

Final Volume 2 of 2 Environmental Assessment (EA)



For
**Mā'alaea Plantation
Affordable Housing Project & Related Improvements**
Project to be Processed
Pursuant to 201H-38, Hawai'i Revised Statutes

**TMK: (2) 3-6-001:018
Mā'alaea, Maui, Hawai'i**

Prepared for:

MVI LLC

Approving Authority:

County of Maui, Department of Housing and Human Concerns

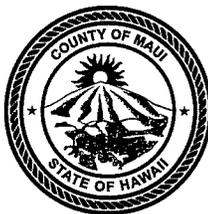
Prepared by:



BAGOYO
DEVELOPMENT
CONSULTING GROUP

***VII. Comments Received of
Draft EA and Responses to
Substantive Comments***

ALAN M. ARAKAWA
Mayor



KA'ALA BUENCONSEJO
Director

BRIANNE L. SAVAGE
Deputy Director

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

DEPARTMENT OF PARKS AND RECREATION

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

July 14, 2015

Mr. Vince Bagoyo
Bagoyo Development Group
1500 Kilinoe Place
Wailuku, HI 96793

Dear Mr. Bagoyo:

**SUBJECT: MA'ALAEA PLANTATION AFFORDABLE HOUSING PROJECT
DRAFT ENVIRONMENTAL ASSESSMENT
TMK: (2) 3-6-001:018**

Thank you for the opportunity to review and comment on the Draft Environmental Assessment for the Ma'alaea Plantation Affordable Housing Project. The Department of Parks and Recreation is in agreement with the proposed 2.8-acre neighborhood park to satisfy the parks and playgrounds requirements.

Pursuant to Section 18.16.320, Maui County Code, the subdivider shall improve the site with lot grading, grass planting, automatic irrigation, parking areas, adequate drainage and comfort stations. Additionally, the subdivider shall also enter into a park assessment agreement with the Department, subject to Council approval by resolution.

Please feel free to contact me or Karla Peters, CIP Coordinator, at (808)270-7981 or karla.peters@co.maui.hi.us, if there are any questions.

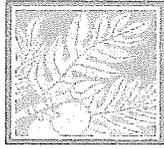
Sincerely,

A handwritten signature in black ink, appearing to read "Ka'ala Buenconsejo", is written over a faint, larger version of the signature.

KA'ALA BUENCONSEJO
Director of Parks & Recreation

c: Brianne Savage, Deputy Director
Robert Halvorson, Chief of Planning and Development
Jan Shishido, Deputy Director – DHHC
Buddy Almeida, Assistant Housing Administrator – DHHC

KB:RH:kp



BAGOYO

DEVELOPMENT
CONSULTING GROUP

July 22, 2015

Mr. Ka'ala Buenconsejo
Director, Department of Parks and Recreation
700 Hali'a Nakoia Street, Unit 2
Wailuku, HI 96793

Subject: Ma'alaea Plantation Affordable Housing Project
Draft Environmental Assessment (EA)
TMK: (2) 3-6-001:018
Ma'alaea, Wailuku, HI

Dear Mr. Buenconsejo:

Thank you for your comments dated July 14, 2015 regarding the above subject project. We are pleased to know that your department is in full agreement that the project's proposed 2.8-acre neighborhood park meets the parks requirements pursuant to Chapter 18.16.320 (B)(3).

Again, thank you for your kind comments and guidance. Should you have any questions or require additional information, please feel free to contact me at (808) 357-3842.

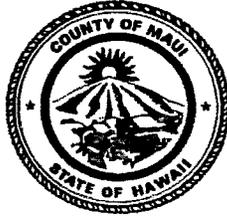
Sincerely,



Vince Bagoyo

Cc: Mr. Buddy Almeida (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

ALAN M. ARAKAWA
Mayor
KYLE K. GINOZA, P.E.
Director
MICHAEL M. MIYAMOTO
Deputy Director



MICHAEL RATTE
Solid Waste Division
ERIC NAKAGAWA, P.E.
Wastewater Reclamation Division

**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

2050 MAIN STREET, SUITE 1C
WAILUKU, MAUI, HAWAII 96793

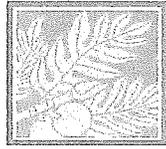
June 29, 2015

MEMO TO: JO-ANN T. RIDAO, DIRECTOR OF HOUSING AND HUMAN CONCERNS
FROM: *K* KYLE K. GINOZA, P.E., DIRECTOR OF ENVIRONMENTAL MANAGEMENT *Michael M. Miyamoto*
SUBJECT: **MA'ALAEA PLANTATION AFFORDABLE HOUSING PROJECT
DRAFT ENVIRONMENTAL ASSESSMENT
TMK (2) 3-6-001:018, MA'ALAEA**

We reviewed the subject application and have the following comments:

1. Solid Waste Division comments:
 - a. Estimated quantities of construction waste and solid waste/recyclables that the project will generate.
2. Wastewater Reclamation Division (WWRD) comments:
 - a. None

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



BAGOYO

DEVELOPMENT
CONSULTING GROUP

July 20, 2015

Mr. Kyle K. Ginoza, P.E.
Director
Department of Environmental Management
2050 Main Street, Suite 1C
Wailuku, HI 96793

Subject: Ma'alea Plantation Affordable Housing Project – Draft EA
TMK: (2) 3-6-00121:018, Ma'alea, Hawaii

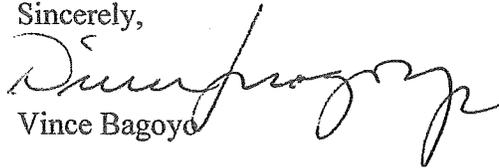
Dear Mr. Ginoza:

This is to acknowledge receipt of your letter dated June 29, 2015 regarding the above subject proposed affordable housing project. We thank you and appreciate your brief comments to the draft EA.

We are pleased to inform you that the owner/applicant plans to dispose all construction solid waste that will be generated during the construction phase of the project at the privately-owned demolition landfill located across the project site along the Honoapiilani Highway.

Thank you again for your comment and should you have further questions or require additional information, please feel free to contact me at (808) 357-3842.

Sincerely,



Vince Bagoyo

Cc: Mr. Buddy Almeida (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

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



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS

200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

July 22, 2015

Ms. Jan Shishido, Deputy Director
Department of Housing and Human Concerns
2200 Main Street, Suite 546
Wailuku, Maui, Hawaii 96793

Dear Ms. Shishido:

**SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT FOR
MĀ'ALAEA PLANTATION AFFORDABLE HOUSING
PROJECT PURSUANT TO 201H-38, HAWAII REVISED
STATUTES; TMK: (2) 3-6-001:018**

We reviewed the subject application and have the following comments:

Comments from the Engineering Division:

1. Draft Environmental Assessment (EA), page 46, Part E Proposed Infrastructure Improvements, Section 1 Roadways: Section does not summarize any proposed roadway improvements. Instead, a summary of the findings of the project's Traffic Impact Analysis Report (TIAR) is provided.
2. EA, page 46, Part E Proposed Infrastructure Improvements, Section 1 Roadways: Provide a description of the proposed roadways and whether roadways will remain private or be dedicated to the County of Maui.
3. The Department of Public Works supports the development of safe and accessible accommodations for pedestrians, bicyclists, and transit users and encourages project design incorporating complete street elements.

Ms. Jan Shishido, Deputy Director
July 22, 2015
Page 2

4. On past 201H-38 applications, exemptions are pursued on basic improvements such as sidewalks. Any request exempting basic facilities that facilitate pedestrian traffic, especially in a residential area, should not be supported. Provide sidewalks or equivalent pedestrian facilities on all subdivision roadways.
5. Provide a description on how this project accommodates different modes of transportation and connectivity to the adjacent Mā'alaea community.
6. Appendix E, TIAR, page 13, Trip Generation Analysis: Provide description of each Land Use (SF Detached Housing & Ohana Units) used in calculating trips.
7. Appendix E, TIAR, page 13, Trip Generation Analysis: Confirm Land Use Code used for Ohana Units (Apartment).
8. Appendix E, TIAR, page 13, Trip Generation Analysis: Provide support for using Apartment trip generation calculations for Ohana Units as opposed to Single-Family formulas. Recommend using same Land Use Code (210) for SF units and Ohana units.
9. Appendix E, TIAR, page 4, Existing Peak Hour Traffic Volumes: Provide dates of the counts.
10. Appendix E, TIAR, page 16: Missing Table 9.

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:jso

xc: Highways Division
Engineering Division

Vince Bagoyo, Bagoyo Development Group (via E-mail)

S:\DSA\Engr\CZM\Draft Comments\36001018_ohana_kai_village_affordable_hsg_dea_engineering comments



BAGOYO

DEVELOPMENT
CONSULTING GROUP

July 30, 2015

Mr. David C. Goode, Director
Dept. of Public Works
200 So. High Street
Wailuku, HI 96793

Subject: Draft Environmental Assessment (EA) for Ma'alaea Plantation Affordable
Housing Project Pursuant to 201H-38, Hawaii Revised Statutes (HRS)
TMK: (2) 3-6-001:018

Dear Mr. Goode:

Thank you for your comments dated July 22, 2015 relative to above subject project. The following are our responses in the order as noted in your letter:

1. The internal subdivision roads will have right-of-way widths between 40 ft. to 60 ft. based on the classification and proposed used, and will be improved to County standards except where it will be noted on the proposed requested exemptions as part of the 201H-38, HRS application.
2. The proposed roadways are intended to remain private. Roadway improvements will be improved to County standards based on the respective zoning criteria, except within the proposed "residential/residential" area where roadways will be proposed to meet rural standards of a grassed shoulder and no curb, gutter and sidewalk.
3. Complete street elements will be considered and incorporated where applicable and feasible.
4. Sidewalks are not being proposed along the subdivision roadways of the "residential/affordable" area. Grassed shoulders will be incorporated along the roadways meeting rural and agricultural standards.

Please refer to attached table in response to items 5 to 10.

Thank you again for our comments and please feel free to contact me at (808) 357-3842 should you require additional information.

Sincerely,



Vince Bagoyo

Encls.

Cc: Mr. Buddy Almeida (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808) 357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

Comments/Response Table
Comments from Engineering Division Dated July 22, 2015

Maaaea Plantation TIAR Dated December 12, 2014
 July 28, 2015

Comment	Response
<p>5 Provide a description on how this project accommodates different modes of transportation and connectivity to the adjacent Maaaea community</p>	<p>The intersection of Honoapiilani Highway at Kapoli Street is signalized. Pedestrian crosswalks and pedestrian crossing signals will be provided.</p>
<p>6 Appendix E, TIAR, page 13, Trip Generation Analysis: Provide description of each Land Use (SF Detached Housing & Ohana Units) used in calculating trips.</p>	<p>Single-Family Detached Housing (Land Use Code 210) is defined by Institute of Transportation Engineers in <i>Trip Generation</i> as follows: <i>Single-family detached housing includes all single-family detached housing on individual lots. A typical site surveyed is a suburban subdivision.</i></p> <p><i>Trip Generation</i> does not have a category for ohana units. Therefore we have to use the category most comparable. Trips generated by the ohana units were estimated using trip generation data for apartments. This most likely results in an overestimation of the traffic from these units as some ohana units may be used by family members and some may be rented as an apartment. Use of the trip rates for apartments should result is conservative conclusions. See pages 12 and 13 of TIAR.</p> <p>Apartments (Land Use Code 220) are defined by the Institute of Transportation Engineers in <i>Trip Generation</i> as follows: <i>Apartments are rental units within the same building with at least three other dwelling units, for example, quadraplexes and all types of apartment buildings.</i> Though not a exact match, I feel it is a good match.</p>
<p>7 Appendix E, TIAR, page 13, Trip Generation Analysis: Confirm Land Use Code used for Ohana Units (Apartment).</p>	<p>Confirmed.</p>

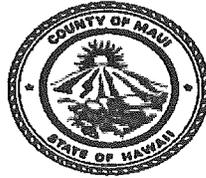
8.	Appendix E, TIAR, page 13, Trip Generation Analysis: Provide support for using Apartment trip generation calculations for Ohana Units as opposed to Single-Family formulas. Recommend using same Land Use Code (210) for SF units and Ohana units.	See response to comment 6 and pages 12 and 13 of TIAR for justification. Use of trip generation equation and rates of single-family for ohana units is not appropriate as the ohana units are smaller than single-family units are will be used by a family member, as an office, or rented. Also, the trip generation rates for single-family units are the highest of the residential land use categories. Ohana units will not generate traffic at the same rate as single-family units.
9.	Appendix E, TIAR, page 4, Existing Peak Hour Traffic Volumes: Provide dates of the counts.	Acknowledged. Days and dates of surveys will be added to graphics in the final TIAR.
10.	Appendix E, TIAR, page 16: Missing Table 9.	Acknowledged. Table 9 will be included in final TIAR.

Table 9 2022 Background Plus Project Levels-of-Service - Signalized Intersections

Intersection and Movement	AM Peak Hour ⁽¹⁾						PM Peak Hour ⁽²⁾												
	Without Project ⁽¹⁾		With Project		With Project		Without Project ⁽²⁾		With Project		With Project								
	V/C ⁽⁷⁾	Delay ⁽⁸⁾	LOS ⁽⁹⁾	V/C	Delay	LOS	V/C	Delay	LOS	V/C	Delay	LOS							
Honoapiliāni Highway at	Cycle Length = 120 Seconds ⁽⁵⁾																		
Kalihiwai Highway	0.62	20.4	C	0.65	20.8	C	0.60	18.7	B	0.98	24.6	C	1.02	25.9	C	0.73	20.1	C	
Eastbound Left, Thru & Right	0.52	60.9	E	0.55	67.4	E	0.50	58.7	E	0.09	45.8	D	0.09	45.8	D	0.09	46.6	D	
Westbound Left	0.80	39.1	D	0.81	40.8	D	0.77	36.5	D	0.87	46.9	D	0.87	46.2	D	0.79	37.3	D	
Westbound Left & Thru	0.83	41.2	D	0.84	43.0	D	0.79	38.2	D	0.87	48.3	D	0.88	47.5	D	0.80	37.9	D	
Westbound Right	0.01	22.6	C	0.01	23.3	C	0.01	22.8	C	0.00	24.1	C	0.00	23.2	C	0.00	21.8	C	
Northbound Left	0.36	56.3	E	0.42	64.4	E	0.42	65.4	E	0.41	61.4	E	0.44	64.2	E	0.39	60.2	E	
Northbound Thru	0.44	13.2	B	0.44	13.3	B	0.46	14.3	B	0.46	15.6	B	0.48	16.6	B	0.51	19.1	B	
Northbound Right	0.27	12.0	B	0.30	12.3	B	0.30	2.5	A	0.55	18.5	B	0.57	19.6	B	0.57	4.4	A	
Southbound Left	0.21	48.8	D	0.25	53.3	D	0.25	54.2	D	0.58	77.1	E	0.58	77.3	E	0.41	54.1	D	
Southbound Thru	0.49	13.9	B	0.49	13.9	B	0.50	15.0	B	0.44	15.1	B	0.47	16.2	B	0.49	18.2	B	
Southbound Right	0.00	9.6	A	0.00	9.6	A	0.00	10.4	B	0.00	11.1	B	0.00	11.8	B	0.00	13.2	B	
Honoapiliāni Highway at	Cycle Length = 120 Seconds																		
North Kihel Road	0.95	28.0	C	1.04	35.5	C	0.74	32.2	C	0.99	31.3	C	1.07	38.6	D	0.91	36.0	D	
Eastbound Right	0.50	51.9	D	0.50	51.9	D	0.51	53.3	D	0.44	55.7	E	0.44	55.7	E	0.44	55.7	E	
Northbound Left	0.01	47.1	D	0.01	47.1	D	0.01	48.2	D	0.01	50.9	D	0.01	50.9	D	0.01	50.9	D	
Westbound Left	0.64	43.5	D	0.77	57.1	E	0.78	58.8	E	0.74	54.3	D	0.83	68.9	E	0.83	68.9	E	
Westbound Left & Thru	0.36	39.9	D	0.80	60.0	E	0.80	61.9	E	0.26	45.4	D	0.86	73.9	E	0.86	73.9	E	
Westbound Right	0.37	42.0	D	0.37	42.0	D	0.58	20.0	B	0.26	45.4	D	0.26	43.5	D	0.35	17.8	B	
Northbound Left	0.18	61.7	E	0.18	61.7	E	0.18	62.8	E	0.57	74.8	E	0.57	74.8	E	0.57	74.8	E	
Northbound Thru	0.50	27.2	C	0.62	34.5	C	0.61	34.6	C	0.73	31.7	C	0.87	42.2	D	0.87	42.2	D	
Northbound Right	0.13	22.5	C	0.13	27.4	C	0.13	27.6	C	0.39	26.4	C	0.43	29.7	C	0.43	29.7	C	
Southbound Left	0.89	51.3	D	0.94	60.4	E	0.93	60.4	E	0.92	57.8	E	0.95	64.2	E	0.95	64.2	E	
Southbound Thru	0.40	5.5	A	0.48	12.0	B	0.47	11.8	B	0.34	4.1	A	0.42	9.9	A	0.42	9.9	A	
Southbound Right	0.01	7.9	A	0.01	7.9	A	0.01	7.9	A	0.03	7.0	A	0.03	7.0	A	0.03	7.0	A	
Honoapiliāni Highway at	Cycle Length = 90 Seconds																		
Kapoli Street	0.78	11.0	B	0.86	16.0	B	No Mitigation Required					0.73	10.6	B	0.76	13.7	B	No Mitigation Required	
Eastbound Left & Thru	0.15	39.9	D	0.15	39.9	D	No Mitigation Required					0.11	39.0	D	0.11	39.0	D	No Mitigation Required	
Eastbound Right	0.01	38.8	D	0.01	38.8	D	No Mitigation Required					0.01	38.2	D	0.01	38.2	D	No Mitigation Required	
Westbound Left	0.54	45.1	D	0.62	49.5	D	No Mitigation Required					0.49	34.1	C	0.68	53.4	D	No Mitigation Required	
Westbound Left & Thru	0.03	39.5	D	0.03	39.0	D	No Mitigation Required					0.05	30.6	C	0.05	38.5	D	No Mitigation Required	
Westbound Right	0.36	63.0	E	0.36	63.0	E	No Mitigation Required					0.37	55.8	E	0.37	55.8	E	No Mitigation Required	
Northbound Left	0.30	4.5	A	0.30	4.9	A	No Mitigation Required					0.57	7.8	A	0.55	8.0	A	No Mitigation Required	
Northbound Thru	0.03	3.5	A	0.03	3.7	A	No Mitigation Required					0.04	4.4	A	0.04	4.6	A	No Mitigation Required	
Northbound Right	0.65	64.0	E	0.67	67.8	E	No Mitigation Required					0.61	47.1	D	0.65	50.0	D	No Mitigation Required	
Southbound Left	0.88	17.1	B	0.88	17.1	B	No Mitigation Required					0.77	8.8	A	0.81	13.2	B	No Mitigation Required	
Southbound Thru	0.81	9.6	A	0.81	9.6	A	No Mitigation Required					0.81	9.6	A	0.81	9.6	A	No Mitigation Required	
Southbound Right	0.01	2.8	A	0.01	2.8	A	No Mitigation Required					0.01	3.2	A	0.01	3.2	A	No Mitigation Required	

NOTES:
 (1) See Attachment J for Level-of-Service Worksheets.
 (2) See Attachment K for Level-of-Service Worksheets.
 (3) See Attachment L for Level-of-Service Worksheets.
 (4) See Attachment M for Level-of-Service Worksheets.
 (5) See Attachment N for Level-of-Service Worksheets.
 (6) See Attachment O for Level-of-Service Worksheets.
 (7) See Attachment P for Level-of-Service Worksheets.
 (8) See Attachment Q for Level-of-Service Worksheets.
 (9) See Attachment R for Level-of-Service Worksheets.
 Volume-to-Capacity ratio.
 Delay in seconds per vehicle.
 Level-of-Service calculated using the operations method described in Highway Capacity Manual. Level-of-Service is based on delay.

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

July 16, 2015

Jo-Ann T. Ridao, Director
Department of Housing and Human Concerns

Re: Ma'alaeca Plantation Affordable Housing Project – Draft EA
Ma'alaeca, Maui, HI
(2) 3-6-001: 018

Dear Jo-Ann:

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

- Our office reserves the right to comment during the subdivision and building permit review process when detailed plans for the project are submitted. At that time, fire department access, water supply for fire protection, and fire and life safety requirements will be addressed.
- Our office also recommends that a minimum 30' fire break be established along the property line of this project and parcel (2) 3-6-001:014 to address any future concerns about wild-land fires associated with the adjacent parcel. The responsibility to maintain the firebreak should be placed upon this project's association.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Haake", written over a horizontal line.

Paul Haake
Captain, Fire Prevention Bureau



BAGOYO

DEVELOPMENT
CONSULTING GROUP

July 17, 2015

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

Subject: Ma'alea Plantation Affordable Housing Project – Draft EA
Located at Ma'alea, Maui, HI
TMK: (2) 3-6-001:018

Dear Mr. Haake:

Thank you so much and we acknowledge receipt of your comments dated July 16, 2015 relative to the above subject project. The applicant concurs with your comments and recommendations. We are pleased to inform you that the applicant is working closely with the State Department of Land and Natural Resources (DLNR) to provide easement mauka of the proposed project site so that a firebreak can be constructed and maintained to protect the safety of the homeowners.

Thank you again and please feel free to contact me at (808) 357-3842 if you have any questions or require additional information.

Sincerely,



Vince Bagoyo

Cc: Mr. Buddy Almeida (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM



POLICE DEPARTMENT

COUNTY OF MAUI

ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

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

15 APR 30 10:14
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

April 28, 2015

MEMORANDUM

TO: PAUL F. FASI, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : TIVOLI S. FAUUMU, CHIEF OF POLICE

SUBJECT : PERMIT NO. : EA 2015/0003
 TMK : (2) 3-6-001:018
 Project
 Name : Maalaea Plantation Subdivision
 APPLICANT : MVI, LLC (Consultant Vince G. Bagoyo, Jr.)

No recommendation or comment to offer.

Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.

Assistant Chief Victor K. Ramos
For: TIVOLI S. FAAUMU
Chief of Police

Attachment

TO : TIVOLI FAAUMU, CHIEF OF POLICE, COUNTY OF MAUI

VIA : CHANNELS

FROM : EMILY KIBBY, COMMUNITY POLICE OFFICER, KIHEI DISTRICT

SUBJECT : MAALAEA PLANTATION RURAL RESIDENTIAL SUBDIVISION

Victor K. Ramos
Assistant Chief

This To-From is in response to the Draft Environmental Assessment (Draft EA) submitted on behalf of the applicant MVI LLC. The plan was prepared by V. BAGOYO Development Consulting Group, LLC. The proposed project is a rural and residential subdivision consisting of approximately 75 rural lots and 37 affordable residential housing and a 2.8 acre park, located mauka of Honoapiilani Highway in Ma'alaea.

IMPACT ON POLICE

The draft EA estimates that this project will not significantly affect or increase the population on Maui, as it estimates that potential buyers are already currently residents of Maui. The project will, however, add approximately 336 persons to the area that Kihei patrol officers cover.

It should be noted that there are several major projects planned for development in the Kihei District. Kaonoulu Ranch Industrial Park; a 600 lot subdivision on A&B properties, Kihei Downtown, and the Kihei High School adjacent to the planned Maui Research Technology Park extension are all in the planning and development stages.

TRAFFIC IMPACT

Phillip Rowell and Associates prepared a Traffic Impact Assessment Report (TIAR) for this proposed project. The TIAR concludes that the project is not anticipated to have adverse traffic impacts on Honoapiilani Highway in the vicinity of the project site. Mitigation measures that are being proposed include; additional turn lanes in both the northbound and southbound direction, revised striping and traffic signal modifications at the two existing signalized intersections. According to the TIAR, the proposed project will generate 128 trips during the morning peak hour and 175 trips during the afternoon peak hour.

Access to the project site will be at the existing signalized intersection with North Kihei Road. There will be a second access at the existing signalized intersection with Kapoli Street.

CONCLUSION

The planned mitigation measures will help mitigate traffic issues for this project. The size of the project itself alone may not substantially impact police services, however, combined with the other planned developments in the Kihei district, should be a reason to consider increasing police personnel in the Kihei district.

Respectfully Submitted,

Emily KIBBY #14572
Emily KIBBY #14572
Community Police Officer
Kihei District
4/22/15 @ 1000 Hours

Concur. Developments like this impact police services & should be addressed further in long range planning & Council hearings.
P. J. Galan
4.24.15

NOTED:
MLT #29954
4/22/15 @ 2100 HRS.



BAGOYO

DEVELOPMENT
CONSULTING GROUP

June 30, 2015

Mr. Tivoli S. Fauumu, Chief of Police
Maui Police Department
55 Mahalani Street
Wailuku, HI 96793

Subject: Draft Environmental Assessment (EA) for the Proposed Ma`alaea Plantation
Subdivision Located at TMK: (2) 3-6-001:018, Ma`alaea, Wailuku, Hawaii

Dear Chief Fauumu:

This is to acknowledge receipt of your letter dated April 28, 2015 relative to the above subject project and we want thank you for your comments. As noted in your letter regarding the project's TIAR that the "planned mitigation measures will help mitigate traffic issues for this project".

For your information, the above subject project will be processed as an affordable housing application pursuant to 201H-38, Hawaii Revised Statutes (HRS). the Department of Housing and Human Concerns, County of Maui will be the accepting agency of the EA and a FONSI determination is anticipated. The total unit counts of the project is relatively the same from what was initially submitted for your comments. Based on HRS 201H-38 requirements, the market-priced lots were reduced down to 55 lots and the affordable units were increased from 37 lots to 58 affordable lots resulting with 113 total project's unit counts.

Thank you again for your comments and should you have any further questions or require additional information, please feel free to contact me at (808) 357-3842.

Sincerely,

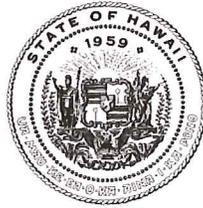


Vince Bagoyo

Cc: Dept. of Housing and Human Concerns (Attn: Mr. Buddy Almeida)
MVI, LLC (Mr. Doug Spencer)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

August 4, 2015

Vince Bagoyo
Bagoyo Development Consulting Group
1500 Kilinoe Place
Wailuku, Hawaii 96793

LOG NO: 2015.02591
DOC NO: 1507JP29
Archaeology

Aloha Mr. Bagoyo:

**SUBJECT: Chapter 6E-42 Historic Preservation Review- Maui County
Draft Environmental Assessment (DEA) for Processing Proposed Ma'alaea Plantation
Affordable Housing Project Pursuant to 201H-38 Hawai'i Revised Statutes
Waikapū and Ukumehame Ahupua'a, Wailuku District, Island of Maui
TMK (2) 3-6-001:018**

Thank you for the opportunity to comment on the aforementioned submittal that we received on July 6, 2015. We reviewed an Environmental Impact Statement (EIS) preparation notice for the subject parcel for the proposed *Ma'alaea Mauka* residential subdivision (*Log 20063579, Doc 0610JP53*). Some of the project details have been adjusted since the EIS notice review including the project name. We reviewed the draft environmental assessment (DEA) and requested the re-submittal of the electronic file (*Log 2015.01176, Doc 1505JP12*). Thank you for dropping off a hard copy of the subject DEA to our Maui office and providing a CD to our Kapolei office.

The proposed *Ma'alaea Plantation* affordable housing and related improvements project includes the development of 113 residential lots on the 257.7 acre parcel. Infrastructure improvements consist of grubbing, grading, drainage systems, internal roadway, utilities, and the construction of affordable residential dwelling units. Individual wastewater systems for the affordably-priced units will be installed by the developer but the market demand units will be installed by individual lot owners. The project will also include an approximate 2.8 acre neighborhood park.

The archaeological inventory survey report was accepted by our office (*Log 2005.1191, Doc 0506MK18*). Three agricultural historic properties were documented as 13 clearing mounds (SIHP 50-50-09-5657), field irrigation modifications (SIHP 50-50-09-5658), and a historic roadway (SIHP 50-50-09-5659). An archaeological monitoring program was established and the plan accepted by our division in 2008 (*Log 2008.1558, Doc 0805PC40*).

Subsequently, we believe that **no historic properties will be affected** by the proposed subdivision, **with the implementation of the accepted monitoring program**. We continue to request that our Maui office is informed, in writing, of the initiation and completion of the upcoming construction monitoring project. Please contact Jenny Pickett at (808) 243-5169 or Jenny.L.Pickett@hawaii.gov if you have any questions or concerns about this letter.

Mahalo,

A handwritten signature in black ink, appearing to read "Morgan E. Davis".

Morgan E. Davis
Lead Archaeologist, Maui Section

cc: County of Maui
Department of Planning
Planning@co.maui.hi.us

County of Maui
Department of Public Works – DSA
Renee.Segundo@co.maui.hi.us

County of Maui
Cultural Resources Commission
Annalise.Kehler@co.maui.hi.us



BAGOYO

DEVELOPMENT
CONSULTING GROUP

August 12, 2015

Ms. Morgan E. Davis
Lead Archaeologist, Maui Section
Dept. of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Blvd., Ste. 555
Honolulu, HI 96707

Subject: Draft Environmental Assessment (EA) for Processing Proposed Ma'alea Plantation
Affordable Housing Project Pursuant to 201H-38, Hawaii Revised Statutes
Ma'alea, Wailuku, island of Maui, HI
TMK: (2) 3-6-001:018

Dear Ms. Morgan:

We acknowledge receipt of your letter dated August 4, 2015 regarding the above subject project. We appreciate and thank you for your comments. As noted in your letter, "*no historic properties will be affected by the proposed subdivision, with the implementation of the accepted monitoring plan*". We will work closely with your Maui office as we implement the development of the proposed project.

Again, thank you for your assistance and please feel free to contact me at (808) 357-3842 should you have any further questions or require additional information.

Sincerely,



Vince Bagoyo

Cc: Mr. Buddy Almeida (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808) 357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



COPY

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

COUNTY OF MAUI
DEPT OF PLANNING
CURRENT DIV-RECEIVED

May 5, 2015

15 MAY 18 P3:13

Mr. Vince Bagoyo
Bagoyo Development Consulting Group
1500 Kilinoe Place
Wailuku, HI 96793

Dear Mr. Bagoyo:

Subject: Draft Environmental Assessment for the Processing of Community Plan Amendment, District Boundary Amendment, Change-in-Zoning, Special Management Area, and Maui Island Plan Growth Boundary Maalaea Plantation Subdivision
TMK: (2) 3-6-001:018
Area: 257 acres

This is in response to your March 25, 2015 letter informing us of MVI LLC's Draft Environmental Assessment (DEA) regarding the Maalaea Plantation Rural and Residential Housing Subdivisions proposal (the Project).

Background:

The 257-acre subject property is located mauka of Honoapiilani Highway in Maalaea is entirely within the State Agricultural District. The Kihei-Makena Community Plan designates the subject property as "Project District 12" and is outside of the "Rural" and "Urban" directed growth boundaries according to the Maui Island Plan. East of the project site, on the makai side of Honoapiilani Highway, are agricultural lands predominantly used for sugarcane cultivation.

The subject property is described to be "currently fallow and vacant" by the DEA, but is also described to have a portion of the project site used for cattle grazing and horse pasture. The subject property was formerly used for cultivating sugar by the Wailuku Agribusiness Company. According to the Land Study Bureau's Detailed Land Classification (LSB) for the Island of Maui, the project site is rated "B," if irrigated. According to the Agricultural Lands of Importance to the State of Hawaii (ALISH), the project site is mostly classified as "Prime" agricultural land. There are three wells that service the project site, identified as Pohakea wells 1, 2, and 3.



Proposed Project:

MVI LLC proposes to subdivide the subject property into 74 one-acre Rural lots (82.5 acres total), 37 affordable residential housing units (10 acres), and a 27.5-acre Rural lot. About 30 acres are planned to go to drainage and 13.2 acres for roadways. The remaining 91.7 acres will be retained in the Agricultural District.

The proposed 74 one-acre lots are to be sold at market value, and the 37 housing units will be sold as affordable units. Proposed improvements within the project include roadways, underground water, drainage, electrical, and telephone systems and landscaping.

The proposed project will require amendments to: (1) the Kihei-Makena Community Plan from "Project District 12" to Rural and Single Family; (2) a Change in Zoning from "Agriculture" to Rural "RU-1," Rural "RU-5," and R-3 residential uses; (3) the Maui Island Plan growth boundary designation to "Rural" and "Urban"; and (4), a District Boundary Amendment from the Land Use Commission (LUC) from "Agricultural" to "Rural" and "Urban" districts.

Comments/Recommendations:

- Pursuant to Section 205-3.5(a), Hawaii Revised Statutes (HRS), approval of a boundary amendment where lands in the petition area are contiguous or adjacent to lands in the Agricultural District shall include the following conditions in the decision granting approval:
 1. A prohibition on any action that would interfere with or restrain farming operations, provided that the farming operations follow generally accepted agricultural and management practices; and
 2. Notification of all prospective developers or purchasers of land or interest in the petition area, and provide or require subsequent notice to lessees or tenants of the land, that farming operations and practices that may include potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration on adjacent or contiguous land in the State Agricultural District are protected under HRS Chapter 165, the Hawaii Right to Farm Act. The notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.
- Information regarding existing cattle grazing and horse pasture on the subject property should be provided, including the number of operations currently engaged in cattle grazing and horse pasture, the number of cattle and horses the operations service, the total amount of acres the operations are using on the subject property, and the length of time the operations have been on the subject property.
- The existing County facilities are not sufficient to service the proposed project's potable and irrigation needs, and private water systems will be needed to service to project site. The total estimated maximum water usage for the completed project that is being used for project planning is 597,345 gallons per day, with the

maximum irrigation application rates estimated to be 3,000 gallons per acre per day. HDOA, for planning purposes, uses an application rate of 3,400 gallons per acre per day which is our standard irrigation water application rate for diversified crops ("Agricultural Water Use and Development Plan", December 2004 revision, page xiv).

- The 91.7 acres of land to be retained in the Agricultural District has been identified as "B" rated lands by the LSB and have good productivity potential for intensive commercial crop production. Previously these lands were used to cultivate sugarcane. Under the Maalaea Plantation Project summary (Exhibit 2 of Appendix M, Adequacy of Water Supply Report by Tom Nance), the County of Maui will be given the right of first refusal to purchase the agricultural lands (Lots 80 and 81) at a price to be agreed upon with MVI LLC. If agricultural use of this area is envisioned, the concept should be further developed in the environmental assessment.
- The Maalaea Plantation Project summary (Exhibit 2 of Appendix M, Adequacy of Water Supply Report by Tom Nance), indicates that Lots 75 and 76 (approximately 11.7 acres) are intended for alternative energy projects if such projects are economically feasible and appropriate.

Thank you for the opportunity to provide our comments. Should you have any questions, please contact Earl Yamamoto at 973-9466 or by email at earl.j.yamamoto@hawaii.gov.

Sincerely,



Scott E. Enright, Chairperson
Board of Agriculture

c: Maui County Planning Department
Office of Planning



BAGOYO

DEVELOPMENT
CONSULTING GROUP

June 30, 2015

Mr. Scott E. Enright, Chairperson
State Board of Agriculture
1428 So. King Street
Honolulu, HI 96814-2512

Subject: Draft Environmental Assessment (EA) for the Proposed Ma'alaea Plantation
Subdivision Located at TMK: (2) 3-6-001:018, Ma'alaea, Wailuku, Hawaii

Dear Mr. Enright:

This is to acknowledge receipt of your letter dated May 5, 2015 relative to the above subject project and we want thank you for your comments. Please be assured that the owner/applicant will comply with your recommendations as noted in your letter. As noted in the draft EA, the proposed subdivision will continue to encourage agricultural activities within the project site. For your information, the revised site plan shows that some of the market-priced lots now have a minimum of 2-acre lot which the applicant believes that it will promote and encourage some form of agricultural farming and to preserve the rural character of the area. The owner/applicant is in discussion with the County administration to consider purchasing approximately 84 acres of the remaining agricultural land within the proposed project.

For your information, the above subject project will now be processed as an affordable housing application pursuant to 201H-38, Hawaii Revised Statutes (HRS). the Department of Housing and Human Concerns, County of Maui will be the accepting agency of the EA and a FONSI determination is anticipated. The total unit counts of the project is relatively the same from what was initially submitted for your comments.

Thank you again for your comments and should you have any further questions or require additional information, please feel free to contact me at (808) 357-3842.

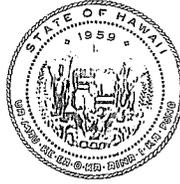
Sincerely,

Vince Bagoyo

Cc: Dept. of Housing and Human Concerns (Attn: Mr. Buddy Almeida)
MVI, LLC (Mr. Doug Spencer)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
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 3 6 001 018
Maalaea Plantation Subd-ID2366

August 12, 2015

Ms. Jo-Ann T. Ridao
Director of Housing and Human Concerns
County of Maui
2200 Main Street Suite 546
Wailuku, Maui, Hawaii 96793

Dear Ms. Ridao:

Subject: Maalaea Plantation Subdivision, Wailuku District
Mauka of Honapiilani Highway, Wailuku, Maui 96793 257 acres
TMK (2) 3-6-001: 018 (EA 2015/0003) 113 residential lots EPO 15-181

Thank you for allowing us the opportunity to provide comments on the above subject project. We have the following information to offer. The subject project is located in the critical wastewater disposal area as determined by the Maui County Wastewater Advisory Committee.

As the proposed subdivision development will involve a total of 113 total residential lots (58 affordable, 55 market value), a wastewater treatment works is required to be provided for the subject project in accordance with Hawaii Administrative Rules (HAR), Section 11-62-31.1(a)(1)(B). The wastewater treatment works shall conform to the applicable provisions specified under HAR, Chapter 11-62, Subchapter 2, entitled Wastewater Treatment Works.

Please be informed that the proposed wastewater systems for the subdivision development may have to include design considerations to address any effects associated with the construction of and/or discharges from the wastewater systems to any public trust, Native Hawaiian resources or the exercise of traditional cultural practices. In addition, all wastewater plans must conform to applicable provisions of the Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems."

Should you have any questions please contact Mark Tomomitsu of our office at (808) 586-4294.

Sincerely,

A handwritten signature in black ink, appearing to read "Sina Pruder".

SINA PRUDER, P.E., CHIEF
Wastewater Branch

LM/MST:lmj

C:: ✓ Mr. Vince Bagoyo, Development Consulting Group
Ms. Laura McIntyre, DOH-Environmental Planning Office (15-181), via email
Mr. Roland Tejano, DOH-WWB's Maui Staff, via email
Mr. Kurt Wollenhaupt, County of Maui, Department of Planning, via email



BAGOYO

DEVELOPMENT
CONSULTING GROUP

August 19, 2015

Ms. Sina Pruder
Chief, Wastewater Branch
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

Subject: Ma'alaea Plantation Subdivision, Wailuku District
Mauka of Honoapiilani Highway, Wailuku, island of Maui
TMK: (2) 3-6-001:018

Dear Ms. Pruder:

We acknowledge receipt a copy of your letter to Ms. Ridao dated August 12, 2015 relative to the above subject project. We appreciate your comments and guidance.

Please note per draft EA that the proposed Ma'alaea Plantation affordable housing project will be processed pursuant to 201H-38, Hawaii Revised Statutes (HRS) through the Department of Housing and Human Concerns, County of Maui. As such, the applicant will be seeking specific exemptions from the County's and State's ordinances, statutes, rules and regulations.

Again, thank you for your comments and should you have any questions or require additional information, please feel free to contact me at (808) 357-3842.

Sincerely,


Vince Bagoyo

Cc: Mr. Buddy Almeida (Department of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808) 357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

DAVID Y IGE
GOVERNOR

MAJOR GENERAL ARTHUR J. LOGAN
DIRECTOR OF EMERGENCY MANAGEMENT



DOUG MAYNE
ADMINISTRATOR OF EMERGENCY MANAGEMENT

PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF EMERGENCY MANAGEMENT / CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

August 24, 2015

Mr. Vince Bagoyo
Bagoyo Development Consulting Group
1500 Kilinoe Place
Wailuku, Hawaii 96793

Dear Mr. Bagoyo:

Draft Environmental Assessment (DEA) for
Proposed Maalaea Plantation Affordable Housing Project

Thank you for the opportunity to comment on this proposed development.

The proposed multi-family and mixed-use 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, and the hardening of proposed community facilities so as to withstand high-wind and seismic events.

Additionally, there is insufficient outdoor warning siren coverage for the project location. We recommend the installation of one (1) solar powered 121 db siren mounted on a 45-foot, H2 rated composition pole. Hawaii Emergency Management Agency will work with the project developer to determine proper location of the siren.

If you have any questions please call Havinne Okamura, Hazard Mitigation Planner, at (808)733-4300, extension 556.

Sincerely,

A handwritten signature in black ink, appearing to read "Vern T. Miyagi".

VERN T. MIYAGI
Acting Administrator of Hawaii Emergency Management



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 13, 2015

Mr. Vern T. Miyagi
Acting Administrator
Dept. of Defense -Hawaii Emergency Management
3949 Diamond Head Road
Honolulu, HI 96816-4495

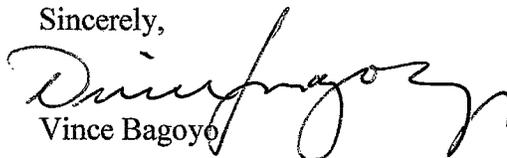
Subject: Draft Environmental Assessment (EA) for Proposed Ma`alaea Plantation
Pursuant to 201H, Hawaii Revised Statutes (HRS)
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Mr. Miyagi:

This is to acknowledge receipt of your letter dated August 24, 2015 regarding the above subject project. We appreciate your comments and recommendations to incorporate hardening measures for safe rooms within the planned residential facilities so as to withstand high-wind and seismic events. The applicant will comply with the Maui County's applicable building codes for the proposed project. With regards to outdoor warning siren coverage, according to the Maui Civil Defense office, there are two emergency warning sirens located in very close proximity from the project site. One warning siren is located across the project site at Hauoli Street and the second siren is located at Haycraft Park, both are at Ma`alaea.

Thank you again for your kind comments and should you have further questions, please feel free to contact me at (808) 357-3842.

Sincerely,



Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROUP@HAWAII.RR.COM



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawaii 96850

In Reply Refer To:
01EPIF00-2015-TA-0389

Mr. Vince Bagoyo
Bagoyo Development Consulting Group
1500 Kilinoe Place
Wailuku, Hawaii 96793

SEP 18 2015

Subject: Comments on Draft Environmental Assessment for Maalaea Plantation
Affordable Housing Project, Wailuku, Maui

Dear Mr. Bagoyo:

The U.S. Fish and Wildlife Service (Service) received your correspondence on August 10, 2015, inviting comments on a draft EA for a proposed Affordable Housing Project in Wailuku on the island of Maui. The proposed action is on a 257-acre plot near the junction of Honoapiilani Highway and North Kehei Road (TMK (2) 3-8-005:002). The action includes constructing 103 housing lots on 127 acres, 84 acres of agricultural land, 2.8 acres of park, 30 acres of drainage and retention basins, and 13.2 acres of road. Based on information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity Program (ECP), there are seven listed and one candidate species possibly in the vicinity of the project area that are of concern: the federally endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), Blackburn's sphinx moth (*Manduca blackburni*), Hawaiian stilt (*Himantopus mexicanus knudseni*), Hawaiian coot (*Fulica alai*), Hawaiian Goose (*Branta sandvicensis*), and Hawaiian petrel (*Pterodroma sandwichensis*), threatened Newell's shearwater (*Puffinus newelli*), and a candidate species, the band-rumped storm-petrel (*Oceanodroma castro*).

Hawaiian hoary bat

The Hawaiian hoary bat is known to occur across a broad range of habitats throughout the State of Hawaii. 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 Hawaiian hoary bat breeding season (June 1 to September 15), there is a risk that young bats that cannot yet fly on their own 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. Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. The Service, therefore, recommends that barbed wire not be used for fencing as part of this proposed action.

Blackburn's sphinx moth

The Blackburn's sphinx moth could potentially be in the vicinity of the proposed project 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*). To pupate, the larvae burrow into the soil and can remain in a state of torpor for up to a year (or more) before emerging from the soil. Soil disturbance can result in death of the pupae. The Service recommends that a qualified biologist survey areas of proposed construction activities for Blackburn's sphinx moth and its host plants prior to work initiation. We recommend these surveys be conducted during the wettest portion of the year (usually November-April or several weeks after a significant rain) and immediately prior to construction. Surveys should include searches for eggs, larvae, and signs of larval feeding (chewed stems, frass, or leaf damage). Any host plants of Blackburn's sphinx moth identified should not be cut or disturbed.

Hawaiian waterbirds and Hawaiian goose

The Hawaiian stilt, Hawaiian coot (collectively referred to as waterbirds) and Hawaiian goose are known to occur in the vicinity of your project area. Based on the project details provided, our information suggests that your project may result in standing water or creation of open water, thus attracting Hawaiian waterbirds and Hawaiian geese to the site. In particular, the Hawaiian stilt is known to nest in sub-optimal locations (e.g., any ponding water) if water is present. Hawaiian waterbirds attracted to sub-optimal habitat may suffer adverse impacts, such as predation and reduced reproductive success, and thus the project may create an attractive nuisance. To avoid potential adverse impacts to listed Hawaiian waterbirds and Hawaiian geese, we recommend the project occur outside of the Hawaiian stilt breeding season (February through August). If the Hawaiian stilt breeding season cannot be avoided, we recommend you work with our office so that we may assist you in developing specific measures to avoid impacts to listed species (e.g., fencing, vegetation control, predator management). The Service would like to discuss technical designs of your retention basins to limit potential project impacts to listed species. We recommend that retention basins be covered, and if not covered, we suggest that use of bird balls or other methods of deterring waterbirds from using the site.

Hawaiian Seabirds

Seabirds, including the Newell's Shearwater, Hawaiian Petrel, and Band-Rumped Storm-Petrel, fly at night and are attracted to artificially-lighted areas resulting in disorientation and subsequent fallout due to exhaustion. Seabirds are also susceptible to collision with objects that protrude above the vegetation layer, such as utility lines, guy-wires, and communication towers. Additionally, once grounded, they are vulnerable to predators and are often struck by vehicles along roadways. To reduce potential impacts to seabirds, we recommend the following minimization measures be incorporated into your project description:

- Construction activities should only occur during daylight hours. Any increase in the use of nighttime lighting, particularly during peak fallout period (September 15 through December 15), could result in additional seabird injury or mortality.
- If lights cannot be eliminated due to safety or security concerns, then they should be positioned low to the ground, be motion-triggered, and be shielded and/or full cut-off. Effective light shields should be completely opaque, sufficiently large, and positioned so that the bulb is only visible from below.

Recommendations for Recreational Land Use

To minimize potential adverse impacts to listed wildlife, we suggest that free movements of pets (*i.e.*, dogs off leash) be prohibited on the property. Furthermore, educational signs should be used to inform path users of leash laws and the presence of sensitive species. We also recommend the use of sturdy animal-proof garbage containers to reduce the attraction of the area to non-native and feral species, such as house mice, rats, and feral cats. To minimize potential spread of exotic, invasive vegetation, we suggest the use of native plants in the landscaping of the property.

Landscape Suggestions – Native Species

Hawaii's native ecosystems are heavily impacted by exotic invasive plants. Whenever possible we recommend using native plants for landscaping purposes. If native plants do not meet the landscaping objectives, we recommend choosing species that are thought to have a low risk of becoming invasive. The following websites are good resources to use when choosing landscaping plants: Pacific Island Ecosystems at Risk (<http://www.hear.org/Pier/>), Hawaii-Pacific Weed Risk Assessment (www.botany.hawaii.edu/faculty/daehler/wra/full_table.asp.html) and Global Compendium of Weeds (www.hear.org/gcw).

Implementation of these measures will minimize but does not ensure that take of listed species associated with this proposed action will be fully avoided. Thank you for your efforts to conserve listed species and native habitats. Please contact Fish and Wildlife Biologist Jon Sprague (808-792-9573) if you have any questions or for further guidance.

Sincerely,



Michelle Bogardus
Island Team Leader
Maui Nui and Hawaii Island



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 13, 2015

Ms. Michelle Bogardus
Island Team Leader – Maui Nui and Hawaii Island
U.S. Fish and Wildlife Service
300 Ala Moana Blvd., Room 3-122
Honolulu, HI 96850

Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation
Pursuant to 201H-Hawaii Revised Statutes (HRS)
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Ms. Bogardus:

This is to acknowledge receipt of your letter dated September 18, 2015 regarding the above subject project. We wish to thank you and very much appreciate your comments and recommendations as noted in your letter. The applicant intends to fully comply with your recommendations during the development of the proposed subdivision.

Again, thank you for your guidance and should you have any further comments or questions, please feel free to contact me at (808) 357-3842.

Sincerely,



Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
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

September 17, 2015

Bagoyo Development Consulting Group
Attention: Mr. Vince Bagoyo
1500 Kilinoe Place
Wailuku, Hawaii 96793

via email: ybagoyo-devgroup@hawaii.rr.com

Dear Mr. Bagoyo:

SUBJECT: Proposed Ma'alaea Plantation Affordable Housing Project

Thank you for the opportunity to review and comment on the subject matter. In addition to the comments previously sent you on September 8, 2015, enclosed are comments from the Commission on Water Resources Management on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
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

August 14, 2015

MEMORANDUM

TO:

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division – Maui District
- Historic Preservation

FR:

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Proposed Ma'alaea Plantation Affordable Housing Project

LOCATION:

Ma'alaea, Wailuku, Island of Maui; TMK: (2) 3-6-001:018

APPLICANT:

County of Maui, Department of Housing and Human Concerns

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document which can be located here:

<https://sp01.ld.dlnr.hawaii.gov/LD/> (then click on "Request for Comments", then click on the subject link.

Username: LD/Visitor

Password: Opa\$\$word0 (first and last characters are zeros, not O's)

Please submit any comments by **September 4, 2015**. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

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

Signed: /s/ Jeffrey T. Pearson, P.E.

Print Name: Deputy Director

Date: September 10, 2015

cc: Central Files

APPROPRIATE AGENCIES
AND DEPARTMENTS
ADVISED BY ROUTING SLIP(S)
DATE: 8/14/15
BY: [Signature]

RFD-4238.6
13410V

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON

WILLIAM D. BALFOUR, JR.
KAMANA BEAMER, PH.D.
MICHAEL G. BUCK
MILTON D. PAVAO
VIRGINIA PRESSLER, M.D.
JONATHAN STARR

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

September 10, 2015

REF: RFD.4238.6

TO: Mr. Russell Tsuji, Administrator
Land Division Oahu, DLNR-LD

FROM: Jeffrey T. Pearson, P.E., Deputy Director
Commission on Water Resource Management *JTP*

SUBJECT: Proposed Maalaea Plantation Affordable Housing Project

FILE NO.: RFD.4238.6
TMK NO.: (2) 3-6-001:018

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://dlnr.hawaii.gov/cwrm>.

Our comments related to water resources are checked off below.

1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.
5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.
6. We recommend the use of alternative water sources, wherever practicable.
7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>.
8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at http://www.hawaiiscap.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf.

- 9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
 - 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
 - 11. A Well Construction Permit(s) is (are) are required before the commencement of any well construction work.
 - 12. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
 - 13. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
 - 14. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
 - 15. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
 - 16. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
 - 17. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
 - 18. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- OTHER: The subject parcel is part of the Waikapu Surface Water Management Area. A surface water use permit (SWUP) application for existing use was filed with the Commission by David Nobriga (Nobriga's Ranch) on April 27, 2009. The application is currently being considered as part of a contested case hearing, but had originally sought a SWUP in the amount of 25,776 gallons per day. Please describe the relation of this project to the pending SWUP application, if any.

If you have any questions, please contact Lenore Ohye of the Planning Branch at 587-0216 or Dean Uyeno of the Stream Protection and Management Branch at 587-0249.



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 13, 2015

Mr. Russell Y. Tsuji
Land Administrator
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Subject: Draft Environmental Assessment (EA) for Ma'alea Plantation
Pursuant to 201H, Hawaii Revised Statutes (HRS)
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Mr. Tsuji:

This is to acknowledge receipt of your letter dated September 17, 2015 regarding the above subject project. We thank you and sincerely appreciate for sending us the comments from the Commission on Water Resources Management (CWRM) on the subject matter. The applicant intends to comply with CWRM's recommendations as noted in Mr. Jeffrey T. Pearson's letter dated September 10, 2015. More specifically, the applicant will implement water efficient fixtures and water efficient practices throughout the development of the proposed project. Also, as noted in the draft EA, the applicant will use best management practices (BMPs) for storm management to minimize any potential impact of the project to the existing area's hydrology. In addition, the applicant will reuse the concentrate from the proposed RO system to irrigate the drainage retention basins and other common areas to reduce the use of potable water for irrigation. Finally, the applicant will comply with your recommendation to adopt landscape irrigation conservation best management practices within the proposed project.

Again, thank you for your kind comments and should you have further questions or require additional information, please feel free to contact me at (808) 357-3842.

Sincerely,

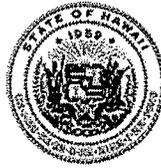
Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROUP@HAWAII.RR.COM

PHONE (808) 594-1888

FAX (808) 594-1938



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAII 96817

HRD15/7440B

September 14, 2015

Vince Bagoyo
Bagoyo Development Consulting Group
1500 Kilinoe Place
Wailuku, HI 96793

Re: Request for Comments on the Draft Environmental Assessment for the Processing of District Boundary Amendment for the Proposed Mā'alaea Plantation Affordable Housing Project
Ukumehame Ahupua'a, Lāhainā Moku, Maui Island
Tax map key (2) 3-6-001:018

Aloha Mr. Bagoyo:

The Office of Hawaiian Affairs (OHA) is in receipt of your August 7, 2015 letter requesting comments on the draft environmental assessment (DEA) for the actions proposed above. The project proponent, MVI, LLC, plans to develop the Mā'alaea Plantation Affordable Housing Project to include 58 affordable units, 55 one-acre lots at market value, a neighborhood park, and related infrastructure improvements.

Previously, Mā'alaea Plantation Affordable Housing Project was named Mā'alaea Plantation Subdivision including 75 rural lots and 37 affordable housing units. OHA commented on the DEA for the Mā'alaea Plantation Subdivision in May 7, 2015. Previous to the project being Mā'alaea Plantation Subdivision, it was named 'Ohana Kai Village and it was comprised of 1,100 residential housing units and a village commercial town center. In 2010, Maui County found that the final environmental impact statement (FEIS) was adequate and satisfied all legal requirements. However, the Mā'alaea Community Association and Maui Tomorrow Foundation, Inc. challenged the acceptance of the FEIS in state court. The Circuit Court found that the FEIS was inadequate and that it did not meet all requirements enumerated by Hawai'i Administrative Rules 11-200-23(b) or Hawai'i Revised Statutes Chapter 343. Specifically, the court stated that

the FEIS failed to adequately consider environmental impacts in two areas: (1) the injection wells, and (2) the potential for increased salinity in the existing three drinking water wells. In response to the Court's holding, MVI revised its plan as Mā'alaea Plantation Subdivision. The downsizing of the project from 1,100 to 112 units appears to have addressed both of the court's concerns by no longer requiring injection wells and using reverse osmosis on the three existing wells to reduce salinity for the potable water. There was no reason pointed for the project revision from the Mā'alaea Plantation Subdivision to the Mā'alaea Plantation Affordable Housing Project.

For the revised Mā'alaea Plantation Affordable Housing Project, OHA offers the following comments.

Affordable Housing

OHA appreciates that 58 affordable housing dwelling-units, 51% of the overall project, are being proposed and will be sold in fee simple to those earning 80 percent to 120 percent of Maui's median income. We understand the need for affordable housing, as one of OHA's strategic goals focuses on improving Native Hawaiians' economic self-sufficiency, centering its efforts on two critical goals: increasing homeownership and increasing family income in Native Hawaiians.

Agriculture

The proposed site of Mā'alaea Plantation Affordable Housing Project is currently designated for agricultural use by the State of Hawai'i Land Use Commission (LUC). MVI will be asking the LUC to change its designations from agricultural to urban. These amendments and permits require compliance with Hawai'i Revised Statutes, Chapter 343 (i.e., Hawai'i's Environmental Review Law).

The project site is categorized as Agricultural Lands Important to the State of Hawai'i, and designated as B72i by the University of Hawai'i Land Study Bureau. B72i lands are characterized as stony, well-drained lands and moderately suited for machine tillability and are most commonly used for sugarcane cultivation and grazing.

OHA understands that the Mā'alaea Plantation Affordable Housing Project is a rural residential subdivision, allowing for small-scale agriculture. In addition, we understand that portions of the property will remain in agricultural designation for agricultural uses. However, the DEA states that due to the rural residential subdivision and the remaining portions of agricultural land within the Mā'alaea Plantation Affordable Housing Project, no mitigation is needed because there will be no impact upon the agricultural production on Maui Island. We respectfully disagree, as the development of large tracts of agricultural land takes it out of current and future agricultural use, whether cultivation or pasture, and has an impact upon the overall agricultural potential of the island and the state. All agriculturally designated lands play an important role in supporting the State of Hawai'i's food self-sufficiency goals, including the Aloha+ Challenge target of doubling local food production by 2030. Therefore, we ask that MVI propose mitigation efforts towards its conversion of agricultural land.

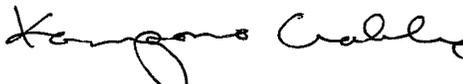
Archaeological and Cultural Resources

An archaeological inventory survey (AIS) of the proposed parcels was completed in February 2005 by Scientific Consultant Services (SCS). The AIS involved a pedestrian survey, historic background research, and subsurface testing. Three historic sites, all associated with sugarcane cultivation, were the only ones identified. OHA understands that previous use of the land was sugarcane cultivation and pasture, which would have likely disturbed or destroyed surface cultural sites. Nevertheless, OHA does request assurances that should iwi kūpuna or Native Hawaiian cultural deposits be identified during any ground altering activities, all work in the area will immediately cease and the appropriate agencies, including OHA, will be contacted pursuant to applicable law.

OHA, further, concurs with SCS's recommendation that an archaeologist be present during all earth-moving activity, and the Archaeological Monitoring Plan, which was approved in May 2008 by the State of Hawai'i Department of Land and Natural Resources State Historic Preservation Division.

Mahalo for the opportunity to comment. Should you have any questions, please contact Jeannin Jeremiah at 594-1790 or by email at jeanninj@oha.org.

'O wau iho nō me ka 'oia 'i'o,



Kamana'opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

KC:jj

C: Mr. Douglas Spencer - MVI, LLC



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 13, 2015

Mr. Kamana`opono M. Crabbe, Ph.D
Chief Executive Officer
Office of Hawaiian Affairs
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

Subject: Draft Environmental Assessment (EA) for Ma1alaea Plantation
Pursuant to 201H, Hawaii Revised Statutes (HRS)
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Mr. Crabbe:

This is to acknowledge receipt of your letter dated September 14, 2015 regarding the above subject project and we appreciate your comments. As noted in the draft EA, the proposed project includes the development of 58 affordable housing dwelling units to be made available to qualified individuals earning within the 80% to 120% of Maui median income pursuant to the Department of Housing and Human Concerns' Affordable Sales Guidelines. We fully concur with your department's assessment of the critical need to develop affordable housing to meet the demand for affordably-priced housing units for Maui's working families. In addition, recognizing the need to preserve the rural character of the site, the applicant has proposed to develop rural lots (approximately 129.479 acres) consistent with the purpose and intent of Chapter 19.29.010, Maui County Code, to allow small-scale agricultural uses of the site. Also, large portion of the project site will remain in agricultural district (approximately 106.29 acres) for agricultural uses and other allowable uses.

Finally, the applicant will fully comply with your department request of assurances that should iwi kupuna or Native Hawaiian cultural deposits are identified during any ground altering activities, all work in the area will immediately cease and the appropriate agencies, including OHA, will be contacted pursuant to applicable law.

Thank you again for your comments and recommendations, and should you have further questions, please feel free to contact me at (808) 357-3842.

Sincerely,

Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
ACTING DIRECTOR
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
Web: <http://planning.hawaii.gov/>

Ref. No. P-14903

September 9, 2015

Mr. Vince Bagoyo
Bagoyo Development Consulting Group
1500 Kilinoe Place
Wailuku, Hawaii 96793

Dear Mr. Bagoyo:

Subject: Draft Environmental Assessment (EA) for Proposed Maalaea Plantation
Affordable Housing Project Pursuant to 201H-38, Hawaii Revised Statutes
TMK: (2) 3-6-001: 018
Maalaea, Wailuku, Maui, Hawaii

Thank you for the opportunity to review the Draft EA for the proposed Maalaea Plantation Subdivision consisting of a total of 113 residential lots. The applicant is proposing to construct 58 affordable single-family dwellings, which will meet the 80 to 120 percent average median income range, and 55 rural lots with infrastructure improvements. Improvements will include water, drainage, utilities and roadways, but no wastewater infrastructure. Individual wastewater improvements will be completed by each landowner during the construction of the individual single-family dwellings. Also proposed is a 2.8 acre neighborhood park.

The total land area is approximately 257 acres within the State Agricultural District. The site is not within the Urban Growth Boundary for the Maui Island Plan, and is designated for Agriculture in the Community Plan. The site was previously used for sugar cane cultivation and is designated as mostly Prime Agricultural lands by the Agricultural Lands of Importance to the State of Hawaii system, and with soils rated B by the Land Study Bureau.

Receipt of the letter of comments, dated May 6, 2015, on the earlier Draft EA from the Office of Planning (OP) was acknowledged on July 6, 2015, by the agent V. Bagoyo Development Consulting Group, LLC.

The Office of Planning (OP) has the following comments:

1. OP's comments from our letter dated May 6, 2015 are still valid and should be considered in the formulation of the Final EA. Of potential relevance to the pending petition, any previous land use proposals for development of the site, notably Docket No. A06-765 which was filed in May 2006 with the Land Use Commission (LUC) and

subsequently withdrawn, should be described in the context of the current proposal. Other dockets and land use chronology which may affect the petition should also be disclosed in Chapter IV.

2. Page 2 et seq. Proposed Action. The Final EA should disclose the potential ohana or accessory dwelling units that can be accommodated on the lots pursuant to Maui County regulations. The maximum number of units that can be developed should then be the basis for evaluating the potential infrastructure demand and impacts, including, roads, water, sewer, and public facilities impacts such as on parks and schools.
3. Page 2 et seq. Proposed Action. Given the pending processing of a 201H application, the specific zoning and regulatory exemptions to be sought should be listed and described.
4. Page 4-5 of this Draft EA, the proposed 58 affordable residential housing units will be made available for sale to qualified individuals earning within the 80% to 120% of Maui median income as set forth by the County of Maui, Department of Housing and Human Concerns' Affordable Sales Price Guidelines. The Final EA should provide a range of 80% to 120% of Maui median income in terms of dollar amount for public information for the proposed affordable housing units. The Final EA should further provide and discuss prices range for the affordable housing units as the Draft EA did for the market-priced rural lots.
5. Page 9-10, this EA will serve as a primary technical supporting document for the HRS § 201H-38 application, and district boundary amendment petition for the proposed project. The Final EA should add a section to discuss and summarize why and how the proposed housing project will be consistent with the purpose and intent of HRS Chapter 201H, and meet minimum requirements of health and safety.
6. Pages 10 and Page 85 to 86. The DEA should include a full description of the acreage and proposal for reclassification of State Agricultural lands to the proposed reclassification(s). The proposal for reclassification should be detailed in the DEA, and should clearly indicate the land area and the proposed reclassification that the Petition area is proposed for, for example, how many acres and where are proposed for reclassification into the State Urban District, and how many acres and where are proposed for reclassification into the State Rural District.
7. Page 9-10. The Petitioner should clarify with the County Housing agency and the LUC whether the application can be filed simultaneously as indicated by the DEA, as shown here:
 - a. The DEA indicates that the, "the Applicant will simultaneously file a petition for a district boundary amendment (DBA) with the State Land Use Commission (SLUC) to reclassify portions of the subject parcel from the "Agriculture" to the

“Urban” district and will follow the provisions of Section 15-15-97 of the Land Use Commission Rules, pertaining to Section 201H-38 HRS processing of the project’s application.”

8. Page 18-2, and Page 59, Flora and Fauna. The EA indicates that there were two (2) endangered species that were found on the property. The endangered Hawaiian Hoary Bat, the endangered Blackburn’s Sphinx Moth was detected on the Petition area. The EA also indicates that there were two other native insect species of concern that was found on the site. The EA indicated that consultation with the U.S. Fish and Wildlife Service (USFWS) will be undertaken regarding these animals. However, on Page 59, this section indicates that there are no rare, threatened or endangered species of flora or fauna on the site, and that no mitigation measures are needed. These sections are contradictory, and this should be resolved prior to the filing of any applications to either the County or the Land Use Commission.

Prior to the Land Use Commission reclassification process, the Petition should include a discussion of the proposed mitigation measures and results of the consultation with the USFWS, as indicated by the DEA.

9. Page 76, Wastewater. In consideration that the wastewater will not be connected to the county municipal sewer system, the Final EA should describe more specifically the type of individual wastewater systems to be used, disposal means, and how these comply with applicable DOH wastewater regulations.
10. Page 87, HAR Section 15-15-18. Only 5 of the 8 criteria for the Urban District are addressed – all criteria should be assessed.
11. Page 85, LUC Rules. Given the expedited 201H processing and the role of the EA as the primary supporting document, we request that the Final EA also discuss and address the conformance of the proposed petition with the LUC decision-making criteria of HRS Section 205-17.
12. Page 90 et seq., Hawaii State Plan. The discussion does not address the sustainability priority guidelines of HRS Section 226-108. We request that a sustainability plan be provided as part of the Final EA or petition describing the sustainable development, smart growth and livability principles, resource conservation, and green building measures that are expected to be employed in the development. See OP Technical Assistance Memorandum in http://files.hawaii.gov/dbedt/op/docs/OP_TAM_2013-12-03.pdf

Mr. Vince Bagoyo
September 9, 2015
Page 4

Thank you for the opportunity to review this project. If you have any questions, please call Lorene Maki of our Land Use Division at (808) 587-2888 or Shichao Li of our Coastal Zone Management Program at 587-2841.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Asuncion', with a large, stylized flourish at the end.

Leo R. Asuncion
Acting Director

c: Land Use Commission



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 12, 2015

Mr. Leo R. Asuncion
Acting Director
Office of State Planning
P.O. Box 2359
Honolulu, HI 96804

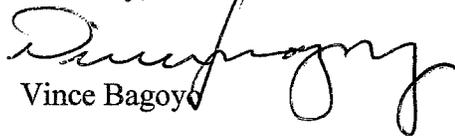
Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation
Pursuant to 201H, Hawaii Revised Statutes (HRS)
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Mr. Asuncion:

This is to acknowledge receipt of your letter dated September 9, 2015 regarding the above subject project. We appreciate your comments as noted in your letter and pleased to inform you that your comments have been included and fully addressed in the final environmental assessment for the proposed Ma`alaea Plantation project.

Once again, thank you for your guidance and should you have any further questions, please feel free to contact me at (808) 357-3842)

Sincerely,



Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)



STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

August 25, 2015

Mr. Vince Bagoyo
Bagoyo Development Consulting Group
1500 Kilinoe Place
Wailuku, Hawaii 96793

Re: Draft Environmental Assessment for the Proposed Maalaea Plantation Affordable Housing Project, Maalaea, Hawaii, TMK: 3-6-001:018

Dear Mr. Bagoyo:

The Department of Education (DOE) has reviewed the Draft Environmental Assessment (DEA) for the proposed Maalaea Plantation Affordable Housing Project (Project) in Maalaea, Maui.

The DOE estimates the total number of students residing in the Project will be relatively small. However, we do not share the position taken in the DEA that the Project will have no adverse impacts on school enrollments and that no mitigation measures are required. We estimate that when Maalaea Plantation is a mature development and the turnover of lots has stabilized, there would be approximately 55 DOE students, kindergarten to grade 12, living in the project.

The Maalaea area is currently served by Puu Kukui Elementary School, Maui Waena Intermediate School, and Maui High School. The area is not served by the DOE schools located in Kihei, as indicated on page 37 of the DEA.

The State Legislature created the school impact fee program in 2007 to collect school land and fees for school construction from residential developers building in areas that will require more school facilities. In November 2010, the Board of Education (BOE) determined that central Maui is a growth area that will require new schools and expanded existing schools, so they approved the creation of the Central Maui School Impact Fee District, which is discussed below.

Puu Kukui Elementary enrollment in the 2014-2015 school year exceeded the school's design enrollment by 100 students. In the next five years, enrollment is expected to grow and remain above levels the school was designed for. The Project's own impact on enrollment would be approximately 26 additional students, enough to fill one more classroom. The DOE has determined that there is a need for another elementary school to serve the southern portion of central Maui, including Maalaea. According to legislative design, the site of the new school and 10 percent of the construction costs of the new school will be financed by school impact fees collected from each new residential unit in the Central Maui School Impact Fee District.

Mr. Vince Bagoyo
August 25, 2015
Page 2

Maui Waena and Iao Intermediate Schools have a limited amount of additional classroom capacity. The DOE is working to secure a middle school site that would serve the southern portion of central Maui. Impact fees will also be used for the development of this future middle school.

There would be sufficient classroom space at Maui High School to accommodate additional students who would be living at Maalaea Plantation.

Decisions on which areas are served by a new school, or which schools will serve new residential areas are determined at the local level by the complex area superintendent who is responsible for all the schools in the Baldwin and Maui High School complexes.

The DOE firmly believes that the DEA must acknowledge that Maalaea Plantation is located in the Central Maui School Impact Fee District – Wailuku Cost Area. The BOE approved the establishment of the District based on the projected need for new schools within the District. School impact fees have been collected from new residential projects in Central Maui since January 2013.

The law on School Impact Fees (Chapter 302A-1601 to 1612, Hawaii Revised Statutes) includes the requirement that prior to approval of “any change of zoning, subdivision, or any other approval” that the DOE shall notify the approving agency of its decision whether to require a residential development to provide school land or a fee in lieu of land. As this statute applies to the Project, the determination is formalized in an Educational Contribution Agreement (ECA) with the DOE. The DOE has not been contacted by the developer in order to make such a determination.

The DOE is concerned about inaccurate statements concerning a future high school in the Kihei area that appear on pages 38 and 69. The status of the high school has no relevance to the school enrollment impact of the Maalaea Plantation project, but the erroneous material is misleading and could be taken out of context. The DOE has acquired a high school site in Kihei but the project is in a pre-design phase. The school is not in the final stages of planning and design and there is no date set for the start of construction.

The DOE received an appropriation of \$30 million for testing and drilling non-potable water wells and other infrastructure improvements for the high school site. Future funding will be required to begin construction of the first phase of the school.

Finally, the DOE needs to address the faulty logic on page 69 that suggests that because some of the residents of the project will be current Maui residents, the project will not significantly increase student populations. The Maalaea Plantation project will add 113 new residences. The fact that some of the new residents lived in other houses on Maui does not nullify the Project’s impact, unless the Maui residents destroy their former homes. Other families will reside in the houses vacated by the people moving to Maalaea. The project adds new students to the Baldwin and Maui High School Complexes, whether their families migrated from outside of Maui or inside Maui.

Mr. Vince Bagoyo
August 25, 2015
Page 3

The DOE finds the DEA for the Maalaea Plantation Project to be incomplete and misleading. The DEA provides no information on which exemptions from laws it will be seeking, so reviewers are unable to gauge the impact of the exemption approvals. We are asking for corrections and more information on the developer's intentions.

If you have any questions, please call Heidi Meeker of the Facilities Development Branch at (808) 377-8301.

Respectfully,



Kenneth G. Masden
Public Works Manager
Planning Section

KGM: jmb

c: Alvin Shima, Complex Area Superintendent, Baldwin and Maui High School Complexes
Leo R. Asuncion, Office of Planning
Craig Hirai, Hawaii Housing Finance and Development Corporation
Jan Shishido, Maui County Department of Housing and Human Concerns



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 12, 2015

Mr. Kenneth G. Masden
Public Works Manager – Planning Section
State Dept. of Education
P.O. Box 2360
Honolulu, HI 96804

Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation Project
Pursuant to 201H, Hawaii Revised Statutes (HRS)
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

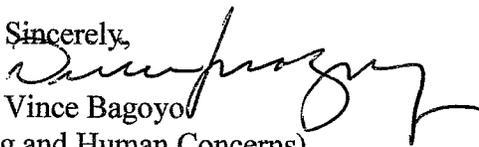
Dear Mr. Masden:

This is to acknowledge receipt of your letter dated August 25, 2015 regarding the above subject project and we appreciate your comments. Per your letter, “DOE estimates the total number of students residing in the project will be relatively small”. It is estimated that when Ma`alaea Plantation is a mature development, there would be approximately 55 DOE students, kindergarten to grade 12, living in the project. The applicant understands that decisions on which areas are served by a new school, or which schools will serve new residential areas are determined at the local level by the complex area superintendent.

Per your recommendation, the applicant acknowledges that the proposed Ma`alaea Plantation project is located in the Central Maui School Impact Fee District. Such acknowledgment is incorporated in the final environmental assessment document. As noted in the EA report, the project is being processed pursuant to 201H, Hawaii Revised Statutes to meet the critical demand for affordable housing units for Maui’s working families. Per 201H-38, HRS, promotes the delivery of affordable housing project by providing exemptions from “all statutes, ordinances, charter provisions, and rules of any government agency....” Based on this provision, the applicant intends to seek exemptions from Chapter 302A-1601 to 1612, HRS for the affordable units within the proposed Ma`alaea Plantation project.

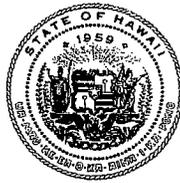
Thank you again for your kind comments and should you have further questions, please feel free to contact me at (808) 357-3842.

Sincerely,


Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM



STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, HAWAII 96793-3378

August 27, 2015

Mr. Vince Bagoyo
Bagoyo Development Consulting Group
1500 Kilinoe Place
Wailuku, Hawaii 96793

Dear Mr. Bagoyo:

Subject: Draft Environmental Assessment for Ma`alaea Plantation Affordable Housing
Project, Ma`alaea, Wailuku, Maui, Hawaii
TMK: (2) 3-6-001:018 (EA 2015/0003)

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 may be required for this project. The Clean Water Branch should be contacted at 808 586-4309. You may also call them toll free at 808 984-2400, then enter 64309#.
2. The proposed subdivision cannot exceed 50 lots if 10,000 square foot lots are used. Should the subdivision exceed the allowable 50 lots, a Private Wastewater Treatment Plant is required or the project must connect to the County sewer system. Please see comment letter dated August 12, 2015, from Ms. Sina Pruder. If you have any questions, please call Roland Tejano, Environmental Engineer, at 808 984-8232.
3. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor & Radiological Health Branch at 808 586-4700. You may also call them toll free at 808 984-2400, then enter 64700#.

Mr. Vince Bagoyo

August 27, 2015

Page 2

4. The proposed subdivision was formally sugarcane fields. All lands formerly in the production of sugarcane should be characterized for arsenic contamination. Please contact the Hazard Evaluation and Emergency Response (HEER) Office of the State Department of Health for approval. Please contact them at 808 586-4249. You may also call them toll free at 808 984-2400, then enter 64249#.
5. During the construction phase, the project may create a large amount of dust. The Clean Air Branch should be consulted at 808 586-4200. You may also call them toll free at 808 984-2400, then enter 64200#.

It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please contact me at patricia.kitkowski@doh.hawaii.gov or 808 984-8230.

Sincerely,



Patti Kitkowski

District Environmental Health Program Chief

c EPO



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 12, 2015

Ms. Patty Kitkowski
District Environmental Health Program Chief
State Department of Health
54 High Street
Wailuku, HI 96793

Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation
Pursuant to 210H, Hawaii Revised Statutes (HRS)
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Ms. Kitkowski:

This is to acknowledge receipt of your letter dated August 27, 2015 regarding the above subject project and we do appreciate your comments. As noted in our earlier letter to your office, the applicant intends to fully comply with your comments and recommendations during the implementation of the development of the proposed project.

The Ma`alaea Plantation project is being processed pursuant to 201H, HRS, that facilitate and promote the delivery of housing project by providing exemptions from all statutes, ordinances charter provisions, and rules of any government agency. Based on the 201H-38, HRS, the applicant plans to seek various exemptions from County and State standards and statutes to facilitate the development of affordable housing to meet the critical housing needs of Maui's working families.

Thank you again for your kind comments, and should you have further questions, please feel free to contact me at (808) 357-3842.

Sincerely,



Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
EMD/CWB

09027PNN.15

September 11, 2015

Mr. Douglas Spencer
MVI, LLC
67 East Waiko Road
Wailuku, Hawaii 96793

Dear Mr. Spencer:

SUBJECT: Comments on the Draft Environmental Assessment for the Proposed Maalaea Plantation Affordable Housing Subdivision Wailuku District, Island of Maui, Hawaii

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your letter, dated June 23, 2015, requesting comments on your project. The DOH-CWB has reviewed the subject document and offers these comments. 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://health.hawaii.gov/epo/files/2013/05/Clean-Water-Branch-Std-Comments.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 National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55).

For NPDES general permit coverage, a Notice of Intent (NOI) form must be submitted at least 30 calendar days before the commencement of the discharge. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. To request NPDES permit coverage, you must submit the applicable form ("CWB Individual NPDES Form" or "CWB NOI Form") through the e-Permitting Portal and the hard copy certification statement with the respective filing fee (\$1,000 for an individual NPDES permit or \$500 for a Notice of General Permit Coverage). Please open the e-Permitting Portal website located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. You will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool and locate the appropriate form. Follow the instructions to complete and submit the form.

3. If your project involves work in, over, or under waters of the United States, it is highly recommended that you contact the Army Corp of Engineers, Regulatory Branch (Tel: 835-4303) regarding their permitting requirements.

Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may **result** in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40 of the Code of Federal Regulations, Section 122.2; and HAR, Chapter 11-54.

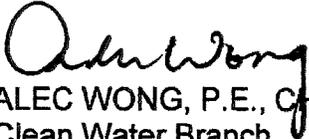
4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.
5. It is the State's position that all projects must reduce, reuse, and recycle to protect, restore, and sustain water quality and beneficial uses of State waters. Project planning should:
 - a. Treat storm water as a resource to be protected by integrating it into project planning and permitting. Storm water has long been recognized as a source of irrigation that will not deplete potable water resources. What is often overlooked is that storm water recharges ground water supplies and feeds streams and estuaries; to ensure that these water cycles are not disrupted, storm water cannot be relegated as a waste product of impervious surfaces. Any project planning must recognize storm water as an asset that sustains and protects natural ecosystems and traditional beneficial uses of State waters, like

community beautification, beach going, swimming, and fishing. The approaches necessary to do so, including low impact development methods or ecological bio-engineering of drainage ways must be identified in the planning stages to allow designers opportunity to include those approaches up front, prior to seeking zoning, construction, or building permits.

- b. Clearly articulate the State's position on water quality and the beneficial uses of State waters. The plan should include statements regarding the implementation of methods to conserve natural resources (e.g., minimizing potable water for irrigation, gray water re-use options, energy conservation through smart design) and improve water quality.
- c. Consider storm water Best Management Practice (BMP) approaches that minimize the use of potable water for irrigation through storm water storage and reuse, percolate storm water to recharge groundwater to revitalize natural hydrology, and treat storm water which is to be discharged.
- d. Consider the use of green building practices, such as pervious pavement and landscaping with native vegetation, to improve water quality by reducing excessive runoff and the need for excessive fertilization, respectively.
- e. Identify opportunities for retrofitting or bio-engineering existing storm water infrastructure to restore ecological function while maintaining, or even enhancing, hydraulic capacity. Particular consideration should be given to areas prone to flooding, or where the infrastructure is aged and will need to be rehabilitated.

If you have any questions, please visit our website at:
<http://health.hawaii.gov/cwb>, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,


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

NN:ay

- c: Ms. Jo-Ann T. Ridao, Maui County Dept of Housing & Human Concerns
[via email director.hhc@mauicounty.gov only]
Mr. Vince G. Bagoyo, Jr., V. Bagoyo Development Consulting Group, LLC
[via email vbagoyo-devgroup@hawaii.rr.com only]
DOH-EPO #15-181 [via email only]



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 12, 2015

Mr. Alec Wong, P.E.
Chief, Clean Water Branch
State Dept. of Health
P.O. Box 3378
Honolulu, HI 96801-3378

Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation Pursuant to 201H, Hawaii Revised Statutes (HRS); TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Mr. Wong:

This is to acknowledge receipt of your letter dated September 11, 2015 regarding the above subject project and we appreciate your comments. The following responses below are in the order as presented in your letter:

1. The applicant intends to fully comply.
2. Should NPDES permit is required; the applicant intends to fully comply prior to the implementation of the development of the proposed project.
3. The proposed project does not involve work in, over, or under waters of the U.S. Per your recommendation, the applicant will contact the Army Corp of Engineers prior to the development of the proposed project to ensure compliance (if any) regulatory requirements of the agency.
4. The applicant intends to fully comply with the State's Water Quality Standards pursuant to HAR, Chapter 11-54.
5. According to the project's preliminary engineering report (PER), the proposed drainage retention basins for the project will be sized to accommodate and capture the increase of storm runoff for the proposed project. The drainage system will be designed in accordance with Chapter 4, "rules for the Design of Storm Drainage Facilities in the County of Maui". The applicant fully recognized that captured storm water is an important resource that may be used to irrigate common areas within the project. Finally, per your comments, the development of the project will include the implementation of best management practices (BMPs). The proposed BMPs approaches for the project are included in the final EA.

Thank you for your comments and you may contact me at (808) 357-3842 if you have questions.

Sincerely,

Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808) 357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

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



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE
1955 MAIN STREET, SUITE 301
WAILUKU, HAWAII 96793

August 20, 2015

MVI, LLC
67 East Waiko Road
Wailuku, Hawaii 96793
Attention: Douglas Spencer

Maui County Department of Housing and Human Concerns
2200 Main Street, Suite 546
Wailuku, Hawaii 96793
Attention: JoAnn Ridao

V. Bagoyo Development Consulting Group
1500 Kilinoe Place
Wailuku, Hawaii 96793
Attention: Vince Bagoyo

RE: Ma'alea Plantation Subdivision 5(e) DEA (AFNSI)
Wailuku, Maui, TMK: (2) 3-6-001:018

The proposed residential housing subdivision located in the State Ag district mauka of Honoapi'ilani Highway at Ma'alea, Wailuku, Maui is subject to the terms and provisions of a perpetual settlement agreement. These obligations run with the land and insure public access over this property to the Lahaina Pali Trail. Granted to DLNR in 1994, this condition was imposed by the State Land Use Commission.

State of Hawaii, Bureau of Conveyances
Recorded January 28, 1993 02:05 PM
Doc No(s) 93-014788

State Land Use Commission Docket No. A91-672:

"...5. Petitioner shall provide for access through the subject parcel (TMK: 3-6-01:18) to the Old Lahaina Pali Trail, provided that conditions and restrictions regarding public use of the access shall be developed in conjunction with the Department of Land and Natural Resources Na Ala Hele Trail and Access Program...."

The Lahaina Pali Trail, part of an important trail system built in the 1800's, more than likely followed a prehistoric route and transected the width of the current project area. The trail through the project area was destroyed by sugarcane cultivation.

Several examples of the chaos created when popular trails rely on street parking can be seen on the island of Oahu, including the Maunawili Trail as a prime example. The Lahaina Pali Trail is one of the most popular and heavily used hiking trails within the Maui Na Ala Hele Trails Program. Access to this trail was an issue raised in the community meetings held to present the plan for the proposed Ma'alaea residential subdivision project with various community organizations.

It is imperative that vehicular access continue to be allowed to the Lahaina Pali Trail head parking area. Lahaina Pali Trail already has a designated parking area on State lands as shown on the attached Google Earth map (attachment). If this parking area is no longer accessible, hikers will clog surface street parking and trespass through neighborhood properties to access the trail.

If you have any questions please contact me at (808)873-3508 or email at Torrie.L.Nohara@hawaii.gov for further assistance.

Sincerely,

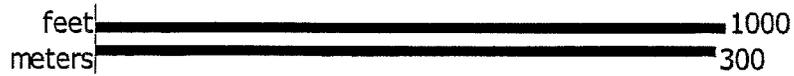
A handwritten signature in black ink that reads "Torrie Nohara". The signature is written in a cursive, flowing style.

Torrie Nohara

Maui Nui Trails and Access Specialist



Google earth



- - current access route
- - current parking area



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 13, 2015

Ms. Torrie Nohara
Maui Nui Trails and Access Specialist
Department of Land and Natural Resources
Division of Forestry and Wildlife
1955 Main Street, Suite 301
Wailuku, HI 96793

Subject: Draft Environmental Assessment (EA) for Ma'alaea Plantation Project
Pursuant to 201H, Hawaii Revised Statutes ("HRS")
TMK: (2) 3-6-001:018, Wailuku, island of Maui, HI

Dear Ms. Nohara:

This is to acknowledge receipt of your letter dated August 20, 2015 regarding the above subject project. As noted in your letter and discussed in the EA, the applicant will fully comply to provide continued access through the subject parcel to the Old Lahaina Pali Trail and the applicant will work closely with the Department of Land and Natural Resources regarding access to this important trail.

Thank you again for your comments and should you have further questions, please feel free to contact me at (808) 357-3842.

Sincerely,



Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
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

September 8, 2015

Bagoyo Development Consulting Group
Attention: Mr. Vince Bagoyo
1500 Kilinoe Place
Wailuku, Hawaii 96793

via email: vbagoyo-devgroup@hawaii.lnr.com

Dear Mr. Bagoyo:

SUBJECT: Proposed Ma'alea Plantation Affordable Housing Project

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, enclosed are comments from the Engineering Division on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII

RECEIVED
LAND DIVISION



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT



2015 SEP -4 AM 11:11

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 14, 2015

MEMORANDUM

15 AUG 17 PM 9 48 ENGINEERING

TO: FR:

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division – Maui District
- Historic Preservation

FROM: TO:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Proposed Ma'alaea Plantation Affordable Housing Project

LOCATION:

Ma'alaea, Wailuku, Island of Maui; TMK: (2) 3-6-001:018

APPLICANT:

County of Maui, Department of Housing and Human Concerns

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document which can be located here:

<https://sp01.ld.dlnr.hawaii.gov/LD/> (then click on "Request for Comments", then click on the subject link.

Username: LD/Visitor

Password: 0pa\$\$word0 (first and last characters are zeros, not O's)

Please submit any comments by **September 4, 2015**. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

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

Signed:

Print Name: Carty S. Chang, Chief Engineer

Date:

9/2/15

cc: Central Files

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/ Russell Y. Tsuji

**Ref.: DEA for Proposed Ma'alaia Plantation Affordable Housing Project
Maui.026**

COMMENTS

- (X) **We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone X. The National Flood Insurance Program (NFIP) does not regulate developments within Zone X.**
- () Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is also located in Zone ____.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- () Please note that the project site must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

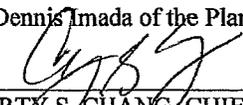
- () Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Carter Romero (Acting) at (808) 961-8943 of the County of Hawaii, Department of Public Works.
- () Mr. Carolyn Cortez at (808) 270-7253 of the County of Maui, Department of Planning.
- () Mr. Stanford Iwamoto at (808) 241-4896 of the County of Kauai, Department of Public Works.

- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

() Additional Comments: _____

() Other: _____

Should you have any questions, please call Mr. Dennis Umada of the Planning Branch at 587-0257.

Signed: 
CARTY S. CHANG, CHIEF ENGINEER

Date: 9/2/15



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 13, 2015

Mr. Russell Y. Tsuji
Land Administrator
Department of Land and Natural Resources - Land Division
P.O. Box 621
Honolulu, HI 96809

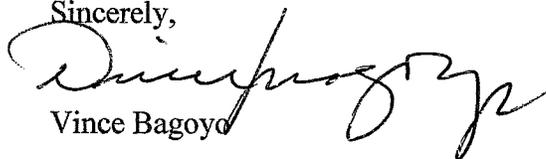
Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation Project
Pursuant to 201H, Hawaii Revised Statutes ("HRS")
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Mr. Tsuji:

This is to acknowledge receipt of your letter dated September 8, 2015 regarding the above subject project. We appreciate your comments and confirming that the project site, according to the Flood Insurance Map (FIRM), is located in Flood Zone "X". The National flood Insurance Map does not regulate developments within Zone "X".

Thank you again for commenting on the draft EA for the proposed Ma`alaea Plantation project. Should you have further questions, please feel free to contact me at (808) 357-3842.

Sincerely,



Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)



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

In reply, please refer to:
File:

EPO 15-181

August 11, 2015

Ms. JoAnn Ridao
Maui County Department of Housing and Human Concerns
2200 Main Street, Ste. 546
Wailuku, Hawaii 96793

Dear JoAnne Ridao:

**SUBJECT: Draft Environmental Assessment (DEA) for Maalaea Plantation Subdivision, Wailuku District, Maui
TMK: (2) 3-6-001:018 (EA 215/0003)**

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your DEA to our office on July 23, 2015. Thank you for allowing us to review and comment on the proposed Maalaea Plantation Subdivision available on the OEQC website at:

http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Maui/2010s/2015-07-23-MA-5E-DEA-Maalaea-Plantation-Subdivision.pdf

The DEA was routed to various branches and offices. The various branches will provide specific comments to you if necessary. EPO recommends that you review the standard comments and available strategies to support sustainable and healthy design provided at: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/>. Projects are required to adhere to all applicable standard comments.

EPO offers the following comments:

1. We suggest you review the requirements for the National Pollutant Discharge Elimination System (NPDES) permit. We recommend contacting the Clean Water Branch at (808) 586-4309 or cleanwaterbranch@doh.hawaii.gov after relevant information is reviewed at:
 - a. <http://health.hawaii.gov/cwb>
 - b. <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/standard-npdes-permit-conditions>
 - c. <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/forms>
2. EPO recommends you review the need and/or requirements for a Clean Air Branch permit. The Clean Air Branch can be consulted via e-mail at: Cab.General@doh.hawaii.gov or via phone: (808) 586-4200.
3. If noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control". A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor and Radiological Health Branch at (808) 586-4700 and review relevant information online at: <http://health.hawaii.gov/irhb/noise>.
4. All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, chapter 11-62, "Wastewater systems". We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please contact the Planning and Design Section of the Wastewater Branch at 586-4294.

EPO strongly recommends that the Hazard Evaluation and Emergency Response (HEER) Office's Site Discovery and Response (SDAR) Section be contacted as EPO believes that the proposed subdivision is on former sugarcane lands (see Attachment Maps). The SDAR section protects human health and the environment by identifying, investigating, and remediating sites contaminated with hazardous substances (non-emergency site investigations and cleanup). The HEER Office's SDAR Section can be contacted at: (808) 586-4249 and relevant information can be reviewed at: <http://eha-web.doh.hawaii.gov/eha-cma/Leaders/HEER/site-assessment-and-cleanup-programs>

The standard land use comments from the Hazard Evaluation & Emergency Response Office include:

1. A phase I Environmental Site Assessment (ESA) should be conducted for developments or redevelopments. If the investigation shows that a release of petroleum, hazardous substance, pollutants or contaminants occurred at the site, the site should be properly characterized through an approved Hawaii State Department of Health (DOH)/Hazard Evaluation and Emergency Response Office (HEER) soil and or groundwater sampling plan. If the site is found to be contaminated, then all removal and remedial actions to clean up hazardous substance or oil releases by past and present owners/tenants must comply with Chapter 128D, Environmental Response Law, HRS, and Title 11, Chapter 451, HAR, State Contingency Plan.
2. All lands formerly in the production of sugarcane should be characterized for arsenic contamination. If arsenic is detected above the US EPA levels (preliminary remediation goal (PRG) for non-cancer effects), then a removal and or remedial plan must be submitted to the Hazard Evaluation and Emergency Response (HEER) Office of the State Department of Health for approval. The plan must comply with Chapter 128D, Environmental Response Law, HRS, and Title 11, Chapter 451, HAR, State Contingency Plan.
3. If the land has a history of previous releases of petroleum, hazardous substances, pollutants, or contaminants, we recommend that the applicant request a "no further action" (NFA) letter from the Hawaii State Department of Health (DOH), Hazard Evaluation and Emergency Response (HEER) Office prior to the approval of the land use change or permit approval.

"If initial testing shows arsenic above natural background levels (up to 24 milligrams per kilogram [mg/kg]), additional soil arsenic bio-accessibility testing is generally recommended by HDOH."

We encourage you to examine and utilize the Hawaii Environmental Health Portal. The portal provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warnings, Advisories and Postings. The Portal is continually updated. Please visit it regularly at: <https://eha-cloud.doh.hawaii.gov>

You may also wish to review the revised Water Quality Standards Maps that have been updated for all islands. The Water Quality Standards Maps can be found at: <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/water-quality-standards/>.

We request that you utilize all of this information on your proposed project to increase sustainable, innovative, inspirational, transparent and healthy design.

Mahalo nui loa,



Laura Leialoha Phillips McIntyre, AICP
Program Manager, Environmental Planning Office

Attachments:

- HEER Fact Sheet (4 pages)
- EPO Map

c: Approving Agency: Buddy Almeida, Assistant Housing Administrator
Applicant: Douglas Spencer, MVI, LLC
Consultant: B. Bagoyo Development Consulting Group
DOH: DHO Maui, CWB, SDWB, WWB, HEER {via email only}



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 14, 2015

Ms. Laura Leialoha Phillips McIntyre
Program Manager, Environmental Planning Office
Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation Project
Pursuant to 201H, Hawaii Revised Statutes ("HRS")
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

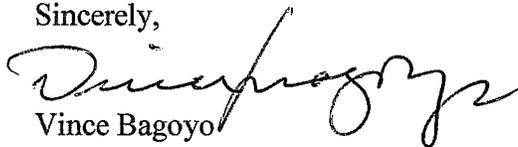
Dear Ms. McIntyre:

This is to acknowledge receipt of your comment letter dated August 11, 2015 regarding the above subject project.

In response to your comments as noted in your letter, the applicant intends to fully comply with your recommendations. With respect to item 4 of your letter, the applicant recognizes and acknowledges that DOH will review the detailed IWS plans for the proposed project. As noted in EA, the proposed Ma`alaea Plantation project is being processed pursuant to 201H-38, Hawaii Revised Statutes ("HRS"), the applicant plans to seek various exemptions from County and State standards, rules and statutes to facilitate the development of affordable housing to meet the critical housing needs of Maui's working families.

Thank you again for your comments, and should you have further questions, please feel free to contact me at (808) 357-3842.

Sincerely,



Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

1500 KILINOE PLACE
WAILUKU, HI 96793
(808) 357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI

DEPARTMENT OF PLANNING

July 20, 2015

MEMORANDUM

TO: Ms. Jan Shishido, Acting Director
Department of Housing and Human Concerns (DHHC)

FROM: William Spence, Director *W.S.*
Department of Planning

SUBJECT: **DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR THE PROPOSED MAALAEA PLANTATION AFFORDABLE HOUSING PROJECT PURSUANT TO 201H-38, HAWAII REVISED STATUTES (HRS);
TMK: (2) 3-6-001:018**

The Planning Department (Department) has received your request for comments on the above-referenced proposed project. The Department received an earlier version of the proposed project and transmitted it for comments on April 14, 2015, when it was submitted for normal land use entitlements, *i.e.*, non-201H. It is the Department's understanding that the proposed changes to the project, under the 201H process, most notably are:

- Market-priced lots are reduced from 75 lots to 55 lots.
- Affordable units were increased from 37 lots to 58 lots.

The total number of residential lots, however, is proposed to remain at 113 on 257 acres of land. In addition to the 201H process, the land must be reclassified from Agriculture to Urban by the State Land Use Commission.

The Department is against any approval of this project, or any urban or rural project in this location. The reasons are both practical and policy driven, and will be discussed in our comments below.

- As proposed, the project is a stand-alone bedroom community utilizing a standard subdivision design and is not consistent with the Maui Island Plan (MIP). This contains considerable text and many policies to change the way that Maui County considers development, getting entirely away from standard subdivision/bedroom community concept. It describes desired characteristics as incorporating a complete mix of uses (such as different types of housing, schools, services, commercial, etc), being of compact design, using "Smart Growth" principles, etc. Most of these descriptions and policies are found in

Chapters 5, 6, and 7, but they are reiterated in the descriptions of the other projects identified in the plan. Since consistency with comprehensive plans is more than simply a location on the map, the Draft EA should address this nonconformity.

- This project could be viewed as a "new town" because of its relative isolation from other developments. The Draft EA should address the plusses and minuses of new towns as described on page 7-20 of the MIP.
- The project area is located outside of the Urban Growth Boundaries in the MIP. During the multi-year development and review of the plan, this property was purposefully excluded at each step, including the General Plan Advisory Committee, the Maui Planning Commission, and the County Council. It is also notable that the Department did not support development in this location at any time during the review and adoption of that plan. The Draft EA should discuss why this location is now suitable for housing development, and why it should be given deference over those other areas that are identified for growth within the plan.
- The site is particularly poor for housing because of the harsh climate. Maui has a high number of microclimates where there are great variations in temperature, precipitation, wind, etc., in relatively small areas. This particular site is one of the windiest and hottest locations on Maui. The wind is such that Maui's first wind farm is located just above the site. The property is also immediately downwind from tens of thousands of acres of agricultural cultivation. This cultivation will be a consistent source of dust and smoke for the residents of the subdivision. The Draft EA only gives a passing note to the climate, essentially saying that it is average for Maui.

Because this is proposed as an affordable housing project, the Draft EA should go into some analysis, including wind studies, in more accurately describing the climate, as well as describing the effects on any residents living there. We believe there would be additional maintenance costs because of the wind and dust. As the dust in the area is so prevalent, there may be additional costs associated with having to air condition homes.

- Affordability is not only measured in the cost of a house, but in the cost of being able to live in a particular location. This site is also poor because it is far from basic services, shopping, jobs, and schools. Residents would be required drive for virtually every need outside of the home. The Draft EA should examine the associated time and vehicular costs of having to drive further for school functions, to the store, and commutes to work.

Ms. Jan Shishido, Acting Director
July 20, 2015
Page 3

- That the Final Environmental Impact Statement (FEIS) should examine the total costs of providing public infrastructure and improvements to public services, schools, police, fire, and emergency medical services caused by the project.

Because of the analysis that should be done, we believe it more appropriate to require an Environmental Impact Statement (EIS) rather than an Environmental Assessment (EA).

Thank you for the opportunity to comment. If additional clarification is needed, please contact the Department at (808) 270-7735.

XC: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Vince G. Bagoyo, Jr., Consultant (PDF)
Project File
General File

WRS:PFF:sn

K:\WVP_DOCS\PLANNING\EA\2015\0003_Maalaea Plantation Subdivision\StaffReporttoApproval\201H DEAComments.doc



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 13, 2015

Mr. William Spence
Director
Department of Planning
2200 Main Street, Suite 315
Wailuku, HI 96793

Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation Project
Pursuant to 201H, Hawaii Revised Statute (HRS)
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Mr. Spence:

Thank you for your July 20, 2015 comments on the *Ma`alaea Plantation Subdivision 5(e) DEA (AFNSI)*, draft environmental assessment anticipating a finding of no significant impact (hereinafter, "Draft EA").

The Office of Environmental Quality Control ("OEQC") published a notice of availability of the Draft EA in its July 23, 2015 edition of the Environmental Notice. Your letter was not sent during the statutory 30-day public review and comment period that started on July 23, 2015 and ended on August 24, 2015. However, as a courtesy, we are responding to your comments herein.

As you observed, the project proposals for the area have evolved. This evolution was based on numerous meetings and discussions with concern citizens in the area. The proposed action described on pages 2 and 3 of the Final EA, is defined as "113 fee simple rural lots and affordable residential housing projects", will include 55 rural lots and 58 affordable residential housing units (hereinafter, the "Project"). The goal of the project is to provide affordable residential housing and maintain a rural, low-density development that will preserve the rural character of the area and allow small-scale agricultural uses.

We understand what you refer to as "policy" concerns in your letter, but we also recognize the State Legislature's authority and desire to set a statewide policy that incentivizes the market to provide Hawaii's working families with affordable housing, under Hawaii Revised Statutes ("HRS") Chapter 201H. To this end, we have been working closely with the County of Maui Department of Housing and Human Concerns ("DHHC"), who is delegated authority by the legislature to implement a 201H program for the County. As a qualifying project, the Project is "exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land,

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842

VBAGOYO-DEVGROU@HAWAII.RR.COM

and the construction of dwelling units,” as approved by the County Council, under HRS 201H-38.

Your comments are primarily focused on the *Maui Island Plan* (“MIP”). One of the exemptions granted under the 201H, HRS program is an exemption from rules related to planning. Consequently, it is undisputed that the Project will not be fully consistent with adopted development plans by the County Council, pursuant to HRS 226-52 and 58. However, many elements of the Project are consistent with the MIP and the *Kihei-Makena community Plan*, Ordinance No. 2641 (1998) (“KMCP”).

In response to your bullet point comments, in the order they are presented, the following is a summary of the discussion and analysis primarily in Section IV of the Final Draft EA:

- **The Design of the Project is Consistent with the KMCP.** Page 46 of the KMCP identifies the Project area as, “Project District 12 (Ma`alaea Mauka).” The vision for this area is described as “... a mix of single family and multi-family housing types for a range of consumer groups. Community amenities should include and open-space buffer along the highway, and a 15-acre community oriented park linked to the neighborhoods with a pedestrian/bicycle path. The number of residential units based on an average gross density of 4.4. units per acre is 1,150 units”.

The Project will contain a mixture of agricultural activities and low-density residential areas, including a 2.8-acre neighborhood park and approximately 106.29 acres of land to remain in the State Agricultural District along the Honoapiilani Highway. The Honoapiilani Highway runs along the entire Project and includes a bikeway that links the Project to residential communities, services, shopping, recreation, and jobs, as described below. Given our discussions with the area community, the Project is far less dense than proposed in the KMCP, and the Project maintains opportunities for agricultural activities and a rural lifestyle for market buyers and Maui’s working families.

- **The Project is Within Close Proximity to Residential Communities, Services, Shopping, Recreation, and Jobs.** As described in Section II.A.2 of the final EA, the nearest employment centers, shopping centers, and schools are located in Kihei, Kahului, and Wailuku, a 10-minute drive for the Project. The Project is located approximately fifteen miles southeast of Lahaina and approximately eight miles southwest of Maui’s main airport in Kahului. The existing Ma`alaea community is primarily

condominium developments, approximately 560 residential apartment units, a majority of which are rented on a short-term hotel basis. The Ma'alaea Triangle commercial complex located makai of the project is home to a variety of commercial uses, and predominantly caters to tourism, including shops, restaurants, a small amusement park, and the Maui Ocean Center Aquarium.

- **The Project is Located in an Identified Growth Area in the KMCP.** As discussed above, the Project will be located in an area designated for growth by the KMCP. The Project meets the elements discussed in table 8-2 of the MIP regarding rural areas. In particular, the Project will “contain a mixture of agricultural activities, low-density residential areas,” and it will not require expansion of County infrastructure.
- **Whether to Allow a 201H project is a Policy Call for the Council under 201H Program.** The Project is consistent with the KMCP; however, as you noted, the Project was excluded in the MIP. Council adopted both the KMCP and MIP after extensive public outreach. As discussed above, HRS 201H specifically provides for exemptions from plans for qualifying affordable housing projects. Under 201H process, Council will have an opportunity to consider whether strict conformance to the goals of the MIP outweigh the critical need for housing for Maui's working families and consistency with the existing KMCP.
- **The Project Will Contain a Mixture of Agricultural Activities and Low-Density Residential Areas.** It is important to note that Hawaii's Right to Farm Act, HRS Chapter 165, protects farming operations that are conducted in a manner consistent with generally accepted agricultural and management practices.

As discussed in Appendix F and Section II.A.3 of the Final EA, “[t]he island's climate varies from terrain.” The Project area receives 25 to 38 centimeters (10 to 15 inches) of rainfall annually. Air temperatures are slightly warmer in the area than the Maui seasonal high and low averages, mostly due to the lower, coastal elevation.

Section II.A.9 of the final EA notes that there are no point sources of airborne emissions within close proximity of the Project. Air quality in the vicinity of the Project may be affected by a variety of sources, including dust from sugar cane cultivation operations to the east, and north of the property, as well as smoke from sugar cane harvesting operation in

Central Maui. However, these sources are intermittent and prevailing winds quickly disperse the particulates generated by these temporary sources.

- **The Project is Designed to be Affordable for Maui's Working Families.** As you noted, the cost of a home is only part of the affordability issue. However, it is a significant part of the cost equation.

As discussed on page 4 of the Final EA, according to the *Hawaii Planning Study*, 2011, prepared by SMS Research and marketing Services, Inc. for the County of Maui, among Maui's approximately 53,621 households in 2011, only about 56 percent were homeowners. The study further reports that a "significant number of Maui households live in overcrowded conditions or are double-up with families." The *County of Maui socio-Economic Forecast (2006)* estimates that the total housing demand in Maui County will increase from 53,793 units in 2005 to 89,890 units in 2030, an increase of approximately 67 percent over 25 years. Further, according to SMS Research, nearly 45 percent of all Maui County households expressed a desire to move to a new home in the near future.

The 58 single-family house lots will be affordable to qualified individuals earning within 80 percent to 120 percent of the Maui median income as set forth by the DHHC's *Affordable Sales Price Guidelines*. The lot sizes for these affordable housing units will have a minimum of 10,000 square feet.

As discussed above, the project is within close proximity to residential communities, services, shopping, recreation, and jobs. For residents of the project who desire to commute by public transit or bike, there is County bus stop near the south end of the Project at Ma`alaea Harbor Village. Honoapiilani Highway, which runs along the Project boarder, has an existing shared bikeway with routes to work, shopping, and recreation centers described above.

- **The Proposed Action Is Not Anticipated to Impact the Service Capacity and Capability of Police, Fire, and Emergency medical Operations or Public Infrastructure.** The Project will not use County infrastructure. The Project will use individual waste systems ("IWS") and a private water system.

Section II.C.1 and 2 of the Final EA addresses the additional need for police, fire, and medical services caused by the proposed action. The County's fire and police services are primarily funded with general tax

Mr. William Spence
Page 5 of 5
Ma'alaea Plantation

revenue generated from property taxes. If the Project is completed, property tax revenues will be added to County coffers.

The Maui Police Department is approximately six miles east of the Project; the Wailuku Station is approximately four miles north of the Project; and the Market Street substation is approximately 2.5 miles north of the Project. The Project is located between two heavily populated areas served by the Police Department – Wailuku and Ma'alaea.

The Maui County Department of fire and Public Safety has two Kihei stations that serve the Ma'alaea and Kihei regions, both stations are located approximately four and five miles east of the Project, respectively. The Wailuku and Kahului stations are approximately three to four miles from the Project, respectively. There is potential for wildfires from State property immediately mauka of the Project. As discussed in Appendix D of the final EA, the Project is working with the State to address this issue.

Dental and other medical services are also located within the Wailuku-Kahului region to serve its residents and visitors, and are within four miles or less from the proposed Project.

Section III.B.3 of the Final EA concludes that the proposed action is not anticipated to impact the service capacity and capability of police, fire, and emergency medical operations.

In your final comment, you note that an environmental impact statement should be prepared. We appreciate your concern regarding reasonably foreseeable impacts caused by the proposed action. The Final EA includes analysis of anticipated effects and proposed mitigation measures. In addition, we reviewed all comments on the Draft EA during the comment period and made changes where appropriate in the Final EA. Based on the Final EA, we agree with the DHHC's determination that the proposed action does not have a significant effect on the environment and therefore does not require the preparation of an environmental impact statement.

Thank you for taking the time to comment on the Draft EA for the Project.

Sincerely,

Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

Ma'alaea Community Association



Serving the Ma'alaea Community since 1988...

50 Hau'oli Street, Wailuku, HI 96793 <http://www.mcamaui.org/>

August 12th, 2015

Mr. Doug Spencer
Spencer Development
67 E. Waiko Rd.
Wailuku, HI 96793

RE: Draft Environmental Assessment (DEA) for Ma'alaea Plantation, a 201H fast track affordable housing development designated "Project District 12" in the 1998 Kihei-Makena Community Plan

Aloha, Mr. Spencer,

The Board of Directors of the Ma'alaea Community Association (MCA) has reviewed the Draft Environmental Assessment (DEA) for Ma'alaea Plantation, a 201H fast track affordable housing development. This is the most recent proposal for the 257-acre site, designated as Project District 12, in the 1998 Kihei-Makena Community Plan.

We appreciate your efforts to reduce density and accompanying impacts in this sensitive area. However, we are unable to support the project at this time without a permanent agricultural/open space/conservation easement on the approximately 85 acres fronting Honoapi'ilani Highway, the only access to Ma'alaea and gateway to West Maui. Such an easement is necessary to preserve the area in perpetuity from development, increased density, loss of a major transit corridor and loss of open space and scenic view planes in a location considered to be unsuitable for urbanization in the Maui Island Plan.

Our support for a preliminary version of this project contained the following language: **"Please note that the 80 acre agricultural/open space easement is a necessary component of the project. It is the community's understanding that no additional residential or commercial development will occur on this acreage."**

Since the DEA makes no note of this easement and expresses no intention to pursue conservation status, we cannot support the project. We will continue opposing urbanization in the Ma'alaea area, as we have done in the past, because it is completely unsuitable for this purpose. Ma'alaea

should be protected in every possible way as a transportation and scenic corridor vital to all of Maui.

Additionally, we are deeply concerned that the DEA gives a false estimate of the total density of the proposed project. While the DEA proposes a density of 113 lots total, there are *no* restrictions on subdivision of lots, *no* control of the proliferation of ohanas and *no* protection of view planes by prohibiting or limiting two story homes. Future subdivision of the 113 lots into multiple lots would mean a much higher density overall and far more traffic than is being portrayed in the current proposal. With an estimated potential 3.5 residents per housing unit (according to estimates provided by the Maui Police Department in a previous EIS for the site), it is imperative that a full accounting of potential impacts be included in the EA.

- Of the 113 lots total, one lot is 27.5 acres (lot#117). Previous proposals envisioned five (5) 5-acre lots on this parcel. There is no mention of that in the DEA for the 201H application. However, a 27.5 acre lot in an area designated as urban, residential or even rural will inevitably invite subdivision.*
- Without the open space/conservation easement requested by the Ma`alaea community, the 85 acres left in agriculture (lot#118) and not included in the 201H application could be developed as an agricultural subdivision in the future, further increasing the density.*

***The total acreage for the two lots in question (117 and 118) is 44% of the 257-acre site (84.5 + 27.5 = 112/257).**

The DEA says the plan is only preliminary. With so much at stake, how can the community, the Department of Housing and Human Concerns, Maui County Council or Land Use Commission review and possibly approve a plan that is only 'preliminary' at this crucial location?

Under the 201H guidelines, 51% of the total units must be affordable. If the 27.5 acre parcel currently counted as ONE LOT *is* subdivided in the future, there would be more market-priced lots than affordable lots, and the project would no longer meet the 201H guidelines. Failure to note these issues in the DEA is a serious flaw. Without protections in place, even the one and two acre lots would likely invite future requests for subdivision, resulting in creeping higher density over time.

HISTORY: The proposed Ma`alaea Plantation (Project District 12) cannot be considered in a vacuum. The history of the area and how this project will fit into development plans for the entire island must be considered in any discussion.

Kihei-Makena Community Plan: In the past, the Ma'alaea area was not considered a suitable area for urbanization. Up until the last minute of deliberations on the 1998 Kihei-Makena Community Plan, there were no plans for development in Ma'alaea beyond the existing few residential homes and ten condominium buildings. With no time for a full discussion by the

committee, Project District 11 was submitted by Alexander & Baldwin for their 600-acre parcel adjacent to Hau'oli Street. In a last minute push, Wailuku Sugar then proposed their 257-acres across the highway. Both were included in the 1998 Kihei-Makena Community Plan by a vote of 5-4. **Ever since, all Maui County Planning Directors have opposed the two project districts based on the lack of proper infrastructure and the need to keep options open in this major transportation corridor.**

Maui Island Plan: The Maui Island Plan (MIP), signed into law by the Maui County Council in December 2012, designates 'urban growth boundaries' (UGB) where development can best be accommodated over the next twenty years. **The MIP included no further development designation for Ma'alaea.** Ma'alaea's open space was protected and the area recognized as an irreplaceable transit corridor.

ADDITIONAL BACKGROUND AND CONSIDERATIONS:

Traffic: Honoapi'ilani Highway is the only major road access to Ma'alaea and to all of West Maui. The Ma'alaea community, along with countless West Maui-bound residents and visitors, already experience frequent traffic delays and complete gridlock in the area fronting the project. Travelers must sit in traffic, sometimes for hours, before they can reach their homes and accommodations on Hau'oli Street or navigate the treacherous Pali en route to/from Lahaina. Low density must be *guaranteed* if *any* development is to occur in this location. Development on this site will hamper the county's ability to meet Maui's future traffic demands.

Police and fire protection: The DEA ignores the additional police and fire protection that development at this site will require. There is no mention of the devastating fires, fed by Ma'alaea's well-known winds, that have engulfed the entire project area in the past from Ma'alaea to the Pali and the valleys north to Waikapu. The drain on existing police resources, with only six officers currently on duty for the entire South Maui area, cannot be underestimated. The location of the para-ambulance resources in Ma'alaea indicates the importance of access in this critical corridor.

Environmental Resources/Scenic Corridor: Ma'alaea Bay is the birthing place and winter nursery for the Humpback Whales visiting Maui each year. The Ma'alaea area is the home of the Maui Ocean Center, the Lahaina Pali Trail, and the Kealia National Wildlife Refuge. The harbor supports the Coast Guard and a large number of tour boats that cater to Maui's two million plus visitors a year. The existing open space provides sweeping ocean views to Molokini, across the isthmus and fields of sugar cane south to Kihei and Haleakala. The West Maui Mountains present attractive green vistas from Ma'alaea to the town of Waikapu. Any development that occurs in the region must be sensitive to Ma'alaea's sense of place and include safeguards to protect these valuable resources.

The Ma'alaea Community: Ma'alaea is comprised of a few residences north of the harbor and ten condominiums. According to the County Real Property Division, of the total 563 units, 298

(53%) are in short-term rental, with the remainder being long-term residences or second homes. Zoning is largely A-2 Apartment District. 'Urban' zoning was allotted for the development of the Ma'alaea Triangle composed of a few tourist shops and restaurants, a Carl's Jr., the Maui Ocean Center and a miniature golf park. The Ma'alaea Mermaid has a small deli. The ten condominiums are accessed by sub-standard Hau'oli Street; a sidewalk lines one side of the road, sugar cane fields the other. Other than Honoapi'ilani Highway, there is no alternative access.

Park and Beach Access: The small community park at the end of Hau'oli Street was built by its namesake, long-time Ma'alaea resident Colonel Haycraft. Maintained by the County, it has one porta-potty and nine parking stalls. Ma'alaea residents and visitors are regular users of the park and beach access; weekends are usually full with local families camping and fishing.

PROBLEMS NOT ADDRESSED IN THE DEA

1.) **Insufficient Beach Access:** The DEA fails to address the need for additional (new) beach access on Ma'alaea Bay other than Haycraft Park (see above), in order to accommodate additional beach traffic that is likely to be generated by the project. Haycraft Park is insufficient for current use, let alone additional visitors. Hau'oli Street is the only access and the park is documented in police files as a source of complaints from nearby residents for traffic overflows and occasional late-night noise and rowdy behavior.

2.) **Impacts of DeCoite Construction and Demolition Landfill:** The DEA fails to address potentially serious environmental issues associated with the DeCoite Construction and Demolition Landfill, located directly across the road from the project. Underground fires have been known to burn there for days (e.g. February, 1998). Tires have been dumped and burned illegally. It is unknown whether the landfill's HDPE bentonite liner is still intact. The landfill's two lysimeters stopped working in 2011 but were not replaced with groundwater monitoring wells until 2013. All available groundwater tests from the landfill should be included in the DEA to conclusively show that there is no impact on the Waikapu aquifer, the water source for the project. Note: The original permit for the landfill (Permit Number: LF-0034-96) requires quarterly groundwater testing for the following contaminants: arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver. Also to be monitored are: chemical oxygen demand (COD); total organic carbon (TOC); total petroleum hydrocarbon TPH for diesel, oil and grease; and cyanide.

The Land Use Commission Special Use Permit CONSTRUCTION AND DEMOLITION LANDFILL AT PU'UHELE, MA'ALAEA, MAUI, HI prepared by Chris Hart & Partners notes on page 11 that "Groundwater in the site vicinity is not of a potable water quality. The nearest drinking water well is located more than five miles north near Wailuku."

The drinking water wells for the Ma'alaea Plantation project are located in much closer proximity. The exact distance should be noted in the EA. The landfill is only briefly mentioned on Page 52 of the DEA as "a concrete recycling site to the north." No recycling is done here; it is

a landfill, not a “recycling site.”

All potential environmental hazards such as contamination of groundwater and the aquifer should be addressed. (Note: Page 8 of the 201H Application asks: “1)What existing environmental conditions exist at the site? 2) What environmental conditions may affect the development of the site?” and notes that **failure to disclose any known material defects may result in an immediate disqualification from further consideration.**)

The DEA also fails to address the impacts on scenic view planes that the landfill currently imposes and how these may affect potential sales. Will buyers want to purchase homes directly across the road from a landfill? How will this affect property values, now and in the future?

3.) Lack of Clarity and Specifics: The DEA fails to address all aspects of the proposed project, leaving far too much to speculation and conjecture:

- Page 2 of the DEA states: “Please note that the conceptual plan is very preliminary.” Reviewing bodies such as the DHHC, the Maui County Council, or State Land Use Commission will be asked to review the plan without the specifics in place. The zoning classifications for the different areas of the project, ranging from 10,000 square foot lots (58) to one, two, and 27.5 acre lots (55) are unclear and left open to the broadest possible interpretation of what can be permitted. This engenders confusion and could likely result in future legal challenges.
- A Maui News article (July 27, 2015) quoted the developer as stating: "Gray water, meaning all the water used in a home except to flush toilets, would be recycled to irrigate lawns and gardens." If gray water is intended to be recycled as a component of this project, the EA should state this and address all related concerns, such as costs and reuse plans. It currently does not.
- The DEA repeatedly references previous versions (instead of the current version) of the project, e.g. Preliminary Engineering Report - Appendix D; Traffic Impact Analysis Report - Appendix E; Assessment of Economic and Fiscal Impacts - Appendix R, etc. All reports should reference the current version of the plan and its potential impacts.

4.) Failure to Address Water/Sewage Treatment Concerns/Costs: The DEA fails to adequately address water and sewage treatment concerns and their associated costs:

- Exhibit 1-A shows sustainable yields for the Waikapu aquifer, the water source for this project. Other projects in the vicinity of the aquifer are slated for development *within* the Urban Growth Boundaries of the Maui Island Plan. Some may rely on drawing water from this same aquifer. The DEA fails to identify them or provide studies showing proof that the additional strain on the aquifer from *this* project will not deplete the aquifer over time or deprive other planned projects of water.

- Exhibit 1-B provides comments on the proposed Reverse Osmosis plant and the lack of information in the DEA, e.g. anticipated costs of construction, maintenance and operation for the RO plant. It is unknown if the RO process will be viable for an affordable housing project. Considering that it has never been done before on Maui, this issue must be further investigated: What are the anticipated annual and/or monthly costs for residents?
- Exhibit 1-B questions the advisability of installing septic systems over an aquifer intended to be used for drinking water. No maintenance costs for these systems are provided, yet residents will be expected to pay for their maintenance. If they are improperly maintained, the project's drinking water source will be adversely affected—as will the drinking water source for other projects slated for development that will be relying on this same aquifer as a water source. Nearby marine resources could also be affected, yet the DEA fails to address this issue as well.
- Hawaii Administrative Rules (HAR) 11-62-31.1 states: “*General requirements for individual wastewater treatment systems. (a) Individual wastewater systems may be used as a temporary on-site means of wastewater disposal in lieu of wastewater treatment works under the following conditions: (1) Developments involving dwellings. (A) There shall be 10,000 square feet of land area for each individual wastewater system; (B) Total development of an area shall not exceed fifty single family residential lots or exceed fifty dwelling units, except for developments consisting of one dwelling unit per acre or greater;” (Emphasis added.)*

The DEA proposes 58 single family 10,000 sf residential lots with individual septic systems, which would constitute a violation of HAR 11-62-31.1. The DEA fails to address this. It also fails to address the “temporary” nature of the proposed septic systems and the need for a permanent long-term solution to the issue of wastewater disposal.

5.) Need for SMA Permit: The DEA fails to mention that an SMA permit may be needed for the entire project, not just a small portion of it. Although only a section of the total 257 acres (part of the 27.5 acre lot) encompassed by this project lies within a Special Management Area, there is only one TMK. (TMK (2) 3-6-1: 014). A full SMA will likely therefore be required.

6.) Lack of County Approval: The DEA failed to gain approval from the County of Maui, Department of Planning. MCA agrees with the position outlined by the Planning Department in Exhibit 2-B and notes that the issues mentioned in their comments are inadequately addressed in the DEA, e.g. lack of supporting infrastructure, distance from community resources, harsh climate and wind issues, uncertainty of how housing can actually remain affordable in this project given the need for residents to provide and maintain basic infrastructure and to drive so far for everything they need.

7.) Community Recommendations Not Incorporated: Page 126 of the DEA notes the

following: "Community recommendations incorporated wherever feasible." As noted throughout these comments, community recommendations have *not* been incorporated and there is no discussion whatsoever of "feasibility." In previous versions of this project, recommendations *were* included and were considered feasible. (See MCA March 7th letter. Exhibit 2-A.)

8.) Reliance on Outdated Studies: The following studies have not been updated for this version of the project and contain dated information:

- DEA, P. 488. Phase I site assessment - from 2006
- DEA, P. 500. Phase II site assessment - from 2007
- DEA, P. 585. Water Quality & Marine Resources Survey - from 2005
- DEA, Appendix O, Phases I and II Environmental Assessment Reports – from 2006

9.) Incomplete Application: Overall, the DEA is incomplete and appears to have been hastily done in order to apply for 201H fast-track affordable housing status. The DEA fails to address the lack of nearby schools or jobs or other necessary amenities to serve the families who will live here. These and other significant impacts noted above remain unaddressed and should be explored in greater depth, detail and accuracy than is provided in this DEA.

For all of the above reasons, we regretfully oppose this project and recommend that it not be approved or implemented unless/until all of the above-mentioned issues are resolved. The DEA is inadequate and a complete EIS should have been done. There are too many unanswered questions—and too much potential for additional development beyond the "113 lots" proposed in your application.

Too much is at stake – for now and in the future—not just for the Ma'alaea community, but for all of Maui.

Respectfully,

Pam Daoust, President
Ma'alaea Community Association
daoust@hawaii.rr.com

Cc:

Mayor Alan Arakawa
Maui County Council Chairman Mike White and Council Members
Carol Reiman and Buddy Almeida, Department of Housing and Human Concerns
Maui County Planning Director Will Spence
Senator Rosalyn Baker
State Representative Angus McKelvey
Vince Bagoyo, Project Consultant



BAGOYO

DEVELOPMENT
CONSULTING GROUP

October 15, 2015

Ms. Pam Daoust
President
Ma`alaea Community Association
50 Hau`oli Street
Wailuku, HI 96793

Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation Project
Pursuant to 201H, Hawaii Revised Statutes (“HRS”)
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Ms. Daoust:

Thank you for comment letter dated August 12, 2015 concerning the subject action. We acknowledge your comments, and offer the following responses to your comments.

As you observed, proposals for the area has evolved through numerous meetings and discussions with concerned citizens and county and state agencies. The proposed action described in Section II.1 of the Final EA is defined as 113 fee simple rural lots and affordable residential housing projects, which will include 55 rural lots and 58 affordable residential housing units (hereinafter, the “Project” or “action”). The goal of the Project is to provide affordable residential housing and maintain a rural, low-density development that will preserve the rural character of the area and allow small-scale agricultural uses. The only action being evaluated under HRS Chapter 343 and considered by the County of Maui Department of Housing and Human Concerns (“DHHC”) is the action described in the EA submitted to the Office of Environmental Quality Control (“OEQC”) and published in the July 23, 2015 edition of the Environmental Notice.

Creating an 80-acre agricultural/open space easement is not a component of the Project and was not identified as a mitigation requirement in the EA or by any county or state agency. Furthermore, as discussed in Section II.1 of the EA, the project area is not designated by the County of Maui as a scenic or natural resource requiring special attention. However, to preserve open spaces, most of the makai portions of the property will remain in agriculture for agricultural, drainage and other allowable uses, as discussed in Section III.8 of the EA. As shown in the Site Plan and District Boundary Amendment Map, Appendices C and W of the Final EA, approximately 106.29 acres will remain in agricultural use. In addition, drainage retention basins proposed for the makai portion of the Project area along Honoapiilani Highway and the proposed agricultural lots will provide an adequate view plain to the East Maui Mountains.

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROUP@HAWAII.RR.COM

The proposed action described in the EA does not include accessory dwellings, commonly referred to as “ohana units”. The County of Maui currently allows ohana units on qualifying lots under Maui County Code Chapter 19.35. There is no guarantee that future homeowners will be able to build an ohana unit on their property. Whether or not the County will allow ohana units on individual properties in the future depends on various factors including the size of the lot and access to public facilities, like sewage disposal, water, fire protection, and street access. Meeting these requirements will be the responsibility of future homeowners.

The Hawaii State Legislature, by and through its desire and authority to set a statewide housing policy, incentivized the market to provide Hawaii’s working families with affordable housing by passing HRS Chapter 201H. We have been working closely with DHHC, who is delegated authority by the legislature to implement a 201H program for the County. As a qualifying project, the Project is “exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and construction of dwelling units”, as approved by the Maui County Council, under HRS 201H-38. Regarding your comments on the *Maui Island Plan* (“MIP”), one of the exemptions granted under the 201H program is an exemption from rules related to planning. However, many elements of the Project are consistent with the MIP and *Kihei-Makena Community Plan*, Ordinance No. 2641 (1998) (“KMCP”), as discussed in Section IV of the EA.

The updated Traffic Impact Assessment Report (“TIAR”), Appendix E of the EA was prepared to assess traffic impacts attributed to the proposed action and identify appropriate measures to mitigate reasonably foreseeable impacts. The analysis estimated that the Project could generate 120 trips during the morning peak hour and 165 trips during the afternoon peak hour. The study area for the TIAR was defined after consultation with the State of Hawaii Department of Transportation and includes the following intersections: Honoapiilani Highway at Kuihelani Highway, Honoapiilani Highway at North Kihei Road, Honoapiilani Highway at Ma`alaea Road, Honoapiilani highway at Kapoli Street, and Honoapiilani Highway at Hauoli Street. With mitigation, levels of service will remain at current levels. In addition, volume-to-capacity ratios will be below 1.00. Mitigation will include additional lanes, revised striping, and traffic signal modifications at the two existing intersections and converting the two existing three-legged intersections to four-legged intersections. A summary of roadway impacts and mitigation is discussed in Sections II.E.1 and III.C.1 of the EA.

Section II.C.1 and 2 of the EA addresses the additional need for police, fire, and medical services caused by the proposed action. The County’s fire and police services are primarily funded with general tax revenue generated from property taxes. If the Project is completed, property tax revenues will be added to County coffers. The Maui

Ms. Pam Daoust
Page 3 of 5
Ma`alaea Plantation

Police Department is approximately six miles east of the Project; the Wailuku Station is approximately four miles north of the Project; and the Market Street substation is approximately 2.5 miles north of the Project. The Project is located between two heavily populated areas served by the police department – Wailuku and Ma`alaea. The Maui county Department of Fire and Public Safety has two Kihei stations that serves the Ma`alaea and Kihei regions, both stations are located approximately four and five miles east of the Project, respectively. The Wailuku and Kahului stations are approximately three to four miles from the Project, respectively. There is a potential for wildfires from state property immediately mauka of the Project site. As discussed in Appendix D of the EA, the Project is working with the state to address this issue. Section III.B.3 of the EA concludes that the proposed action is not anticipated to impact the service capacity and capability of police, fire, and emergency medical services.

Your general comment that “Any development that occurs in the region must be sensitive to Ma`alaea’s sense of place and include safeguards to protect these valuable resources,” is well taken. The EA evaluates the significance of potential environmental effects, and in particular, Section III.

Your letter includes a section entitled, “Problems not addressed in the DEA,” some of which are related to HRS 343 requirements, and some are not. These are addressed in turn in the order they are presented as follows:

1. The County’s Haycraft Park is located approximately .5 miles southeast of the Project. The Project is not located along or near the shoreline. The Project will include an approximately 2.8 acre neighborhood park. According to the Department of Parks and Recreation in its letter of July 14, 2015, the proposed 2.8 acre neighborhood park satisfies the parks and playground requirements.

2. Phase I and II environmental assessment reports are found in Appendix N of the EA. The reports identify the Ma`alaea construction and Demolition Landfill, which is located downhill and across the highway from the Project. This assessment revealed no significant evidence of recognized environmental conditions in connection with the landfill and the Project area.

3. The word “preliminary” was removed from the site plan map as shown in Appendix C of the final EA. The Project proposes one family unit for each lot. If the Project changes in the future, the landowner must comply with HRS Chapter 343 requirements and other county and state regulations. As discussed above, the only action being evaluated under HRS Chapter 343 and considered by DHHC is the action described in the EA submitted to the OEQC and published in July 23, 2015 edition of the Environmental Notice. Comments made outside of the EA document are not part of the Project. The various updated reports support the EA analysis regarding the significance

of potential environmental effects. The reports consider a range of potential environmental effects as the Project evolved, including the potential effects of the action reviewed in the EA.

4. As discussed in the updated "*Preliminary Engineering Report*," Appendix D of the EA, there is no County sewer system to service the Project. Lot owners will install individual wastewater systems ("IWS"). The following language will be inserted in Section III.C.3 of the Final EA: "The State Department of Health ("DOH") regulates IWS to ensure that disposal systems do not deposit untreated sewage into the environment. The DOH regulates IWS under Hawaii Administrative Rules ("HAR") Chapter 11-62, Subchapter 3. Among other things, DOH approves IWS plans and construction prior to installation and operation. DOH requires IWS owners to certify that an IWS is operated and maintained in accordance with a DOH approved operation and maintenance manual developed by an IWS design engineer. Any person who violates any provision of HAR Chapter 11-62, is subject to citation and penalties, pursuant to HAR 11-62-72, - 74." The Project will not construct treatment facilities and injection wells. As discussed in Section III.C.3 of the EA, there are no anticipated impacts on or nearby the Ma`alaea shoreline and the small boat harbor. The cost of these improvements and its impact on future lot owners is beyond the scope of HRS Chapter 343, however, as discussed herein, affordability is an issue being discussed under the 201H program with DHHC.

There is no County water system to service the Project. The Project will use potable water from its own private water system. The proposed action will require the construction of a private offsite potable water system, which includes an existing offsite water source and storage facilities. The water well sources include three wells known as Pohakea Wells 1,2, and 3; a water storage tank; and transmission waterlines are completed. The water system may also include the installation of reverse osmosis ("RO") system. According to the updated Assessment of Water Supply Report, Appendix M of the EA, the objective of the treatment process is to produce a blend of RO product water and untreated well water which has chlorides of 100 MG/L or less and total dissolved solids of 300 MG/L or less. According to the water assessment report, the RO concentrate may be used to irrigate the drainage retention basins and other common areas. Based on the analysis by Tom Nance Water Resources Engineering in Appendix M of the EA, water sources are adequate to meet the projected water demand for the Project.

5. The northern portion of the property encompassing approximately 22 acres is within the Special Management Area ("SMA"). As discussed in Section IV.H of the EA, SMA requirements for all applicable components of the Project will be followed.

Ms. Pam Daoust
Page 5 of 5
Ma'alaea Plantation

6. As mentioned above, the Project is being processed under the County of Maui's 201H program, which allows certain exemptions to foster the development of affordable housing for Maui's working families. While we respect the opinion the Department of Planning, the 201H process is administered by DHHC.

7. As you noted, the Project has evolved over time. This evolution was primarily to address the concerns of the community and county and state agencies. As documented in the section you reference, the public was made aware of the Project, educated about the Project, and participated in shaping the Project.

8. The updated studies cited in the EA are sufficient for determining the significance of potential environmental effects, as concluded throughout the EA.

9. Section II.B and C evaluates potential effects on economic and social welfare issues like schools, jobs, and recreational facilities. As you repeatedly note, this is a Project being developed under the County's 201H program to build affordable housing for Maui's working families. DHHC and the County Council will approve various exemptions.

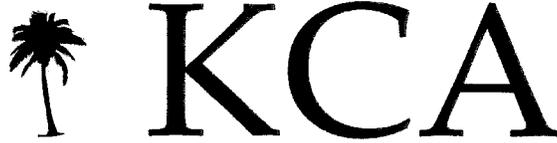
Your letter and this reply will become part of the public record and be appended to the Final EA. When published, the Final EA will be available on the OEQC website. Thank you for your participation in the environmental review process.

Sincerely,



Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)



Kihei Community Association
"e malama pono"...dedicated to protecting,
sustaining and enhancing our 'āina, kai and 'ohana

August 10, 2015

Approving Agency

County of Maui
Department of Housing and Human Concerns
ATTN: Carol Reimann and Buddy Almeida
200 South High Street
Wailuku, Hawai'i 96793

Consultant

V. Bagoyo Development Consulting Group
ATTN: Vince Bagoyo
1500 Kilinoe Place
Wailuku, Hawai'i 96793

Applicant

MVI, LLC
ATTN: Douglas Spencer
67 E Waiko Road
Wailuku, Hawai'i 96793

KCA Response to the proposed Ma'alaea Plantation Draft Environmental Assessment (DEA)

The KCA disputes the anticipated Finding of No Significant Impact and will document below specific instances of significant negative impact that this project would have if it were to be built. We recommend that a full Environmental Impact Statement be required.

Actual proposed number of residences

Throughout the body of DEA, the number of residences is shown as 113 lots, comprised of 58 affordable units and 55 market rate units. The traffic report in Appendix C mentions that each market rate lot will be eligible to include an ohana, which raises the total number of residences to 168 units. In addition, future owners of 10,000 sf affordable lots will be able to add ohanas as well, which could bring the total number of units in the development to 226 units. The appendices for water and traffic show a different configuration of 37 affordable homes and 75 market rate homes with ohanas. The number of units to be built should be corrected to be consistent throughout the DEA report and appendices and should include potential ohanas as well as primary residences (total 226 units). Without showing an accurate number of total residences, the engineering studies are in question.

We will focus our remaining comments on specific items within Section III of the DEA.

III. Potential Impacts and Mitigative Measures.

A. Impacts to the Physical Environment

2. Topography and Landform

The report mentions using Best Management Practices during construction to prevent soil erosion. Because of precarious state of local coastal reefs, especially the Ma'alaea reef (which is near total collapse), KCA has published on its website (gokeihi.org, on the *Planning Committee page*) a *Position Statement Addressing Best Management Practices during Construction, December, 2014*. The *Statement* lists ten requirements, in addition to the County BMPs, to be included in the drainage plans for any area developments. These advanced requirements should apply to this project and be referred to in the Environmental Assessment.

6. Air Quality

The report speaks of mitigating air-borne dust during construction, but does not mention how air-borne dust generated by agriculture activities will be mitigated during the long term.

B. Impacts to the Socio-Economic Environment

3. Police, Fire and Medical Services

The report mentions that the project will make use of existing services in the Kahului-Wailuku and Kihei-Makena areas.

As far as police services, the Kihei Police Force is currently responsible for the area from the south end of South Kihei Road to the Pali Tunnel on Honoapi'ilani Highway, so would alone be responsible for the area of the proposed development. Kihei Police forces are currently understaffed with only six officers on average on duty per shift. Making additional trips to Ma'alaea will decrease the level of service in existing communities. In addition, it is not unusual for Honoap'ilani Highway traffic to be brought to a halt in this area for extended periods due to traffic accidents on the Pali or south of Lahaina. Such a traffic jam would make it extremely difficult for emergency services to reach this development.

The mountainside above the proposed development has a history of wild fires. The DEA does not mention how access will be provided to fire-fighting equipment after this area is settled. The DEA indicates that fire hydrants will be spaced along the sub-division roadways, but it does not address if these hydrants will suffice to reach the large open plots within the division.

C. Impacts to Infrastructure

1. Roadways

While the traffic study covers the immediately adjacent intersections, these are not the only intersections that will be impacted. The DEA mentions in the section on schools, that students will attend existing schools in Kihei. Parents will be required to drive students to all schools, thus impacting all the intersections on Pi'ilani Highway from North Kihei Road to Lipoa Street. The report needs to show the impact of the development on all affected intersections.

The distance of this project from any services is a concern to KCA because vehicle travel will be required for any activity outside the home, including school, work, shopping and recreation.

The proposed internal roadway will cross a drainage way. There are no plans included to indicate how this crossing will be handled.

There is no mention of complying with state and county Complete Streets principles. The project should create a separated bike lane or bike path along Honoapi'ilani Highway frontage and it should provide easements on their internal roads for future possible bike paths and sidewalks.

2. Water

Water calculations in Appendix C are for 112 total units. However, as the traffic report notes, each of the rural lots will be allowed to build an ohana, bringing the total number of residences to 168. The affordable lots can also build ohanas. Calculations for water use need to reflect the total water use by 226 residences.

3. Wastewater

The DEA indicates that each owner will be responsible for installing their own individual waste system. We see three potential problems in this:

1. **Cost.** This development includes housing that is to be affordable. The cost of a IWS system is reported to be \$10,000 to \$60,000 dollars per unit depending in part on the soil conditions. If it is very rocky soil then the higher figure should be considered in the price to determine if the unit meets the guide lines for affordable.
2. **Dependability.** Proper Installation and maintenance of these units are necessary to assure that the system work properly. With the large number of housing units on these systems, this will require significant oversight by the County. Should the systems not perform, the marine environment is at risk. Ma'alaea Bay is already a Whale Sanctuary that is already heavily stressed by runoff and waste water disposal. The near shore coastal waters and Ma'alaea reef are already near total system collapse. Ground water, if it is contaminated by systems that are not properly working will most likely seep into the Bay. Waste water could be better managed by a central plant with continuous monitoring for proper discharge requirements.
3. **Reuse of Water.** The use of individual systems does not allow the effective use of reclaimed water. A central treatment plant could produce R-1 waste water for irrigation. Water is scarce in Maui and reuse would be beneficial to the entire island. The project should reuse 100% of generated waste-water.

In conclusion, the KCA is concerned about many environmental aspects of this project and the inconsistency of number of units among the reports. KCA disputes the finding of No Significant Impact.

Page 4

Response to the proposed Ma'alaea Plantation DEA

The developer should submit a complete Environmental Impact Statement before the proposed project can be realistically evaluated.

Aloha,

A handwritten signature in black ink, appearing to read "Mike Moran", written over the typed name.

Mike Moran

President

cc: Mayor Arakawa



BAGOYO
DEVELOPMENT
CONSULTING GROUP

October 15, 2015

Mr. Mike Moran
President
Kihei Community Association
P.O. Box 662
Kihei, HI 96753

**Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation
Project Pursuant to 201H, Hawaii Revised Statutes (HRS)
TMK: (2) 3-6-001:018, Wailuku, island of Maui, HI**

Dear Mr. Moran:

Thank you for your comment letter dated August 10, 2015 concerning the subject action. We acknowledge your comments, and offer the following responses to your comments.

We appreciate your concern regarding reasonably foreseeable impacts caused by the proposed action. The Final EA includes an analysis of anticipated effects and proposed mitigation measures. In addition, we reviewed all comments on the draft EA during the comment period and made changes where appropriate in the Final EA. Based on the Final EA, we agree with the Department of Housing and Human Concerns' determination that the proposed action does not have a significant effect on the environment and therefore does not require the preparation of an environmental impact statement.

Ohana Units

The proposed action described in the Final EA does not include accessory dwellings, commonly referred to as "ohana units". On pages 2 and 3 of the Final EA, the proposed action is defined as "113 fee simple rural lots and affordable housing projects, which will include 55 rural lots and 58 affordable residential housing units".

The County of Maui currently allows ohana units on qualifying lots under Maui County Code Chapter 19.35. There is no guarantee that future homeowners will be able to build ohana unit on their property. Whether or not the County will allow ohana units on individual properties depends on various factors including the size of the lot and access to public facilities, like sewage disposal, water, fire protection, and street access. Meeting these requirements will be the responsibility of future homeowners. The updated Traffic Impact Assessment Report ("TIAR") prepared for the proposed action in Appendix E of the Final EA, includes an analysis of trip generation in the event the

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROU@HAWAII.RR.COM

Mr. Mike Moran
Page 2 of 6
Ma`alaea Plantation

County allows ohana units in the future; however, ohana units are not part of the proposed action.

Topography and Landform – Construction and Post-Construction Runoff

Section II.A.4 of the Final EA, provides the following regarding topography and soils characteristics:

According to the “Soil Survey of islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii (August, 1972),” prepared by the U.S. Department of Agriculture Soil Conservation Service, the soils within the project site are classified as Ewa Silty Clay (EsB), Ewa Cobbly Silty Clay (EtB), Pulehu Cobbly Clay Loam (PtB), and Stony alluvial Land (rSM). Ewa Salty clay, 3 to 7 percent slopes, is described as having very slow runoff with no more than slightly erosion hazard. Ewa Cobbly Silty Clay and Pulehu Cobbly Clay Loam are characterized as having moderate permeability and slow runoff with slight erosion hazard. Stony Alluvial Land is high in permeability and consists of stones, boulders, and soil deposited by streams along the bottom of gulches and an alluvial fans.

Section III.C.4 of the final EA addresses specific best management practices that will be implemented during the construction to provide erosion control. Overall, the design intent of the project will be to limit the need for extensive grading as much as possible.

In addition, Section III.C.4 of the Final EA addresses the post construction drainage system for the project. The proposed drainage system will be designed and constructed in compliance with all applicable county, state, and federal rules and regulations pertaining to drainage improvements, including Department of Public Works’ rules and ordinances related to the design of storm drainage facilities, post-construction stormwater quality BMPs, and stormwater rules.

The Preliminary Engineering Report, Section III.C.4 of the Final EA, summarizes impacts from the proposed action as it related to runoff as follows, “there are no anticipated impacts on the downstream properties and Ma`alaea Small Boat harbor area.”

Air Quality – Agriculture

Section III.A.6 of the Final EA addresses air quality impacts caused by the proposed action as follows:

Mr. Mike Moran
Page 3 of 6
Ma`alaea Plantation

Emissions from construction equipment and vehicles used during construction activities may temporarily affect the ambient air quality within the immediate vicinity of the project site. However, these temporary air quality affects can be minimized by instituting Best Management Practices (BMPs) during project construction. In addition, dust control will be instituted such as dust barriers, watering graded areas, and/or sprinklers to control dust during construction of the project.

Historically, the project area was used for commercial sugar and pineapple, and then leased out to small-scale agriculture until 2003. Future landowners may conduct agricultural uses in the areas of the project within the State Rural and Agricultural districts. Hawaii's Right to Farm Act, Hawaii Revised Statutes Chapter 165, protects farming operations that are conducted in a manner consistent with generally accepted agricultural and management practices.

Impacts to the Socio-Economic Environment – Police, Fire, and Medical Services

Section II.C.1 and 2 of the Final EA addresses the additional need for police, fire, and medical services caused by the proposed action. The County's fire and police services are primarily funded with general tax revenue generated from property taxes. If the project is completed, property tax revenues will be added to County coffers.

The Maui Police Department is approximately six miles east of the project; the Wailuku Station is approximately four miles north of the project; and the Market Street substation is approximately 2.5 miles north of the project. The project is located between two heavily populated areas served by the police department – Wailuku and Ma`alaea.

The Maui County Department of Fire and Public Safety has two Kihei stations that serves the Ma`alaea and Kihei regions, both stations are located approximately four and five miles east of the project, respectively. The Wailuku and Kahului stations are approximately three to four miles from the project, respectively. There is a potential for wildfires from the state property immediately mauka of the project site. As discussed in Appendix D of the Final EA, the project is working with the state to address this issue.

Dental and other medical offices are also located within the Wailuku-Kahului region to serve its residents and visitors, and are within four miles or less from the proposed project site.

Section III.B.3 of the Final EA concludes that the proposed action is not anticipated to impact the service capacity of police, fire, and emergency medical operations.

Impacts to Infrastructure – Roadways

The updated Traffic Impact Assessment Report (“TIAR”), Appendix E of the Final EA was prepared to assess traffic impacts attributed to the proposed action and identify appropriate measures to mitigate reasonable foreseeable impacts. The analysis estimated that the project could generate 120 trips during the morning peak hour and 165 trips during the afternoon peak hour.

The study area for the TIAR was defined after consultation with the State of Hawaii Department of Transportation and includes the following intersections: Honoapiilani Highway at Kuihelani Highway, Honoapiilani Highway at North Kihei Road, Honoapiilani Highway at Ma`alaea Road, Honoapiilani Highway at Kapoli Street, and Honoapiilani Highway at Hauoli Street.

Future traffic volumes that will be generated by the proposed project were estimated using the methodology described in the Trip Generation Handbook and Trip Generation Manual, a common reference for traffic engineers prepared by the Institute of Transportation Engineers, as discussed in the TIAR. Single-family detached housing trip generation data was used, which accounts for common activities like work, school, and shopping trips, also used trip generation data to consider ohana units.

With mitigation, level of service will remain in current levels. In addition, volume-to-capacity ratios will be below 1.00. Mitigation will include additional lanes, revised striping, and traffic signal modifications at the two existing intersections and converting the two existing three-legged intersections to four-legged intersections. A summary of roadway impacts and mitigation is discussed in the Section II.E.1 and III.C.1 of the Final EA.

The proposed action will comply with applicable county and state complete street principles as required. Roadways internal to the project will be designed to low density, rural standards, which do not include sidewalks to preserve the rural character of the area. Design requirements such as sidewalks and bike paths within Honoapiilani Highway right-of-way will be coordinated with the State Department of Transportation.

Impacts to Infrastructure – Water

There is no County water system to service the proposed project. The proposed project will use potable water from its own private water system. On pages 2 and 3 of the

Mr. Mike Moran
Page 5 of 6
Ma`alaea Plantation

final EA, the proposed action is defined as 113 fee simple rural lots and affordable residential housing projects, which will include 55 rural lots and 58 affordable residential housing units.

The proposed action will require the construction of a private offsite potable water system, which includes an existing offsite water source and storage facilities. The water sources include three wells known as Pohakea Wells 1,2, and 3; a water storage tank; and transmission waterlines are completed. The water system may also include the installation of reverse osmosis (“O”) system. According to the updated Assessment of Water Supply Report, Appendix M of the Final EA, the objective of the treatment process is to produce a blend of RO product water and untreated well water which has chlorides of 100 MG/L or less and total dissolved solids of 300 MG/L or less. According to the water assessment report, the RO water concentrate may be reused to irrigate the drainage retention basins and other common areas.

Based on the analysis by Tom Nance Water Resources Engineering in appendix M of the Final EA, water sources are adequate to meet the projected water demand for the proposed project.

Impacts to Infrastructure – Wastewater

As discussed in the updated Preliminary Engineering Report, Appendix D of the Final EA, there is no County sewer system to service the proposed project. Lot owners will install individual wastewater system (“IWS”). The following language is inserted in Section III.C.3 of the Final EA:

The State Department of Health (“DOH”) regulates IWS to ensure that disposal systems do not deposit untreated sewage into the environment. The DOH regulates IWS under Hawaii Administrative Rules (“HAR”) Chapter 11-62, Subchapter 3. Among other things, DOH approves IWS plans and construction prior to installation and operation. DOH requires IWS owners to certify that an IWS is operated and maintained in accordance with a DOH approved operation and maintenance manual developed by an IW design engineer. Any person who violates any provision of HAR Chapter 11-62, is subject to citation and penalties, pursuant to HAR 11-62-72, - 74.

The project will not construct treatment facilities and injection wells. As discussed in Section III.C.3 of the Final EA, there are no anticipated impacts on and nearby the Ma`alaea shoreline and the small boat harbor.

The impact an IWS may have on affordability for each lot (along with all the other cost related requirements of developing, building, marketing, and selling each lot)

Mr. Mike Moran
Page 6 of 6
Ma`alaea Plantation

is balanced and offset by exemptions to fees and development requirements allowed under the Hawaii Revised Statutes Chapter 201H affordable housing program administered by the County of Maui, Department of Housing and Human Concerns.

Thank you again for your comments and should you have further questions, please feel free to contact me at (808) 357-3842.

Sincerely,


Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

From: Albert Perez, Executive Director
Maui Tomorrow Foundation, Inc.
55 N. Church St
Wailuku, HI 96793

To: Maui County Department of Housing and Human Concerns,
2200 Main Street, Suite 546
Wailuku, HI 96793.
Contact: Carol Reiman

August 24, 2015

Re: Draft Environmental Assessment for Proposed Ma`alaea Plantation Project & Related Improvements, TMK: (2) 3-6-001:018

Dear Ms. Reiman,

We have reviewed the subject Draft Environmental Assessment (DEA) for Ma`alaea Plantation, and find that although it purports to meet the standards of HAR 11-200-10, Environmental Impact Statement Rules, it in fact contains inadequate, inconsistent and even missing information. For example, Table 9, referred to on page 15 of the Traffic Impact Analysis Report, is missing from page 16, which only includes the words "INSERT TABLE 9".

As another example, the narrative of the DEA, which refers to 58 affordable homes and 55 market lots, is inconsistent with the Appendices, list various combinations of homes and lots as follows:

Executive Summary: 55 market priced rural lots and 58 affordable homes
Appendix D: 75 single family lots (RU-1 and RU-5) and 37 residential zoned lots
Appendix E: 112 agricultural lots
Appendix J: a mix of single-family and multi-family housing types
Appendix M: one-acre rural residential lots, one 27.5 acre rural lot, and 37 single-family lots
Appendix P: 950 single-family and multi-family dwelling units
Appendix Q: 92 one-acre rural lots, 15 five-acre rural lots, and one 27.5 acre rural lot.

These deficiencies make it difficult to properly review the document; the same proposed project should be assessed throughout.

In addition, since the impacts of the proposed project are significant, as defined by HAR 11-200-12, an Environmental Assessment is not sufficient, and an Environmental Impact Statement is therefore required,

Per HAR 11-200-2,

"Significant effect" or "significant impact" means the sum of effects on the quality of the environment, including actions that irrevocably commit a natural resource, curtail the range of beneficial uses of the environment, are contrary to the state's environmental policies or long-term environmental goals and guidelines as established by law, or adversely affect the economic or social welfare, or are otherwise set forth in section 11-200-12 of this chapter."

Per HAR 11-200-12(b),

"In determining whether an action may have a significant effect on the environment, an agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action. In most cases, an action shall be determined to have a significant effect on the environment if it:

(6) Involves substantial secondary impacts, such as population changes or effects on public facilities;

Comment: The location of the proposed project, far away from existing public services, and outside the Urban Growth Boundary of the Maui Island Plan, will increase the need for police, fire and emergency medical services, and will increase emergency response times in the respective service areas. In addition, local parks are already overloaded, and the proposed project will add to the burden. The project also has a secondary impact on the health of the Waikapu aquifer and public trust groundwater resources that are needed to supply domestic water supplies throughout central Maui. An Environmental Impact Statement is therefore required, and should examine the costs of providing additional public infrastructure and improvements to public services.

(12) Substantially affects scenic vistas and view planes identified in county or state plans or studies;

Comment: The County of Maui's 2006 Scenic and Historic Resources Inventory report identified the views from Honoapiilani highway across the proposed project as "high." During the project's consultation meetings with Maui Tomorrow and other groups, the preservation of views was repeatedly mentioned as being of great importance. The 1992 State Land Use Commission (LUC) Boundary Amendment FEA concluded that keeping the land in agricultural use "maintained the open space character of the Central Maui Isthmus." The LUC Findings of Fact number 69 described the sweeping view of the ocean, offering motorists "uninterrupted views of the West Maui Mountains" and concluded that the "Property, together with the surrounding agriculture and range lands, establish the open space character of the region." An Environmental Impact Statement is therefore required, and should examine the project's impacts on this "open space character of the region" and views from Honoapiilani Highway.

(13) Requires substantial energy consumption.

Comment: The site of the proposed project is one of the hottest locations on Maui. The property is also immediately downwind from tens of thousands of acres of agricultural cultivation, which consistently generate dust and smoke. The combination of heat, dust and smoke will likely cause residents of the proposed project to keep their windows closed, thus requiring air conditioning and consuming more energy than would be required for homes in a more suitable location.

This site is also far from basic services, shopping, jobs, and schools. Residents

would be required to drive for virtually every need outside of the home, thus contributing to increased energy consumption for transportation.

Due to the extremely dusty environment, any solar hot water or electricity systems installed in this area would require frequent cleaning, or suffer decreased energy production. Therefore, residents of the proposed project would be less likely to be able to reduce their energy consumption than in other areas of Maui.

Due to the substantially increased energy consumption that would be required by building homes in this particularly hot, dusty location, outside of the Maui Island Plan Urban Growth Boundary, an Environmental Impact Statement is therefore required, and should examine the project's impacts on energy consumption.

We also note the following deficiencies in the Draft Environmental Assessment itself:

On p.9 the DEA states:

"The DEA is required to evaluate the potential impacts, if any, of the proposed Ma'alaea Plantation project on the natural and human environment. The EA will also provide mitigative measures that will address and respond to all potential impacts on the natural and human environment."

However, Maui Tomorrow concludes that the DEA does not provide adequate information to meet the above goal or the standards required in HAR 11-200-10. Our specific comments follow.

**Section I: Project Overview/Property Location/ Surrounding Land Uses:
Location of Maui Demolition and Construction Landfill Not Shown or Discussed**

The DEA site location/surrounding land uses discussion does not mention the presence of the Maui Demolition and Construction Landfill and Concrete Recycling Facility. This facility, a former cinder quarry that was considered a sacred site in pre-contact Maui, is located directly across Honoapiilani Hwy from the north end of the proposed Ma'alaea Plantation project. This is the closest portion of the project site to where the affordable units are proposed.

The landfill is briefly mentioned in the Solid Waste Disposal section as located "east off the project site." It is discussed briefly in the Environmental Assessment Report (Appendix O) as having no HDOH reports associated with it. Its long and troubled regulatory history and series of complaints is not mentioned. In fact, the facility has caught fire on at least three occasions since 1997, operated without a permit for over a year and is required by its Special Use Permit to provide regular groundwater testing reports to Maui County, HDOH and Ma'alaea Community Association.

A review of Maui newspaper files shows that Ma'alaea residents, who are much further away than the proposed affordable housing residents would be living, have reported health impacts to the HDOH, including nausea and impaired breathing, due to foul fumes coming from the facility during the months-long fires. The current facility generates regular complaints of fugitive dust and windblown debris. The location of this facility, directly across the road from the proposed

affordable housing, should be disclosed and discussed in an Environmental Impact Statement. It is not shown and labeled on a single map in the DEA.

Section II Description of Existing Environment

1. Project Site History

This section does not reveal that the same parcel (TMK (2)-3-6-01:018) was also the subject of a 1992 State Land Use Commission (LUC) Boundary Amendment. As such, there are conditions of that amendment which are recorded against the deed of the parcel and should be included and discussed. One of the LUC conditions deals with any future development of the land. The current DEA is not complete without this information.

2. Surrounding Land Uses

As noted above, the DEA site location/surrounding land uses discussion does not mention the presence of the Maui Demolition and Construction Landfill and Concrete Recycling Facility. This facility does have an impact on local quality of life, and should be discussed.

6. Flood and Tsunami Hazard

The DEA does not mention that the LUC 1992 Boundary Amendment for this parcel removed the southernmost 20 acres of the site from the "Conservation" zone. It is likely that this land was in the Conservation zone due to the likelihood of flooding and tsunami hazard exposures. FEMA flood zone X-(shaded) lies in this section of land and the Ma`alaea Bay (400 ft. away) is an area where a number of tsunami waves have occurred. The project site is also at high risk for upslope wildfires. All of this information is absent from the DEA.

Minimum content for an EA, is prescribed in HAR 11-200-10.

HAR 11-200-10 (7) states: Where direct, indirect or cumulative impacts of the proposed action on rare, threatened, or endangered species or where direct, indirect or cumulative impacts of the proposed action on sensitive areas identified in any environmental setting, formulate measures to mitigate, reduce or rectify any adverse impacts.

7. Endangered Flora and Fauna

The DEA acknowledges that the project's Flora and Fauna field survey documented three native insect species on the land including the endangered Blackburn sphinx moth. Abundant insect life on the site also attracted the endangered native bat.

While the survey concludes that "no special habitats are present" on the land, it also notes that "little of original vegetation remains, except in some of the small gullies" and recommends that the native wiliwili trees growing in one of the gullies be left to "provide a native accent." This information is not reflected on p. 19 discussing native flora and should be as the section notes that one of the purposes of the survey was for the consultant to "make recommendations to the landowner with respect to any sensitive species or habitats on the project site."

While the project's consultant recommended consultation with US Fish and Wildlife Service regarding the endangered species on the site, the DEA provides no information regarding what

this agency is recommending. HAR 11-200-10 (7) specifies that the DEA *“formulate measures to mitigate, reduce or rectify any adverse impacts.”* Simply stating that the project is consulting with USFWS does not fulfill this requirement, as the DEA reviewer has no clue as to whether adequate mitigation measures are being proposed.

8. Streams and Reservoirs

The EA claims (p. 48) that no surface runoff from project site flows towards or into Pohakea gulch. However, the 1992 FEA submitted by C.Brewer/ Wailuku Agricultural Company for a Land Use Commission (LUC) Boundary Amendment for this same parcel states that the project area drains into Pohakea Gulch (page 12 attached.) Further, the DEA does not discuss drainage impacts from TMK (2) 3-6-004: 003, the lot where the project's existing and proposed water system facilities are located. This lot adjoins Pohakea gulch and drains into it. The EA should acknowledge drainage impacts to Pohakea Gulch and “formulate measures to mitigate, reduce or rectify any adverse impacts.”

9. Air Quality

While the project itself may not affect air quality, the DEA's conclusion that Ma'alaea power plant, Honoapiilani and the Construction landfill do not impact air quality on the project site is not based on any statistics on wind direction. The DEA should provide factual meteorological data showing how many days a year it would be expected that kona winds will carry fumes and emissions towards the project site.

11. Scenic and Open Spaces

The DEA states that the project area is not designated by the County of Maui as a “scenic or natural resource” requiring special attention.” However, the County's 2006 Scenic and Historic Resources Inventory report identified the views from Honoapiilani highway across the proposed project as “high.” During the project's consultation meetings with Maui Tomorrow and other groups the groups all mentioned preservation of views as being of great importance. The 1992 State Land Use Commission (LUC) Boundary Amendment FEA concluded that keeping the land in agricultural use “maintained the open space character of the Central Maui Isthmus.” The LUC Findings of Fact number 69 described the sweeping view of the ocean and offering motorists “uninterrupted views of the West Maui Mountains” and concluded that the “Property, together with the surrounding agriculture and range lands, establish the open space character of the region.” The DEA should discuss the project's impacts on this “open space character of the region” and views from Honoapiilani Highway. (this statement from 1992 FOF is attached)

13. Archaeological Resources

Archaeological review was done a decade ago for a different project design. It concludes that the Lahaina Pali trail, the major archaeological feature associated with the site, ended on state land above the project site and no alignment on the site itself can be determined. The DEA does not mention that the 1992 State Land Use Commission (LUC) Boundary Amendment Conditions of approval requires that the petitioner “shall provide access through the subject parcel (TMK (2) 3-6-004: 018) to the Old Lahaina Pali Trail..” (LUC Conditions attached). The trail does, in fact, currently have an access through the site. HAR 11-200-10 (4) requires the EA to provide necessary technical details on the proposed action including the location of any “historic site or landmark” and HAR 11-200-10 (5) requires the summary of the affected environment including cultural resources and historic sites. The Lahaina Pali Trail is both a

cultural resource and an historic site. The DEA should disclose that access to the trail is required through the land and provide a map or photograph of that access location in relationship to the proposed housing units and/or lots. The Kihei-Makena Community Plan, under the Cultural Resources section the Plan lists Objectives and Policies including:

f. Preserve and restore historical roads and paths as cultural resources, and require such resources to be available to the public.

The Plan also lists under Implementing Actions:

Important sites and areas in the Kihei-Makena Community Plan region include the following:

1) Lahaina-Pali Trail

The DEA does not comply with HAR 11-200-10 if it is silent on the matter. The LUC review of the project and related conditions should have been part of the Archaeological Inventory and Cultural Impact Assessment archive research. The Project cannot claim to be in compliance with the Kihei-Makena Community Plan as is claimed on p. 110 of the DEA if it concludes, as it does in the Assessment of Cultural Impacts section on p. 63 of the DEA, that “no continuing cultural practices are currently occurring within the project site.” This conclusion is based upon a 2005 Cultural Impact Survey that failed to note the association of the project site parcel with the southern terminus of the Old Lahaina Pali Trail in the 1992 LUC documents. An updated CIA should have been done and the presence of the trail access and its cultural and public use recognized and an adequate protected trail corridor noted on project maps.

Section II E. Proposed Infrastructure Improvements

2. Drainage

The Drainage sections of the DEA do not comply with HAR 11-200-10 information requirements for an acceptable EA that proposes adequate mitigation for all impacts. Instead, the DEA simply avoids acknowledging that impacts exist, or dismisses impacts with no real data to support the conclusion.

Drainage Impacts not Clearly Defined

The proposed project site has four natural drainages which pass through the property (as per Appendix P, Water Quality Assessment.) These drainage ways reach marine waters of Ma’alaea Bay, which, according to DOH data, are already impaired by both groundwater and surface water pollutant loads. The DEA text (p.49) notes that three of these drainage ways will “remain in natural condition” but does not refer to the fourth drainage way. Only two “drainage reserves” are shown in the project’s Preliminary Site Plan in the DEA. We have very little information about these drainage ways, their location or their fate.

The DEA needs to provide additional clarity regarding the natural and engineered drainage features. If natural drainage ways are proposed to be filled in and their storm flows rerouted, this should be specified. The DEA and its Preliminary Engineering Report (PER, appendix D) do not discuss any specific plans. Drainage Area Map (Exh. 7) in the PER shows seven drainage pathways through the property, and does not specify which ones are the three or four actual gulches. Several drainage pathways in the Exh. 7 map are in the area proposed for 58 affordable homes. Since all the project’s drainage will lead to Ma’alaea Bay and the project is

NOT REQUIRED to retain any storm water flows originating above the property, a more detailed discussion of drainage planning is needed in the EA in order for the accepting agency to determine if the document has provided sufficient information to conclude that the proposed action will effectively "mitigate, reduce or rectify any adverse impacts."

Drainage Impacts not Mitigated as Recommended

The EA notes (p.48) that overflow from the proposed retention basins will be directed to "existing drainage culverts." Buried in Appendix P (DEA's Water Quality and Marine Biological Assessment) is the acknowledgement that flooding impacts already occur right across the Honoapiilani Hwy from Ma'alaea Plantation at the Ma'alaea Triangle. The DEA text does not include information about this current state of affairs: large storm events already overwhelm the existing HDOT drainage culvert system. The DEA needs to discuss and offer firm mitigation proposals for the project's considerable onsite flows, to ensure that there is not "overflow" to existing drainage culverts in order to "mitigate, reduce or rectify any adverse impacts."

The same Water Quality Assessment (Appendix P, p.35) warns that coral cover at Kanaio beach in Ma'alaea can be impacted by runoff from the Ma'alaea Plantation development . The Assessment describes the potential impacts of the existing drainage channel :

"Land runoff via concrete drainage ditch emptying at the Kanaio shore has the greatest potential for impacting an area of live coral. This ditch could carry runoff from the Ma'alaea Mauka Development Project not retained by the upslope basins."

The Water Quality consultants recommended:

- 1) adequate sized retention basins constructed prior to any grading activities,
- 2) Best Management Practices, including only grading during dry weather, and
- 3) regular marine water quality monitoring during construction to mitigate any impacts to marine waters and corals.

Only the construction of the retention basins, a vague commitment to a set of BMP's that "may" be utilized (which does not mention dry weather grading) and the statement that the project will follow "all applicable federal, state and county rules and regulations pertinent to drainage improvements" are offered as mitigation in the DEA.

No monitoring or testing for project impacts is proposed. State and federal regulations require that additional pollutant loads to impaired waters, such as Ma'alaea Bay, be quantified during environmental review. No such information is offered in the DEA in order to "mitigate, reduce or rectify any adverse impacts." Instead, the DEA merely concludes that there will be no impacts,, without adequate mitigation being offered, and ignoring the recommendations of their own Water Quality consultants, that there will be no impacts.

Preliminary Engineering Report Lacking Essential Analyses on Water Quality Mitigation

The DEA mentions that runoff pollutant loads from the project could be reduced through swales, retention basins and Best Management Practices and concludes there would therefore be NO impacts. This conclusion is supposedly supported by the Preliminary Engineering Report (PER, appendix D) but that report discusses volume calculations rather than measurable reductions in water quality impacts.

The PER, as presented, deals specifically only with water quantity. It is the Water Quality Assessment report (Appendix P) which discusses impacts and mitigations to water quality. Neither the PER or the DEA text quantify the project's specific pollutant loads or detail plans to reduce sediment loads in its storm water runoff. County laws (Ch. 16.26.3306 and Ch. 18.20 MCC) were revised in 2011, requiring projects to reduce not just volume of storm water discharged from onsite, but to reduce total suspended solid (TSS) loadings by 80% in post construction runoff. The PER only refers to guidelines from the County's earlier ordinances of 1995 and 2002.

The PER does not acknowledge "impacts of the proposed action on sensitive areas" as identified in the Water Quality Assessment report (Appendix P) and fails to provide specific information regarding whether the size of the proposed retention basins is adequate to allow storm water to be confined for a long enough period of time to remove 80% of the sediment load as is currently required under the county's updated storm water regulations. The calculations for basin size in the PER (Appendix D) mention only water volumes. Without including specific sediment load settling time information in the PER and the DEA, the document fails to "formulate measures to mitigate, reduce or rectify any adverse impacts." as required by HAR 11-200-10 (7).

Rationale of Minimal Grading, not Quantified

As noted above, the DEA does not refer to or propose a number of mitigation measures which the Water Quality consultants it hired recommended, yet it concurs with the consultant's conclusion that the impacts can be mitigated. The DEA appears to arrive at this conclusion by suggesting that grading will be minimal since the 55 market priced lots will not be graded at once, but will have individual site work done as they are sold. While this sounds attractive, the County Department of Public Works inspectors are already overburdened in monitoring larger developments. It is unlikely that the grading plans and implementation of these 55 lots will get more than a "paper review." It also appears from the preliminary site plan in the DEA, that the majority of roads created to serve the 55 market priced lots will be done concurrently with the grading done for the affordable subdivision. These roads will create a new set of direct pathways for storm water to be channeled towards existing drainage ways and the ocean, even if the house lots themselves are not yet graded. The DEA needs to make it clear whether all the BMP's and the marine water quality monitoring recommended are going to be implemented during the project. If these mitigation measures are not going to be implemented, the DEA cannot conclude, based on the information provided, that there will be no drainage impacts, since there will be no way of confirming that conclusion.

3. Wastewater

The DEA does not consider whether the addition of over 100 septic systems and leach fields to the project site would have any effect on ground water quality released into near shore waters. The project's Marine Resources and Water Quality Assessment study (Appendix .P,) concludes on p.35 that

"in Northwest Ma'alaea Bay, 70% of variation in nutrient (except ammonia) and chlorophyll levels can be attributed to variations in salinity i.e. fresh water inputs or lack thereof."

Since the project's consultants have made clear the important role that ground water plays in Marine water quality, data should be provided in the EA regarding mitigation measures

designed to prevent leaks of septic tanks, and/or a test well that provides regular water testing to monitor groundwater pollutant levels.

4. Water

As noted above with wastewater impacts, the DEA does not consider the impacts that regular pumpage of its three wells and proposed R-O treatment facility will have on groundwater resources flowing into Ma'alaea Bay.

The DEA does not discuss impacts related to the concentrated "brine" water from Reverse Osmosis (R-O) water treatment which is being proposed to irrigate the retention basin areas along Honoapiilani Highway. The brine has potentially high concentrations of chlorides, nitrates and phosphorus that could enter groundwater supplies, especially since the retention basins are in the part of the project site nearest the ocean.

The DEA also fails to acknowledge that pumpage of the project's three municipal ground water wells in the Waikapu aquifer could have impacts on the existing freshwater inputs to Ma'alaea Bay and on the aquifer itself.

Maui Tomorrow is concerned that many DEA background reports are outdated and do not acknowledge that at the present time there are about nine wells permitted and installed, in the Waikapu aquifer besides the 3 project wells (total of 12), with two more municipal capacity wells proposed. Instead the DEA contains information indicating that cumulative impacts of the project are not likely since other nearby proposed projects like Waikapu Town have no "immediate plans."

This information is outdated. Waikapu Town has submitted an EIS Prep Notice. Wai'ale town already has LUC approval and is proposing two wells with a combined pumpage of 3 mgd, which constitutes the entire Sustainable Yield of the Waikapu aquifer according to the state WRPP . The DEA needs to discuss the cumulative impacts their Pohakea 1,2 and 3 wells will have on the aquifer, given that they may be required to pump larger and larger amounts of high chloride water in order to treat enough water to potable standards to serve future residents.

The future health and viability of Waikapu Aquifer must be discussed in the DEA as a public trust resource. The DEA assures us that the wells will have no impacts, even though the proposed pumping amounts do not fully consider the possibility of a second "ohana" unit on 55 market lots, and the high use of water demanded by large rural lots in arid areas. Current projected "peak" water demands of .73 mgd may actually prove to be higher, and may represent a significant percentage of freshwater input now being naturally provided to the Bay.

Section III: Potential Impacts and Mitigative Measures

C. Impacts to Infrastructure

1. Roadways

This section is based on Appendix E, Traffic Impact Analysis Report (TIAR), prepared in 2014 which is internally inconsistent. It first describes the project as constructing the infrastructure for 112 agricultural lots, then claims it will be for 111 agricultural lots. It then goes on to say that there will be 75 rural lots, and that each house may have one ohana each. The remaining 37 lot will be R3 Residential. This is inconsistent with the Proposed Action. The TIAR is therefore analyzing a different project. The DEA and it's TIAR must be revised to correct these inconsistencies.

Section IV: Consistency and Relationship to Land Use Plans, Policies, and Controls

State Land Use

The DEA states that the proposed project will seek a State Land Use District Boundary Amendment change from the Agricultural District to the Urban District, but then goes on to claim that the 55 market-priced lots will have a minimum lot size of one acre, "to preserve and protect the rural character of the area and to encourage small scale farming activity." Impacts are then analyzed as if this portion of the project is actually Rural, that is, consistent with both State Land Use and County of Maui characteristics of Rural lands. If the intent of this portion of the project is truly to create a Rural development, then the proposed district boundary amendment should instead be from Agriculture to Rural. Otherwise, uses permitted in the State Urban District could be permitted in the future. If the applicant insists on seeking an Urban land use district boundary amendment for the entire parcel, then the impacts of permitting Urban uses in this project need to be analyzed.

Pp. 86 - 90 of the DEA claim that the proposed reclassification is consistent with **both** Chapter 15-15(21), Standards for Determining "R" Rural District Boundaries, Chapter 15-15(18), Standards for Determining "U" Urban District Boundaries. Since these land use districts were designed to be mutually exclusive, both cannot be true.

County Zoning

The DEA states that the proposed Ma`alaea Plantation project is not inconsistent with the current Agricultural zoning. However, the first four intent statements of the County of Maui Agricultural zone are as follows:

1. Reduce the land use conflicts arising from encroachment of nonagricultural uses into agricultural areas;
2. Mitigate rising property values of farm lands to make agricultural use more economically feasible;
3. Discourage developing or subdividing lands within the agricultural district for residential uses, thereby preserving agricultural lands and allowing proper planning of land use and infrastructure development; and
4. Discourage establishment of nonagricultural subdivisions;

The Ma`alaea Plantation project is in direct conflict with all four of these intent statements. Therefore, the statements in the DEA claiming consistency with the intent of County Agricultural zoning are incorrect.

Section VI: Community Meetings

Maui Tomorrow was a participant in all of the Community meetings noted on p. 126 in discussion of the project's compliance with Coastal Zone Management SMA objectives and on

p.134. We would like to state for the record what our organization and others consulted all asked of the project:

- 1) Very low density to reduce traffic, groundwater and wastewater impacts and a means to have that density assured through zoning, deed restrictions and conservation easements.

Comment: Although the density was reduced from 1100 to 500 and then to 113 units, the actual zoning and State Land Use categories being proposed in the DEA **would allow at least 228 units**. This would count **the 58 affordable units**, main dwelling and ohanas permitted on the 79 rural lots allowed by the R-1 and R-5 zoning, and eventual subdivision of the 84.8 acres of ag zoned land into 12 lots since it has no permanent protection for ag use. We are disappointed that there is no assured density being offered in this project.

- 2) Permanent protection of 91 acres of agricultural land as open space and view shed (later reduced to 84 acres) along the makai boundary of the project parcel through a specific conservation easement held by a third party.

Comment: the 84.8 acres is shown as "ag" in the DEA plan maps but there is no willingness on the landowners part to commit to placing a conservation easement on the property to ensure that it would remain a large parcel used for low impact ag operations and open space/view shed.

- 3) Limit of heights in the dense affordable home area to one story to protect view planes

Comment: The landowners are not acknowledging the high quality view shed of their land and are only offering to confine the first row of affordable houses to one story. The DEA contains no view shed analyses to determine the effect of the additional five rows of affordable housing units on view planes, yet the landowner has concluded that there would be no impacts.

4. Concern over effects of Ma'alaea Plantation wells on the Waikapu Aquifer.
Community groups suggested a very low density of development design was needed to lower water demand on the aquifer. The developer represented that Ag lands would continue to use surface water from Waihee ditch.

Comment: The DEA proposes Land Use designations (Urban for around 171 acres and AG for 84.8 acres, with no Rural) and zoning that allows up to 225 units on the 256 acres, while its water demand analyses is planning of or 112 units and a 20 acre rural parcel. We believe that the development as proposed would result in cumulative impacts that are greater than those stated in the DEA. The combination of this project with the other larger projects which also have wells in the Waikapu aquifer will risk overuse and over pumping of the aquifer's resources.

Unfortunately we must conclude that although we and others participated in a number of meetings with the landowners, we do not feel that our main concerns were heard and incorporated into the project's design as it is currently discussed in the DEA.

Conclusion

In view of the significant information deficiencies and errors noted in the existing DEA, and the fact that the impacts of the project are significant, as defined by HAR 11-200-12, an Environmental Impact Statement is required instead of an Environmental Assessment.

Mahalo for the opportunity to comment.



BAGOYO
DEVELOPMENT
CONSULTING GROUP

October 16, 2015

Mr. Albert Perez
Maui Tomorrow Foundation, Inc.
55 Church Street
Wailuku, HI 96793

Subject: Draft Environmental Assessment A) for Ma`alaea Plantation Project and Related Improvements Pursuant to 201H, Hawaii Revised Statutes (HRS) TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Mr. Perez:

Thank you for your comment letter dated August 24, 2015 concerning the subject action. We acknowledge your comments, and offer the following responses to your comments.

As you observed, proposals for the area have evolved through numerous meetings and discussions with concerned citizens and County and State agencies. The proposed action, or Project, described in Section I.B of the final EA, is defined as the development of 58 affordable residential housing units with a minimum lot size of 10,000 square feet and 55 market-priced rural lots with a minimum lot size of 1 acre as shown in the site plan in Appendix C of the final EA. As noted in the final EA, to implement the development of the proposed project pursuant to 201H, HRS, the applicant will file a petition with the State Land Use Commission to reclassify approximately 22.015 acres of the project site from "Agriculture" to "Urban" District and approximately 129.479 acres from "Agriculture" to "Rural" District as shown in Appendix W of the final EA. The remaining portion of the property, approximately 106.29 acres will remain in "Agricultural" District for agricultural uses and other allowable uses. The only action being evaluated under HRS 343 and considered by the County of Maui Department of Housing and Human Concerns ("DHHC") is the action described in the EA. The updated technical studies cited in the final EA are sufficient for determining the significance of potential environmental effects, as conclude throughout the EA. All updated technical reports are included in the final EA.

The goal of the Project is to provide affordable residential housing for Maui's working families and maintain a rural, low-density development that will preserve the rural character of the area and allow small-scale agricultural uses.

Each of your comments are responded to in the order they are presented as follows:

1. Changes and Effects on Public Facilities

Police, Fire, Emergency. Section II.C.1 and 2 of the EA addresses the additional need for Police, fire, and medical services caused by the proposed action. The County's fire and police services are primarily funded with general tax revenue generated from property taxes. If the Project is completed, property tax revenues will be added to County coffers. The Maui Police Department is approximately six miles east of the Project; the Wailuku Station is approximately four miles north of the Project, and the Market Street substation is approximately 2.5 miles north of the Project. The Project is located between two heavily populated areas served by the Police Department – Wailuku and Ma`alaea. The Maui County Department of Fire and Public Safety has two Kihei stations that serves the Ma`alaea and Kihei regions, both stations are located approximately four and five miles east of the project, respectively. The Wailuku and Kahului stations are approximately three to four miles from the Project, respectively. Dental and other medical offices are also located within the Wailuku-Kahului region to serve its residents and visitors, and are within four miles or less from the Project site. Section III.B.3 of the EA concludes that the proposed action is not anticipated to impact the service capacity and capability of police, fire, and emergency medical operations.

Park Resources. An approximately 2.8 acre neighborhood park will be provided in the Project. According to the Maui County Parks and Recreation Department in its letter of July 14, 2015, the proposed neighborhood park within the Project will satisfy the parks and playground requirements.

Groundwater Resources. There is no County water system to service the Project. The Project will use potable water from its own private water system. The proposed action will require the construction of a private offsite potable water system, which includes an offsite water source and storage facilities. The water well sources include three wells known as Pohakea Wells 1, 2, and 3; a water storage tank; and transmission waterlines are completed the water system may also include the installation of reverse osmosis ("RO") system. According to the updated report on Assessment of Water Supply by Tom Nance Water Resource Engineering as shown in Appendix M of the final EA, the objective of the treatment process is to produce a blend of RO product water and untreated well water which has chlorides of 100 MG/L or less and total dissolved solids of 300 MG/L or less. According to Mr. Tom Nance's updated water assessment report, the RO water concentrate may be reused to irrigate the drainage retention basins and other common areas.

According to the updated Assessment of Water Supply by Tom Nance Water Resource Engineering as shown in Appendix M of the final EA, concluded that "[t]here

is no question that the quantity of supply required for the project can be provided by two of the three Pohakea wells operating and the third as standby”. Section III.B.2 of the final EA concludes that there will be no anticipated short-term impact to groundwater as a result of construction activities on the Project site. Therefore, no mitigation measure is required.

2. Scenic Vistas and View Plains Identified in County or Studies

As discussed in Section II.11 of the EA, the Project area is not designated by the County of Maui as a scenic or natural resource requiring special attention. However, to preserve open space, most of the makai portions of the property will remain in agriculture for agricultural, drainage and other allowable uses, as discussed in Section III.8 of the EA. As shown in the site plan, approximately 84.8 acres will remain in the State Agricultural District. In addition, drainage retention basins proposed for the makai portion of the Project area along Honoapiilani Highway will provide an adequate view plain to the East Maui Mountains.

3. Energy Consumption: Electricity, Driving, and Cooling

Energy Consumption. As discussed in Section III.C of the EA, the applicant will promote energy efficiency and reduce energy use of the Project by encouraging lot owners to utilize both solar water heater, photovoltaic technologies, and to the extent possible, encourage the use of wind energy.

Fuel Consumption from Driving. The Project is within close proximity to residential communities, services, shopping, recreation, and jobs. As described in Section II.A.2 of the Final EA, the nearest employment centers, shopping centers, and schools are located in Kihei, Kahului, and Wailuku, a 10-minute drive from the Project. The Project is located approximately fifteen miles southeast of Lahaina and approximately eight miles southwest of Maui’s main airport in Kahului. The existing Ma`alaea community is primarily condominium developments, approximately 560 residential apartment units, a majority of which are rented on a short-term hotel basis. The Ma`alaea Triangle commercial complex located makai of the Project is home to a variety of commercial uses, a predominantly caters to tourism, including shops, restaurants, a small amusement park, and the Maui Ocean Center Aquarium. For residents of the Project who desire to commute by public transit or bike, there is county bus stop near the South end of the Project at Ma`alaea Harbor Village. Honoapiilani Highway, which runs along the Project boarder, has an existing shared bikeway with routes to work, shopping, and recreation centers described above.

Passive Cooling/Area Climate. As discussed in Appendix F and Section II.A.3 of the Final EA, “[t]he island’s climate varies from terrain.” The Project area receives 25

to 38 centimeters (10 to 15 inches) of rainfall annually. Air temperatures are slightly warmer in the area than the Maui seasonal high and low averages, mostly due to the lower, coastal elevation. Section II.A.9 of the Final EA notes that there are no point sources of airborne emissions within close proximity of the Project. Air quality in the vicinity of the Project may be affected by a variety of sources, including dust from sugar cane cultivation operations to the east, and north of the property, as well as smoke from sugar cane harvesting operation in Central Maui. However, these sources are intermittent and prevailing winds quickly disperse the particulates generated by these temporary sources.

4. Project's Proximity to Ma`alaea construction and Demolition Landfill

This issue is mentioned in two parts of your comment letter. Phase I and II environmental assessment reports are found in Appendix N of the EA. The reports identify the Ma`alaea construction and Demolition Landfill, which is located downhill and across the highway from the Project. This assessment revealed no significant evidence of recognized environmental conditions in connection with the landfill and the Project area.

5. Land use Commission conditions on Portion of Property

The Proof of Ownership section of the EA includes a Warranty Deed recorded with the State of Hawaii Bureau of Conveyances on October 23, 2008. Exhibit A of the Warranty Deed discloses the, "Notice of Imposition of conditions By The Land Use Commission dated December 9, 1992, recorded as Document No. 92-200449." This is a public record available to the public at the Bureau of Conveyances and the State Land Use Commission.

6. Flood and Tsunami Hazard

As discussed in Sections II.A, II.D, and III.A of the EA, the Project area, including the area currently under conditions set by the State Land Use Commission, is situated in Flood Zone X. According to the U.S. Federal Emergency management Agency, Flood Zone X represents areas outside the 0.2% annual chance flood; areas of 1% annual chance flood with average depths less than one foot or with drainage areas is less than one square mile; or areas protected by levees from 1% annual chance flood. Appendix T of the EA is the Zoning and Flood Confirmation Form issued by the County of Maui Planning Department on September 22, 2014.

7. Endangered Flora and Fauna

Robert W. Hobdy, environmental consultant, prepared a biological resources survey report for the Project dated March 2014, Appendix K of the EA. As discussed in Section II.A of the EA, Hobdy did not find officially listed threatened or endangered plants, U.S. Fish and Wildlife Service (USFWS) 2014, or any plants proposed as candidates for such status on the Project area.

Hobdy also surveyed the Project area for listed fauna. According to pages 2 and 3, Appendix K of the EA, he recorded three listed species: the endemic and endangered Blackburn's sphinx moth (*Manduca blackburni*); the endemic and endangered native ope`apeia or Hawaiian hoary bat; and the endangered nene or Hawaiian goose. On pages 9 and 10, Appendix K of the EA, Hobdy recommends several mitigation practices: (1) bats may forage in the Property area, so provisions need to be made that will protect them during the breeding and pupping season; (2) two nene flew over the Project site, if they do land, USFWS guidelines should be followed regarding set distances from the birds; and (3) sphinx moth host plants should be removed following USFWS guidelines. Hobdy's updated report states that consultation with USFWS is required for these species.

8. Streams and Reservoirs

As discussed in the updated Preliminary Engineering Report, Appendix D of the final EA, outside of the Project boundary to the north is the existing Pohakea Stream. Existing runoff from the Project site does not flow in the direction of Pohakea Stream.

9. Air Quality

Please see discussion, above.

10. Scenic and Open Spaces

Please see discussion, above.

11. Archaeological Resources – Lahaina Pali Trail

Section III.B of the EA discusses the Lahaina Pali Trail as follows, the Lahaina Pali Trail provides a recreational and leisurely hiking trail located at the west boundary of the Project site. The trail offers hikers scenic views of the island of Lanai and Kahoolawe. Based on comments and suggestions received during the community meetings with residents in the region, the applicant is committed to preserving and enhancing access opportunities to this important cultural and recreational resource.

Mr. Albert Perez
Page 6 of 9
Ma`alaea Plantation

Hence, the applicant will work with the residents and the Department of land and natural Resources to ensure that the Project design and layout will have adequate access and parking facilities incorporated in the design to meet the current and projected use of the trail.

12. Drainage

Section II.D of the Final EA, provides the following regarding topography and soils characteristics:

According to the "Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii 9 August 1972)", prepared by U.S. Department of Agriculture Soil Conservation Service, the soils within the project site are classified as Ewa Silty Clay (EsB), Ewa Cobbly Silty Clay (Etb), Pulehu Cobbly clay Loam (PtB), and Stony Alluvial Land (rSM). Ewa Silty Clay, 3 to 7 percent slopes, is described as having very slow runoff with no more than a slight erosion hazard. Ewa Cobbly Silty Clay and Pulehu Cobbly Clay Loam are characterized as having moderate permeability and slow runoff with a slight erosion hazard. Stony Alluvial Land is high in permeability and consists of stones, boulders, and soil deposited by streams along the bottom of gulches and on alluvial fans.

Section III.C.2 of the Final EA addresses specific best management practices that will be implemented during construction to provide erosion control. Overall, the design intent of the Project will be to limit the need for extensive grading as much as possible.

In addition, Section III.C.2 of the Final EA addresses the post construction drainage system for the Project. The proposed drainage system will be designed and constructed in compliance with all applicable county, state, and federal rules and regulations pertaining to drainage improvements, including Department of Public Works' rules and ordinances related to the design of storm drainage facilities, post-construction stormwater quality BMPs, and stormwater rules.

The Preliminary Engineering Report, Section III.C.4 of the Final EA, summarizes impacts from the proposed action as it related to runoff as follows, "there are no anticipated impacts on the downstream properties and Ma`alaea Small Boat harbor area."

13. Wastewater

As discussed in the *Preliminary Engineering Report*, Appendix D of the EA, there is no County sewer system to service the Project. Lot owners will install individual wastewater systems ("IWS"). The following language will be inserted in Section

III.C.3 of the Final EA: “The State Department of Health (“DOH”) regulates IWS to ensure that disposal systems do not deposit untreated sewage into the environment. The DOH regulates IWS under Hawaii Administrative Rules (“HAR”) Chapter 11-62, Subchapter 3. Among other things, DOH approves IWS plans and construction prior to installation and operation. DOH requires IWS owners to certify that an IWS is operated and maintained in accordance with a DOH approved operation and maintenance manual developed by an IWS design engineer. Any person who violates any provision of HAR Chapter 11-62, is subject to citation and penalties, pursuant to HAR 11-62-72, -74.” The Project will not construct treatment facilities and injection wells. As discussed in Section III.C.3 of the EA, there are no anticipated impacts on and nearby the Ma`alaea shoreline and the small boat harbor.

14. Water

Please see groundwater discussion, above.

15. Impacts to Infrastructure – Roadways

The updated Traffic Impact Assessment Report (“TIAR”), Appendix E of the EA, was prepared to assess the traffic impacts attributed to the proposed action and identify appropriate measures to mitigate reasonably foreseeable impacts. The analysis estimated that the Project could generate 120 trips during the morning peak hour and 165 trips during the afternoon peak hour. The study area for the TIAR was defined after consultation with the State of Hawaii Department of Transportation and includes the following intersections: Honoapiilani Highway at Kuihelani Highway, Honoapiilani Highway at North Kihei Road, Honoapiilani Highway at Ma`alaea Road, Honoapiilani Highway at Kapoli Street, and Honoapiilani Highway at Hauoli Street. With mitigation, levels of service will remain current levels. In addition, volume to capacity ratios will be below 1.00. Mitigation will include additional lanes, revised striping, and traffic signal modifications at the two existing intersections and converting the two existing three-legged intersections to four-legged intersections. A summary of roadway impacts and mitigation is discussed in Section II.E.1 and III.C.1 of the EA. More detailed information of the updated TIAR for the Project is in Appendix E of the Final EA.

16. County Zoning – Agricultural Policies

The Hawaii State Legislature, by and through its desire and authority to set a statewide housing policy, incentivized the market to provide Hawaii’s working families with affordable housing by passing HRS Chapter 201H. We have been working closely with DHHC, who is delegated authority by the legislature to implement a 201H program for the County. As a qualifying project, the Project is “exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning,

zoning, construction standards for subdivisions, development and improvement of land, and construction of dwelling units,” as approved by the Maui County Council, under HRS 201H-38. Consequently, the Project is not required to strictly comply with zoning standards.

Section I.B of the EA describes the Project as consistent with the purpose and intent under Maui County Code (“MCC”) 19.29.010, which falls under MCC Chapter 19.29 regarding “Rural District.” Which provides that “[t]he purpose of the rural districts is to implement the goals and policies of the Maui County general plan and community plans; to provide low density development which preserves the rural character of certain areas; to allow small-scale agricultural uses and the keeping of animals; and to serve as a transition between standard residential or other urban density development and agricultural lands.” Section I.C of the EA describes the project as providing “low density development, which will preserve the rural character of the area and allow small-scale agricultural uses as intended by State Land Use and County zoning.”

18. Community Meetings

As you noted, the Project has evolved over time. This evolution was primarily to address the concerns of the community and county and state agencies. Community outreach is documented in Section VI of the EA. The Project held at least seven community meetings; two of those meetings were specifically with your organization on April 21 and June 13, 2014. These seven meetings do not include the numerous one-on-one discussions the Project developer had with leaders from these organizations and other community members.

Project Density. Project density was reduced from 1,100 homes, commercial project to the current residential only project. The shown in Appendix W of the Final EA, approximately 106.29 acres including the drainage retention basins will remain in the State Agricultural District are not planned to be subdivided into 12 lots as you suggested, this is not part of the proposed action.

Open Space and View Shed. Creating a conservation easement is not a component of the Project and was not identified as a mitigation requirement in the EA or by any county or state agency. Furthermore, such an easement would limit the ability to use the agricultural lands for agricultural purposes. Instead, as discussed above, approximately 106.29 acres of the project area will remain in the State Agricultural district for agricultural uses. As discussed in the Final EA, the agricultural lands for agricultural uses run along the length of the Project along Honoapiilani Highway, creating a buffer between the highway and the Project.

View Plains. Please see discussion, above.

Mr. Albert Perez
Page 9 of 9
Ma'alaea Plantation

Wells. Please see discussion regarding groundwater, above.

Your letter and this reply will become part of the public record and be appended to the final EA. When published, the Final EA will be available on the OEQC website at <http://health.hawaii.gov/oeqc>. Thank you for your participation in the environmental review process. Should you have any questions, please feel free to contact me at (808) 357-3842.

Sincerely,



Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)

From: Maui Nui Marine Resource Council
PO Box 331204
Kahului, HI 96733

August 20, 2015

To: Maui County Department of Housing and Human Concerns,
2200 Main Street, Suite 546, Wailuku, HI 96793.
Contact: Carol Reiman (808) 270-7805 Buddy Almeida <Buddy.Almeida@co.maui.hi.us>

Re: Comments on DEA Ma'alea Plantation Subdivision, TMK 3-6-001:018

Aloha DHHC Director and staff:

We appreciate an opportunity to submit these comments on behalf of the Maui Nui Marine Resource Council (MNMRC.) MNMRC is a nonprofit organization of Maui-based organizations, scientists, businesses and traditional practitioners who are working together to protect the coral reef, coral reef ecosystems, and ocean water quality (and the associated ecological and economic benefits to Maui of healthy coral reef ecosystems and high quality ocean waters).

MNMRC supports viable, well-planned affordable housing opportunities for all Maui residents. That is why we are concerned that the proposed Ma'alea Plantation project is proposing to service those new residents with a questionable water source, and through the fast track 201H-38 process, the applicant is asking for exceptions to bypass or avoid compliance with some of the laws that protect our oceans, reefs and public health. The very reefs and waters where future residents of this project may wish to fish, gather and recreate.

We note that the proposed project location is just upslope from sensitive shoreline ecosystems (Ma'alea Bay) which already has impaired water quality according to the Water Quality and Marine Biological Assessment (App P) found in the DEA.

Drainage Impacts

The proposed project site is at the base of the West Maui mountains and has four natural drainages which pass through the property and either continue on to Ma'alea Bay directly or through the HDOT drainage collection system along Honoapiilani Hwy. The EA notes (p. 48) that overflow from the proposed retention basins that are the project's chief mitigation for water quantity/quality will be directed to "existing drainage culverts." The DEA does not acknowledge or analyze the fact that during large storm events the existing drainage culvert system in the project area is already overwhelmed and is sending out large quantities of polluted water through the concrete outlet passing between two Ma'alea condos at Kanaio beach, and into Ma'alea Bay.

The DEA's own Water Quality and Marine Biological Assessment (App P) acknowledges that flooding already occurs across the Honoapiilani Hwy from the proposed project at the Ma'alea Triangle shops during large rain events and that coral cover at Kanaio beach in Ma'alea can be impacted. The Assessment states on p. 35 that of all the proposed projects potential impacts: "Land runoff via concrete drainage ditch emptying at the Kanaio shore has the greatest potential for impacting an area of live coral. This ditch could carry runoff from the Ma'alea Mauka Development Project not retained by the upslope basins."

The DEA does not propose mitigations to avoid sending "overflow" from onsite basins into the Kanaio drainage channel. The DEA in its summary of potential impacts proposes that pollutant loads of onsite and offsite runoff from the project could be reduced through swales, retention basins etc. but it does not

quantify what the extent of that reduction would be. these standards are defined in Chapter 18.20 of MCC which implements new post construction water quality standards now required under Chapter 16.26.3306 Maui County Code "Rules for the Design of Stormwater Treatment Best Management Practices . "

Ch 18.20 specifies:

1. After construction has been completed and the site is permanently stabilized reduce the average annual total suspended solid (TSS) loadings by 80% For the purposes of this measure an 80% TSS reduction is to be determined on an average annual basis for the 2 year /24 hour storm
2. Reduce the post development loadings of TSS so that the average annual TSS loadings are no greater than predevelopment loadings.

The DEA does not make it clear how these County requirements are to be achieved and what monitoring protocol will be used to ensure that they are met, to avoid impacts to the waters and reefs of Ma'alaea Bay. It is also not discussed in the DEA that the project's SMA permit review shall require compliance with Maui County Stormwater Treatment Best Management Practices. Lacking this information, the Department of Housing and Human Concerns can not conclude that a FONSI should be issued for the project and should require a full EIS.

Ground Water Impacts:

The DEA does not adequately discuss the cumulative impacts the proposed land based activities could have on existing groundwater resources that enter Ma'alaea Bay. The project's Marine Water Quality study (App. P, 2006, p. 35) concludes that "in Northwest Maalaea Bay, 70% of variation in nutrient (except ammonia) and chlorophyll levels can be attributed to variations in salinity ie fresh water inputs or lack thereof." Given the importance of the quantity and quality of freshwater input to nearby marine resources, the DEA should discuss the following impacts in depth, but does not:

- a) Addition of 113 individual wastewater treatment systems (or more if large lots are further subdivided) to the lands overlooking Ma'alaea Bay, and their effect on the fresh groundwater water quality making its way to Ma'alaea Bay.
- b) Use of Reverse Osmosis (R-O) water treatment byproducts for on-site irrigation, knowing that such brine has potentially high concentrations of chlorides, nitrates and phosphorus from reverse osmosis treatment of brackish well water, that could enter local groundwater supplies.
- c) Pumpage of the project's three municipal ground water wells in the Waikapu aquifer, and their impacts on the existing freshwater inputs to Ma'alaea Bay.

MNMRC is concerned about the future health and viability of Waikapu Aquifer, which already has more existing and proposed wells than the Safe Yield limit of 3 mgd set in the State's Water Resources Protection Plan. The DEA assures that the wells will have no impacts even though the proposed pumping amounts do not fully consider the possibility of a second "ohana" unit on 55 market lots, and the high use of water demanded by large rural lots in arid areas. Current projected "peak" water demands of .73 mgd may actually prove to be higher and may represent a significant percentage of freshwater input now being naturally provided to the Bay.

Lacking all of this information, the Department of Housing and Human Concerns can not conclude that a FONSI should be issued for the project and should require a full EIS.

BMP's for Mitigation of Water Quality Impacts not Specific to County Requirements

The DEA refers the reader to the Preliminary Engineering Report (PER, appendix D) for more in depth discussion of the wastewater and water system details and mitigations for impacts yet this report discusses calculations rather than impacts. The PER concludes, without adequate data, that based upon the calculations, there will be no impacts.

The PER list of Best Management Practices (BMPs) that "may" be implemented does not correspond to the BMPs the project's Water Quality Assessment (App. P, 2006) advised were necessary to avoid impacts to Ma'alaea Bay reefs and marine life. The Best Management Practices recommended in the DEA itself, (p. 49-50) are lacking any discussion of limiting the amount of area graded on site at any one time, or of only grading during the dry season, both commonly recommended BMPs. This is especially important since a large part of the site (110 acres) will be market-priced lots that will have any grading site work done by individual owners.

The water quality study provided in the DEA is from 2006 and has not been updated. It did however clearly specify (Appendix P, p. 37) that during the project construction phase besides developing BMP's to "prevent erosion and soil runoff into the bay" the project should "develop a water quality monitoring program to ensure the long-term effectiveness of the BMPs." There is no mention of this recommended monitoring mitigation in DEA, yet the document concludes that there will be no impacts to the already impaired waters of Ma'alaea Bay.

The County's new storm water ordinance, referred to earlier, makes it clear that storm water detention facilities, for example, cannot be sized only to accommodate peak flows by volume, but must be designed to meet minimum water detention times to improve water quality by filtering out sediments and potential pollutants. There is no discussion of these criteria being met by the project in either the DEA or the PER and the PER refers to county storm water design guidelines from 2000, while the more recent statute (2011) is not listed as a reference source for the PER.

Lacking all of this information, the Department of Housing and Human Concerns can not conclude that a FONSI should be issued for the project, and should require a full EIS.

Hazardous Sites not Mentioned in Site Description

The DEA fails to mention in its general site description the presence of the DeCoite's Maui Demolition and Construction Landfill immediately across Honopiilani Hwy from the north end of the proposed Ma'alaea Plantation project. This facility, which is mandated to provide regular groundwater testing reports, is downslope of the project's well field.

The facility has had a history of toxic substances catching fire and burning for months. <http://archives.starbulletin.com/1999/04/07/news/story10.html> and http://www.mauitime.com/Articles-i-2006-01-12-172371.112113_Fire_in_the_Hole.html. Residents of the Ma'alaea area are concerned that the series of fires may have compromised the lining of the landfill.

The only mention of the DeCoite facility in the DEA text is in the Solid Waste section (p. 41) of the DEA, as part of a general list of solid waste processing facilities on Maui island.

Since the DEA is a disclosure document, the site description should include a fuller range of discussion concerning the nearby landfill. There is some information is buried in the Phase I and II Environmental Assessment Reports (App.O), which is also an older document from 2006 and 2007. At the very least, the EA should include the Landfill facility's past and current ground water testing reports.

Project Location Relationship to UIC Line

The DEA has no map showing the location of the Department of Health's Underground Injection Control Line (UIC) or indicating that the project area is above (mauka) or below (makai) of that line. Maps on the DOH website indicate that the area is below the UIC and therefore, the underlying aquifer is not considered a drinking water source. Are the offsite wells above or below the UIC? The offsite well areas, located on another TMK are segmented from the DEA discussion of impacts even though they are the only the project's only drinking water and irrigation water source. Only the well water testing is discussed, not the well location and any potential impacts to the groundwater quality in that location.

Lacking all of this information, the Department of Housing and Human Concerns cannot conclude that a FONSI should be issued for the project, and should require a full EIS.

Quality of Drinking Water Source and Water Costs to Customers

The three existing wells, which are the only source of water proposed for the project have chloride and dissolved solid levels that indicate unacceptable water quality. The DEA suggests (App.M) that the pump capacity of the wells be downsized to avoid over pumping, to avoid triggering even higher chloride (salt) levels. The DEA also discusses the treatment of the pumped groundwater (in App. N) that will be required. The proposed plan is to treat 50% of the required potable water supply (maximum demand estimated at .73 mgd) to have very low levels of chlorides and dissolved solids and then mix that "clean" water with an equal amount of untreated pumped water from the onsite wells that has much higher chloride/ dissolved solids levels.

Mixing water of varying levels of salinity is a strategy used by some municipal systems with very large volumes. There is no discussion in the DEA of factual evidence that this approach to "water mixing" in such a limited range is a viable long-term strategy. According to the DEA, the Reverse Osmosis (R-O) water treatment process requires a 30% larger volume of water to be pumped to result in the desired amount of finished water (example; if the project needs 100,000 gallon/day of low chloride water to "mix," the well will need to pump over 140,000 a day to be treated to end up with that 100,000 gd amount). If these substantial levels of pumping, which are not clearly reflected in the calculations provided in Appendices M or N, accelerate the rise of chloride levels to even higher concentrations, then the 50-50 mixing range might not be effective. This possible scenario is not considered in the DEA.

The DEA does not include any analyses/ graphs or in depth discussion on the range of possible scenarios for the private water system serving this affordable development and the impacts they present to the Waikapu aquifer, near-shore marine habitat and residential users water rate costs. The cumulative impacts analyses should include:

- 1) Impacts on aquifer, near-shore marine waters and water costs for residential customer if the current wells become so salty that 100% of the water needs R-O treatment, and much larger volumes need to be pumped and treated.
- 2) Impacts on aquifer, marine waters and water costs for residential customers at various ranges of pumping levels needed at varying chloride concentrations in the wells.
- 3) Potential strategies for alternative water supplies if existing wells cannot sustain long range pumping due to climate change and sea level intrusion in the aquifer (which USGS models of the area's groundwater include as a possibility.)

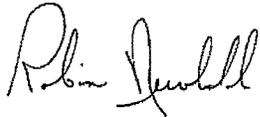
Lacking all of this information, the Department of Housing and Human Concerns can not conclude that a FONSI should be issued for the project, and should require a full EIS.

On page 10 of the DEA it states that the "EA will act as the primary technical supporting document for the 201H application and district boundary amendment (DBA) petition."

The depth of discussion provided in the DEA is not adequate to inform decision makers who are required by laws to make a very rapid decision on the project.

MNMRC supports the comments submitted by the Maui Director of Planning calling for a full EIS to be done to realistically assess the impact of the proposed project.

Mahalo for your consideration

A handwritten signature in cursive script that reads "Robin Newbold".

Robin Newbold, President
Maui Nui Marine Resource Council

October 15, 2015



BAGOYO

DEVELOPMENT
CONSULTING GROUP

Ms. Robin Newbold
President
Maui Nui Marine Resource Council
P.O. Box 331204
Kahului, HI 96733

Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation Project
Pursuant to 201H, Hawaii Revised Statutes ("HRS")
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Ms. Newbold:

Thank you for your comment letter dated August 20, 2015 concerning the subject action. We acknowledge your comments, and offer the following responses to your comments.

Drainage

As discussed in EA, the intent of the drainage system is to collect, retain, and settle storm runoff from the design storm based on the requirements of the County Department of Public Works Rules Chapter 4, Rules for the Design of Storm Drainage Facilities in the County of Maui, and Chapter 111, Rules for the Design of Storm Water Treatment Best management Practices. According to the updated PER for the project, total volume of the retention basins will be able to accommodate the increase in surface runoff volume due to the proposed development. The proposed retention basins and grassed swales are the minimum features that will be incorporated to meet these requirements. Final design plans and calculation will be provided for review and approval by the County during the subdivision process.

As stated in the PER, the existing drainage ways traversing the project site will remain in its natural condition and adjacent areas will be graded such that storm runoff from the project site will not enter the drainage ways and alter the existing runoff pattern as it continues downstream.

Although page 35 of the Water Quality and Marine Biological Assessment (Appendix O) does state "Land run-off via concrete-lined drainage ditch emptying at the Kanaio shore has the greatest potential for impacting an area of live coral. The ditch could carry runoff from the Ma`alaea Mauka Development Project not retained by the upslope basins." The conclusion on page 36 states "Drainage pathways for run-off should be directed into percolation areas rather than directly into existing drainage ways which lead to the ocean. In order to reduce the amount of polluted run-off it is recommended to use (s) unlined ditch leading to unlined percolation basins;

and (b) to establish planted percolation areas to act as a natural buffer surrounding the planned flood basins along the drainage pathways to the ocean. Vegetation surrounding these surfaces will act as a natural buffer to reduce pollutant levels in runoff and drought-tolerant native species will be considered. This approach will also minimize post-construction contributions of potential pollutants. Overall, when BMPs are implemented and special care is given to reduce silt-laden runoff, the Ma`alaea Plantation project has the potential to improve rather than degrade the nearby marine environment compared to the existing land use practices at the project site.” This is the approach being proposed to address this concern.

Chapter 18.20.135 (Post-construction stormwater quality best management practices) of the MCC states, “Post-construction storm water quality best management practices, as may be required by the director, shall be implemented for all subdivision.” Chapter 16.26B of the MCC is related to the Building Code. There is no Chapter 16.26.3306. Chapter 16.26B.3900 (Post-construction stormwater quality best management practices) states “3901: Post-construction stormwater quality best management practices, as may be required by the director of Public Works, shall be implemented for property on which any new structure(s) will be situated..” Both of these sections of the MCC will be addressed and detailed at the appropriate time of the approval process to be reviewed and approved by the appropriate governmental agencies. At a minimum, the proposed retention basins and grassed swales will be utilized to address these requirements.

BMPs for Mitigation of Water Quality Impacts not specific to County Requirement

The drainage system and BMPs for the project will meet the requirements of both the County Department of Public Works Rules Chapter 4, Rules for the Design of Storm Drainage Facilities in the county of Maui, and Chapter 111, Rules for the Design of Storm Water Treatment Best Management Practices. BMPs included within the EA and PER include additional measure that may be implemented during the construction period. Specific BMPs for construction purposes, which will include the specific amount of graded area at any one time, will be prepared for review and approval at time of the grading permit application. These are different from the measures acknowledged in various other portions of the EA which are permanent construction measures such as the retention basins, grassed swales and othe vegetated areas. Both during and post construction BMPs will be implemented and are vital in mitigating storm water quality impacts.

Ground Water Impacts

For the Project’s 113 individual wastewater systems (“TWS”), as discussed in the EA, the State Department of Health regulates IWS to ensure that disposal systems do not

Ms. Robin Newbold
Page 3 of 4
Ma`alaea Plantation

deposit untreated sewage into the environment. The DOH regulates IWS under Hawaii Administrative Rules (“HAR”) Chapter 11-62, Subchapter 3. Among other things, DOH approves IWS plans and construction prior to installation and operation. DOH requires IWS owners to certify that an IWS is operated and maintained in accordance with a DOH approved operation and maintenance manual developed by an IWS design engineer. Any person who violates any provision of HAR Chapter 11-62, is subject to citation and penalties, pursuant to HAR 11-62-72, -74. Based on the proposed IWS for the project which will meet the DOH applicable rules and regulation, projected wastewater flow is not expected to effect on groundwater discharge into the marine environment at Ma`alaea bay.

Regarding the use of reverse osmosis (RO) for the project, concentration of chlorides and total dissolved solids in the RO concentrate is discussed in the Final EA in the updated Water Supply Assessment Report by Tom Nance Water Resources Engineering, Appendix M of the EA. These concentrations are not high and are the same as the naturally occurring constituents in groundwater. The concentrate will be used to irrigate the drainage retention basins and othe common areas without adverse impact to the underlying groundwater.

Currently, the Commission on Water Resources Management (“CWRM”) has set the sustainable yield of the Waikapu Aquifer at 3.0 million gallons per day (MGD). Based on a recent and far more sophisticated calculation of the aquifer’s recharge (in USGS Scientific Investigations Report 2007-5103), the aquifer’s actual sustainable yield may be as high as 6.0 MGD (Table 3-10 of the 2008 State Water Resource Protection Plan).

At present, there are no groundwater withdrawals from wells anywhere in the Waikapu Aquifer. All of the aquifer’s 13 to 15 MGD of recharge (Table 14 in USGS Scientific Investigations Report 2007-5103) ultimately discharges into the marine environment. At full build out, the Project’s net use of the aquifer’s total flow will be about 0.42 MGD (0.463 MGD of well pumpage less 0.040 MGD of return via wastewater discharge and percolation of excess applied irrigation). This would decrease the Waikapu Aquifer’s discharge into the marine environment by about three (3) percent. Total discharge of groundwater in the Ma`alaea Bay includes the amount from the Kahului Aquifer, which is substantially supplemented by imported surface water for HC&S’ sugarcane irrigation, meaning that the Project’s impact on reduced discharge of groundwater into the marine environment will be significantly less than three (3) percent. Other wells have been drilled and are planned for the Waikapu Aquifer, but all of these are at the aquifer’s north end. The three Pohakea wells that have been drilled to supply the Ma`alaea Plantation project are far downgradient from these other existing and planned wells and are not in a position to adversely impact them.

Ms. Robin Newbold
Page 4 of 4
Ma`alaea Plantation

Hazardous Site not Mentioned in Site Description

Phase I and II environmental assessment reports are found in Appendix N of the EA. The reports identify the Ma`alaea Construction and Demolition Landfill, which is located downhill and across the highway from the Project. This assessment revealed no significant evidence of recognized environmental conditions in connection with the landfill and the Project area.

Project Location Relationship to UIC Line

As discussed in the PER of the EA, the three offsite existing wells located mauka of the project site at approximately 350' elevation will be the source of water for the project. The said wells known as Pohakea wells 1, 2, and 3 are not in the UIC line.

Quality of Drinking Water source and Water Costs to Customers

The updated Appendix M of the Final EA contains an analysis of the operation costs of the proposed reverse osmosis (RO) system for the project. As the feed water to the RO system will be relatively low salinity, its operating cost is modest in comparison to more typical cost to treat saline water. In comparison to the operating costs of the Maui Department of Water Supply ("MDWS") wells, the Project's groundwater pumpage and RO treatment will be more costly than MDWS' Iao Aquifer wells but only about half the cost of water pumped at MDWS' Pookela Well or the water treated and pumped from HC&S's ditch at the Kamaole Weir treatment plant. All the concentrate produce during RO treatment will be used to irrigate the drainage retention basins and other common areas within the project site.

Finally, regarding your comment about environmental impact statement should be prepared, we appreciate your concern regarding reasonably foreseeable impacts caused by the proposed action. The Final EA includes analysis of anticipated effects and proposed mitigation measures. In addition, we reviewed all comments on the Draft EA during the comment period and made changes where appropriate in the Final EA. Based on the final EA, we agree with the Department of Housing and Human Concerns' ("DHHC") determination that the proposed action does not have a significant effect on the environment and therefore does not require the preparation of an environmental impact statement. Thank you for taking the time to provide comments on Draft EA.

Sincerely,

Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)

DAVID Y. IGE
GOVERNOR OF HAWAII



COPY

JESSICA E. WOOLEY
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Department of Health
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813
Telephone (808) 586-4185
Facsimile (808) 586-4186
Email: oeqchawaii@doh.hawaii.gov

File No.
OEQC 15-086

August 20, 2015

Ms. Jo-ann Ridao, Director
Department of Housing and Human Concerns
County of Maui
2200 Main Street, Suite 546
Wailuku, Hawaii 96793

Dear Ms. Ridao,

SUBJECT: Draft Environmental Assessment (EA) for the Mā`alaea Plantation subdivision project, Wailuku, Maui

The Office of Environmental Quality Control has reviewed the published Draft EA for the subject project, and offers the following comments for your consideration.

- 1) The draft EA makes numerous erroneous references to your agency being the "accepting" agency of the subject EA; instead, in cases such as this Applicant Action, your agency should properly be referred to as the "approving" agency, pursuant to Section 11-200-2, Hawaii Administrative Rules (HAR).
- 2) We learned that some State agencies were not provided timely copies of the same version of the draft EA document that was published in The Environmental Notice. Without delving into the issue of whether this situation is consistent with Section 11-200-9(b)(5), HAR, we understand the applicant's consultant will be providing appropriate State agencies with copies of the published draft EA and has also assured those agencies that their comments will be considered and incorporated into the project's final EA along with all other comments submitted, even if their comments are submitted after the 30-day comment period. As the Approving Agency, your agency has authority over whether this resolution is acceptable or whether the draft EA should be withdrawn and the publication process re-started anew.
- 3) A perhaps related concern is that a number of the sub-consultant's reports attached as appendices to the published draft EA seem to have analyzed different versions of the proposed project, as opposed to the version noted and described as the Site Plan in the body of the draft EA. While we understand that this project has evolved over time, and it seems like the present form of the project may be less intensive than those previous versions, the environmental review process requires transparency and accuracy to provide the numerous

benefits that accrue to the public and to our islands' valuable environment. Any inaccuracies or discrepancies should at least be explained and/or corrected. For instance, the water and wastewater discussion in both the body of the EA and the consultant's Preliminary Engineering Report (PER) contain the exact same figures as to the estimated amounts generated, even though different housing type quantities/configurations were considered in the separate discussions, suggesting the PER info was merely copied into the draft EA, without verifying it still accurately relates to the currently proposed project.

4) The draft EA emphasizes that some form of active, small-scale agriculture will be encouraged within the larger rural residential lots of the subdivision. Please elaborate to explain specifically how legitimate agricultural activities will be encouraged, both on the smaller lots (possibly as small as one acre) and on the larger area (totaling 84.8 acres) allocated to Agriculture. Also, the layout of the Preliminary Site Plan (following Page 6) makes us question why the large area (Lot 117) at the southern end of the project site that may be within the County's Special Management Area (SMA) was not proposed for Agriculture, and also why the fairly small and disconnected Lot 113 at the northern end of the site is allocated to Agriculture, instead of, perhaps, Neighborhood Park.

5) A related question is why a State Land Use District Boundary Amendment is being proposed to reclassify the entire site as Urban, when the proclaimed intention is to continue using a significant portion for agricultural purposes? Why not leave the approximately 85 acres that the Site Plan allocates to Agriculture in the Agricultural Land Use District?

6) A key component of making agriculture successful, especially in arid areas such as the project site, is accessibility to irrigation water of ample quantity and quality. The discussion of water throughout the body of the draft EA refers to providing water for domestic and fire flow purposes of the subdivision, but neglects agricultural water and related infrastructure. Please comment on how the project deals with this important element.

7) The draft EA repeats that "the entire 58 housing dwelling units proposed within the project will be 100% affordable," apparently referring to the fact that the units will be sold fee simple to buyers earning 80% to 120% of Maui's medium income pursuant to County guidelines. Further, the project is advanced as a response to the need for affordable housing by Maui residents. Please discuss what measures will be undertaken to assure that these units remain "affordable" and crucially, available to Maui residents, should they be eventually sold, or rented out, by the initial buyers.

8) Page 21 of the draft EA includes a description of the floral and faunal aspects of the site's affected environment, which notes the Biological Survey Consultant detected Hawaiian Hoary bats and other native species of special focus and concern by the US Fish and Wildlife Service (USFWS). The text states provisions need to be made to protect them during the breeding season and that the USFWS will be consulted to provide guidelines. Page 59 contains a discussion on impacts and mitigation measures relating to flora and fauna that makes no mention of the important findings by the Biological Survey Consultant, and offers no mitigative guidance from the USFWS. Such information needs to be disclosed during the draft phase of the environmental review process so that the public is provided an opportunity to review and comment on this substantial issue.

9) The draft EA states on pages 49 and 57 that site-specific best management practices (BMPs) will be implemented during construction to provide erosion control; this statement should be reinforced with information clarifying whether such BMPs will apply later in the project's life-cycle when the site preparation of individual lots occurs, and how such BMPs will be enforced at that time.

10) The draft EA indicates on pages 78 and 96 that energy efficiency will be promoted by the applicant by encouraging lot owners to utilize various technologies such as solar water heating and photovoltaic & wind energy, as well as using energy efficient fixtures, recycling solid waste and planting drought-tolerant landscaping. Please indicate how such encouragement will actually occur, and not merely be touted as laudable ideas.

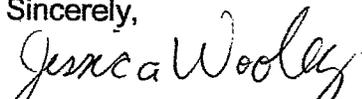
11) The discussion regarding Coastal Zone Management on page 114 reveals that approximately 27 acres of the project site is within the County's SMA; the map provided in Appendix V (not "Figure U" as noted in the discussion) would be greatly enhanced by overlaying the SMA Boundary atop the project's site plan so readers could ascertain what section of the project is affected by this designation.

12) The project's PER alludes to an interesting plan to develop an offsite greenway, fire buffer and stormwater retention area just mauka of the project site's western boundary on State Conservation lands. This project element deserves further attention, and could have been comprehensively integrated into the present draft EA to eliminate the need to prepare a separate one that will be required to pursue Conservation District Use permitting prior to implementing this action.

13) The assertion that the subdivision will not require any sewer systems or wastewater treatment facilities does not comport with the Department of Health's perspective that if the subdivision exceeds the allowable 50 lots, a Private Wastewater Treatment Plant is required or the project must connect to the County sewer system. Discrepancies such as this should be resolved in a project's pre-consultation phase, so reviewers of the draft EA can comment on the factual basis of required project elements.

Thank you for the opportunity to comment on the Draft EA; we look forward to the response that also will be included within the project's Final EA. Please be aware that revised publication forms (Microsoft Word version) are available in the Environmental Assessment Preparation Toolkit link on the right panel of our website (<http://health.hawaii.gov/oeqc>) and should be used for all future submissions of documents for publication in The Environmental Notice. If you have any questions about these comments, please contact our office at (808) 586-4185.

Sincerely,



Jessica E. Wooley, Director
Office of Environmental Quality Control

C: ✓ Vince Bagayo (Consultant)

October 14, 2015



BAGOYO
DEVELOPMENT
CONSULTING GROUP

Ms. Jessica E. Wooley
Director
Office of Environmental Quality control
Department of Health
235 So. Beretania Street, Suite 702
Honolulu, HI 96813

Subject: Draft Environmental Assessment (EA) for Ma`alaea Plantation Project
Pursuant to 201H, Hawaii Revised Statutes (“HRS”)
TMK: (2) 3-6-001:018, Wailuku, Island of Maui, HI

Dear Ms. Wooley:

Thank you for your comment letter dated August 20, 2015 concerning the subject action. We acknowledge your comments, and offer the following responses to your comments in the order they are presented as follows

1. The word “accepting” agency has been changed to “approving” agency in the Final EA.
2. As discussed with the staff of the Office of State Planning as well as the staff of DOH’s OEQC office, copies of the Draft EA were submitted to all the appropriate State and Federal agencies for review and comments and were provided additional 30 days to submit their comments. All comments received after the 30-day comment period and corresponding responses to the agency comments were incorporated in the Final EA.
3. As noted in your letter, the Project has evolved over time as a result of many consultation meetings with various community groups, county and state agencies. An updated sub-consultant’s reports for the proposed action have been incorporated as appendices in the Final EA.
4. Regarding the proposed 55 rural residential lots including the large area at the southern end of the project site are proposed to be designated, as discussed in the EA, as State Land Use “Rural” District classification and “Rural” designation under the Maui County Code (“MCC”), Chapter 19.29.010. The proposed rural designation of the 55 rural residential lots is consistent with the purpose and intent of MCC, Chapter 19.29.010 that states *“The purpose of the rural district is to implement the goals and policies of the Maui County General Plan and community plans; to provide low-density development which preserves the rural character of certain areas; to allow small-scale agricultural uses and the keeping of animals; and to serve as transition between standard residential or other urban density development and agricultural lands.”* The proposed rural residential lots will meet the intent and purpose of MCC rural district designation to allow small-scale agricultural uses. Most of the makai portion of the property will remain in agricultural district for agricultural use and other allowable uses. As discussed in the Final EA, the area proposed to be designated within the State Land Use “Urban” District is the proposed 58

1500 KILINOE PLACE
WAILUKU, HI 96793
(808)357-3842
VBAGOYO-DEVGROUP@HAWAII.RR.COM

affordable residential housing project and a 2.8-acre neighborhood park consisting of approximately 22.015 acres.

5. As discussed above, most of the makai portion of the project site consisting of approximately 106.29 acres (including the proposed retention basins) will remain in agricultural district for agricultural uses and other allowable uses. This proposed action has been included in Appendix W of the Final EA.
6. The projected water demand for the agricultural site will be provided by the project's private water system and has been incorporated in Appendices D and M of the Final EA.
7. As noted in your letter, the proposed 58 affordable residential housing units will sold in fee to families earning 80% to 120% of Maui's median income. Per Maui County Department of Housing and Human Concerns' policy, affordable housing projects pursuant to 201H, HRS, must enter into an affordable housing agreement with the County and such agreement must be recorded with the State Bureau of Conveyances to ensure that **all** conditions imposed on the project meet Maui County's affordable housing policy and ordinances.
8. As recommended by the U.S. Fish and Wildlife Service ("USFWS") in its letter of September 18, 2015, the applicant in its response to USFWS' recommendations, intends to fully comply with all of USFWS's specific recommendations. USFWS letter and applicant's response are incorporated in the Final EA.
9. Grading work by individual lot owners within the rural district must meet all applicable rules and regulations, including the implementation of BMPs. In addition, the applicant may incorporate in the CC&R to ensure compliance of all BMPs requirements for the project. For the proposed affordable housing project, the applicant plans to construct the affordable housing units and will comply with the BMPs during construction of said units to provide erosion control and minimize potential impacts to downstream properties.
10. In order to encourage individual lot owners to use various energy efficient technologies, the applicant may consider building a model unit within the project that utilizes these technologies that could be a model for lot owners to use.
11. As noted in the Final EA, approximately 22 acres of the 27-acre site located at the most southern portion of the project site is within the County's SMA, as shown in Appendix U of the Final EA.
12. As recommended by the Maui Department of Fire and Public Safety, the applicant will work closely with the State Department and Natural Resources ("DLNR") to provide easement mauka of the project site so that a firebreak and possible retention basins can be constructed and maintained to protect the safety of the homeowners.

Ms. Jessica E. Wooley
Page 3 of 3
Ma`alaea Plantation

13. As discussed in the Final EA, State Department of Health (“DOH”) regulates IWS to ensure that disposal systems do not deposit untreated sewage into the environment. The DOH regulates IWS under Hawaii Administrative rules (“HAR”) Chapter 11-62, Subchapter 3. Among other things, DOH approves IWS plans and construction prior to installation and operation. DOH requires IWS owners to certify that an IWS is operated and maintained in accordance with a DOH approved operation and maintenance manual developed by an IWS design engineer. As noted in our response to DOH, the Ma`alaea Plantation project is being processed pursuant to 201H-38, HRS, the applicant plans to seek various exemptions from County and State standards, rules and statutes to facilitate the development of affordable housing to meet the critical housing needs of Maui’s working families.

Thank you again for your comments and should you have further questions, please feel free to contact the undersigned.

Sincerely,



Vince Bagoyo

Cc: Ms. Carol Reimann (Dept. of Housing and Human Concerns)
Mr. Doug Spencer (MVI, LLC)