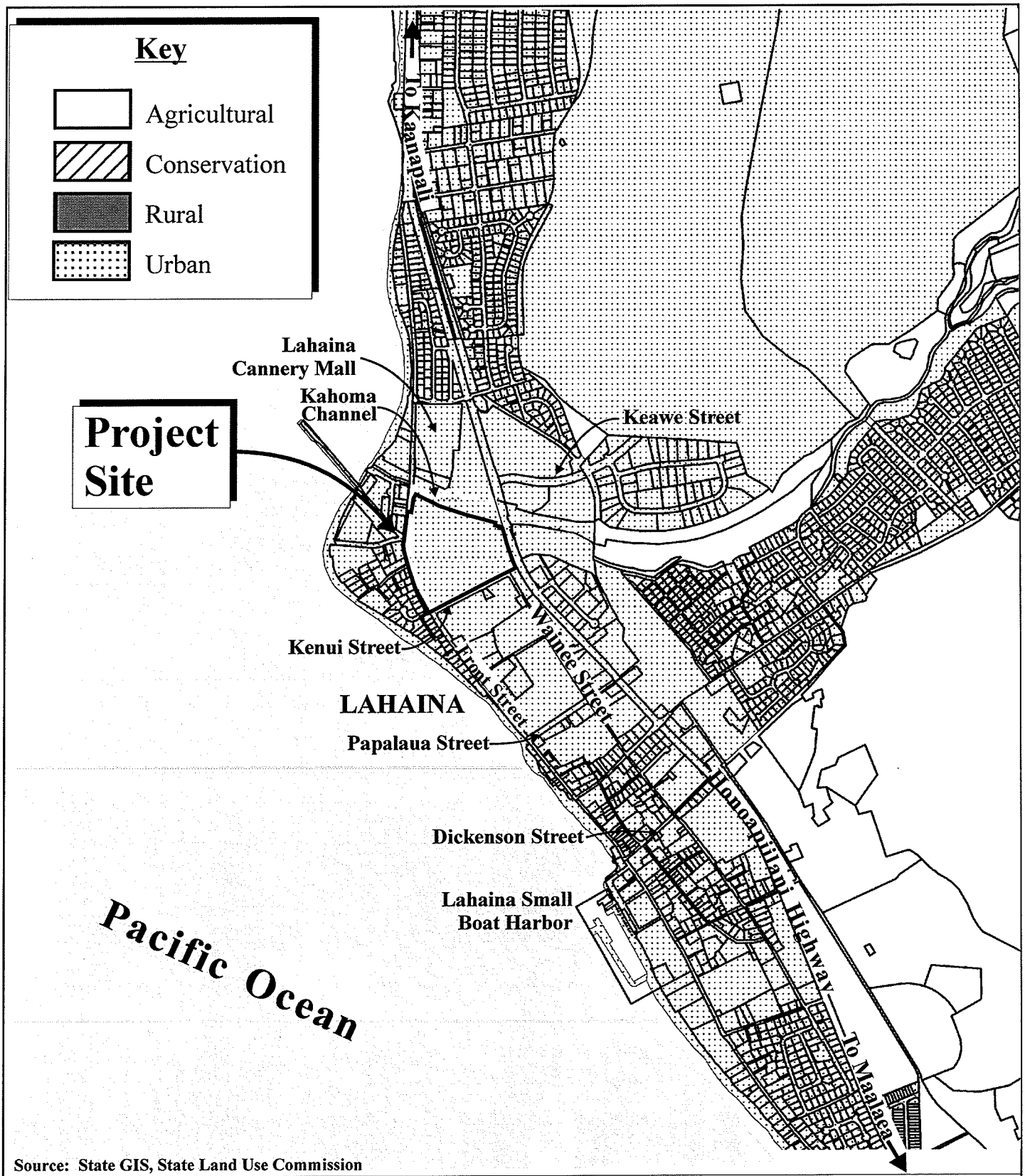
Section 226-11 Objectives and Policies for the Physical Environment–Land-Based, Shoreline, and Marine Resources.

Planning for the State's physical environment with regard to land-based, shoreline, and marine resources shall be directed towards achievement of the following objectives:

(1) Prudent use of Hawaii's land-based, shoreline, and marine resources.

(2) Effective protection of Hawaii's unique and fragile environmental resources.

To achieve the land-based, shoreline, and marine resources objectives, it shall be the policy of this State to:



Source: State GIS, State Land Use Commission

Figure 8 Proposed Kahoma Village Project

State Land Use District Map

NOT TO SCALE

Prepared for: Stanford Carr Development, LLC, on behalf of
The Harry and Jeanette Weinberg Foundation, Inc.

MUNEKIYO & HIRAGA, INC.

Weinberg\LahainaRes\slud

(1) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.

(2) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawaii.

Section 226-12 Objective and Policies for the Physical Environment–Scenic, Natural Beauty, and Historic Resources.

Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historical resources.

To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:

(1) Promote the preservation and restoration of significant natural and historic resources.

Section 226-13 Objectives and Policies for the Physical Environment–Land, Air, and Water Quality.

Planning for the State's physical environment with regard to land, air, and water quality shall be directed towards achievement of the following objectives:

(1) Maintenance and pursuit of improved quality in Hawaii's land, air, and water resources.

To achieve the land, air, and water quality objectives, it shall be the policy of this State to:

(1) Promote the proper management of Hawaii's land and water resources.

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

(3) Encourage urban developments in close proximity to existing services and facilities.

Section 226-19 Objectives and Policies for Socio-Cultural Advancement - Housing

Planning for the State's socio-cultural advancement with regard to housing shall be directed toward the achievement of the following objectives:

(1) Greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more affordable housing is made available to very low, low- and moderate-income segments of Hawaii's population.

(2) The orderly development of residential areas sensitive to community needs and other land uses.

(3) The development and provision of affordable rental housing by the State to meet the housing needs of Hawaii's people.

To achieve the housing objectives, it shall be the policy of this State to:

a. Effectively accommodate the housing needs of Hawaii's people.

b. Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income, and gap-group households.

c. Increase home ownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.

d. Facilitate the use of available, vacant, developable, and underutilized urban lands for housing.

The foregoing State Plan objectives and policies will be advanced through the implementation of the proposed project. According to the Hawaii Housing Finance and Development Corporation, Kahoma Village is consistent with the affordable housing policy set forth in the Hawaii State Plan of increasing home ownership housing opportunities and housing choices. Refer to Section 10.

The State Functional Plans define actions for implementation of the Hawaii State Plan through the identification of needs, problems and issues, and recommendations on policies and priority actions which address the identified areas of concern. Twelve (12) State

Functional Plans were adopted in the 1980s and updated in 1989 and 1991. The following objectives are identified in the State's Housing Functional Plan:

> ***Objective A:*** *Home ownership for at least sixty percent, or roughly 248,500 households by the year 2000.*
>
> ***Implementing Action A:*** *Develop infill projects on Oahu, Hawaii, Maui, Molokai, Lanai and Kauai.*
>
> ***Objective B:*** *Sufficient amount of affordable rental housing units by the year 2000.*

The proposed project will provide a mix of residential housing types for a variety of income groups, especially those in the low-income, moderate-income and gap-group. The proposed project will also implement Best Management Practices and sustainable, energy, and water conservation measures. As such, the project is consistent with the State's objectives to meet housing demands, promote increased home ownership opportunities for residents and protect the environment by implementing appropriate measures.

C. OTHER STATE STUDIES

1. Hawaii Watershed Guidance

The Hawaii Watershed Guidance recommends measures to control urban runoff and treat pollutants generated by development. The following are recommendations for new development which will be considered:

- *For design purposes, post-development peak runoff rate and average volume should be based on the 2-year/24-hour storm.*
- *Plan, design, and develop sites to: 1) Protect areas that provide important water quality benefits and/or are particularly susceptible to erosion and sediment loss; 2) Limit increases of impervious areas, except where necessary; 3) Limit land disturbance activities such as clearing and grading, and cut and fill to reduce erosion and sediment loss; and 4) Limit disturbance of natural drainage features and vegetation.*

The proposed project is implementing measures to address storm water runoff (e.g.

detention basin).

2. State Multi-Hazard Mitigation Plan, 2010 Update

The State Multi-Hazard Mitigation Plan establishes a framework to protect lives and property from loss and destruction during a natural hazard such as wildfires that occur in the West Maui region which has created disruptions such as the closure of the main access into the region. Hazard mitigation encouraged by the State of Hawaii and County of Maui attempts to reduce risks during disasters in order to reduce the cost and extent of disasters.

The Plan recognizes that hazard mitigation depends on appropriate land use policies and practices, including zoning and coastal zone management, flood control, building codes and standards, infrastructure development and standards, regulatory measures, incentive programs and participatory planning methods. Recently, the Flood Insurance Rate Maps (FIRM) for Maui County were updated. According to the September 19, 2012 FIRM, the project site is located in Zone X, an area of minimal flooding, as well as outside of the Kahoma Flood Control Channel's Zone A and AE designation. Although the project site is located in the tsunami evacuation zone, the project site is located outside the tsunami inundation zone identified on the FIRM.

The Applicant will discuss the existing outdoor warning signage coverage for the area with appropriate agencies, such as State and County Civil Defense.

The project site is located outside of a hazard zone and is in keeping with the goal of the State Hazard Mitigation plan to "Protect life and ensure safety of people in Hawaii".

D. MAUI COUNTY GENERAL PLAN

As indicated by the Maui County Charter, the purpose of the General Plan shall be to:

> *... indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions*

EXHIBIT D.

D. PROJECT DISTRICT ALTERNATIVE

The West Maui Community Plan identifies the project site as "Project District 4". Implementation of the project district would have included six (6) acres of park land, including approximately 1.5 acres for a linear park along the southern bank of Kahoma Stream. A 60-foot wide extension of Wainee Street to Front Street through the project site was also proposed. The remaining acreage was to be equally divided for commercial/business use and multi-family/senior residential use.

The nearby Lahaina Cannery Mall and Lahaina Gateway Shopping Center adequately accommodates the shopping needs of the West Maui region. Since the adoption of the West Maui Community Plan in 1996, no effort has been made to implement the linear park along Kahoma Stream or the extension of Wainee Street. There is no indication from the County of Maui that it will pursue implementation of this land use objective identified in the project district. Further, the recently adopted Maui Island Plan identifies the area for future urban growth as a housing project.

This alternative does not meet the objective of the applicant or the Maui Island Plan to provide affordable resident housing and, as such, is not an alternative.

E. "A-1, APARTMENT" DISTRICT ALTERNATIVE

The "A-1, Apartment" district zoning on the property would allow greater densities and more housing units but it would limit the housing choices while increasing impacts on public services and infrastructure. It would be potentially limited to approximately 300 to 375 rental apartment units, rather than homeownership. There will be increased traffic (600 to 750 vehicles) on the surrounding roadways, increased demand for water and wastewater, as well as increased demand for public services such as education, police and fire. There will also be increased demand on shoreline recreation at the nearby "Baby Beach".

The applicant's objective is to provide a mixture of affordable housing types for homeownership. The applicant's experience in the local housing market indicates that homeowners prefer housing with private yard areas for their families. This would be difficult to achieve if greater densities are used. The applicant provides a specific housing product

which does not correspond to the greater densities in the "A-1, Apartment" district. As such, this is not an alternative.

EXHIBIT E.

Associated improvements will include three (3) park areas that have combined area of approximately 1.75 acres. The larger of the three (3) park areas will also function as a drainage detention basis. Landscaping will also be provided along the exterior boundaries of the project site, common areas of the multi-family portion of the project, open area parking lots and along the internal street frontages. Two (2) access driveways will be provided, one (1) off of Front Street across Puunoa Place and a second access from Kenui Street directly across Nakeli Place. Road widening improvements consisting of pavement widening, curbs, gutters, sidewalks, and street landscaping are also proposed to upgrade Front Street and Kenui Street to County standards, as well as necessary utility connections to County services and upgrades to the County's drainage system.

To lessen dependancy on fossil fuels and conserve energy and water, the Kahoma Village project is considering implementing the following green and sustainable measures:

- Utilize energy efficient building materials, whenever feasible, such as but not limited to insulation, radiant barrier roof sheathing and insulated glass
- Utilize architectural details that reduces heat effects within buildings, such as 30-inch roof overhangs for solar control
- Installation of low-flow plumbing fixtures
- Installation of solar water heating for the multi-family units
- Optional photovoltaic panels for the single-family dwellings
- Installation of energy star appliances
- Installation of Photovoltaic/LED parking lot and common areas lighting with sensors
- Landscaping shall include water efficient plant materials and irrigation systems

C. PURPOSE AND NEED FOR PROJECT

According to the Market Study prepared by Data@Work, there are signs that the economy has stabilized with an improved visitor industry and the upward turn in the job market. Continuation of this trend will result in improvements in the local housing market. Historically, the preferred choice of housing by residents has been single-family homes. In light of financial constraints and the growing number of first time buyers who have put their plans to purchase a home on hold until there is economic recovery, the Market Study

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November 23, 2012
EA: 2012-10-23-04

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Attention: Buddy Almeida

Mr. William Spence, Director
County of Maui, Department of Planning
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Attention: Kathleen Aoki

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc.
305 High Street, Wailuku, HI 96793
planning@mhplanning.com

Dear Ms. Ridao, Mr. Spence, and Ms. Suyama,

Proposed Kahoma Village Project
Draft Environmental Assessment

Stanford Carr Development LLC ("applicant") proposes to construct 203 residential units and associated infrastructure on approximately 21.6 acres of land in that is zoned A-1 by Maui County.

This review of the applicant's Draft Environmental Assessment (DEA) is a service activity of the University of Hawaii's Environmental Center to help determine and maintain the optimum quality of the environment. It does not represent the official views of the University of Hawaii. The objectives of our review process are to enhance environmental consciousness, encourage cooperation and coordination, and facilitate public participation. These comments were drafted with the assistance of Sara Bolduc, Environmental Center.

General Comments:

The proposed action is located within the tsunami evacuation zone. It may be useful for the DEA to more carefully address the potential environmental effects of tsunami evacuation and inundation. It may be necessary to enlarge the assessment of energy demand, sources, and conservation that "will be considered as the project progresses through the development process" (p. 48). The environmental effects of alternative energy scenarios could vary widely and may warrant closer investigation at this stage of the development process.

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Specific Comments:

1. Approving Agency

It is clear that the Department of Housing and Human Concerns (DHHC) is "the agency initially receiving and agreeing to process the request for an approval." Haw. Admin. R. § 11-200-4.B. However, one role of the DHHC is to help the applicant obtain exemptions from the Maui County Code that facilitate housing construction while potentially generating additional environmental effects that would not occur under normal subdivision and zoning restrictions. This could raise concerns about the propriety of designating the DHHC as the agency responsible for determining whether an environmental impact statement shall be required. Appendix C suggests "that the DHHC has the greatest responsibility for supervising and processing the Kahoma Village project" because "the environmental review of a project should be conducted as early as possible, and the first approval will be processed through the DHHC." This logic seems flawed, as does the suggestion that "[t]he DHHC can most adequately fulfill the requirements of Chapter 343," particularly with regard to secondary and cumulative effects within the Lahaina region and the county as a whole. Just because an agency in first in line does not necessarily mean that it is best aligned with the factors in § 11-200-4.B.1 through B.4.

2. Existing conditions

Because the property was previously used for sugarcane cultivation and is located at the makai/tail end of a large agricultural drainage basin, it may be useful to identify all of the toxic and hazardous materials—and related facility use areas—known and suspected to be present. In this regard, the discussion of DDT use and degradation seems overgeneralized and imprecise (p. 15). It may be useful to provide specific citations to information obtained from the National Pesticide Information Center, along with similar information that is based on pollutant transport and fate under local conditions. How much of the property area would remain in existing soil cover? Given the existing uncertainty in site conditions, and the potential risks to human health that could arise from legacy site conditions, it may be useful to perform site-specific soil testing within the context of preparing the DEA.

The DEA fails to mention that Kahoma Stream and nearby marine waters are listed by the state department of health as impaired waters that do not attain state water quality criteria. Related information about the status and health of marine ecosystems, particularly coral reefs, that would be influenced by stormwater discharge and other non-point source pollution from the proposed project area would also be useful.

3. Land cover conversion

It would be useful for the DEA to prominently display a tabulation of the actual area of pre- and post- construction land cover types. How much impermeable surface would be created, including rooftops and paved areas?

4. *Water*

What is the existing yield and usage—and total allowable usage—of the various surface water and groundwater sources of the Lahaina water system, and what additional system demands are anticipated over the lifetime of the proposed action, including those that may be subject to the priority rights of the Hawaiian Homes Commission? Expansion of source capacity would require a variety of permits/regulatory actions by the State Commission on Water Resource Management, as guided by the County of Maui Water Use & Development Plan. If county water service is not available, then what alternative sources of water could be developed and what would be the environmental effects of developing and using them? What water conservation measures would be installed and practiced in order to minimize water demands?

How would non-potable water from the Lahaina Wastewater Reclamation Facility be delivered during construction? How would the effects of using reclaimed water for post-construction non-potable use compare with those of using potable, domestic water for non-potable use?

3. *Stormwater*

According to the Preliminary Drainage Report (Appendix H), the quality of storm water leaving the site is a concern. To address this concern, it may be useful to consider that conformance with County of Maui requirements does not necessarily guarantee conformance with state water quality standards, including antidegradation policy. The options presented for managing stormwater suggest a wide range of potential environmental effects that appear to deserve closer analysis in the DEA. If runoff is "detained on site" (p. 5), it must eventually be discharged. What would be the differences between pollutant loads delivered to receiving waters in stormwater detention scenarios versus loads delivered through a direct discharge to existing drainage systems? Operation and maintenance of the proposed drainage system also deserves attention. How fast would detention basins fill up with sediment, and where would the accumulated material be disposed?

4. *Wastewater*

The DEA indicates that the Lahaina Wastewater Reclamation Facility has the capacity to accept an additional 4.9 mgd of average daily flow (p. 4). However, only 2.6 mgd of this additional flow may be disposed into the existing injection wells (p. 44). Wastewater treatment and disposal capacity for the proposed action is not yet ensured. In addition to the flow that would be generated by the proposed action, what is the total amount of additional flow that is planned and proposed within the facility service area? If the county connection is not available, what would be the effects of alternative wastewater treatment and disposal solutions? Would additional permits and variances be required?

5. *Solid waste*

How much solid waste would the proposed action generate, and what measures would be employed to minimize it? The DEA indicates that local landfill capacity will only last for 12 post-project years (p. 32). What happens after that?

6. *Cultural resources*

Appendix E (Archaeological Assessment) notes that "[t]he project area appears to be entirely within the boundaries of this [Alamihi] fishpond" (p. 7, n3). Appendix E also notes "it is likely that the above parcels lie in a portion of the former Alamihi Pond" (p. 23), however it is not clear which parcels are "the above parcels." Appendix F (Cultural Impact Assessment) states that Alamihi fishpond is "located makai of the subject parcel." For purposes of identifying the proposed fate of known cultural resources and assessing associated cultural impacts, it may be useful to rectify and clarify the relationship between the fishpond and the proposed project area. Similarly, it may be useful to clarify which "Previous Archaeological work in the vicinity of the project area (Appendix E, Table 2) actually took place within the proposed project area, and to provide additional detail about those results. For example, the work of Jenson (1988) "was carried out in the current project area" (p. 22). Although it "did not yield any significant findings," it may be useful to summarize these findings for the interested reader, despite their reported insignificance.

In Appendix E, it may also be useful to provide additional detail about the design and statistical significance of the subsurface survey. Because the "trenches were placed randomly throughout the project area *in clear and accessible areas*" (p. 29, emphasis added), it may be useful to quantify and clarify (1) how much of the project area was clear and accessible, (2) how much of the total project area—and of the clear and accessible project area—was tested, and (3) the randomization process for assigning trench locations. Appendix C of Appendix E contains a map of trench locations (p. 77), however (a) some the areas circled in blue are not labelled, (b) it is unclear why mapped areas are labelled "no access" and "unaccessable," and (c) although the "camp" areas appear to occupy a significant portion of the project site, they were deemed "inaccessible" (p. 29) and did not include any trenches. The statement that the trenches contained "no evidence of significant material culture remains or subsurface site remnants" (p. 44) may imply that the trenches contained some evidence of remains or remnants that the authors deemed insignificant. If so, then it may be useful to describe the evidence that the trenches contained, despite their reported insignificance.

7. *Transportation*

It may be useful to indicate the total number of motor vehicles that could be parked within the proposed project area. This would provide an easily understandable quantitative basis for identifying and assessing vehicle and traffic-related effects.

Thank you for considering these comments on the Draft Environmental Assessment for the proposed Kahoma Village Project. Please send us one paper copy of the Final EA when it is published.

Sincerely,

David Penn

David Penn, Assistant Specialist

copy: State of Hawaii Office of Environmental Quality Control
Chittaranjan Ray, Interim Director, Water Resources Research Center, UH Manoa
Sara Bolduc

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August 27, 2013

David Penn
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SUBJECT: Draft Environmental Assessment Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application and Special Management Area Permit Applications for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii (EA 2012-10-23-04)

Dear Mr. Penn:

Thank you for your letter dated November 23, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statues (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document. We offer the following information, which addresses your comments in the order listed in your letter.

General Comments:

We appreciate your comments on the effects of tsunami evacuation and inundation. Although the project site is located within the tsunami evacuation zone according to the Flood Insurance Rate Map (FIRM) the project site is not located in any coastal high velocity zone. Effects from tsunami evacuation will primarily be traffic impacts during mass evacuation of the area to higher elevations. The nearest evacuation center is the Lahaina Civic Center which is less than 2.0 miles north of the project site and easily accessible through the adjacent Honoapiilani Highway.

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Page 6 of the Draft EA has been revised to include the following green and sustainable measures:

- Utilize energy efficient building materials, whenever feasible, such as but not limited to insulation, radiant barrier roof sheathing and insulated glass
- Utilize architectural details that reduces heat effects within buildings, such as 30-inch roof overhangs for solar control
- Installation of low-flow plumbing fixtures
- Installation of solar water heating for the multi-family units
- Optional photovoltaic panels for the single-family dwellings
- Installation of energy star appliances
- Installation of Photovoltaic/LED parking lot and common areas lighting with sensors
- Landscaping shall include water efficient plant materials and irrigation systems

Specific Comments:

1. ***Approving Agency:*** The Kahoma Village project involves multiple jurisdictions involving the Department of Public Works and Department of Planning. Consultation between the agencies was conducted and their concurrence obtained to establish Department of Housing and Human Concerns as the appropriate approving agency, that was memorialized on April 5, 2012. See **Exhibit "A"**. In accordance with Chapter 200, §11-200-4(B), Hawaii Administrative Rules (HAR), the following guidelines were considered in making this determination:

   a. The agency with the greatest responsibility for supervising or approving the action as a whole;
   b. The agency that can most adequately fulfill the requirements of Chapter 343, HRS, and Chapter 200, HAR;
   c. The agency that has special expertise or access to information; and
   d. The extent of participation of each agency in the action.

   The Chapter 343, Hawaii Revised Statutes process involves review and comment of the proposed project by agencies and public participation in the environmental review process.

2. ***Existing Conditions:*** After publication of the Draft EA a Phase 1 Environmental Site Assessment (ESA) was prepared for the project site by Bureau Veritas. The ESA revealed no evidence of recognized environmental conditions on the subject property, as defined by the ASTM International (American Society for Testing and Materials). However, because the site will be used for residential purposes the ESA recommended conducting multi-increment soil sampling with laboratory analyses for chemicals of concern across the subject property, in accordance with the Department of Health's (DOH) Technical Guidance Manual for the Implementation of the State Contingency Plan Interim Final (TGM), dated June 21, 2009.

3. Thank you for the information that the State DOH has listed the nearby marine waters as impaired waters that do not attain state water quality criteria. In accordance with recently adopted drainage rules by the County of Maui, Low Impact Development (LID) measures are being considered in the Preliminary Drainage Report (PDR) for the project. The PDR proposes a system of perforated underground drain lines and an on-site retention/detention basin to handle stormwater runoff from the project which will allow sediments to settle and stormwater to percolate through the ground. Stormwater runoff that is allowed to discharge into the existing drainage system will also be pre-treated through water quality devices to reduce pollutant levels from the existing untreated runoff that currently sheet flows across the project site. As the project progresses through the permitting process more specificity in appropriate LID measures will be developed. These measures will be implemented so as not to exacerbate the existing impaired water quality of the nearby marine waters.

4. ***Land Cover Conversion:*** According to our engineering consultant SSFM International, the proposed project is estimated to have approximately 49 percent of impervious surfaces and 51 percent of pervious vegetated surfaces. As the project progresses through the permitting process more specificity in pre- and post-construction land coverage will be developed.

5. ***Water:*** The Maui Infrastructure Assessment Update of 2003 noted that the West Maui region has an available water supply of 10 million gallons per day (mgd) and in 2001 5.37 mgd was being used. The current Department of Water Supply (DWS) average consumption as of January 2013 for the last 12 months was 5.32 mgd which is less than consumption in 2001.

   To reduce use of potable water for irrigation purposes the County of Maui established an "R-1" water reuse system at the Lahaina Wastewater Reclamation Facility (LWWRF) which provides irrigation water to the Kaanapali Golf Course.

According to the 2012 West Maui Recycled Water Verification Study up to 40 percent or 1.7 mgd of "R-1" water is being used from the LWWRF. The LWWRF production of "R-1" water is currently limited to 2.0 mgd due to a single ultra violet (UV) disinfection channel at the facility. However, design and construction projects are underway to upgrade the existing UV channel to be more efficient and to add additional channel(s) so the facility's "R-1" capacity will be increased to 7.5 mgd. In conjunction with upgrades to the facility, the existing "R-1" water transmission system will need to be expanded especially in the nearby Kaanapali Resort area. These efforts by the County of Maui will help to reduce the use of potable water for irrigation purposes and conserve the County water resources.

The Maui Infrastructure Assessment Update projected that by the year 2015 the demand for water will be 7.49 mgd and by year 2020 8.24 mgd well within the estimated 10 mgd water supply. The Kahoma Village project is anticipated to be constructed within the next five (5) years, as soon as all required permits are obtained and before any large developments such as Pulelehua is built. The estimated average daily water use of 120,000 gpd is minimal in relation to the total available supply and as such available service from the County of Maui is anticipated.

As previously noted, the Kahoma Village project will install low-flow plumbing fixtures and use of water efficient landscaping and irrigation systems to conserve water resources. Non-potable water from the LWWRF will be trucked to the site for construction. The existing non-potable water system from the LWWRF is limited to the Kaanapali Resort area and as such is not planned for post-construction.

6. ***Stormwater:*** As noted previously, the PDR proposes a system of perforated underground drain lines and an on-site retention/detention basin to handle stormwater runoff from the project which will allow sediments to settle and stormwater to percolate through the ground, improving water quality. Stormwater runoff that is allowed to discharge into the existing drainage system will be pre-treated through water quality devices to reduce pollutant levels from the existing untreated runoff that currently sheet flows across the project site. These measures will be implemented so as not to exacerbate the existing impaired water quality of the nearby marine waters.

As the project progresses through the permitting process, more specificity in types of drainage systems and required maintenance will be developed, as well as a maintenance program for the project.

7. ***Wastewater:*** As noted previously, the County of Maui is in the process of upgrading the LWWRF to upgrade the existing UV channel to be more efficient and to add additional channel(s) so the facility's "R-1" capacity will be increased to 7.5 mgd which can be reused for irrigation purposes and diverted from the existing injection wells. These efforts by the County of Maui will help to ensure that additional flows into the injection wells will not exceed 2.6 mgd.

   According to our engineering consultant, the Kahoma Village project is estimated to create an average dry weather flow rate of less than 0.07 mgd. This low rate and the previously noted efforts of the County of Maui will help to ensure that the injection wells do not exceed the allowable additional flow of 2.6 mgd at the LWWRF. Kahoma Village will in all likelihood be constructed in advance of larger projects and as such, it is anticipated that sewage capacity will be available for the project.

8. ***Solid Waste:*** The 2009 Integrated Solid Waste Management Plan notes that the average residential solid waste generated for Maui island is 2.9 tons per person. The 2010 census found that for Maui County the average persons per household is 2.87 persons. The Kahoma Village project is estimated to generate approximate 8.323 tons of solid waste annually.

   During project construction, waste generated is primarily vegetation resulting from grading and residual construction materials. The applicant will work with the County of Maui to implement a solid waste management plan for the construction phase of the project to reduce solid waste into the landfill. The greater problem regarding the future landfill needs of the County of Maui will be addressed by the County of Maui through implementation of its Integrated Solid Waste Management Plan. The County of Maui continues in its efforts to seek alternative technologies and recycling programs to handle its solid waste needs.

9. ***Cultural Resources:*** Appendix E has been revised to clarify that the Alamihi Fishpond is located west (makai) of Front Street on the County of Maui sewer pump station site. Also, since the publication of the Draft EA the project site was cleared of trash and unauthorized homeless camps were removed from the property which resulted in access to previously inaccessible areas. Additional archaeological subsurface testing of the project site was conducted in these areas. The results of the additional testing have been included in a revised archaeological assessment study. The testing did not yield any burials or cultural remains and does not change the previous conclusions.

10. ***Transportation:*** The project plans are conceptual, as such, we are unable to determine the total number of motor vehicles parked within the project site except for parking required by Maui County Code. The conceptual plans identifies approximately 460 parking spaces.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Mike Kujubu, Alakea Design Group
Fiona van Ammers, SSFM International, Inc.
Erik Fredericksen, Xamanek Researches, LLC
Jay Nakamura, Stanford Carr Development, LLC
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DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

APR 13 2012

ALAN M. ARAKAWA
Mayor
JO-ANN T. RIDAO
Director
JAN SHISHIDO
Deputy Director

2200 MAIN STREET • SUITE 546 • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165
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April 5, 2012

Colleen Suyama
Senior Associate
Munekiyo & Hiraga, Inc.
305 South High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

SUBJECT: Designation of Approving Agency for Chapter 343 Environmental Assessment for the Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

The Jeanette and Harry Weinberg Foundation and Stanford Carr Development LLC propose to develop the Kahoma Village project on property identified as TMK (2) 4-5-008:001 in Lahaina, Maui. Kahoma Village will include utility connections to County of Maui infrastructure on Kenui Street and Front Street and potential road widening improvements which would involve the use of County lands. The roadways are under the jurisdiction of the Department of Public Works. In accordance with Chapter 343, Hawaii Revised Statutes (HRS) and Title 200, Hawaii Administrative Rules (HAR) of the Department of Health, an Environmental Assessment (EA) is required.

The Kahoma Village project will also require approval of a 201H-38, HRS Affordable Housing application by the Maui County Council processed through the Department of Housing and Human Concerns (DHHC) as well as a Special Management Area Use (SMA) Permit from the Maui Planning Commission. The Kahoma Village project involves multiple jurisdictions in which the Department of Housing and Human Concerns (DHHC), Department of Public Works (DPW) and Maui Planning Commission (MPC) may be the Approving Agency.

Since there is more than one (1) agency that has jurisdiction over the action, pursuant to Title 200, §11-200-4, and as a follow-up to our discussion on March 28, 2012, we concur that the DHHC will be the Approving Agency based on the following:

1. The first approval to be processed with the County of Maui is the 201H-38, HRS, application. Since the environmental review of a project should be conducted as early as possible, and the first approval will be processed through the DHHC, it is determined that the DHHC has the greatest responsibility for supervising and processing the Kahoma Village project.

2. The DHHC can most adequately fulfill the requirements of Chapter 343, HRS;

3. The participation of the DHHC in the design, construction and compliance for the Kahoma Village project is more involved than the DPW and MPC.

If you have any questions or concerns, please do not hesitate to contact Mr. Buddy Almeida of the DHHC at 270-7351.

Sincerely,

JOANN T. RIDAO, DIRECTOR
Department of Housing and Human Concerns
County of Maui

DAVID GOODE, DIRECTOR
Department of Public Works
County of Maui

WILLIAM SPENCE, DIRECTOR
Department of Planning
County of Maui

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ALAN M. ARAKAWA
MAYOR

JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

NOV 0 2 2012

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

313 MANEA PLACE • WAILUKU, HAWAII 96793
(808) 244-9161 • FAX (808) 244-1363

Date: October 30, 2012

Department of Housing & Human Concerns
Attn: Buddy Almeida
One Main Plaza
2200 Main Street, Suite 546
Wailuku, HI 96793

Subject: **Draft Environmental Assessment and SMA for,**
Proposed Kahoma Village Project
Lahaina, Maui, Hawaii
TMK: (2) 4-5-008:001 (Por)

Dear All,

Thank you for allowing our office to comment on this Draft Environmental Assessment for the above mentioned project. At this time the Fire Prevention Bureau has no comment ,we reserve the right to comment during the building permit process.

If you have any questions, please call 808-244-9161 ext 25 or fax 808-244-1363.

Sincerely,

Kono Davis

Lt. K. Davis

CC: Department of Planning
Attn: Kathleen Aoki
250 South High Street
Wailuku, HI 96793

Munekiyo & Hiraga, Inc.
Attn: Colleen Suyama
305 High Street, Suite 104
Wailuku, HI 96793

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Lt. Kono Davis
Department of Fire and Public Safety
Fire Prevention Bureau
313 Manea Place
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Lt. Davis:

Thank you for your letter of October 30, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document and your confirmation that your department has no comments at this time but reserve the right to comment during the building permit process.

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Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Jay Nakamura, Stanford Carr Development, LLC
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ALAN M. ARAKAWA
Mayor

OCT 0 9 2012 GLENN T. CORREA
Director

PATRICK T. MATSUI
Deputy Director

(808) 270-7230
FAX (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

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

October 3, 2012

Colleen Suyama, Senior Associate
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Ms. Suyama:

SUBJECT: Early Consultation Request on the Proposed 201H-38, Hawaii Revised Statues (HRS) Kahoma Village Project at TMK (2) 4-5-008:001, Lahaina, Maui, Hawaii

The Department of Parks and Recreation (the department) is in receipt of your letter dated September 24, 2012, summarizing our June 5, 2012 meeting, concerning the proposed Kahoma Village Project.

While we are pleased that the applicant is reevaluating the project relevant to the requirements of Section 18.16.320 of the Maui County Code (MCC), concerning the size of the park, the department feels that it should be restated that we are not in support of a retention/detention basin being used to satisfy those requirements.

The department would also like to bring to the applicant's attention that under MCC, Section 18.16.320, B., 3., final approval for this project's park will need to be obtained through the Maui County Council. Additionally, the Council has, in the past, not been in favor of accepting a retention/detention basin to satisfy park dedications requirements.

Thank you for the opportunity to respond on this matter. Should you have any questions or need of additional information, please contact me or Robert Halvorson, Chief of Planning & Development at 808.870.5942 or robert.halvorson@co.maui.hi.us

Sincerely,

GLENN T CORREA
Director of Parks & Recreation

c: Robert Halvorson, Chief of Planning & Development
Jay Nakamura, Stanford Carr Development LLC

GTC:RH

ALAN M. ARAKAWA
Mayor

NOV 30 2012

GLENN T. CORREA
Director

PATRICK T. MATSUI
Deputy Director

(808) 270-7230
FAX (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

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

November 26, 2012

Colleen Suyama, Senior Associate
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Ms. Suyama:

SUBJECT: Draft Environmental Assessment, 201H-38, Hawaii Revised Statues (HRS) Affordable Housing Application and Special Management Area Use Permit Application For Proposed Kahoma Village Project at TMK (2)4-5-008:001 (Por), Lahaina, Maui, Hawaii

The Department of Parks and Recreation (the department), upon review of the documents submitted for the above subject actions, has no additional comments to offer, other than those listed in our October 3, 2012, response to the early consultation request regarding this matter.

To restate those comments, the department is not in support of a retention/detention basin being used to satisfy parks and playground requirements.

Further, final approval for this project's park will need to be obtained through the Maui County Council. The Council has, in the past, not been favorable toward accepting a retention/detention basin to satisfy park dedications requirements.

Thank you for the opportunity to respond on this matter. Should you have any questions or need of additional information, please contact me or Robert Halvorson, Chief of Planning & Development at 808.870.5942 or robert.halvorson@co.maui.hi.us

Sincerely,

GLENN T CORREA
Director of Parks & Recreation

c: Robert Halvorson, Chief of Planning & Development
Kathleen Aoki, Department of Planning
Buddy Almeida, Department of Housing and Human Concerns

GTC:RH

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Glenn T. Correa, Director
Department of Parks and Recreation
700 Hali`a Nakoa Street, Unit 2
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment, Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Mr. Correa:

Thank you for your letters of October 3, 2012 and November 26, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), 201H-38 Hawaii Revised Statutes (HRS) Affordable Housing Application and Special Management Area Use Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant, Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we acknowledge your department's comments on the proposed park within Kahoma Village. We will continue our discussions with your department to determine the appropriate park requirements for the project.

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Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Jay Nakamura, Stanford Carr Development LLC
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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

NOV 2 0 2012

COUNTY OF MAUI

DEPARTMENT OF PLANNING

November 15, 2012

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

Dear Ms. Suyama:

SUBJECT: MAUI PLANNING COMMISSION (COMMISSION) COMMENTS ON THE DRAFT ENVIROMENTAL ASSESSEMENT (EA) FOR THE PROPOSED KAHOMA VILLAGE PROJECT, LAHAINA, ISLAND OF MAUI, HAWAII; TMK: 2-4-5-008:001 (POR) (EAC 2012/0022)

At its regularly scheduled meeting held on October 23, 2012, the Commission reviewed the above-referenced document and provided the following comments:

1. Page No. 15 of the Traffic Impact Analysis Report (TIAR) indicates that the level of service for the intersections of Kapunakea Street and Kenui Street and Kenui Street and Papalaua Street are both at level of service "D" and that this is deemed "appropriate". Please provide an explanation on how this low level of service is considered "appropriate", and acceptable, and how the addition of this project will have an insignificant impact on already designated low level of service intersections.

2. The TIAR indicates that there will be no affect, nor improvement, for traffic entering Front Street from Kenui Street once the project is completed. However, all traffic from the development will need to access Front Street in order to travel northbound on Honoapi'ilani Highway. Please explain how the project will not have an impact on those traveling from Kenui Street onto Front Street with no improvement(s) proposed.

3. The development should prioritize people and not the automobile. As such, it is recommended that the development be walkable and include pedestrian corridors and sidewalks that have large shade trees and landscaping between roads and sidewalks. It is suggested that the trees planted as part of the development have roots that are sidewalk friendly.

4. It is recommended that the developer consider including a pedestrian bridge over Kahoma Stream, midway between the project. Please comment.

5. The development is County Zoned A-1 and could; therefore allow for more units. Given the lack of affordable housing in West Maui, the developer is asked to consider a different proposal. Please discuss the possibility, or inability, of providing more units.

6. The document should include a record of ownership for the property.

7. Is this project subject to the Show-Me-The-Water requirement of the County? Please clarify.

8. Please clarify if there will be a Homeowners Association, or the like, for the new homeowners of the development and the process of creating such an organization.

9. Will the project include a "gathering" place, whether it be open-aired or enclosed, for residents to meet? Please describe the facility and its location.

10. Please respond to the suggestion that the development include covered parking given the location of the project (hot and sunny Lahaina). Further, it was suggested that covered parking could provide the ability and opportunity to install photovoltaic panels on the structures which would; therefore generate power for the project and its residents.

11. A new harbor proposal has been made on the project site and was discussed in a public forum for this property. Please clarify the legitimacy of this proposed project.

12. Please respond to the question about whether there are any provisions for bus stops both within the project or on Front or Kenui Street.

13. Please respond to the question about whether there will be crosswalks in the area of Kenui Street to Wainee Street or Kenui Street to Nakeli Place.

Please provide written responses to the above comments in the Final EA. Thank you for your cooperation in this matter. Should further clarification be necessary, please contact Staff Planner Kathleen Ross Aoki at kathleen.aoki@mauicounty.gov or at (808) 270-5529.

Sincerely,

WILLIAM SPENCE
Planning Director

xc: Clayton Yoshida, AICP, Planning Program Administrator (PDF)
Kathleen Ross Aoki, Staff Planner (PDF)
Program File
General File

WRS:KRA:rm
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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

William Spence, Planning Director
Maui Planning Commission
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Mr. Spence:

Thank you for your letter of November 15, 2012, transmitting the comments of the Maui Planning Commission (Commission) on the Draft Environmental Assessment (EA). On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate the Commission's review of the document. We also offer the following information which addresses the Commission's comments in the order listed in your letter:

1. The traffic consultant, SSFM International, Inc. (SSFM) assessed the projected operations along Honoapiilani Highway prior to the build-out of the project. See Appendix "I" of the Draft Environmental Assessment-Traffic Impact Analysis Report (TIAR), Table 7, page 15. Prior to project build-out, the TIAR indicates that along Honoapiilani Highway, between Kapunakea Street and Kenui Street the roadway level of service (LOS) is F and D in the northbound and southbound directions, respectively. Along Honoapiilani Highway, between Kenui Street and Paplaua Street, the LOS is projected to be D for both directions. This projection reflects the roadway capacity constraints as noted in the TIAR, page 15. With the completion of a portion of the Lahaina Bypass Road March 2013, and additional future phases, improved traffic operations along Honoapiilani Highway are anticipated.

   As noted in the Traffic Impact Analysis Report (TIAR), *A Policy on Geometric Design of Highways and Streets* (AASHTO, 2011), Table 2-5. Guidelines for Selection of Design Levels of Service, provides "Appropriate Level of Service for Specified Combinations of Area and Terrain Type." LOS C or D is deemed appropriate for an "Arterial" in an "Urban and Suburban" area and Honoapiilani

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Highway fits within this designation.

2. According to SSFM, the intersection of Kenui Street at Front Street is anticipated to operate with all traffic movements at LOS C or better during the peak hours during Future (2017) Without Project conditions (TIAR, Page 15, Table 8). As noted in AASHTO, LOS D is deemed appropriate for a "Collector" in an "Urban and Suburban" area, and Front Street fits within this designation. TIAR, Page 18 (Figure 6: Project Related Trips) shows the additional trips being added to the intersection as a result of the proposed project. Those vehicles traveling northbound on Honoapiilani Highway can turn right out of the project driveway along Front Street or utilize the intersection of Kenui Street and Front Street after exiting through the project driveway along Kenui Street. Future (2017) With Project conditions are not expected to worsen below LOS C at the intersection of Kenui Street at Front Street (TIAR, Page 20, Table 12). Negligible impact is projected as a result of the development because right-turns have a limited impact on intersection operations. The addition of a dedicated right-turn lane along Kenui Street would increase vehicle delay and would result in a longer crossing distance for pedestrians.

3. The proposed Kahoma Village project improvements will provide sidewalks and street landscaping along Front Street and Kenui Street to encourage walking.

   Further, the design of the streetscape and common open space areas within Kahoma Village are focused on the residents and not the automobile. Design elements such as reduced roadway widths, service alley, clustering of residential units with a common driveway, architecture, and landscaped streets, parks and open space are proposed to make Kahoma Village a walkable community in which residents are encouraged to walk to the parks and utilize the common open space areas.

   As suggested, shade trees planted within the project will have roots that are sidewalk friendly or appropriate root barriers will be installed.

4. The existing Kahoma Bridge on Front Street includes sidewalks on both sides of the bridge for pedestrian use and is conveniently located near the project's driveway access.

5. Although the zoning allows for greater densities, the goal of the applicant is to provide a variety of housing types that are affordable to residents while maintaining a residential character with amenities such as the resident parks and open space areas. The project involves a mixture of product types and pricing which addresses a wider spectrum of the market needs in addition to having

affordable priced housing units.

Greater densities of having more units within the project may negatively affect design elements such as the parks and open space areas or cause additional unusual impacts from Honoapiilani Highway.

6. A record of ownership was included in the Special Management Area (SMA) Permit Application filed with the Maui Planning Department. Also, a current Record of Title was completed by the applicant and included in the SMA application. See **Exhibit "A"**.

7. The applicant is aware that prior to issuance of building permits the project will be subject to "Show-Me-The-Water" requirement of the County.

8. There will be a Homeowners Association. After the entitlements and discretionary permits are obtained, the applicant will develop a process to create the Association.

9. A gazebo is planned within the larger park area which can be used as an open air gathering place for residents.

10. The multi-family units are proposed to meet the affordable housing criteria of the County of Maui. To maintain the affordability of the project, the cost of construction will need to be carefully monitored. Consideration for covered parking and installation of photovoltaic panels will be assessed.

11. At the time of the Maui Planning Commission's meeting The Harry and Jeanette Weinberg Foundation (Foundation) as owner of the subject property had not met with the proponents of the new harbor proposal and has not given any approval nor support to the harbor. Further, the applicant, Stanford Carr Development LLC received authorization from the Foundation to obtain the necessary approvals to develop the Kahoma Village project.

12. Bus stops are not currently included within the Kahoma Village project. However, as may be necessary, the applicant will work with the County of Maui Department of Transportation in the development of a bus stop on Front or Kenui Streets.

13. The applicant will consult with the County of Maui Department of Public Works to determine if installation of a crosswalk on Kenui Street to Nakeli Place, is needed.

Thank you again for the Commission's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama
Senior Associate

CS:la
Enclosure
cc: Buddy Almeida, Department of Housing and Human Concerns (w/out enclosure)
Danny Dias, Department of Planning (w/enclosure)
Fiona van Ammers, SSFM International, Inc. (w/out enclosure)
Michael Packard, SSFM International, Inc. (w/out enclosure)
Michael Miyabara, Miyabara Associates (w/out enclosure)
Jay Nakamura, Stanford Carr Development, LLC (w/out enclosure)
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OLD REPUBLIC
TITLE & ESCROW OF HAWAII

33 Lono Avenue, Suite 170
Kihei, HI 96732
(808) 871-2800 Fax: (808) 871-8828

PRELIMINARY REPORT

Our Order Number 6829000694-DD

STANFORD CARR DEVELOPMENT, LLC
1100 Alakea Street, 27th Floor
Honolulu, HI 96813

Attention: JAY NAKAMURA

When Replying Please Contact:

Dawn DeRego
dderego@ortc.com
(808) 871-2800

Property Address:

Lahaina, HI 96761

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE & ESCROW OF HAWAII hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.
It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of January 3, 2013, at 8:00 AM

OLD REPUBLIC TITLE & ESCROW OF HAWAII
For Exceptions Shown or Referred to, See Attached

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy -1990. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee Simple

Title to said estate or interest at the date hereof is vested in:

THE HARRY AND JEANETTE WEINBERG FOUNDATION, INC., a Maryland corporation

The land referred to in this Report is situated in the State of Hawaii, and described as follows:

See Legal Description Exhibit.

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2012 - 2013, as follows:

Tax Map Key	:	2-4-5-008-001	
1st Installment	:	$14,857.06	Marked Paid
2nd Installment	:	$14,857.06	NOT Marked Paid
Total Value	:	$4,792,600.00	
Land Value	:	$4,792,600.00	
Imp. Value	:	$0.00	
Exemption	:	$0.00	

2. Title to all minerals, and metallic mines reserved to the State of Hawaii.

3. Restriction of vehicle access rights into and from Honoapiilani Highway, Federal Aid Project No. F-030-1(1) over and across courses 1 and 2 of the land described herein, as set forth in instrument dated February, 12, 1957, recorded March 7, 1957, in the Bureau of Conveyances of the State of Hawaii in Book 3231, Page 411.

4. Lease in favor of Maui Electric Company, Limited and Hawaiian Telephone Company, dated October 13, 1967, recorded December 8, 1967, in the Bureau of Conveyances of the State of Hawaii in Book 5893, Page 226; leasing and demising right-of-way, each 25 feet in width, over, across and under a portion of the land described herein, besides other land, for a terms of 35 years commencing October 13, 1967, and thereafter from year to year until terminated by either the lessor or the lessee

5. An easement thirty(30) feet wide, for road and utility purposes, in favor of Pioneer Mills Company, Limited, its successors and assigns, as set forth in Deed dated September 19, 1973, recorded September 20, 1973, in the Bureau of Conveyances of the State of Hawaii, in Book 9503, Page 378, and as shown on map attached thereto as Exhibit "B".

6. A perpetual right and easement reserved by Pioneer Mill Company, Limited, a Hawaii corporation, its successors and assigns, forever, as appurtenant to the lands of Pioneer Mill Company, Limited located on the Island of Maui, now owned and used or hereafter acquired and used by Pioneer Mill Company, Limited in its sugar plantation operations, to discharge, emit, or transmit surface water runoff, noise, smoke, soot, dust, lights, vapors, odors, and other substances and phenomena of every description, created by and resulting from the reasonable operations of Pioneer Mill Company, Limited in burning sugar cane and bagasse, milling, generating power, trucking, hauling and all other activities incidental to the operation of a sugar cane plantation; and Amfac, Inc., its successors and assigns, do hereby waive any and all claims under any law whatsoever against Pioneer Mill Company, Limited arising therefrom; as reserved in said Deed dated September 19, 1973, recorded September 20, 1973 in the Bureau of Conveyances of the State of Hawaii in Book 9503, Page 378

7. Pending in the Circuit Court of the Second Circuit, State of Hawaii, is Civil No. 3066, filed June 22, 1976; THE COUNTY OF MAUI, a municipal corporation, Plaintiff (Attorney – Steven R. Scott) vs. AMFAC, INC., a Hawaii corporation, PIONEER MILL COMPANY, a Hawaii corporation, and HRT, LTD., a Hawaii corporation, Defendant, Re: Acquisition of an easement over, under through and across a portion of the land described herein, for a public use, to-wit: the construction and maintenance of the Lahaina Sewer System and Waste Water Reclamation Plant – Part A-Sewer System, Job No. 72-9, Federal Project No. C-1550054-01-0, as set forth in the DEED dated April 29, 1985, recorded April 29, 1985 in the Bureau of Conveyances, State of Hawaii, in Book 18599, Page 617 and being more particularly described as follows:

Easement A (10 feet wide), for sewerline purposes, in favor of the County of Maui and more particularly described as follows:

All of that certain parcel of land, being portions of Parcel 1 of Tax Map Key: 4-5-08 and Royal Patent 5691, Land Commission Award 3702, Apana 3 to D. Malo, situate Lahaina, Maui, Hawaii.

Beginning at a point on the Northeasterly corner of this easement, on the Easterly side of Parcel 1 and on the Westerly side of Honoapiilani Highway, F. A. P. F-030-1(1), the coordinates of said point of beginning referred to Government Survey Triangulation Station "Laina" being:

4,460.83 feet South
4,782.57 feet West

and running by azimuths measured clockwise from true South:

1.	344°	20'	10.58	feet along Easterly side of Parcel 1 and along the Westerly side of Honoapiilani Highway, F. A. P. F-030-1(1) to a point;

2.	55°	20'		10.96	feet along remainders of Parcel 1 and R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a point;
3.	100°	20′		185.78	feet along same to a point;
					thence along same and along an arc of a curve to the right with a radius of 1,905.17 feet, the chord azimuth and distance being:
4.	109°	50′	30″	629.43	feet to a point;
5.	119°	21'		153.87	feet along remainders of Parcel 1 and R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a point;
6.	74°	21'		27.85	feet along same to a point;
7.	49°	54'		24.79	feet along same to the Easterly side of Front Street to a point;
8.	184°	54'		14.14	feet along the Westerly side of Parcel 1, along the Easterly side of Front Street and along remainder of R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a point;
9.	229°	54'		16.97	feet along remainders or Parcel 1 and R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a point;
10.	254°	21'		34.15	feet along same to a point;
11.	299°	21'		158.01	feet along same to a point;
					thence along same and along an arc of a curve to the left with a radius of 1,895.17 feet, the chord azimuth and distance being:
12.	289°	50'	30"	626.13	feet to a pipe;
13.	280°	20'		181.64	feet along remainders of Parcel 1 and R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a point;
14.	235°	20′		10.26	feet along same to the point of beginning and containing an area of 10,333 square feet, more or less.

8. Construction Easement 16 affecting Lot 1 in favor of the County of Maui, as set forth in DEED dated May 15, 1989, recorded May 26, 1989 in the Bureau of Conveyances, State of Hawaii, in Book 23232, Page 229, more fully described as follows:

CONSTRUCTION EASEMENT 16

KAHOMA STREAM FLOOD CONTROL PROJECT

SITUATED ON THE WEST SIDE OF HONOAPIILANI HIGHWAY

(F.A.P. F-030-1(1)

AT LAHAINA, MAUI, HAWAII

BEING A PORTION OF ROYAL PATENT 5691,

LAND COMMISSION AWARD 3702, APANA 3 TO D. MALO

Beginning at the Northeast corner of this Easement, being also the Southeast corner of Right-of-Way Parcel 12, Kahoma Stream Flood Control Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 4,544.32 feet South and 4,759.11 feet West and running by azimuths measured clockwise from True South:

1.	344°	20′	109.94	feet along the West side of Honoapiilani Highway (F.A.P. F-030-1(1);
2.	120°	13′	316.03	fet along the remainder of Lot 1, Kahoma Stream Floood Control Project;
3.	164°	20′	25.82	feet along the remainder of Lot 1, Kahoma Stream Flood Control Project;
4.	106°	50′	247.97	feet along the remainder of Lot 1, Kahoma Stream Flood Control Project;
5.	107°	21′	209.72	feet along the remainder of Lot 1, Kahoma Stream Flood Control Project;
6.	116°	58′	287.68	feet along the remainder of Lot 1, Kahoma Stream Flood Control Project;
7.	209°	14′	30.00	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;

8.	295°	58′	284.51	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
9.	288°	40′	206.85	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
10.	286°	50′	409.44	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project
11.	12°	18′	30.00	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
12.	282°	18′	62.09	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
13.	12°	18′	10.00	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
14.	282°	18′	34.65	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project to the point of beginning and contain an area of 43,647 square feet, more or less.

9. This report does not offer or include any coverage against matters relating to the exercise of Native Hawaiian customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural or religious purposes, and access, water gathering rights, as reserved, existing or established under the Constitution, law and usage of the State of Hawaii, except to the extent that a notice of same affecting the land has been recorded in the public records at date of policy and is not excepted in Schedule B, and the Company will not pay any loss or damage, costs, attorney's fees or expenses which arise by reason of such matters.

   To obtain information on such matters, please contact: your legal counsel on Native Hawaiian rights.

10. Any claim of lien for services, labor or material arising from an improvement or work under construction or completed at the date hereof.

11. Any unrecorded and subsisting leases.

    NOTE: If it is anticipated that closing occur before the expiration of the lien period, then we ask that the appropriate current financial statements on behalf of the proposed indemnitor(s) be furnished to the Company for consideration at this time.

12. Rights and claims of parties in possession.

13. Any facts, rights, interests or claims which an accurate survey would show.

14. Old Republic Title and Escrow of Hawaii recommends that a modern metes and bounds survey be made to determine the actual boundaries and area of the property herein.

15. The requirement that this Company be provided with a suitable Owner's Affidavit (form ORT 174). The Company reserves the right to make additional exceptions and/or requirements upon review of the Owner's Affidavit.

16. Satisfactory evidence furnished to this Company:

    a) as to the due formation and continued existence of Harry and Jeanette Weinberg Foundation, Inc. as a legal entity under the laws of Maryland; and

    b) documents from its board of directors authorizing this transaction and specifying the officers who shall to execute on behalf of the corporation.

---------- Informational Notes ----------

A. We find no open Mortgage of record. Please verify by inquiry of Escrow Personnel and/or Agents whether or not we have overlooked something and advise the Title Department accordingly prior to closing.

B. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

Instrument Entitled	:	DEED
By/From	:	HRT, LTD, a Hawaii corporation
To	:	THE HARRY AND JEANETTE WEINBERG FOUNDATION, INC., a Maryland corporation
Dated	:	May 15, 1989
Recorded	:	May 26, 1989 in the Bureau of Conveyances, State of Hawaii, in Book 23232, Page 229

NOTE: According to the public records, there have been no deeds conveying the property described in this report recorded within a period of 36 months prior to the date hereof except as follows:

NONE

C. Short Term Rate ("STR") does not apply.

LEGAL DESCRIPTION EXHIBIT

The land referred to in this Report is situated in the State of Hawaii, and described as follows:

All of that certain parcel of land, being all of the Royal Patent 1206, Land Commission Award 6052, Apana 1 to Waihokaea and Kenui, Royal Patent 1860, Land Commission Award 6061, Apana 1 to Hanemo and Royal Patent 1888, Land Commission Award 9795-G, Apana 2 to Ua and portions of Royal Patent 5632, Land Commission Award 520, Part 2 to Daniel Ii, Royal Patent 5604, Land Commission Award 3421-B, Apana 1 to Kaaa, Land Patent 8246, Land Commission Award 3425-B, Apana 3 to Aiu, Royal Patent 5691, Land Commission Award 3702, Apana 3 to D. Malo, Royal Patent 2567, Land Commission Award 7715, Apana 1 to Lota Kamehameha, Land Patent 8392, Land Commission Award 8515 to G. Lahilahi, Royal Patent 1888, Land Commission Award 9795-G, Apana 1 to Ua, Royal Patent 3581, Land Commission Award 11086, Apana 4 to J. H. Kaiheekai and Grant 962 to Puhalahua, situate Lahaina, Maui, Hawaii, as per survey dated September 5, 1984 by Robert N. Ota, Registered Professional Land Surveyor, Certificate Number 3501-S, described as follows:

Beginning at a pipe on the Northeasterly corner of this parcel of land, on the Southerly side of the Kahoma Stream and the Westerly side of Honoapiilani Highway, F.A.P. F-030-1(1), the coordinates of said point of beginning referred Government Survey Triangulation Station "Laina" being:

4,424.74 feet South
4,792.69 feet West

and running by azimuths measured clockwise from true South:

1.	344°	20′	00″	274.99	feet along the Westerly side of Honopiilani Highway, F.A.P. F-030-1(1), to a pipe;
					thence along same and along an arc of a curve to the left with a radius of 1,949.86 feet, the chord azimuth and distance being:
2.	340°	02′	18″	292.07	feet to a spike;
3.	62°	40′	00″	1,054.63	feet along Parcel 4, along the Northerly side of Kenui Street and along remainders of R. P. 1888, L. C. Aw. 9795-G, Ap. 1 to Ua, Grant 962 to Puhalahua, R. P. 3581, L. C. Aw. 11086, Ap. 4 to J. H. Kaiheekai, R. P. 2567, L. C. Aw. 7715, Ap. 1 to Lota Kamehameha, and L. P. 8246, L. C. Aw. 3425-B, Ap. 3 to Aiu to a pipe;
4.	150°	53′	00″	148.76	feet along the Easterly side of Front Street and along remainder of Grant 962 to

					Puhalahua to a pipe;
5.	154°	34′	30″	61.98	feet along same to a pipe;
6.	157°	10′	00″	44.24	feet along same to a pipe;
7.	159°	25′	00″	33.98	feet along same to a pipe;
8.	160°	00′	00″	181.00	feet along the Easterly side of Front Street and along remainder of L. P. 8392, L. C. Aw. 8515 to G. Lahilahi to a pipe;
9.	164°	20′	00″	214.00	feet along the Easterly side of Front Street to a pipe;
10.	169°	50′	00″	102.00	feet along the Easterly side of Front Street to a pipe;
11.	186°	45′	00″	26.00	feet along the Easterly side of Front Street and along remainder of L. P. 8392, L. C. Aw. 8515 to G. Lahilahi to a pipe;
12.	186°	45′	00″	255.10	feet along the Easterly side of Front Street and along remainder of R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a pipe;
13.	190°	09′	00″	250.29	feet along same to a pipe;
14.	184°	54′	00″	115.00	feet along same to a pipe;
15.	227°	14′	20″	6.61	feet along same to a pipe;
					thence along the Southerly side of the Kahoma Stream for the next fifteen (15) courses, the direct azimuth and distances being:
16.	310°	05′	00″	54.23	feet to a pipe;
17.	307°	19′	00″	67.59	feet to a pipe;
18.	300°	03′	00″	55.31	feet to a pipe;
19.	290°	53′	00″	63.36	feet to a pipe;
20.	276°	04′	00″	55.47	feet to a pipe;
21.	252°	20′	00″	29.46	feet to a pipe;
22.	227°	23′	00″	70.06	feet to a pipe;

23.	243°	33′	00″	50.38	feet to a pipe;
24.	274°	05′	00″	35.86	feet to a nail in wall;
25.	308°	56′	00″	159.81	feet to a pipe;
26.	303°	34′	00″	48.16	feet to a pipe;
27.	298°	32′	00″	50.01	feet to a pipe;
28.	292°	57′	00″	100.12	feet to a pipe;
29.	297°	49′	00″	195.84	feet to a pipe;
30.	292°	47′	00″	48.94	feet to the point of beginning and containing an area of 24.354 acres, more or less.

EXCEPTING therefrom the "Excluded Area" as excluded in Deed dated May 15, 1989, recorded May 26, 1989 in the Bureau of Conveyances, State of Hawaii in Book 23232, Page 229, being more fully described as follows:

PARCEL I:

RIGHT-OF-WAY PARCEL 12

KAHOMA STREAM FLOOD CONTROL PROJECT

SITUATED BETWEEN FRONT STREET AND HONOAPIILANI HIGHWAY

[F.A.P. F-030-1(1)]

AT LAHAINA, MAUI, HAWAII

BEING A PORTION OF ROYAL PATENT 5691,

LAND COMMISSION AWARD 3702, APANA 3 TO D. MALO

Beginning at the Southeast corner of this Parcel of Land, being also the Northeast corner of Lot 1, Kahoma Stream Flood Control Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 4,544.32 feet South and 4,759.11 feet West and running by azimuths measured clockwise from True South:

1.	102°	18′	34.65	feet along Lot 1, Kahoma Stream Flood Control Project;
2.	192°	18′	10.00	feet along Lot 1, Kahoma Stream Flood Control Project;

3.	102°	18′		62.09	feet along Lot 1, Kahoma Stream Flood Control Project;
4.	192°	18′		30.00	feet along Lot 1, Kahoma Stream Flood Control Project;
5.	106°	50′		409.44	feet along Lot 1, Kahoma Stream Flood Control Project;
6.	108°	40′		206.85	feet along Lot 1, Kahoma Stream Flood Control Project;
7.	115°	58′		284.51	feet along Lot 1, Kahoma Stream Flood Control Project;
8.	29°	14′		50.02	feet along Lot 1, Kahoma Stream Flood Control Project;
9.	9°	21′	10″	149.72	feet along Lot 1, Kahoma Stream Flood Control Project;
10.	99°	21′	10″	37.97	feet along Lot 1, Kahoma Stream Flood Control Project;
11.	190°	09′		175.16	feet along the Easterly side of Front Street;
12.	184°	54′		115.00	feet along the Easterly side of Front Street;
13.	227°	14′	20″	6.61	feet along the South side of Kahoma Stream;
14.	310°	05′		54.23	feet along the South side of Kahoma Stream;
15.	307°	19′		67.59	feet along the South side of Kahoma Stream;
16.	300°	03′		55.31	feet along the South side of Kahoma Stream;
17.	290°	53′		63.36	feet along the South side of Kahoma Stream;
18.	276°	04′		55.47	feet along the South side of Kahoma Stream;
19.	252°	20′		29.46	feet along the South side of Kahoma Stream;

20.	227°	23′	70.06	feet along the South side of Kahoma Stream;
21.	243°	33′	50.33	feet along the South side of Kahoma Stream;
22.	274°	05′	35.86	feet along the South side of Kahoma Stream;
23.	308°	56′	27.12	feet along the South side of Kahoma Stream;
24.	22°	10′	26.19	feet along Right-of-Way Parcel 13, Kahoma Stream Flood Control Project;
25.	297°	36′	127.62	feet along Right-of-Way Parcel 13, Kahoma Stream Flood Control Project;
26.	303°	34′	48.16	feet along the South side of Kahoma Stream;
27.	298°	32′	50.01	feet along the South side of Kahoma Stream;
28.	292°	57′	109.12	feet along the South side of Kahoma Stream;
29.	297°	49′	195.84	feet along the South side of Kahoma Stream;
30.	292°	47′	48.95	feet along the South side of Kahoma Stream;
31.	344°	20′	133.80	feet along the West side of Honoapiilani Highway (F.A.P. F-030-1(1)) to the point of beginning and containing an area of 2.760 acres, more or less.

PARCEL II

RIGHT-OF-WAY PARCEL 13

(REMNANT)

KAHOMA STREAM FLOOD CONTROL PROJECT

SITUATED AT LAHAINA, MAUI, HAWAII

BEING A PORTION OF ROYAL PATENT 5691,

LAND COMMISSION AWARD 3702, APANA 3 TO D. MALO

Beginning at the East corner of this Parcel of Land, on the South side of Kahoma Stream, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 4,225.21 feet South and 5,187.14 feet West and running by azimuths measured clockwise from True South:

1.	117°	36′	127.62	feet along Right-of-Way Parcel, 12, Kahoma Stream Flood Control Project;
2.	202°	10′	26.19	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
3.	308°	56′	132.69	feet along the South side of Kahoma Stream to the point of beginning and containing an area of 1,664 square feet, more or less.

NOTE: The Department of Taxation maps disclose an area of 24.354 acres, more or less as designated by TMK: (1) 4-5-008-001.

Being all the property described in the following:

DEED

Recorded	:	May 29, 1989 in the Bureau of Conveyances, State of Hawaii, in Book 23232, Page 229
Grantor	:	HRT, LTD., a Hawaii corporation
Grantee	:	THE HARRY AND JEANETTE WEINBERG FOUNDATION, INC. a Maryland corporation

Exhibit A

CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or {iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.-

   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.

3. Defects, liens, encumbrances, adverse claims or other matters:

   (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;

   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;.

   (c) resulting in no loss or damage to the insured claimant;

   (d) attaching or created subsequent to Date of Policy; or

   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.

4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land Is situated.

5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.

6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments Which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

   Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Any facts, rights, interests, or claims Which are not shown by the public records but which could be ascertained by an inspection of the land which may be asserted by persons in possession thereof,

3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

6. Any lien or right to a lien for services, labor or material not shown by the public records.

Old Republic Title & Escrow of Hawaii

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Old Republic Title & Escrow of Hawaii

We may collect nonpublic personal information about you from the following sources:

Information we receive from you such as on applications or other forms.
Information about your transactions we secure from our files, or from [our affiliates or] others.
Information we receive from a consumer reporting agency.
Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

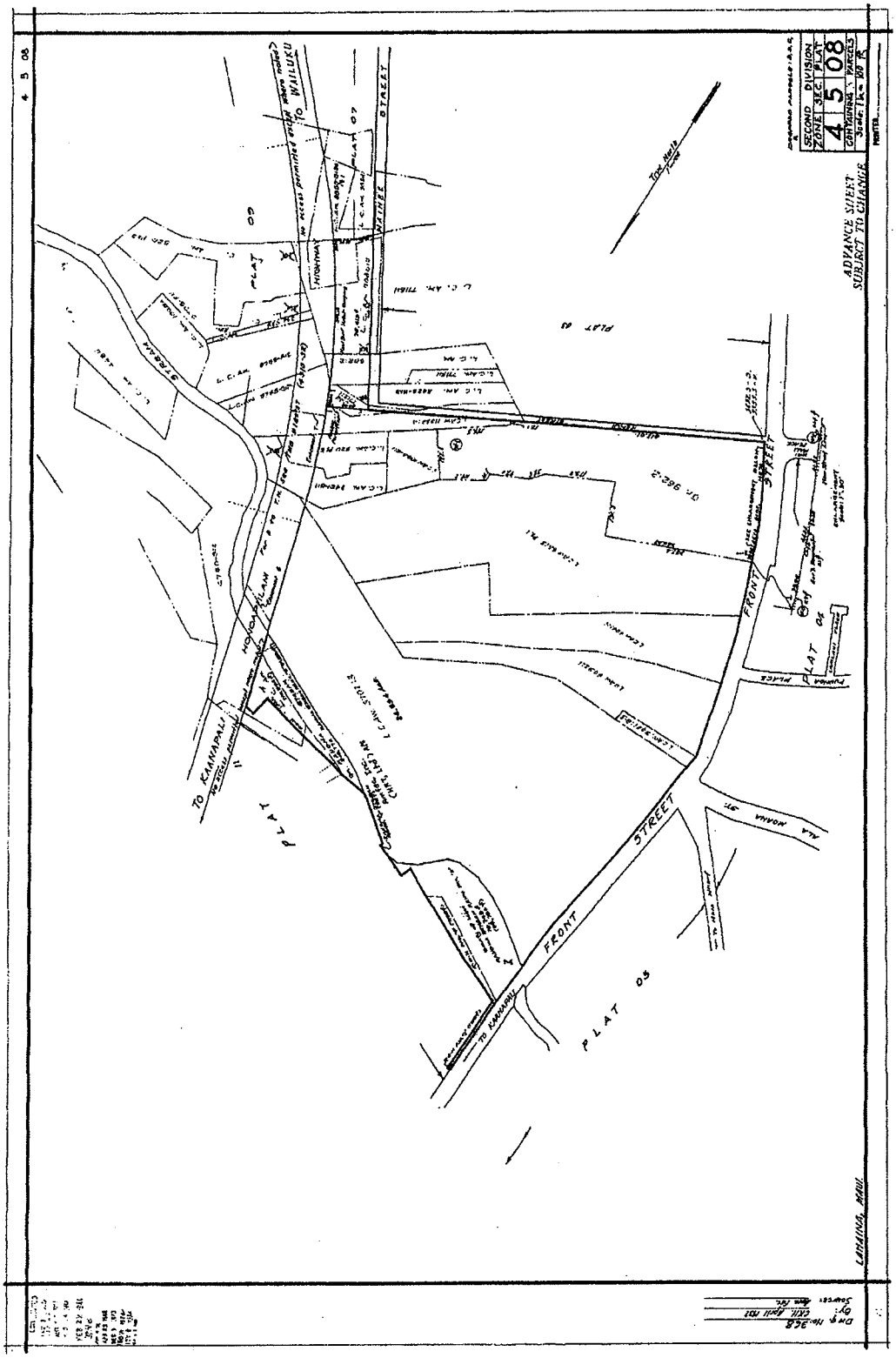
We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

ORT 287-C 5/07/01


SECOND DIVISION
ZONE SEC. PLAT
4 5 08
ADVANCE SHEET
SUBJECT TO CHANGE
FRONT STREET
PLAT 05
PLAT 04
PLAT 11
TO KAANAPALI
TO WAILUKU
LAHAINA, MAUI

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

NOV 2 0 2012

COUNTY OF MAUI
DEPARTMENT OF PLANNING

November 20, 2012

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

Dear Ms. Suyama:

SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSEMENT (EA) FOR THE PROPOSED KAHOMA VILLAGE PROJECT, AT LAHAINA, MAUI, HAWAII; TMK: (2) 4-5-008:001 (POR.) (EAC 2012/0022)

The Department of Planning (Department) is in receipt of the above-referenced Draft EA. The Department offers the following comment at this time:

1. Page No. 35-36, Recreational Activities: Please provide specific mitigation measures that will be taken by the Applicant to address beach parking for non-area residents and visitors who currently park along the north side (unimproved) of Kenui Street in order to access "Baby Beach". Will the traffic improvements proposed for Kenui Street include street parking along the north side, similar to existing street parking on the south side?

Please provide a written response to the above comment in the Final EA. Thank you for your cooperation in this matter. Should further clarification be necessary, please contact Staff Planner Kathleen Ross Aoki at kathleen.aoki@mauicounty.gov or at (808) 270-5529.

Sincerely,

CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

xc: Kathleen Ross Aoki, Staff Planner (PDF)
Project File
General File

WRS:CIY:KRA:vb
K:\WP_DOCS\PLANNING\EAC\2012\0022_KahomaVillageProject\Dept Comments.doc

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

William Spence, Planning Director
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA) and Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Mr. Spence:

Thank you for your letter of November 20, 2012, transmitting comments on the Draft Environmental Assessment (EA) and Section 201H-38, Hawaii Revised Statutes (HRS), Affordable Housing Application for the proposed Kahoma Village project. On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document. We also offer the following information which addresses your comment:

We understand the area known as Baby Beach does not have adequate beach parking and beach goers have been parking on the Kenui Street side of the project site. The Kahoma Village project includes road widening improvements along Kenui Street. As much as practicable, the applicant will consider including onstreet parking that may be used by beach goers and coordinate with agencies, such as the Department of Public Works.

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Thank you again for your department's participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Fiona van Ammers, SSFM International, Inc.
Jay Nakamura, Stanford Carr Development, LLC
K:\DATA\Weinberg\LahainaRes\Draft EA\Reponses\PlanningDept.ltr.docx

DEC 21 2012

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

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

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

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

December 18, 2012

Ms. Colleen Suyama, Senior Associate
MUNEKIYO & HIRAGA, INC.
305 High Street, Suite 104
Wailuku, Maui, Hawaii 96793

Dear Ms. Suyama:

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT, 201H-38 HAWAII REVISED STATUTES AFFORDABLE HOUSING APPLICATION AND SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION FOR PROPOSED KAHOMA VILLAGE PROJECT; TMK: (2) 4-5-008:001 (POR.) SM1 2012/0007

We reviewed your proposal and offer the following comments:

1. We note that the adjacent road frontage along Kenui Street and Front Street will be improved to County standards.

2. We note that the internal roadways will be kept under private ownership and maintenance.

3. We note that a fence will be constructed along the property boundary with the Kahoma Stream Flood Control Facility.

4. The document indicates that the Kahoma Stream Flood Control Facility is managed by the U. S. Army Corps of Engineers. Please revise this to indicate that the facility is managed by the County of Maui with oversight by the U. S. Army Corps of Engineers. Any construction affecting the Kahoma Stream Flood Control Facility must receive approval from the County of Maui Department of Public Works Engineering Division, who will then seek concurrence with the U. S. Army Corps of Engineers.

5. Any landscaping proposed to be planted adjacent to or within the County road right of way needs to be provided with root barriers.

6. Landscaping should not impede sight distances at the two driveway ingress/egress locations.

7. The Kahoma Stream Flood Control levees and/or areas adjacent to the stream channel cannot tolerate any landscaping, especially trees, whose roots may negatively impact these flood control facilities. The U. S. Army Corps of Engineers has advised the County of Maui that areas adjacent to the flood control channel must be kept free and clear and that tree roots from levees and areas adjacent to flood control channels must be removed.

8. Any encroachments by properties adjacent to the Kahoma Stream Flood Control Facility will not be tolerated. Property owners shall be advised of this at the time of sale.

9. Any drainage facility constructed outside the road right of way shall be maintained by the development. This includes the proposed park/drainage retention basin.

10. Traffic signs within the County road right of way needs to have sheeting of either Diamond Grade or High Intensity Prismatic in compliance with the County of Maui's Retroreflectivity Policy.

11. Traffic markings within the County road right of way shall be of thermoplastic alkyd material.

12. Appropriate number of street lights shall be provided along the Front Street and Kenui Street corridor, with a minimum of two at the two ingress/egress driveways.

13. Access will not be permitted for any lots along the Front Street and Kenui Street corridor. Access shall only be allowed from the development's internal roads. However, properties adjacent to Front Street and Kenui Street will be responsible for maintenance of that portion of the road shoulder from the edge of pavement to their property boundary, otherwise known as the "sidewalk" area, pursuant to Maui County Code, Chapter 12.02. No obstructions or plantings will be allowed within the sidewalk area, except for what was allowed to be planted in accordance with the project's development plans.

14. The plans submitted for this project do not adequately show sufficient details to determine whether the project is in compliance with building codes. We will review the project for building code requirements during the building permit application process.

Please call Rowena M. Dagdag-Andaya at 270-7845 if you have any questions regarding this letter.

Sincerely,

DAVID C. GOODE
Director of Public Works

DCG:RMDA:ls
xc: Highways Division
Engineering Division
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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

David C. Goode, Director
Department of Public Works
200 South High Street, Room 434
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment, Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Mr. Goode:

Thank you for your letter of December 18, 2012 responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statues (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document. We offer the following information, which addresses your comments in the order listed in your letter:

1. We acknowledge the adjacent road frontage along Kenui Street and Front Street will be improved to County standards unless a waiver is granted by the Maui County Council through the 201H-38 HRS Affordable Housing Application.

2. We acknowledge the internal roadways will remain under private ownership and maintenance.

3. We acknowledge a six-foot high privacy fence will be constructed along the property boundary with the Kahoma Stream Flood Control Facility.

4. The Final EA has been revised to indicate the Kahoma Stream Flood Control Facility is managed by the County of Maui with oversight by the U.S. Army Corps of Engineers (USACE) and any construction affecting the Facility must receive

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approval from the Department of Public Works (DPW) Engineering Division who will then seek concurrence with the USACE.

5. We acknowledge any landscaping proposed to be planted adjacent to or within the County road right-of-way (ROW) will be planted far enough away from the ROW or if required root barriers will be provided.

6. Landscaping will not impede sight distances at the two (2) driveway entrances.

7. We acknowledge the Kahoma Stream Flood Control levees and/or areas adjacent to the stream channel cannot tolerate any landscaping, especially trees, whose roots may negatively impact these flood control facilities. The applicant will coordinate the landscape plan with the County of Maui and if required will include root barriers so as not to pose a threat to the integrity of the existing Kahoma Flood Control Channel.

8. Property owners will be advised in the sales documents that any encroachments by properties adjacent to the Kahoma Stream Flood Control Facility shall be prohibited.

9. We acknowledge that any drainage facility, including the park/drainage retention basin, constructed outside the road ROW shall be maintained by the development.

10. Traffic signs within the County ROW shall have sheeting of either Diamond Grade or High Intensity Prismatic in compliance with the County of Maui's Retro-reflectivity Policy.

11. Traffic markings within the County ROW shall be of thermoplastic alkyd material.

12. Street lights shall be spaced appropriately to provide adequate visibility at intersections. The applicant will coordinate the location of the street lights with the DPW during design plan development.

13. The Kahoma Village project is being designed with no direct access from the dwelling units along the Front Street and Kenui Street corridors. Said restriction shall be included in the sales documents for these units. We further acknowledge that pursuant to Chapter 12.02, Maui County Code (MCC) the road shoulder shall be privately maintained by the project and no obstructions or plantings will be allowed within the sidewalk area, except for landscaping and irrigation allowed in the project's development plan. Maintenance of this area will be by the Association of Homeowners.

14. We acknowledge that the project will be reviewed in accordance with building code requirements during the building permit application process.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Michael Kujubu, Alakea Design Group
Michael Miyabara, Miyabara & Associates, LLC
Fiona van Ammers, SSFM International, Inc.
Jay Nakamura, Stanford Carr Development, LLC
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ALAN M. ARAKAWA
Mayor

NOV 14 2012

JO ANNE JOHNSON-WINER
Director
MARC I. TAKAMORI
Deputy Director
Telephone (808) 270-7511

DEPARTMENT OF TRANSPORTATION

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

November 7, 2012

Ms. Colleen Suyama
Munekiyo & Hiraga Inc.
305 High Street, Suite 104
Wailuku, Maui, Hawaii 96793

Subject: Proposed Kahoma Village Project, Lahaina, Maui

Dear Ms. Suyama,

Thank you for the opportunity to comment on this project. We have no comments to make at this time.

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

Sincerely,

Jo Anne Johnson Winer
Director

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Jo Anne Johnson Winer, Director
Department of Transportation
200 S. High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Ms. Johnson Winer:

Thank you for your letter of November 7, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document and your confirmation that you have no comments at this time.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Jay Nakamura, Stanford Carr Development, LLC
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Mayor

DAVID TAYLOR, P.E.
Director

PAUL J. MEYER
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

November 20, 2012
Ms. Colleen Suyama, Senior Associate
Munekiyo & Hiraga, Inc.
305 High Street, Ste 104
Wailuku HI 96793

Re: TMK: (2) 4-3-003:015
Project Name: Proposed Kahoma Village Project DEA

Dear Ms. Suyama:

Thank you for the opportunity to comment on this application. We note that our letter dated April 23, 2012 is included in the DEA.

The document states that the applicant is aware of the County's 'water availability" policy as well as the requirement that a reliable water source for the project be identified.

Based on system standards, anticipated daily water consumption for this project would be approximately 124,720 gallons per day. This estimate includes the three private parks encompassing 1.75 acres. Empirical usage in the Lahaina district is typically higher because of its hot and dry conditions.

The applicant should continue discussions with DWS Engineering Division at 270-7835 regarding water system infrastructure and requirements.

Should you have any questions on water resources, please contact staff planner Marti Buckner at our Water Resources and Planning Division at 463-3104, or at marti.buckner@mauicounty.gov.

Sincerely,

for Dave Taylor, P.E., Director
mlb

cc: Dept. of Housing and Human Concerns; Planning Dept.; DWS Engineering

"By Water All Things Find Life"

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GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Dave Taylor, P.E., Planning Director
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment, Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application and Special Management Area Use Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Mr. Taylor:

Thank you for your department's letter of November 20, 2012, transmitting comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes (HRS), Affordable Housing Application and Special Management Area Use Permit Application for the proposed Kahoma Village Project. On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document. As requested, the applicant will continue discussions with your department regarding water system infrastructure and requirements for the project.

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Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Fiona van Ammers, SSFM International, Inc.
Jay Nakamura, Stanford Carr Development, LLC
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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

Director of Council Services
Ken Fukuoka

October 24, 2012

JoAnn T. Ridao, Director
Department of Housing and Human Concerns
2200 Main Street, Suite 546
Wailuku, HI 96793

William Spence, Director
Department of Planning
250 S. High Street
Wailuku, HI 96793

SUBJECT: Draft Environmental Assessment, 201H-38 Hawaii Revised Statutes (HRS) Affordable Housing Application and Special Management Area Use Permit Application For Proposed Kahoma Village Project At TMK No.(2) 4-5-008:001 (por.), Lahaina, Maui, Hawaii

Dear Directors Ridao and Spence:

Thank you for the opportunity to provide comments on the Draft Environmental Assessment, 201H-38 Hawaii Revised Statutes (HRS) Affordable Housing Application and Special Management Area Use Permit Application For Proposed Kahoma Village Project At TMK No.(2) 4-5-008:001 (por.), Lahaina, Maui, Hawaii.

After review of the draft assessment SMA Use Permit Application, I have no additional comments to provide at the present time.

Sincerely,

JOSEPH PONTANILLA,
COUNCIL MEMBER

Cc: Munekiyo & Hiraga, Inc., Colleen Suyama, Senior Associate

OCT 2 4 2012

Maui Economic Opportunity, Inc.

P.O. Box 2122
Kahului, HI 96733
808-249-2990
Fax: 808-249-2991
www.meoinc.org

October 22, 2012

Colleen Suyama
Senior Associate
Munekiyo and Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment 01H-38 Hawaii Revised Statutes (HRS) Affordable Housing Application And Special Management Area Use Permit Application For Proposed Kahoma Village Project at TMK (2)4-5-008:001 (Por) Lahaina, Mau, Hawaii

Dear Ms. Suyama,

Thank you for allowing MEO the opportunity to review and comment on the Draft Environmental Assessment. MEO has no comments at this time on the proposed project.

Sincerely,

Lyn McNeff
CEO

Cc: JoAnn T. Ridao, Dept. of Housing and Human Concerns
William Spence, Dept. of Planning

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SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Lyn McNeff, CEO
Maui Economic Opportunity, Inc.
P.O. Box 2122
Kahului, Hawaii 96733

SUBJECT: Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes, Affordable Housing Application, and Special Management Area Permit Application for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Ms. McNeff:

Thank you for your letter of October 22, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Section 201H-38, Hawaii Revised Statutes (HRS), Affordable Housing Application and Special Management Area Permit Application for the proposed Kahoma Village Project.

On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your review of the document and your confirmation that you have no comments at this time.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Jay Nakamura, Stanford Carr Development, LLC
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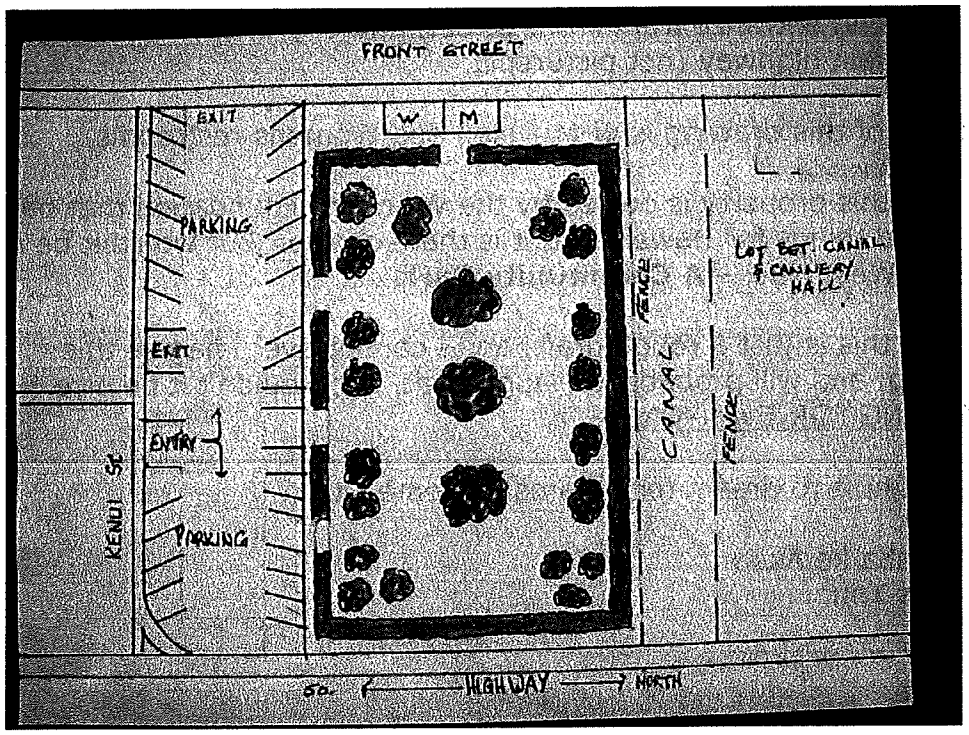
HAWAII-WHALES-R-US

DEDICATED TO LIVING IN BALANCE WITH OUR MARINE ENVIRONMENT
Richard Roshon – *Lecturer, author, Kayak Entrepreneur*
Established 1975

To: Ms. Colleen Suyama, Munekiyo & Hiraga Inc.

From: Richard Roshon

Subj: Kahoma Village Project



LAHAINA TOWN PARK
SOMETHING FOR EVERYONE TO ENJOY

"Each town should have a park or rather a primitive forest of 500 acres, where a stick should never be cut for fuel". Henry David Thoreau

"Cultures of the past did not separate humanity and nature. They recognized the importance of the divine in both. And they regarded landscape as a component as integral to the development of personality and social order". **About the Place"** by Barry Lopez

The mapped area has been cleared from the Cannery Mall to Kenui Street being the Weinberg property, and told of a plan for condos. However -- Wouldn't this space be nice if it were dedicated for all – visitors and residents a space for everyone and OPEN PARK. Keep it simple.

Just grass and shade trees, a nice rest room, and perhaps water fountains. Perhaps recycled picnic tables, but other than that, just green grass and shade trees for people to lie out their quilts and relax, and enjoy a view of the West Maui Mountains – Polynesian life style.

Bordered by a nice hedge about waist high. The entrance & exit could be on Kenui road. I'm going to deliver a letter personally to the Weinberg Corporation. Parking is also available at the Cannery Mall, which definitely would not be a problem, however the parking shown can be widened. There is one walking entrance from Front Street, and one could also be available from the main highway (not pictured).

At the top of this drawing is W-M – Men and Womens restrooms.

Of course this property is owned by the Weinberg Foundation that has done many good things for Hawaii, and it is there choice. But would it be nice to have one West Maui – **A Community Park**.....

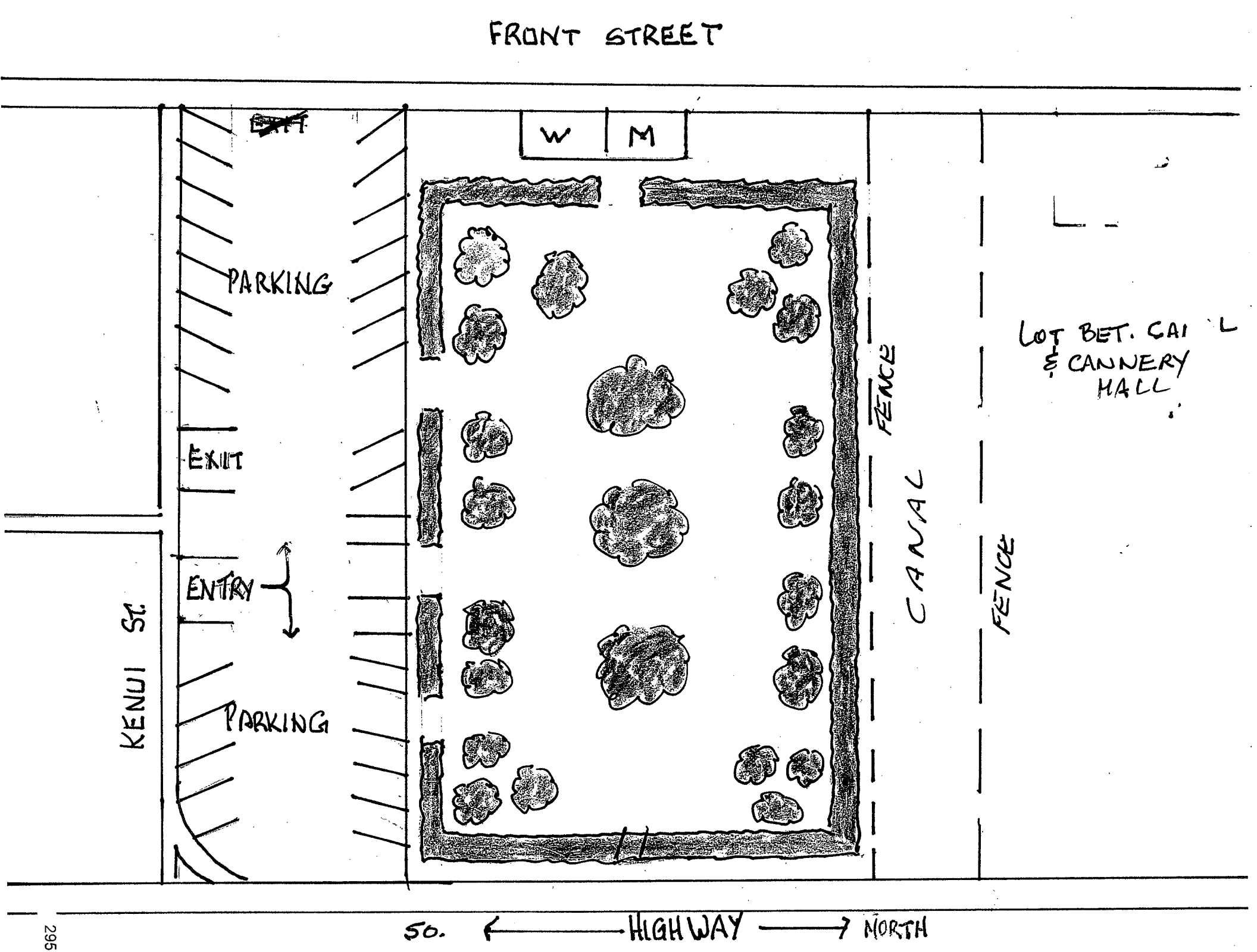
Of course this is just a rough draft, and I cannot ever imagine this happening, and will probably be laughed at, but wouldn't it be nice. SOMETHING FOR EVERYONE -

It doesn't hurt to dream for dreams do come true.

Me Ke Aloha ke Akua
God Bless You

Aloha

Richard Roshon
www.hawaiiwhalesrus.com


FRONT STREET
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KENUI ST.
FENCE
CANAL
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50.
HIGHWAY
NORTH

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

August 27, 2013

Richard Roshon
Hawaii-Whales-R-Us
c/o www.hawaiiwhalesrus.com

SUBJECT: Draft Environmental Assessment (EA) for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Dear Mr. Roshon:

Thank you for your letter received on November 13, 2012, commenting on the Draft Environmental Assessment (EA) for the proposed Kahoma Village Project. On behalf of the applicant Stanford Carr Development, LLC for the Harry and Jeanette Weinberg Foundation, Inc., we appreciate your comments. The goal of the applicant is to provide a variety of much needed affordable housing in the West Maui area. The Kahoma Village project will include parks and open spaces for its residents, nearby residents and the public.

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,

Colleen Suyama, Senior Associate

CS:la
cc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Jay Nakamura, Stanford Carr Development, LLC
K:\DATA\Weinberg\LahainaRes\Draft EA\Reponses\Roshon.ltr.docx

MAUI
305 High St., Suite 104 Wailuku, Hawaii 96793
PH: (808)244-2015 FAX: (808)244-8729
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NOV 29 2012

C. K. Spellman, 224 Kenui Circle, Lahaina, Hawaii 96761
808-269-0781

11-28-2012

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

Dear Ms. Suyama

RE: PROPOSED KAHOMA VILLAGE
PROJECT
LAHAINA, MAUI, HA WAII
(TMK (2) 4-5-008:001 (POR.))

Comments:

I've lived at the Front Street Apartments (FSA) for 1 ½ years. My apartment faces proposed project. Multiple times within a 24 hour period commercial vehicles (Maui Bus) travel down Kenui Street these FSA buildings move dramatically like earthquake activity. Impact is hard and slams the buildings; breakage is frequent. It wakes me up nightly. I suspect there are multiple Karsts underneath this area.

This site is saturated ubiquitously with oil. Earlier this year there were 1000's of pounds of metal removed including many huge oil tanks. Fifty years a plethora of rubbish has been deposited illegally much of it toxic on this site. Soil testing would be prudent.

Tourism will be impacted negatively by additional runoff created by the above project. Coral on Baby Beach is barely living covered with sediment due to several factors. When the coral dies like a forest everything living will die and it will no longer be a tourist attraction. I have pictures.

Investigation by Archaeology Institutes for burial grounds due to Mala Wharf proximity of burial sites and old villages should be observed as there is significant evidence.

Respectfully,
C. K. Spellman
CK.Spellman

cc Director Jo-Ann T. Ridao, Dept of Housing and Human Concerns
Director Will Spence of Planning
Hard Copy to be delivered 11/29/2012

From: CSpellman <CSpellman@hawaii.rr.com>
Sent: Friday, March 29, 2013 11:04 AM
To: Colleen Suyama; carmie@ravenwoman.net
Cc: jyn@stanfordcarr.com; Gwen Hiraga; 'Fiona van Ammers'; Clayton@geolabs.net
Subject: RE: Kahoma Village and your private meeting request
http://www.caveconservancyofvirginia.org/livingonkarst/livungonkarst.htm

Importance: High

March 29, 2013

Dear Colleen Suyama:

In response to our recent conversation on the telephone you promised to send me timely written notices of all future public meetings and report findings on the following. Thank you for your verbal agreement in notifying me along with property owners about this project below before the meetings and public comment time has expired.

PROPOSED KAHOMA VILLAGE PROJECT
LAHAINA, MAUI, HA WAII
(TMK (2) 4-5-008:001 (POR.))

Due to health issues, I will not be available for a face-to-face meeting. The best approach is exchanging information in written format. It is my request that you send written answers to my letters of concern I submitted to you during the input period on the above project dated 11/28, 11/30/2012. I want to submit input during public meetings so being informed is imperative in order to not confuse or waste time. Therefore, I would appreciate answers to every single question I asked in those two letters dated 11/28 and 11/30/2012. I sent letters via email and hand-delivered them to Colleen Suyama
Munekiyo & Hiraga, Inc., Director Jo-Ann T. Ridao, Dept of Housing and Human Concerns and Director Will Spence of Planning.

A polite reminder/request to the developer is to take into consideration that equipment with mufflers will be utilized and the least amount of noise requested per information in the TMK EA above. Consideration to residents "Quiet Enjoyment" during the lengthy development is requested and not ignored like the inconvertible fact there is an absence of dust mitigation for the past 6 months an abysmal disservice without the protective dust screens. Numerous neighbors and business owners are disgruntled forced to endure this perpetual situation compromising an exacerbating health issues without consideration for our needs. All persons are impacted especially youth, aged, immune deficiency individuals and the community-at-large. It is very dangerous when red dust obstructs visibility on Honoapiilani Hwy (route 30) for approximately 27,000 daily commuters. The ubiquitous 24/7 petrochemical fumes especially so on hot days, red dust exposure an excessive noise to all surrounding areas daily an overly noisy equipment to date is untenable.

I am interested in seeing test results for hazardous materials soil testing. What happened to the tankers with petrochemical byproducts (belonging to illegal dumpers of rubbish for 50 plus years) that were removed? Of grave concern is the area where those tankers were taken off the property during the grubbing and grading period last year. Children are playing on this contaminated area already and from what I can ascertain the small amount of "affordable housing" for families is the closet to Honoapiilani Highway (Route 30) on top of the most contaminated area that is splattered ubiquitously with oil and assuredly other carcinogenic substances is where the Affordable Housing units are tentatively planned.

Lastly, how extensive is the Karsts system underneath this property? Have you used underground scientific equipment? Please see my letters I provided you with previously. Kenui Street is displaying greater signs of fracturing and sinking from that project every time you use heavy equipment. Any commercial vehicle that travels on Kenui Street also moves structures on Front Street Apartments similar to an earthquake aftershock. It is common knowledge that is area is unstable you all know the difficulties they had building Taco Bell.

For your convenience, I have included an attachment above regarding Karsts and the tragic and extreme costs to life and property due to resultant sink holes. BMP would advocate that an electromagnetic terrain conductivity survey should be conducted over the entire area of the proposed site an extending outward to 200 feet beyond the boundaries of the proposed area. This survey should be performed to provide a qualitative evaluation of the area to be utilized. The survey results should be used to identify "suspect areas" which will be further evaluated using borings. The use of this technique may reduce the total number of borings for a site by better defining "suspect areas." This survey shall include appropriate techniques such that representative data are collected from a minimum depth of 20 feet below ground surface or the
final proposed grade, whichever is deeper. These data shall then be correlated with boring data in the site area. OR another BMP would be an electrical resistivity survey carried out to investigate current subsurface geology beneath the proposed project. I implore you to keep safety at the top of your priorities.

Thank you for writing to me I appreciate your letter and I look forward to reading some answers.

Very truly,
C (C A R M I E) SPELLMAN
Kenui Circle
Lahaina, HI 96761

From: carmie@ravenwoman.net
Sent: Friday, November 30, 2012 4:14 PM
To: Colleen Suyama; director.hhc@mauicounty.gov; planning@mauicounty.gov
Cc: cspellman@hawaii.rr.com
Subject: Kahoma Village Project more comments and questions. Thank you for the extension through today.

Importance: High

C. K. Spellman, 224 Kenui Circle, Lahaina, Hawaii 96761

808-269-0781

11-30-2012

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

PROPOSED KAHOMA VILLAGE PROJECT

LAHAINA, MAUI, HA WAII
(TMK (2) 4-5-008:001 (POR.))

I am a resident right next to this proposed project and already severally impacted by poor dust and toxic material mitigation practices so I have continued concerns as follows:

Have any core samples or ground testing been done to conclusive rule out hazardous contamination where the oil and pesticide tankers were removed? Has real evidence with scientific testing versus speculation be done any empirical proof of testing?

Are you aware that the Dust Mitigation done during the grating and grubbing process was totally ineffective and to date we continue to deal with massive quantities of potentially obnoxious toxic dirt? We are all washing off landscaping, autos, Asthmatic Attacks, more doctors visits due to approximately 1000% increase in particulate matter in the air do you have some safety measures in place to mitigate this issue now?

Will there be proper Dust Management Practices of using Black Screen Material in place for protecting us from this issue now and in the immediate future? Are you aware the County is receiving numerous calls and complaints regarding this onslaught of dirty air? Do you know they are telling us it is a civil matter and they signed off on that permit?

Presently, is there anything you can do to assist us now before the next 4 year phase of this project to shelter us from these contaminates? Asthmatics such as myself, children, elderly and disabled folks are suffering so what a you folks going to do to ensure our safety and quality of life?

What is the effect impact of the runoff from structures on this property going to do to the ocean and beach? The porous nature of this area would absorb this and since we are at sea-level it will end up at the edge of the water just like injection wells so what cautionary measures are in place to preserve our beaches? What is the impact to Baby Beach and surrounding areas?

Have you any idea of the current state of the ocean resources at Mala beach and Baby beach and have you made a plan to monitor the effect of this project's sewer, groundwater drainage, surface pollutants into the water system to ensure that you have protected these resources?

Have you investigated the existence of karsts and springs in this project area?

How far down have you tested other than superficial top surface areas or have you tested anything at all if so what?

A comparison of the KLA site structures with noise, vibration and ground stability (there are reports of cave-ins some of the units) must be done to be sure you do not endanger future tenants on your site. Have you the ability to ensure the stability of the earth and mitigate the possibility of sinkholes in this project site and vicinity of where I live across the street and all the surrounding areas?

There is a safety concern that should be addressed or at least investigated to see if there is an impact of building on land that has so much vibration with current housing, what kind of testing are you doing to ensure our safety?

Were any Archaeologists' contacted prior to digging and back hoeing in this documented and potentially significant burial site prior to the grating and grubbing? Are there any plans in place for inspection of Royal Burial sites in Karsts on this property?

Noise control and carbon dioxide is an issue as we are already severely impacted by traffic on Honoapiilani Hwy, by 27,000 vehicles daily, so are mufflers and special equipment going to be used so as not to impact and diminish our "Quiet Enjoyment of Living here around this Project during the next 4 year building process"?

Sincerely,
C.K.Spellman
Cc: Director Jo-Ann T. Ridao, Dept of Housing and Human Concerns and Director Will Spence of Planning
Hard Copy in the mail for your records.

STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Carmie K. Spellman
224 Kenui Circle
Lahaina, Hawaii 96761

Re: Draft Environmental Assessment (EA) for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Thank you for your letter of November 28, 2012 and email correspondences of November 30, 2012 and March 29, 2013 commenting on the Draft Environmental Assessment (EA) for the proposed Kahoma Village Project. On behalf of the Harry and Jeanette Weinberg Foundation, Inc., (Foundation) we appreciate your review of the document. The following information is offered to address the comments in the order listed in your letter and email correspondences:

NOVEMBER 28, 2012 LETTER

Karsts

The geotechnic consultant for the project was requested to address your concern regarding multiple karsts in the area. Geolabs, Inc. took soil samples from the project site from a depth of approximately 21 feet and did not find hardened coral or limestone which is an indication of karst conditions. (See **Exhibit "A"**) Based on the soil samples, no karst conditions are under the project site.

Pollutants

To address County and community concerns regarding trespassers and trash on the project site, Stanford Carr Development, LLC (SCD) cleared the subject property from August 2012 to September 2012 to deter trespassing and dumping of trash. SCD worked with the County of Maui Department of Housing and Human Concerns, Police Department, Department of Fire and Public Safety, and social services groups to organize this effort. During the course of work, the contractor removed trash and vegetation from the site. There was no evidence of oil drums or oil tanks on the property and no evidence the site was saturated with oil.

ALAKEA CORPORATE TOWER • 1100 ALAKEA STREET, 27TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 537-5220 • FACSIMILE: (808) 537-1801 • WEBSITE: www.stanfordcarr.com

A Phase 1 Environmental Site Assessment (ESA) was prepared for the project in accordance with the American Society for Testing and Materials (ASTM) standards to ensure there were no contaminants associated with its former sugarcane use. The ESA revealed no evidence of ASTM recognized environmental conditions on the subject property, except for three (3) car batteries which have since been appropriately disposed of. A copy of the ESA was forwarded to the State of Hawaii Department of Health (SDOH) on February 21, 2013.

Runoff

The project includes the installation of a system of underground perforated drain lines and an onsite retention/detention basin to handle increased runoff generated by the proposed development. Collection of runoff in the underground drainage system and onsite retention/detention basin allows sediments to settle before the runoff percolates into the ground. As such, the water quality from stormwater runoff associated with the Kahoma Village project is expected to be improved. No additional runoff is proposed to be released into the adjacent Kahoma Stream Flood Control Channel north of the project site.

Archaeology

An Archaeological Assessment Survey (AAS) was prepared by Xamanek Researches which included subsurface testing of the project site. In response to your comments, the archaeologist conducted additional testing of the site. Although the project site is located near Mala Wharf, no burials were encountered during the surveys. As a precautionary measure, archaeological monitoring will be implemented during any ground altering activity.

NOVEMBER 30, 2012 EMAIL CORRESPONDENCE

Hazardous Contamination

As noted previously, the Phase I ESA did not find any contaminants on the project site. A copy of the ESA was submitted to the SDOH. The SDOH has not requested any further work.

Dust Mitigation

As noted previously, the site was cleared on August 2012 to September 2012, to remove trash and deter trespassing on the property. During the cleanup the shrubs and trees were chipped and the site was mulched to help reduce dust from the site. I was unaware of dust complaints filed with the County of Maui during and after the site cleanup. SCD will continue to monitor the site and any future complaints can be referred to my representative Jay Nakamura at (808) 547-2226.

During construction the project will implement dust control measures in accordance to SDOH requirements, including but not limited to, utilizing dust barriers (i.e. black screen dust fencing), water wagons and/or sprinklers to control dust, watering graded areas upon the completion of daily construction activities, and vegetating exposed areas, as appropriate.

Runoff

As noted previously, it is anticipated that the proposed drainage improvements will improve water quality of stormwater runoff by allowing sediments to settle within the drainage system prior to percolation into the ground.

Monitoring

In addition, to the proposed drainage system improvements, the project does not include injection wells as it will connect to the existing sewer system and be serviced by the 12-inch and 18-inch gravity collection mains on Front Street. The various government reviewing agencies, including the SDOH Clean Water Branch, have not indicated any adverse impacts to water quality resulting from the project and have not requested any monitoring of the ocean water quality.

Karsts and Springs

As previously noted no karsts or springs were found on the project site based on the geotechnical field survey that went to a depth of 21 feet.

Vibrations

While, I appreciate your concern field tests and observation on the project site by my consultants did not encounter any vibrations as noted in your correspondence. The geotechnical study conducted for the site did not identify any conditions that would affect the stability of future structures built on the project site.

Archaeology

As noted previously, an AAS was conducted on the site and additional subsurface tests conducted. No burials were found on the subject property. As recommended by the project archaeologist, precautionary monitoring will be implemented during any ground altering work.

Noise and Carbon Dioxide

As noted in the Draft EA, emissions and noise from construction equipment and other vehicles involved in construction activities may temporarily affect the ambient air quality and noise within the immediate vicinity. These effects are temporary and can be mitigated by proper maintenance of construction equipment and vehicles. Also, as appropriate, equipment mufflers or other noise attenuating equipment may also be utilized.

MARCH 29, 2013 EMAIL CORRESPONDENCE

Noise and Dust Mitigation

As noted previously, consideration will be given for equipment mufflers and other noise attenuating equipment as may be appropriate. Any future complaints arising from dust or noise on the subject property may be referred to my Maui representative Jay Nakamura at (808) 547-2226.

Resolution of "red dust" across Honoapiilani Highway or noise from what appears to be the vacant agricultural lands in West Maui requires involvement by agencies, such as SDOH.

Hazardous Materials

As previously discussed, a Phase I ESA was conducted on the project site for the proposed residential units. During the removal of trash and trespassers from the site in 2012 there were no tankers found on the subject property.

Karsts and Vibrations

As previously noted, there were no karsts located under the subject property as determined by the geotechnical testing. The geotechnical study conducted for the site did not identify any conditions that would affect the stability of any future structures built on the project site.

Your comments relating to Kenui Street and the Front Street Apartments are beyond the property boundaries and scope of this project. Concerns of a potential problem with Kenui Street from fracturing and sinking could be directed to a government agency, such as the County of Maui, Department of Public Works, Highways Division.

Thank you for providing the additional information regarding karsts as it was helpful to my geotechnical consultant, whom I requested to address this issue. Based on the soil sample results and analysis, no karst conditions were found under the project site.

Again, thank you for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your comments will be included in the Final EA.

Sincerely,

Stanford Carr
Stanford Carr Development, LLC

SC
enclosures
Fc: Buddy Almeida, Department of Housing and Human Concerns (w/enclosures)
Danny Dias, Department of Planning (w/enclosures)
Colleen Suyama, Munekiyo & Hiraga, Inc. (w/enclosures)
Fiona van Ammers, SSFM International, Inc. (w/enclosures)
Erik Fredericksen, Xamanek Researches, LLC (w/enclosures)
Jay Nakamura, Stanford Carr Development, LLC (w/enclosures)
K:\DATA\Weinberg\LahainaRes\Draft EA\Reponses\C Spellman.ltr.docx

Exhibit "A"

March 22, 2013 Letter from Geolabs, Inc.

GEOLABS, INC.
Geotechnical Engineering and Drilling Services

March 22, 2013
W.O. 6726-00

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

GEOTECHNICAL ENGINEERING CONSULTATION
EVALUATION OF KARST FORMATION
KAHOMA VILLAGE – WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

Dear **Ms. Suyama:**

As requested, we prepared this letter to present our findings regarding the possible presence of karst formation within the project site. Our evaluation is based on a review of geologic information, soil maps, and recent borings and test pit information obtained at the site.

Karst is a geologic term used to describe landscape underlain by limestone rock formation which has been eroded by dissolution, producing fissures, sinkholes, and undulating topography. In Hawaii, karst is associated with some hard coral formations. Therefore, limestone rock or hard coral formation must be present to have karst geology/formation.

The project site is located on an alluvial fan along the northwestern portion of Maui. The project site is shown on Plate 1.

GEOLOGIC CLASSIFICATION

A comprehensive geologic map of Maui was developed by Harold T. Stearns and Gordon A. Macdonald in their publication, "Geology and Groundwater Resources of the Island of Maui, Hawaii", dated October 1942.[1] A portion of this map covering the project site is attached as Plate 2. Stearns and Macdonald describe the geologic materials at the site as:

> Unconsolidated Deposits (Ra) – chiefly younger alluvium consisting of unconsolidated poorly sorted, poorly rounded, stream-laid brown silt, sand, and gravel. It carries small quantities of water near the mouths of the perennial streams, but the quality of the water is poor below lands irrigated with brackish well water.

2006 Kalihi Street • Honolulu, Hawaii 96819
Phone: (808) 841-5064 • Facsimile: (808) 847-1749 • E-mail: hawaii@geolabs.net

Hawaii • California

The geologic maps indicate that the site is underlain by alluvium, not coral formation.

SOIL CLASSIFICATION

The surface soils underlying the project site are described by the U.S. Soil Conservation Service in their publication "Soil Survey of Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii," (1972).[2] A portion of the soil map covering the site is attached as Plate 3. The major soils at the site and some of their general properties are, as follows:

Ewa Silty Clay Loam (EaA) – These are well-drained soils in basins and on alluvial fans. These soils developed in alluvium derived from basic igneous rock. Permeability is moderate, runoff is slow, and the erosion hazard is slight.

Pulehu Silt Loam (PpA) – These are well drained soils on alluvial fans and stream terraces and in basins. Permeability is moderate. Runoff is slow and the erosion hazard is not more than slight.

The soil maps indicate that the site is underlain by alluvium, not coral formation.

TOPOGRAPHY

The project site is situated near the mouth of Kahoma Stream as shown on Plates 1 and 2. As a general rule, coral formations do not grow near the mouths of streams because the fresh water and turbidity from the streams and alluvial deposits inhibit the coral growth.[3] Therefore, based on the project's topographic location, coral formation is unlikely.

ENGINEERING EXPLORATION

Geolabs, Inc. conducted a geotechnical engineering exploration for the project site. Findings of our exploration are presented in our report dated December 11, 2012. The on-site exploration consisted of drilling and sampling ten borings to depths of about 21.5 feet below the existing ground surface. Additionally, eight test pits were excavated with a backhoe to depths ranging from about 10 to 11 feet below the existing ground surface. The approximate locations of the borings and test pits are shown on Plate 4.

The borings and test pits encountered alluvial soils consisting of silt and clayey silt, to depths ranging from 8 to 18 feet below the existing ground surface. The alluvial soils were underlain by beach deposits consisting of relatively clean sand, to the depths drilled.

Groundwater was encountered in some of the borings and test pits at varying depths, depending on the ground surface elevation. The elevations of the groundwater levels encountered generally corresponded to elevations near sea level

(Elevation 0 feet). For example, in the lower portions of the site (Boring Nos. 1 through 5 and Test Pit Nos. 1 through 3), groundwater was encountered at depths varying from 6.5 to 9 feet below the existing ground. However, at the upper portions of the site (Boring Nos. 9 and 10) groundwater level was encountered near or below the bottom of the 21.5-foot boring. Plate 5 depicts a cross-section through the site to illustrate the general relationship between the depth to groundwater level and ground elevation.

CONCLUSION

The actual soil data obtained from the borings and test pits at the site confirmed the general information from the geology and soil maps, namely that the site is underlain by alluvial deposits. Alluvial deposits do not contain karst conditions. As described above, karst conditions are only found in some limestone or hard coral formations. We did not encounter coral formation in our exploratory holes which extended to about 21.5 feet deep and extended as much as 14.5 feet below the existing ground water level.

We appreciate the opportunity to provide our services to you on this project. If you have questions or need additional information, please contact our office.

Respectfully submitted,

GEOLABS, INC.

By _____
Clayton S. Mimura, P.E.
President

CLAYTON S. MIMURA
LICENSED PROFESSIONAL ENGINEER
No. 4176-C
HAWAII, U.S.A.

THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION.

_____ 4-30-14
SIGNATURE EXPIRATION DATE
OF THE LICENSE

CSM:mj

Attachments: Project Location Map, Plate 1
Geologic Map, Plate 2
Soil Map, Plate 3
Site Plan, Plate 4
Section, Plate 5
References, Plate 6

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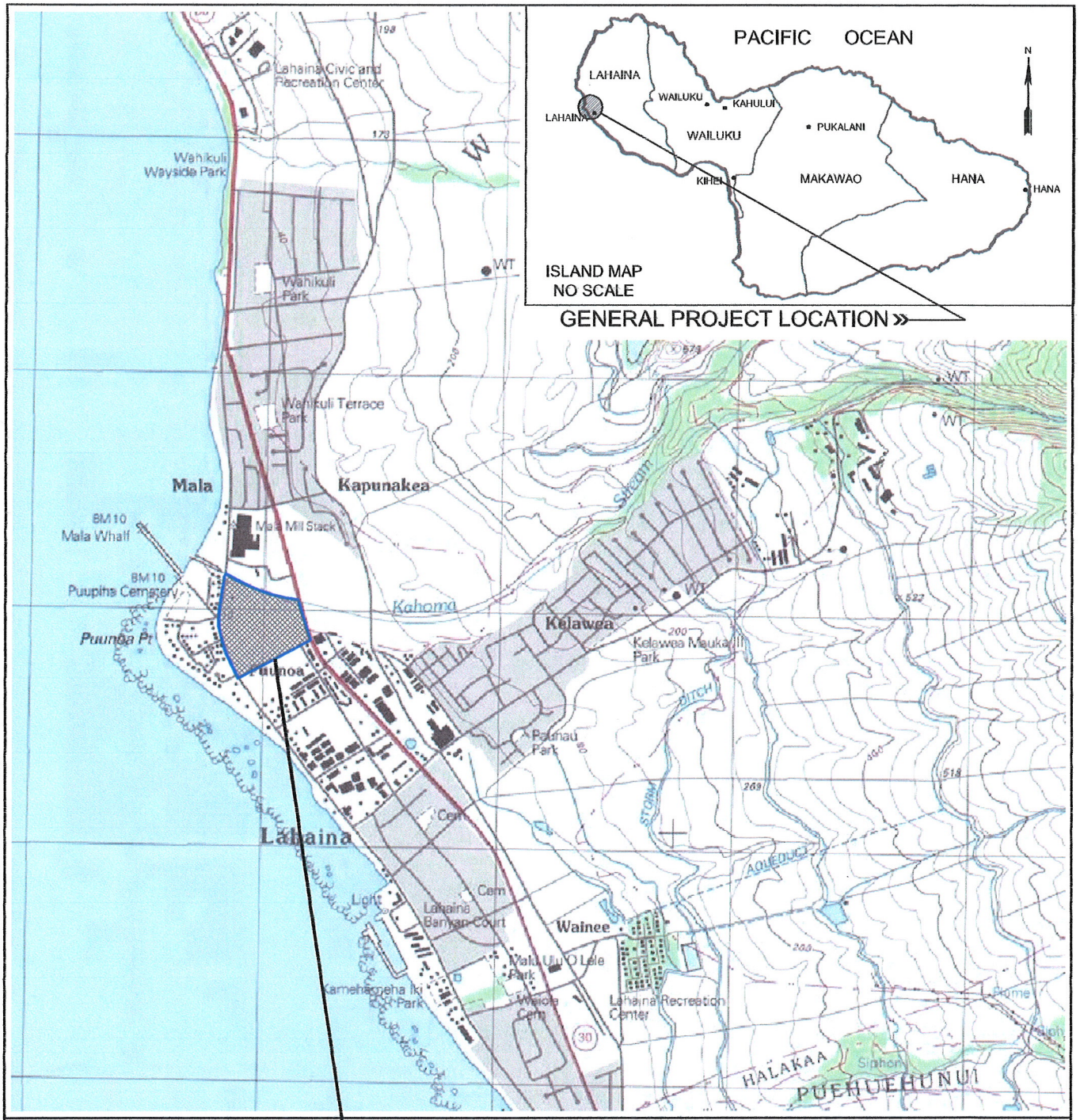

PROJECT LOCATION MAP

KAHOMA VILLAGE
WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

2000 1000 0 2000 FT.

GRAPHIC SCALE

N

REFERENCE: MAP CREATED WITH TOPO!® ©2010 NATIONAL GEOGRAPHIC; ©2007 TELE ATLAS, REL. 1/2007.

GEOLABS, INC.
Geotechnical Engineering

DATE	DRAWN BY	PLATE
DECEMBER 2012	KHN	1
SCALE	W.O.	
1" = 2,000'	6726-00	

CAD User: HENRY File Last Updated: December 10, 2012 4:11:05pm Plot Date: January 11, 2013 - 4:15:40pm
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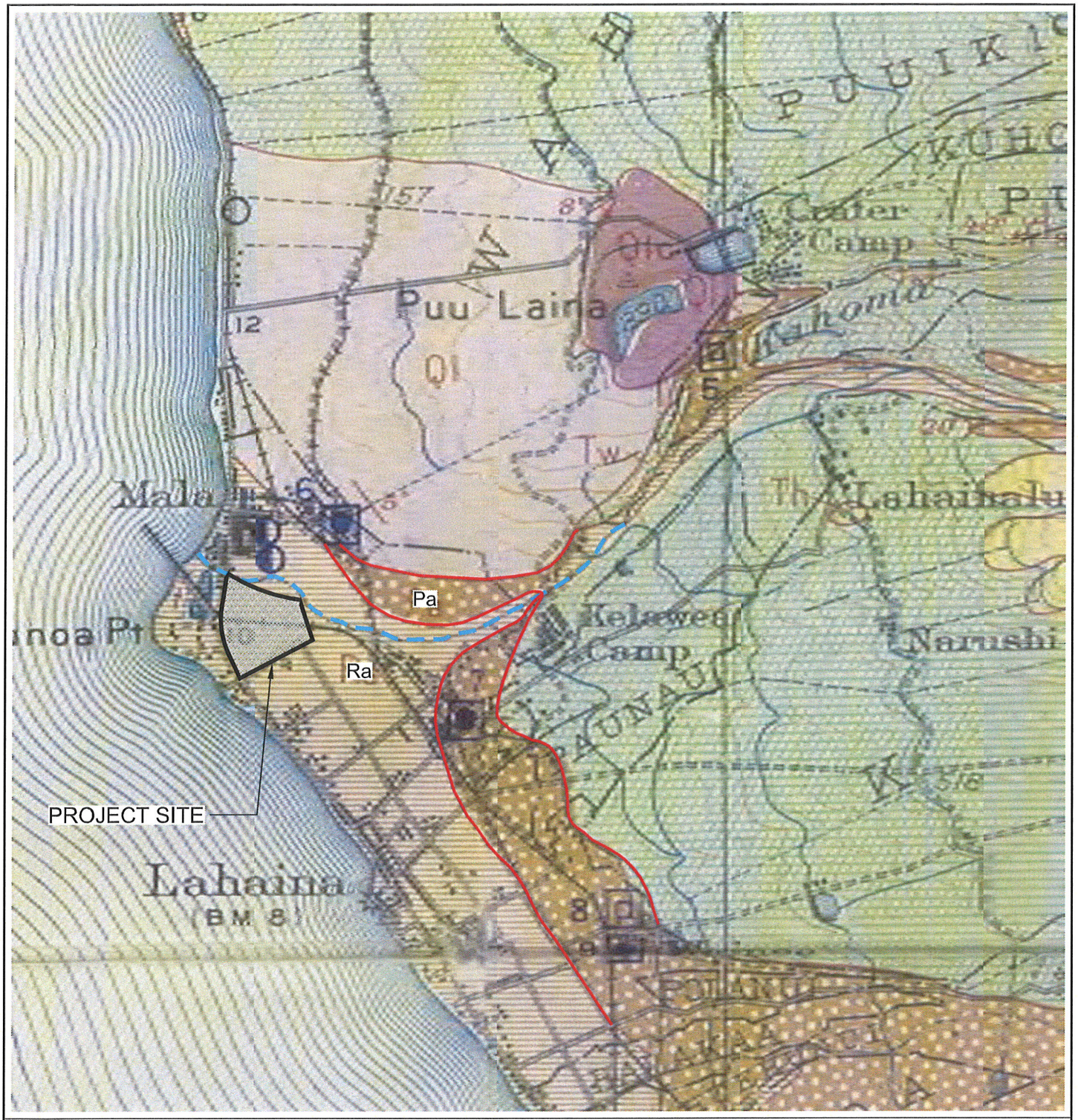

LEGEND:

Ra UNCONSOLIDATED DEPOSITS - CHIEFLY YOUNGER ALLUVIUM CONSISTING OF UNCONSOLIDATED POORLY SORTED, POORLY ROUNDED STREAM LAID BROWN SILT, SAND, AND GRAVEL

Pa CONSOLIDATED EARTHY DEPOSITS - CHIEFLY OLDER ALLUVIUM CONSISTING OF MOTTLED BROWN TO RED BROWN DEEPLY WEATHERED, POORLY SORTED, NEARLY IMPERMEABLE, FRIABLE, CONGLOMERATES, USUALLY FORMING CONSPICUOUS TERRACES ALONG THE PRINCIPAL STREAMS

REFERENCE: GEOLOGY AND GROUNDWATER RESOURCES OF THE ISLAND OF MAUI, HAWAII (1942) H.T. STEARNS & G.A. MCDONALD

GEOLOGIC MAP

KAHOMA VILLAGE
WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

N

GEOLABS, INC.
Geotechnical Engineering

DATE	DRAWN BY	PLATE
MARCH 2013	HYC	2
SCALE	W.O.	
1" = 2,000'	6726-00	

CAD User: HENRY File Last Updated: March 21, 2013 3:24:09pm Plot Date: March 21, 2013 - 3:25:51pm
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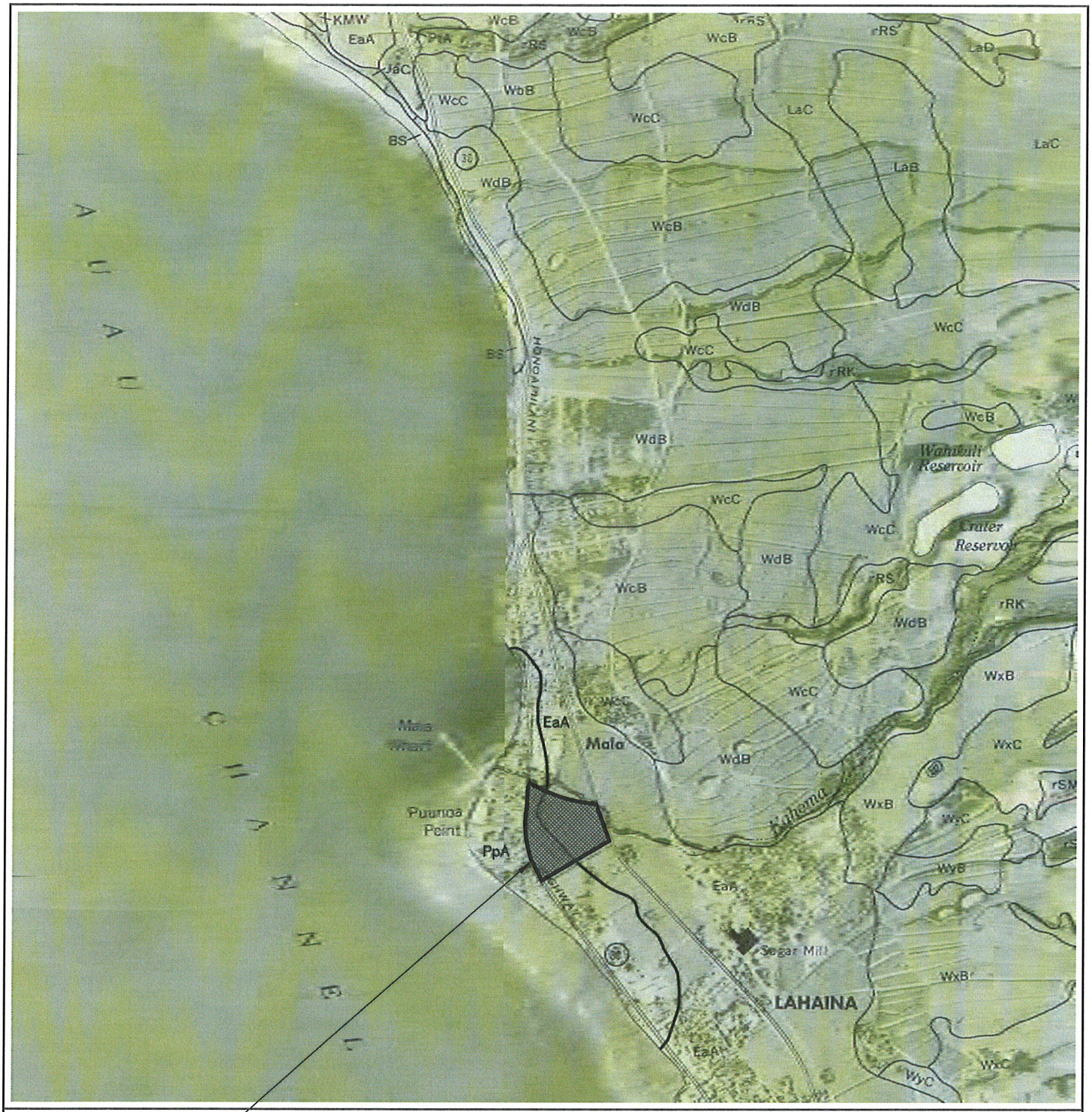

PROJECT SITE

SOIL MAP

KAHOMA VILLAGE
WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

2000 1000 0 2000 FT.

GRAPHIC SCALE

N

REFERENCE: SOIL SURVEY OF ISLANDS OF KAUAI, OAHU, MAUI, MOLOKAI, AND LANAI, STATE OF HAWAII, USDA, SCS, AUGUST 1972. MAP SHEET 94.

GEOLABS, INC.
Geotechnical Engineering

DATE	DRAWN BY	PLATE
MARCH 2013	HYC	3
SCALE	W.O.	
1" = 2,000'	6726-00	

CAD User: HENRY File Last Updated: March 21, 2013 2:30:07pm Plot Date: March 21, 2013 - 2:43:58pm
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Plotter: Adobe PDF Plotstyle: GEO-No-Dithering-Blue-Boring.ctb

LEGEND:

- APPROXIMATE BORING LOCATION
- APPROXIMATE TEST PIT LOCATION
- APPROXIMATE PERCOLATION TEST LOCATION

REFERENCE: SITE PLAN TRANSMITTED BY SSFM INTERNATIONAL, INC. ON DECEMBER 3, 2012.

0 75 150 300 450 FT.
GRAPHIC SCALE

N

SITE PLAN

KAHOMA VILLAGE
WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

GEOLABS, INC.
Geotechnical Engineering

DATE	DRAWN BY	PLATE
DECEMBER 2012	KHN	4
SCALE	W.O.	
1" = 150'	6726-00	

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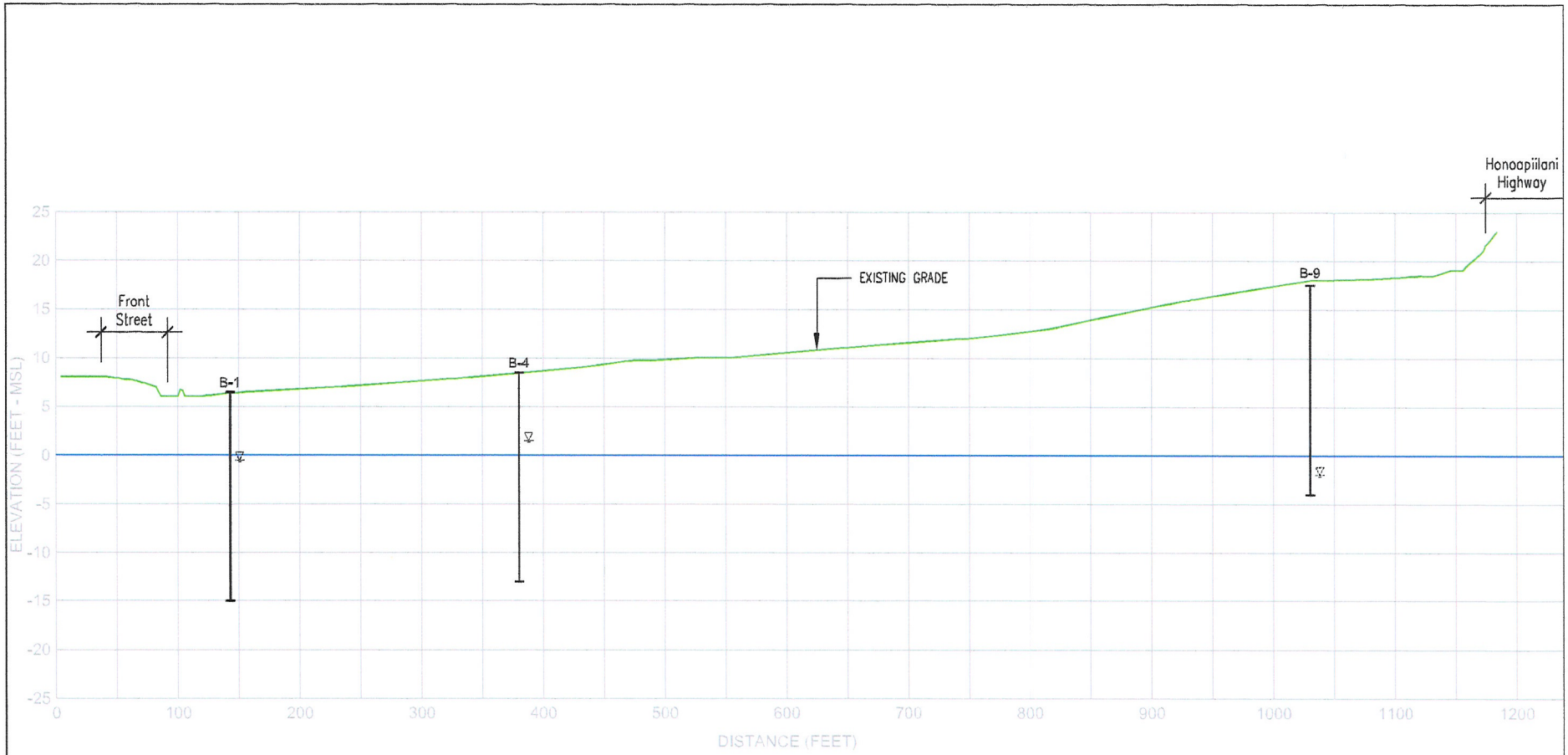


SECTION

KAHOMA VILLAGE
WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

LEGEND:

- ▽ MEASURED WATER LEVEL IN BORING
- ▽ ESTIMATED WATER LEVEL IN BORING

0 40 80 160 240 FT.
0 5 10 20 30 FT.
GRAPHIC SCALE

GEOLABS, INC.
Geotechnical Engineering

DATE	DRAWN BY	PLATE
MARCH 2013	KHN	5
SCALE: HORIZ: 1" = 80' VERT: 1" = 10'	W.O.: 6726-00	

REFERENCES

1. Stearns, Harold T. and Macdonald, Gordon A. (1942). ***"Geology and Groundwater Resources of the Island of Maui, Hawaii"***

2. U.S. Soil Conservation Service (1972)***"Soil Survey of Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii"***

3. Guilcher, Andre (1988) ***"Coral Reef Geomorphology"***

November 30,2012
Comments on DEA from Clare Apana 260 Halenani Dr Wailuku, HI 96793

DEA Comments for the proposed Kahoma Villages project to consist of 203 units, including 69 single-family dwellings in clusters of two (2) to six (6) dwelling units along a common driveway, 32 single-family dwellings with a rear service alley, and 102 multi-family units located in 17 two-story, six-plexes. The project also includes three (3) private park areas that have a combined area of approximately 1.75 acres.

Cultural significant area and lands:

This project is on historic Alamihi fishponds and contains Land Comission Awards to various Hawaiian awardees including famous historian, Hawaiian cultural expert and practitioner, David Malo (p. EA for Kahoma Villages CIA and p. Archeological Assessment of Fredrickson). This is a cultural impact that this owner and developer have not discussed and recognized as an impact. Does your project team and this developer recognize the historical and cultural loss to Kanaka Maoli, local history even to the tourist industry?

The rich documented history of this property should give it an E designation for significance and importance. How do you plan to preserve this history? How do plan to give back a source of history and a traditional food source?

Please explain why this property was recommended for the historical register by archeologist Hammond but has not been placed on the list by the owners?

Don't you agree that lokoia have been filled and can be unfilled with dirt? Have you knowledge of other fishponds

that have been restored? Your alternative plans have you considered restoring the lokoia on this property?

Ownership of Property

How is it that "The Foundation" came to own crown lands or lands of the various ali'i who hold the allodial title?

It is clear from your EA that the sugar company had a lease not ownership of these lands. The loko'ia belongs to Kamehameha the third. (Fredrickson, p4, DEA Kahoma Village) Please explain how the chain of title is conveyed from the Mahele to HRT? Do you possess the voided allodial titles?

Unreported Burials, Missing burials, future discovery of burials

Despite the many burials excavated from known and ancient burial grounds in this area during the Kahoma flood control project and the Mala Wharf project (AIS included Appendix A), no attempt was documented to contact the known families of this area who own the LCA (Land Commission Awards) for this area.

Was there an effort made to locate the families to let them know of the burials discovered, disturbed and moved during the construction of the Kahoma flood control project? There is documented inquiries from family members wanting to find their ohana who have been moved, MLIBC 2007. In the Maui Inai Island Burial Council various projects have sought to find and communicate with families related to the project area and possible burials (Kahikinui Wind farm, Nahiku heiau).

For instance, have you sought the family of David Malo? Some of his family reside in Lahaina.

In Kanalei Shun's AIS report for the Army Corps of Engineers, he was not able to locate the burials that had been moved from this area by Hammet in 1978(90+ burials). Do you have knowledge of the whereabouts or burial treatment plans for the burials moved in for the Kahoma Flood control Project, which is part of your project? For the burials moved for the Mala Wharf project?

This map shows the fishpond and the close proximity of many burials from Sinoto's report 1975 for the Bishop museum. There are ali'i burials in this study. These burials appear tp be within the project? Is there a BTP for them? I also include the Mala wharf AIS with the listing of the burials removed/and or discovered. The disposition of all disturbed iwikupuna is not clear.

Who is responsible for the Kahoma flood Control Project?

The flood control project while a Maui County project executed by the Army Corps of Engineers it appears to have private ownership, The Foundation? Is this correct? Please clarify because the burials connected to the Mala Wharf an;d Flood Control project must be found and a BTP accepted. I would really appreciate your assistance from the foundation or HRT or Harry Weinberg being part of the Cannery Mall, the Kahoma stream Flood Control project and the Mala Wharf projects.

. *"The Kahoma Stream Flood Control improvements constructed by the U.S. Army Corps ofEngineers occupies approximately 2.8 acres ofthe parcel and was originally held by HRT, Ltd. then owned by Harry Weinberg when the project site was conveyed to the Foundation. It is unclear if the 2.8 acres were conveyed to the County of Maui." (p.1 DEA Kahoma*

villages)

Cultural Practices and Cultuural Practitioner IMPACT

During the Land Use Commission(LUC) hearings for the Kahoma project (August 2012to present), Michael K. Lee was recognized as a cultural practitioner recognized and expert testimony was given for the Kahoma project which is just mauka also bordered to the North by the Kahoma flood control project. How is the purity of the water in this channel tested and maintained? If your project was to use this channel how will you guarantee that the runoff from your project will not harm the limu, the fish, the coral and the many resouces we use in medicinal and gathering practices which are part of Mr. Lee's and my cultural practice?

It is a shame that this once great source of water for this area is now a drainage basin. It is well known that retention basins are required to keep pollutants out of the drainage systems. Will your project have an adequate retention basin to assure the health of the marine resources. What kind and where will it be placed? Healthy limu without the overgrowth of invasive limu is a sign of a enough clean fresh water going to the ocean. The limu is already greatly decreased according to kupuna from this area who testified at the Kahoma project at the LUC, 9/2012.

A baseline study must be done and an ongoing monitoring study to measure the effect of the runoff on health of the ocean at Mala and baby beach. It would be the only way to know that your project is not damaging our food and medicine sources in this ocean area. Do you have such a plan? Before a FONSI is given this very important impact must be addressed, before not after acceptance of an EA.

Fresh clean water, which was provided by the Kahoma stream before it became a drainage basin, is essential to the health of the

limu and coral on up the chain of the ecosystem up to the fish and larger mamals. Many traditional Hawaiian medicinal and food gathering practices rely upon a fresh clean source of water for the health of the ocean.

These practices are protected by Article 12 section 7 of the Hawaii constitution. Michael K. Lee is my kumu, we have gathered limu, coral, and other medicinal treatments from this ocean area as well as practiced other traditional practices at Mala beach. On 7/12/2012 an assessment of Mala beach was done by Mr. Lee.In this past year alone, I have joined Kumu Lee more than 8 times at Mala beach this year alone.

I include the testimony accepted by the LUC at this time to document that a cultural practitioner is recognized and practicing in Mala beach area which must be protected from the runoff, waste management and inadvertent contamination of this natural and cultural resource system.

> *The County of Maui requires that the peak flow and total volume of storm runoff from the project site have no adverse impact on adjacent or downstream properties. The increase in runoff from the proposed improvements is approximated at 35.9 cfs. The quality o f stormwater leaving the site is also a concern. Stormwater quality degrades with urban development and increased impervious surfes, because various pollutants are introduced into the storm water runoff*
>
> *(P4, Kahoma Village DEA, 2012)*

Do you plan to use the Kahoma Flood Control project as drainage? What Best Practices Best Management strategies specifically will be used? Will you implement these practices before construction to avoid pollutants in the drainage system during construction?

Fresh water, springs and karsts

Central Oahu

In the Stearns and McDonald wter map of 1942 for Maui, springs and karst waterways are indicated. Important individuals were buried in karst caves in Ewa. I am informing you that you must protect these burials.

The karst waterways are protected under law. Groundwater and habitat protection in karst areas, supported by EPA Section 319

Clean Water Act Program.

In Moiliili, Oahu during construction the Karst system was damaged. The entire pond at the Willlows restaurant dried up in one day. The over pumping of these waterways can cause sink holes in the area. Here are some pictures of sink holes caused by karst waterways being broken into. Perhaps a thorough study of the surrounding area would give an indication of the karst in this project area. This land is known to get dry and also muddy, wet at times. It is not sound reasoning to build over this fishpond and karst area.

Will the large preservation/park area be used as a retention basin? It is alarming that your engineering report does not recognize that there is a spring and no doubt a karst system on your property. No mention of either! Look at the pictures before clearing the dense vegetation. That is proof of a water source.

Kenui 'St area,wet soil with no rain NO IRRIGATION

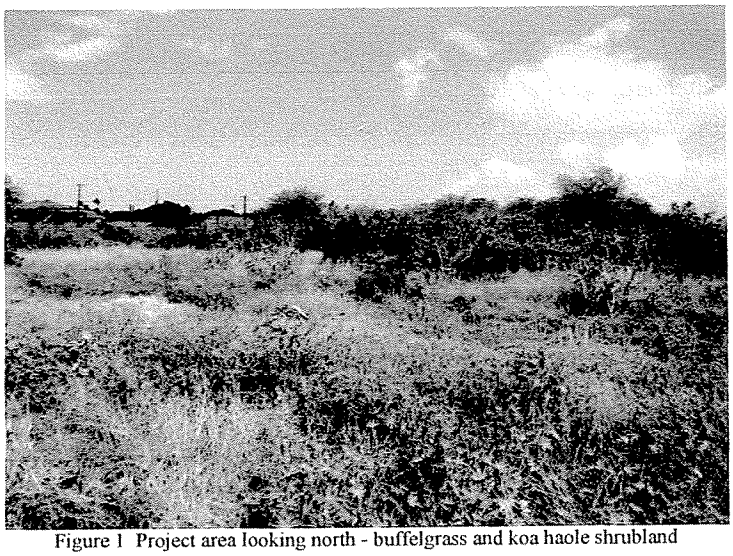


Figure 1 Project area looking north - buffelgrass and koa haole shrubland

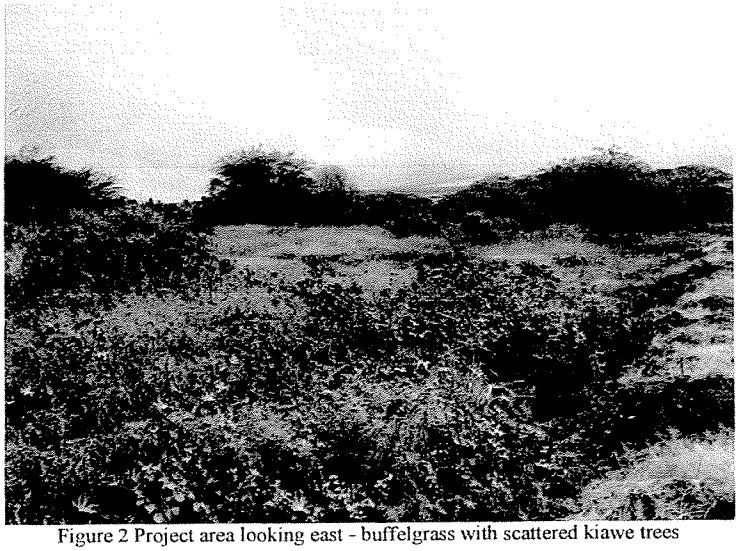


Figure 2 Project area looking east - buffelgrass with scattered kiawe trees

An 18" pipe culvert exists at the southeast comer of the subject property. It conveys flow from south to north under Kenui Street and discharges into the subject property.(p4, preliminary drainage /Report, DEA Kahoma Villages)

Was this runoff measured and gonsidered in your preliminary figures?

Was there any toxic runoff into the land? How much runoff is coming from this pipe?

Protection of fishponds or Loco i'a. Here is the joint senate and house resolution to protect and help restore loco i'a.

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

S.C.R. NO.

SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DEPARTMENT OF HEALTH, AND OFFICE OF PLANNING TO STREAMLINE THE PERMITTING PROCESS FOR THE RESTORATION OF HAWAIIAN FISHPONDS.

WHEREAS, repair of many Hawaiian fishponds may require permits from the Department of Land and Natural Resources, Department of Health, Office of Planning, and federal and county governments; and

WHEREAS, the process in obtaining a permit for the restoration of Hawaiian fishponds is time consuming, complicated,

and confusing and varies depending upon the circumstances of party applying for the permit; and

WHEREAS, the existing regulations and permit requirements preclude community organizations and Native Hawaiian aquaculturalists from repairing and maintaining Hawaiian fishponds; and

WHEREAS, the State has the ability to streamline the permit process and promote interagency cooperation to facilitate restoration and leasing of fishponds to cultural and familial descendants; and

WHEREAS, the State has not led a comprehensive initiative to streamline the permit process for restoration of Hawaiian fishponds in over thirty years; and

WHEREAS, the restoration and reuse of *loko i'a* provide an opportunity to increase supplies of certain fish which will make Hawaii more food-secure and increase sustainable economic development opportunities for rural communities; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2012, the House of Representatives concurring, that the Department of Land and Natural Resources, Department of Health, and Office of Planning

are urged to streamline the permitting process for the restoration of Hawaiian fishponds; and

BE IT FURTHER RESOLVED that the Department of Land and Natural Resources, Department of Health, and Office of Planning, in collaboration with community organizations and Native Hawaiian aquaculturalists, consider the following to facilitate restoration of Hawaiian fishponds:

(1) One master conservation district use application process that applies to all Hawaiian fishponds;

(2) A coastal zone management program consistency statement for Hawaiian fishponds;

(3) Water quality certification for Hawaiian fishponds;

(4) A national pollution discharge elimination system general permit for Hawaiian fishponds; and

(5) Administrative rules to be applied consistently throughout the State; and

BE IT FURTHER RESOLVED that the Department of Land and Natural Resources, Department of Health, and Office of Planning are requested to submit their recommendations and draft legislation for a streamlined permit process for the restoration of Hawaiian fishponds to the Legislature no later than twenty days prior to the convening of the Regular Session of 2013; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, Chairperson of the Board of Land and Natural Resources, Director of Health, and Director of the Office of Planning.

This famous loco i'a should be restored not made a retention drainage basin that can damage the fresh water system.

Thank you for allowing me to make comments on this DEA. I hope that you will consider the safety of the water system and the people in your next drawing of the project. I would like to be informed of any activity, meeting, changes for this project. Ph 214-4411.

Mahalo,

Clare Apana

Attachments: Mala AIS, Sinoto burial mapping next to Loko i'a,

Michael Lee testimony for the LUC as cultural practitioner in the Kahoma and Mala area and expert testimony as Papakilohoku and Kahuna of the Ocean (Limu) and Michael Lee

Cultural practitioner

024

Prepared at the request of: Maalama Kakanilu'a , a Native Hawaiian Organization

Prepared By: Sixth Sense Archaeological Consultants, LLC

Janet Six, Ph.D.

PO BOX 782
Pu`unēnē, Hawai`i 96784

Response to Kahoma Village Project E.A.

November 2012

Ho'olaulima ku na kupuna,
Malama no i ka loko i'a
E ho'omau i neia waiwai ho'oilina.
Let us work in the manner of our ancestors,
Let us preserve the fishponds
To continue this part of our heritage.

—from Summers (1964)

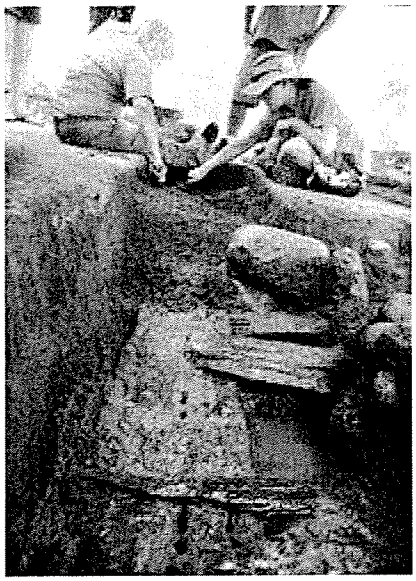
RESPONSE TO THE PROPOSED THE KAHOMA VILLAGE PROJECT:

After carefully reviewing the recently completed Environmental Assessment for this project I found there to be several important omissions with regard to the Archaeological Inventory Survey and the Cultural History portion of the E.A. As an archaeologist licensed by the State of Hawai`i, I am uniquely qualified to speak to these AIS omissions. Adding to my expertise in this area is the fact I spent two years hand excavating a portion of the site of Moku`ula and Loko o Mokuhina just to the South of this project.

COVER OF THE MAUI NEWS: AUGUST 15, 2010

"Peering into Hawaiian History:

LAHAINA - Five months after breaking ground with their trowels, archaeologists have unearthed some historical treasures at Moku'ula. Over the summer, the team excavated an edge of the sacred island that was buried almost 100 years ago, and found rock walls and a spruce-wood pier once used to launch the canoes of Hawaiian royalty. ***Archaeologist Janet Six said she was pleased to find much of the historic site still intact. "You can see the water and the pond..."***



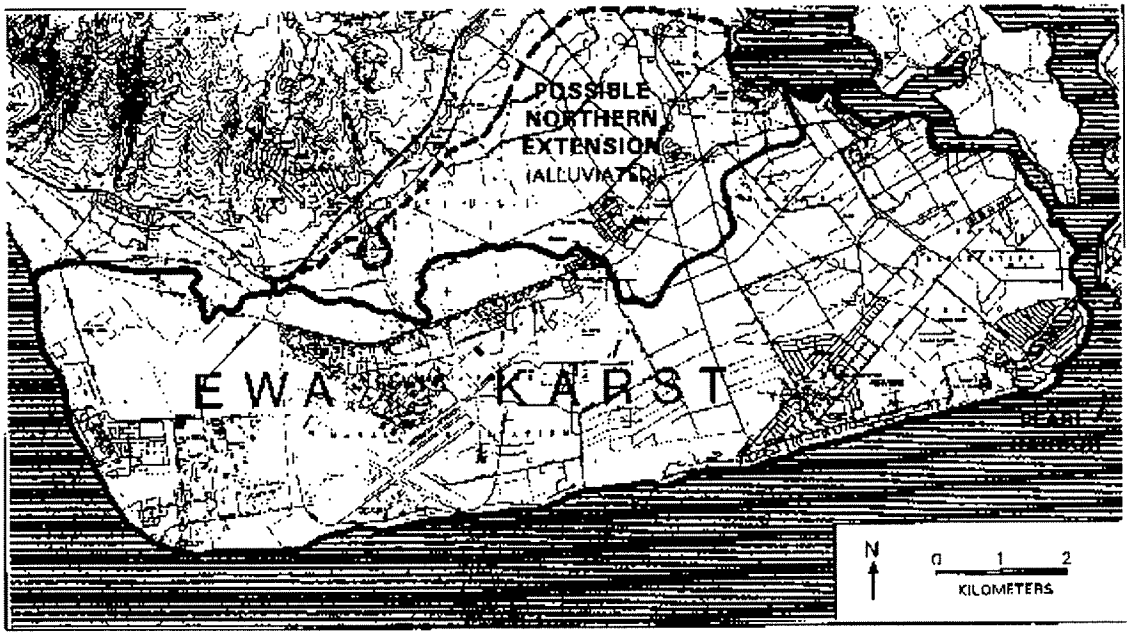
UH-Maui College students, Janet Bostick and Joel Yurkanin excavate at Moku`ula 2010

Archaeological investigations and archival research conducted by my team in 2010 - 201, revealed that portions of the 1918 baseball field had slowly begun to sink over time. In 1954, in conjunction with dredging Lahaina Small Boat Harbor, the park was once again filled and a new baseball filed constructed. To this day, you can see saltwater being pushed up through the two layers of historic fill during time of heavy rains and/or hide tides.

This provides excellent evidence of an active karst system in Lahaina, filled with subterranean solutional caves – the most famous being Kalua o Kiha – the watery grotto residence of the Mo`o Kihawahine that purportedly lies directly under Moku`ula island. It is the belief of many native Hawaiians that this karst system contains numerous pre-contact interments.

So what exactly is a karst system?

> **"Karst topography** is a geological formation shaped by the dissolution of a layer or layers of soluble bedrock, **usually carbonate rock such as limestone** or dolomite...
>
> ***Due to subterranean drainage, there may be very limited surface water,*** even in the absence of any rivers and lakes. Many karst regions display distinctive surface features, with cenotes, sinkholes or dolines being the most common. However, distinctive karst surface features may be completely absent where the soluble rock is mantled, such as by glacial debris, or confined by one or more superimposed non-soluble rock strata. ***Some karst regions include thousands of caves..."***
>
> ***Solutional caves are the most frequently occurring caves and such caves form in rock that is soluble, such as limestone***... Rock is dissolved by natural acid in groundwater that seeps through bedding-planes, faults, joints and so on. Over geological epochs cracks expand to become caves or cave systems.
>
> ***The largest and most abundant solutional caves are located in limestone.*** Limestone dissolves under the action of rainwater and groundwater charged with H_2CO_3 (carbonic acid) and naturally occurring organic acids. ***The dissolution process produces a distinctive landform known as karst, characterized by sinkholes, and underground drainage***..." *Wikipedia*

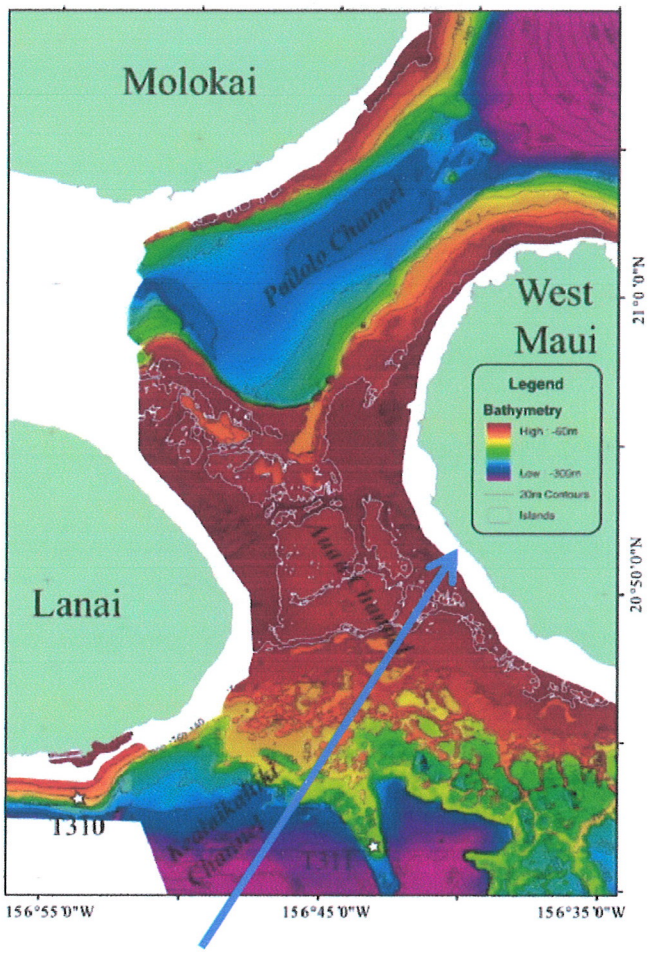


In 2001, UH- Mānoa's SOEST Sustainable Seas Expedition conducted an extensive mapping project focusing on the karst system joining West Maui and Lāna`i.

"Drowned reefs and antecedent karst topography, Au'au channel, S.E. Hawaiian Islands.

ABSTRACT: During the last glacial maximum (LGM), about 21,000 years ago, the Hawaiian Islands of Maui, Lanai, and Molokai were interconnected by limestone bridges, creating a super-island known as Maui-Nui. Approximately 120 m of sea-level rise during the Holocene Transgression flooded, and then drowned, these bridges separating the islands by inter-island channels. A new multibeam high-resolution bathymetric survey of the channels between the islands, coupled with observations and video-transects utilizing DeepWorker-2000 submersibles, has revealed the existence of numerous drowned reef features ***including concentric solution basins***, solution ridges (rims), sand and sediment plains, and conical-shaped reef pinnacles. The concentric basins contain flat lagoon-like bottoms that are rimmed by steep-sided limestone walls. Undercut notches rim the basins at several depths, marking either sea-level still stands or paleo-lake levels. All of the solution basins shallower than 120 m were subaerial at the LGM, and at one stage or another may have been shallow shoreline lakes. Today, about 70 drowned reef pinnacles are scattered across the Maui–Lanai underwater bridge[1]

[1] 2002, Grigg, R. W.; Grossman, E. E.; Earle, S. A.; Gittings, S. R.; Lott, D.; McDonough, J. Coral Reefs



This project lies directly over the active Maui karst system

Kahoma Village Project Archaeologist Erik M. Fredericksen fails to address the cultural importance of the Maui karst system – <u>which contains hundreds of already known pre-contact burials in the Lahaina area alone</u>:

According to Fredericksen:

> "In precontact times, **Lahaina itself was apparently a garden-like area, with taro *fo'i*, irrigation ditches *('auwai)*, and embankments that created a verdant landscape.** Brackish-water and fresh water ponds *(toko)* were also present in portions of Lahaina, including the environs near the study area. The largest and most significant of these is Loko o Mokuhinia, which lies about 1.5 km to the south of the project area. ***Given the limited rainfall on the leeward side of the island, <u>the garden-like quality of much of Lahaina was a testament to the skill and ingenuity of Native Hawaiians</u>.***

My Response: Not to take away from the skill and ingenuity of native Hawaiians, but this area was a wetland long before human contact. Water percolating though the West Maui **karst system** provides a constant subterranean flow through a network of lava tubes and/or **solutional caves.** When the first Polynesians arrived, they recognized the

value of plentiful water in an area with little rainfall and - with skill and ingenuity - indeed built on this **NAUTRAL RESOURCE and enhanced, modified and personified what are naturally occurring ponds making them valuable CULTURAL RESOURCES** and the residence of one of the most revered and powerful deity – the Mo`o Kihawahine.

According to UH-Mānoa Archaeologist Dr. Terry Hunt:

> "The science of archaeology has had a continuing interest in the mortuary customs of human cultures. Burials and their associated material items lend insight into certain aspects of human behavior. Mortuary patterning of a particular culture may provide data on social structure, social ranking, religious ideology, artistic expression and utilitarian craft. Both pre- and post-contact Hawaiian burial customs have a limited representation in archaeological recording, analysis and interpretation.... Bowen's (1961) thesis, the only summary of Hawaiian disposal customs, provides several ethnohistorical data pertinent to our discussion. Bowen lists ten prehistoric methods of Hawaiian disposal:
> 1. exposure to the elements
> 2. cremation
> 3. **sea or fresh water disposal**
> 4. pit burial
> 5. monument interment
> 6. earth burial
> 7. cist interment
> 8. heiau burial
> 9. house floor burial
> 10. ***cave interment***
>
> In brief, Bowen concludes the following regarding cave interment: Caves were convenient places of disposal for the general population, with protection against the elements and molestation. Ethnohistorical sources suggest that the common people, maka'ainana class, remained attached to their land despite warfare and changes in ruling ali'i. ***Therefore, family caves were probably used continuously over long periods of time.*** In most cases, disposal caves were set apart exclusively for the dead and used for no other purpose... Nearness of caves to dwelling areas does not seem to have prevented their use in disposal. Bowen also mentions ***that caves were used for all types of human disposal well into the Christian period.*** Bowen continues that historically, commoner caves seem to differ from ali'i caves. in the following ways"... ***Commoner caves were kept in repair, altered and improved by those families to whom they belonged. Ali'i caves were abandoned and never spoke of once the remains were deposited...*** It is evident that disposal caves are widely distributed throughout the major islands of the Hawaiian chain from Necker in the northwest

to Hawai'i in the southeast. ***Lava tubes, niches, and crevices are found throughout the islands and have been utilized extensively for disposal[2].***

In their article, 'Aina: Ke Ola O Na Kanaka 'Oiwi Land: The Health of Native Hawaiians Noa Emmett Aluli, M.D. and Davianna Pomaika'i McGregor, PhD see a real connection between the land and Native Hawaiian physical health:

"Our mo'olelo flows along a course inspired by our 'aumaku and akua and informed by our kupuna. A reflection on the role of the land in the health of Native Hawaiians must begin with the origins of Native Hawaiians from the life forces of the land, as traced through mo'oku'auhau or family genealogies. From this source, emerges the central role of the land in the health and well-being of Native Hawaiians, and unfolding from this relationship, ***Native Hawaiians have long believed in the power of the land to heal individuals, families, communities and the nation. Specifically, Native Hawaiians have identified specific places and natural resources which have healing powers.*** The healing places are visited and honored during key events in the cycle of life, from conception, to birth, family relations, death and beyond. Resources of the land - stones, water, and plants -are used for healing and for nourishment. In taking care of the land, Native Hawaiians provide for our own health and nourishment.. We want to note that, traditionally, ***the land and the ocean are inseparable and there are many coastal areas which are essential to Native Hawaiian health and healing...***

Burials and Leina

In death and beyond, Native Hawaiians consecrated special areas as their resting places and recognized special points to enter into the next life. "Mai kaula'i wale i ka iwi o na kupuna / Do not dry out the bones of the ancestors." **Do not discuss your ancestors too freely with strangers, for it is like exposing their bones for all to see. This is one of the 'olelo no'eau or wise sayings concerning Hawaiian bones that reflects this generally held attitude to protect Hawaiian burial remans. *This is still a deeply held ethic*. *In conducting oral history research, for example, we find that informants will usually stop short of discussing anything about family burials or bones, except in very general terms***. Traditionally, Native Hawaiians have believed that ancestral mana is passed on and resides in our bones. Proper burial treatment of our Kupuna is essential to maintain their mana and our mana as their descendants.

In the Ke Au 'Oko'a of September 1870, Kamakau described how the people of old Hawai'i, prior to the rise of ruling chiefs, buried their loved ones in common graveyards. According to Kamakau, in the very ancient times, corpses were buried in graveyards that were well known throughout the islands.

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[2] DESCRIPTIVE SUMMARY OF A NORTH KONA BURIAL CAVE ISLAND OF HAWAII M. S. All~n and T. L. Hunt* Mauna Loa Field Station Hawaii Volcanoes National Park Hawaii 96718

The practice of hiding burials and holding their location secret evolved in a later period when, according to Kamakau, "wicked and traitorous, and desecrating chiefs, dug up the bones of the dead from burial grounds and used the bones for arrows and fishooks." Kamakau described the general concern of the Hawaiian people which led them to begin the practice of laying their loved ones to rest in caves, ravines and cliffs:

> "Consternation arose in every family, and they sought places of concealment for the bones of their grandparents, parents, children, chiefs, and relatives. They searched for deep pits in the mountains, and for hiding pits and hiding caves along the deep ravines and sheer cliffs frequented by koa'e birds. There they deposited the precious bones of their loved ones, without a thought for their own weariness, the heavy load they carried, or their own possible death; with no other thought except that they were carrying out the 'last will,' the kauoha, of their loved one. . . . The places mentioned in the kauoha are the burial pits and caves of the ancestors. They are well hidden from the eyes of men, and unknown to the 'wizards of the night,' kupua o ka po., who might reveal them."

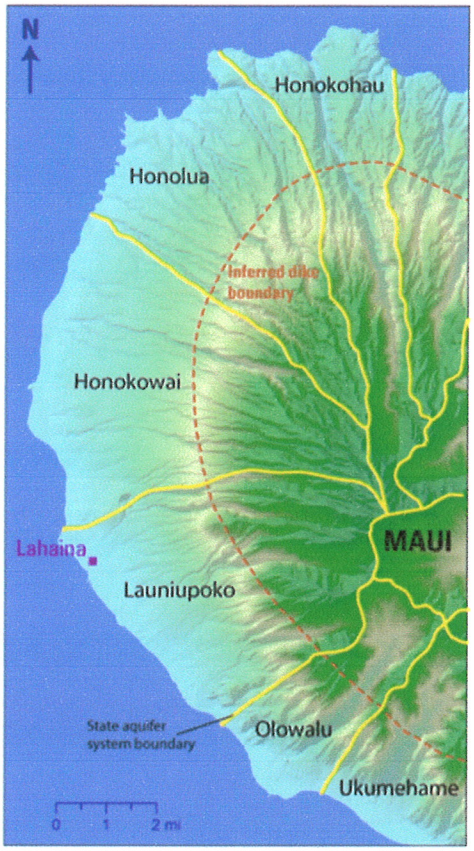
In the Ke Au 'Oko'a of May 1869 Kamakau expanded upon the practice of secret burials. He explained how the Hawaiian burial ritual was carried out in secret and how the knowledge of its location was kept secret by a selected descendant. He emphasized how care of the bones was strictly a family responsibility and not to be shared with any strangers. He also described how the burials established unmistakable and irrevocable claims to the land. He wrote:

> "***In old days the inheritance of the family burial place, the caves and secret burial places of our ancestors was handed down from these to their descendants without the intrusion of a single stranger unless by consent of the descendant, so that wherever a death occurred the body was conveyed to its inheritance. These immovable barriers belonged to burial rights for all time. The rule of kings and chiefs and their land agents might change, but the burial rights of families survived on their lands. Here is one proof of the people's right to the land.*** With this right of the common people to the land is connected an inherent love of the land of one's birth inherited from one's ancestors, so that men do not [willingly] wander from place to place but remain on the land of their ancestors.

Healing Waters

> ***Ponds and springs sacred to mo'o also held healing powers.*** In Liliha on O'ahu, the Kunawai spring was sacred to the mo'o, Ka-hanai-a-ke-akua. Those who were ill and bathed in the pool fed by this spring were cured of their illness.
>
> Even as late as the 1960's, kupuna informants in Hana spoke of an old blind woman, Tutu Pale, who claimed kinship to a mo'o who lived in a nearby pond in Hana. She often walked to the pond in the moonlight to fish, and talked with someone as she went along. She explained that her

cousin, the mo'o, frequently accompanied her to the pond. After ten years, she regained her eyesight..."



RECENT HYDROLOGIC CONDITIONS, LAHAINA DISTRICT, MAUI, HAWAII

"The Lahaina District, on the western side of West Maui Mountain, has several public and private sources of domestic and agricultural water supply for the island of Maui. ***Domestic water is supplied mainly from wells*** but includes some surface water. Agricultural water is mainly surface water that is occasionally augmented with groundwater from wells.

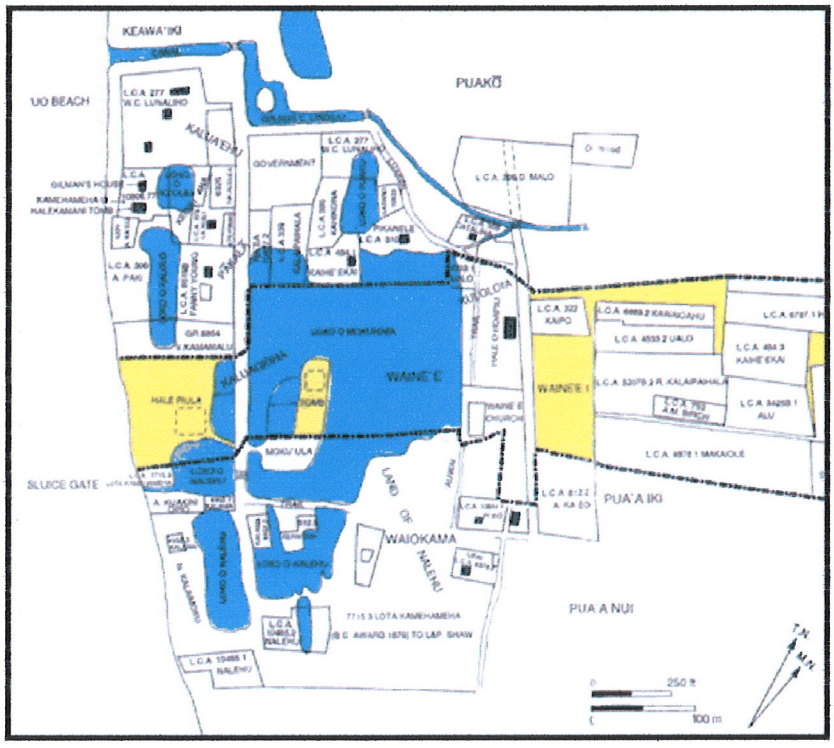
The fresh groundwater system in the Lahaina District contains: (1) dike-impounded water and (2) a freshwater lens floating on saltwater. The dike-impounded water body is found in the mountainous interior part of the aquifer. A freshwater-lens system is found within the dike-free volcanic rocks and also in the minor coastal sedimentary deposits. ***The general movement of fresh groundwater in the Lahaina District is from the dike-impounded water body into the freshwater-lens system and then to the ocean.***"
http://hi.water.usgs.gov/recent/lahaina/

SO THERE'S WATER, WATER, EVERYWHERE…

Excavations conducted by Bishop Museum at Loko o Mokuhina 1995, uncovered water under the 1918 & 1954 fill layers which, according to their report, "…seemed to be fresh and abundant." I found this to be true as well through my first hand excavation of this site.

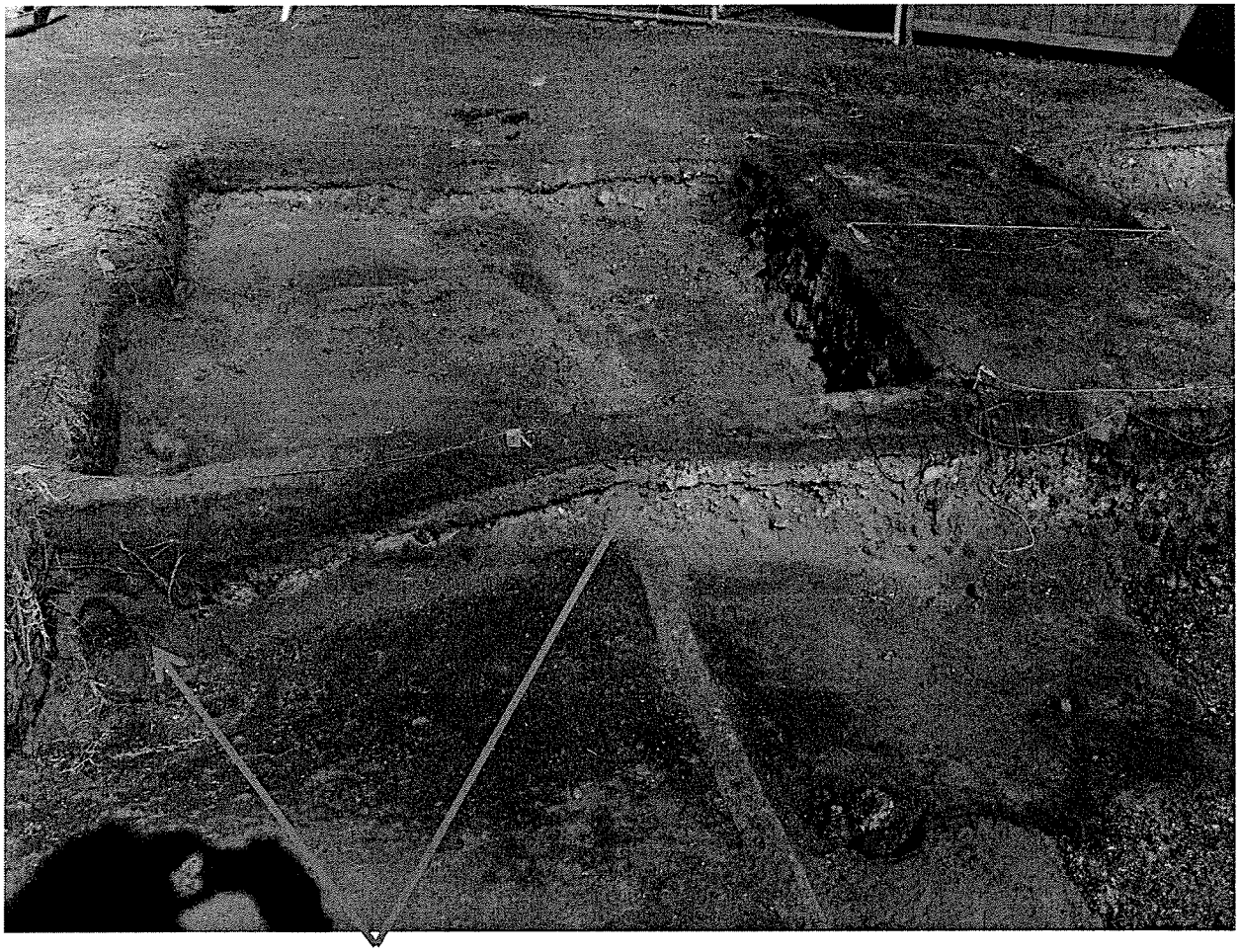
According to Pukui et al., Lāhainā means cruel or merciless sun. This area averages 13" of rainfall per year. ***In spite of the meager precipitation, this area was once known as the "Venice of the Pacific." When the first explorers arrived in Lāhainā, they encountered a very different landscape than today. The series of spring-fed, fresh water canals that once flowed through the village of Lāhainā have long since dried up and its fabulous wetlands buried under layers of cultural fill.***

Lying under a County Park – virtually undisturbed for nearly a century – is the site of Moku`ula and Loko o Mokuhinia. For centuries Moku'ula was a political and sacred center: it was here the chiefess Kala`aiheana, was born to the High Chief Pi `ilani. The Pi'ilani ōhana *(family line)* had for centuries been tied to the powerful Mo`o Akua. As a result of this blood tie, at the time of her death, the sacred rite of deification was performed and Kala`aiheana became a Mo`o Akua – the goddess known as Kihawahine. .



The site of Moku`ula and Loko o Mokuhinia illustrating the now buried karst system (www.mokuula.com)

Shortly after the first European contact, whaling ships and other interested parties began arriving from as far away as Nantucket and the "Venice of the Pacific" soon became known as "Rotten Row" due to its numerous bars and raucous patrons. Over time the whaling industry subsided and a new extractive industry took hold – industrial plantations. Waters were diverted from Lāhainā, in the service of sugar production, and the Mokuhinia ponds and wetlands became a stagnant breeding ground for newly introduced mosquitoes. **In 1917, plantation managers had the site drained and filled and this once most sacred site became a baseball diamond for plantation workers in 1918.** ***Over time the newly made baseball field and park began to sink into the porous karst system, requiring a major and costly filling of this area for a second time in 1954.***



Excavations at Moku`ula indicated that the park continues to sink into the karst system below.

According to Fredrickson's AIS:

> "The project site is located in the Alamihi *Ahupuaa* **outside of the Lahaina National Historic Landmark District[3].** The project site is currently vacant but has been previously impacted by land altering activities. Disturbance activities in the past include sugarcane cultivation, heavy equipment clearing, construction of informal homeless shelters and camps, and piles of construction related debris.
>
> ***The AAS consisted of 100 percent surface survey and 30 mechanically excavated backhoe test trenches within a portion of the site that is not currently heavily vegetated.***

Question: Since in rarely rains in Lahaina, how can this dense vegetation survive in this "barren" area?
Answer: They are tapping into the subterranean water flowing through the still robust karst system.

> "***Based on literature research, it is likely that a portion of the project site is located within the former Alamihi Pond, which was filled in the first half of the 20th Century, during the Mala Wharf construction in 1922 when an access road was installed.***
> b. Potential Impacts However, because of the location of the project site, ***pre-contact and/or post-contact human burials and/or previously disturbed human remains may lie in those portions of the project site that were not tested.*** As such, the AAS recommends archaeological monitoring for all future earth disturbance activities on the project site as human burials have been previously documented on nearby parcels, including the Lahaina Cannery Mall property."

My response: The Alamihi fishpond was filled in in 1920. **We know exactly where it still is, buried underneath the modern fill - likely largely intact - and this project is DIRECTLY ON TOP OF IT.**

Fredrickson knows first-hand of the hundreds of burials in the Lahaina area:

> "In July and August 2000, Xamanek Researches undertook a monitoring program at Kamehameha III Elementary School grounds, situated just south of the courthouse on the coast. During the project, ***10 in situ*** **burials were located, along with numerous disturbed graves and a habitation site** (Sites 4982, 4983, 4984). The burials were preserved in place, and the disturbed human remains reinterred on the property per the direction and with the assistance of the MLBC. Radiometric analysis dated the earliest finds from the 16th century (Fredericksen and Fredericksen, November 2001).

[3] This is an arbitrary line conceived in modern times and is NOT reflective of the interconnectedness of these sites to others within the "district" as currently defined.

A large burial mound covering an area of c. 20 by 80 meters was noted near the mouth of Kahoma Stream at the time of the 1974 B.P. Bishop Museum survey, but not investigated because of time constraints (Ibid.). This site was located an estimated 25-50 meters inland from the shoreline, near Mala Wharf and across the street from the Chinese cemetery.13 Additional work was conducted in the Mala Wharf area by Davis (1974), Sinoto (1975**), Hammett (1978), and Joerger and Kaschko (1979)[4].**

The burial site area noted above and a nearby fishpond were more fully investigated in1977 -1978 by H. Hammatt. This archaeological investigation with monitoring was conducted in order to mitigate impacts associated with the construction of the Mala Wharf Boat Ramp facility. The project identified a ditch that may have once connected 'Alamihi Fishpond with Kahoma Stream to the north. *14* ***In addition, some 90 burials were removed that were associated with a cultural deposit in a portion of the impacted sand dune.*** Jenson (1988) carried out an archaeological investigation near 'Alamihi Fishpond. A series of 8 backhoe trenches were utilized in this study to investigate the area south of the fishpond. This work did not yield any significant findings. This earlier work was carried out on the current project area.

The Kahoma Complex (Site 50-50-03-1203) is located about 2.7 km from the coast. This site complex was first recorded in 1978, and consisted of a rock shelter and 38 petro glyphs. Barrera (1989) relocated this site and recorded additional features. Jenson (1989) located and recorded habitation and agricultural features in the vicinity of Site 1203. This second site also included 13 probable burial features and a large stone cairn/marker. **An archaeological assessment survey was undertaken. Based on our background research, it is likely that the above parcels lie in a portion of the former 'Alamihi Pond.** This pond was previously assigned State Site 50-50-03-3799. It appears that the pond was filled in the first half of the 20th century (along with other low lying areas and ponds in Lahaina).

Given the location of the study area, subsurface habitation sites associated with precontact and/or post-contact periods could be present in this portion of Lahaina. Potential finds could include material culture remains such as midden deposits, charcoal remnants, cooking pits, water worn pebbles, stone features and the like would characterize such sites. Precontact agricultural site remnants could also be present in this area. Finally, it is noteworthy that human burials have been previously identified on the nearby Lahaina Cannery Mall property to the north and in the Mala Wharf area to the west. ***As such, the possibility exists that isolated and/or clustered human burials and/or previously disturbed human remains could be contained within untested portions of the current 21.556-acre project area.***

[4] These archaeologist all suggest this site be nominated for the National Register of Historic Places

As previously mentioned above, *there were 30 backhoe test trenches (BTs) excavated on the study area to assess the soil stratigraphy. These test trenches were c. 5 m in length by 0.85 m in width, and up to 2.8 m deep.* All 30 of the backhoe trenches were placed accessible areas and excavated systematically throughout the project area."

Based on this last statement I did some simple math:

- **One Acre = 4,047 square meters**
- **21.556 acre project area = 87,237 square meters**
- **30 backhoe trenches, 5 meters long X 85 centimeters wide = 127 square meters tested**

THIS MEANS LESS THAN 0.15% of the total surface area of the project has been tested, in an area immediately adjacent to a KNOWN pre- and post-contact cemetery, Pu`upiha (means "really full" – an important clue as to what lies there) – and then ONLY in "easily accessible areas."

I never thought I'd have to say this, but for once: *Sticking your head into the sand might yield a clearer vision on this area.*

Waters were diverted from Lāhainā, in the service of sugar production, and the Mokuhinia ponds and surrounding wetlands became a stagnant breeding ground for newly introduced mosquitoes. In 1917, plantation managers had this site drained and filled and this once ***most sacred site in all of Hawai`i*** became a baseball diamond for plantation workers in 1918. In 1920, the famous Alamihi fishpond – part of the same karst system - suffered a similar fate. Excavations have proven that MUCH of Moku`ula lies intact beneath the park – ***why wouldn't we expect to find similar preservation at Alamihi?***

ADDRESSING FOOD INSECURITY:

Over the past decade, the term "sustainability" has grown from being an ill-defined buzz ord to a lucid concept with increasing global resonance. Widely-viewed documentaries such as Al Gore's *Inconvenient Truth,* offer up a chilling challenge to the status quo – literally *think* or swim. If the thought of the world's glaciers melting and rising seas worry those living on the edges of continents, we who live on small islands should be doubly concerned. While it is easy to focus on the bad news, – skyrocketing fossil fuel prices, catastrophic weather patterns, polar ice caps retreating at record rates; increasing political instability in the Middle East and North Africa; all the while devastating tsunamis are sending radioactive debris our way – there is good news! As architect *cum* eco-efficiency expert William McDonough stated during his 2004 presentation to University of Hawai`i-Maui College (UH-MC) administration, staff and faculty, although we may live on terrestrially finite, often geographically isolated and resource poor, small islands, ours is not a world of limits but rather a world of abundance. He went on to suggest that the Island of Maui – with all its biodiversity and microclimates - has the potential to serve as a learning laboratory for research into sustainability.

According to McDonough, It is increasingly imperative that we embrace this paradigm shift and begin to rethink the way we do things; he calls this shift The Cradle-to-Cradle Alternative. McDonough says that "...*the destructive qualities of today's cradle-to-grave industrial system can be seen as the result of a fundamental design problem, not the inevitable outcome of consumption and economic activity. Indeed, good design—* ***principled design based on the laws of nature—can transform the making and consumption of things into a regenerative force.***"

With Maui's international notoriety as one of the most attractive environments in the world, *demonstrations of "principled design" conducted on the island* will not only have implications for other islands and isolated communities, but will hopefully make Maui *a global* model of sustainable living and, subsequently, a desirable vacation destination for the eco-conscious, eco-curious traveler.

In Hawai`i, what *mālahine* (outsiders – or "continental people") call natural resources, *kānaka maoli*" (native Hawaiians) call their relatives. While theorists debate the role culture and nature play in the creation of landscapes, the traditional Hawaiian belief system does not recognize this distinction. In the Hawaiian genesis the sky father, *Wākea*, and the earth mother, *Papa*, conceived a daughter *Ho'ohokukalani*. Ho'ohokukalani grew into a beautiful woman and her father Wākea desired her[5]. Together they had a son who was stillborn. Shortly after they buried their child in the yard outside the house *kalo* (taro) sprouted from his corpse

Wākea and Ho'ohokukalani conceived a second child, *Hāloa*, who in turn begat all of humankind. In the Hawaiian cosmology nature is not "other" – Nature *is* Man's older brother.

State Archaeologist for Hawai`i Island, Theresa Donham and Maui-based ethnobotanist Anna Palomino state succinctly, "In western society, plants are considered to be part of nature, and as such are dichotomized from things that are cultural. This dichotomy does not apply in the traditional Hawaiian worldview; plants and other elements of the natural landscape are not perceived as being distinct from cultural or spiritual phenomena" (2002:15). ***Ergo, all interpretations of landscapes need to take into consideration multiple, mutable meanings, differing "models of reality," and take into account — whenever possible — uniquely, situated perspectives.***

Pre-Western Contact Context: One of the most remote landmasses in the world, the Hawaiian Island chain, was the last place on the planet to be impacted by humans. Approximately 1,500 years ago intrepid Polynesian voyagers discovered and colonized the Hawaiian Islands bringing domesticated plants and animals. Over time, the people of Hawaii developed a stratified system of land tenure. Under this system, each of the four main islands, Hawaii, Kaua`i, Maui and O`ahu, were known as *mokupuni*. These islands were further subdivided into districts or *moku*. In order to facilitate governance and the even distribution of labor and resources throughout the land *moku* were, in turn, divided into *ahupua`a* – sections of land that extend from the top of mountain down into

[5] Incest was sanctioned at the highest levels of Hawaiian society such as with *ke akua* (the gods) or *na ali`i* (the royalty)

the sea. Because each *ahupua`a* contained nearly all the resources Hawaiians required for sustenance, both natural and cultural resources were carefully managed and maintained within *finite* terrestrial boundaries.

Post-Western Contact Impact: When the first European arrived in the late 18th century, they encountered an *anthropogenic landscape* – one that was modified by a wide-range of human activity and industry. In addition to introducing invasive species, European colonists also brought with them something equally pernicious – their worldview. Traditional Hawaiian culture and practices were deemed "primitive" and fell victim to rampant Eurocentrism. Extractive industries such as whaling and logging were the first to take root in Hawaii – decimating the sperm whale and sandalwood populations. Hawaiians became unwitting victims of the newly introduced western monetary system. With the added decimation of population due to introduced diseases, traditional agricultural practices waned. After the abolition of slavery on the continent the locus for industrial production of sugar shifted from the mainland U.S. to the Pacific. With this new industry came the need for additional sources of labor. Contract labor, primarily from Asia, was imported to work on industrial coffee, pineapple and sugar plantations in Hawaii. Economic interests emerged as the priority and both the environment and the native peoples of Hawaii languished under the Western paradigm.

Present Day Reality: As the second largest island in the Hawaiian archipelago, Maui is comprised of a mere 728 square-miles. Over the past 20 years, Maui's population has increased by over 70%. As Maui continues to grow in both popularity and population, the socio-economic gap between the poorest and the wealthiest sectors of our community increases each year – with well over half of our Hawaiian population[6] living in poverty[7]. Two of the main industries in Hawaii are agriculture and tourism – both are suffering the effects of the current economic downslide. Presently, individuals claiming Hawaiian ancestry make up approximately 25% of the total population on Maui..

Although there is tremendous potential for the development of diversified, sustainable agronomy in Hawai`i, Maui – along with the rest of the State – faces significant challenges in the areas of **food, energy and housing security** requiring immediate action. Some facts: the State of Hawai`i imports approximately 90% its food and – at any given time – has as little as one week's food supply on hand! Additionally, due to our extreme isolation, Hawai`i residents pay approximately 66% more for foodstuffs than the U.S. national average. Efforts to address this **"food insecurity"** are further complicated by: the high price of land; problematical tax laws and land leasing obstacles; the availability of, and access to, water; the high cost of labor; the lack of a skilled workforce; and the enormous expense and limited availability of interisland transportation for the distribution of local produce.

Maui's residents are increasingly vulnerable to shortage due to our heavy dependence on imported foodstuffs (over 90%). While this is clearly unacceptable and must be remedied – it is no easy task. While our off-shore dependence has increased, our local

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[6] $42,062 is the median income of native Hawaiian and other Pacific Islander households in 1999. http://factfinder.census.gov/home/saff/main.html?_lang=en

[7] Kamehameha School Bernice Pauahi Bishop Estate PASE Report 03-04:12, Hawaiian Population Update, July 2004

production has decreased. For example, there has been a 60% reduction in volume of vegetables and melons produced in Maui County. Compounding this, is that fact that the average of a farmer or rancher is 50+ years and, at present, there are few commercial farmers or ranchers 35 years old or less. Many of Maui's younger generation grew up surrounded by industrial agriculture and traditionally view working in the fields as hard labor with low profit margins' often they were often encouraged to enter different professions by family members employed by large-scale plantations. With the industrial model waning, it is an opportune time to introduce a revamped, more *entrepreneurial* model for training Maui's future and aging agronomists in alternative, sustainable modes of production.

Below is a discussion of the monetary value of Lokoi`a – <u>it is impossible to gauge the cultural value to those who have already lost so much:</u>

LOKO I'A: A Manual on Hawaiian Fishpond Restoration and Management, by *Graydon "Buddy" Keala with James R. Hollyer and Luisa Castro*

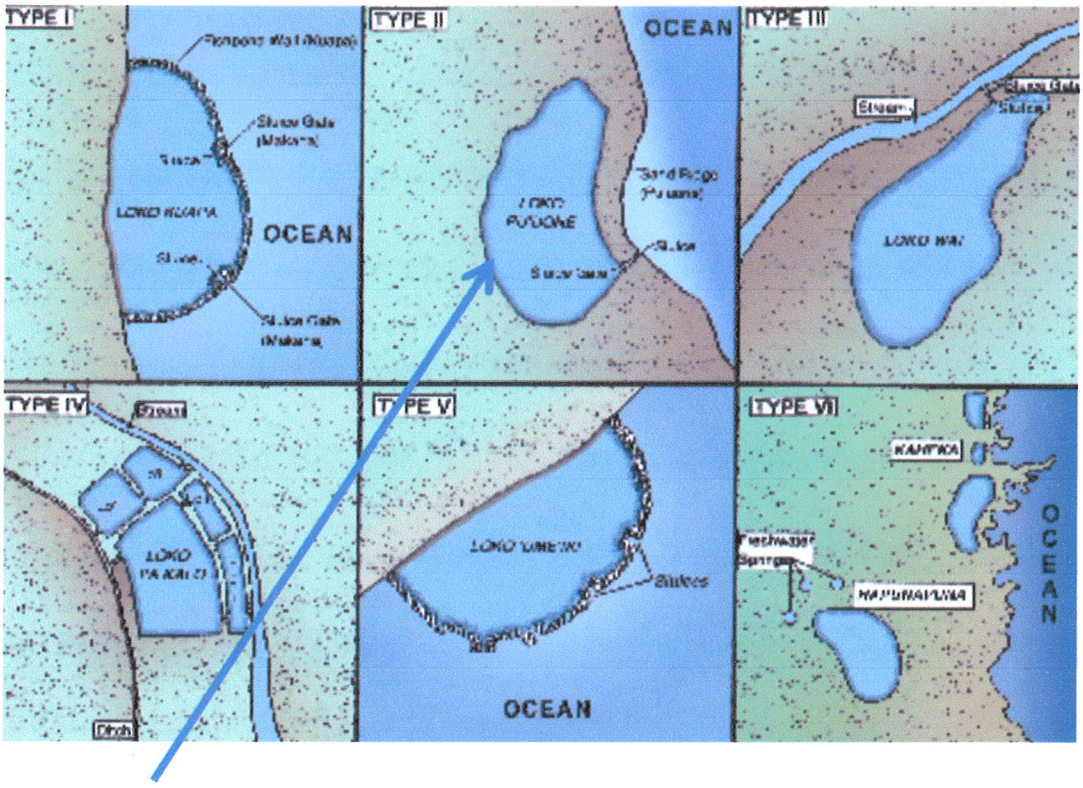
> "The full-scale development of loko i'a (fishponds) from mauka (the mountains) to makai (the ocean) dates back over half a millennium. Cultivation and propagation centered on many different fresh and salt-water plants and animals, with the primary species being the prized 'ama'ama (mullet) and 'awa (milkfish). An inventory in the early 1900s found 360 loko i'a in the islands and identified 99 active ponds with an estimated annual production total of about 680,000 pounds, including 486,000 pounds of 'ama'ama and 194,000 pounds of 'awa. Loko i'a were extensive operating systems that produced an average of 400–600 pounds per acre per year, a significant amount considering the minimal amount of fishpond "input" and maintenance effort apparent by that time.
>
> In 1994 the community of Moloka'i worked diligently and developed a strategic blueprint to address employment, growth, and economic issues for the island. In evaluating the island's assets and resources, Moloka'i's more than 60 fishponds, encompassing over 1500 acres, were clearly acknowledged as a huge, underutilized potential to create employment and sustainable economic growth opportunities through practicing traditional and modern aqua-farming.
>
> Over the past decade a small but steady effort spawned traditional fishpond restoration and fishpond culture projects on Moloka'i at Oneali'i, 'Ualapu'e, Keawanui, Kahinapōhaku, and Honouliwai fishponds. The desire to put these historic and cultural treasures back to productive use again, and the availability of federal and state funding for agriculture and economic diversification, created a regeneration of fishpond interest and development on the island.
>
> Loko i'a, Hawaiian fishponds, are impressive structures. They represent one of the ancient world's most significant and successful aquacultural achievements. Writing about commercial fisheries in the Hawaiian Islands in 1901, J.H. Cobb estimated that about 350 fishponds had been in operation in ancient Hawai'i. Today, the remains of many of those fishponds are unrepairable, but some could

be restored to use. ***Newly restored loko i'a could be a vehicle for providing employment, economic opportunity, and fishstock enhancement. Fishponds can also provide educational opportunities and promote the sharing of cultural values for the people of Hawai'i.***

It is not known when Hawaiian fishponds began to be constructed, but some fishpond walls have been carbon-dated to the 1400s. Cobb's estimate of 340–360 Hawaiian fishponds was for the period before the arrival of "Western influence," marked by Captain James Cook's arrival in 1778. In 1901, Cobb identified 99 ponds in commercial production... He estimated total output then at 679,692 pounds: 485,531 pounds of mullet and 194,161 pounds of milkfish. The estimates of fishpond yield ranged from 300 to 500 pounds per acre. Using the low end of this range and assuming an average fishpond area of about 18 acres, the annual yield of Hawaiian fishponds in pre- Cook times could have approached 2 million pounds. In contrast, the state Division of Fish and Game (now the Division of Fish and Wildlife) reported in 1975–76 a total fishpond production of only 20,000 pounds of fish, including only 1200 pounds of mullet.

LOKO PU'UONE

Loko pu'uone contained mostly brackish water, with inputs from both freshwater and saltwater sources. Fresh water from streams, artesian springs, and percolation from adjacent aquifers was mixed with seawater that entered through channels during incoming tides. ***This mixing produced a highly productive estuarine environment that is known for its high biological biomass index*** (Bardach et al. 1972). ***The most characteristic feature of this type of fishpond was a sandbar, coastal reef structure, or two close edges of landmass that could be connected to enclose a body of water. Typical of these ponds were fish that were able to handle fluctuations of salinity. These fish include 'ama'ama, awa, āholehole, pāpio or ulua, 'ō'io, nehu, awa 'aua, 'o'opu, kaku, moi, and weke. Various other fish may have been grown, but this depended on water quality, especially salinity level, and the location of the fishpond with regard to migrating species such as akule and nehu.***



ALAMIHI IS A LOKO PU'UONE

COMMUNITY INPUT:

The site of Alamihi Lokoi`a is deemed *significant* under paragraphs: §13-275-6(b) [*Be associate with the lives of persons important in our past lives*] and **§13-284-6(b) (5)** *[criterion "e" Have an important value to the native Hawaiian peoples…due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts – these associations important to the group's history and cultural identity].* Because of this, according to the SHDP, "…***the archaeologist shall consult with members of the relevant ethnic group and consider any comments and shall describe the consultation process, list the consulted individuals and organizations, and summarize their comments."***

Although Frederickson mentions earlier archaeological excavations in and around this area is seems selective in what he presents in his AIS. ***For example, he fails to mention that early excavations by archaeologists Sinoto (1974), Hammatt (1978-79) and Jorger and Kashko (1979) all found evidence of important pre-contact features and burials associated with the Alamihi Fishpond and the surrounding area.***

Work conducted by Hammatt and subsequently Jorger and Kashko, led them to conclude that ***the Alamihi Lokoi`a should be nominated for the National Register of Historic Places*** **because it is associated with the lives of persons important in**

Kamehameha I built it, and Kamehameha III awarded this important land to one of Maui's most celebrated historians, David Malo[8] and important historic events – the battle between Kamehameha I and Kahui. ***Given this, many archaeologists disagree with Frederickson's findings and believe that Alamihi is likely "to yield information important to prehistory" (Jorger and Kashko, 1979).***

> "***Malo also had lands in Waikapu and Lahaina, where he had a breadfruit grove behind Alamihi Fishpond*** (Alexander 1884)... Malo's knowledge of traditional Hawaiian history and customs was quite extensive, and ***while at Lahainaluna, he contributed significantly to the recordation of this history***. His works have been incorporated in historical compendiums, and have been translated and published under his name (Malo 1980). **His contributions, both while he was living and through his writing, are recognized throughout Hawai'i."** Wikipedia

As a historian, I find it a TRAVESTY that the homestead of one of Maui's (and Hawai`i's) MOST FAMOUS HISTORIANS, David Malo, on the edge of a fishpond built by Kamehmeha I, Hawai`i MOST FAMOUS RULER , that was "gifted to Malo by Kamehameha III during the Great Mahele, lies "outside the historic district."

THEORETICAL POSITION: While many theorists continue to debate the role culture and nature play in the creation of landscapes, the traditional Hawaiian belief system does not recognize this distinction. In the Hawaiian genesis, the sky father, Wākea, and the earth mother, Papa, conceived a daughter Ho`ohokukalani. Ho`ohokukalani grew into a beautiful woman and her father Wākea desired her. Together they had a son who (depending on the oral account) was stillborn. Shortly after they buried their child in the yard outside the house, kalo *(taro)* sprouted from his corpse. Wākea and Ho`ohokukalani conceived a second child, Hāloa, who in turn begat all of humankind. ***In the Hawaiian cosmology nature is not "other" – Nature is Man's older brother.***

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[8] Historic accounts of Malo indicated that he was more than simply a minister to the Kilolani Church. He was involved in the workings of the community, and is credited with restoring the natural beauty to the shoreline area behind the ponds. It is likely that he also directed and/or participated in taking care of the ponds. Malo was an industrious individual who quickly learned western technology and put it to practical applications. He planted cotton and had it spun and woven, and used to make his own clothing. He planted sugar cane and manufactured an excellent quality of Molasses (Emerson in Malo 1980)... (Alexander 1884). When he arrived at Kalepolepo, Malo began the task of constructing the Kilolani Church, a project that was not completed until 1852 (Frech 1988). The church was built from blocks of cut coral and was located c. .5 km inland from the fishpond. Prior to completion of the church, Malo conducted services closer to the pond, under the shade of the coconut palms. The service was called by blowing a large conch shell that belonged to Halstead (Wilcox 1921:67). According to Wilcox (1921:67), the shoreline of Kalepolepo was planted by Malo with coconut, *kou,* taro and *ape,* a large taro-like plant that was believed to ward off evil spirits (Pukui and Elbert 1986:28). It is not certain whether Malo was at Kalepolepo during the pond repair work that was done by Ho'apili. It is certain that the pond waters were clear and productive during the decade that Malo lived at Kalepolepo (Wilcox 1921:67), and that it was a retreat destination for the monarchs during this period. Lot (Kamehameha V) apparently stayed for an extended period and ran up a debt with Halstead (Wilcox 1921:66).

According to anthropologist Marshall Sahlins:

> *"The domestic interest in the `āina, the 'land,' was of course the livelihood of the family, together with obligations to kith and kin. `Āina and maka`āinana [commoners], land and people, were in relations of reproduction. Indeed, the `āina took on personal status of an ancestor or progenitor, as conversely the graves of the ancestors situated on the land were the sign of the family's proprietary claim (kuleana) and source of its prosperity.* ***In Marx's classic phrase, the land was the inorganic body of the people. Recall that Hawaiians could refer to their ancestral lands as kula iwi, the 'plain of one's bones,' just as they knew themselves as kama`āina, 'children of the land' which had nurtured them****" (1992: 31).*

Many recent landscape studies have chosen to examine how power and control are manifest in a range of landscapes. From line-of-sight spatial analysis to the critique of representations and material culture associated with institutionalized power and control, recent research has focus on ethnicity, class, gender, and race relations as manifest in a variety of post-industrial settings such as plantations, etc. Although much food for thought has come out of studies of Western capitalist-based systems, ***increasingly researchers realize new, non-Western, non-capitalist approaches, to landscape must be considered*** (Barnes 1999; Bloch 1995; Byrne 2003; Humphrey 1995; Ireland 2003; Richards 1999).

In *Wisdom Sits in Places*, anthropologist Keith Basso explores *sense of place* from a decidedly non-Western perspective; using native informants, Basso explores the link between language and landscape. By examining Western Apache place names, Basso was able to trace linguistically – what to most are invisible - links to past and present meanings "hidden" in landscape (1996). In a recent issue of *Human Organization,* the authors Aswani and Lauer argue "...how a geographical information systems (GIS) database can be used to incorporate socio-spatial information, such as indigenous knowledge and artisanal [subsistence] fishing data, along with biophysical and other information to assist in MPA [marine protected areas] design." (2006: 81). They and other scholars (Jiang 2003; Mark and Turk 2003; Mohamed and Ventura 2000; Robbins 2003) argue that by converting certain aspects of indigenous knowledge into geo-spatial data, researchers can then hypothesize how ethnically diverse groups culturally constructed spatial-temporal characteristics of their landscape – or as in Aswani and Lauer's case study of Solomon Islands, fisherman their seascape. In Volume One of anthropologist Marshall Sahlins' and archaeologist Patrick Kirch's opus Anahulu: The Anthropology of History in the Kingdom of Hawai`i: Historical Ethnography Sahlins describes landscapes of tradition, ***"More than environmental settings, territory and landscape are structural coordinates of our ethnographic history. They are significant dimensions of a Hawaiian cultural scheme critically in play in the course of the events of early modern times – and also, then, centrally at stake"*** (1992: 17).

In addition to gathering data as to the position of architectural features and the position of artifacts within the fill layers, ***it is essential to gather – where appropriate – indigenous "spatial" knowledge from kūpuna*** and others, such as the meaning of

place names in the surrounding landscape, important historical and/or mythological events that occurred at the site and in the area, or kino lau associated with the site, etc.

RECOMMENDATIONS: WIN-WIN-WIN-WIN-WIN-WIN

Given the discussion above, I would like to recommend the following:

1. **DO NOT BUILD ON A LOKOI`A** - Avoid having a large portion of your housing development "sink" over time into the active karst system **(FUTURE HOMEOWNERS WIN)**
2. The 1.5+ acre park – that is proposed to mitigate the "heat island" a development such as this will create - should be relocated within the plan and the "grassy park – which will require irrigation to maintain – ***should instead become a working fish pond providing the developer with valuable WATER FRONT PROPERTY*** **within the proposed development (DEVELOPER WINS).**
3. **The AIS needs to be revised to include the important aspects omitted (COMMUNITY WINS)**
4. Restore the lokoi`a and ***native estuarine flora and fauna will return and flourish*** **(NATURE WINS)**
5. A more thorough archaeological investigation of the Alamihi Fishpond should be conducted for the purpose of restoration (**CULTURE WINS)**
6. Have a living classroom during the archaeological studies and a living history museum when completed **(RESIDENTS & STUDENTS WIN)**
7. ***Avoid costly problems*** such as the Supreme Court Case currently facing the Honolulu Rail project and the debacle that was the construction of the Ritz Carlton (1988) by **NOT "inadvertently finding" human remains we KNOW from numerous archaeological studies are here (THE IWI KUPUNA WIN).**
8. Work with adjacent businesses such as the Old Lahaina Lu`au to make this a cultural treasure and replicable example of ecotourism **(ENTREPRENEURS WIN)**.
9. **Address FOOD INSECURITY - Raise food while raising consciousness (COMMUNITY WINS)**
10. Employ local resident and native Hawaiians to restore and maintain a portion of the buried fishpond **(CULTURE WINS)**
11. ***Locate and restore the David Malo residence*** and his historic ulu grove making it a desirable attraction for tourists and local alike **(VISITOR INDUSTRY WINS)**
12. By having a cultural treasure on property, it will raise the project's symbolic and social capital – and allow the developer to address the three aspect of true sustainability – **ECONOMY, ECOLOGY and SOCIAL (EVERYBODY WINS!!!!)**

Please feel free to contact me, if you have any questions with materials and/or concepts presented.

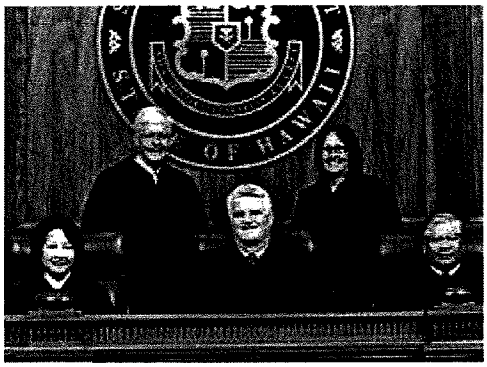
MAHALO!

Malama Kakanilu'a Clare Apana, founder 808 214-4

i

Supreme Court: Can Rail Avoid Hawaiian Burials?

By Michael Levine 05/24/2012



Hawaii State Judiciary

The city is already moving down the track on construction of the rail system. But can it swerve to avoid Native Hawaiian burials that might be uncovered along the way?

The Hawaii Supreme Court is wrestling with that question after an hour-long oral argument Thursday morning. The case was brought by Paulette Kaleikini, a cultural descendant who says her ancestors in the Kakaako area will be disturbed by the fourth and final phase of the rail project. Her lawyers with the Native Hawaiian Legal Corporation say the city should have completed an archaeological inventory survey (AIS) of the entire line *before* starting construction on any part of it.

"An AIS is a key tool used for identification of, consultation about and decision-making on burials," David "Kimo" Frankel told the three justices and two elevated judges Thursday. "Segmenting, piecemeal-ing or phasing an AIS excludes vital information from decision-making, rendering consultation with Native Hawaiians in good faith a meaningless exercise."

The Kaleikini case is one of several legal challenges facing the rail project. In federal court, Honolulutraffic.com, mayoral candidate Ben Cayetano and others are arguing that alternatives were not adequately considered. Also, losing rail car builder Bombardier has sued the city for inappropriately awarding a $1.4 billion contract to Ansaldo.

Frankel said allowing construction to continue without a completed comprehensive AIS could put pressure on the Oahu Island Burial Council to dig up burials found in the rail line because it will be too late and too costly to change the alignment. He said Honolulu has given burials a "short shrift" and has "put the cart before the horse."

"Practically speaking, we have seen other cases where the city or other developers are like, 'Well, we spent so much money, so all we can now do is just dig 'em up.' And that's not the dignity or

respect that we seek," Ashley Obrey, another attorney with the Native Hawaiian Legal Corporation, told Civil Beat after the hearing.

The city and state disagree and say the archaeological review is already well under way and will be finished years before construction begins on the downtown segment of the system.

A few members of the panel appeared to have serious concerns with the city's approach, which included a programmatic agreement with the Department of Land and Natural Resources' State Historic Preservation Division to allow the AIS to be completed in four phases.

Justice Sabrina McKenna was the most aggressive with her questions, pressing attorneys for the city and the state for details of its plans to protect burials and posing hypotheticals of segmentation that would create problems. Justice Paula Nakayama and Judge R. Mark Browning, sitting in for the recused Justice Simeon Acoba, also asked pointed questions.

John P. Manaut, a private attorney hired by the city to argue the case, told the court that the alignment in the Kakaako area can be adjusted in the event of a "mass graveyard." If there are three or four areas in a small area, columns can be moved 75 or 100 feet, he said.

"That has not been foreclosed here," he said.

"Truthfully, there is threat to any burial anywhere along this route, the 20 miles, until after we do the AIS process that the plaintiff wants us to do," Manaut said. "The request here is to do an AIS, and we are going to do an AIS."

Obrey, the Native Hawaiian Legal Corporation attorney, said the columns aren't the only piece of the puzzle that might disturb burials. Water lines, sewer lines and other associated buildings will cause a "scraping" of the area, she said. It's not enough to conduct an AIS while construction is already happening, she said. Instead, the NHLC wants construction to stop until an AIS is done.

Much of the argument focused on the language of the state laws that govern burials — Hawaii Revised Statutes Section 6E, in particular — and whether the language in and legislative intent behind that section is clear on the legality of phasing and segmentation or the definition of a "project."

Chief Justice Mark Recktenwald asked the state's attorney, William Wynhoff, "How do we get around the plain language of the rules?"

While it would be difficult to change the alignment because it would require a supplemental environmental review, Wynhoff said the route is not set in stone.

The court took the matter under advisement and is expected to render a written ruling.

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Amended Testimony for Docket # A12-795

Grounds for denial of WMLC Petition to rezone TMK (2)4-5-10:005 & 006 re: cultural resources

The grounds for denying West Maui Land Company's (WMLC) Petition to rezone the area identified as (2)4-5-10:005 would be that the LUC's decision violates the Hawaii Constitution and is arbitrary in light of the substantial record evidence. With regard to cultural resources, our argument regarding impact on limu gathering, native fish population and the important historic and archeological findings on this land demonstrate the value of restoring this land to the ancient agricultural system which kept the integrated eco system balanced from mauka to makai. WMLC did not do any studies regarding the project's impact on the health of limu and in their archeological report and cultural report they failed to identify the important findings that remain on this property in plain site. The finding that the project will not impact any cultural practices, archeological finds or water quality, and by extension, will not impact limu gathering is not based on evidence in the record other than general/conclusory testimony of WMLC Experts who failed to mention these items in their reports.

The argument has to be that when a cultural practice is at issue more is required. In this case, the burden to do a study should be on WMLC. The burden should not be on cultural practitioners to attempt, post-development, to trace degraded limu health and reduced fish population to surface water runoff and decreased groundwater discharge. Without such a study, the LUC could not make the required findings under Ka Pa'akai. In this case, WMLC completely left out or denied any impact on or connection to cultural and archeological findings in addition to the water quality and limu gathering at Mala Wharf because such activities take place outside the project area. The lack of such recorded evidence means that the LUC cannot make the required findings as to the extent of the impairment.

Judge Hifo's decision regarding Kaloi gulch required a specific study. When there is an issue of constitutional significance, more is required (i.e., a developer's representations that it will comply with city and county regulations is insufficient).

Another cultural asset that WMLC failed to recognized, but that I recognizes as important to the area and to Mrs. Bolomet as a cultural practitioner who uses

native plants for healing purposes and as a farmer, is the soil as a cultural resource and a repository of seeds for native plants. The commissioners has heard Public Testimony of how when restoration and irrigation returns to an area, native plants return. If stones, plants etc. are a cultural resource why not ancient soils? If soil is a cultural resource, this would mean that the LUC should require studies, as required under Ka Pa'akai. In fact, WMLC did not present any findings regarding soil as a cultural resource, they only reported how the former conventional farming practices rendered the soil useless. If treated as a cultural resource, you could imagine findings that would require, at the very least, the removed soils to be preserved, etc.

Section 15-15-77(b)(3) requires the consideration on the proposed development's impact on cultural resources, but Art. 12, Sect. 7 of the Hawaii State Constitution obligates the Commission to protect the reasonable exercise of Native Hawaiian customary and traditional practices.

In Ka Pa'akai O Ka'Aina v. Land Use Commission, 94 Haw. 31, 7 P.3d 1068 (2000), the Hawaii Supreme Court held that in order for the LUC to fulfill their duty to preserve and protect customary and traditional Native Hawaiian rights you, "must -- at a minimum -- make specific findings and conclusions as to the impairment of valued cultural resources.

Here, WMLC does not even acknowledge, much less assess, the proposed development's impact on customary and traditional cultural practices, their experts merely claim there are none.

WMLC has failed to provide the LUC with sufficient information so that the commissioners can fulfill your obligations under Article 12, Section 7. Although WMLC claims there are no traditional and customary practices that would be impacted by the proposed development, as a cultural expert, I disagree and can directly contradict this assertion.

My exhibits 13 & 17 are evidence that shows there are cultural findings & resources in the area-- in particular, the karst system, underlying burial caves, iwi, ancient rocks systems that make up the awai (ancient irrigation system), the heiau that marks the spot and was dedicated to the memory of Opelu Haa Alii's birth. The old soils of the property and traditional native hawaiian limu gathering rights -- that will be impacted by the proposed development.

Despite the evidence of a karst system where the iwi was removed from when the Kahoma Flood Channel was built in the petition area, WMLC or any of their experts has not made an effort to point out its location/s or the proposed development's impacts on it.

Despite the notification of burials in and around the petition area, WMLC and their experts failed to conduct an adequate field survey to identify burials.

Limu gathering has taken place at the shoreline for hundreds of years, but WMLC has not made an effort to determine the development's impact on limu gathering. WMLC may argue that because limu gathering takes place at the shore and not within the physical boundaries of the proposed development, it will not be impacted by the development. However this narrow view underscores the lack of understanding of cultural resources and traditional practices. In fact, attempting to horizontally isolate a piece of land runs directly contrary to the au'upuaa and konohiki land use planning systems. These systems respect what should be obvious --the islands are an integrated ecological system, spanning from mauka to makai.

Consistent with my view as a cultural practitioner, Robin Knox, (Intervener Mrs. Bolomet's water expert) agrees that increases in storm water and surface runoff impact water quality. It is undisputed that there is a direct link between water quality and the health of limu. The connection between water quality and traditional limu gathering elevates the issue of how WMLC will deal with impacts on water quality to one of constitutional proportions and implicates provisions of the Coastal Zone Management Act.

As made clear in Ka Pa'akai, you cannot delegate the protection of cultural resources to WMLC. Approving WMLC petition to rezone TMK(2)4-5-10:005 & 006 which would allow WMLC to proceed with the development when it has completely ignored the very existence of significant cultural sites and traditional practices, and may otherwise only say that it will address the impact on cultural resources by uncertain means and at some undetermined point in the future, is a violation of the LUC's constitutional obligations under Article 12, Section 7.

Ewa, Hawaii August 1, 2012

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Michael K. Lee

Michael K. Lee cultural report 7/31/2012

As a cultural practitioner, I look at all aspects concerning the land reaching from the mountain to the sea. Kanaka Maoli never separated the interrelationship between the mountain and the sea, and realized the health of the mountain and waters above, affected

the health of the fish and their population as well as the health of the limu which provided food and medicine for people, animal and the land.

This land is particularly unique in that it is part of several Ahupua'as.
The mauka part of the land reaches into the area identified as a part of the Paeohi Ahupua`a owned by Routh Bolomet's ancestor Keohokalole, to the Olowalo direction lays Kelawea and Ahupua`a belonging to Princess Kamamalu another one of Routh Bolomet's ancestors; below Paeohi is the Aki section of the property also an Ahupua`a belonging to Princess Kamamalu, to the Kaanapali direction lays Moalii Ahupua`a owned by Princess Kamamalu, and below where the Kahoma flood Channel empties into the ocean is Alamihi.

In 1891-1894 Captain Vancouver anchored in Lahaina. In his journal he described Lahaina as the Venice of the Pacific due to a vast complex of canals and fish ponds; here canoe channels once connected countless taro terraces in what is now Lahaina's downtown. High chiefs live on islands in the middle of ponds such as moko`ula. This is important for us to know this history to understand why when big rains came the lower areas of Lahaina, such as Alamihi would flood.

Kanaka's look to the past when they plan their future, in doing so, they would know not to build a mall in Alamihi district. As a result of the short sided western mentality to come in and back fill these once productive loi, we have to deal with the fact that flooding occurs regularly. So now a flood channel has to be installed to control the massive waters that come occasionally to the once wetlands. In doing so we have not solved an occasional problem, but we have just created a huge problem causing eminent harm to the cultural practices of the Kanaka Maoli, the fish population which would migrate up the Kahoma stream to spawn; the fresh clean water that would flow down to the ocean so the limu can flourish and burying the small free flowing springs that fed the Old Kahoma Stream that was diverted illegally from the project site, rendering the stream and awai's that fed the loi patches and ponds on the site dry.

In exhibit , on the USGS 1942 Geologic and Topographic water map by Harold Stearn, you can see first of all the polka dotted area of the project site marked with a PA. The significance of the PA marking and the RA markings is that it identifies these two areas as areas consistant with having karsts. The significance of a karst is that it shows us how the fresh waters flows beneath the surface from the mountain to the ocean. North of the Mala wharf area on the maps shows two ancient water holes or ancient Hawaiian wells and south of that there two the fish ponds that once were located between Mala and Puunoa Point. This gives you an idea of how large this karst is that is the exit points of the fresh water karsts that starts up in the mountains above Lahainaluna School. When you sit on the sand at the shore line of the Mala wharf area out side of the Jodo Mission, by just digging your hands4" to 6 inches below the sand you can feel the cold fresh water seeping into the ocean.

We can track the karst's path by looking on the surface at the trees. To prove that a karst runs below the project area along with the fresh water spring you can see the thriving green keawe trees whose long tap roots seeks water to nourish itself.

On the TMK map (2)4-5-10:005 & 006 exhibit , you can see a water ditch that came off of the stream in this area as well as a water line and a storm drain. In exhibit _____ you can see the water line is noted as ***not*** being hooked up to county water lines. There is also still an existing irrigation line that is ***not*** hooked up to the county water lines. This tells us, that even though the project area no longer has its surface flowing stream that was illegally diverted according to water code _____, the buried springs that laid below the old Kahoma Stream still flows and can provide water to these parcels being classified as useless and unfit for agriculture and the plumbing is already in place. The keawe tree that flourishes near the old stream bed is evidence of the spring still below that feeds this tree and the water and irrigation line marked on the maps shows that its water source is from the same area.

In ancient times kanaka maoli used the karst to bury their iwi-kupuna, it was also

_____

_____can you tell me what the significance is beside what I wrote about above?

On the surface there is still evidence of the awai's that traverse the terrain bringing water throughout the property. Exhibit_____Photos

But the most important cultural find was the discovery of the Heiau built to honor the birth place of one of Pele's sons, named Opelu Haa lii. Exhibit_____ Photos. Upon discovering the heiau we were able to find the heart stone and libation stone that are carved out to fit snuggly one into the other. We performed a ceremony to announce the returning of great grandchild and lineal descendents of Pele and to reopen a Heiau that lay dormant for many years.

At the shoreline we were able to find the Hina stone that would call the fish to the area in ancient times. Up in Puu Laina we found the burial site of Opelu Haa lii and was able to take a pohaku from his grave to the heiau connecting the two. In the area of Puu Laina we found a lono stone and performed a ceremony to reconnect that ahu to its energy source found in the ocean, thus reactivating this area.

We are told that there will be great changes and spiritual storms that comes soon, perhaps as early as November, that not even the Kahoma Flood channel can avert the big waters from flooding the area.

(what is your predicition/ standing vision? Can you write it here?)

Hawaiian Folk Tales: A Collection of Native Legends
By Thos. G. Thrum

Pg. 36-38

PELE & THE DELUGE

Rev. A.O. Forbes

Tells of How Pele left her home lands of Hapakuela in search of her husband. With the gift of the Sea from her mother, Kahinalii, the ocean waters carried her and her canoes to the baron vast lands we now call Hawaii nei. This event is called Kai a Kahinalii. With the gift of the sea, she was able to bring forth the waters to the islands. She first stopped at Kauai dwelt there for a while, then moved to Kalaupapa, Molokai and dwelt in the crater of Kauhaku, from there she came to Puu Laina, near Lahainaluna, where she dug out that crater. Afterwards she moved further to Haleakala, where she stayed until she hallowed out the great crater; and finally she settled in the Kilauea, on the Big Island of Hawaii where she has been ever since.

In the foot notes of this story it states that it is remarkable how the traditional legend follows the geological observation in locating the earliest volcanic action in this group as the earliest in Kauai and the latest on the Big Island. It also points out that Puu Laina is the hill top located to the north of Lahainaluna school. It is also pointed out on the water map. In exhibit_____see the photos of this crater which is scorched. Also look into the crater itself. Exhibit _____In it is where the burial of Pele son Opelu haa lii lays to rest. On the Kahoma property marked by a heiau is the birth place of her son Opelu haa lii. This is a heiau of historical significance to the Pele practitioners of old and those who lived on these lands were of the Pele clan and were the practitioners of their day. This heiau has laid dormant for many years as western culture replaced Hawaiian traditions, but with the renaissance of the Hawaiian Culture, returns the calling of the ancestors and an awakening of the descendents from which came through the loins of Opelu.

Opelu haa lii lived a short time relative to Pele years, so he is estimated to have died in his 20's. He had children, and from these children is one of his great grandchildren 18 generation from him, Routh Bolomet who has responded to her 18th great grandfather's call.

Flora and Fauna

Though my area of cultural practice was not in La`aulapa`au, I like the Petitioner's Culturalist, Kimokeo Kapahulehua, interviewed those whose expertise fall in this line of work. Routh Bolomet, who does not proclaim to be an expert in la`aulapa,au, was trained by her cousin Kaipo Kaneakua, who is a renown Kahuna La`aulapa`au and Opu Huli Lomi Lomi practitioner and trainer, trained by his grandmother from the age of 4 years old on Molokai and other famous La`aulapa`au practitioners. Many of the healing principals that Routh Bolomet learned using the indigenous and non-indigenous plants in Hawaii were handed down from generation to generation through her family and were essential to regaining hers and her family's health after having been exposed to the chemical drift of a popular herbicide being sprayed by a former neighbor that destroyed their otherwise robust health. She not only learned how to heal with indigenous and non indigenous plants, but she also learned how to use them as medicinal teas, topical treatments and in her culinary creations she calls, "Meals that Heal".

In the Petitioner's Botanical Survey Report, a total of 62 plant species were recorded from two parcels. Of these, two indigenous plants to Hawaii were identified; Uhaloa (*Waltheria indica*) and Ilima (*Sida fallax)* both of which are valued medicinal plants.

The other 60 plants are also important assets to the property because a cultural practitioner and organic farmer will recognize them as essential to healing the soil, immediate environment and the people within the environment.

Though not evident to the eye, from past restorations on properties we know that the native plant seeds lay dormant in the soil, merely waiting for the right conditions to flourish once again. Of the two surviving indigenous plant that endures despite the current lack of nurturing stewartship, Uhaloa (`ala`alapuloa, hi`aloa, kanakaloa) *Waltheria Indica*, though considered a weed on a wasteland by none cultural practitioners, this valuable herb is used like aspirin for certain kinds of pain. It can be used for coughs, sore throats, swollen glands in the throat, & the removal of phlegm from the lungs.

Another indigenous plant that was noted in the Petitioners Botanical Survey was Ilima (*Sida fallax).* Ilima is another healing herb used to detoxify the body; its flowers can be eaten or made into a tea.

The non-indigenous Spiny Amaranth (Amaranthus Spinosus) is a highly valued plant in that it contains nutrients that nourish both humans and animals. Some of the bio active nutrients it contains is Alanine, an important source of energy for the brain, central nervous system and muscles; it maintains prostate health and produces antibodies.

Alpha-spinasterol is an anti-inflammatory agent. Leucine regulates blood sugar and energy levels; growth and repair of muscles and production of growth hormones and wound healing. Melothionine is used for growth and metabolism, breakdown of fats, detoxification of the liver; an anti-oxidant. Melothionine is also shown to prevent bladder infections by preventing bacteria from sticking on the urinary tract cells and the list of healing properties of this plant goes on and on. This plant can be used as food and medicine.

The Koa Haole was brought to this property by Routh ancestors as food for the cattle that grazed on this land. The buffelgrass is nature's way of cleaning impurities out of the soil left from the chemical agriculture once practiced by Pioneer Mills Company and bringing important minerals from below to the surfaces for the benefit of the surrounding plants, and repairs the soil damage caused by the disruption in tilling practices and construction disruptions. The Spanish needle is comparable to the Hawaiian Indigenous plant called Kinehe used to lower blood pressure and take flu out of the body through a tea.

The 100 to 200 year old dead trees marks where the surface water washed over the old Kahoma streambeds that lay dry today, but the thriving keawe trees with its long tap roots points to where the underground springs and karsts lay below the surface. The surviving tamarind trees which can grow up to 70 feet tall, provides not only an abundance of shade to the hot parched environment that now is in existence on the property, but provides fruit for food, seasoning, thirst quenching drinks and has seeds that can be made into flour for bread in addition to its many healing aspects as well.

The Curative properties of tamarind: the whole tree has medicinal virtues. Its leaves are cooling and antibilious, while the bark is an astringent, a tonic and reduces fever. The fruit pulp is digestive, anti flatulent, cooling, laxative and antiseptic. Its seeds are also astringent. The wood is hard and could be used to make wheels for carts and carriages in the old days.

To the untrained eye, this property may appear to be a wasteland, not useful for anything but pavement and housing, but to the trained eye this land is a virtual medicine cabinet that continues to evolve as the environment and the people living within the environment evolves. Paving over such a treasure would bring eminent harm not just to the cultural practitioners of the area, but to the those who could benefit from the treasure chest of indigenous botanicals that lay within the soil waiting to once again be of service to those who live upon and around it.

It is well known phenomenon by la`aulapa`au practitioners that the plants that flourish in the area come forth for the people in the surrounding area who needs them, as their needs change, so do the plant varieties.

Fauna

On June 5, 2012, upon visit to the Kahoma Land area identified as TMK (2)4-5-10:005 & 006, a Pueo was spotted flying and landing in a Keawe tree on Routh Bolomet's great grandfather Kaaua's land identified as LCA 9795b. Routh Bolomet was accompanied by 3 other Cultural Practitioners; Mikahala Roy, Jesse and Trini Soto. They all witnessed the returning of the Pueo which has a cultural significance and is considered a sacred creature, having a special place in Hawaiian mythology, and is recognized as a *kinolau* (physical manifestation) of *'aumakua* (ancestral guardians). It was believed in ancient Hawai'i that following the death of an individual, the spirit of that individual could still influence and protect the remaining family members through the use of a body such as an owl, shark, turtle or other animal. As an *'aumakua*, the *pueo* is often attributed as a protector or guardian, and was specifically skilled in battle. In legends and stories, the *pueo* is credited with providing guidance and direction, and as in other cultures, is recognized as a symbol of wisdom and knowledge. The Pueo came and landed on the tree where Routh Bolomet's Uncle Henry's iwi lay, when Trini Soto called upon the guardian of the iwi to show us if the iwi were still left where originally buried. The large Pueo came reassuring us that he still lay in rest, it was a confirmation and a sign that our guardian spirits still watch over us and these lands.

The Cultural Practice of the Kanaka Maoli is alive and reawakening in a new generation as we all realize that the practice of trying to control nature is futile and dangerous to mankind. The ancient Kanaka knew how to tune in with nature, how to work and live in harmony with nature. Whether Kanaka or Haole, we all benefit be returning to a way of living that will be sustainable and productive for all to flourish and prosper.

BOARD TALK

Limu Stewards Oppose Plan To Alter Sand Berm in 'Ewa

Limu gatherers are once again challenging drainage improvements proposed for the mouth of Kaloi Gulch in 'Ewa, O'ahu. But this time, they aren't just up against Haseko ('Ewa), Inc.

The Department of Hawaiian Home Lands, the University of Hawai'i-West O'ahu, and the City and County of Honolulu's Department of Planning and Permitting have joined the Ocean Pointe developer in filing a Conservation District Use Application to lower a natural berm at One'ula Beach Park that blocks runoff from flowing to the sea. They say lowering the berm by two to four feet would still allow it to function as a filter, but it would also prevent flooding during 10-year storm events. Without such an outlet, Kapolei will have a harder time becoming O'ahu's second city, they say.

But for native Hawaiian cultural practitioner Michael Kumukauoha Lee, who successfully fought a similar proposal by Haseko in 2007, developers can and should minimize urban runoff by building vertically rather than horizontally and by constructing retention/detention basins on their properties. Simply allowing runoff from the 10-mile gulch to drain, unfiltered, into the ocean, will harm 'Ewa's famed limu beds, he argued.

On March 23, the state Board of Land and Natural Resources sided with the developers and approved their request for a Conservation District Use Permit.

In response, Lee and Native Hawaiian Legal Corporation attorney Alan Murakami asked for a contested case hearing. NHLC is representing another limu gatherer, Henry Chang Wo.

Roadblock

Up until the early 1990s, much of the land within the Kaloi Gulch Drainage Basin had been used to grow sugarcane. And according to testimony Haseko consultant Nelson Lee gave to the state Land Use Commission in 2007, "Because of the plants and soil, surface flows were generally absorbed through infiltration and didn't reach the ocean." Storm water runoff through Ocean Pointe was only about 550 cubic feet per second (cfs), he said.

Urbanization changed that. In November 1996, heavy rains flooded the 'Ewa Villages development so badly that the city tasked a group of engineers with devising a plan to address the storm water runoff that was expected to accompany increased urbanization within the 7,500-acre basin.

The engineers decided to limit runoff into Kaloi Gulch to a total of 2,500 cfs and, to date, developers have accomplished this using retention/detention basins, primarily in the form of golf courses. The 2,500 cfs limit would remain until an ocean outlet large enough to accommodate 100-year storms was constructed.

As part of its Ocean Pointe/Hoakalei development, which occupies most of the land at the mouth of Kaloi Gulch, Haseko shouldered the burden of designing and constructing drainage improvements that could accommodate all of the basin's runoff. Haseko had originally planned to divert the runoff into its proposed marina at Hoakalei, but abandoned the idea after the city raised concerns that the drainage improvements might somehow damage a sewage outfall that runs beneath the marina.

Instead, Haseko looked to One'ula Beach Park, which is owned by the city but is surrounded by the Ocean Pointe development. Haseko sought a Special Management Area permit from the city and a Conservation District Use Permit from the state Department of Land and Natural Resources in 2007 to widen the gulch and lower the sand berm at the park. (Currently, the channel can accommodate 4,200 cfs. City standards require it to handle a 100-year storm peak flow of 8,100 cfs for it to be considered a permanent outlet.)

"If this berm is not lowered, flood waters will reside at the park and eventually the backwater may flood the park, homes in the older 'Ewa Beach neighborhood and some of the homes at Ocean Pointe," Nelson Lee told the LUC.

And unless the ocean outlet is developed, "some land that UH [West O'ahu] wants to

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American pilchards, Georges Banks herring, California rockfish – the list goes on and on.

"It is generally argued that MSY was a step forward in recognizing that the great sea fishes were exhaustible," Finley writes in her conclusion. "However, I argue the opposite. MSY, as it came to be implemented, created a false sense of security in the minds of the public and politicians. In a sense, fisheries science was frozen in 1955 by the actions at the Rome meeting. There have been various modifications of MSY, replacing the word 'maximum' with other words, such as 'optimum' or 'economic,' but the modifications have not been substantial enough to prevent fish populations from being overly exploited."

In the last half century, as stocks have collapsed, efforts to tweak MSY to reflect more complicated realities have caused the fisheries scientists' equations to become ever more abstract.

"The biological complexity around the reproduction of fish stocks in the oceans has been a much more confounding puzzle than early biologists suspected," Finley writes. "Once the policy was established that the goal of management was to predict how many fish could be caught, the science was pushed into ever more complex mathematical models, increasingly divorced from the real world of what was happening in the water."

What Finley argues for is nothing less than turning the hoary principle of MSY on its head: "The story we have always told about all the fish in the sea is that there are many of them. They are renewable, they can sustain heavy fishing pressure, and the ocean they live in is resilient and productive. Instead, our twenty-first-century story of all the fish in the sea is that they must be valued and husbanded. They platy a vital environmental role in the ocean; they must be protected so they can replenish and strengthen their population structures, and the ocean itself must be treated with greater understanding for its fragility and its limits."

I fully expect the views of Finley, like those of the Anabaptists, to be disparaged by many of the scientists who have built their entire careers on divining MSY. She isn't one of the initiates, after all, and there appears not one quadratic equation in her entire book. But for all that, her message deserves to be heard. Given the colossal failures in managing stocks of fish – collapses that are ongoing and which will, in all likelihood, only grow more frequent in the future – it is imperative that a new standard for fisheries management be developed. Finley's heretical views mark an important milestone in that direction.

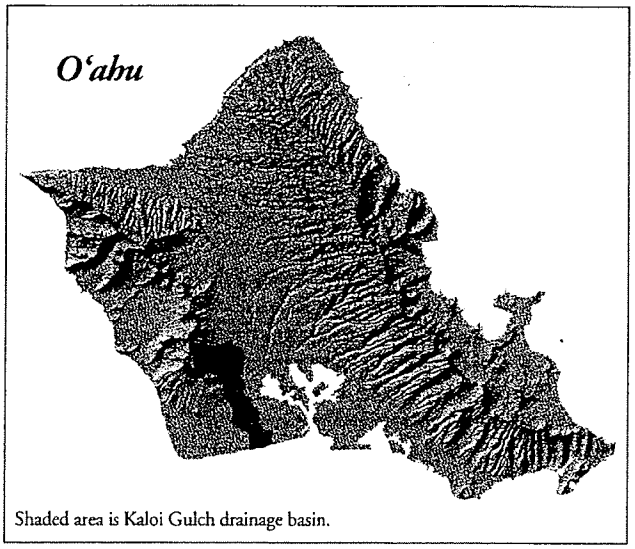
— Patricia Tummons

ultimately develop has to be set aside for a time for storm drainage facilities," he said.

When asked what the alternative might be should either the SMA or the CDUP be denied, Lee said, "The only real alternative is for each of the projects in the drainage basin to provide enough retention and detention infrastructure within their developments to limit the amount of channelized flows that exit each of their makai boundaries, just as the current developments have done without an ocean outlet."

The city granted Haseko a SMA permit in July 2007. That same month, the Land Board was set to decide on Haseko's CDUA, but the NHLC, representing Michael Kumukauoha Lee, requested a contested case hearing. As a result of the request, the Land Board took no action and no further testimony on the permit application.

Hearing officer Lawrence Miike, a former director of the state Department of Health and member of the state Commission on Water Resource Management, conducted a contested case in 2008. In January 2009, upon Miike's recommendation, the Land Board denied the CDUA. It found that Haseko had not proven that the project was necessary. With the proper infrastructure, urban runoff could be contained within individual developments, the board found.



Shaded area is Kaloi Gulch drainage basin.

CREDIT: WATER RESOURCES RESEARCH CENTER

> *"This is a key component of continued development of Kapolei as a second city."*
> **— David Tanoue, Director**
> **Department of Planning and Permitting**

Round Two

Nearly two years later, after the city had a chance to revise its development plans to designate One'ula Beach Park as the outlet for Kaloi Gulch, Haseko, UH-West O'ahu, the DHHL, and the Honolulu Department of Planning and Permitting applied for a CDUP for the Kaloi Gulch drainage improvements. The permit would cover work on about half an acre of state land makai of One'ula Beach Park. Representing the applicants was SSFM consultant Dean Uchida, a former administrator for the DLNR's Land Division.

"New information shows that future development within the Kaloi Gulch drainage basin will be significantly restricted without the proposed drainage improvements at One'ula Beach Park," wrote DLNR Office of Conservation and Coastal Lands planner K. Tiger Mills in her March 23 report to the Land Board.

At the Land Board's March 23 meeting, OCCL administrator Sam Lemmo said his office supported the project because it is not a channelized culvert box system that cuts to the shoreline and affects access and beach processes.

"This [berm] is more of a natural feature," Lemmo said. "At the end of the day, we believe [the landowners] deserve to address you again, state their case, see if the project can continue. From our perspective, we prefer these types of improvements over culvert box type improvements," Lemmo said.

Uchida noted that the Kaloi Gulch situation is unique in that a group of landowners within the drainage area together devised a solution to their flood control issues.

"The project will allow lands UH-West O'ahu and DHHL set aside for drainage to be reduced, a savings of eight to 11 acres of land at UH-West O'ahu," Uchida said. He added that the state Department of Transportation has indicated that, at some point, it will turn all of its land around North-South Road, which includes a detention pond, over to the DHHL, which has two developments planned for its lands in the area.

> *"I want to ensure in 20 years, this was not the point at which 'Ewa turned into another impervious [city] and land and sea were destroyed by it."* **— Sam Gon, Land Board**

"If we can reduce size of the retention basin at North-South Road, DHHL will gain. ... That was the difference between the last proposal and this proposal. That's why there are so many applicants," he said.

UH-West O'ahu vice chancellor Donna Kiyosaki also testified in favor of the project. The campus currently has more than 22 acres of retention basins, but if the 2,500 cfs limit is lifted, the university could cut that down to about 11 acres, she said.

"For UH-West Oahu, our land is our asset," she said.

For Sandy Pfund, DHHL's land development division administrator, the decision to become a co-applicant was considered very carefully to ensure it was culturally appropriate.

"By and large, we felt it would be fair to go forward with the improvements," she said, adding that the Office of Hawaiian Affairs had indicated that it was not averse to DHHL's participation. Whether or not the project will harm the seaweed native Hawaiians use in their cultural practices is debatable, she added.

"We have over 1,000 homesteads. Retention basins will not be taken away; those are for water quality. It's just that with more improvements downstream, more land could be made available," she said.

City DPP director David Tanoue also downplayed the project's potential environmental impacts, noting water is likely to breach the berm only during a "significant, catastrophic storm event."

"You know water is going to have that kind of runoff from other outfalls," he said.

"This [project] is a key component of continued development of Kapolei as a second city," he said.

Saving the Seaweed

Key to Kapolei or not, Michael Kumukauoha Lee warned the Land Board, "If you do approve this, I will stand up for a contested case to do this dance one more time."

"When you take out the natural sand, you take out the natural filter," he said, adding that limu in 'Ewa is diminishing. He also referred to a study by Florida marine scientist

Brian Lapointe presented during his 2008 contested case hearing, which showed that invasive species of limu thrive with the high nitrate levels.

Funneling more runoff into the ocean will create a bloom of invasive limu that will destroy native limu, Lee said. And "according to the constitution, you don't play around with Hawaiian practices and health," he said.

The Land Board has a duty to investigate cultural practices in the project area, as well as the impact the project might have on those practices, the NHLC's Murakami explained. What's more, he said, "every agency is supposed to reasonably protect those practices from harm. ... So far from what I've heard, there can't be that because there aren't the first two things."

Chang Wo said directing urban runoff to One'ula Beach would pollute the only beach in Kaloi Gulch and cause irreversible damage.

"The ocean needs to drink as you and I need to drink, [but] as with any plant, it's water quality [that's key]," he said. "If you don't watch the 'aina, you're going to lose what you have in the ocean."

The idea of trading the viability of a reef for a few acres of developable land puzzled Murakami.

"Why can't there be other lands [to collect runoff]? Why can't it be a golf course, rather than a reef that you have a public trust duty to protect?" he asked the board.

To this, Kaua'i Land Board member Ron Agor argued that today's runoff is less harmful than what came off the land during the sugar plantation era.

"I know for a fact the runoffs of the sugar land is far worse than it is today. ... I worked in the sugar industry," he said.

Lee, however, pointed out that the sugar plantation in 'Ewa was different from others.

Because 'Ewa is so porous, even heavy rains would percolate into the soil, he said, adding that any ponded water would be filtered by sand before it reached the ocean.

"When you put asphalt and concrete, it can't do that anymore. You're increasing the volume into a narrow parameter," he said.

Deliberation

"You're in a difficult situation," Lemmo told the board. "What you do can affect state and county plans for planned development of the West O'ahu area. ... We felt our recommendation [to approve the permit] was the best we could do for this board and this public. Like I said, it's a natural berm. It doesn't appear that it's going to be overtopped frequently."

Land Board members David Goode and John Morgan also noted that overtopping was projected to occur only when the island received eight inches of rain in a day. And with that much rain, runoff is going to come from everywhere, not just Kaloi Gulch.

"With eight inches, there's a lot going on" in terms of runoff, Goode said.

"In a 10-year storm, the whole coast is brown," Morgan added.

"From my perspective, it's a reasonable project," Morgan said.

At-large board member Sam Gon was also supportive, but warily so.

To the applicants, he said, "You're going to run into major problems of this sort, which are likely to increase over time," and the nature of the area's drainage will have been radically changed.

"The water is no longer percolating and coming slowly out through the system. Instead it gets channeled. This is symptomatic of a larger issue over the entire watershed. If we're really going to be concerned about this kind of thing, we really have to bolster not only the mitigative response, but really think hard about those kinds of things," he said.

"There's always that hard push for using lands against what the natural system relies upon so there is the correct interchange of nutrients from land into sea. ... The lowering of a berm is a tiny bit of that," he said. "I really implore you to take second, third, and continual looks at drainage. ... Otherwise, it will become that impervious drainage, as we've got in Honolulu. ... I want to ensure in 20 years, this was not the point at which 'Ewa turned into another impervious [city] and land and sea were destroyed by it."

Over Murakami's objections that the Land Board could not legally proceed in the face of a request for a contested case hearing, the board unanimously approved the permit.

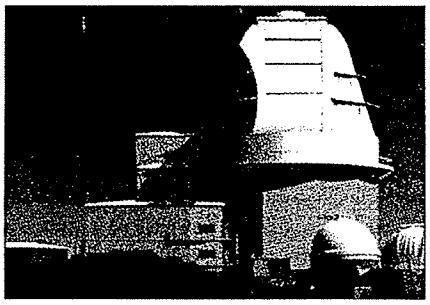
"I'm a firm believer in engineering standards. ... Whatever water that is going to be released will be free of chemicals," Agor said.

❦❦❦

Hawaiian Group Seeks to Halt Maui Telescope Construction

To Native Hawaiian Legal Corporation attorney David Kimo Frankel, what the University of Hawai'i is doing is just crazy. And he's not going to stand for it.

On April 10, University of Hawai'i Institute for Astronomy assistant director Michael Maberry informed the state Department of Land and Natural Resources' Office of Conservation and Coastal Lands that it planned to begin construction of the Advanced Technology Solar Telescope (ATST) on the summit of Haleakala on May 14. This, despite the fact that the university is in the midst of a contested case hearing with the native Hawaiian organization Kilakila 'O Haleakala — which NHLC represents — over the Conservation District Use Permit for the telescope, approved in December 2010.



CREDIT: NATIONAL SOLAR OBSERVATORY

A rendering of the ATST at the Reber site.

The university apparently failed to notify Kilakila 'O Haleakala of its decision. The group, which is dedicated to protecting Hawaiian cultural sites, was disappointed.

"I'm very concerned that the university would do this when the Board of Land and Natural Resources has not issued a decision in our contested case hearing as to whether the university should even be allowed to build a fourteen-story telescope at the very top of Haleakala," Kilakila 'O Haleakala president Ki'ope Raymond said in a press release.

Frankel called the move unprecedented and insulting.

"The university is trying to bulldoze its project through without regard to legal requirements, the impacts to Native Hawaiians, or the consequences to the National Park," Frankel said, arguing that a developer cannot start building before the Land Board decides whether the development should be permitted.

He added that the contested case hearing process had already been "indelibly tainted" by pressure on the former hearing officer for an expedited decision from U.S. Sen. Daniel Inouye's and Gov. Neil Abercrombie's offices. The former officer, Steven Jacobson, and his recommendations to the Land Board were dismissed last month by the board after it found he had improperly communicated his concerns about the alleged pressures to the University of Hawai'i.

On March 29, the Land Board decided to appoint a new hearing officer to draft new recommended findings of fact, conclusions of law and a decision and order. The board gave the officer a mere two months after being appointed to complete the job., The university could not wait that long and decided to proceed with two projects that would shrink the university's current presence on the mountain, while making space for the ATST.

STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Clare Apana
260 Halenani Drive
Wailuku, Hawaii 96793

Re: Draft Environmental Assessment (EA) for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Thank you for your email correspondence dated November 30, 2012, to my consultant, Munekiyo & Hiraga, Inc., commenting on the Draft Environmental Assessment (EA) for the proposed Kahoma Village Project. I appreciate your review of the document and your meeting with me and my project team on January 16, 2013. The following information addresses your comments in the order listed in your letter:

CULTURAL SIGNIFICANT AREA AND LANDS

The project archaeologist who prepared an Archaeological Assessment Study reviewed your copy of "Response to Kahoma Village Project E.A." prepared by Dr. Janet Six of Sixth Sense Archaeology and has consulted with Dr. Six. After review and consultation and with the concurrence of Dr. Six, the project archaeologist determined that the historic Alamihi Fishpond is not located within the project site. The fishpond is located further makai of Front Street. The clarification on the location of the Alamihi Fishpond has been included in the Final EA. See **Exhibit "1"**, 1884 S.E. Bishop Map. The Alamihi Fishpond site is registered with the Hawaii Register of Historic Places as State Inventory of Historic Places (SIHP) Site 3799. Since it has been determined that the Alamihi Fishpond is not located on the project site, the project does not include restoration of the fishpond.

The information provided at the January 16, 2013, by you and your team of the importance of the Alamihi Fishpond is appreciated. I commend you and your team on your efforts to initiate a program to restore the fishpond located on the County of Maui wastewater pump station site. I understand that you have had preliminary discussions with Councilmember Elle Cochran. Once your plans have been firmed up with the County of Maui I look forward to continued discussions with you.

A Cultural Impact Assessment (CIA) was prepared by Hana Pono. See Appendix F of the Draft EA. The CIA includes the history of the project area as well as cultural interviews with those knowledgeable of the area. The CIA did

ALAKEA CORPORATE TOWER • 1100 ALAKEA STREET, 27TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 537-5220 • FACSIMILE: (808) 537-1801 • WEBSITE: www.stanfordcarr.com

not note any cultural practices or uses on the project site. However, interviewees did note that the mauka lands, approximately 2 miles inland from the project site are still accessed by family members and included an agricultural complex known as the Kahoma complex and the Haia cemetery.

The presentation by cultural practitioner Michael Lee and the additional information provided on the relationship of the mauka waters that flow to the ocean goes to the importance of "limu" in the ocean outside of the Kahoma Stream area. Efforts will be taken to ensure that potentially significant cultural resources are not adversely impacted by the project.

OWNERSHIP OF PROPERTY

The Foundation holds clear title to the land as indicated in the Title Report which is provided to you as **Exhibit "2"**.

UNREPORTED BURIALS, MISSING BURIALS, FUTURE DISCOVERY OF BURIALS

The disposition of previously discover burials during the Kahoma Flood Control Project and the Mala Wharf Project, prior to establishment of the Island Burial Councils is unfortunate. I have consulted with the project archaeologist and regretfully have no information as to the final disposition of the burials during these projects.

As noted in the AAS for the project, subsurface tests on the project site did not reveal any remains or intact cultural deposits since the area has been heavily impacted by previous land alterations, primarily sugarcane cultivation. As a follow-up to our meeting and your concern that there may be burials on the site, the project archaeologist, Erik Fredericksen, conducted additional subsurface testing on the project site. The supplemental testing found no evidence of significant cultural material remains or subsurface site remnants.

As recommended by the AAS, archaeological monitoring will be conducted during any land alteration work on the site. If any burials are discovered, the State Historic Preservation Division (SHPD) shall be contacted and appropriate action taken.

With regard to your question as to who is responsible for the Kahoma Flood Control Project, it is our understanding that the County of Maui is responsible for the maintenance of the project. Further clarification regarding the Kahoma Flood Control Project may be directed to Director David Goode of the County of Maui Department of Public Works.

CULTURAL PRACTICES AND CULTURAL PRACTITIONER IMPACT

Maintaining good water quality is important to protect our marine environmental. To avoid exacerbating water quality in the area the project will not involve drain runoff into the Kahoma Stream Flood Control Channel. Although the project is not a shoreline property, I recognize that landward development mauka of the shoreline may contribute to the degradation of the ocean unless appropriate measures are implemented.

Kahoma Village proposes to install a system of underground perforated drain lines to allow sediments to settle and water to percolate into the ground, as well as construct a detention/retention basin on a portion of the park land situated in the interior of the project. These measures will retain increases in stormwater runoff as well as allow sediments to settle and improve water quality in the stormwater runoff to avoid impacting nearshore waters. As noted in the Draft EA, to protect water quality best management practices (BMPs) strategies will be considered during construction and include the following:

1. Minimizing the time of construction.
2. Construction shall be sequenced to minimize exposure time of cleared surface area.
3. Initiating early construction of drainage features.
4. Stationing a water truck on site during the construction period to provide for immediate sprinkling, as needed, in active construction zones (weekends and holidays included).
5. Stormwater flowing toward the construction area shall be diverted by using temporary berms, filter berms, and cut-off ditches, or other appropriate measures, where needed, for control of erosion and pollution to protect surrounding water resources.
6. Install inlet protection devices around all new catch basins and drain inlets.
7. Ensure graded areas are thoroughly watered after construction activity has ceased for the day and on weekends and holidays.
8. Permanent soil stabilization with perennial vegetation shall be applied, as soon as practicable, after final grading to ensure all cut and fill slopes are sodded or planted.

The apparent ongoing degradation of water quality in the area is part of a larger problem and baseline studies solution requires a coordinated effort involving a larger spectrum of property owners, government agencies, elected officials, private organizations and individuals. For your participation, one such coordination is the recently announced West Maui "Ridge to Reef Initiative"

proposed by the State Department of Land and Natural Resources and the U.S. Army Corps of Engineers.

FRESH WATER, SPRINGS AND KARSTS

Thank you for information on the Senate Concurrent Resolution on the restoration of fishponds. As noted previously, as the Alamihi Fishpond is not located on the project site, as such, our project does not include restoration to this fishpond.

As a follow-up to our meeting on January 16, 2013 and in response to your comments that a karst waterway is located on the project site, the project geotechnical consultant Geolabs re-evaluated the Geotechnical Engineering Exploration report which was distributed to you at the meeting.

According to Geolabs, karst is a geologic term used to describe landscape underlain by limestone rock formation which has been eroded by dissolution, producing fissures, sinkholes, and undulating topography which I understand was used as burial sites by native Hawaiians. In Hawaii, karst is associated with hard coral formation. Limestone rock or hard coral formation must be present to have karst geology/formation.

The project site is located on an alluvial fan which is verified in the core samplings from the bore holes which encountered alluvial fill to a depth of 8 to 18 feet below the existing ground surface. The alluvial soils were underlain by beach deposits consisting of relatively clean sand, to the depths drilled (21.5 feet) and groundwater was encountered at depths of 7 to 10 feet corresponding to elevations near sea level. The soil data confirmed the general information obtained from the geology and soils maps that the project site is underlain by alluvial deposits, which do not contain karst conditions. The borings did not encounter any limestone or hard coral formations associated with karsts.

You raised a concern at our meeting that if there are karsts under the property then there may be voids in the karst and undiscovered native Hawaiian burials. Bore holes were taken to depths up to 21.5 feet below the ground surface without finding any evidence of any karsts under the property. This would indicate little likelihood that there are any voids under the property that could have been used as a burial site.

Any native Hawaiian burial sites, if found, is a cultural resource to be preserved or with appropriate mitigation. In this case no native Hawaiian burials or conditions that may indicate a potential for burials have been found on the property. Following our meeting, Geolabs evaluated the soils data and found

no karst or springs under the property. Attached for your information, as **Exhibit "3"** is a copy of the evaluation.

I appreciate your concern that construction of our project does not experience the same problems as Oahu, such as the Willows restaurant. As noted previously, Geolabs did not find any karst conditions under the property and no evidence that a fresh water spring exists on the subject property. Test borings by our geotechnical engineer identified that groundwater flowing below the surface is located between 7 to 10 feet below the ground surface which is probably the source of water for the large trees on the property.

The project engineer consultant SSFM International, Inc. reviewed your comments on the existing 18-inch culvert at the southeast corner of the project site. The Preliminary Drainage Report (PDR) prepared by the engineer contains accepted engineering standards used to estimate the runoff from the project site, including the runoff from the 18-inch drain line which has an estimated capacity of less than 10 cubic feet per second (cfs). As the project progresses toward implementation and more specific construction drawings are prepared, refinement of the PDR will be required.

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA. If additional clarification is required, please contact Colleen Suyama of Munekiyo & Hiraga, Inc. at 244-2015.

Sincerely,

Stanford Carr
Stanford Carr Development, LLC

SC
enclosures
Fc: Buddy Almeida, Department of Housing and Human Concerns (w/enclosures)
Danny Dias, Department of Planning (w/enclosures)
Kainoa Horcajo, Hana Pono (w/out enclosures)
Fiona van Ammers, SSFM International, Inc. (w/out enclosures)
Erik Fredericksen, Xamanek Researches, LLC (w/out enclosures)
Colleen Suyama, Munekiyo & Hiraga, Inc. (w/out enclosures)
Jay Nakamura, Stanford Carr Development, LLC (w/out enclosures)
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EXHIBIT 1.

Figure 1: Portion of 1884 S.E. Bishop Map

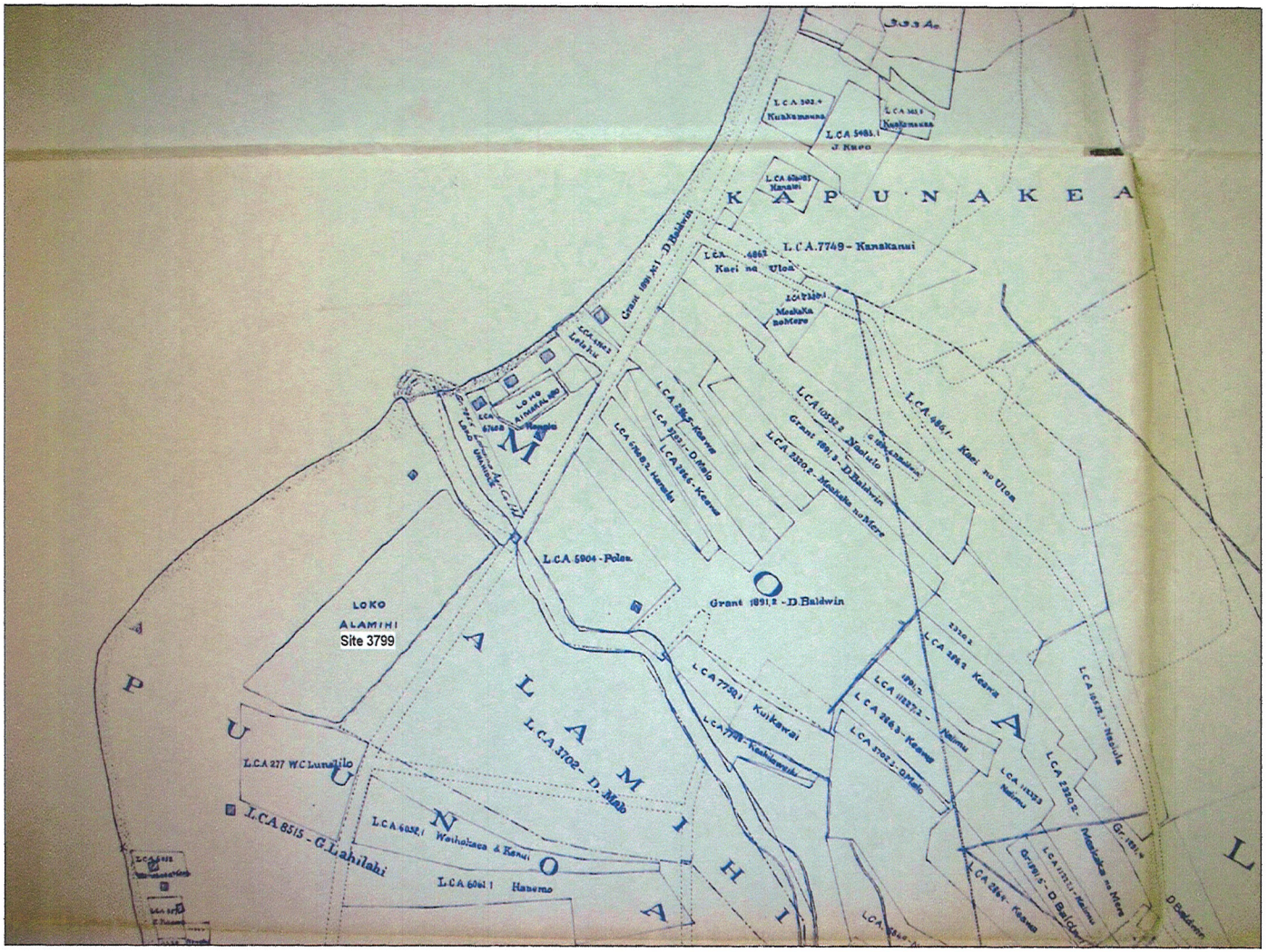


Figure 1: Portion of 1884 S.E. Bishop map, showing location of nearby Site 3799, *Loko* `Alamihi and *Loko* Aimakalipo and LCAs.

EXHIBIT 2.

Title Report

OLD REPUBLIC
TITLE & ESCROW OF HAWAII

33 Lono Avenue, Suite 170
Kihei, HI 96732
(808) 871-2800 Fax: (808) 871-8828

PRELIMINARY REPORT

Our Order Number 6829000694-DD

STANFORD CARR DEVELOPMENT, LLC
1100 Alakea Street, 27th Floor
Honolulu, HI 96813

Attention: JAY NAKAMURA

When Replying Please Contact:

Dawn DeRego
dderego@ortc.com
(808) 871-2800

Property Address:

Lahaina, HI 96761

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE & ESCROW OF HAWAII hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.
It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of January 3, 2013, at 8:00 AM

OLD REPUBLIC TITLE & ESCROW OF HAWAII
For Exceptions Shown or Referred to, See Attached

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy -1990. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee Simple

Title to said estate or interest at the date hereof is vested in:

THE HARRY AND JEANETTE WEINBERG FOUNDATION, INC., a Maryland corporation

The land referred to in this Report is situated in the State of Hawaii, and described as follows:

See Legal Description Exhibit.

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2012 - 2013, as follows:

Tax Map Key	:	2-4-5-008-001	
1st Installment	:	$14,857.06	Marked Paid
2nd Installment	:	$14,857.06	NOT Marked Paid
Total Value	:	$4,792,600.00	
Land Value	:	$4,792,600.00	
Imp. Value	:	$0.00	
Exemption	:	$0.00	

2. Title to all minerals, and metallic mines reserved to the State of Hawaii.

3. Restriction of vehicle access rights into and from Honoapiilani Highway, Federal Aid Project No. F-030-1(1) over and across courses 1 and 2 of the land described herein, as set forth in instrument dated February, 12, 1957, recorded March 7, 1957, in the Bureau of Conveyances of the State of Hawaii in Book 3231, Page 411.

4. Lease in favor of Maui Electric Company, Limited and Hawaiian Telephone Company, dated October 13, 1967, recorded December 8, 1967, in the Bureau of Conveyances of the State of Hawaii in Book 5893, Page 226; leasing and demising right-of-way, each 25 feet in width, over, across and under a portion of the land described herein, besides other land, for a terms of 35 years commencing October 13, 1967, and thereafter from year to year until terminated by either the lessor or the lessee

5. An easement thirty(30) feet wide, for road and utility purposes, in favor of Pioneer Mills Company, Limited, its successors and assigns, as set forth in Deed dated September 19, 1973, recorded September 20, 1973, in the Bureau of Conveyances of the State of Hawaii, in Book 9503, Page 378, and as shown on map attached thereto as Exhibit "B".

6. A perpetual right and easement reserved by Pioneer Mill Company, Limited, a Hawaii corporation, its successors and assigns, forever, as appurtenant to the lands of Pioneer Mill Company, Limited located on the Island of Maui, now owned and used or hereafter acquired and used by Pioneer Mill Company, Limited in its sugar plantation operations, to discharge, emit, or transmit surface water runoff, noise, smoke, soot, dust, lights, vapors, odors, and other substances and phenomena of every description, created by and resulting from the reasonable operations of Pioneer Mill Company, Limited in burning sugar cane and bagasse, milling, generating power, trucking, hauling and all other activities incidental to the operation of a sugar cane plantation; and Amfac, Inc., its successors and assigns, do hereby waive any and all claims under any law whatsoever against Pioneer Mill Company, Limited arising therefrom; as reserved in said Deed dated September 19, 1973, recorded September 20, 1973 in the Bureau of Conveyances of the State of Hawaii in Book 9503, Page 378

7. Pending in the Circuit Court of the Second Circuit, State of Hawaii, is Civil No. 3066, filed June 22, 1976; THE COUNTY OF MAUI, a municipal corporation, Plaintiff (Attorney – Steven R. Scott) vs. AMFAC, INC., a Hawaii corporation, PIONEER MILL COMPANY, a Hawaii corporation, and HRT, LTD., a Hawaii corporation, Defendant, Re: Acquisition of an easement over, under through and across a portion of the land described herein, for a public use, to-wit: the construction and maintenance of the Lahaina Sewer System and Waste Water Reclamation Plant – Part A-Sewer System, Job No. 72-9, Federal Project No. C-1550054-01-0, as set forth in the DEED dated April 29, 1985, recorded April 29, 1985 in the Bureau of Conveyances, State of Hawaii, in Book 18599, Page 617 and being more particularly described as follows:

Easement A (10 feet wide), for sewerline purposes, in favor of the County of Maui and more particularly described as follows:

All of that certain parcel of land, being portions of Parcel 1 of Tax Map Key: 4-5-08 and Royal Patent 5691, Land Commission Award 3702, Apana 3 to D. Malo, situate Lahaina, Maui, Hawaii.

Beginning at a point on the Northeasterly corner of this easement, on the Easterly side of Parcel 1 and on the Westerly side of Honoapiilani Highway, F. A. P. F-030-1(1), the coordinates of said point of beginning referred to Government Survey Triangulation Station "Laina" being:

4,460.83 feet South
4,782.57 feet West

and running by azimuths measured clockwise from true South:

1.	344°	20'	10.58	feet along Easterly side of Parcel 1 and along the Westerly side of Honoapiilani Highway, F. A. P. F-030-1(1) to a point;

2.	55°	20'		10.96	feet along remainders of Parcel 1 and R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a point;
3.	100°	20′		185.78	feet along same to a point;
					thence along same and along an arc of a curve to the right with a radius of 1,905.17 feet, the chord azimuth and distance being:
4.	109°	50′	30″	629.43	feet to a point;
5.	119°	21'		153.87	feet along remainders of Parcel 1 and R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a point;
6.	74°	21'		27.85	feet along same to a point;
7.	49°	54'		24.79	feet along same to the Easterly side of Front Street to a point;
8.	184°	54'		14.14	feet along the Westerly side of Parcel 1, along the Easterly side of Front Street and along remainder of R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a point;
9.	229°	54'		16.97	feet along remainders or Parcel 1 and R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a point;
10.	254°	21'		34.15	feet along same to a point;
11.	299°	21'		158.01	feet along same to a point;
					thence along same and along an arc of a curve to the left with a radius of 1,895.17 feet, the chord azimuth and distance being:
12.	289°	50'	30"	626.13	feet to a pipe;
13.	280°	20'		181.64	feet along remainders of Parcel 1 and R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a point;
14.	235°	20′		10.26	feet along same to the point of beginning and containing an area of 10,333 square feet, more or less.

8. Construction Easement 16 affecting Lot 1 in favor of the County of Maui, as set forth in DEED dated May 15, 1989, recorded May 26, 1989 in the Bureau of Conveyances, State of Hawaii, in Book 23232, Page 229, more fully described as follows:

CONSTRUCTION EASEMENT 16

KAHOMA STREAM FLOOD CONTROL PROJECT

SITUATED ON THE WEST SIDE OF HONOAPIILANI HIGHWAY

(F.A.P. F-030-1(1)

AT LAHAINA, MAUI, HAWAII

BEING A PORTION OF ROYAL PATENT 5691,

LAND COMMISSION AWARD 3702, APANA 3 TO D. MALO

Beginning at the Northeast corner of this Easement, being also the Southeast corner of Right-of-Way Parcel 12, Kahoma Stream Flood Control Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 4,544.32 feet South and 4,759.11 feet West and running by azimuths measured clockwise from True South:

1.	344°	20′	109.94	feet along the West side of Honoapiilani Highway (F.A.P. F-030-1(1);
2.	120°	13′	316.03	fet along the remainder of Lot 1, Kahoma Stream Floood Control Project;
3.	164°	20′	25.82	feet along the remainder of Lot 1, Kahoma Stream Flood Control Project;
4.	106°	50′	247.97	feet along the remainder of Lot 1, Kahoma Stream Flood Control Project;
5.	107°	21′	209.72	feet along the remainder of Lot 1, Kahoma Stream Flood Control Project;
6.	116°	58′	287.68	feet along the remainder of Lot 1, Kahoma Stream Flood Control Project;
7.	209°	14′	30.00	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;

8.	295°	58′	284.51	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
9.	288°	40′	206.85	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
10.	286°	50′	409.44	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project
11.	12°	18′	30.00	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
12.	282°	18′	62.09	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
13.	12°	18′	10.00	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
14.	282°	18′	34.65	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project to the point of beginning and contain an area of 43,647 square feet, more or less.

9. This report does not offer or include any coverage against matters relating to the exercise of Native Hawaiian customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural or religious purposes, and access, water gathering rights, as reserved, existing or established under the Constitution, law and usage of the State of Hawaii, except to the extent that a notice of same affecting the land has been recorded in the public records at date of policy and is not excepted in Schedule B, and the Company will not pay any loss or damage, costs, attorney's fees or expenses which arise by reason of such matters.

   To obtain information on such matters, please contact: your legal counsel on Native Hawaiian rights.

10. Any claim of lien for services, labor or material arising from an improvement or work under construction or completed at the date hereof.

11. Any unrecorded and subsisting leases.

NOTE: If it is anticipated that closing occur before the expiration of the lien period, then we ask that the appropriate current financial statements on behalf of the proposed indemnitor(s) be furnished to the Company for consideration at this time.

12. Rights and claims of parties in possession.

13. Any facts, rights, interests or claims which an accurate survey would show.

14. Old Republic Title and Escrow of Hawaii recommends that a modern metes and bounds survey be made to determine the actual boundaries and area of the property herein.

15. The requirement that this Company be provided with a suitable Owner's Affidavit (form ORT 174). The Company reserves the right to make additional exceptions and/or requirements upon review of the Owner's Affidavit.

16. Satisfactory evidence furnished to this Company:

    a) as to the due formation and continued existence of Harry and Jeanette Weinberg Foundation, Inc. as a legal entity under the laws of Maryland; and

    b) documents from its board of directors authorizing this transaction and specifying the officers who shall to execute on behalf of the corporation.

---------- **Informational Notes** ----------

A. We find no open Mortgage of record. Please verify by inquiry of Escrow Personnel and/or Agents whether or not we have overlooked something and advise the Title Department accordingly prior to closing.

B. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

Instrument Entitled	:	DEED
By/From	:	HRT, LTD, a Hawaii corporation
To	:	THE HARRY AND JEANETTE WEINBERG FOUNDATION, INC., a Maryland corporation
Dated	:	May 15, 1989
Recorded	:	May 26, 1989 in the Bureau of Conveyances, State of Hawaii, in Book 23232, Page 229

NOTE: According to the public records, there have been no deeds conveying the property described in this report recorded within a period of 36 months prior to the date hereof except as follows:

NONE

C. Short Term Rate ("STR") does not apply.

LEGAL DESCRIPTION EXHIBIT

The land referred to in this Report is situated in the State of Hawaii, and described as follows:

All of that certain parcel of land, being all of the Royal Patent 1206, Land Commission Award 6052, Apana 1 to Waihokaea and Kenui, Royal Patent 1860, Land Commission Award 6061, Apana 1 to Hanemo and Royal Patent 1888, Land Commission Award 9795-G, Apana 2 to Ua and portions of Royal Patent 5632, Land Commission Award 520, Part 2 to Daniel Ii, Royal Patent 5604, Land Commission Award 3421-B, Apana 1 to Kaaa, Land Patent 8246, Land Commission Award 3425-B, Apana 3 to Aiu, Royal Patent 5691, Land Commission Award 3702, Apana 3 to D. Malo, Royal Patent 2567, Land Commission Award 7715, Apana 1 to Lota Kamehameha, Land Patent 8392, Land Commission Award 8515 to G. Lahilahi, Royal Patent 1888, Land Commission Award 9795-G, Apana 1 to Ua, Royal Patent 3581, Land Commission Award 11086, Apana 4 to J. H. Kaiheekai and Grant 962 to Puhalahua, situate Lahaina, Maui, Hawaii, as per survey dated September 5, 1984 by Robert N. Ota, Registered Professional Land Surveyor, Certificate Number 3501-S, described as follows:

Beginning at a pipe on the Northeasterly corner of this parcel of land, on the Southerly side of the Kahoma Stream and the Westerly side of Honoapiilani Highway, F.A.P. F-030-1(1), the coordinates of said point of beginning referred Government Survey Triangulation Station "Laina" being:

4,424.74 feet South
4,792.69 feet West

and running by azimuths measured clockwise from true South:

1.	344°	20′	00″	274.99	feet along the Westerly side of Honopiilani Highway, F.A.P. F-030-1(1), to a pipe;
					thence along same and along an arc of a curve to the left with a radius of 1,949.86 feet, the chord azimuth and distance being:
2.	340°	02′	18″	292.07	feet to a spike;
3.	62°	40′	00″	1,054.63	feet along Parcel 4, along the Northerly side of Kenui Street and along remainders of R. P. 1888, L. C. Aw. 9795-G, Ap. 1 to Ua, Grant 962 to Puhalahua, R. P. 3581, L. C. Aw. 11086, Ap. 4 to J. H. Kaiheekai, R. P. 2567, L. C. Aw. 7715, Ap. 1 to Lota Kamehameha, and L. P. 8246, L. C. Aw. 3425-B, Ap. 3 to Aiu to a pipe;
4.	150°	53′	00″	148.76	feet along the Easterly side of Front Street and along remainder of Grant 962 to

					Puhalahua to a pipe;
5.	154°	34′	30″	61.98	feet along same to a pipe;
6.	157°	10′	00″	44.24	feet along same to a pipe;
7.	159°	25′	00″	33.98	feet along same to a pipe;
8.	160°	00′	00″	181.00	feet along the Easterly side of Front Street and along remainder of L. P. 8392, L. C. Aw. 8515 to G. Lahilahi to a pipe;
9.	164°	20′	00″	214.00	feet along the Easterly side of Front Street to a pipe;
10.	169°	50′	00″	102.00	feet along the Easterly side of Front Street to a pipe;
11.	186°	45′	00″	26.00	feet along the Easterly side of Front Street and along remainder of L. P. 8392, L. C. Aw. 8515 to G. Lahilahi to a pipe;
12.	186°	45′	00″	255.10	feet along the Easterly side of Front Street and along remainder of R. P. 5691, L. C. Aw. 3702, Ap. 3 to D. Malo to a pipe;
13.	190°	09′	00″	250.29	feet along same to a pipe;
14.	184°	54′	00″	115.00	feet along same to a pipe;
15.	227°	14′	20″	6.61	feet along same to a pipe;
					thence along the Southerly side of the Kahoma Stream for the next fifteen (15) courses, the direct azimuth and distances being:
16.	310°	05′	00″	54.23	feet to a pipe;
17.	307°	19′	00″	67.59	feet to a pipe;
18.	300°	03′	00″	55.31	feet to a pipe;
19.	290°	53′	00″	63.36	feet to a pipe;
20.	276°	04′	00″	55.47	feet to a pipe;
21.	252°	20′	00″	29.46	feet to a pipe;
22.	227°	23′	00″	70.06	feet to a pipe;

23.	243°	33′	00″	50.38	feet to a pipe;
24.	274°	05′	00″	35.86	feet to a nail in wall;
25.	308°	56′	00″	159.81	feet to a pipe;
26.	303°	34′	00″	48.16	feet to a pipe;
27.	298°	32′	00″	50.01	feet to a pipe;
28.	292°	57′	00″	100.12	feet to a pipe;
29.	297°	49′	00″	195.84	feet to a pipe;
30.	292°	47′	00″	48.94	feet to the point of beginning and containing an area of 24.354 acres, more or less.

EXCEPTING therefrom the "Excluded Area" as excluded in Deed dated May 15, 1989, recorded May 26, 1989 in the Bureau of Conveyances, State of Hawaii in Book 23232, Page 229, being more fully described as follows:

PARCEL I:

RIGHT-OF-WAY PARCEL 12

KAHOMA STREAM FLOOD CONTROL PROJECT

SITUATED BETWEEN FRONT STREET AND HONOAPIILANI HIGHWAY

[F.A.P. F-030-1(1)]

AT LAHAINA, MAUI, HAWAII

BEING A PORTION OF ROYAL PATENT 5691,

LAND COMMISSION AWARD 3702, APANA 3 TO D. MALO

Beginning at the Southeast corner of this Parcel of Land, being also the Northeast corner of Lot 1, Kahoma Stream Flood Control Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 4,544.32 feet South and 4,759.11 feet West and running by azimuths measured clockwise from True South:

1.	102°	18′	34.65	feet along Lot 1, Kahoma Stream Flood Control Project;
2.	192°	18′	10.00	feet along Lot 1, Kahoma Stream Flood Control Project;

3.	102°	18′		62.09	feet along Lot 1, Kahoma Stream Flood Control Project;
4.	192°	18′		30.00	feet along Lot 1, Kahoma Stream Flood Control Project;
5.	106°	50′		409.44	feet along Lot 1, Kahoma Stream Flood Control Project;
6.	108°	40′		206.85	feet along Lot 1, Kahoma Stream Flood Control Project;
7.	115°	58′		284.51	feet along Lot 1, Kahoma Stream Flood Control Project;
8.	29°	14′		50.02	feet along Lot 1, Kahoma Stream Flood Control Project;
9.	9°	21′	10″	149.72	feet along Lot 1, Kahoma Stream Flood Control Project;
10.	99°	21′	10″	37.97	feet along Lot 1, Kahoma Stream Flood Control Project;
11.	190°	09′		175.16	feet along the Easterly side of Front Street;
12.	184°	54′		115.00	feet along the Easterly side of Front Street;
13.	227°	14′	20″	6.61	feet along the South side of Kahoma Stream;
14.	310°	05′		54.23	feet along the South side of Kahoma Stream;
15.	307°	19′		67.59	feet along the South side of Kahoma Stream;
16.	300°	03′		55.31	feet along the South side of Kahoma Stream;
17.	290°	53′		63.36	feet along the South side of Kahoma Stream;
18.	276°	04′		55.47	feet along the South side of Kahoma Stream;
19.	252°	20′		29.46	feet along the South side of Kahoma Stream;

20.	227°	23′	70.06	feet along the South side of Kahoma Stream;
21.	243°	33′	50.33	feet along the South side of Kahoma Stream;
22.	274°	05′	35.86	feet along the South side of Kahoma Stream;
23.	308°	56′	27.12	feet along the South side of Kahoma Stream;
24.	22°	10′	26.19	feet along Right-of-Way Parcel 13, Kahoma Stream Flood Control Project;
25.	297°	36′	127.62	feet along Right-of-Way Parcel 13, Kahoma Stream Flood Control Project;
26.	303°	34′	48.16	feet along the South side of Kahoma Stream;
27.	298°	32′	50.01	feet along the South side of Kahoma Stream;
28.	292°	57′	109.12	feet along the South side of Kahoma Stream;
29.	297°	49′	195.84	feet along the South side of Kahoma Stream;
30.	292°	47′	48.95	feet along the South side of Kahoma Stream;
31.	344°	20′	133.80	feet along the West side of Honoapiilani Highway (F.A.P. F-030-1(1)) to the point of beginning and containing an area of 2.760 acres, more or less.

PARCEL II

RIGHT-OF-WAY PARCEL 13

(REMNANT)

KAHOMA STREAM FLOOD CONTROL PROJECT

SITUATED AT LAHAINA, MAUI, HAWAII

BEING A PORTION OF ROYAL PATENT 5691,

LAND COMMISSION AWARD 3702, APANA 3 TO D. MALO

Beginning at the East corner of this Parcel of Land, on the South side of Kahoma Stream, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 4,225.21 feet South and 5,187.14 feet West and running by azimuths measured clockwise from True South:

1.	117°	36′	127.62	feet along Right-of-Way Parcel, 12, Kahoma Stream Flood Control Project;
2.	202°	10′	26.19	feet along Right-of-Way Parcel 12, Kahoma Stream Flood Control Project;
3.	308°	56′	132.69	feet along the South side of Kahoma Stream to the point of beginning and containing an area of 1,664 square feet, more or less.

NOTE: The Department of Taxation maps disclose an area of 24.354 acres, more or less as designated by TMK: (1) 4-5-008-001.

Being all the property described in the following:

DEED

Recorded	:	May 29, 1989 in the Bureau of Conveyances, State of Hawaii, in Book 23232, Page 229
Grantor	:	HRT, LTD., a Hawaii corporation
Grantee	:	THE HARRY AND JEANETTE WEINBERG FOUNDATION, INC. a Maryland corporation

Exhibit A

CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or {iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.-

   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.

3. Defects, liens, encumbrances, adverse claims or other matters:

   (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;

   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;.

   (c) resulting in no loss or damage to the insured claimant;

   (d) attaching or created subsequent to Date of Policy; or

   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.

4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land Is situated.

5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.

6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments Which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

   Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Any facts, rights, interests, or claims Which are not shown by the public records but which could be ascertained by an inspection of the land which may be asserted by persons in possession thereof,

3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

6. Any lien or right to a lien for services, labor or material not shown by the public records.

Old Republic Title & Escrow of Hawaii

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Old Republic Title & Escrow of Hawaii

We may collect nonpublic personal information about you from the following sources:

Information we receive from you such as on applications or other forms.
Information about your transactions we secure from our files, or from [our affiliates or] others.
Information we receive from a consumer reporting agency.
Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

ORT 287-C 5/07/01

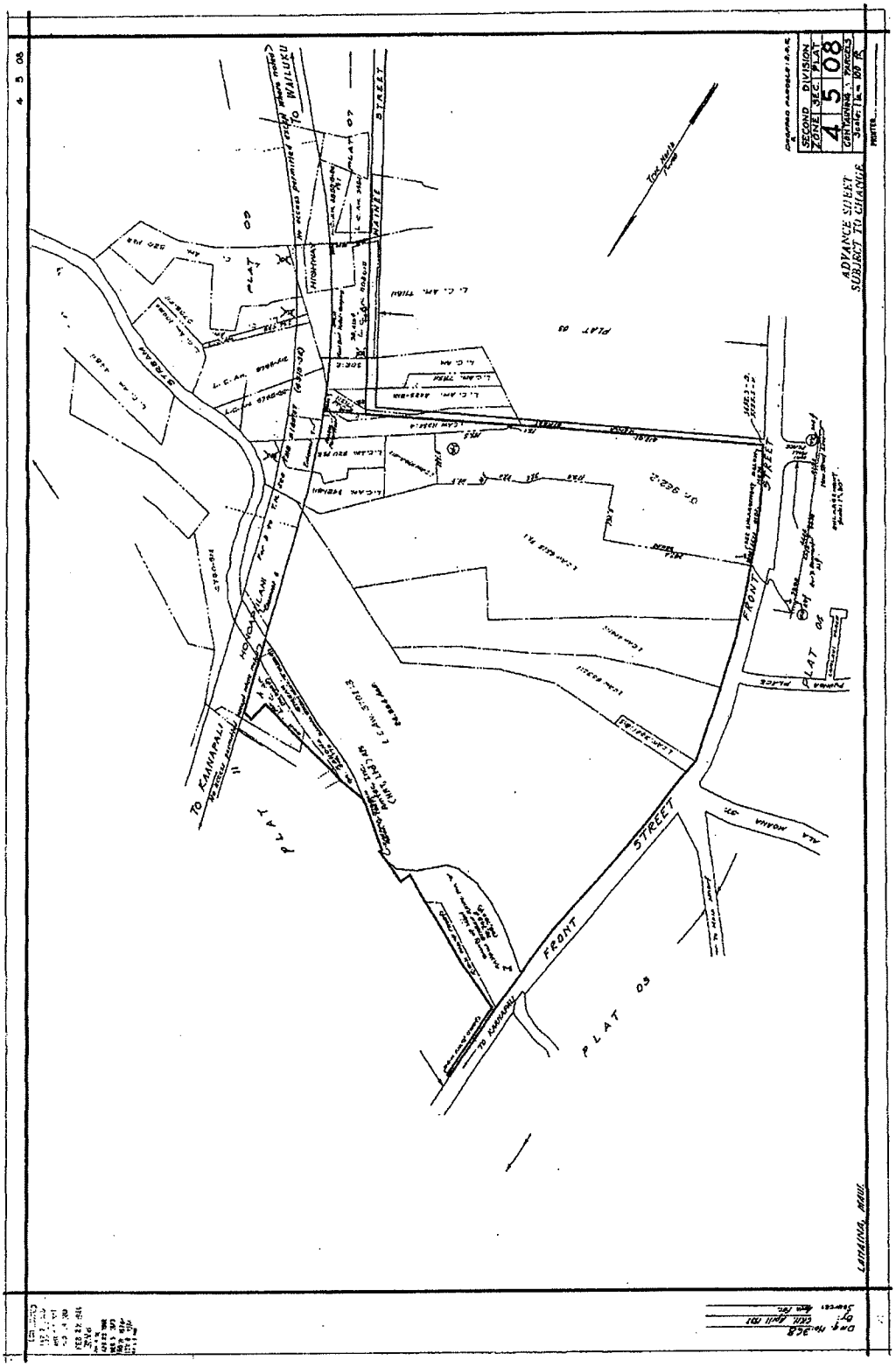

SECOND DIVISION
ZONE SEC. PLAT
4 5 08
ADVANCE SHEET
SUBJECT TO CHANGE
FRONT STREET
PLAT 05
PLAT 07
PLAT 09
PLAT 11
TO KAANAPALI
TO WAILUKU
LAHAINA, MAUI

EXHIBIT 3.

Geolabs, Inc. Letter Dated March 22, 2013

GEOLABS, INC.
Geotechnical Engineering and Drilling Services

March 22, 2013
W.O. 6726-00

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

GEOTECHNICAL ENGINEERING CONSULTATION
EVALUATION OF KARST FORMATION
KAHOMA VILLAGE – WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

Dear **Ms. Suyama:**

As requested, we prepared this letter to present our findings regarding the possible presence of karst formation within the project site. Our evaluation is based on a review of geologic information, soil maps, and recent borings and test pit information obtained at the site.

Karst is a geologic term used to describe landscape underlain by limestone rock formation which has been eroded by dissolution, producing fissures, sinkholes, and undulating topography. In Hawaii, karst is associated with some hard coral formations. Therefore, limestone rock or hard coral formation must be present to have karst geology/formation.

The project site is located on an alluvial fan along the northwestern portion of Maui. The project site is shown on Plate 1.

GEOLOGIC CLASSIFICATION

A comprehensive geologic map of Maui was developed by Harold T. Stearns and Gordon A. Macdonald in their publication, "Geology and Groundwater Resources of the Island of Maui, Hawaii", dated October 1942.[1] A portion of this map covering the project site is attached as Plate 2. Stearns and Macdonald describe the geologic materials at the site as:

> Unconsolidated Deposits (Ra) – chiefly younger alluvium consisting of unconsolidated poorly sorted, poorly rounded, stream-laid brown silt, sand, and gravel. It carries small quantities of water near the mouths of the perennial streams, but the quality of the water is poor below lands irrigated with brackish well water.

The geologic maps indicate that the site is underlain by alluvium, not coral formation.

SOIL CLASSIFICATION

The surface soils underlying the project site are described by the U.S. Soil Conservation Service in their publication "Soil Survey of Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii," (1972).[2] A portion of the soil map covering the site is attached as Plate 3. The major soils at the site and some of their general properties are, as follows:

Ewa Silty Clay Loam (EaA) – These are well-drained soils in basins and on alluvial fans. These soils developed in alluvium derived from basic igneous rock. Permeability is moderate, runoff is slow, and the erosion hazard is slight.

Pulehu Silt Loam (PpA) – These are well drained soils on alluvial fans and stream terraces and in basins. Permeability is moderate. Runoff is slow and the erosion hazard is not more than slight.

The soil maps indicate that the site is underlain by alluvium, not coral formation.

TOPOGRAPHY

The project site is situated near the mouth of Kahoma Stream as shown on Plates 1 and 2. As a general rule, coral formations do not grow near the mouths of streams because the fresh water and turbidity from the streams and alluvial deposits inhibit the coral growth.[3] Therefore, based on the project's topographic location, coral formation is unlikely.

ENGINEERING EXPLORATION

Geolabs, Inc. conducted a geotechnical engineering exploration for the project site. Findings of our exploration are presented in our report dated December 11, 2012. The on-site exploration consisted of drilling and sampling ten borings to depths of about 21.5 feet below the existing ground surface. Additionally, eight test pits were excavated with a backhoe to depths ranging from about 10 to 11 feet below the existing ground surface. The approximate locations of the borings and test pits are shown on Plate 4.

The borings and test pits encountered alluvial soils consisting of silt and clayey silt, to depths ranging from 8 to 18 feet below the existing ground surface. The alluvial soils were underlain by beach deposits consisting of relatively clean sand, to the depths drilled.

Groundwater was encountered in some of the borings and test pits at varying depths, depending on the ground surface elevation. The elevations of the groundwater levels encountered generally corresponded to elevations near sea level

(Elevation 0 feet). For example, in the lower portions of the site (Boring Nos. 1 through 5 and Test Pit Nos. 1 through 3), groundwater was encountered at depths varying from 6.5 to 9 feet below the existing ground. However, at the upper portions of the site (Boring Nos. 9 and 10) groundwater level was encountered near or below the bottom of the 21.5-foot boring. Plate 5 depicts a cross-section through the site to illustrate the general relationship between the depth to groundwater level and ground elevation.

CONCLUSION

The actual soil data obtained from the borings and test pits at the site confirmed the general information from the geology and soil maps, namely that the site is underlain by alluvial deposits. Alluvial deposits do not contain karst conditions. As described above, karst conditions are only found in some limestone or hard coral formations. We did not encounter coral formation in our exploratory holes which extended to about 21.5 feet deep and extended as much as 14.5 feet below the existing ground water level.

We appreciate the opportunity to provide our services to you on this project. If you have questions or need additional information, please contact our office.

Respectfully submitted,

GEOLABS, INC.

By _____
Clayton S. Mimura, P.E.
President

CLAYTON S. MIMURA
LICENSED PROFESSIONAL ENGINEER
No. 4176-C
HAWAII, U.S.A.

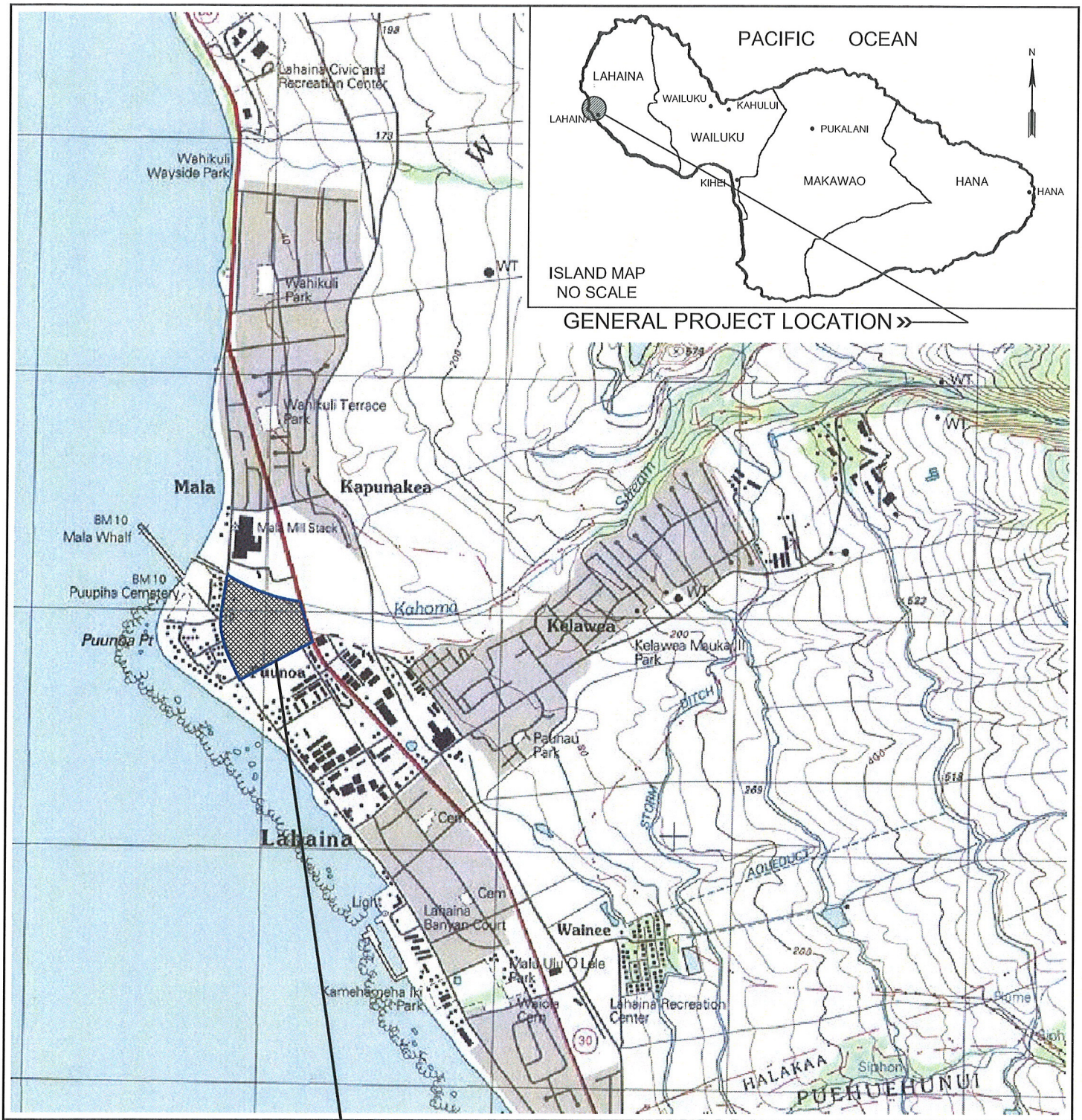
THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION.

_____ 4-30-14
SIGNATURE EXPIRATION DATE OF THE LICENSE

CSM:mj

Attachments: Project Location Map, Plate 1
Geologic Map, Plate 2
Soil Map, Plate 3
Site Plan, Plate 4
Section, Plate 5
References, Plate 6

h:\6700Series\6726-00.cm1



PROJECT LOCATION MAP

KAHOMA VILLAGE
WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

2000 1000 0 2000 FT.

GRAPHIC SCALE

N

REFERENCE: MAP CREATED WITH TOPO!® ©2010 NATIONAL GEOGRAPHIC; ©2007 TELE ATLAS, REL. 1/2007.

GEOLABS, INC.		
Geotechnical Engineering		
DATE: DECEMBER 2012	DRAWN BY: KHN	PLATE: 1
SCALE: 1" = 2,000'	W.O.: 6726-00	

CAD User: HENRY File Last Updated: December 10, 2012 4:11:05pm Plot Date: January 11, 2013 - 4:15:40pm
File: T:\Drafting-9904\Working\6726-00KahomaVillageWeinbergSubdivision\6726-00PLM.dwg\PLM
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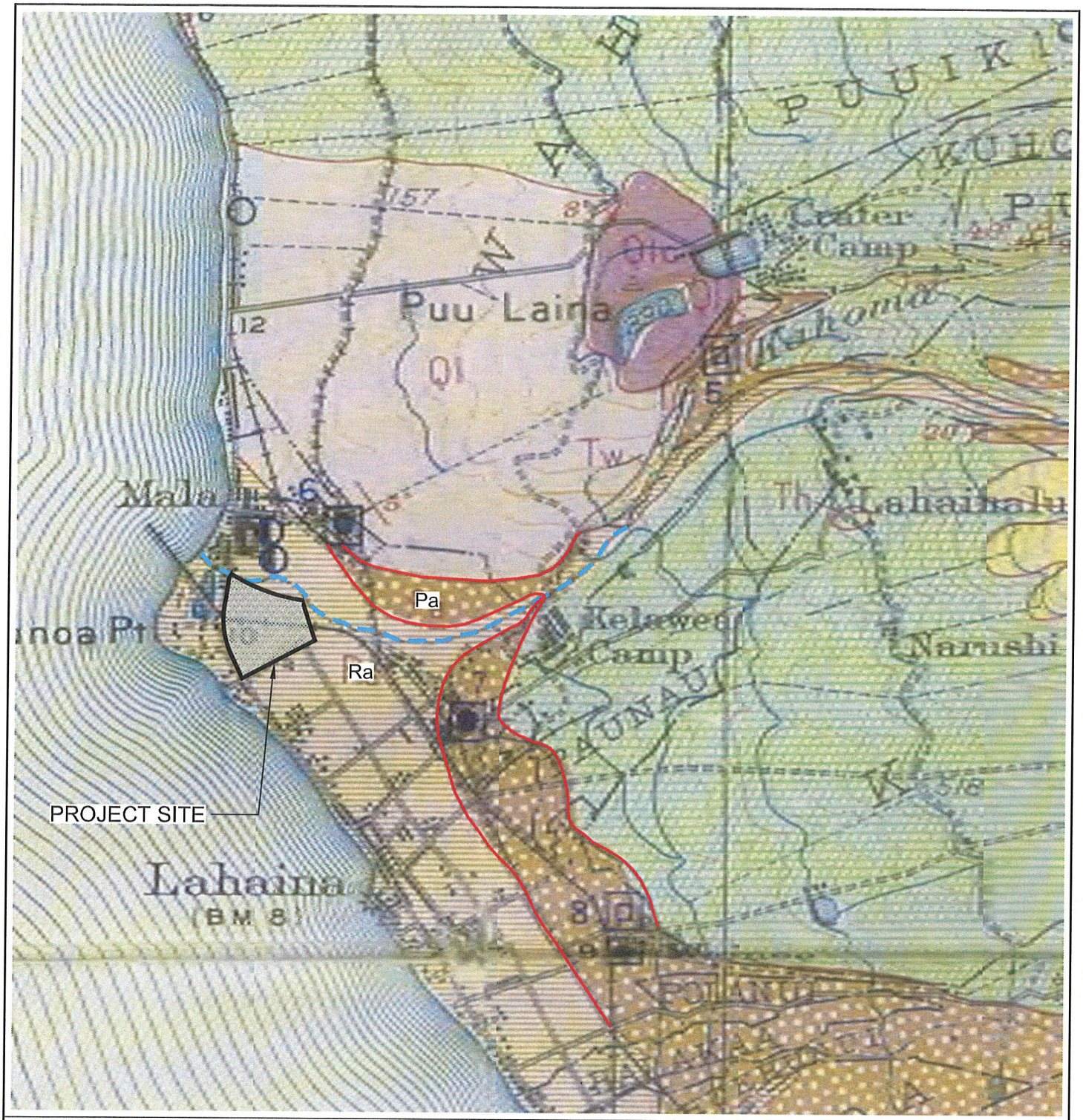

LEGEND:

Ra UNCONSOLIDATED DEPOSITS - CHIEFLY YOUNGER ALLUVIUM CONSISTING OF UNCONSOLIDATED POORLY SORTED, POORLY ROUNDED STREAM LAID BROWN SILT, SAND, AND GRAVEL

Pa CONSOLIDATED EARTHY DEPOSITS - CHIEFLY OLDER ALLUVIUM CONSISTING OF MOTTLED BROWN TO RED BROWN DEEPLY WEATHERED, POORLY SORTED, NEARLY IMPERMEABLE, FRIABLE, CONGLOMERATES, USUALLY FORMING CONSPICUOUS TERRACES ALONG THE PRINCIPAL STREAMS

REFERENCE: GEOLOGY AND GROUNDWATER RESOURCES OF THE ISLAND OF MAUI, HAWAII (1942) H.T. STEARNS & G.A. MCDONALD

N

GEOLOGIC MAP

KAHOMA VILLAGE
WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

GEOLABS, INC.
Geotechnical Engineering

DATE	DRAWN BY	PLATE
MARCH 2013	HYC	2
SCALE	W.O.	
1" = 2,000'	6726-00	

CAD User: HENRY File Last Updated: March 21, 2013 3:24:09pm Plot Date: March 21, 2013 - 3:25:51pm
File: T:\Drafting-9904\Working\6726-00KahomaVillageWeinbergSubdivision\6726-00GeologicMap.dwg\Geologic
Plotter: Adobe PDF Plotstyle: GEO-Color-AllSameWidth.ctb

PROJECT SITE

SOIL MAP

KAHOMA VILLAGE
WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

2000 1000 0 2000 FT.

GRAPHIC SCALE

N

REFERENCE: SOIL SURVEY OF ISLANDS OF KAUAI, OAHU, MAUI, MOLOKAI, AND LANAI, STATE OF HAWAII, USDA, SCS, AUGUST 1972. MAP SHEET 94.

GEOLABS, INC.
Geotechnical Engineering

DATE	DRAWN BY	PLATE
MARCH 2013	HYC	3
SCALE	W.O.	
1" = 2,000'	6726-00	

400

CAD User: HENRY File Last Updated: March 21, 2013 2:30:07pm Plot Date: March 21, 2013 - 2:43:58pm
File: T:\Drafting-9904\Working\6726-00Kahoma\VillageWeinbergSubdivision\6726-00SoilMap.dwg\SoilMap
Plotter: Adobe PDF Plotstyle: GEO-No-Dithering-Blue-Boring.ctb

LEGEND:

- APPROXIMATE BORING LOCATION
- APPROXIMATE TEST PIT LOCATION
- APPROXIMATE PERCOLATION TEST LOCATION

REFERENCE: SITE PLAN TRANSMITTED BY SSFM INTERNATIONAL, INC. ON DECEMBER 3, 2012.

0 75 150 300 450 FT.

GRAPHIC SCALE

N

SITE PLAN

KAHOMA VILLAGE
WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

GEOLABS, INC.
Geotechnical Engineering

DATE	DRAWN BY	PLATE
DECEMBER 2012	KHN	4
SCALE	W.O.	
1" = 150'	6726-00	

CAD User: HENRY File Last Updated: January 10, 2013 5:33:20pm Plot Date: January 11, 2013 - 4:17:01pm
File: I:\Drafting-9904\Working\6726-00KahomaVillage\WeinbergSubdivision\6726-00SitePlan.dwgISP
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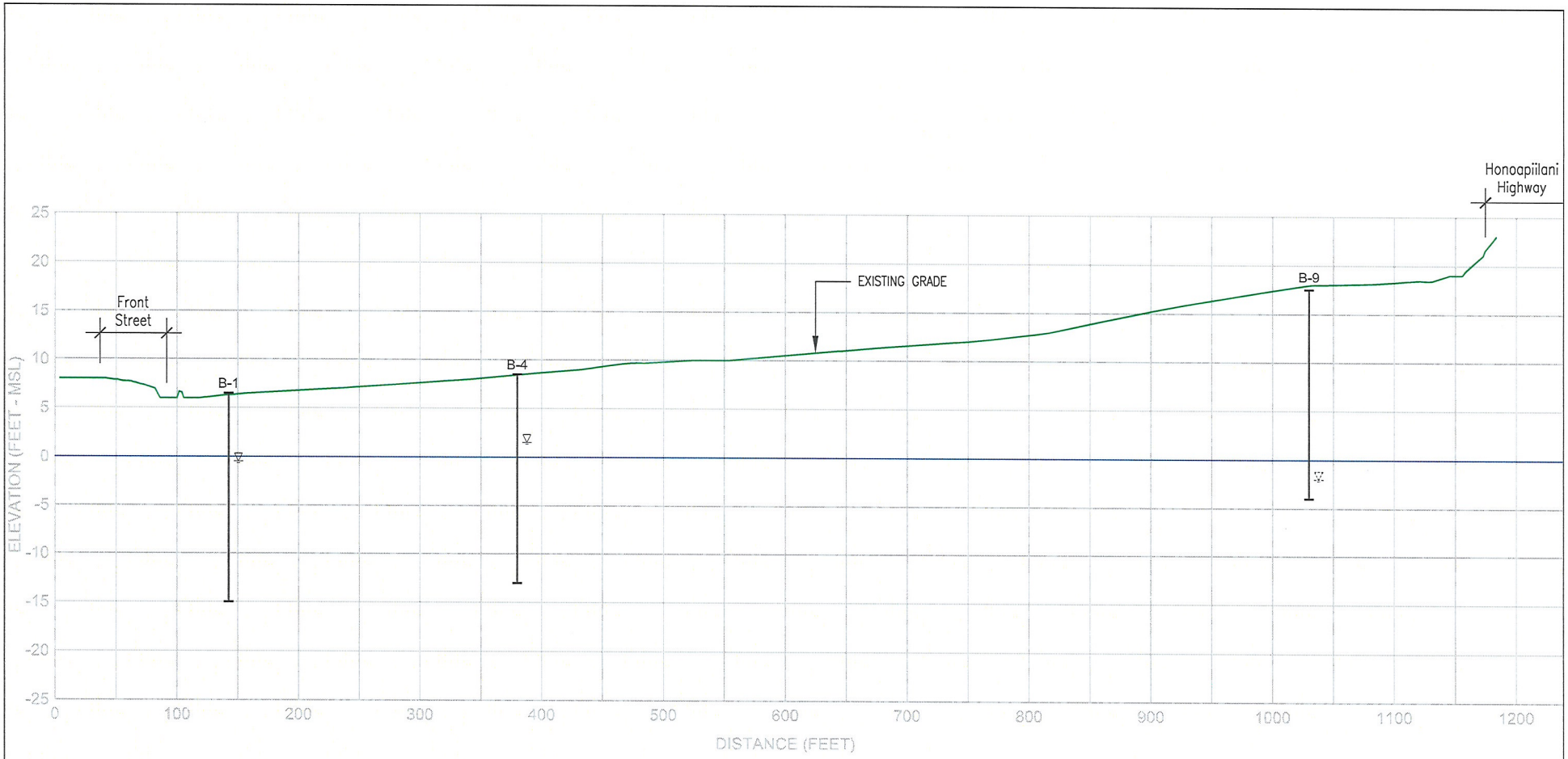

LEGEND:

▽ MEASURED WATER LEVEL IN BORING

▽ ESTIMATED WATER LEVEL IN BORING

0 40 80 160 240 FT.
0 5 10 20 30 FT.
GRAPHIC SCALE

SECTION
KAHOMA VILLAGE
WEINBERG SUBDIVISION
LAHAINA, MAUI, HAWAII

GEOLABS, INC.
Geotechnical Engineering

DATE	DRAWN BY	PLATE
MARCH 2013	KHN	5
SCALE HORIZ: 1" = 80' VERT: 1" = 10'	W.O. 6726-00	

REFERENCES

1. Stearns, Harold T. and Macdonald, Gordon A. (1942). ***"Geology and Groundwater Resources of the Island of Maui, Hawaii"***

2. U.S. Soil Conservation Service (1972)***"Soil Survey of Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii"***

3. Guilcher, Andre (1988) ***"Coral Reef Geomorphology"***

RECEIVED

2013 JAN 17 AM 10:47

DHHC-DIRECTOR'S OFFICE
C[illegible]

Mark Allen
1150 Kaahumanu Place
Lahaina, HI
96761

January 16, 2013

To whom it may concern ,

As an afterthought, I would also like to point out that the preliminary Traffic Impact Analysis Report, Appendix I, of the Draft Environmental Assessment makes no mention of and does not analyze the impact of the traffic that will be entering and exiting Puunoa Place. Page six of the TIAR gives a summary of the study's theoretical conclusions with absolutely no mention of the impact on the Puunoa Place traffic. Item two of this summary on page six states that no significant impact is expected to vehicles entering and exiting the Project, but absolutely no consideration is given to the Puunoa neighborhood residents wanting to make a left turn onto Front Street.

If the Project entrance is placed as shown, across from Puunoa Place, there will also be a significant impact on pedestrians coming from the Project, using Puunoa Place as their beach access. This will compound the issues I have already raised.

Sincerely yours,

Mark A. Allen

Mark Allen

KAHOMA VILLAGE OBJECTION

We, the undersigned residents of Puunoa, Lahilahi, Kaahanui, and Halepaka Places, would like to express our opposition to the location of the main ingress and egress for the Kahoma Village Project to be located on the Harry and Jeanette Weinberg Foundation property in Lahaina. We do not oppose the project, just its access location directly across from our only access to Front Street.

We are a long-established residential community of approximately 28 homes and 90-plus residents. In addition to residential traffic, Puunoa Place is also a major beach access point for Baby Beach, and the home of the Lahaina Kingdom Hall of Jehovah's Witnesses Church. These already create a Puunoa Place/Front Street access load that is significant.

We, the undersigned residents of Puunoa, Lahilahi, Kaahanui, and Halepaka Places respectfully request that the project access not be approved as proposed. We would suggest an ingress/egress on the highway, similar to the other Weinberg property near Dickenson Street, in conjunction with an enhanced access point on Kenui Street.

If this option is not acceptable, we would request a stoplight at the intersection of Front Street and Puunoa Place to ensure that we current residents will have adequate access in and out of our neighborhood.

Respectfully,

MARK R. ALLEN
Linda M. Allen
Name (Print)

Mark R. Allen
Linda M. Allen
Signature

1150 Kaahanui Place
Street Address

Lahaina	Hawaii	96761
City	State	Zip Code

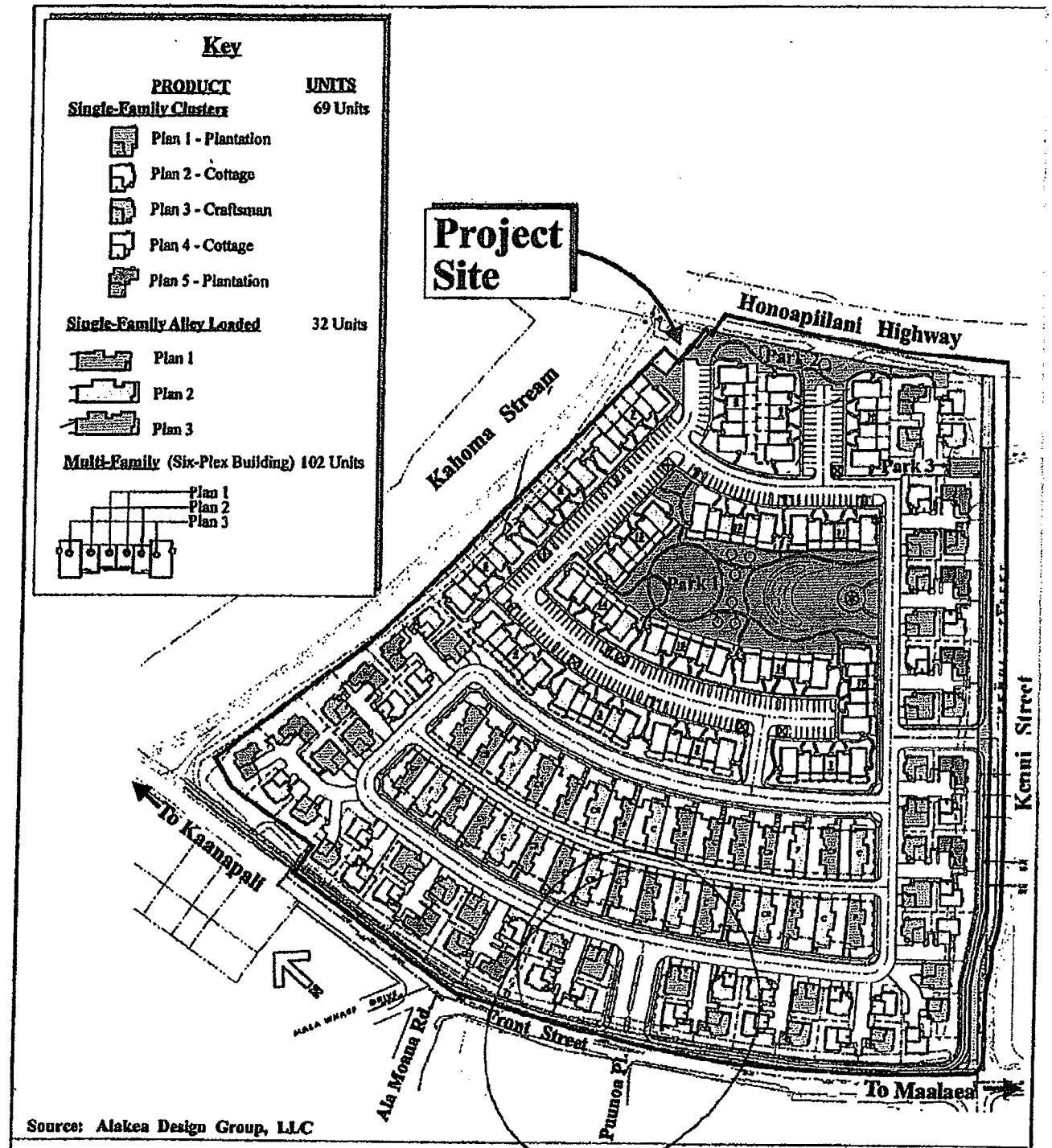

Figure 3 Proposed Kahoma Village Project

Conceptual Site Plan

NOT TO SCALE

Prepared for: Stanford Carr Development LLC, On behalf of
The Harry and Jeanette Weinberg Foundation, Inc.

MUNEKIYO & HIRAGA, INC.

Weinberg\Lahaina\SitePlan

FEB 22 2013

February 20, 2013

Colleen Suyama
Senior Associate
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama,

Connie Sutherland and I would like to thank you for meeting with us, and allowing us to express our concerns regarding the proposed Kahoma Village Project. Unfortunately, we don't feel that you fully understand the inconvenience that the position of the proposed ingress/egress onto Front Street across from Puunoa Place will cause the residents of our neighborhood.

We continue to urge that this entrance be relocated to a position on Kenui Street. This is, we feel, the most logical way not to adversely affect our ability to exit our street. Alternatively, we would suggest that , if the Project entrance is left where it is proposed, that a standing green light be placed on Front Street, with a sensor pad placed on Puunoa Place.This sensor would stop Front Street traffic only after a car attempting to exit Puunoa Place had been forced to wait a specified time...say, forty-five seconds.

We continue to have a position in favor of the Project, as long as it does not have a substantially negative impact on those of us who have resided here for many years.

Thank you again for taking our concerns into consideration.

Sincerely yours,

Mark Allen

STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Mark Allen
1150 Kaahanui Place
Lahaina, Hawaii 96761

Re: Draft Environmental Assessment (EA) for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Thank you for your letters of January 16, 2013 and February 20, 2013 commenting on the Draft Environmental Assessment (EA) for the proposed Kahoma Village Project. We appreciate your review of the document and attending the meeting on January 31, 2013, with Connie Sutherland.

Following receipt of your letter and subsequent in-person meeting, we took further action to analyze the existing and future traffic operations and delay to Puunoa Place at the intersection with Front Street.

Based on this analysis future traffic operations and delay for car approaches at the future intersections and the project driveways will operate at appropriate levels of service and delay. Due to the existing complicated intersection configuration at Front Street and Ala Moana Street, this location is not recommended for the project driveway. The proposed location across from Puunoa Place is preferred and supported by the Department of Public Works.

The traffic analysis included morning and afternoon weekday peak period traffic counts and the distribution of project-related traffic to assess future conditions for all approaches at the intersections of the proposed project access roadways along Front Street and Kenui Street. These time periods selected represent the regular peak hourly volume of traffic along the adjacent roads that may conflict with the future forecasted project traffic. Although the Lahaina Kingdom Hall of Jehovah's Witness Church exists off of Puunoa Place, generating a high volume of vehicles at times, this existing condition does not conflict with adjacent road high volumes of traffic and will not be significantly affected by the proposed project. For comparison, the analysis included operations if the project driveway were located at an alternative location along Front Street, across from Ala Moana Street.

ALAKEA CORPORATE TOWER • 1100 ALAKEA STREET, 27TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 537-5220 • FACSIMILE: (808) 537-1801 • WEBSITE: www.stanfordcarr.com

The future forecast volumes at the proposed intersection of the project driveway, Front Street and Puunoa Place do not warrant, a traffic signal. Installation of a traffic signal is not recommended due to the additional delay incurred by vehicles traveling through the intersection.

The additional analysis, results, and recommendations are documented in a traffic addendum which is included in the Final Environmental Assessment (EA). Locating a project access roadway off of Honoapiilani Highway is not an alternative due to the State Department of Transportation's position, and standard traffic engineering practice, to avoid additional access roadways, off of an arterial road. Furthermore, the elevation difference between the subject project site and the highway are such that an appropriate grade driveway would not be feasible.

As to pedestrian access through Puunoa Place, the County of Maui established the beach right-of-way at the end of Puunoa Place in order to provide residents access on the beach. As a public beach all residents have the opportunity to enjoy this recreational resource.

Again, thank you for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Sincerely,

Stanford Carr
Stanford Carr Development, LLC

SC
Fc: David Goode, Director, Department of Public Works
Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Fiona van Ammers, SSFM International, Inc.
Mike Packard, SSFM International, Inc.
Colleen Suyama, Munekiyo & Hiraga, Inc.
Jay Nakamura, Stanford Carr Development, LLC
K:\DATA\Weinberg\LahainaRes\Draft EA\Reponses\Allen.ltr.docx

KAHOMA VILLAGE OBJECTION

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We are a long-established residential community of approximately 28 homes and 90-plus residents. In addition to residential traffic, Puunoa Place is also a major beach access point for Baby Beach, and the home of the Lahaina Kingdom Hall of Jehovah's Witnesses Church. These already create a Puunoa Place/Front Street access load that is significant.

We, the undersigned residents of Puunoa, Lahilahi, Kaahanui, and Halepaka Places respectfully request that the project access not be approved as proposed. We would suggest an ingress/egress on the highway, similar to the other Weinberg property near Dickenson Street, in conjunction with an enhanced access point on Kenui Street.

If this option is not acceptable, we would request a stoplight at the intersection of Front Street and Puunoa Place to ensure that we current residents will have adequate access in and out of our neighborhood.

Respectfully,

MERLE W. KEAHI — Merle W. Keahi
NAME — SIGNATURE

74 PUUNOA PLACE, LAHAINA, HI. 96761 (808) 250-4123
ADDRESS — PHONE OPTIONAL

Mark Eberly

Name (Print)

Signature

65 Puunoa Pl.

Street Address

Lahaina | Hawaii | 96761

City | State | Zip Code

Smith Wright, Esq.

Name (Print)

Signature

1155 Lehiehi Pl. 808.2509673

Street Address

Lahaina Lahaina | Hawaii HI | 96761

City | State | Zip Code

Shirley C. Chang

Name (Print)

Shirley C. Chang

Signature

1158 KAAHANUI PL.

Street Address

Lahaina | Hawaii | 96761

City | State | Zip Code

CONSTANCE B. SUTHERLAND — Constance B Sutherland

Name (Print) — Signature

64 PUUNOA PL (POBOX 446)

Street Address

Lahaina — Hawaii — 96761

City — State — Zip Code

John Millen — John Millen

Name (Print) — Signature

51 Puunoa Pl

Street Address

Lahaina — Hawaii — 96761

City — State — Zip Code

JERI LAWRENCE — Jeri Lawrence

Name (Print) — Signature

1180 Waiehuka

Street Address

Lahaina — Hawaii — 96761

City — State — Zip Code

PATRICK J GUTH
Name (Print)

Patrick J. Guth
Signature

1154 LAHILAHI PLACE
Street Address

Lahaina | Hawaii | 96761
City | State | Zip Code

NAOMI MLK GUTH
Name (Print)

Naomi MLK Guth
Signature

1154 LAHILAHI PLACE
Street Address

Lahaina | Hawaii | 96761
City | State | Zip Code

PAUL T NISHIMURA
Name (Print)

Paul T. Nishimura
Signature

84 PUUNOA PL
Street Address

Lahaina | Hawaii | 96761
City | State | Zip Code

DENISE HOLLAND — Denise Holland
Name (Print) — Signature

1161 LAHILAHI PLACE / P.O. BOX 10008 MAIL: LAHAINA, HI 96761
Street Address

Lahaina — Hawaii — 96761
City — State — Zip Code

ROBERT HOLLAND — [signature]
Name (Print) — Signature

1161 LAHILAHI PLACE / P.O. BOX 10008 MAIL: LAHAINA, HI 96761
Street Address

Lahaina — Hawali — 96761
City — State — Zip Code

Name (Print) — Signature

Street Address

Lahaina — Hawali — 96761
City — State — Zip Code

STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Merle Keahi
74 Puunoa Place
Lahaina, Hawaii 96761

Re: Draft Environmental Assessment (EA) for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

We are in receipt of a petition to which you are a signatory objecting to the location of an access roadway on Front Street directly across Puunoa Place. As the applicant, the following responses to the petition are provided.

Following receipt of the petition, further analysis was done for existing and future traffic operations and delay to Puunoa Place at the intersection with Front Street.

Based on this analysis future traffic operations and delay for car approaches at the future intersections and the project driveways will operate at appropriate levels of service and delay. Due to the existing complicated intersection configuration at Front Street and Ala Moana Street, this location is not recommended for the project driveway. The proposed location across from Puunoa Place is preferred and supported by the Department of Public Works.

The traffic analysis included morning and afternoon weekday peak period traffic counts and the distribution of project-related traffic to assess future conditions for all approaches at the intersections of the proposed project access roadways along Front Street and Kenui Street. These time periods selected represent the regular peak hourly volume of traffic along the adjacent roads that may conflict with the future forecasted project traffic. Although the Lahaina Kingdom Hall of Jehovah's Witness Church exists off of Puunoa Place, generating a high volume of vehicles at times, this existing condition does not conflict with adjacent road high volumes of traffic and will not be significantly affected by the proposed project. For comparison, the analysis included operations if the project driveway were located at an alternative location along Front Street, across from Ala Moana Street.

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PHONE: (808) 537-5220 • FACSIMILE: (808) 537-1801 • WEBSITE: www.stanfordcarr.com

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Again, thank you for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of the Petition will be included in the Final EA.

Sincerely,

Stanford Carr
Stanford Carr Development, LLC

SC
Fc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Fiona van Ammers, SSFM International, Inc.
Mike Packard, SSFM International, Inc.
Colleen Suyama, Munekiyo & Hiraga, Inc.
Jay Nakamura, Stanford Carr Development, LLC
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STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Mark Eberly
65 Puunoa Place
Lahaina, Hawaii 96761

Re: Draft Environmental Assessment (EA) for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

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Stanford Carr Development, LLC

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Fiona van Ammers, SSFM International, Inc.
Mike Packard, SSFM International, Inc.
Colleen Suyama, Munekiyo & Hiraga, Inc.
Jay Nakamura, Stanford Carr Development, LLC
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STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: John H. Wright
1155 Lahilahi Place
Lahaina, Hawaii 96761

Re: Draft Environmental Assessment (EA) for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

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Colleen Suyama, Munekiyo & Hiraga, Inc.
Jay Nakamura, Stanford Carr Development, LLC
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STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Shirley C. Chung
1158 Kaahanui Place
Lahaina, Hawaii 96761

Re: Draft Environmental Assessment (EA) for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

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PHONE: (808) 537-5220 • FACSIMILE: (808) 537-1801 • WEBSITE: www.stanfordcarr.com

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Again, thank you for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of the Petition will be included in the Final EA.

Sincerely,

Stanford Carr
Stanford Carr Development, LLC

SC
Fc: Buddy Almeida, Department of Housing and Human Concerns
Danny Dias, Department of Planning
Fiona van Ammers, SSFM International, Inc.
Mike Packard, SSFM International, Inc.
Colleen Suyama, Munekiyo & Hiraga, Inc.
Jay Nakamura, Stanford Carr Development, LLC
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STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Constance B. Sutherland
64 Puunoa Place
Lahaina, Hawaii 96761

Re: Draft Environmental Assessment (EA) for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

We are in receipt of a petition to which you are a signatory objecting to the location of an access roadway on Front Street directly across Puunoa Place. As the applicant, the following responses to the petition are provided.

Following receipt of the petition, further analysis was done for existing and future traffic operations and delay to Puunoa Place at the intersection with Front Street.

Based on this analysis future traffic operations and delay for car approaches at the future intersections and the project driveways will operate at appropriate levels of service and delay. Due to the existing complicated intersection configuration at Front Street and Ala Moana Street, this location is not recommended for the project driveway. The proposed location across from Puunoa Place is preferred and supported by the Department of Public Works.

The traffic analysis included morning and afternoon weekday peak period traffic counts and the distribution of project-related traffic to assess future conditions for all approaches at the intersections of the proposed project access roadways along Front Street and Kenui Street. These time periods selected represent the regular peak hourly volume of traffic along the adjacent roads that may conflict with the future forecasted project traffic. Although the Lahaina Kingdom Hall of Jehovah's Witness Church exists off of Puunoa Place, generating a high volume of vehicles at times, this existing condition does not conflict with adjacent road high volumes of traffic and will not be significantly affected by the proposed project. For comparison, the analysis included operations if the project driveway were located at an alternative location along Front Street, across from Ala Moana Street.

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STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: John Miller
51 Puunoa Place
Lahaina, Hawaii 96761

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STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Teri Lawrence
1180 Halepaka Place
Lahaina, Hawaii 96761

Re: Draft Environmental Assessment (EA) for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

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STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Patrick and Naomi Guth
1154 Lahilahi Place
Lahaina, Hawaii 96761

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STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Paul T. Nishimura
84 Puunoa Place
Lahaina, Hawaii 96761

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STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Robert and Denise Holland
P. O. Box 10008
Lahaina, Hawaii 96761

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Carol A. Carolan, Ph.D.
29 Kamaka Circle
Lahaina, HI 96761

March 26, 2013

Mr. Stanford S. Carr, President
Stanford Carr Development
Alakea Corporate Tower
1100 Alakea St., 27th Floor
Honolulu, HI 96813

Subject: Development of Weinberg Property in Lahaina

Dear Mr. Carr:

I have previously been in contact with you and Jay Nakamura regarding the development of the Weinberg property located at the corner of Front St., Kenui St. and Honoapiilani Highway. Plans are in place to construct a $60,000,000, 203 subdivision.

You and Jay have advised that the original plans do not provide a pool for the residents of the development and I (and others) have expressed our concern that this action would further burden Baby Beach which is seeing more and more activity as it is discovered by the masses. Have you reconsidered your position on this matter?

Frankly, it's insulting to be told that this decision was made because of insufficient funds. A more accurate explanation would be "profits." Room required to place a pool on the grounds takes away space from constructing homes that can be sold for substantial profits. You can sell a house(s); you can't sell a pool.

Many people in our neighborhood feel strongly about this matter and we look forward to your response. Let's put the integrity of a neighborhood before profits.

Sincerely,

Carol A. Carolan, Ph.D.

Carol A. Carolan, Ph.D.

STANFORD CARR DEVELOPMENT, LLC

August 27, 2013

To: Carol A. Carolan, Ph.D.
29 Kamaka Circle
Lahaina, Hawaii 96761

Re: Draft Environmental Assessment (EA) for the Proposed Kahoma Village Project at TMK (2)4-5-008:001 (por), Lahaina, Maui, Hawaii

Thank you for your letter of March 26, 2013, commenting on the Draft Environmental Assessment (EA) for the proposed Kahoma Village Project. We appreciate your comments on the proposed project. As discussed with you previously, the Kahoma Village project will not include a resident pool.

In developing a project that provides much needed affordable housing, consideration is given to the long term implications and responsibilities to the future homeowners, as they will be required to maintain the resident recreation facilities. The project has been designed with park areas which can later be improved with additional recreational amenities such as a pool, if this is desired by the homeowners.

Even with a pool at Kahoma Village residents are still within a convenient walking distance to the popular "Baby Beach".

Thank you again for your comments. A copy of your letter and my response will be included in the Final EA for the Kahoma Village project.

Sincerely,

Stanford Carr
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XI. REFERENCES

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