~~Draft~~Final Environmental Impact Statement

Volume ~~H~~III of ~~H~~IV

Chapter XI. Parties Consulted During the 45-Day Comment Period on the Draft Environmental Impact Statement; Letters Received and Responses to Substantive Comments (Part II)

PROPOSED OLOWALU TOWN MASTER PLAN

(TMK Nos. (2)4-8-003:84, 98 through 118, and 124)

Prepared for:

Olowalu Town, LLC and
Olowalu Ekolu, LLC

~~February 2012~~October 2015

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MUNEKIYO HIRAGA

XI. PARTIES CONSULTED DURING THE REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT, LETTERS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENT LETTERS

The following agencies, organizations and individuals were consulted during review of the Draft Environmental Impact Statement (EIS); agencies, organizations and individuals comments and responses to substantive comments are included hereto:

Consulted Party	Date of Comment Letter	Date of Response Letter
Federal Agencies		
US Army Engineer Division	---	---
US Geological Survey	---	---
US Fish and Wildlife Service	---	---
National Oceanic and Atmospheric Administration, National Marine Fisheries Service	3/27/12	10/26/15
State Agencies		
Department of Agriculture	---	---
Department of Accounting and General Services	3/21/12	10/26/15
Department of Business Economic Development and Tourism (DBEDT)	---	---
DBEDT – Energy Division	---	---
DBEDT - Land Use Commission	4/16/12	10/26/15
DBEDT – Office of Planning	4/20/12	10/26/15
Department of Defense	4/10/12	10/26/15
Department of Education	4/27/12	10/26/15
Department of Hawaiian Home Lands	---	---
Department of Health (DOH), Clean Water Branch	5/31/12	10/26/15
DOH, Environmental Planning Office	3/8/12	10/26/15

Consulted Party	Date of Comment Letter	Date of Response Letter
DOH, Indoor and Radiological Health Branch	3/13/12	10/26/15
DOH, Wastewater Branch	3/14/12	10/26/15
Department of Human Services	3/27/12	10/26/15
Department of Labor and Industrial Relations	3/15/12	10/26/15
Department of Land and Natural Resources (DLNR) - Land Division	4/20/12	10/26/15
DLNR – Historic Preservation Division	---	---
DLNR - Office of Conservation and Coastal Lands	4/23/12	10/26/15
Department of Transportation	4/26/12	10/26/15
Hawaii Housing Finance and Development Corp.	---	---
Office of Hawaiian Affairs	---	---
UH Environmental Center	---	---
County Agencies		
Department of Environmental Management	4/25/12	10/26/15
Department of Fire and Public Safety	4/25/12	10/26/15
Department of Housing and Human Concerns	4/16/12	10/26/15
Department of Parks and Recreation	---	---
Department of Planning	4/17/12	10/26/15
Police Department	4/5/12	10/26/15
Department of Public Works	---	---
Department of Transportation	---	---
Department of Water Supply	4/9/12	10/26/15
Mayor	---	---
Elected Officials		
Council Chair Danny Mateo	---	---
Council Vice-Chair Joe Pontanilla	---	---
Councilmember Gladys Baisa	---	---
Councilmember Robert Carroll	---	---
Councilmember Elle Cochran	---	---

Consulted Party	Date of Comment Letter	Date of Response Letter
Councilmember Don Couch	---	---
Councilmember G. Riki Hokama	---	---
Councilmember Michael Victorino	---	---
Councilmember Michael White	---	---
Libraries		
Kahului Library	---	---
Lāhainā Library	---	---
Legislative Reference Bureau	---	---
Maui Community College Library	---	---
State Main Library	---	---
UH Hamilton	---	---
News Media		
Honolulu Star Advertiser	---	---
Maui News	---	---
Utility Companies		
Maui Electric Company	4/25/12	10/26/15
Hawaiian Telcom	---	---
Citizen Groups, Individuals, and Consulted Parties		
Margaret Schlachter	---	---
Anna C. Potts and Jason A. Potts 4606 Fowler Avenue, Apt. 9 Everett, WA 98203	4/10/12	10/26/15
Jan Ehrenkrook 49935 Gallatin Road Gallatin Gateway, MT 59730	4/13/12	10/26/15
Victoria and Walton Huffman 9909 Lemon Avenue La Mesa, CA 91941	4/15/12	10/26/15
Wallace H. Fujii Fujii Family Limited Partnership P.O. Box 511 Kahului, Hawai`i 96733	4/18/12	10/26/15

Consulted Party	Date of Comment Letter	Date of Response Letter
Michael W. Foley 3625 Pi`ikea Place Makawao, Hawaii 96768	4/19/12	10/26/15
Randy Ragon 713 Front Street A Lahaina, Hawai`i 96761	1/24/12 and 4/19/12	10/26/15
Dick Mayer 1111 Lower Kimo Drive Kula, Hawai`i 96790	4/21/12	10/26/15
Pauline Feine P.O. Box 627 Kihei, Hawai`i 96753	4/21/12	10/26/15
Robin Newbold, Chair Maui Nui Marine Resource Council P.O. Box 532533 Kihei, Hawai`i 96753	4/22/12	10/26/15
Maui Tomorrow 55 N. Church Street, Suite A5 Wailuku, Hawai`i 96793	4/23/12	10/26/15
West Maui Taxpayers Association P.O. Box 10338 Lahaina, Hawai`i 96761	4/24/12	10/26/15
Surfrider Foundation Maui Chapter P.O. Box 790549 Paia, Hawai`i 96779	5/7/12	10/26/15
Citizens for Truth and Justice Maui County P.O. Box 791071 Paia, Hawai`i 96779	10/15/12	10/26/15

INDIVIDUAL LETTERS

APR 23 2012

A.C. Potts
4606 Fowler Ave. Apt 9
Everett WA 98203

Date: 4/10/2012

To: Olowalu Town LLC, Olowalu Ekolu, State Land Use Commission, Munekiyo & Hiragi Inc.

From: Anna C. Potts, Jason A. Potts

Subject: Olowalu Master plan/Environmental Impact

Dear Olowalu Town LLC, Olowalu Ekolu, State Land Use Commission and Munekiyo & Hiragi Inc,

I'm writing in regards to the recent environmental impact statement posted on the State Office of Environmental Quality Control web site. Our family has many concerns about the future development plans in Olowalu and after reviewing the impact statement online we feel it is time to respond.

First I would like to share some of our family history so you can understand why this is so important to us. My ohana is originally from Olowalu but moved away many years ago. My second great grandparents James and Julia Palakiko are buried on top of pu'u kilea. They are buried the traditional way with no marking but with the future development plans we feel it is time to change this. My great grandmother Elizabeth Piilani Palakiko used to live behind the general store next to the old water tower. All that remains there now is the foundation located in the bushes. My father told me that her house was burned down many years ago and never rebuilt due to money/resources and then the land was taken after she passed away. The foundation and property is very important to our ohana because of our history in this area and also because we have family buried there. After looking over the plans listed on the Environmental impact there are no plans to preserve this area and when construction moves forward you will be erasing a huge part of our history and at the same time disturbing our kupuna.

Here are some of our concerns:

- **House foundation and burials located behind the old water tower.**

My great grandmother's foundation is older then the sugar mill ruins and there are no plans to protect one of the only historical foundations left in this area. The burials should be enough to protect his area. The foundation is located to the left of the water tower in the bushes.

- **Pu'u Kilea Burials sihp #4715**

My second great grandparents James and Julia Palakiko are buried on top of kilea. The land is now controlled by the OCR and no steps have been taken to protect these Native Hawaiian burials. The only plans listed on the environmental impact statement are to improve the gate at the old access road. This gate will only stop people from driving to the top. There are many other ways up to the burials. The Japanese cemetery sihp #4758 is listed as a historical cemetery but these Native Hawaiian burials are listed as just a cemetery with less protection. We would like to have the burials gated off and signs put up letting everyone know that it is crime to damage the area. This area has been vandalized in the past and offerings have been taken.

- **Olowalu Petroglyphs sihp #1200.**

The plans listed on the environmental impact statement are undetermined and it states that the site extent makes permanent buffer markers difficult. This area has also been vandalized numerous times in the past and petroglyphs have actually been stolen. Most of the petroglyphs seen there today are from vandalism and if there is no future protection this will continue to happen with the rising population. This area should be gated off keeping the public out of hands reac. Signs should be posted stating the history of the petroglyphs and that it is a crime to damage this historical area.

- **Kaiwaloa heiau sihp #4.**

Kaiwaloa Heiau has been under the control of the OCR for over ten years and not one thing has been done to preserve this area (see picture). There are no dates listed for the preservation plans for this heiau and because of the significance of Kaiwaloa it should be preserved before the master plan starts.

- **9 Rock mounds created by sugar company**

  I have been told by many family members that the nine rock mounds contain Native Hawaiian bones from when the sugar company bulldozed the land. If this is true they should be labeled as burial grounds and should be protected.

- **Archaeological site plans for sihp #3180,4695,4696,4702,4703,4719,4720,4721,4821**

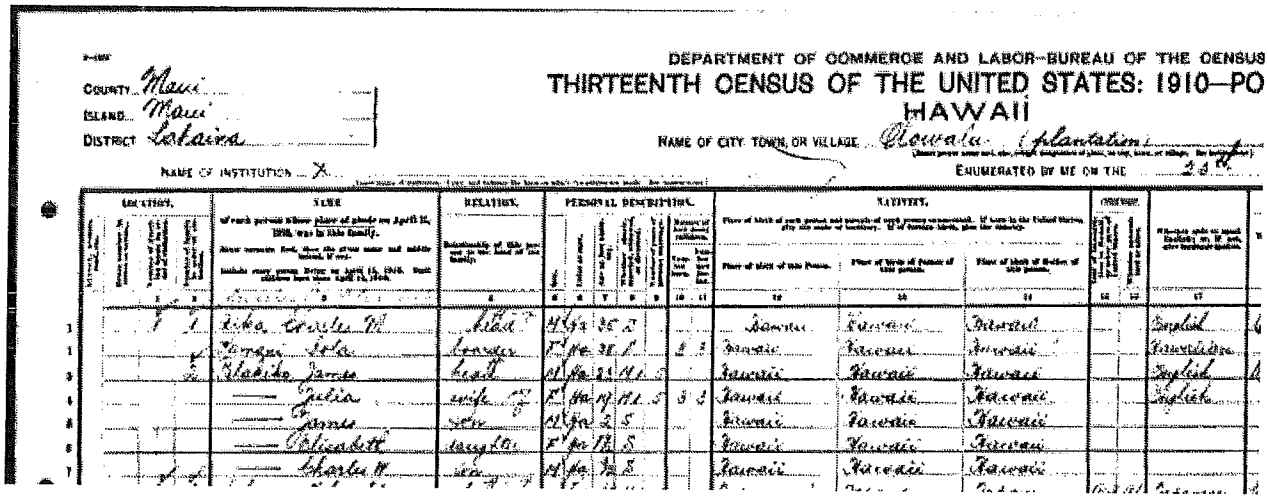
  There are no descriptions or plans listed for these sites on the environmental impact statement. We would like to have these available so we can also look over them.

After reviewing this I really hope that you can understand our concerns and determine that these areas do require more protection/planning before the master plan continues. Our family would also like to be included in future discussion and plans and we look forward to hearing from you. Mahalo

Anna C. Potts

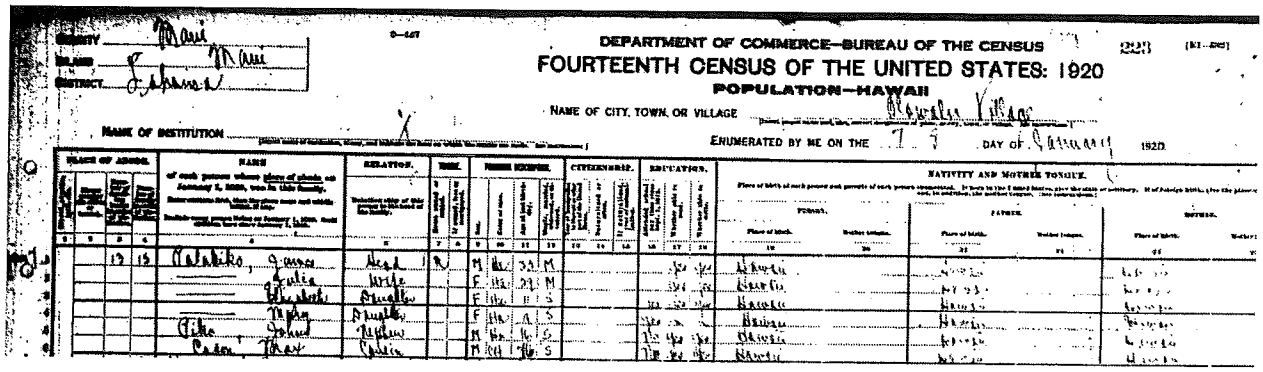
acpotts1@gmail.com

(206)412-6825



DEPARTMENT OF COMMERCE AND LABOR—BUREAU OF THE CENSUS
THIRTEENTH CENSUS OF THE UNITED STATES: 1910—PO
HAWAII

County: Maui
Island: Maui
District: Lahaina
Name of institution: X
Name of city, town, or village: Olowalu (plantation)
Enumerated by me on the 28th



County: Maui
Island: Maui
District: Lahaina
Name of institution: X
Name of city, town, or village: Olowalu Village
Enumerated by me on the 7 day of January 1920

DEPARTMENT OF COMMERCE—BUREAU OF THE CENSUS
FOURTEENTH CENSUS OF THE UNITED STATES: 1920
POPULATION—HAWAII

Olowalu Town
BY MAUI, FOR MAUI
2035 MAIN STREET WAILUKU HAWAI'I 96793
OFFICE: 808-249-2224 / FAX: 249-2333

October 26, 2015

Anna C. and Jason A. Potts
4606 Fowler Avenue, Apt. 9
Everett, Washington 98203

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Mr. and Mrs. Potts:

We thank you for your letter of April 19, 2012 responding to our request for comments on the Draft Environmental Impact Statement (EIS) for the proposed Olowalu Town Master Plan. We offer the following information in response to the comments noted in your letter.

Comment:

First I would like to share some of our family history so you can understand why this is so important to us. My ohana is originally from Olowalu but moved away many years ago. My second great grandparents James and Julia Palakiko are buried on top of pu'u kilea. They are buried the traditional way with no marking but with the future development plans we feel it is time to change this. My great grandmother Elizabeth Piilani Palakiko used to live behind the general store next to the old water tower. All that remains there now is the foundation located in the bushes. My father told me that her house was burned down many years ago and

never rebuilt due to money/resources and then the land was taken after she passed away. The foundation and property is very important to our ohana because of our history in this area and also because we have family buried there. After looking over the plans listed on the Environmental impact there are no plans to preserve this area and when construction moves forward you will be erasing a huge part of our history and at the same time disturbing our kupuna.

Response: *On behalf of Olowalu Town, LLC and Olowalu Ekolu, LLC, we would like to extend our appreciation to you for sharing with us your family history, as well as the importance of the area to you and your ohana.*

We thank you also for sharing with us the particular significance of Pu'u Kilea as it is the resting place of your second great grandparents, James and Julia Palakiko and the significance of the foundation of the house in which your great grandmother, Elizabeth Piilani Palakiko, resided and which still remains near the old water tower.

We recognize the importance of your concerns to both you and your family as your ties to the land run for generations. In this context, as the Applicants we recognize the significance and meaning of the property to you.

In reading your letter, you have outlined and separated each of your concerns by specific issues. In consideration of this, we would like to provide responses to each of your issues, as follows.

Comment:

- ***House foundation and burials located behind the old water tower.***

My great grandmother's foundation is older than the sugar mill ruins and there are no plans to protect one of the only historical foundations left in this area. The burials should be enough to protect his area. The foundation is located to the left of the water tower in the bushes.

Response: *As the Applicants, the cultural and archaeological significance of the area are also of importance to us. From 1998 to 2002, a total of seven (7) archaeological inventory studies and historic preservation mitigation plans were carried out for the project area and subsequently accepted by the State Historic Preservation Division (SHPD). More recently in February*

2012, Cultural Surveys Hawaii prepared the Archaeological Literature Review for the Olowalu Master Plan. The purpose of this report, which is provided as an appendix in the EIS, was to create a comprehensive reference document of the previously mentioned archaeological work as a way to evaluate the current status and condition of previously identified significant historic properties.

As the project moves forward with the submittal of various land entitlement requests including Special Management Area Use Permits and more detailed project plans are developed, additional archaeological work, including the preparation of additional studies and reports, will likely need to be prepared by the project's archaeologist. Additionally, during construction, archaeological monitoring will be undertaken during all ground disturbance activities within the project area. Notwithstanding, however, as the Applicants we feel it is important to share your knowledge and information with the project's archaeologist to ensure the proper assessment and mitigation of the potentially historic feature of your grandmother's house foundation, as well as the possible burials located behind the old water tower near Olowalu General Store. As the project moves forward, the project archaeologist will be in touch with you for further consultation and additional information you may have on the house foundation and burials. As always, coordination with the SHPD will be undertaken throughout this process.

Comment:

- ***Pu'u Kilea Burials sihp #4715***

My second great grandparents James and Julia Palakiko are buried on top of kilea. The land is now controlled by the OCR and no steps have been taken to protect these Native Hawaiian burials. The only plans listed on the environmental impact statement are to improve the gate at the old access road. This gate will only stop people from driving to the top. There are many other ways up to the burials. The Japanese cemetery sihp #4758 is listed as a historical cemetery but these Native Hawaiian burials are listed as just a cemetery with less protection. We would like to have the burials gated off and signs put up letting everyone know that it is crime to damage the area. This area has been vandalized in the past and offerings have been taken.

Response: *As you have shared with us your family ties to this area, in particular the burial of your great grandparents atop Pu'u Kilea, we understand your*

concern and interest in the treatment of the burials. As you know, the burials have been assigned the State Inventory of Historic Property (SIHP) number 50-20-08-4715. Currently, long-term preservation plans, which have been reviewed and accepted by SHPD, call for conservation of Pu'u Kilea. In addition to an improved gate at the base of the access road, which you have pointed out in your letter, the preservation plans recommend a 30-foot buffer with landscaping surrounding the burials. Signage indicating the presence of the historic property is also proposed. In the February 2012 Archaeological Literature Review for the Olowalu Master Plan, Cultural Surveys Hawaii recommended community consultation concerning the placement of the signage. In this regard, during the community consultation process, which will likely be undertaken by the project's archaeologist, as the Applicants we encourage your involvement should there be a continued interest.

It should also be noted, as you have pointed out, Pu'u Kilea is located within the Olowalu Cultural Reserve (OCR) which is under a long-term lease agreement with and completely managed by the OCR, a community-based, non-profit organization. The OCR is tasked with the purpose to support and promote the revitalization of traditional Hawaiian culture. The OCR is its own governing body, independent from the Applicants, with little to no input from the Applicants in decision-making processes including management of Pu'u Kilea. The OCR does, however, rely heavily on community support. Understanding your personal connection to Pu'u Kilea and the importance of your great grandparent's burials atop Pu'u Kilea to you and your family, we feel it important for you to have a voice in the process and would be happy to work with the OCR in scheduling a meeting with you to discuss the matter further should you be interested.

Comment:

- ***Olowalu Petroglyphs sihp #1200.***

The plans listed on the environmental impact statement are undetermined and it states that the site extent makes permanent buffer markers difficult. This area has also been vandalized numerous times in the past and petroglyphs have actually been stolen. Most of the petroglyphs seen there today are from vandalism and if there is no future protection this will continue to happen with the rising population. This area should be gated off keeping the public out of hands reach. Signs should be posted stating

the history of the petroglyphs and that it is a crime to damage this historical area.

Response: *As with Pu'u Kilea, the Olowalu Petroglyphs (SIHP No. 50-50-08-1200) are located within the OCR. While the Applicants cannot speak directly for the OCR, we do recognize that culturally significant artifacts such as the petroglyphs are of utmost importance to the OCR as well as the Applicants. As you have pointed out, unfortunately, some of the petroglyphs have been vandalized. This condition has been reported in past archaeological studies completed for the property. It is our understanding that the OCR has removed the stairs and limited access to ensure the protection of the petroglyphs from vandalism. The intent is to allow the petroglyphs to still be viewed by the public, albeit at a safe distance (approximately 30 feet) to ensure the protection of the cultural artifact. Currently, signage is proposed for this area. We will, however, share your concerns with the OCR and will make a copy of your letter available.*

Comment:

- ***Kaiwaloa heiau sihp #4.***

Kaiwaloa Heiau has been under the control of the OCR for over ten years and not one thing has been done to preserve this area (see picture). There are no dates listed for the preservation plans for this heiau and because of the significance of Kaiwaloa it should be preserved before the master plan starts.

Response: *Thank you for sharing with us your concerns regarding the Kaiwaloa Heiau (SIHP No. 50-50-08-0004). As you are aware, the heiau is also located within the OCR. Currently, long term preservation measures for the heiau, as outlined in the SHPD accepted preservation plan and noted in the February 2012 Archaeological Literature Review for the Olowalu Master Plan prepared by Cultural Surveys Hawaii, call for a 100-foot buffer (buffer markers to consist of native hedge and boulders), pathway or foot trail, viewing platform overlooking the heiau for the general public. Pedestrian access to the heiau will, however, be restricted to Native Hawaiian traditional cultural practices. It should also be noted that the 2012 Archaeological Literature Review for the Olowalu Master Plan, which is included as an appendix in the EIS, recommends additional community consultation with the lineal and cultural descendants of the Olowalu Ahupua'a, as well as the designated caretakers of the heiau and the OCR*

regarding the layout of the design of both the pathway and viewing platform, and the plant type for the native hedge to serve as the buffer boundary. The intent of the community consultation is to ensure that proper care is given to the heiau.

Comment:

- ***9 Rock mounds created by sugar company***

I have been told by many family members that the nine rock mounds contain Native Hawaiian bones from when the sugar company bulldozed the land. If this is true they should be labeled as burial grounds and should be protected.

Response: *As previously shared, the cultural and archaeological significance of the area are of utmost importance to us as the Applicants. As the project moves forward, the project archaeologist will be in touch with you for further consultation and additional information you may have on the nine (9) rock mounds which you believe to contain Native Hawaiian bones. As always, coordination with the SHPD will be undertaken throughout this process to ensure the proper care is bestowed upon these potential burials.*

Comment:

- ***Archaeological site plans for sihp #3180, 4695, 4696, 4702, 4703, 4719, 4720, 4721, 4821***

There are no descriptions or plans listed for these sites on the environmental impact statement. We would like to have these available so we can also look over them.

Response: *In working with SHPD, several historic properties documented within the current project area were determined to be "no longer significant" and therefore carried a recommendation of "no further work", while a couple historic properties were relocated from their recorded location to Awalua Cemetery (SIHP No. 50-50-08-04758). Below, please find a description of those historic properties noted in your letter and presented in the 2012 Archaeological Literature Review for the Olowalu Master Plan, which is included as an appendix in the EIS. Should you be interested in obtaining a copy of the 2012 Archaeological Literature Review for the Olowalu*

Master Plan, please feel free to contact us and a copy will be provided to you.

Summary of Historic Properties that are No Longer Significant (SIHP Prefix 50-50-80)

SIHP No.	Format Type	Probable Function	Treatment
3180	Historic Cattle Wall	Ranching	No Longer Significant – No Further Work
4695	Wall/terrace	Erosion Control	No Longer Significant – No Further Work
4696	Old Government Road	Road	No Longer Significant – No Further Work
4702	L-Shape	Boundary	No Longer Significant – No Further Work
4703	Complex	Boundary	No Longer Significant – No Further Work
4719	Rock Wall	Boundary	No Longer Significant – No Further Work
4720	Retaining Wall	Transportation	No Longer Significant – No Further Work
4721	Rectangular Platform	Habitation	No Longer Significant – No Further Work
4821	Surface Scatter Human Skeletal Remains	Burial	Moved to Awalua Cemetery – continued archaeological monitoring in the area

Thank you again for sharing with us your family history and the importance of the area to you and your ohana. As well, we appreciate your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter and this response letter will be included in the Final EIS. Should you have any questions regarding this letter, or would like to set up a meeting with the OCR, please call us at (808) 249-2224. Also, should you wish to receive a copy of the Final EIS document, or portion thereof, please submit your request in writing to Munekiyo Hiraga, 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town, LLC

David Ward
Olowalu Town, LLC

CS:tn
cc: Peter Martin, Olowalu Ekolu LLC
Tanya Lee-Greig, Cultural Surveys Hawaii
Jennifer Lim, Carlsmith Ball, LLP
Colleen Suyama, Munekiyo Hiraga
K:\DATA\OlowaluTown\MasterPl\Draft EIS\Response Letters\Potts.doc

April 13, 2012

LAND USE COMMISSION
STATE OF HAWAII

2012 APR 17 A 7:58

Mr. Don Davidson
State Land Use Commission
P.O. Box 2359
Honolulu, HI 96804

Dear Mr. Don Davidson,
My name is Jan Ehrenkrook, I reside in Olowalu. When I purchased my property in Olowalu Mauka, a quote in the sales and marketing brochure by the developer at the inception of Olowalu Mauka over 10 years ago read;

"With the recent demise of sugar cane cultivation in West Maui, this new community will foster the growth of entrepreneurs looking to add to the range of Maui's agricultural products"

Now, this same developer wants to change 460 acres of agriculturally zoned land to urban and rural. Sounds to me like the ONLY entrepreneur here is the developer, who wants to GROW 1500 new units....
As a homeowner in Olowalu Mauka on Maui I am very concerned to say the least, about a possible approval of the proposed Olowalu Town LLC. There are many very important facts you need to consider. The developer of this project, William Frampton/West Maui Land, are the same that developed Olowalu Mauka. Even though they have denied being affiliated at the time of development, his signatures appear all over documents from the beginning well over 10 years ago...
These people have been very deceitful as well as negligent in completing the promised and permitted infrastructure of Olowalu Mauka, which in the big picture seems tiny as compared to a proposed massive 1500 unit development. This being said, they are not capable of completing this task. For example, being granted a SMA Permit over 10

years ago to complete a turn lane in to the development before the development could be completed. We are still waiting for this to happen... The county, as well as DOT have continually turned their back on us., no enforcement or it would be done. The developers are dragging their feet until they get an approval for this proposed project. Also, The Cultural Reserve in Olowalu that they were to maintain went neglected as well until we brought that to the County's attention.
The impact of this project will no doubt all but destroy the one of the last beautiful reefs on Maui. Already, there can be up to 8 commercial boats on that reef daily and the damage is already evident. You can only imagine the harmful impact of THOUSANDS of people living here, not to mention the impact of others using the proposed new facilities would have on this treasured spot.
The traffic created by this proposed development would create a massive gridlock that West Maui cannot handle. Tourism would greatly be affected by this gridlock because it will take hours to get from the airport in Kahalui to points North. Tourists will not want to be stuck in that gridlock. West Maui does not have the proper infrastructure to support such an increase in traffic and population such as this.
I have heard that a resort/ hotel company has already placed a bid for the land where the current highway is located... Contrary to the developer of this proposed development stating their interest is respectful of the community. This means even MORE harmful use to the reef. Where is this going to end?
Another prime example of this developers deceit is in the enclosed excerpt from the sales and marketing brochure presented to prospective buyers of Olowalu Mauka at the inception. If you look at the rendering enclosed, you will see absolutely no resemblance to what exists today... Our HOA had to fight with them just to remove the cattle gate that was there... Another example, quoted in their brochure "Canopies of mature trees." We were to receive over 200 trees planted and that never happened. Total misrepresentations.....
The residents here in Olowalu Mauka have been victims for much too long of these developers empty promises and deceitful ways, it just

goes on and on. The same will happen if they are allowed to proceed with this proposed development. A precious commodity ,treasured by so many, will be inevitably destroyed. PLEASE don't let them get away with this any longer, Enough is Enough.

Respectfully,

Jan Ehrenkrook

Jan Ehrenkrook
Olowalu Mauka Resident

P.S. Where is their proposed sewage treatment plant to be located? I certainly hope that issue is brought to the forefront before we end up with another situation such as Kaanapali with the stench....

com·mu·ni·ty

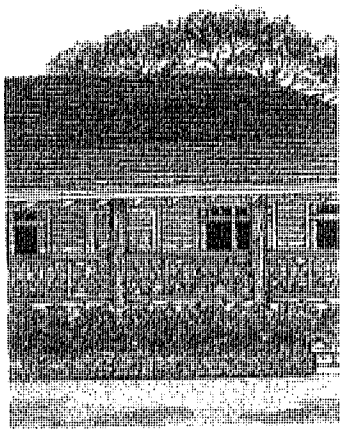
[ke myōō'ne tē] ***n.,***

common possession

or enjoyment

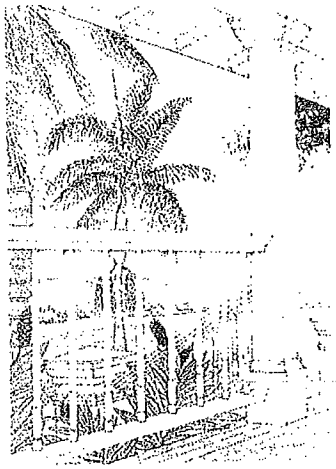
– Websters

A new community is being formed at Olowalu. We invite you to be the first in this new landscape; to be a participant in this new Olowalu community. This community will be as inclusive today as in the past, as it's one that respects varied cultures and economic diversity.



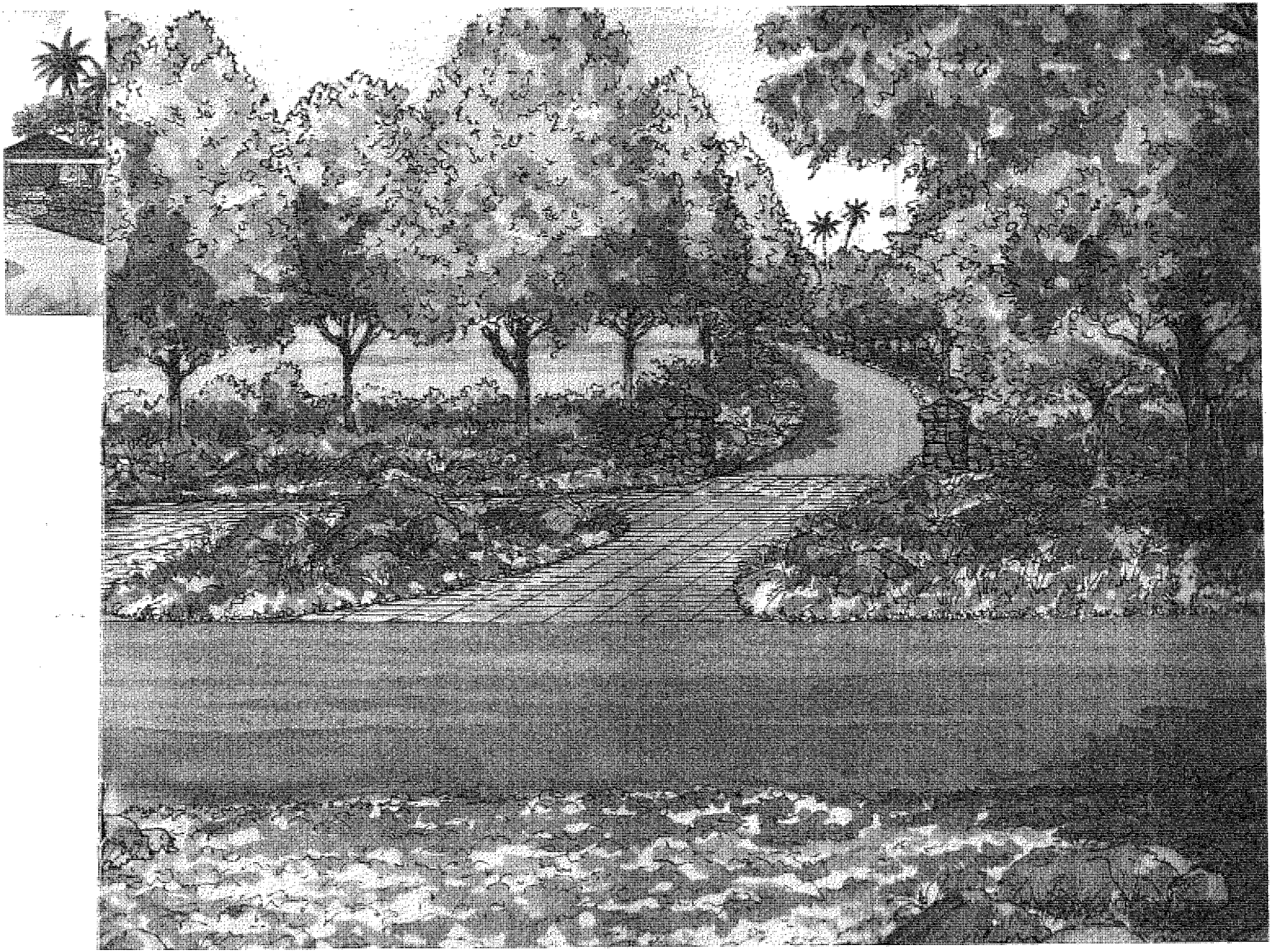
Included in this new community is a "Cultural Reserve" of approximately 74 acres being administered by a private non-profit corporation, whose mission statement is as follows:
To perpetuate the traditional and customary practices of "kanaka maoli" of these Hawaiian Islands and promote opportunities to regain the spiritual connection of "malama aina" of our ancestors by insuring these beliefs and customs are passed down to future generations.

With the recent demise of sugar cane cultivation in West Maui, this new community will foster the growth of entrepreneurs looking to add to the range of Maui's agricultural products.



This new community will also have a unified architectural theme that blends indigenous architectural elements, such as the generous use of natural materials, with elements from the Plantation Era managers' homes, such as grand verandas and large eaves. Expansive lawns and a canopy of mature trees are also important elements of the Plantation Era.

This new community will be what we all make it.



Olowalu Town
BY MAUI, FOR MAUI
2035 MAIN STREET WAILUKU HAWAI'I 96793
OFFICE: 808-249-2224 / FAX: 249-2333

October 26, 2015

Jan Ehrenkrook
49935 Gallatin Road
Gallatin Gateway, MT 59730

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Ms. Ehrenkrook:

We thank you for your letter of April 13, 2012 to the Land Use Commission providing comments on the Draft Environmental Impact Statement (EIS) for the proposed Olowalu Town Master Plan. We offer the following information in response to the comments noted in your letter.

Comment:

My name is Jan Ehrenkrook, I reside in Olowalu. When I purchased my property in Olowalu Mauka, a quote in the sales and marketing brochure by the developer at the inception of Olowalu Mauka over 10 years ago read; "With the recent demise of sugar cane cultivation in West Maui, this new community will foster the growth of entrepreneurs looking to add to the range of Maui's agricultural products"

Now, this same developer wants to change 460 acres of agriculturally zoned land to urban and rural. Sounds to me like the ONLY entrepreneur here is the developer, who wants to GROW 1500 new units....

Response:

We understand the developer of the 14-lot Olowalu Mauka Subdivision, Olowalu Elua Associates, LLC, envisioned the opportunity for enhancing agricultural product development with the offering of lots at the subdivision. As developers of the proposed Olowalu Town Master Plan (OTMP), we note that Olowalu Town, LLC and Olowalu

Ekolu, LLC are entities distinct from Olowalu Elua Associates, LLC which developed the 14-lot Olowalu Mauka Subdivision.

As referenced in your comment, the OTMP contains development objectives which are different from that proposed for the 14-lot Olowalu Mauka Subdivision. Nonetheless, it is the goal of the OTMP to reflect a land use plan and spatial allocation framework which will be compatible with surrounding agricultural uses.

Comment:

As a homeowner in Olowalu Mauka on Maui I am very concerned to say the least, about a possible approval of the proposed Olowalu Town LLC. There are many very important facts you need to consider. The developer of this project, William Frampton/West Maui Land, are the same that developed Olowalu Mauka. Even though they have denied being affiliated at the time of development, his signatures appear all over documents from the beginning well over 10 years ago ... These people have been very deceitful as well as negligent in completing the promised and permitted infrastructure of Olowalu Mauka, which in the big picture seems tiny as compared to a proposed massive 1500 unit development. This being said, they are not capable of completing this task. For example, being granted a SMA Permit over 10 years ago to complete a turn lane in to the development before the development could be completed. We are still waiting for this to happen ... The county, as well as DOT have continually turned their back on us., no enforcement or it would be done. The developers are dragging their feet until they get an approval for this proposed project.

Response:

With regards to your comment that William Frampton is the developer of the 14-lot Olowalu Mauka Subdivision, we take this opportunity to clarify that Mr. Frampton was previously hired as a project consultant for Olowalu Elua Associates, LLC and has no financial interest in the corporation. Since development of the 14-lot Olowalu Mauka Subdivision, Mr. Frampton and Mr. David Ward formed Olowalu Town LLC in 2005 as a separate entity responsible for the planning, design, and implementation of the OTMP.

As a project consultant for Olowalu Elua Associates, LLC, Mr. Frampton assisted Olowalu Elua with a few of the conditions of approval for the Special Management Area (SMA) Use Permit issued in 2000 for the Olowalu Makai and Olowalu Mauka Subdivisions, both of which is not included in the OTMP. As you have pointed out, one (1) of the conditions required certain roadway improvements to Honoapiilani Highway, including left-turn storage lanes, be constructed as part of the SMA approval. In coordination with the State of Hawaii, Department of Transportation (HDOT), Olowalu Elua Associates, LLC completed the intersection improvements at Honoapiilani Highway in December 2012.

Comment:

Also, The Cultural Reserve in Olowalu that they were to maintain went neglected as well until we brought that to the County's attention.

Response:

Although Olowalu Elua Associates own the 74 acre Olowalu Cultural Reserve (OCR), the OCR is under a long-term lease agreement and completely managed by the community-based, non-profit organization also called the OCR. The OCR is tasked to support and promote the revitalization of traditional Hawaiian culture at Olowalu. The OCR is its own governing body, independent from the applicant, with little to no input from the applicant in decision-making processes including management of the 74 acres. Since the OCR was established in 1999, the OCR has remained steadfast in its efforts by restoring the former irrigation system and lo'i for taro cultivation as well as planting other traditional crop, restoring native habitat, working with the landowners to protect historic and cultural sites, and providing educational experiences to students, residents, and visitors.

Comment:

The impact of this project will no doubt all but destroy the one of the last beautiful reefs on Maui. Already, there can be up to 8 commercial boats on that reef daily and the damage is already evident. You can only imagine the harmful impact of THOUSANDS of people living here, not to mention the impact of others using the proposed new facilities would have on this treasured spot.

Response:

We recognize that the Olowalu nearshore area encompasses an important reef complex. We share similar concerns regarding the declining coral reefs near areas of shoreline development. Traditional approaches to development have affected the environment of the islands. Impervious surfaces such as pavement and structures reduce rainfall infiltration and, therefore, increase stormwater runoff. Stormwater runoff carries sediments and pollutants that impact the near-shore coastal waters. Olowalu Town's location adjacent to a significant, accessible coral reef system dictates that stormwater quality best management practices (BMPs) be implemented.

Towards this end, during the planning phase of the project, the applicants investigated innovative stormwater solutions as well as resources such as the State of Hawaii Department of Land and Natural Resources, Commission on Water Resource Management's (CWRM) "A Handbook for Stormwater Reclamation and Reuse Best

Management Practices in Hawaii" with the expressed intention of "encouraging the management of stormwater as a resource rather than as a nuisance to be discharged to our streams and coastal waters". The publication outlines alternative stormwater measures that have been used to mitigate stormwater impacts in environmentally-sensitive communities in the United States, such as the Puget Sound area of Washington State. The State of Hawaii's handbook was used to identify a menu of BMPs that are appropriate for implementation in the OTMP. The Olowalu Town Stormwater Quality Enhancements Study (Appendix "B-1" in the Draft EIS), prepared by Brown and Caldwell, proposes BMPs that meet the County of Maui stormwater drainage rules that were adopted in 1995 and 2012. By implementing the BMPs in conjunction with the County's standards, the applicant will be providing a level of environmental protection that goes beyond what has been provided at existing Maui developments.

The *Olowalu Town Stormwater Quality Enhancements* aim to reduce the amount of stormwater from development and to improve the quality of the runoff that does occur. The goals of the plan are to:

1. Increase the volume of stormwater that infiltrates into the soil
2. Reuse stormwater where feasible
3. Improve the quality of stormwater that does run off

The BMPs outlined in the study support the aforementioned goals. The OTMP will develop stormwater BMP guidance documents for use by the designers of the residential, commercial, and green space/recreational facilities within the community to ensure that proper BMPs are implemented. Such efforts work towards protection of the Olowalu reef system.

Comment:

The traffic created by this proposed development would create a massive gridlock that West Maui cannot handle. Tourism would greatly be affected by this gridlock because it will take hours to get from the airport in Kahalui to points North. Tourists will not want to be stuck in that gridlock. West Maui does not have the proper infrastructure to support such an increase in traffic and population such as this. I have heard that a resort/hotel company has already placed a bid for the land where the current highway is located ... Contrary to the developer of this proposed development stating their interest is respectful of the community. This means even MORE harmful use to the reef. Where is this going to end?

Response:

The OTMP is proposed to be a "sustainable community" in which residents are able to live, work, and enjoy recreational pursuits within the community itself. The Master Plan

also includes design standards to reduce dependency on the automobile. The various land uses are planned to be within five (5) minutes walking distance to encourage residents to walk to work, shop, or enjoy the public and recreational amenities offered within the community. A system of pedestrian and bicycle access ways are planned throughout the Master Plan, and we will continue to work with the County of Maui to expand the public bus transportation system within the project. In addition, pedestrian and bicycle connections between the mauka and makai areas of the OTMP are proposed which will also benefit the 14-lot Olowalu Mauka Subdivision as these access ways will be available to the Olowalu community and public.

Recognizing the current traffic congestion on Honoapiilani Highway, the OTMP proposes to realign the highway further mauka in conjunction with the HDOT's Widening and Realignment of Honoapiilani Highway (Maalaea to Launiupoko) project. In coordination with HDOT, the OTMP includes the introduction of "O-Turns" used elsewhere in the U.S. which will allow the free flow of traffic on the highway while allowing motorists to exit the highway. The OTMP will be coordinated with the HDOT to ensure that traffic improvements are completed in conjunction with each phase of the development which is expected to take ten (10) years to complete. The phased approach will ensure that appropriate and timely mitigation measures are implemented such that traffic impacts are properly managed and addressed over the project build-out duration.

As clarification, we note the current alignment of the Honoapiilani Highway will remain intact, to enable its use as a local shoreline access roadway,

Comment:

Another prime example of this developers deceit is in the enclosed excerpt from the sales and marketing brochure presented to prospective buyers of Olowalu Mauka at the inception. If you look at the rendering enclosed, you will see absolutely no resemblance to what exists today ... Our HOA had to fight with them just to remove the cattle gate that was there ... Another example, quoted in their brochure "Canopies of mature trees." We were to receive over 200 trees planted and that never happened. Total misrepresentations ..... . The residents here in Olowalu Mauka have been victims for much too long of these developers empty promises and deceitful ways, it just goes on and on. The same will happen if they are allowed to proceed with this proposed development. A precious commodity, treasured by so many, will be inevitably destroyed. PLEASE don't let them get away with this any longer, Enough is Enough.

Response:

While we wish to offer our understanding as to your concerns over landscaping, we also note, as previously indicated, that as the developers of the proposed OTMP, we are

distinct from Olowalu Elua Associates, LLC, developer of the 14-lot Olowalu Mauka Subdivision. We do understand however, that the phased landscaping plan has been planted in the 14-lot Olowalu Mauka Subdivision and the Planning Department has confirmed all conditions of the SMA Permit, including the phased landscape plan have been met by Olowalu Elua Associates, LLC. The OTMP proposes a network of greenways that will connect to the existing greenways in the Olowalu Mauka Subdivision which will eventually provide a buffer between the OTMP and Olowalu Mauka Subdivision, as well as connect the Olowalu Mauka Subdivision to commercial/office, public/quasi-public and recreational uses in the OTMP.

Comment:

P.S. Where is their proposed sewage treatment plan to be located? I certainly hope that issue is brought to the forefront before we end up with another situation such as Kaanapali with the stench.

Response:

The proposed wastewater treatment facility will be located at the western extent of the Proposed OTMP, mauka of Honoapiilani Highway. See **Exhibit "1"**, Conceptual Plan, which was provided in the Draft EIS as Figure 4. For your ease of reference, however, we have highlighted the location of the wastewater treatment facility.

As documented in the Olowalu Town Wastewater Management Plan prepared by Brown and Caldwell, we note that wastewater treatment plants can be a source of nuisance odors to surrounding communities if the plants are not designed or operated correctly. Not all processes within plants, however, generate nuisance odors. Such odors are most often times associated with anaerobic (without oxygen) conditions and with residual solids processing.

The OTMP wastewater treatment facility will use innovative, efficient, and sustainable technology to minimize adverse odors. The headworks is commonly an odorous process area at wastewater treatment plants because incoming raw wastewater can be anaerobic and the screening and grit removal processes involve solids processing. The proposed OTMP wastewater treatment facility headworks will be enclosed to facilitate the management of foul odor. The air removed from the building will be treated in an odor control biofilter (or similar process). Biofilters consist of an engineered bed of compost with distribution piping. The foul air is treated as it flows through the compost media. Biofilters are capable of removing a wide variety of odorous compounds from the air.

We also note that the liquid treatment processes within the proposed wastewater treatment facility will not be a source of nuisance odors because the process tanks will

be aerated to maintain oxygen concentrations. Similarly, waste solids will be pumped to an aerobic digester for stabilization of oxygen concentrations. Assurance of continuous, uninterrupted aeration will be provided with the inclusion of at least one (1) redundant blower for each aeration system.

The solids dewatering process is another potential source of odors at the wastewater treatment plants. The dewatering equipment at the proposed OTMP facility will, however, be enclosed in a room to facilitate foul air collection. This foul air will then be routed to a biofilter for treatment.

In summary, the OTMP wastewater treatment facility will use innovative, efficient, and sustainable technology to minimize adverse impacts associated with process-related odors.

Thank you again for your comments. A copy of your letter and this response will be included in the Final EIS. Should you wish to receive a copy of the Final EIS document, or portion thereof, please submit your request in writing to Munekiyo Hiraga, 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town, LLC

David Ward
Olowalu Town, LLC

WF:DW
Attachment
cc: Peter Martin, Olowalu Ekolu, LLC
Daniel Orodenker, Executive Director, Land Use Commission
Jennifer Lim, Carlsmith Ball, LLP
Colleen Suyama, Munekiyo Hiraga
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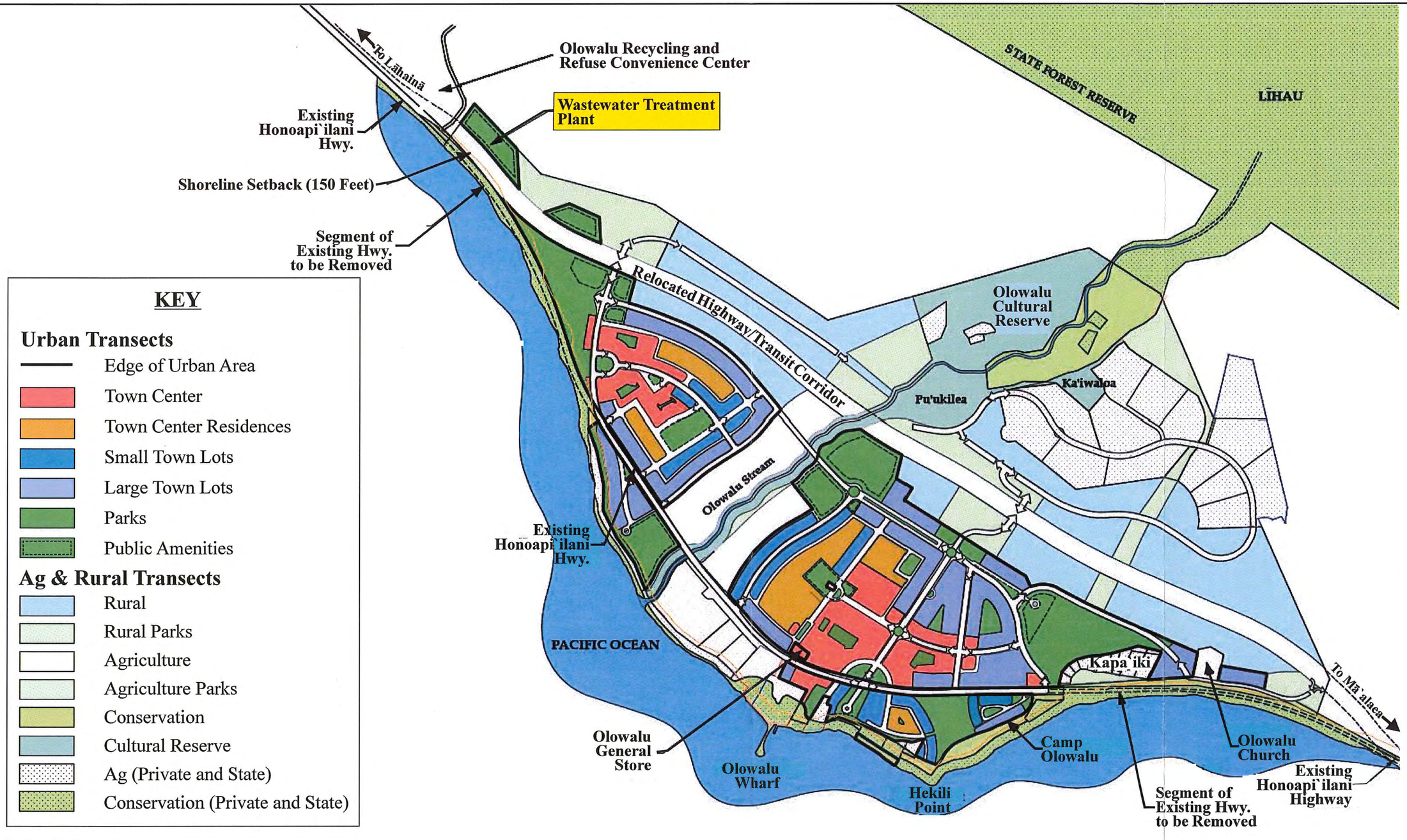


Source: Artel, Inc.

Figure 4

Proposed Olowalu Town Master Plan

Alternative 1 Conceptual Master Plan

NOT TO SCALE

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

EXHIBIT 1

MUNEKIYO HIRAGA

OlowaluTown/MasterPl/Final EIS/conceptualplan(revised)

APR 19 2012

9909 Lemon Ave
La Mesa, CA 91941
April 15, 2012

Mr. Orlando "Dan" Davidson
State Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96804

Subject: ***Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan (TMK Nos. (2)4-8-003:84,98 through 118, and 124)***

Dear Mr. Davidson:

We appreciate the opportunity to review the Draft Environmental Impact Statement (DEIS) for the proposed Olowalu Town Master Plan. We visit Maui frequently and enjoy driving north to Kapalua on Honoapi'ilani Highway (State Route 30). We are very concerned by the lack of existing or planned roadway infrastructure to support a development the size of the proposed Olowalu Town Master Plan. As California Registered Traffic Engineers with a combined 60 years experience in a variety of traffic engineering fields including reviewing traffic studies and environmental documents for development projects, we are sending you these comments in an effort to provide you with an understanding of this project's impacts to circulation. If this project is approved as proposed, traffic flow between West Maui and Central and South Maui will become extremely constrained. Honoapi'ilani Highway between Pali and Ma'alaea (which is not identified for improvements in the draft Maui Island Plan) would be a critical choke point restricting island circulation. This could have a profound negative economic impact on the island.

The DEIS does not disclose the proposed project's impacts to Honoapi'ilani Highway (State Route 30) outside the project site and the substantial affect this impact could have on public safety and on the economic welfare of the community and the State. Additionally, the DEIS does not analyze each phase of the development as required by HAR Section 11-200-17. For these reasons, we have found the DEIS for the Olowalu Town Master Plan to be inadequate.

Traffic Impacts Not Disclosed:

The DEIS and its Preliminary Traffic Impact Analysis Report ("TIAR") does not acknowledge or disclose any significant impact to Honoapi'ilani Highway for the following reasons:

- The TIAR assumes Honoapi'ilani Highway is widened to four lanes north of the project site; however, there is no identified funding for this costly infrastructure improvement.

- The TIAR assumes Honoapi'ilani Highway can accommodate substantially more traffic than it actually can before failing. The TIAR assumes Honoapi'ilani Highway south of the project site can accommodate 33,300 average daily vehicle trips (ADT) based on the assumption that this highway is an uninterrupted flow highway rather than an arterial with access points to the beach and to scenic lookouts. *The Proposed Roadway Development Program* dated January 2007 prepared for the County of Maui Planning Department for the draft *Maui Island Plan* assumed Honoapi'ilani Highway south of the Olowalu Town Master Plan site could accommodate about 22,000 ADT before failing.

- An unreasonably high, and technically unjustified, internal capture rate of 55% for project generated trips is assumed in the TIAR. Consequently, not enough project trips are distributed to Honoapi'ilani Highway. The Institute of Traffic Engineers (ITE) defines internal trip capture rate as a percentage reduction that can be applied to the trip generation estimates for the individual land uses to account for trips internal to the site. A nationally recognized methodology used by traffic engineers, such as the *Trip Generation Handbook, 2nd Edition, by the Institute of Traffic Engineers (ITE)* should be used to calculate internal capture. This methodology was used to calculate internal capture for both the *Wail'ele* project in Central Maui and the *Honoua'ula* project in South Maui. The internal capture rates for *Wail'ele* and *Honua'ula* were about 10% and 15%, respectively. (See Attachment A). Using the *Trip Generation Handbook* methodology, the internal capture of the Olowalu Master Plan would be about 15%.

- An unreasonably high, and technically unjustified, number of pass-by and diverted linked trips were assumed in the TIAR. Consequently not enough project trips are distributed to Honoapi'ilani Highway. Pass-by trip reductions should not be applied to re-aligned Honoapi'ilani Highway because it is not anticipated driveways would be allowed on this access controlled facility. The diverted linked trip reductions are high compared to documented rates in ITE and other credible sources.

- Future traffic volumes on Honoapi'ilani Highway are underestimated, due to the following:

    - Existing traffic counts used by the TIAR to develop future traffic volumes are too low. These existing counts were gathered in October 2010 during low tourist season and after the Great Recession of 2008. The TIAR states Honoapi'ilani Highway south of the project site carried 22,840 vehicles per day in October 2010. In contrast, this roadway west of the Pali tunnel is shown as carrying 24,422 ADT in Year 2003 in the *Proposed Roadway Development Program* prepared for the County of Maui Planning Department for the draft Maui Island Plan.
    - Traffic from other known projects in the area, such as Ukumehame, and traffic from other reasonably foreseeable projects were not assumed in the future analysis
    - Additionally, it cannot be confirmed whether the 1% annual growth factor used in the TIAR to estimate future volumes on Honoapi'ilani Highway is reasonable,

since no supporting data was provided showing how the 1% annual growth factor was determined.

As an example demonstrating how the future volumes are underestimated in the TIAR, the future volumes estimated on Honoapi'ilani Highway south of the project site in the TIAR without project traffic is 24,670 ADT, but this roadway segment is shown to carry 24,422 in 2003 in the *Proposed Roadway Development Program* prepared for County of Maui Planning Department for the draft *Maui Island Plan.* (See Attachment B.) This is an increase of only 248 vehicles on Honoapi'ilani Highway in 17 years.

It should also be noted that the TIAR indicates that Honoapi'ilani Highway south of the project site would operate at level of service (LOS) E at full build out of the project, but the *Proposed Roadway Development Program* shows this segment to be failing in the peak hour in Year 2003.

Using professionally accepted standards, we estimate that the proposed project would add about 12,000 ADT to Honoapi'ilani Highway north of the project site and about 8,000 ADT to Honoapi'ilani Highway south of the project site. This is more than three times the amount of project traffic estimated in the TIAR. Honoapi'ilani cannot accommodate this much added traffic.

The TIAR should be revised to use nationally recognized and accepted methodologies for determining project trip generation and analyzing transportation impacts. When this is done, it will be clear that the Olowalu Master Plan would have significant impacts to Honoapi'ilani Highway.

Potential Substantial Affects on Public Health Not Disclosed or Discussed:

Traffic safety impacts to Honoapi'ilani Highway from the development of the proposed Olowalu project were not addressed. Honoapi'ilani Highway would be heavily congested with stopped queues of vehicles, and there would be fewer gaps for vehicles to turn into. Consequently, there would be an increased potential for a higher accident rate along this highway.

Additionally, the proposed "O-turns" along Honoapi'ilani Highway may also compromise public safety. Therefore, the DEIS should evaluate and discuss:

- The potential increase in vehicular accidents on Honoapi'ilani Highway caused by the weaving and merging maneuvers of O-turns.
- The potential increase in pedestrian and bicycle accidents on Honoapi'ilani Highway since pedestrians would not be provided a safe crossing as would be provided by traffic signals. The DEIS should address how pedestrians and bicyclists will be prevented from crossing Honoapi'ilani Highway.

Phased Analysis Not Provided

The DEIS indicates in many places that the project would be developed in phases spread out over a period of approximately 10 years. However, only one scenario, Full Buildout Year 2020, was analyzed in TIAR. The TIAR should be revised to include an analysis of each phase of the project; otherwise, the DEIS does not comply with Hawaii Administrative Rules (HAR) Section 11-200-17 I which states that a DEIS, "... shall include a statement of the probable impact of the proposed action on the environment, and impacts of the natural or human environment on the project, which shall include consideration of all phases of the action and consideration of all consequences of the environment; direct and indirect effect shall be included."

It should also be noted that the internal capture rate of the project would vary with different phases of the development. For example, if the residential phase of the project were to be constructed first with no commercial, then the project's internal capture rate would be zero. This variation in internal capture rate by phase should be accounted for in the analyses.

Other Specific Comments to the DEIS:

1. The DEIS should provide more details to support its claim that the proposed project is a smart growth development. For example, it should describe what specific design features would be incorporated to ensure the development is a pedestrian & bicycle friendly community. Specifically, the DEIS should describe whether roadways within the project site would provide non contiguous sidewalks, street trees, and traffic calming features such as bulb-outs, road humps, traffic circles. The DEIS should also describe what type of bicycle amenities (e.g. bicycle racks, lockers, showers, bicycle corrals) and bicycle facilities (e.g. bicycle paths, bicycle lanes) would be provided to ensure the site is a bicycle friendly community.

2. The DEIS should state the "Purpose and Need" for the proposed action as required by HAR Section 11-200-17 D. The DEIS only states the project's need (which the DEIS states is to increase the supply of housing for Maui residents) but does not state the project's purpose. Without a statement of purpose, it is impossible to identify reasonable alternatives since reasonable alternatives are those that substantially meet both the purpose and the need.

3. A reduced project alternative should be proposed, since a reduced project alternative may have fewer impacts to Honoapi'ilani Highway.

4. The TIAR conclusions are contingent on specific land uses with precise square footage being constructed on the proposed project site. The DEIS should indicate how it would be assured that these land uses, and their square footages, would be constructed.

5. Should the Olowalu Master Plan be approved, the project should be conditioned to construct development not to exceed the ADT, a.m. peak-hour inbound trips, a.m. peak-hour outbound trips, p.m. peak-hour inbound trips, and the p.m. peak-hour outbound trips evaluated in the Final TIAR. Additionally, these thresholds should be tracked as the project site is developed. If the project site were to generate more traffic than assumed and analyzed in the Final TIAR, then the project could have other traffic impacts not disclosed to the approving agency in the Master Plan's FEIS.

6. The DEIS should discuss the effects of construction traffic on Honoapi'ilani Highway.

7. The DEIS should discuss the effect the proposed O-turns would have on pedestrian connectivity mauka and makai of Honoapi'ilani Highway.

8. A Transportation Demand Management Plan (TDM) should be provided by this project in an effort to meet the goals and objectives of the *Maui General Plan*. The DEIS should provide a discussion of this TDM Plan.

Specific Comments to the TIAR:

1. Page 1, Introduction, Purpose and Methodology: The TIAR states the TIAR utilizes data from several other TIARs which have been done for other projects on the west side of Maui over the last five years. The TIAR should specifically name which reports it utilized.

2. Page 1, Introduction, Purpose and Methodology: The TIAR states the TIAR uses information from studies done by Maui County. The TIAR should name which studies it utilized.

3. Page 1, Introduction, Purpose and Methodology: The TIAR states, "The Final TIAR will address peak hour traffic flows and utilize the methods that are normally employed in standard traffic assessments. That TIAR will also analyze in detail the predicted traffic operations at the access points to Honoapi'ilani Highway. It will assess the need for any mitigation and analyze the need for traffic control measures and devices that may be required for proper functioning of the street system. This preliminary report will not cover all items that may be studied and analyzed in the future detailed TIAR and it is not intended to substitute for that more comprehensive analysis." The TIAR provided in this DEIS should provide a full analysis to determine significant impacts of the proposed project, and these impacts should be disclosed to the public during the public review period.

4. Page 2, Introduction, Purpose and Methodology: The TIAR states that the level of analysis in the TIAR does not include detailed analysis of all traffic movements at individual intersections. The TIAR provided in this DEIS should provide a full analysis to determine significant impacts of the proposed project, and these impacts should be disclosed to the public during the public review period.

5. Page 2, Introduction, Purpose and Methodology: The TIAR states that the TIAR is intended to illustrate that the increase in vehicular traffic along the Honoapi'ilani Highway attributed to Olowalu Town will be successfully mitigated by way of implementing the proposed transportation plan and the related improvements, including the relocation and widening of the segment of Honoapi'ilani Highway which traverses the subject property. Clarify in this section of the TIAR what is specifically meant by the "proposed transportation plan."

6. Page 3, Description of Olowalu Town: The first paragraph of this section should describe how much square footage of office and how much square footage of commercial retail is proposed by this project rather than just describing the number of dwelling units proposed.

7. Page 3, Description of Olowalu Town: The TIAR states the design of Olowalu Town incorporates smart growth principles. One of the 10 accepted principles that define Smart Growth is to create walkable neighborhoods. The TIAR should describe specific examples of design features that would be incorporated to create walkable neighborhoods.

8. Page 8, Figure 5, Summary of Trip Generation for Olowalu Town: For ITE Code 730, Government Office Building, the proper trip rate per unit is 68.93 trips per 1,000 sf; therefore, the estimated traffic generated by that component of the site is of 1034 trips. Therefore, the total traffic generated by the site would be 33,655 ADT rather than the 32,800 ADT shown in the table. Revise the TIAR and its analyses accordingly.

9. Page 10, Background Traffic Growth: The TIAR states that several studies were made available which analyzed traffic growth trends on Honoapi'ilani Highway and that these studies are included in the appendices. However, this data was not included in the appendices. This data should be included in an appendix.

10. Page 10, Background Traffic Growth: In determining future volumes for the Year 2020 analysis, other reasonably foreseeable development project traffic be added to Honoapi'ilani Highway in addition to using an appropriate growth rate based on historical data.

11. Page 10, Background Traffic Growth: Provide a copy of the existing count data for Honoapi'ilani Highway in the appendix of the TIAR.

12. Page 10, Background Traffic Growth: Existing counts on Honoapi'ilani Highway were taken during October 2010 during low tourist season. However, existing counts should be taken during peak tourist season.

13. Page 10, Background Traffic Growth: The 24,667 ADT assumed on Honoapi'ilani Highway in Year 2020 is only 248 ADT more than existed in Year 2003 per the *Proposed Roadway Development Program* prepared for County of Maui Planning Department for the draft *Maui Island Plan*. Provide an explain why only 248 more vehicles per day would be expected to use Honoapi'ilani Highway in Year 2020.

14. Page 10, Traffic Analysis in Year 2020 without Olowalu Town Project: HighPlan software is not appropriate to use to determine the capacity and level of service of Honoapi'ilani Highway, since it has beach access points and driveways to scenic lookouts, and therefore should not be considered an uninterrupted flow highway.

15. Page 11, Figure 6, Output from Highplan Software for Honoapi'ilani Highway for Year 2020 without Project in Place:

- Clarify why the output sheet says "yes" under median type
- Clarify why the output sheet says "no" under left turn impact when no left turn pockets are provided for the beach access points or scenic outlooks
- The assumed maximum capacity at LOS E of 1500 vehicles per hour per lane (vphpl) is too high. Per the FDOT 2009 Quality/Level of Service Handbook which provides

guidance on using the FDOT software, the maximum capacity at LOS E should be assumed to be 850 vphpl. (See Attachment C). It should be noted that agencies in southern California assume much lower capacities for roadways constructed and functioning similar to Honoapi'ilani Highway. As an example, the County of San Diego assigns the capacity of 16,200 ADT to a two-lane rural facility. (See Attachment D).

16. Page 12, Traffic Generation for Olowalu Town: The TIAR takes a 15% reduction in trip generation to account for walking and bicycling within the project site and cites other local governments such as the City of Frederick, Maryland as allowing this as well. However, the reduction allowed by the City of Frederick includes walking, bicycling, and internal capture . (See Attachment E). Therefore, using the City of Frederick as an example is not correct and this reference (as well as the associated page included in Appendix 4 of the TIAR) should be removed from the TIAR.

17. Page 12, Traffic Generation for Olowalu Town: Reducing the ITE trip generation rate by 15% for walking and bicycling is not appropriate. The internal capture rate already accounts for this reduction.

18. Page 12, Traffic Generation for Olowalu Town: The TIAR states that based on the anticipated plan for the proposed project, the TIAR determined that significant proportions of total travel could and would be made within the town itself, without any requirement to travel on Honoapi'ilani Highway to Lahaina, Ma'alea or elsewhere on the island. Please clarify how this statement can be supported since:

- Facilities such as schools, a library, and a post office are not assured but require public funds to be constructed and/or operated.
- There is no assurance that the Olowalu Master Plan would provide land uses to serve all residents day to day needs such as a grocery store, pharmacy, and restaurants.
- The proposed project would not provide enough jobs for all its residences.

19. Page 12, Traffic Generation for Olowalu Town: The amount of internal capture rate assumed by the TIAR should be calculated using worksheets in the *ITE Trip Generation Handbook*, 2nd edition, and completed worksheets should be provided in an appendix of the TIAR. Alternatively, the methodology outlined in the NCHRP Report 684, *Enhancing Internal Trip Capture Estimation for Mixed-Use Developments*, by the Transportation Research Board of the National Academies could be used although its researchers do not recommend its use on sites over 300 acres. (See Attachment F).

20. Page 12, Traffic Generation for Olowalu Town: The TIAR states that due to the design of the town and its street network, many of the trips within the town will likely be made via walking or cycling and not require use of the automobile. This element will be addressed in detail in the final TIAR. This element of the TIAR should be addressed in the DEIS rather than the FEIS.

21. Page 13, Traffic Generation for Olowalu Town, Table 1, Internal Capture of Trips in Olowalu Town: The internal capture rates shown for each land use in Table 1 should be

supported by appropriate technical data; otherwise, the *ITE Trip Generation Handbook* , 2nd edition methodology should be used for computing internal capture.

22. Page 13, Traffic Generation for Olowalu Town: The TIAR states that the Maui LRTP was used to assist in estimating the amount of "pass-by" trips to Olowalu Town. However, "Pass-by trips" are defined by ITE as trips made as intermediate stops on the way from an origin to a primary trip destination without a route diversion. Since the proposed project's land uses have no direct access to Honoapi'ilani Highway, the number of pass-by trips for this project would be zero.

23. Page 13, Traffic Generation for Olowalu Town: Revise the name of Table 2 from "Pass-by and Diverted Trips on Honoapi'ilani Highway" to simply, "Diverted Linked Trips on Honoapi'ilani Highway."

24. Page 13, Traffic Generation for Olowalu Town: The percent of diverted linked trips for each land use should be based on empirical data from a reliable source such as the *ITE Trip Generation Handbook* or San Diego Association of Government's (SANDAG) *(Not So) Brief Guide of Vehicular Traffic Generation Rates For The San Diego Region*, available on-line at the following URL:

http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf

Most of the diverted linked rates shown in Table 2 are very high compared to the rates shown in the SANDAG document. (See Attachment G). Diverted linked rates used in the TIAR should be documented.

25. Pages 12 - 14, Tables 2 - 4: Table 2, Table 3, and Table 4 list an elementary school as a land use but Figure 5 on Page 8, which is the trip generation summary, does not. Please explain this apparent discrepancy.

26. Page 16, Trip Distribution: Table 4 should be renamed, "Trip Distribution for Diverted Linked Trips" assuming there are no proposed land uses with direct access to Honoapi'ilani Highway.

27. Page 17, Traffic Assignment: The TIAR does not include analysis of travel from the mauka side to/from the makai side of the Olowalu Town and the trips made between mauka and makai side via the connector street, and that these items will be reviewed in detail in the final TIAR. These analyses should be provided in this DEIS and available for public review and comment.

28. Page 18, Development of Future Traffic Data: Clarify why a 15% growth rate is used for Figure 10 and the access analyses in Appendix 3, but other portions of the document indicate an 8% growth rate was used.

29. Page 19, Figure 7, Existing Traffic Volumes on Honoapi'ilani Highway: Provide another figure depicting the traffic volumes on Honoapi'ilani Highway from counts taken during

February which is peak tourist season. Use whichever figure has the higher volumes to develop future volumes .

30. Page 20, Figure 8, Future Year 2020 Traffic Volumes without Project on Honoapi'ilani Highway: Revise this figure to include traffic from other reasonably foreseeable projects that would be constructed and occupied by Year 2020 (in addition to the background growth factor already assumed).

31. Page 21-22, Figures 9-10, Traffic Added from Olowalu Town Project and Olowalu Town Study Network Traffic with Full Buildout of Project in Place: Revise these figures to address our comments regarding trip generation, internal capture, and diverted linked trip rates.

32. Page 23, Future Roadway Network: Conduct a weaving analysis for the proposed "O-turns." The results of these weaving analyses should be provided in an appendix of the TIAR. Additionally, the effects of weaving on capacity of the proposed re-aligned Honoapi'ilani Highway should be evaluated.

33. Page 23, Future Roadway Network: Provide a queuing analysis to determine if the proposed left turn pockets for the proposed O-turns are sufficient to accommodate the vehicular demand without having vehicles spill into the through lane.

34. Page 23, Future Roadway Network: Provide calculations to determine the appropriate length of the acceleration and deceleration lanes of the proposed O-turns.

35. Page 23, Future Roadway Network: Data should be provided demonstrating the proposed "O-turns" weaving will not comprise public safety by creating a higher incidence of side swipe and rear end collisions caused by merging.

36. Page 23, Future Roadway Network: Discuss the effects of the proposed O-turns on pedestrian connectivity between the mauka and makai side of Honoapi'ilani Highway.

37. Page 23, Future Roadway Network: Evaluate pedestrian safety issues of the proposed O-turns , since the O-turns do not provide protected pedestrian crossings across Honoapi'ilani Highway as would be provided by signalized intersections. Also discuss how pedestrians would be prevented from crossing Honoapi'ilani Highway.

38. Page 25, Analysis of Impacts of Olowalu Town Project: HighPlan software is not appropriate to use to determine the capacity and level of service of Honoapi'ilani Highway south of the project site, since it would still have beach access points and scenic lookout points in Year 2020 and therefore cannot be considered an uninterrupted flow highway. If FDOT software were to be used, ArtPlan would be the appropriate software to utlize.

39. Page 25, Analysis of Impacts of Olowalu Town Project: The estimated daily maximum capacity of 56,600ADT and predicted speed of 50 mph Honoapi'ilani Highway within the project site is too high since there would be weaving, merging, acceleration, and deceleration associated with the proposed O-turns.

40. Page 25, Analysis of Impacts of Olowalu Town Project: The predicted speed of 29 mph for Honoapi'ilani Highway and maximum capacity of 33,300 ADT south of the project is too high as this highway segment would not have uninterrupted flow.

41. Page 25, Analysis of Impacts of Olowalu Town Project: The TIAR indicates detailed program outputs for the Highplan analyses sheets shown are Figures 12 - 14 are provided in the appendices. However, these sheets are not provided in the appendices.

42. Page 26, Figure 14, Output from Highplan Software for Portion of Honoapi'i1ani Highway with Existing Roadway Configuration:

- The roadway variables portion of the data sheet shows "yes" for median type but this portion of Highway 30 has no median.
- The LOS E maximum capacity of 1,500 vehicles per hour per lane (vphpl) is too high. The *Proposed Roadway Development Plan* by Fehr & Peers assumed 1000 vehicles per hour at level of service E, using the *Highway Capacity Manual*. (See Attachment H).
- The LOS E maximum capacity of 33,300 ADT is too high.

43. Page 27, Figure 13, Output from Highplan Software with Relocated and Widened Honoapi'ilani Highway in Place at Full Buildout of Olowalu Town:

- The data sheet indicates the segment from the Old Land Fill to Mile 14 is 5 miles long but this same segment is shown as 2.6 miles long on Figure 6.
- The LOS E maximum capacity of 2,950 vphpl is too high.
- The LOS E maximum capacity of 56,600 ADT is too high.

44. Page 28, Figure 14, Output from Highplan Software for Portion of Honoapi'i1ani Highway South of the Project Site at Full Buildout of Olowalu Town:

- The data sheet indicates the number of through lanes is 4 but this is a two-lane facility.
- The data sheet shows "yes" for median type but this portion of Highway 30 has no median.
- The assumed free flow speed of 50 miles/hour is too high.
- The LOS E maximum capacity of 1500 vphpl is too high. The LOS E maximum capacity of 33,300 ADT is too high.

45. Page 29, Table 6, Capacity, ADTs and Levels of Service for Honoapi'ilani Highway In Full Buildout Year of 2020:

- The assumed daily maximum capacity of 56,600 for the segments between the southern project boundary and north of the transfer station is too high.
- The assumed daily maximum capacity of 33,300 for the segment called "existing roadway south of Olowalu Town Project" is too high.
- The table indicates the segment north of the transfer station is widened to two through lanes in each direction. Clarify in the TIAR on what basis this is assumed. Only projects

that are fully funded and scheduled for construction prior to Year 2020 should be assumed.

46. Appendix 3, Intersection Turning Movements: Clarify why the data sheets indicate 15 percent growth when the TIAR indicates an 8 percent growth rate was used to develop Year 2020 ADT volumes.

47. Appendix 4, Traditional Development of Trip Generation Characteristics: The internal capture rates for the developments discussed in this paper do not support the 55% internal capture assumed in the TIAR.

48. Appendix 4, Traditional Development of Trip Generation Characteristics: The conclusion of this paper indicates the authors support the use of internal capture estimates produced using the ITE *Trip Generation Handbook* methodologies. The TIAR should use this method to determine internal capture.

Thank you once again for providing us the opportunity to review and comment on the DEIS.

We hope that these comments help the approving agency make an informed decision when determining whether to approve the proposed Olowalu Master Plan development project.

Sincerely,

Victoria A. Huffman, P.E.

Walton H. Huffman JR, P.E.

cc: Olowalu Town, LLC
Colleen Suyama, Munekiyo & Hiraga, Inc.

Attachment A 1 of 5

WAI'ALE

Final Environmental Impact Statement

Volume 2 of 2 | Appendices

Prepared by:

PBR HAWAII & ASSOCIATES, INC

October 2011

Table 6: Year 2022 with Project Trip Generation

Land Use (ITE Code)	Independent Variable	AM Peak hour of traffic		PM Peak hour of traffic	
		Enter (vph)	Exit (vph)	Enter (vph)	Exit (vph)
Single Family (210)	1,420 (DU)	253	760	750	441
SF	*1,240 (DU)*	*219*	*658*	*638*	*375*
County SF	*180 (DU)*	*34*	*102*	*112*	*66*
Multi-Family (230)	1,130 (DU)	76	364	352	174
MF	*481 (DU)*	*31*	*151*	*147*	*72*
VMX MF	*529 (DU)*	*34*	*163*	*158*	*78*
County MF	*120 (DU)*	*11*	*50*	*47*	*24*
Commercial (820)	230,000 (GFA)	154	99	545	567
Village Mixed Use (815) AM and (814) PM	250,000 (GFA)	181	85	274	349
General Industrial (130)	175,000 (GFA)	131	29	38	140
Middle School (522)	820 (Students)	244	199	64	67
Total		***1,039***	***1,536***	***2,024***	***1,738***
Internal Capture	N/A	-	-	164	164
Diverted Link Trip	N/A	-	-	82	82
TOTAL		**1,039**	**1,536**	**1,778**	**1,492**

B. Trip Distribution

Trips generated by the Project were assigned onto the network based on the future employment zones. Similar to Figure 4 in Section III, trips were assigned to the four (4) major employment areas as follows:

- Kahului/Hana/Upcountry at 35 percent
- Wailuku at 30 percent
- Lahaina/West Maui at 20 percent
- Kihei /South Maui at 15 percent

The project is planned as a mixture of housing, commercial, industrial and school land uses. The multi-use of the Project is aimed at providing close proximity between these land uses to reduce the amount of external trips.

The Institute of Transportation Engineers, Trip Generation Handbook second edition (2004) provides internal capture rates for multi-use developments for the (PM) peak hour of traffic only. Rates provided for retail to/from retail and retail to/from residential were applied. Overall, the internal capture was assumed to account for less than 10 percent of the total Project generated entering and exiting trips during the PM peak hour of traffic. Internal capture was not applied to AM peak hour traffic. *

Diverted linked trips were also assumed to occur for 4 percent of the trips generated by the Project during the PM peak hour of traffic. This is where commercial trips are considered existing trips (i.e. on Kuihelani Highway) that make intermediate stops at commercial land uses on their way to their final destinations.

Attachment A
4 of 5

HONUA'ULA

DRAFT ENVIRONMENTAL IMPACT STATEMENT

VOLUME 3 OF 3
(APPENDICES L-Q)

Prepared for:
Accepting Authority
Maui Planning Department / Maui Planning Commission

Applicant:
Honua'ula Partners, LLC

Prepared by:
PBR HAWAII
& ASSOCIATES, INC.

March 2010

IV. FUTURE YEAR TRAFFIC CONDITIONS WITH THE PROJECT

A. Trip Generation

Trip generation estimates the total number of trips produced by a given land use. Trip rates contained in the nationally published ITE, Trip Generation, 8th Edition were used to estimate the number of trips generated by the Project. Additionally, the Resort Residential Trip Generation Rate Development prepared by Parsons Brinkerhoff Quade & Douglas, Inc. dated October 2, 2006 as accepted by the SDOT, is utilized to estimate the number of trips generated by resort residential units. Table 5, as shown in the previous section, shows these trip generation rates and Table 6 shows the number of peak hour trips that are expected to be generated by the Project.

An estimation of the percentage of internal trip capture was obtained from the ITE Trip Generation Handbook, Second Edition, which was determined to be approximately 15 percent. The internal trip capture was only applied to the PM peak hour of traffic since commercial areas are typically closed during the AM peak hour of traffic. The 15 percent internal trip capture rate was applied to the number of residential trips and the result was applied to the commercial trips, in order to match the number of internal trips between the residential areas and commercial areas. Internal trips are assumed within the Project.

B. Trip Distribution

The Project generated trips were distributed based on the distribution utilized by the Maui Travel Demand Forecasting Model; Figure 8 shows the general distribution. Phase I of the Project proposes to construct the east leg of the Piilani Highway/Wailea Ike Drive intersection and Kaukahi Street will be extended into the Project. Since Kaukahi Street is a private street, it is planned to be gated within the Project site to address concerns of current owners along the street. Phase II of the Project proposes to extend Piilani Highway, forming the south leg of the Piilani Highway/Wailea Ike Drive intersection. Figures 9, 10, and 11 show the Project generated traffic volumes during Year 2016, 2018, and 2022, respectively.

Attachment B
1 of 2

PROPOSED ROADWAY DEVELOPMENT PROGRAM

JANUARY 2007

PREPARED FOR

COUNTY OF MAUI PLANNING DEPARTMENT

PREPARED BY

FEHR & PEERS

KAKU ASSOCIATES

Attachment B
2 of 2

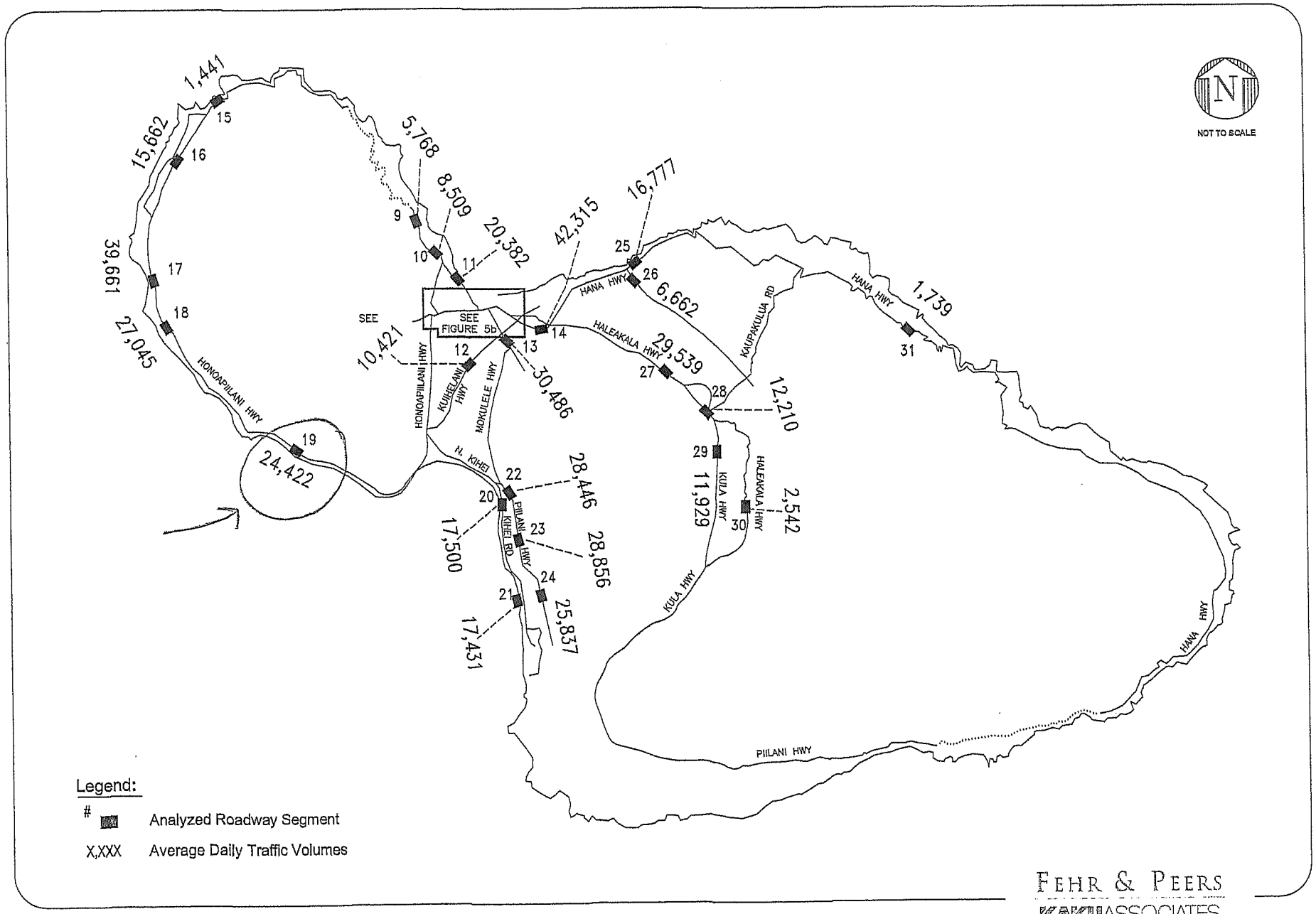
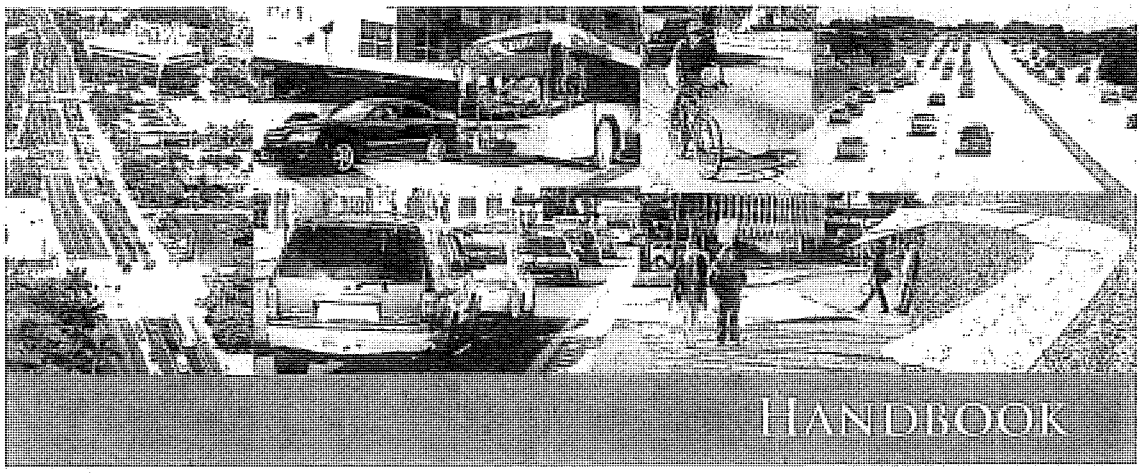


FIGURE 5A
ISLAND-WIDE 2003 AVERAGE DAILY TRAFFIC VOLUMES

Attachment C

1 of 2

2009 QUALITY/LEVEL OF SERVICE



2009
State of Florida
Department of Transportation

Attachment C
2 of 2

7 MAXIMUM ACCEPTABLE CAPACITY VOLUMES

Use of highway capacity and LOS tools, whether applied appropriately or not, has resulted in projected traffic volumes beyond normal capacity ranges found on Florida facilities. The causes are many-fold, but to aid analysts and reviewers on what capacity values will normally be acceptable, FDOT the following guidance. These values are based on site specific freeway studies and counts, and arterial maximum acceptable thru movement effective green ratios (g/C). For the benefit of users conducting LOS analyses, FDOT's updated LOSPLAN programs will automatically check capacity and provide warnings and messages if acceptable capacities are exceeded. (Note: Under most circumstances the maximum service volume for LOS E equals capacity.)

7.1 Maximum Acceptable Capacity Volumes for Facilities

For arterial facilities the maximum generally acceptable per lane approach volumes are as follows:

- Large urbanized – 1,000 vehicles per hour per lane (vphpl)
- Other urbanized – 950 vphpl
- Transitioning – 920 vphpl
- Urban – 920 vphpl
- Rural – 850 vphpl

Note: arterial segments and sections may have higher values.

For freeway facilities and sections, the maximum generally acceptable volumes are as follows:

- Large urbanized – 2,100 vphpl (1900 vphpl if oversaturated)
- Other urbanized – 2,000 vphpl (1900 vphpl if oversaturated)
- Transitioning – 1,900 vphpl
- Urban – 1,800 vphpl
- Rural – 1,800 vphpl

For highway (generally uninterrupted flow highways) segments, the maximum generally acceptable per lane approach volumes are as follows:

- Two-lane
  - Developed – 1,600 vphpl
  - Undeveloped – 1,500 vphpl
- Multilane
  - Developed – 1,850 vphpl
  - Undeveloped – 1,600 vphpl

Attachment D
1 of 3

PUBLIC ROAD STANDARDS

COUNTY OF SAN DIEGO
DEPARTMENT OF PUBLIC WORKS

March 3, 2010

TABLE 1
AVERAGE DAILY VEHICLE TRIPS*

CIRCULATION ELEMENT ROADS			LEVELS OF SERVICE				
Road Classification		# of Travel Lanes	A	B	C	D	E
Expressway (6.1)		6	<36,000	<54,000	<70,000	<86,000	<108,000
Prime Arterial (6.2)		6	<22,200	<37,000	<44,600	<50,000	<57,000
Major Road	(4.1A)	4	<14,800	<24,700	<29,600	<33,400	<37,000
	w/ Intermittent Turn Lanes (4.1B)	4	<13,700	<22,800	<27,400	<30,800	<34,200
Collector		4	<13,700	<22,800	<27,400	<30,800	<34,200
Boulevard	w/ Raised Median (4.2A)	4	<18,000	<21,000	<24,000	<27,000	<30,000
	w/ Intermittent Turn Lanes (4.2B)	4	<16,800	<19,600	<22,500	<25,000	<28,000
Town Collector		2	<3,000	<6,000	<9,500	<13,500	<19,000
Community Collector	w/ Raised Median (2.1A)	2	<10,000	<11,700	<13,400	<15,000	<19,000
	w/ Continuous Left Turn Lane (2.1B)	2	<3,000	<6,000	<9,500	<13,500	<19,000
	w/ Intermittent Turn Lane (2.1C)	2	<3,000	<6,000	<9,500	<13,500	<19,000
	w/ Passing Lane (2.1D)	2	<3,000	<6,000	<9,500	<13,500	<19,000
	No Median (2.1E)	2	<1,900	<4,100	<7,100	<10,900	<16,200
Light Collector	w/ Raised Median (2.2A)	2	<3,000	<6,000	<9,500	<13,500	<19,000
	w/ Continuous Left Turn Lane (2.2B)	2	<3,000	<6,000	<9,500	<13,500	<19,000
	w/ Intermittent Turn Lane (2.2C)	2	<3,000	<6,000	<9,500	<13,500	<19,000
	w/ Passing Lane (2.2D)	2	<3,000	<6,000	<9,500	<13,500	<19,000
	No Median (2.2E)	2	<1,900	<4,100	<7,100	<10,900	<16,200
		2	<1,900	<4,100	<7,100	<10,900	<16,200
	w/ Reduced Shoulder (2.2F)	2	<5,800	<6,800	<7,800	<8,700	<9,700
Rural Collector		2	<1,900	<4,100	<7,100	<10,900	<16,200
Rural Light Collector		2	<1,900	<4,100	<7,100	<10,900	<16,200
Rural Mountain		2	<1,900	<4,100	<7,100	<10,900	<16,200
Recreational Parkway		2	<1,900	<4,100	<7,100	<10,900	<16,200
Minor Collector	w/ Raised Median (2.3A)	2	<3,000	<6,000	<7,000	<8,000	<9,000
	w/ Intermittent Turn Lane (2.3B)	2	<3,000	<6,000	<7,000	<8,000	<9,000
	No Median (2.3C)	2	<1,900	<4,100	<6,000	<7,000	<8,000
NON-CIRCULATION ELEMENT ROADS**			LEVELS OF SERVICE				
Residential Collector		2	-	-	<4,500	-	-
Rural Residential Collector***		2	-	-	<4,500	-	-
Residential Road		2	-	-	<1,500	-	-
Rural Residential Road***		2	-	-	<1,500	-	-
Residential Cul-de-Sac or Loop Road		2	-	-	<200	-	-

* The values shown are subject to adjustment based on the geometry of the roadway, side frictions, and other relevant factors as determined by the Director, Department of Public Works.

** Levels of service are not applied to residential streets since their primary purpose is to serve abutting lots, not carry through traffic. Levels of service normally apply to roads carrying through traffic between major trip generators and attractors.

*** Rural Residential Collectors and Rural Residential Roads are intended to serve areas with lot sizes of 2 acres or more which do not have a demand for on-street parking. On-street parking is not assured for these cross sections. Additional right-of-way is needed if on-street parking is in paved area.

**** See Tables 2A and 2B for roadway surfacing and right-of-way widths.

TABLE 2A: COUNTY OF SAN DIEGO - PUBLIC ROAD STANDARDS

ROAD CLASSIFICATION	# LANES / LANE WIDTH	MEDIAN WIDTH	ROAD SURFACING WIDTH	R.O.W. WIDTH	PAVED SHOULDERS (# / WIDTH)	PARKWAY WIDTH	MIN. CURVE RADIUS	MAX. DESIRABLE GRADE	MIN. DESIGN SPEED (MPH)
CLASSIC CIRCULATION ELEMENT ROAD CLASSIFICATIONS									
Expressway (6.1)	6 / 12'	34'	126'	146'	2 / 10'	10'	1,700'	6%	65
Prime Arterial (6.2)	6 / 12'	14'	102'	122'	2 / 8'	10'	1,700'	6%	65
Major Road (4.1A)	4 / 12'	14'	78'	98'	2 / 8'	10'	1,200'	7%	55
Collector	4 / 12'	-	64'	84'	2 / 8'	10'	1,200'	7%	55
Town Collector	2 / 12'	12'	54'	74'	2 / 8'	10'	500'	9%	40
Light Collector	2 / 12'	-	40'	60'	2 / 8'	10'	700'	9%	45
Rural Collector	2 / 12'	-	40'	84'	2 / 8'	22'	500'	12%	40
Rural Light Collector	2 / 12'	-	40'	60'	2 / 8'	10'	500'	12%	40
Rural Mountain	2 / 12'	-	40'	100'	2 / 8'	30'	500'	12%	40
Recreational Parkway	2 / 12'	-	40'	100'	2 / 8'	30'	400'	12%	25
MODERN CIRCULATION ELEMENT ROAD CLASSIFICATIONS									
Major Road									
* With Intermittent Turn Lanes (4.1B)	4 / 12'	-	64' - 78'	84' - 98'	2 / 8'	10'	1,200'	7%	55
Boulevard									
+++ With Raised Median (4.2A)	4 / 12'	14'	78'	106'	2 / 8'	14'	500'	9%	40
+++ With Intermittent Turn Lanes (4.2B)	4 / 12'	-	64' - 78'	92' - 106'	2 / 8'	14'	500'	9%	40
Community Collector									
** With Raised Median (2.1A)	2 / 12'	14'	54'	74'	2 / 8'	10'	700'	9%	45
** With Continuous Left Turn Lane (2.1B)	2 / 12'	14'	54'	74'	2 / 8'	10'	700'	9%	45
+++ With Intermittent Turn Lanes (2.1C)	2 / 12'	-	40' - 54'	60' - 74'	2 / 8'	10'	700'	9%	45
*** With Passing Lane (2.1D)	2 / 12'	-	40'	84'	2 / 8'	10'	700'	9%	45
+ No Median (2.1E)	2 / 12'	-	40'	60'	2 / 8'	10'	700'	9%	45
Light Collector									
** With Raised Median (2.2A)	2 / 12'	14'	54'	78'	2 / 8'	10'	500'	9%	40
** With Continuous Left Turn Lane (2.2B)	2 / 12'	14'	54'	78'	2 / 8'	10'	500'	9%	40
+++ With Intermittent Turn Lanes (2.2C)	2 / 12'	-	40' - 54'	64' - 78'	2 / 8'	10'	500'	9%	40
*** With Passing Lane (2.2D)	2 / 12'	-	40'	88'	2 / 8'	10'	500'	9%	40
++ No Median (2.2E)	2 / 12'	-	40'	64'	2 / 8'	10'	500'	9%	40
+++ With Reduced Shoulder (2.2F)	2 / 12'	-	40'	52'	2 / 2'	10'	500'	9%	40
Minor Collector									
+++ With Raised Median (2.3A)	2 / 12'	14'	54'	82'	2 / 8'	10'	350'	12%	35
+++ With Intermittent Turn Lanes (2.3B)	2 / 12'	-	40' - 54'	68' - 82'	2 / 8'	10'	350'	12%	35
+++ No Median (2.3C)	2 / 12'	-	40'	68'	2 / 8'	10'	350'	12%	35

NOTES:
1. Minimum longitudinal gradient shall be 1.0 percent for all road classificationls shown above.
2. The maximum grade for a permanent cul-de-sac street turning area shall be 6 percent.
3. The maximum grade for a temporary cul-de-sac street turning area shall be that of the classification of the road being constructed.
4. For standards, see County Design Standard Drawing DS-2, DS-3, DS-4, and Section 4.5N of these Standards.
5. Additional pavement and ROW may be required for CE Collectors (4 feet) and Light Collectors (12 feet) in Industrial/Commercial Zones.
6. CE roads needing additional turn lanes will require an additional 12 to 14 feet of pavement and ROW for each lane.
7. The maximum superelevation allowed on CE roads is 6%. Superelevation is not normally required on Non-CE roads.
8. CE roads designated with Bike Lanes will require an additional 10 feet of pavement and ROW. This may be increased to 12' for Collector Roads and above upon the provisions in Section 7.3 of these standards.
9. The minimum curve radii, shown in the table above, are based on the design speed with 6% superelevation.
10. Interim roads are to be a minimum of 28 feet A.C. within a 40 feet graded roadbed. They may be larger if traffic volumes require more travel lanes.

LEGEND:
* Similar to existing Collector Road
** Similar to existing Town Collector
*** Similar to existing Rural Collector
+ Same as existing Light Collector
++ Similar to existing Rural Light Collector
+++ New Classification Standard

Attachment D
3 of 3

Attachment E
1 of 2

(c) Density

Density shall be calculated as provided in §405.

(d) Floor Area Ratio

(1) For development of an individual platted lot, "floor area ratio" means the ratio of the total building floor area to the total lot area, in square feet.

(2) For a subdivision plat, master plan, or site plan that includes multiple buildings, "floor area ratio" means ratio of the total building floor area to the total area of the development site, in square feet.

(3) Floor Area ratio of PND relates to entire portion of the nonresidential component of the development.

(e) Trip Generation

(1) The total number of average daily trips (ADT) generated by the proposed development shall not exceed the amount prescribed in the Performance Standards Matrix (Table 407-1), Column (D), per acre of development site. The applicant shall calculate total trips using the procedures established for Traffic Impact Studies (see Article 12.

(2) Because mixed use development involves a balance between residential and non-residential facilities and a high level of pedestrian infrastructure, many trips are typically captured on-site or are made by non-vehicular modes such as walking or public transportation. In addition, the City finds that design standards for buildings, streets, and building-street relationships are an important factor in reducing the number of trips generated. Accordingly, an application using a TND, PND, or MXE may reduce the projected trips for all eligible uses (see subsection (4), below), as computed in accordance with the *ITE Manual*, by the amount shown in Table 407-2 below. In order to reduce the number of trips as provide in this subsection, the applicant shall provide a phasing schedule consistent with the following:

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2 of 2

A. Following approval of a final site plan and subdivision plat, the first seventy five percent (75%) of all certificates of occupancy for dwelling units shall be issued prior to the establishment of any non-residential use.

B. No certificate of use and occupancy may be issued for the remaining dwelling units until a certificate of use and occupancy has been issued for one-hundred percent (100%) of the non-residential floor area.

Table 407-2 Trip Reductions for Mixed Use Development

Percent Residential Equivalent Units	Percent Non-residential Equivalent Units	Percent Trips Reduced
85-100%	0-14%	Not Applicable
75-84%	15-25%	10%
65-74%	25-35%	20%
35-65%	35-74%	30%
25-34%	65-74%	20%
15-24%	75-84%	10%
0-14%	85-100%	Not Applicable

Rules of Interpretation for Table 407-2:

For purposes of computing the percentage established above, one dwelling unit or 800 square feet of non-residential space shall equal one (1) equivalent unit. The equivalent units shall be located within the boundaries of the proposed development.

(3) For purposes of this section, the overall trip generation for an eligible use (see subsection (4), below) in the DR, DB, or DBO district shall be reduced by thirty percent (30%).

(4) For purposes of this subsection, an "eligible use" includes any residential, retail, institutional or industrial use except Auto-Oriented Uses as defined in Article 10 of this Code.

(f) *Stormwater management*

Stormwater credits are defined in the Maryland Department of Environment, 2000 Maryland Stormwater Design Manual, which is hereby incorporated by reference. Credits are calculated for using non-structural practices including Natural Area Conservation, Disconnection of Rooftop Runoff, Disconnection of Non Rooftop Runoff, Sheet Flow to Buffers, Open Channel Use, and Environmentally Sensitive Development. The percentage refers to the reduction in Water Quality Volume (WQv) from a development.

Attachment F
1 of 2

NCHRP

REPORT 684

NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM

Enhancing Internal Trip Capture Estimation for Mixed-Use Developments

TRANSPORTATION RESEARCH BOARD
OF THE NATIONAL ACADEMIES

With the increase in emphasis on livability, compact cities, and smart growth in general, MXDs have become more popular. Many are found in midtown-type urban areas (i.e., the central portion of a city or urban area that is outside the CBD but has higher densities than suburban or general urban and may include an outlying business district). Others are found in suburban locations and a few in urban peripheries. The research team did not include downtowns because they would be very difficult to survey and do not develop as one project or development and, therefore, would not need a TIA for the downtown.

During the period this project was active, the research team received dozens of calls asking for internal capture data for land uses and time periods not included in the ITE method. Requests were most frequently received for

- A.M. peak-hour internal capture rates;
- Land uses not included in the ITE method—most notably hotels, cinemas, and restaurants; and
- Very large MXDs in outlying areas.

Available Data

There are very limited data available that are capable of supporting internal capture rate estimation methodology that can use information that is *available at the time of zoning.* Three Florida surveys plus three pilot studies conducted for this project were the only surveys with enough detail to develop internal capture methodology

- For both A.M. and P.M. peak hours;
- For use with information that is available at the time of zoning requests and can be reliably projected;
- That provides the ability to analyze the effect of proximity of land uses to each other; and
- That is sensitive to differences in land use mix.

Some cordon counts have been completed for various periods and could be used for validation testing, but, by themselves with land use information, they do not provide what is needed to develop a sensitive procedure. More data are needed.

Internal Capture Estimation Methodology

Expanded ITE Methodology

This project expanded the database from three to six developments and, after considering options, expanded the ITE method to

- Add the weekday A.M. peak hour;
- Add restaurant, cinema, and hotel land uses;
- Create a land use classification structure that would permit disaggregation of the six land uses to more detailed categories should enough data become available;
- Include the effects of proximity (i.e., convenient walking distance) among interacting land uses to represent both compactness and design; and
- Provide a method that could easily be put in spreadsheet form.

This method was tested for its ability to estimate external vehicle trip generation. The existing ITE method estimates produce about one-half of the estimation error that raw ITE trip generation rates produce. The method developed in this project cuts the estimation error in half again, or roughly to about one-fourth of the raw trip generation rates.

The recommended method is described in Chapter 3. The researchers recommend its use for developments of up to 300 acres. Additional data and/or further testing could validate its use for larger developments, but that has not yet been attempted. The researchers do **not** recommend use of this method for downtowns, SACs, or new town types of development; the researchers do not believe it will be applicable.

The method produced has a component that estimates the effects of proximity. Unfortunately, the database is small enough for the P.M. period that factors could only be developed for some land use pairs. Absence of A.M. peak-hour data from the Florida studies precluded any A.M. proximity factors from being developed. This project's estimation method generally produced slightly closer P.M. estimates with the proximity factor included. It is recommended for use, but it is also recommended that when additional data becomes available, attempts should be made to develop proximity factors for more land use pairs.

Suggested Modifications to Existing ITE Procedures

As mentioned previously, the recommended estimation method builds on the current ITE internal trip capture procedures contained in the second edition of the *Trip Generation Handbook* (*1*). Incorporation of this project's recommendations could be accomplished by performing the following:

- Expanding Tables 7.1 and 7.2 of the *Trip Generation Handbook* (*1*) to include all six land uses covered in this report; and
- Adding the proximity adjustment to be made after the unconstrained internal capture estimates are performed but before the balancing process.

The data collection procedures could be modified to include those recommended in this project, including the next section.

Attachment G
1 of 2

(NOT SO)
BRIEF GUIDE OF VEHICULAR TRAFFIC GENERATION RATES FOR THE SAN DIEGO REGION

SANDAG
401 B Street, Suite 800
San Diego, California 92101
(619) 699-1900 • Fax (619) 699-1950

APRIL 2002

NOTE: This listing only represents a *guide* of average, or estimated, traffic generation "driveway" rates and some very general trip data for land uses (emphasis on acreage and building square footage) in the San Diego region. These rates (both local and national) are subject to change as future documentation becomes available, or as regional sources are updated. For more specific information regarding traffic data and trip rates, please refer to the San Diego Traffic Generators manual. *Always check with local jurisdictions for their preferred or applicable rates.*

LAND USE	TRIP CATEGORIES [PRIMARY:DIVERTED:PASS-BY][a]	ESTIMATED WEEKDAY VEHICLE TRIP GENERATION RATE (DRIVEWAY)	HIGHEST PEAK HOUR % (plus IN:OUT ratio) Between 6:00-9:30 A.M.		Between 3:00-6:30 P.M.		TRIP LENGTH (Miles)[b]
AGRICULTURE (Open Space)	[80:18:2]	2/acre**					10.8
AIRPORT	[78:20:2]						12.5
Commercial		60/acre, 100/flight, 70/1000 sq. ft.* **	5%	(6:4)	6%	(5:5)	
General Aviation		6/acre, 2/flight, 6/based aircraft* **	9%	(7:3)	15%	(5:5)	
Heliports		100/acre**					
AUTOMOBILE[s]							
Car Wash							
Automatic		900/site, 600/acre**	4%	(5:5)	9%	(5:5)	
Self-serve		100/wash stall**	4%	(5:5)	8%	(5:5)	
Gasoline	[21:51:28]						2.8
with/Food Mart		160/vehicle fueling space**	7%	(5:5)	8%	(5:5)	
with/Food Mart & Car Wash		155/vehicle fueling space**	8%	(5:5)	9%	(5:5)	
Older Service Station Design		150/vehicle fueling space, 900/station**	7%	(5:5)	9%	(5:5)	
Sales (Dealer & Repair)		50/1000 sq. ft., 300/acre, 60/service stall* **	9%	(7:3)	8%	(4:6)	
Auto Repair Center		20/1000 sq. ft., 400/acre, 20/service stall*	8%	(7:3)	11%	(4:6)	
Auto Parts Sales		60/1000 sq. ft.**	4%		10%		
Quick Lube		40/service stall**	7%	(6:4)	10%	(5:5)	
Tire Store		25/1000 sq. ft., 30/service stall**	7%	(6:4)	11%	(5:5)	
CEMETERY		5/acre*					
CHURCH (or Synagogue)	[64:25:11]	9/1000 sq. ft., 30/acre** (quadruple rates for Sunday, or days of assembly)	5%	(6:4)	6%	(5:5)	5.1
COMMERCIAL/RETAIL[s]							
Super Regional Shopping Center (More than 80 acres, more than 800,000 sq. ft., w/usually 3+ major stores)		35/1000 sq. ft.,[c] 400/acre*	4%	(7:3)	10%	(5:5)	
Regional Shopping Center (40-80acres, 400,000-800,000 sq. ft., w/usually 2+ major stores)	[54:35:11]	50/1000 sq. ft.,[c] 500/acre*	4%	(7:3)	9%	(5:5)	5.2
Community Shopping Center (15-40 acres, 125,000-400,000 sq. ft., w/usually 1 major store, detached restaurant(s), grocery and drugstore)	[47:31:22]	80/1000 sq. ft., 700/acre* **	4%	(6:4)	10%	(5:5)	3.6
Neighborhood Shopping Center (Less than 15 acres, less than 125,000 sq. ft., w/usually grocery & drugstore, cleaners, beauty & barber shop, & fast food services)		120/1000 sq. ft., 1200/acre* **	4%	(6:4)	10%	(5:5)	
Commercial Shops	[45:40:15]						
Specialty Retail/Strip Commercial		40/1000 sq. ft., 400/acre*	3%	(6:4)	9%	(5:5)	4.3
Electronics Superstore		50/1000 sq. ft**			10%	(5:5)	
Factory Outlet		40/1000 sq. ft.**	3%	(7:3)	9%	(5:5)	
Supermarket		150/1000 sq. ft., 2000/acre* **	4%	(7:3)	10%	(5:5)	
Drugstore		90/1000 sq. ft.**	4%	(6:4)	10%	(5:5)	
Convenience Market (15-16 hours)		500/1000 sq. ft.**	8%	(5:5)	8%	(5:5)	
Convenience Market (24 hours)		700/1000 sq. ft.**	9%	(5:5)	7%	(5:5)	
Convenience Market (w/gasoline pumps)		850/1000 sq. ft., 550/vehicle fueling space**	6%	(5:5)	7%	(5:5)	
Discount Club		60/1000 sq. ft., 600/acre* **	1%	(7:3)	9%	(5:5)	
Discount Store		60/1000 sq. ft., 600/acre**	3%	(6:4)	8%	(5:5)	
Furniture Store		6/1000 sq. ft., 100/acre**	4%	(7:3)	9%	(5:5)	
Lumber Store		30/1000 sq. ft., 150/acre**	7%	(6:4)	9%	(5:5)	
Home Improvement Superstore		40/1000 sq. ft.**	5%	(6:4)	8%	(5:5)	
Hardware/Paint Store		60/1000 sq. ft., 600/acre**	2%	(6:4)	9%	(5:5)	
Garden Nursery		40/1000 sq. ft., 90/acre**	3%	(6:4)	10%	(5:5)	
Mixed Use: Commercial (w/supermarket)/Residential		110/1000 sq. ft., 2000/acre* (commercial only) 5/dwelling unit, 200/acre* (residential only)	3% 9%	(6:4) (3:7)	9% 13%	(5:5) (6:4)	
EDUCATION							
University (4 years)	[91:9:0]	2.4/student, 100 acre*	10%	(8:2)	9%	(3:7)	8.9
Junior College (2 years)	[92:7:1]	1.2/student, 24/1000 sq. ft., 120/acre* **	12%	(8:2)	9%	(6:4)	9.0
High School	[75:19:6]	1.3/student, 15/1000 sq. ft., 60/acre* **	20%	(7:3)	10%	(4:6)	4.8
Middle/Junior High	[63:25:12]	1.4/student, 12/1000 sq. ft. 50/acre**	30%	(6:4)	9%	(4:6)	5.0
Elementary	[57:25:10]	1.6/student, 14/1000 sq. ft., 90/acre* **	32%	(6:4)	9%	(4:6)	3.4
Day Care	[28:58:14]	5/child, 80/1000 sq. ft.**	17%	(5:5)	18%	(5:5)	3.7
FINANCIAL[s]	[35:42:23]						3.4
Bank (Walk-In only)		150/1000 sq. ft., 1000/acre* **	4%	(7:3)	8%	(4:6)	
with Drive-Through		200/1000 sq. ft., 1500/acre*	5%	(6:4)	10%	(5:5)	
Drive-Through only		250 (125 one-way)/lane*	3%	(5:5)	13%	(5:5)	
Savings & Loan		60/1000 sq. ft., 600/acre**	2%		9%		
Drive-Through only		100 (50 one-way)/lane**	4%		15%		
HOSPITAL	[73:25:2]						8.3
General		20/bed, 25/1000 sq. ft., 250/acre*	8%	(7:3)	10%	(4:6)	
Convalescent/Nursing		3/bed**	7%	(6:4)	7%	(4:6)	
INDUSTRIAL							
Industrial/Business Park (commercial included)	[79:19:2]	16/1000 sq. ft., 200/acre* **	12%	(8:2)	12%	(2:8)	9.0
Industrial Park (no commercial)		8/1000 sq. ft., 90/acre**	11%	(9:1)	12%	(2:8)	
Industrial Plant (multiple shifts)	[92:5:3]	10/1000 sq. ft., 120/acre*	14%	(8:2)	15%	(3:7)	11.7
Manufacturing/Assembly		4/1000 sq. ft., 50/acre**	19%	(9:1)	20%	(2:8)	
Warehousing		5/1000 sq. ft., 60/acre**	13%	(7:3)	15%	(4:6)	
Storage		2/1000 sq. ft., 0.2/vault, 30/acre*	6%	(5:5)	9%	(5:5)	
Science Research & Development		8/1000 sq. ft., 80/acre*	16%	(9:1)	14%	(1:9)	
Landfill & Recycling Center		6/acre	11%	(5:5)	10%	(4:6)	

(OVER)

MEMBER AGENCIES: Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista and County of San Diego.
ADVISORY/LIAISON MEMBERS: California Department of Transportation, County Water Authority, U.S. Department of Defense, S.D. Unified Port District and Tijuana/Baja California.

LAND USE	TRIP CATEGORIES [PRIMARY:DIVERTED:PASS-BY][F]	ESTIMATED WEEKDAY VEHICLE TRIP GENERATION RATE (DRIVEWAY)	HIGHEST PEAK HOUR % (plus IN:OUT ratio) Between 6:00-9:30 A.M.		Between 3:00-6:30 P.M.		TRIP LENGTH (Miles)[L]
LIBRARY	[44:44:12]	50/1000 sq. ft., 400/acre**	2%	(7:3)	10%	(5:5)	3.9
LODGING	[58:38:4]						7.6
Hotel (w/convention facilities/restaurant)		10/occupied room, 300/acre	6%	(6:4)	8%	(6:4)	
Motel		9/occupied room, 200/acre*	8%	(4:6)	9%	(6:4)	
Resort Hotel		8/occupied room, 100/acre*	5%	(6:4)	7%	(4:6)	
Business Hotel		7/occupied room**	8%	(4:6)	9%	(6:4)	
MILITARY	[82:16:2]	2.5/military & civilian personnel*	9%	(9:1)	10%	(2:8)	11.2
OFFICE							
Standard Commercial Office (less than 100,000 sq. ft.)	[77:19:4]	20/1000 sq. ft.,[D] 300/acre*	14%	(9:1)	13%	(2:8)	8.8
Large (High-Rise) Commercial Office (more than 100,000 sq. ft., 6+ stories)	[82:15:3]	17/1000 sq. ft.,[D] 600/acre*	13%	(9:1)	14%	(2:8)	10.0
Office Park (400,000+ sq. ft.)		12/1000 sq.ft., 200/acre* **	13%	(9:1)	13%	(2:8)	
Single Tenant Office		14/1000 sq. ft., 180/acre*	15%	(9:1)	15%	(2:8)	8.8
Corporate Headquarters		7/1000 sq. ft., 110/acre*	17%	(9:1)	16%	(1:9)	
Government (Civic Center)	[50:34:16]	30/1000 sq. ft.**	9%	(9:1)	12%	(3:7)	6.0
Post Office							
Central/Walk-In Only		90/1000 sq. ft.**	8%		7%		
Community (not including mail drop lane)		200/1000 sq. ft., 1300/acre*	6%	(6:4)	8%	(5:5)	
Community (w/mail drop lane)		300/1000 sq. ft., 2000/acre*	7%	(5:5)	10%	(5:5)	
Mail Drop Lane only		1500 (750 one-way)/lane*	7%	(5:5)	12%	(5:5)	
Department of Motor Vehicles		180/1000 sq. ft., 900/acre**	6%	(6:4)	10%	(4:6)	
Medical-Dental	[60:30:10]	50/1000 sq. ft., 500/acre*	6%	(8:2)	11%	(3:7)	6.4
PARKS	[66:28:6]		4%		8%		5.4
City (developed w/meeting rooms and sports facilities)		50/acre*	13%	(5:5)	9%	(5:5)	
Regional (developed)		20/acre*					
Neighborhood/County (undeveloped)		5/acre (add for specific sport uses), 6/picnic site* **					
State (average 1000 acres)		1/acre, 10/picnic site**					
Amusement (Theme)		80/acre, 130/acre (summer only)**			6%	(6:4)	
San Diego Zoo		115/acre*					
Sea World		80/acre*					
RECREATION							
Beach, Ocean or Bay	[52:39:9]	600/1000 ft. shoreline, 60/acre*					6.3
Beach, Lake (fresh water)		50/1000 ft. shoreline, 5/acre*					
Bowling Center		30/1000 sq. ft., 300/acre, 30/lane **	7%	(7:3)	11%	(4:6)	
Campground		4/campsite**	4%		8%		
Golf Course		7/acre, 40/hole, 700/course* **	7%	(8:2)	9%	(3:7)	
Driving Range only		70/acre, 14/tee box*	3%	(7:3)	9%	(5:5)	
Marinas		4/berth, 20/acre* **	3%	(3:7)	7%	(6:4)	
Multi-purpose (miniature golf, video arcade, batting cage, etc.)		90/acre	2%		6%		
Racquetball/Health Club		30/1000 sq. ft., 300/acre, 40/court*	4%	(6:4)	9%	(6:4)	
Tennis Courts		16/acre, 30/court**	5%		11%	(5:5)	
Sports Facilities							
Outdoor Stadium		50/acre, 0.2/seat*					
Indoor Arena		30/acre, 0.1/seat*					
Racetrack		40/acre, 0.6 seat*					
Theaters (multiplex w/matinee)	[66:17:17]	80/1000 sq. ft., 1.8/seat, 360/screen*	1/3%		8%	(6:4)	6.1
RESIDENTIAL	[86:11:3]						7.9
Estate, Urban or Rural (average 1-2 DU/acre)		12/dwelling unit*[R]	8%	(3:7)	10%	(7:3)	
Single Family Detached (average 3-6 DU/acre)		10/dwelling unit*[R]	8%	(3:7)	10%	(7:3)	
Condominium (or any multi-family 6-20 DU/acre)		8/dwelling unit*[R]	8%	(2:8)	10%	(7:3)	
Apartment (or any multi-family units more than 20 DU/acre)		6/dwelling unit*[R]	8%	(2:8)	9%	(7:3)	
Military Housing (off-base, multi-family)							
(less than 6 DU/acre)		8/dwelling unit	7%	(3:7)	9%	(6:4)	
(6-20 DU/acre)		6/dwelling unit	7%	(3:7)	9%	(6:4)	
Mobile Home							
Family		5/dwelling unit, 40/acre*	8%	(3:7)	11%	(6:4)	
Adults Only		3/dwelling unit, 20/acre*	9%	(3:7)	10%	(6:4)	
Retirement Community		4/dwelling unit**	5%	(4:6)	7%	(6:4)	
Congregate Care Facility		2.5/dwelling unit**	4%	(6:4)	8%	(5:5)	
RESTAURANT[S]	[51:37:12]						4.7
Quality		100/1000 sq. ft., 3/seat, 500/acre* **	7%	(6:4)	8%	(7:3)	
Sit-down, high turnover		160/1000 sq. ft., 6/seat, 1000/acre* **	8%	(5:5)	8%	(6:4)	
Fast Food (w/drive-through)		650/1000 sq. ft., 20/seat, 3000/acre* **	7%	(5:5)	7%	(5:5)	
Fast Food (without drive-through)		700/1000 sq. ft.**	5%	(6:4)	7%	(5:5)	
Delicatessen (7am-4pm)		150/1000 sq. ft., 11/seat*	9%	(6:4)	3%	(3:7)	
TRANSPORTATION							
Bus Depot		25/1000 sq. ft.**					
Truck Terminal		10/1000 sq. ft., 7/bay, 80/acre**	9%	(4:6)	8%	(5:5)	
Waterport/Marine Terminal		170/berth, 12/acre**					
Transit Station (Light Rail w/parking)		300/acre, 2½/parking space (4/occupied)**	14%	(7:3)	15%	(3:7)	
Park & Ride Lots		400/acre (600/paved acre), 5/parking space (8/occupied)* **	14%	(7:3)	15%	(3:7)	

* Primary source: *San Diego Traffic Generators.*

** Other sources: *ITE Trip Generation Report [5th Edition]*, Trip Generation Rates (other agencies and publications), various SANDAG & CALTRANS studies, reports and estimates.

[F] Trip category percentage ratios are daily from local household surveys, often cannot be applied to very specific land uses, and do not include non-resident drivers (draft SANDAG *Analysis of Trip Diversion*, revised November, 1990):
PRIMARY - one trip directly between origin and primary destination.
DIVERTED - linked trip (having one or more stops along the way to a primary destination) whose distance compared to direct distance ≥ 1 mile.
PASS-BY - undiverted or diverted < 1 mile.

[L] Trip lengths are average weighted for all trips to and from general land use site. (All trips system-wide average length = 6.9 miles)

[C] Fitted curve equation: $Ln(T) = 0.502\ Ln(x) + 6.945$

[D] Fitted curve equation: $Ln(T) = 0.756\ Ln(x) + 3.950$

T = total trips, x = 1,000 sq. ft.

[R] Fitted curve equation: $t = -2.169\ Ln(d) + 12.85$ t = trips/DU, d = density (DU/acre), DU = dwelling unit

[S] Suggested PASS-BY [undiverted or diverted < 1 mile] percentages for trip rate reductions only during P.M. peak period (based on combination of local data/review and Other sources**):

COMMERCIAL/RETAIL	
Regional Shopping Center	20%
Community " "	30%
Neighborhood " "	40%
Specialty Retail/Strip Commercial (other)	10%
Supermarket	40%
Convenience Market	50%
Discount Club/Store	30%
FINANCIAL	
Bank	25%
AUTOMOBILE	
Gasoline Station	50%
RESTAURANT	
Quality	10%
Sit-down high turnover	20%
Fast Food	40%

[T] Trip Reductions - In order to help promote regional "smart growth" policies, and acknowledge San Diego's expanding mass transit system, consider vehicle trip rate reductions (with proper documentation and necessary adjustments for peak periods). The following are some examples:

[1] A 5% daily trip reduction for land uses with transit access or near transit stations accessible within 1/4 mile.

[2] Up to 10% daily trip reduction for mixed-use developments where residential and commercial retail are combined (demonstrate mode split of walking trips to replace vehicular trips).

Attachment 4

TABLE 7
2004 ROADWAY SEGMENT LEVEL OF SERVICE ANALYSIS

	Location	Peak Hour	Lanes N/E	Lanes S/W	Capacity N/E	Capacity S/W	Volume N/E	Volume S/W	V/C N/E	V/C S/W	LOS N/E	LOS S/W
18	Honoapiilani Hwy @ Fleming Rd & Front St (S Junction)	AM	2	2	850	850	1069	778	0.63	0.46	B	A
		PM	2	2	850	850	1155	1142	0.68	0.67	B	B
19	Honoapiilani Hwy 1.07 Mi W of Tunnel	AM	1	1	1000	1000	655	993	0.66	0.99	B	E
		PM	1	1	1000	1000	1105	1001	1.11	1.00	F	F
20	South Kihei Rd @ Mokulele Hwy	AM	1	1	800	800	935	540	1.17	0.68	F	B
		PM	1	1	800	800	641	914	0.80	1.14	D	F
21	South Kihei Rd @ Keonekai Rd	AM	1	1	750	750	482	498	0.64	0.66	B	B
		PM	1	1	750	750	672	651	0.90	0.87	D	D
22	Piilani Hwy @ Mokulele Hwy	AM	2	2	850	850	857	1305	0.50	0.77	A	C
		PM	2	2	850	850	1168	1069	0.69	0.63	B	B
23	Piilani Hwy @ Lipoa St & Lipoa Pkwy	AM	1	1	1200	1200	969	1079	0.81	0.90	D	D
		PM	1	1	1200	1200	1195	1046	1.00	0.87	E	D
24	Piilani Hwy between Kanani & Alanui Ke Alii Rds	AM	1	1	1200	1200	943	928	0.79	0.77	C	C
		PM	1	1	1200	1200	1107	1005	0.92	0.84	E	D
25	Hana Hwy & Baldwin Av	AM	1	1	1000	1000	463	890	0.46	0.89	A	D
		PM	1	1	1000	1000	729	557	0.73	0.56	C	A
26	Hana Hwy & Baldwin Av	AM	1	1	400	400	294	193	0.74	0.48	C	A
		PM	1	1	400	400	262	271	0.66	0.68	B	B
27	Haleakala Hwy @ Halilmaile Rd	AM	2	2	1200	1200	2076	545	0.87	0.23	D	A
		PM	2	2	1200	1200	918	1918	0.38	0.80	A	C
28	Haleakala Hwy @ Makawao Av & Loha St	AM	1	1	600	600	461	588	0.77	0.98	C	E
		PM	1	1	600	600	516	552	0.86	0.92	D	E
29	Kula Hwy @ Omaopio Rd	AM	1	1	1000	1000	729	447	0.73	0.45	C	A
		PM	1	1	1000	1000	471	546	0.47	0.55	A	A
30	Haleakala Hwy & Kekaulike Av @ Haleakala Crater Rd	AM	1	1	850	850	147	94	0.17	0.11	A	A
		PM	1	1	850	850	110	88	0.13	0.10	A	A
31	Hana Hwy & Kailua Bridge	AM	1	1	300	300	28	101	0.09	0.34	A	A
		PM	1	1	300	300	120	39	0.40	0.13	A	A

Olowalu Town
BY MAUI, FOR MAUI
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OFFICE: 808-249-2224 / FAX: 249-2333

October 26, 2015

Victoria and Walton Huffman
9909 Lemon Avenue
La Mesa, CA 91941

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Mr. and Mrs. Huffman:

We thank you for your letter responding to our request for comments on the Draft Environmental Impact Statement (EIS) for the proposed Olowalu Town Master Plan (OTMP). We offer the following information in response to the comments noted in the letter.

Comment:

We are very concerned by the lack of existing or planned roadway infrastructure to support a development the size of the proposed Olowalu Town Master Plan. As California Registered Traffic Engineers with a combined 60 years experience in a variety of traffic engineering fields including reviewing traffic studies and environmental documents for development projects, we are sending you these comments in an effort to provide you with an understanding of this project's impacts to circulation. If this project is approved as proposed, traffic flow between West Maui and Central and South Maui will become extremely constrained. Honoapi`ilani Highway between Pali and Ma`alaea (which is not identified for improvements in the draft Maui Island Plan) would be a critical choke point restricting island circulation. This could have a profound negative economic impact on the island.

Response:

We appreciate your comment on the Draft EIS. For your information since then the Maui Island Plan (MIP) has been adopted and includes the realignment of Honoapi`ilani Highway.

Comment:

The DEIS does not disclose the proposed project's impacts to Honoapi`ilani Highway (State Route 30) outside the project site and the substantial affect this impact could have on public safety and on the economic welfare of the community and the State. Additionally, the DEIS does not analyze each phase of the development as required by HAR Section 11-200-17. For these reasons, we have found the DEIS for the Olowalu Town Master Plan to be inadequate.

Response:

A Final Traffic Impact Analysis Report (TIAR) in coordination with the State of Hawaii, Department of Transportation (HDOT) has been prepared addressing your comment and has been included in the Final EIS as "Appendix P-1". A copy of the TIAR is provided. See **Exhibit "1"**.

Comment:

The DEIS and its Preliminary Traffic Impact Analysis Report ("TIAR") does not acknowledge or disclose any significant impact to Honoapi`ilani Highway for the following reasons:

The TIAR assumes Honoapi`ilani Highway is widened to four lanes north of the project site; however, there is no identified funding for this costly infrastructure improvement.

The TIAR assumes Honoapi`ilani Highway can accommodate substantially more traffic than it actually can before failing. The TIAR assumes Honoapi`ilani Highway south of the project site can accommodate 33,300 average daily vehicle trips (ADT) based on the assumption that this highway is an uninterrupted flow highway rather than an arterial with access points to the beach and to scenic lookouts. The Proposed Roadway Development Program dated January 2007 prepared for the County of Maui Planning Department for the draft Maui Island Plan assumed Honoapi'ilani Highway south of the Olowalu Town Master Plan site could accommodate about 22,000 ADT before failing.

Response:

Regarding the foregoing comments, we offer the following responses in the order presented:

- A Draft EIS for the Realignment and Widening of Honoapi`ilani Highway (Maalaea to Launiupoko) is being prepared for the HDOT. Although not currently funded, completion of the EIS process will enable the HDOT to seek funding

sources for the highway improvements. Consideration of this improvement is appropriate since development of the OTMP will take several years to implement. We are aware that construction of the highway improvement is necessary in order to implement the total Master Plan. As such, a future highway corridor is included in the Master Plan. As a follow-up to discussions with the HDOT, the Final TIAR includes recent traffic counts obtained in 2013 to estimate the average daily traffic (ADT) of 33,300 vehicles. As such, the ADT in the TIAR is more current than the 2007 Planning Department study.

- In addition to access points to scenic lookouts on the "pali", the Ukumehame Rifle Range and a parking lot to a beach park along the shoreline, there are two (2) access points to a subdivision at Ukumehame south of the project site. According to the transportation consultant the current roadway operates in many ways like a highway with very limited access for much of the day. Honoapi`ilani Highway south of the project site has wide shoulders, limited points of access, and very few left turns which enables the highway to function similar to a facility having uninterrupted flow of traffic.

Comment:

An unreasonably high, and technically unjustified, internal capture rate of 55% for project generated trips is assumed in the TIAR. Consequently, not enough project trips are distributed to Honoapi`ilani Highway. The Institute of Traffic Engineers (ITE) defines internal trip capture rate as a percentage reduction that can be applied to the trip generation estimates for the individual land uses to account for trips internal to the site. A nationally recognized methodology used by traffic engineers, such as the Trip Generation Handbook, 2nd Edition, by the Institute of Traffic Engineers (ITE) should be used to calculate internal capture. This methodology was used to calculate internal capture for both the Wail`ele project in Central Maui and the Honua`ula project in South Maui. The internal capture rates for Wail`ele and Honua`ula were about 10% and 15%, respectively. (See Attachment A). Using the Trip Generation Handbook methodology, the internal capture of the Olowalu Master Plan would be about 15%.

Response:

Methodologies used in jurisdictions across the country show the ability of Honoapi`ilani Highway to handle larger volumes of traffic than a typical two-lane road and the estimated 22,000 average daily vehicle trips (ADT) identified in the 2007 Report prepared for the Planning Department. The Final TIAR estimated the ADT in the OTMP would be between 31,775 to 34,220 vehicles at full buildout. The Final TIAR estimated the capacity of the existing 2-lane Honoapi`ilani Highway as 33,300 ADT and the estimated daily maximum capacity of the realigned 4-lane Honoapi`ilani Highway as 55,500 vehicles.

- According to the traffic consultant, the Institute of Traffic Engineers (ITE) Trip Generation Handbook (9th Edition) procedure for internal capture relies on data for developments such as Honua`ula and Waiale which follow more typical land use spatial allocations and relationships. The OTMP differs from these projects in that it proposes to follow the principals of the Hawaiian ahupua`a system of land management. The ITE methodology does not adequately address a sustainable new town such as the OTMP which follows the principals of the Hawaiian ahupua`a system. The 55 percent internal capture rate was developed as indicated in the report taking into account the type and style of the OTMP and its ability to support the anticipated retail and office developments. The methodology used is generally that of the Florida Department of Transportation in recent publications as noted in the report along with information from other states. As a follow-up to discussions with the HDOT, the Final TIAR was prepared with a project recommended internal capture rate of 64/36 percent and a HDOT internal capture rate of 25/75 percent.

Comment:

An unreasonably high, and technically unjustified, number of pass-by and diverted linked trips were assumed in the TIAR. Consequently not enough project trips are distributed to Honoapi`ilani Highway. Pass-by trip reductions should not be applied to re-aligned Honoapi`ilani Highway because it is not anticipated driveways would be allowed on this access controlled facility. The diverted linked trip reductions are high compared to documented rates in ITE and other credible sources.

Future traffic volumes on Honoapi`ilani Highway are underestimated, due to the following:

Existing traffic counts used by the TIAR to develop future traffic volumes are too low. These existing counts were gathered in October 2010 during low tourist season and after the Great Recession of 2008. The TIAR states Honoapi`ilani Highway south of the project site carried 22,840 vehicles per day in October 2010. In contrast, this roadway west of the Pali tunnel is shown as carrying 24,422 ADT in Year 2003 in the Proposed Roadway Development Program prepared for the County of Maui Planning Department for the draft Maui Island Plan.

Traffic from other known projects in the area, such as Ukumehame, and traffic from other reasonably foreseeable projects were not assumed in the future analysis.

Additionally, it cannot be confirmed whether the 1% annual growth factor used in the TIAR to estimate future volumes on Honoapi`ilani Highway is reasonable, since no

supporting data was provided showing how the 1% annual growth factor was determined.

Response:

- According to the TIAR, due to the isolated nature to the site, with long travel distance to other populated areas on the island, it is less likely that residents on other parts of the island would make special trips to Olowalu Town for employment, shopping opportunities, or other services that could be found closer to their respective home region. However, a significant number of trips that will be made to and from Olowalu Town that are not generated within Olowalu Town will be from travelers already on Honoapi`ilani Highway or "pass-by or diverted trips".

  An analysis of trip length frequency curves from the Maui Long Range Transportation Plan (LRTP) was made to assist in estimating the amount of "pass-by" trips that would have destinations or origins in Olowalu Town that would already be on the highway. Table 2 of the Preliminary TIAR (Appendix "M" of the Draft EIS) estimated the proportion of "pass-by and diverted" trips. The traffic consultant affirms that based on this methodology and assumption set, the results of the pass-by and diverted linked trips are appropriate.

- The Preliminary TIAR does indicate the rationale for the annual growth rate. Based on a review of current data provided by the HDOT, an annual traffic volume growth rate of approximately one (1) percent was used for Honoapi`ilani Highway resulting in a total growth rate of eight (8) percent between 2011 and full buildout of the OTMP. This eight (8) percent growth rate was applied to the existing volumes on Honoapi`ilani Highway to derive future year traffic volumes without the OTMP project in place. The Final TIAR utilized a nine (9) percent growth rate applied to traffic counts obtained in 2013. The Final TIAR estimated the background growth rate would be eleven (11) percent from 2013 to full buildout in 2024.

Comment:

As an example demonstrating how the future volumes are underestimated in the TIAR, the future volumes estimated on Honoapi`ilani Highway south of the project site in the TIAR without project traffic is 24,670 ADT, but this roadway segment is shown to carry 24,422 in 2003 in the Proposed Roadway Development Program prepared for County of Maui Planning Department for the draft Maui Island Plan. (See Attachment B.) This is an increase of only 248 vehicles on Honoapi`ilani Highway in 17 years.

It should also be noted that the TIAR indicates that Honoapi`ilani Highway south of the project site would operate at level of service (LOS) E at full build out of the project, but the Proposed Roadway Development Program shows this segment to be failing in the peak hour in Year 2003.

Using professionally accepted standards, we estimate that the proposed project would add about 12,000 ADT to Honoapi`ilani Highway north of the project site and about 8,000 ADT to Honoapi`ilani Highway south of the project site. This is more than three times the amount of project traffic estimated in the TIAR. Honoapi`ilani cannot accommodate this much added traffic.

The TIAR should be revised to use nationally recognized and accepted methodologies for determining project trip generation and analyzing transportation impacts. When this is done, it will be clear that the Olowalu Master Plan would have significant impacts to Honoapi'ilani Highway.

Response:

The transportation consultant concurs that the 2010 ADT is below historical data collected in 2003 which is outdated and conditions affecting traffic have occurred since then in which traffic volumes have declined. However, the annual traffic volume growth rate accommodate for these changes in traffic conditions. For this reason, the transportation consultant concludes that the traffic counts derived in the Preliminary TIAR are reliable and appropriate. It is noted that as the project progresses through the entitlement process, updated TIARs with updated traffic counts will be prepared. As noted previously, a Final TIAR has been prepared with updated traffic counts. Refer to **Exhibit "1"**.

The preliminary TIAR does not include a review of the methodology used in developing the referenced Proposed Roadway Development Program. We do not know how that study developed the referenced future volumes as compared to our analysis. Again, the preliminary TIAR did not include any peak hour analysis. However, the Final TIAR based on the 2013 traffic counts determined 7:00 to 8:00 a.m. and 4:00 to 5:00 p.m. as the peak hours of traffic.

The preliminary TIAR did use ITE rates (modified based on the site development plan) and reasonable internal capture estimates based on the town plan. The Final TIAR has been completed. Refer to **Exhibit "1"**. As noted previously, as the project progresses and further refinements to the development are made updated TIARs will be prepared.

Comment:

Potential Substantial Affects on Public Health Not Disclosed or Discussed:

Traffic safety impacts to Honoapi`ilani Highway from the development of the proposed Olowalu project were not addressed. Honoapi`ilani Highway would be heavily congested with stopped queues of vehicles, and there would be fewer gaps for vehicles to turn into. Consequently, there would be an increased potential for a higher accident rate along this highway.

Additionally, the proposed "O-turns" along Honoapi`ilani Highway may also compromise public safety. Therefore, the DEIS should evaluate and discuss:

The potential increase in vehicular accidents on Honoapi`ilani Highway caused by the weaving and merging maneuvers of O-turns.

The potential increase in pedestrian and bicycle accidents on Honoapi`ilani Highway since pedestrians would not be provided a safe crossing as would be provided by traffic signals. The DEIS should address how pedestrians and bicyclists will be prevented from crossing Honoapi`ilani Highway.

Response:

Regarding the proposed "O-turns" along the realigned and widened Honoapi`ilani Highway, extensive discussions have been conducted with the HDOT. Although not used in Hawaii, the HDOT is aware that "O-turns" are extensively used in Michigan and other areas of the country. There is substantial evidence that the use of "O-turns" which allows the free flow of traffic has safety benefits over traditional intersection design. Bike and pedestrian crossings from one side of the highway to the other will be made via grade separated connections under the anticipated bridge structures. As requested by HDOT, the Final TIAR analyzes the proposed intersections with "O-Turns" and with traditional traffic signals. Refer to **Exhibit "1"**.

We agree that traffic safety must be addressed as implementation of the OTMP proceeds. Specificity in traffic safety measure will be identified in coordination with the HDOT. It is noted that internal pedestrian and bicycle routes within the OTMP are intended to provide pedestrians and bicycle mobility separate from the highway, thereby providing a significant measure of public safety. The locations, alignments and geometric configurations for these measures will be developed as part of the project implementation phase of development. With respect to pedestrian and bicycle crossings from one side of the highway to the other, We envision grade separated connections, as may be permitted, for example the Olowalu Cultural Reserve (OCR) bridge crossing.

Comment:

Phased Analysis Not Provided:

The DEIS indicates in many places that the project would be developed in phases spread out over a period of approximately 10 years. However, only one scenario, Full Buildout Year 2020, was analyzed in TIAR. The TIAR should be revised to include an analysis of each phase of the project; otherwise, the DEIS does not comply with Hawaii Administrative Rules (HAR) Section 11-200-17 I which states that a DEIS, " ... shall include a statement of the probable impact of the proposed action on the environment, and impacts of the natural or human environment on the project, which shall include consideration of all phases of the action and consideration of all consequences of the environment; direct and indirect effect shall be included."

It should also be noted that the internal capture rate of the project would vary with different phases of the development. For example, if the residential phase of the project were to be constructed first with no commercial, then the project's internal capture rate would be zero. This variation in internal capture rate by phase should be accounted for in the analyses.

Response:

Pursuant to Hawaii Administrative Rules (HAR) Section 11-200-17, the 10-year buildout scenario analyzed in the TIAR considers the project in totality. It addresses the probable impact of the total proposed development on the environment and impacts on the natural or human environment on the project. However, in consultation with HDOT a Final TIAR has been prepared. Refer to **Exhibit "1"**. Additionally, as may be required by HDOT, TIAR updates will be prepared over the course of project development. HDOT requires updates once every three (3) years.

Regarding your comments on the internal capture rate, the intent is to construct the town center and residential units as a unified phase which would ensure relative stability over time in the internal capture rate identified in the TIAR. As the plan progresses, monitoring of the internal capture rate will be conducted and adjusted accordingly, as necessary.

Comment:

Other Specific Comments to the DEIS:

Comment 1. The DEIS should provide more details to support its claim that the proposed project is a smart growth development. For example, it should describe what specific design features would be incorporated to ensure the development is a

pedestrian & bicycle friendly community. Specifically, the DEIS should describe whether roadways within the project site would provide non contiguous sidewalks, street trees, and traffic calming features such as bulb-outs, road humps, traffic circles. The DEIS should also describe what type of bicycle amenities (e.g. bicycle racks, lockers, showers, bicycle corrals) and bicycle facilities (e.g. bicycle paths, bicycle lanes) would be provided to ensure the site is a bicycle friendly community.

Response:

The OTMP proposes to follow the Leadership in Energy and Environmental Design (LEED) Neighborhood Development recommended standards to accomplish "Smart Growth". See Appendix "A-1" of the DEIS. Olowalu Town is master planned to incorporate LEED criteria that meet its goal of creating a community that follow the Hawaiian ahupua`a system of land management where people co-exist with nature. See pp 12-15, Draft EIS.

While specific standards of development are generally identified at the more detailed project design stage of development, we are committed to LEED principles and anticipate incorporating measures such as bicycle amenities, traffic calming measures, and noncontiguous sidewalks.

Comment:

Comment 2. The DEIS should state the "Purpose and Need" for the proposed action as required by HAR Section 11-200-17 D. The DEIS only states the project's need (which the DEIS states is to increase the supply of housing for Maui residents) but does not state the project's purpose. Without a statement of purpose, it is impossible to identify reasonable alternatives since reasonable alternatives are those that substantially meet both the purpose and the need.

Response:

As noted in the Draft EIS, OTMP is to provide needed resident housing as a sustainable community following appropriate LEED standards incorporated within the Hawaiian ahupua`a system of land management.

Comment:

Comment 3. A reduced project alternative should be proposed, since a reduced project alternative may have fewer impacts to Honoapi'ilani Highway.

Response:

The Alternatives Analysis has been revised to include the MIP Alternative which removed the lands makai of Honoapi`ilani Highway from the Directed Growth Map. See **Exhibit "2"**. This Alternative is the reduced project alternative. Further, a planned sustainable community Olowalu Town encourages residents to use alternative modes of travel, such as walking and bicycling, to reduce traffic rather than your suggested approach that less densities creates less traffic. Olowalu Town is planned where centers of activities such as shopping, employment, public services and recreation are conveniently planned to be within a five (5) minute walk of residences to encourage people to walk rather than use an automobile for their daily needs.

Comment:

Comment 4. The TIAR conclusions are contingent on specific land uses with precise square footage being constructed on the proposed project site. The DEIS should indicate how it would be assured that these land uses, and their square footages, would be constructed.

Response:

Throughout implementation of the Master Plan, several TIARs will be prepared with increasing specificity as site specific plans are developed. As these reports are prepared, they will include updated analyses of the specific land uses with precise square footage being constructed. Beyond the Draft EIS, opportunity will be given throughout the implementation process for public review and comment of the updated TIARs.

Comment:

Comment 5. Should the Olowalu Master Plan be approved, the project should be conditioned to construct development not to exceed the ADT, a.m. peak-hour inbound trips, a.m. peak-hour outbound trips, p.m. peak-hour inbound trips, and the p.m. peak-hour outbound trips evaluated in the Final TIAR. Additionally, these thresholds should be tracked as the project site is developed. If the project site were to generate more traffic than assumed and analyzed in the Final TIAR, then the project could have other traffic impacts not disclosed to the approving agency in the Master Plan's FEIS.

Response:

One of the key purposes of the TIAR in the land use entitlement process is to ensure that project-related impacts are mitigated by the proposing entity in a manner which is deemed relational and fair. Project development and accompanying traffic analysis are

considered process-based; that is, they must examine conditions on an ongoing basis and provide current assessments and applicable mitigation measures at the time of development implementation. For this reason, it is expected that updated TIARs will be required over the course of project implementation. As circumstances warrant, the HDOT will require that we adhere to appropriate performance and mitigation conditions. For this reason, we have, and will continue working with the HDOT during the various stages of the land use entitlements process to ensure that HDOT requirements are appropriately addressed.

Comment:

Comment 6. The DEIS should discuss the effects of construction traffic on Honoapi'ilani Highway.

Response:

Construction-related impacts are expected to include traffic delays and temporary detours to accommodate construction procedures. The specific nature of these impacts, however, will be determined as construction plans are prepared, and traffic safety and mitigation measures can be identified based on the construction locations, surrounding roadway systems, and the proposed scope of construction activities. Construction plans will be reviewed by the HDOT. Mitigation measures anticipated to be incorporated in these plans would include Best Management Practices for erosion control and traffic safety plans. Other mitigation measures generally associated with roadway construction activities include procedures for public notification and procedures for coordination with local authorities having emergency response responsibilities.

Comment:

Comment 7. The DEIS should discuss the effect the proposed O-turns would have on pedestrian connectivity mauka and makai of Honoapi'ilani Highway.

Response:

As noted previously, pedestrian and bicycle crossings from one side of the highway to the other is proposed via grade separated connections under the anticipated bridge structure(s), primarily through the OCR. As a sustainable community a comprehensive pedestrian and bicycle circulation system will be developed for the OTMP which proposes to incorporate open space and park areas.

Comment:

Comment 8. A Transportation Demand Management Plan (TDM) should be provided by this project in an effort to meet the goals and objectives of the Maui General Plan. The DEIS should provide a discussion of this TDM Plan.

Response:

As noted previously, as the project progresses through the numerous processes and refinements to the development are made updated TIARs as required by HDOT will be prepared as well as a Transportation Demand Management Plan (TDM) at the appropriate time of development as determined by HDOT.

Comment:

Specific Comments to the TIAR:

Comment 1. Page 1, Introduction, Purpose and Methodology: The TIAR states the TIAR utilizes data from several other TIARs which have been done for other projects on the west side of Maui over the last five years. The TIAR should specifically name which reports it utilized.

Response:

The project sources referenced on Page 1 of the Preliminary TIAR has been included in the Final TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 2. Page 1, Introduction, Purpose and Methodology: The TIAR states the TIAR uses information from studies done by Maui County. The TIAR should name which studies it utilized.

Response:

The County sources referenced on Page 1 of the Preliminary TIAR has been included in the Final TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 3. Page 1, Introduction, Purpose and Methodology: The TIAR states, "The Final TIAR will address peak hour traffic flows and utilize the methods that are normally employed in standard traffic assessments. That TIAR will also analyze in detail the

predicted traffic operations at the access points to Honoapi'ilani Highway. It will assess the need for any mitigation and analyze the need for traffic control measures and devices that may be required for proper functioning of the street system. This preliminary report will not cover all items that may be studied and analyzed in the future detailed TIAR and it is not intended to substitute for that more comprehensive analysis." The TIAR provided in this DEIS should provide a full analysis to determine significant impacts of the proposed project, and these impacts should be disclosed to the public during the public review period.

Response:

As noted previously, the Final TIAR determined peak hour traffic and an assessment of the proposed intersections. Refer to **Exhibit "1"**. Further, as the project progresses through the numerous processes refinements to the development will be made and updated TIARs will be prepared in coordination with the HDOT. These subsequent processes will allow for public review and disclosure.

Comment:

Comment 4. Page 2, Introduction, Purpose and Methodology: The TIAR states that the level of analysis in the TIAR does not include detailed analysis of all traffic movements at individual intersections. The TIAR provided in this DEIS should provide a full analysis to determine significant impacts of the proposed project, and these impacts should be disclosed to the public during the public review period.

Response:

As noted previously, a Final TIAR has been prepared with an assessment of the proposed intersections. Refer to **Exhibit "1"**. As the project progresses, updated TIARs will be prepared in coordination with the HDOT, as well as the Department of Public Works (DPW). As appropriate and as the hierarchy of roads are developed, detailed analysis of traffic movements at individual intersections will be included in the updated TIARs. The public will have the opportunity to review the updated TIARs during the subsequent public review processes.

Comment:

Comment 5. Page 2, Introduction, Purpose and Methodology: The TIAR states that the TIAR is intended to illustrate that the increase in vehicular traffic along the Honoapi`ilani Highway attributed to Olowalu Town will be successfully mitigated by way of implementing the proposed transportation plan and the related improvements, including the relocation and widening of the segment of Honoapi`ilani Highway which traverses

the subject property. Clarify in this section of the TIAR what is specifically meant by the "proposed transportation plan."

Response:

The "proposed transportation plan" refers to the future widening and relocation of Honoapi`ilani Highway further inland within the OTMP as well as the HDOT's plan for the relocation and widening of Honoapi`ilani Highway (Maalaea to Launiupoko) towards Lahaina.

Comment:

Comment 6. Page 3, Description of Olowalu Town: The first paragraph of this section should describe how much square footage of office and how much square footage of commercial retail is proposed by this project rather than just describing the number of dwelling units proposed.

Response:

Page 8 of the Preliminary TIAR (Appendix "M" of DEIS) includes a table summarizing the land uses proposed for the OTMP. In addition to the number of residential units, the table includes the square footage of the proposed office and commercial uses. Approximately 15,000 square feet (sq. ft.) of government offices; 60,000 sq. ft. of general office space; 239,000 sq. ft. of commercial retail space and 5,000 sq. ft. of public (post office) space are proposed.

Comment:

Comment 7. Page 3, Description of Olowalu Town: The TIAR states the design of Olowalu Town incorporates smart growth principles. One of the 10 accepted principles that define Smart Growth is to create walkable neighborhoods. The TIAR should describe specific examples of design features that would be incorporated to create walkable neighborhoods.

Response:

The project is at the preliminary stage of the numerous processes. As it progresses more specificity in project development will occur. As appropriate, specific examples of design features to create walkable neighborhoods will be discussed in updated TIARs.

Comment:

Comment 8. Page 8, Figure 5, Summary of Trip Generation for Olowalu Town: For ITE Code 730, Government Office Building, the proper trip rate per unit is 68.93 trips per 1,000 sf; therefore, the estimated traffic generated by that component of the site is of 1034 trips. Therefore, the total traffic generated by the site would be 33,655 ADT rather than the 32,800 ADT shown in the table. Revise the TIAR and its analyses accordingly.

Response:

As noted previously, the Final TIAR estimated the ADT in the OTMP would be 31,250 to 34,220 vehicles at the three (3) proposed intersections at full buildout.

Comment:

Comment 9. Page 10, Background Traffic Growth: The TIAR states that several studies were made available which analyzed traffic growth trends on Honoapi`ilani Highway and that these studies are included in the appendices. However, this data was not included in the appendices. This data should be included in an appendix.

Response:

As noted previously, the studies referenced in the Preliminary TIAR have been included in the Final TIAR.

Comment:

Comment 10. Page 10, Background Traffic Growth: In determining future volumes for the Year 2020 analysis, other reasonably foreseeable development project traffic be added to Honoapi'ilani Highway in addition to using an appropriate growth rate based on historical data.

Response:

According to the transportation consultant, due to the uncertainty of when developments would come on line, a single background growth rate was utilized in the TIAR.

Comment:

Comment 11. Page 10, Background Traffic Growth: Provide a copy of the existing count data for Honoapi`ilani Highway in the appendix of the TIAR.

Response:

Updated traffic count data has been included in the Final TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 12. Page 10, Background Traffic Growth: Existing counts on Honoapi`ilani Highway were taken during October 2010 during low tourist season. However, existing counts should be taken during peak tourist season.

Response:

The Final TIAR traffic counts were taken during 2013. Refer to **Exhibit "1"**.

Comment:

Comment 13. Page 10, Background Traffic Growth: The 24,667 ADT assumed on Honoapi`ilani Highway in Year 2020 is only 248 ADT more than existed in Year 2003 per the Proposed Roadway Development Program prepared for County of Maui Planning Department for the draft Maui Island Plan. Provide an explain why only 248 more vehicles per day would be expected to use Honoapi`ilani Highway in Year 2020.

Response:

Access to the methodology used in the study was not available for comparison. However, as noted previously, a Final TIAR has been prepared. Refer to **Exhibit "1"**.

Comment:

Comment 14. Page 10, Traffic Analysis in Year 2020 without Olowalu Town Project: HighPlan software is not appropriate to use to determine the capacity and level of service of Honoapi`ilani Highway, since it has beach access points and driveways to scenic lookouts, and therefore should not be considered an uninterrupted flow highway.

Response:

According to the transportation consultant, use of the HighPlan software is appropriate since beach and scenic lookouts are rarely accessed in the a.m. and p.m. peak hours. In this context, the transportation consultant has concluded that Honoapi`ilani Highway functions as a highway with limited access. However, the TIAR provides operational data for comparison to intersections on arterial streets.

Comment:

Comment 15. Page 11, Figure 6, Output from Highplan Software for Honoapi`ilani Highway for Year 2020 without Project in Place:

Clarify why the output sheet says "yes" under median type.

Clarify why the output sheet says "no" under left turn impact when no left turn pockets are provided for the beach access points or scenic outlooks.

The assumed maximum capacity at LOS E of 1500 vehicles per hour per lane (vphpl) is too high. Per the FDOT 2009 Quality/Level of Service Handbook which provides guidance on using the FDOT software, the maximum capacity at LOS E should be assumed to be 850 vphpl. (See Attachment C). It should be noted that agencies in southern California assume much lower capacities for roadways constructed and functioning similar to Honoapi'ilani Highway. As an example, the County of San Diego assigns the capacity of 16,200 ADT to a two-lane rural facility. (See Attachment D).

Response:

According to the transportation consultant, Honoapi`ilani Highway does not function as a rural two-lane facility. It is a much higher design type with almost no passing, and few access points, and with a left turn lane design that approximates median and wide shoulders, it operates much like an uninterrupted facility.

Comment:

Comment 16. Page 12, Traffic Generation for Olowalu Town: The TIAR takes a 15% reduction in trip generation to account for walking and bicycling within the project site and cites other local governments such as the City of Frederick, Maryland as allowing this as well. However, the reduction allowed by the City of Frederick includes walking, bicycling, and internal capture. (See Attachment E). Therefore, using the City of Frederick as an example is not correct and this reference (as well as the associated page included in Appendix 4 of the TIAR) should be removed from the TIAR.

Response:

The transportation consultant notes that the 15 percent reduction in the Preliminary TIAR is indicative that the town will have many pedestrian oriented trips and that the residents will want a community that relies less on the automobile. The 85 percent value was selected to reflect this assumption set. Town residents are expected to travel about 15 percent less by motor vehicle than the national average, owing to the sustainable design of the town. The Final TIAR utilized a project recommended 64/36 percent

internal capture rate and a HDOT 25/75 percent internal capture rate. Refer to Appendix 8 in **Exhibit "1"**.

Comment:

Comment 17. Page 12, Traffic Generation for Olowalu Town: Reducing the ITE trip generation rate by 15% for walking and bicycling is not appropriate. The internal capture rate already accounts for this reduction.

Response:

According to the transportation consultant internal capture and community capture rates are two different rates.

Comment:

Comment 18. Page 12, Traffic Generation for Olowalu Town: The TIAR states that based on the anticipated plan for the proposed project, the TIAR determined that significant proportions of total travel could and would be made within the town itself, without any requirement to travel on Honoapi`ilani Highway to Lahaina, Ma`alaea or elsewhere on the island. Please clarify how this statement can be supported since:

Facilities such as schools, a library, and a post office are not assured but require public funds to be constructed and/or operated.

There is no assurance that the Olowalu Master Plan would provide land uses to serve all residents day to day needs such as a grocery store, pharmacy, and restaurants.

The proposed project would not provide enough jobs for all its residences.

Response:

As a sustainable community, the OTMP includes uses for shopping, employment, public services and recreation that is expected to reduce the daily commute outside of Olowalu. The project is anticipated to take 10 years for full build-out which will allow the employment and shopping uses to be established as well as public agencies to plan and fund necessary public facilities and services. The development time frame will also allow the developer to investigate opportunities for private-public partnerships to fund public facilities.

During the initial development phases of Olowalu Town, it is expected that the need to commute will be greater than at full buildout as employment, shopping, public facilities and recreation are developed. At full buildout, the project does not expect to provide

employment for all its residents and there will be commutes outside of Olowalu Town to employment centers although it may reduce the commute distance and time for these employees. The Preliminary and Final TIARs account for external travel by these employees.

Olowalu Town is proposed as a Project District in which land use standards as well as conditions may be imposed by approving agencies to ensure that Olowalu Town is developed in accordance with representations made by the applicant including the applicant's intent to develop residential units concurrent with necessary public infrastructure and services.

Comment:

Comment 19. Page 12, Traffic Generation for Olowalu Town: The amount of internal capture rate assumed by the TIAR should be calculated using worksheets in the ITE Trip Generation Handbook, 2nd edition, and completed worksheets should be provided in an appendix of the TIAR. Alternatively, the methodology outlined in the NCHRP Report 684, Enhancing Internal Trip Capture Estimation for Mixed-Use Developments, by the Transportation Research Board of the National Academies could be used although its researchers do not recommend its use on sites over 300 acres. (See Attachment F).

Response:

The transportation consultant noted that the OTMP is not a "standard" mixed use development, but instead is a town that can stand alone for many of its needs, such as shopping, employment, public services and recreation. Behavioral response to contextual factors such as density, diversity, design, and regional accessibility is expected to influence travelers' trip-making decisions such as walking and biking to these services rather than traveling by automobile. The typical ITE methodology is not necessarily applicable because there are several proposed land uses not included in current ITE methodology. Also, the ITE method does not address a new town, but are geared toward multi-use developments in existing urban and suburban areas. As such, the TIAR uses a methodology appropriate to the OTMP. Refer to Appendix 8 in **Exhibit "1"**.

Comment:

Comment 20. Page 12, Traffic Generation for Olowalu Town: The TIAR states that due to the design of the town and its street network, many of the trips within the town will likely be made via walking or cycling and not require use of the automobile. This element will be addressed in detail in the final TIAR. This element of the TIAR should be addressed in the DEIS rather than the FEIS.

Response:

Alternatives modes of travel such as walking and bicycling are appropriately addressed in the Draft EIS. As refinement of the development are made, as appropriate, the updated TIARs will address trips within the town likely to be made by walking or cycling.

Comment:

Comment 21. Page 13, Traffic Generation for Olowalu Town, Table 1, Internal Capture of Trips in Olowalu Town: The internal capture rates shown for each land use in Table 1 should be supported by appropriate technical data; otherwise, the ITE Trip Generation Handbook, 2nd edition methodology should be used for computing internal capture.

Response:

As noted previously, the typical ITE methodology is not applicable because this is not a "standard" mixed use development, but instead is a town that can stand alone for many of its needs.

Comment:

Comment 22. Page 13, Traffic Generation for Olowalu Town: The TIAR states that the Maui LRTP was used to assist in estimating the amount of "pass-by" trips to Olowalu Town. However, "Pass-by trips" are defined by ITE as trips made as intermediate stops on the way from an origin to a primary trip destination without a route diversion. Since the proposed project's land uses have no direct access to Honoapi`ilani Highway, the number of pass-by trips for this project would be zero.

Response:

Since publication of the Draft EIS, a final TIAR has been prepared and your comments on "pass-by" trips are no longer applicable.

Comment:

Comment 23. Page 13, Traffic Generation for Olowalu Town: Revise the name of Table 2 from "Pass-by and Diverted Trips on Honoapi`ilani Highway" to simply, "Diverted Linked Trips on Honoapi'ilani Highway."

Response:

Table 2 in the Preliminary TIAR has been renamed as "Diverted Linked Trips on Honoapi`ilani Highway" in the Final TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 24. Page 13, Traffic Generation for Olowalu Town: The percent of diverted linked trips for each land use should be based on empirical data from a reliable source such as the ITE Trip Generation Handbook or San Diego Association of Government's (SANDAG) (Not So) Brief Guide of Vehicular Traffic Generation Rates For The San Diego Region, available on-line at the following URL: http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf

Response:

As noted previously, this is not the typical mixed use development and requires a different analytical approach. In coordination with the HDOT, the HighPlan methodology was deemed appropriate and utilized in the Preliminary TIAR.

Comment:

Comment 25. Pages 12 -14, Tables 2 -4: Table 2, Table 3, and Table 4 list an elementary school as a land use but Figure 5 on Page 8, which is the trip generation summary, does not. Please explain this apparent discrepancy.

Response:

A Final TIAR has been prepared with current tables. Refer to **Exhibit "1"**.

Comment:

Comment 26. Page 16, Trip Distribution: Table 4 should be renamed, "Trip Distribution for Diverted Linked Trips" assuming there are no proposed land uses with direct access to Honoapi'ilani Highway.

Response:

As noted previously, a Final TIAR has been prepared with current tables.

Comment:

Comment 27. Page 17, Traffic Assignment: The TIAR does not include analysis of travel from the mauka side to/from the makai side of the Olowalu Town and the trips made between mauka and makai side via the connector street, and that these items will be reviewed in detail in the final TIAR. These analyses should be provided in this DEIS and available for public review and comment

Response:

The Final TIAR includes an analysis of travel from the mauka side to/from the makai side of Olowalu Town and the trips between through the connector street. Refer to **Exhibit "1"**.

Comment:

Comment 28. Page 18, Development of Future Traffic Data: Clarify why a 15% growth rate is used for Figure 10 and the access analyses in Appendix 3, but other portions of the document indicate an 8% growth rate was used.

Response:

According to the transportation consultant the growth rate should be 1 percent per year which has been corrected in the Final TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 29. Page 19, Figure 7, Existing Traffic Volumes on Honoapi`ilani Highway: Provide another figure depicting the traffic volumes on Honoapi`ilani Highway from counts taken during February which is peak tourist season. Use whichever figure has the higher volumes to develop future volumes.

Response:

The Final TIAR includes traffic counts taken in 2013. Refer to **Exhibit "1"**.

Comment:

Comment 30. Page 20, Figure 8, Future Year 2020 Traffic Volumes without Project on Honoapi`ilani Highway: Revise this figure to include traffic from other reasonably foreseeable projects that would be constructed and occupied by Year 2020 (in addition to the background growth factor already assumed).

Response:

The transportation consultant notes that the background growth factor reasonably accommodates the foreseeable projects by Year 2024 without the project and the requested revision will yield a double counting of traffic without the project. Refer to **Exhibit "1"**.

Comment:

Comment 31. Page 21-22, Figures 9-10, Traffic added from Olowalu Town project and Olowalu Town Study Network Traffic with Full Buildout of Project in Place: Revise these figures to address our comments regarding trip generation, internal capture, and diverted linked trip rates.

Response:

The Final TIAR for the project addresses your comments regarding trip generation, internal capture and diverted linked trip rates. Refer to **Exhibit "1"**.

Comment:

Comment 32. Page 23, Future Roadway Network: Conduct a weaving analysis for the proposed "O-turns". The results of these weaving analyses should be provided in an appendix of the TIAR. Additionally, the effects of weaving on capacity of the proposed re-aligned Honoapi`ilani Highway should be evaluated.

Response:

The Final TIAR includes an analysis of the proposed "O-turns" and the typical signalized intersections. Refer to **Exhibit "1"**.

Comment:

Comment 33. Page 23, Future Roadway Network: Provide a queuing analysis to determine if the proposed left turn pockets for the proposed O-turns are sufficient to accommodate the vehicular demand without having vehicles spill into the through lane.

Response:

The Final TIAR includes a queuing analysis of the left turn pockets for the proposed "O-turns" and the typical signalized intersection. Refer to **Exhibit "1"**.

Comment:

Comment 34. Page 23, Future Roadway Network: Provide calculations to determine the appropriate length of the acceleration and deceleration lanes of the proposed O-turns.

Response:

The Final TIAR includes calculations to determine the appropriate length of the acceleration and deceleration lanes for the proposed O-turns. Refer to **Exhibit "1"**.

Comment:

Comment 35. Page 23, Future Roadway Network: Data should be provided demonstrating the proposed "O-turns" weaving will not comprise public safety by creating a higher incidence of side swipe and rear end collisions caused by merging.

Response:

The Final TIAR includes an analysis that demonstrates that the proposed O-turns will not compromise public safety during merging. Refer to **Exhibit "1"**.

Comment:

Comment 36. Page 23, Future Roadway Network: Discuss the effects of the proposed O-tums on pedestrian connectivity between the mauka and makai side of Honoapi'ilani Highway.

Response:

The Final TIAR discusses the effects of the proposed O-turns on pedestrian connectivity between the mauka and makai side of Honoapi`ilani Highway. Grade separated connection from mauka to makai sides of the OTMP will accommodate pedestrian and bicyclists and local travel without utilizing Honoapi`ilani Highway. Refer to **Exhibit "1"**.

Comment:

Comment 37. Page 23, Future Roadway Network: Evaluate pedestrian safety issues of the proposed O-turns, since the O-turns do not provide protected pedestrian crossings across Honoapi`ilani Highway as would be provided by signalized intersections. Also discuss how pedestrians would be prevented from crossing Honoapi`ilani Highway.

Response:

The Final TIAR evaluates pedestrian safety issues relating to the proposed O-turns. The OTMP encourages pedestrians and bicyclists to utilize the proposed pathways that connect the mauka and makai area through the OCR. As previously stated, grade separated connection from mauka to makai sides of the OTMP will accommodate pedestrians and bicyclists and local travel without utilizing Honoapi`ilani Highway. Refer to **Exhibit "1"**.

Comment:

Comment 38. Page 25, Analysis of Impacts of Olowalu Town Project: HighPlan software is not appropriate to use to determine the capacity and level of service of Honoapi'ilani Highway south of the project site, since it would still have beach access points and scenic lookout points in Year 2020 and therefore cannot be considered an uninterrupted flow highway. If FDOT software were to be used, ArtPlan would be the appropriate software to utlize.

Response:

As previously mentioned, use of the HighPlan software is appropriate since beach and scenic lookouts are rarely accessed in the a.m. and p.m. peak hours. As such, Honoapi`ilani Highway is appropriately considered to be an uninterrupted flow highway.

Comment:

Comment 39. Page 25, Analysis of Impacts of Olowalu Town Project: The estimated daily maximum capacity of 56,600ADT and predicted speed of 50 mph Honoapi`ilani Highway within the project site is too high since there would be weaving, merging, acceleration, and deceleration associated with the proposed O-turns.

Response:

According to the transportation consultant, discussions with professionals in other states with similar facilities indicate the volumes are well within the range of capacity for multilane roads containing O-turns with signal control. The proposed "O-turn" will not have signal control but will allow by-pass traffic to move freely through the area at the higher speed while allowing traffic diversion in and out of Olowalu Town following a right-in/ right-out traffic pattern.

Comment:

Comment 40. Page 25, Analysis of Impacts of Olowalu Town Project: The predicted speed of 29 mph for Honoapi`ilani Highway and maximum capacity of 33,300 ADT south of the project is too high as this highway segment would not have uninterrupted flow.

Response:

As previously mentioned, Honoapi`ilani Highway approximates an uninterrupted flow highway, rather than a rural two-lane road. As such the predicted speed of 29 mph and maximum capacity of 33,300 ADT south of the project is considered valid in the Final TIAR.

Comment:

Comment 41. Page 25, Analysis of Impacts ofOlowalu Town Project: The TIAR indicates detailed program outputs for the Highplan analyses sheets shown are Figures 12 -14 are provided in the appendices. However, these sheets are not provided in the appendices.

Response:

The Final TIAR includes the detailed program outputs for the HighPlan analyses sheets referenced as Figures 12-14 in the appendices of the Preliminary TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 42. Page 26, Figure 14, Output from Highplan Software for Portion of Honoapi`ilani Highway with Existing Roadway Configuration:

The roadway variables portion of the data sheet shows "yes" for median type but this portion of Highway 30 has no median.

The LOS E maximum capacity of 1,500 vehicles per hour per lane (vphpl) is too high. The Proposed Roadway Development Plan by Fehr & Peers assumed 1000 vehicles per hour at level of service E, using the Highway Capacity Manual. (See Attachment H).

The LOS E maximum capacity of 33,300 ADT is too high.

Response:

Although this portion of Highway 30 does not include a median, according to the transportation consultant the left turn lane approximates a median. As previously mentioned, a Final TIAR has been prepared. Refer to **Exhibit "1"**.

Comment:

Comment 43. Page 27, Figure 13, Output from Highplan Software with Relocated and Widened Honoapi'ilani Highway in Place at Full Buildout of Olowalu Town:

The data sheet indicates the segment from the Old Land Fill to Mile 14 is 5 miles long but this same segment is shown as 2.6 miles long on Figure 6.

The LOS E maximum capacity of 2,950 vphpl is too high.

The LOS E maximum capacity of 56,600 ADT is too high.

Response:

According to the transportation consultant these capacities are for the ultimate four-lane divided facility with access control and a high-type design in accordance with the Realignment and Widening of Honoapi`ilani Highway (Maalaea to Launiupoko).

Comment:

Comment 44. Page 28, Figure 14, Output from Highplan Software for Portion of Honoapi'ilani Highway South of the Project Site at Full Buildout of Olowalu Town:

The data sheet indicates the number of through lanes is 4 but this is a two-lane facility.

The data sheet shows "yes" for median type but this portion of Highway 30 has no median.

The assumed free flow speed of 50 miles/hour is too high.

The LOS E maximum capacity of 1500 vphpl is too high. The LOS E maximum capacity of 33,300 ADT is too high.

Response:

As previously mentioned, these capacities are for the ultimate four-lane divided facility with access control and a high-type design in accordance with the Realignment and Widening of Honoapi`ilani Highway (Maalaea to Launiupoko). Speed surveys of existing flows confirmed the free flow speeds which are also observed at low flow times of the day.

Comment:

Comment 45. Page 29, Table 6, Capacity, ADTs and Levels of Service for Honoapi`ilani Highway In Full Buildout Year of 2020:

The assumed daily maximum capacity of 56,600 for the segments between the southern project boundary and north of the transfer station is too high.

The assumed daily maximum capacity of 33,300 for the segment called "existing roadway south of Olowalu Town Project" is too high.

The table indicates the segment north of the transfer station is widened to two through lanes in each direction. Clarify in the TIAR on what basis this is assumed. Only projects that are fully funded and scheduled for construction prior to Year 2020 should be assumed.

Response:

As previously mentioned, discussions with professionals in other states with similar facilities indicate the volumes are well within the range of capacity for multilane roads containing O-turns. The OTMP is to be developed over a ten-year timeframe. Within that timeframe it is expected that the Realignment and Widening of Honoapi`ilani Highway north and south of Olowalu Town will occur concurrently with the development.

Comment:

Comment 46. Appendix 3, Intersection Turning Movements: Clarify why the data sheets indicate 15 percent growth when the TIAR indicates an 8 percent growth rate was used to develop Year 2020 ADT volumes.

Response:

As previously noted, the Final TIAR reflects the correct annual growth rate of 1 percent. Refer to **Exhibit "1"**.

Comment:

Comment 47. Appendix 4, Traditional Development of Trip Generation Characteristics: The internal capture rates for the developments discussed in this paper do not support the 55% internal capture assumed in the TIAR.

Response:

The Final TIAR supports the project recommended internal capture rate of 64/36 percent for the developments proposed in the OTMP. Refer to **Exhibit "1"**.

Comment:

Comment 48. Appendix 4, Traditional Development of Trip Generation Characteristics: The conclusion of this paper indicates the authors support the use of internal capture estimates produced using the ITE Trip Generation Handbook methodologies. The TIAR should use this method to determine internal capture.

Response:

As noted previously, the Final TIAR supports the project recommended internal capture rates for the developments proposed in the OTMP. In this regard, the analysis and conclusions of the Final TIAR are considered valid. Refer to Appendix 8 of **Exhibit "1"**.

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter and this response will be included in the Final EIS. Should you wish to receive a copy of the Final EIS document or portion thereof, please submit your request in writing to Munekiyo Hiraga at 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town LLC

David Ward
Olowalu Town LLC

WF:DW
cc: Peter Martin, Olowalu Ekolu LLC
Jennifer Lim, Carlsmith Ball, LLP
Roger Dyar, Transportation Engineer
Colleen Suyama, Munekiyo Hiraga
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EXHIBIT "1"

Updated TIAR on CD
Appendix "P-1" in EIS
(Included with Original Letter Only

B. ALTERNATIVE 2: UTILIZE LANDS MAUKA OF HONOAPI`ILANI HIGHWAY (MIP SCENARIO)

Alternative 2 (the MIP scenario) also follows the principles of ahupua`a land management and is in concert with the directed growth boundaries of the MIP. In this regard, Alternative 2 does not include the makai portion or approximately 45 acres in the proposed OTMP. Except for the existing residential uses, this alternative limits the use of the makai area to the existing OCR, agriculture, and recreation uses. Refer to **Figure 5**. Portions of the vacant makai lands are currently overgrown with kiawe, shrubs and grasses. Except for Camp Olowalu, which is available to fee paying guests, the vacant lands have not been developed for parks or recreational uses beyond public access to and informal access along portions of the shoreline from both ends of Olowalu and a public beach access with unpaved parking from the former Olowalu Mill site. A portion of the makai area is located within the OCR and will be subject to land altering activities to implement the objectives of the OCR. As with Alternative 1, LID measures will need to be incorporated into any land altering work necessary to meet the objectives of the OCR to minimize impacts on the nearshore waters.

Alternative 2 will keep the makai land in its present condition and retain it in the State Land Use (SLU) Agricultural District. Existing, limited, and agricultural uses (tree farms) will continue on the makai properties. Development of future parks and public access improvements will require land acquisition and development funds by the County of Maui. Also, current drainage patterns will be maintained with stormwater runoff eventually sheet flowing into the ocean.

With respect to the mauka lands, similar to Alternative 1, Alternative 2 will retain as much runoff onsite as possible, primarily on the mauka side of Honoapi`ilani Highway, and discontinue the existing conditions in which stormwater runoff from the mauka vacant lands exit through existing culverts under Honoapi`ilani Highway directly into the ocean.

Alternative 2 maintains the same residential unit count and land uses as Alternative 1, except it limits development to the area mauka of Honoapi`ilani Highway. Alternative 2 may be perceived as more appropriate due to the distance from the shoreline and perceived lesser impact to the nearshore waters, primarily the reefs (coral) and marine biota (i.e. manta rays and black tip sharks). However, as noted previously, under Alternative 2 stormwater runoff from the makai lands will continue to sheet flow into the ocean. Although Alternative 2 will leave the makai lands available for implementation of the County of Maui's proposed Pali to Puamana Plan which identifies portions of the makai lands for park use, it will require land acquisition by the County of Maui.

EXHIBIT 2

Alternative 2 will have similar impacts on infrastructure and public services as those assessed for Alternative 1.

From a financial feasibility standpoint, Alternative 2, like Alternative 1, is considered to be a viable planning option. The overall total cost for Alternative 2 will be slightly lower than that of Alternative 1 as the costs of developing the makai park and open space lands would not be a cost component. However, the cost savings will be offset with the elimination of potential ocean front market units, which will reduce overall revenue benefits. While market attractiveness may be diminished without the makai lands, the value of housing units and commercial areas is expected to exceed the cost of infrastructure systems and vertical construction, yielding a benefit-cost indicator which would point to project viability.

C. ALTERNATIVE 3: NO ACTION

On September 12, 2000 the Olowalu lands were granted Special Management Area Use Permit No. 990021 to develop the existing agricultural lots, including the Olowalu Makai Subdivision and Olowalu Mauka Subdivision. Lots in the Olowalu Makai Subdivision and the Olowalu Mauka Subdivision have been sold. Of the remaining agricultural lots under the control of Olowalu Ekolu, LLC and Olowalu Town, LLC, there is limited diversified farming occurring on the properties. These include a tomato farm, tree farms, cattle and horse grazing. It is noted that these current limited agricultural enterprises share the benefit of low lease rents which support the business-side element of the farming operations.

Alternative 3 would result in the continued sale of the remaining agricultural lots and the current small-scale agricultural use of the lots. While this option is considered an alternative from a planning perspective, it does not provide needed housing for local residents through a comprehensively planned sustainable community. Alternatives 1 and 2 will provide housing employment and recreational opportunities. In addition, Alternative 3 does not include any improvements to address the current runoff of sediments into the ocean. Therefore, Alternatives 1 and 2 are considered to yield a greater community benefit than Alternative 3. The rationale for the foregoing is provided below.

With the demise of Pioneer Mill in 1999 and cessation of pineapple cultivation in West Maui in 2009, there is an abundance of agricultural lands available for farming operations. Existing constraints, such as the ease in getting out-of-State agricultural products to State-wide markets at lower cost, limits diversified agriculture from expanding at a pace that would absorb the available agricultural lands. In the foreseeable future, there is no cash crop similar to sugarcane or pineapple envisioned that will be able to absorb the available vacant agricultural

APR 19 2012

P. O. Box 511
Kahului, HI 96733
April 18, 2012

Mr. Orlando "Dan" Davidson
Executive Director
State Land Use Commission
P. O. Box 2359
Honolulu, HI 96813

SUBJECT: Draft Environmental Impact Statement (EIS) For Olowalu Town Master Plan at TMK (2)4-8-003:084, 098 Through 118, and124, Olowalu, Lahaina, Maui, Hawaii

Dear Mr. Davidson:

On August 4, 2010, I wrote to you in a response to a similar Draft EIS regarding the proposed realignment of Honoapiilani Highway in Olowalu from its current location.

I am one of the partners of the Fujii Family, Ltd Partnership which owns a business property on the mauka side of the existing highway in Olowalu. Olowalu General Store and Leoda's Kitchen & Pie Shop are two enterprises located on the property. Our family residence is also located on the same property.

A little historical background of our family in Olowalu is provided here. Our family grew up in Olowalu. Although initially under a different name, our family owned the store from the early 1930s. Although the current store complex was built about 1965, the original store on the same location was already in existence from the very early 1900s when the Olowalu Sugar Plantation was a thriving industry. Back then the store drew its primary customers from the large sugar village.

Today, the store thrives heavily on commuters, beach goers and tourists who stop for quick snacks, bentos and cold refreshments. With Honoapiilani Highway adjacent to the store, customers readily see the "oasis" and can readily get off the highway to drop in. Should Honoapiilani Highway be moved to the mauka side of the proposed Olowalu Town, we can predict a drastic drop in customers patronizing at Olowalu Store. It is conceivable that the store will go out of business as it depends very heavily on the commuting traffic.

Similarly, we can anticipate potential customers for the newly opened Leoda's Kitchen & Pie Shop to be drastically lower, too. With the demise of the Olowalu Store and Leoda's, there will be an economic loss both to the lessees and our family.

Additionally, losing the store will bring about a loss of the Olowalu history, culture and the last remaining retail business in that community. The loss of the business will mean that any new retail business will not have the history nor being in existence over 100 years in Olowalu.

Predicting that some time in the future, there will be a four-lane high passing through Olowalu, we would suggest that Instead of moving Honoapiilani Highway above the proposed Olowalu Town, use the existing highway as the Lahaina-Wailuku two-lane highway. Then to create the additional two-lanes for the Wailuku-Lahaina bound traffic, we propose using the old existing cane haul road, especially that part which borders the mauka side of the Olowalu Store. If this were to happen, with some modifications to the Olowalu Store and Leoda's we can continue having a reasonable number of customers stopping by to patronize.

Should our suggested modified alignment of Honoapiilani Highway for the proposed Olowalu Town part of the Honoapiilani Highway be accepted, we would be satisfied that we can continue to operate the store and Leoda's for many more years in the future. Our family and the lessees have expended over $200,000 in meeting the EPA's septic system and nearly a million dollars to meet other current building requirements. The lessees have about another 20 years in their current leases with the possibility of extensions. They need to continue as successful lessees in order to recover what they already invested heavily with the renovations.

Relocating the business is not a viable option as it will incur a heavy financial burden on the family. Besides there would be the need to purchase the land, construct the building, and go through a long planning and permitting process all over again. We do not consider that a feasible option.

As you drive along the current highway in Olowalu, there is about a mile of monkey pod trees bordering it. These trees, I am sure, are about 100 year old. If the cane haul road is used for the Lahaina bound traffic in the future four-lane highway, both the Lahaina and Wailuku bound traffic will continue to be shaded by these giant trees. We believe, too, that tourists would be awed as they drive along this beautiful tree-lined part of the highway.

May we request that our suggestion be strongly considered instead of a completely new mauka highway in the proposed Olowalu Town. We should use much of the existing alignment so that both our local people and tourists will have an up-front opportunity of enjoying and appreciating the natural beauty of the ocean, shoreline and views as they drive to and from Lahaina. Such a scenic panorama is rare to find today.

We thank you for this opportunity to input our concerns and proposals. Should you have any questions or needs for clarification, please feel free to write to me or email me at whfujii@hotmail.com.

Yours sincerely,

Wallace H. Fujii

Wallace H. Fujii, Partner
Fujii Family Limited Partnership

cc:
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2035 Main Street, Suite 1
Wailuku, Hawaii 96793

✓ Colleen Suyama, Senior Associate
Munekiyo & Hiraga, Inc.
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Olowalu Town
BY MAUI, FOR MAUI
2035 MAIN STREET WAILUKU HAWAI'I 96793
OFFICE: 808-249-2224 / FAX: 249-2333

October 26, 2015

Wallace H. Fujii
Fujii Family Limited Partnership
P.O. Box 511
Kahului, Hawaii 96733

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Mr. Fujii:

Thank you for your letter of April 19, 2012 to the Land Use Commission providing comments on the Draft Environmental Impact Statement (EIS) for the Olowalu Town Master Plan. We appreciate meeting with you and your brother on August 13, 2012. As the project progresses though the various development processes, we would appreciate continuing our dialogue with you. In the meantime, Olowalu Town, LLC offers the following information in response to the comments noted in your letter.

Comment No. 1:

A little historical background of our family in Olowalu is provided here. Our family grew up in Olowalu. Although initially under a different name, our family owned the store from the early 1930s. Although the current store complex was built about 1965, the original store on the same location was already in existence from the very early 1900s when the Olowalu Sugar Plantation was a thriving industry. Back then the store drew its primary customers from the large sugar village.

Today, the store thrives heavily on commuters, beach goers and tourists who stop for quick snacks, bentos and cold refreshments. With Honoapiilani Highway adjacent to the store, customers readily see the "oasis" and can readily get off the highway to drop in. Should Honoapiilani Highway be moved to the mauka side of the proposed Olowalu Town, we can predict a drastic drop in customers patronizing at Olowalu Store. It is

conceivable that the store will go out of business as it depends very heavily on the commuting traffic.

Similarly, we can anticipate potential customers for the newly opened Leoda's Kitchen & Pie Shop to be drastically lower, too. With the demise of the Olowalu Store and Leoda's, there will be an economic loss both to the lessees and our family.

Additionally, losing the store will bring about a loss of the Olowalu history, culture and the last remaining retail business in that community. The loss of the business will mean that any new retail business will not have the history nor being in existence over 100 years in Olowalu.

Response:

We greatly appreciate the sharing of your knowledge and family's historic connection to Olowalu and look forward to your continued involvement in this process. The stories you shared are valuable and desired in order to appropriately plan for the Olowalu area. As we discussed at our meeting, we share your concerns regarding the loss of business that would result due to the State of Hawaii, Department of Transportation (HDOT) proposed realignment of Honoapiilani Highway. Based on our shared concern, one of the town centers in the Olowalu Town Master Plan (OTMP) is proposed to be located adjacent to Olowalu General Store. It is envisioned that the Olowalu General Store and its history would remain an integral part of the OTMP community. Before Honoapiilani Highway is realigned, it is anticipated that a portion of the OTMP will be constructed and occupied providing new customers to Olowalu General Store.

Comment No. 2:

Predicting that sometime in the future, there will be a four-lane high passing through Olowalu, we would suggest that instead of moving Honoapiilani Highway above the proposed Olowalu Town, use the existing highway as the Lahaina-Wailuku two-lane highway. Then to create the additional two-lanes for the Wailuku-Lahaina bound traffic, we propose using the old existing cane haul road, especially that part which borders the mauka side of the Olowalu Store. If this were to happen, with some modifications to the Olowalu Store and Leoda's we can continue having a reasonable number of customers stopping by to patronize.

Should our suggested modified alignment of Honoapiilani Highway for the proposed Olowalu Town part of the Honoapiilani Highway be accepted, we would be satisfied that we can continue to operate the store and Leoda's for many more years in the future. Our family and the lessees have expended over $200,000 in meeting the EPA's septic system and nearly a million dollars to meet other current building requirements. The lessees have about another 20 years in their current leases with the possibility of

extensions. They need to continue as successful lessees in order to recover what they already invested heavily with the renovations.

Relocating the business is not a viable option as it will incur a heavy financial burden on the family. Besides there would be the need to purchase the land, construct the building, and go through a long planning and permitting process all over again. We do not consider that a feasible option.

Response:

As noted previously, prior to realignment of the highway a portion of the OTMP will be constructed and occupied, including parks for new recreational users, that we anticipate will create a new clientele of residents and visitors who will patronize the Olowalu General Store. We note that the present two-lane highway is proposed to remain as an internal roadway within the OTMP. Vehicular traffic fronting the Olowalu General Store is, therefore, envisioned to continue. As a sustainable community, the highway will be enhanced with sidewalks and bikeways and become much safer than the present situation. We hope to work together with you to maintain the Olowalu General Store as Olowalu's historical retail establishment in the community with over 100 years of existence in Olowalu.

Comment No. 3:

As you drive along the current highway in Olowalu, there is about a mile of monkey pod trees bordering it. These trees, I am sure, are about 100 year old. If the cane haul road is used for the Lahaina bound traffic in the future four-lane highway, both the Lahaina and Wailuku bound traffic will continue to be shaded by these giant trees. We believe, too, that tourists would be awed as they drive along this beautiful tree-lined part of the highway.

May we request that our suggestion be strongly considered instead of a completely new mauka highway in the proposed Olowalu Town. We should use much of the existing alignment so that both our local people and tourists will have an up-front opportunity of enjoying and appreciating the natural beauty of the ocean, shoreline and views as they drive to and from Lahaina. Such a scenic panorama is rare to find today.

Response:

We agree that the existing monkey pod trees along the highway are significant and provide a beautiful and enjoyable experience through Olowalu Town. For this reason, we have designed the OTMP to avoid any harmful impacts to the monkey pod trees with the trees remaining as a significant feature within the OTMP.

We appreciate your suggestion to utilize the former cane haul roadway as an alternative to the mauka realignment of the highway. As noted previously, the OTMP includes the HDOT's proposed realignment of Honoapiilani Highway which will remove the high speed traffic from Olowalu Town and transform the existing Honoapiilani Highway to a lower speed internal roadway which will continue to provide access to the Olowalu General Store. We believe the OTMP will provide housing, employment and recreational opportunities in a sustainable community that will protect the historic and cultural character of Olowalu Town, including the Olowalu General Store.

We appreciate the input provided and will be including a copy of your letter and this response letter in the Final EIS for the project. Should you wish to receive a copy of the Final EIS document or portion thereof, please submit your request in writing to Munekiyo Hiraga at 305 High Street, Suite 104, Wailuku Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town, LLC

David Ward
Olowalu Town, LLC

WF:DW
cc: Peter Martin, Olowalu Ekolu LLC
Daniel Orodenker, Executive Director, Land Use Commission
Jennifer Lim, Carlsmith Ball, LLP
Colleen Suyama, Munekiyo Hiraga
K:\DATA\OlowaluTown\MasterPl\Draft EIS\Response Letters\Fujii.doc

April 19, 2012

Mrs. Colleen Suyama
Munekiyo & Hiraga
305 High Street
Wailuku, HI. 96793

Dear Mrs. Suyama:

Subject: Comments re. Draft EIS for Olowalu Master Plan

I have reviewed the Draft EIS with Appendices and have the following comments and questions:

Page 12 – The EIS says that Olowalu once had a population of "several thousand". How was this number verified? People lived in Olowalu while there was a sugar cane mill there. Once that mill and the Lahaina mill were closed almost all residents moved out of Olowalu.

Pages 15 & 164 – The EIS says that a "portion of the pre-development stormwater will be captured". To protect future development, all stormwater should be captured.

Page 18 – The project is described as including public amenities such as community centers, educational facilities, police/fire, medical, library, museum, cultural centers and post office. Are the developers willing to donate land for any or all of these public facilities? Are they willing to build all or any of these facilities at their expense?

Page 23 – Where are 4 story buildings with 50 feet of height proposed? Are any hotels proposed for Olowalu Town?

Page 25 – Are there 3456 new housing units needed in West Maui in 2030? 1500 of those units or almost half of the units are proposed in Olowalu?

All 3456 of the new units can be provided in existing and proposed West Maui projects that are much more in conformance than Olowalu with State and County planning policies concerning development near jobs and infrastructure.

Page 28 – The EIS says that portions of the proposed development are subject to flooding. Why is any new development proposed in Olowalu be allowed where flooding is anticipated?

Page 28 – The EIS says that 1,000 long term jobs would be created in Olowalu. This number seems too high. How was this number arrived at? How many of the proposed 4,239 Olowalu residents are expected to commute to work out of Olowalu?

Page 48 – The EIS says that 81% of the Master Plan area is within the UH soil productivity designations A and B. How much of this very productive land is proposed in the Olowalu Master Plan to be in future agricultural use?

Page 58 – The EIS says that potential impacts from shoreline erosion and future sea level rise have not been identified. This is a very serious omission and the Final EIS should include analysis of both shoreline erosion and sea level rise.

Pages 61 & 132 – The EIS says that the Master Plan proposes areas and provides land where a new fire station and emergency services can be accommodated. Are the developers willing to donate land and build a new fire station at their expense?

Page134 & 135 – The EIS says that all public schools in Lahaina are already over capacity and that this project would produce 213 elementary students, 108 middle school students and 141 high school students. The EIS also says that the Master Plan has 10-15 acres for school facilities. Are the developers willing to donate land for a school and build a new school at their expense?

Page 140-142 – I agree with all of the comments submitted April 15, 2012 by registered traffic engineers Walton and Victoria Huffman and incorporate them all here by reference. The EIS' traffic report (TIAR) also generates the following comments and questions:

* The project's impacts on the State highway outside of the project area are inadequately analyzed.

* The project's trip generation numbers should be approximately triple the numbers in the TIAR.

* Future projected traffic volumes on the State highway are too low.

* The internal capture rate should be approximately 15%, not 55%.

* Traffic from other developments between Lahaina and Maalaea, such as Launiupoko, Makila and Ukumehame were not included.

* What bicycle, bus and pedestrian facilities are proposed?

* The Alternative section of the EIS should include analysis of a smaller Olowalu project.

* The TIAR should include analysis of impacts from project construction.

*What are State highway traffic counts during peak tourist season?

Pages 160 & 165 – The General Plan Advisory Committee (GPAC) and Maui Planning Commission supported only the portion of this project mauka of the old State highway. The project area between the ocean and the old State highway should be open space.

Page 161 – Contrary to the EIS, the Olowalu Master Plan is **NOT** consistent with the Pali to Puamana Parkway Master Plan. The Pali to Puamana Plan shows more open space through Olowalu between the ocean and the old State highway.

Pages 176 & 203 – The County Planning Department did not recommend that Olowalu be within Urban Growth Boundaries because the Olowalu plan is inconsistent with the adopted Countywide Policy Plan stating that growth must be located in areas with infrastructure and near employment.

Page 187 – The project's workforce housing numbers include units costing 160% of median income. Houses 160% of median income are not affordable to Maui's workforce.

Pages 199 & 202 – The EIS incorrectly states that there are inadequate areas in West Maui for needed housing. The Pulelehua project, Wainee project and Kaanapali 2020 project are three large projects more appropriately located to provide future West Maui housing near jobs and infrastructure.

Page 200 – The expense figures in the EIS do not include any funds for a new school or a new fire station.

Page 204 – The adopted West Maui Community Plan designates the Olowalu Master Plan area for agriculture and open space, not a development with 1500 housing units plus commercial.

IV. Alternatives – the EIS says the project area could be developed into agricultural subdivisions. How many additional agricultural lots would be allowed by County regulations?

V. Unavoidable Impacts & VII. Unresolved Issues -- These sections should both include land and construction of a new school and a new fire station.

Thank you for the opportunity to comment on this Draft EIS.

Respectfully submitted,

Michael W. Foley
Former Maui County Planning Director
3625 Piikea Place
Makawao, Maui, Hawaii, 96768

Cc: Will Spence, Maui County Planning Director

Mayor Alan Arakawa

State Land Use Commission

Olowalu Town
BY MAUI, FOR MAUI
2035 MAIN STREET WAILUKU HAWAI'I 96793
OFFICE: 808-249-2224 / FAX: 249-2333

October 26, 2015

Michael Foley
3625 Piikea Place
Makawao, Hawaii 96768

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Mr. Foley:

Thank you for your letter of April 19, 2012 providing comments on the Draft Environmental Impact Statement (EIS) for the Olowalu Town Master Plan. We offer the following information to the comments noted in your letter.

Comment:

Page 12 -The EIS says that Olowalu once had a population of "several thousand". How was this number verified? People lived in Olowalu while there was a sugar cane mill there. Once that mill and the Lahaina mill were closed almost all residents moved out of Olowalu.

Response:

The population referenced on page 12 of the Draft Environmental Impact Statement (EIS) refers to the Hawaiian population before western contact which brought diseases that devastated the native Hawaiian population. It is estimated that 45 years after Western contact the Hawaiian population on Maui decreased by as much as half by 1823. As noted in the Draft EIS, missionaries in 1831 estimated 831 Hawaiians lived in Olowalu and just five (5) years later, another missionary census estimated Olowalu's population, combined with Ukumehame, at only 718, a 25 percent decline from 1831. By the time of the 1866 census, the population had decreased by 80 percent. Prior to the missionary census of 1831, in 1790, Captain Simon Metcalfe killed more than 100 Hawaiians during the Olowalu Massacre which added to the decline of the Hawaiian population.

Within Olowalu Valley and along the original stream route, traditional Hawaiian agricultural practices were fairly intense and based primarily on *lo`i* agriculture. There were approximately 1,124 *lo`i kalo*, 28 *`uala* (potato) patches, 27 *kula* (open field or pasture) and 31 plots of land with unspecified land uses. When examining this level of agricultural intensity during the mid-1800s, and its correlation to population, Marion Kelly presents missionary estimates for the productivity of *lo`i kalo* as a minimum of 10 to 30 individuals per acre (Kelly 1989). Based on the intensity of agriculture and these estimates, it is estimated that 2,000 or more Hawaiians resided in Olowalu before western contact (Cultural Surveys Hawaii, 2015).

Comment:

Pages 15 & 164 -The EIS says that a "portion of the pre-development stormwater will be captured". To protect future development, all stormwater should be captured.

Response:

More accurately, the Draft EIS states that stormwater runoff "will be collected by a system of retention basins and filtration measures that will accommodate 100 percent of the increased runoff as well as a portion of the pre-development runoff". This is more than the County of Maui requirements under which developments must handle any increased runoff, resulting from the development. In addition to capturing 100 percent of the increased runoff, the objective of the Olowalu Town Master Plan (OTMP) is to capture as much of the pre-development runoff as possible through the implementation of Low Impact Development (LID) measures to ensure that OTMP does not create additional impacts from stormwater runoff. One (1) objective of the OTMP is to reduce the existing impacts from stormwater runoff by reducing the existing quantity entering the nearshore waters and improving water quality. Appendix "B-1" of the Draft EIS includes LID measures which are listed in Table 10 on page 70 of the Draft EIS. These measures are in keeping with the objectives of the recently adopted Department of Public Works Rules for the Design of Storm Water Treatment Best Management Practices.

Comment:

Page 18 -The project is described as including public amenities such as community centers, educational facilities, police/fire, medical, library, museum, cultural centers and post office. Are the developers willing to donate land for any or all of these public facilities? Are they willing to build all or any of these facilities at their expense?

Response:

As with other development projects, the Applicants will work with State and County agencies to ensure that public amenities are available for the future community. Meanwhile, the OTMP includes areas for public amenities which will be further refined as the development progresses through the process. Where partnerships with other private development and government entities are possible, such partnerships for public facility development will be pursued.

Comment:

Page 23 -Where are 4 story buildings with 50 feet of height proposed? Are any hotels proposed for Olowalu Town?

Response:

The description on Page 23 of the Draft EIS is conceptual and identifies preliminary uses and standards for the proposed development which will be further refined during the County of Maui Project District process. As described within the Draft EIS, the project does include consideration of appropriate small scale lodging facilities within the proposed project.

Comment:

Page 25 -Are there 3456 new housing units needed in West Maui in 2030? 1500 of those units or almost half of the units are proposed in Olowalu?

All 3456 of the new units can be provided in existing and proposed West Maui projects that are much more in conformance than Olowalu with State and County planning policies concerning development near jobs and infrastructure.

Response:

According to the Maui Planning Department who prepared the projection for the Maui Island Plan (MIP), there is a need for 3,456 new housing units in West Maui by the Year 2030. We understand the General Plan Advisory Committee, Maui Planning Commission, and Maui County Council (Council) were aware of the demand projections and projects included in the growth boundaries, including OTMP, and that the growth boundary delineations would result in the housing projections being exceeded.

Subsequent to the date of your April 2012 letter, the Council passed the MIP and included most of the OTMP within the Urban Growth Boundaries and Rural Growth Boundaries. In addition to the MIP, the OTMP is in conformance with several other

plans, as described in Chapter IV of the EIS. The development of OTMP will entail the development of infrastructure to support the community. We acknowledge that the projections of the Department hold value and purpose with respect to guiding land use allocation decisions during the MIP development process. At the same time, we, however, believe that the projections should be considered a long range planning tool with a degree of flexibility. From a project planning and development standpoint, factors which affect development feasibility and timing include market conditions, financial capacity of the development entity, and regulatory, infrastructural and policy considerations affecting a particular parcel or region (e.g., water availability). With this in mind, we believe the addition of OTMP in the MIP growth boundary is within thresholds which would not adversely impact the goals, objectives, policies and implementing actions of the MIP.

Comment:

Page 28 -The EIS says that portions of the proposed development are subject to flooding. Why is any new development proposed in Olowalu be allowed where flooding is anticipated?

Response:

A portion of Olowalu Town as shown on Figure 13 in the Draft EIS is located in Zone AO which is subject to shallow flooding with flood elevations of one-foot or less. Within the OTMP, the Zone AO lands are designated for parks, open space and farmsteads with a small portion along Olowalu Stream and in the vicinity of Kapaiki designated for residential development. The units will be constructed as permitted by a flood hazard development permit from the County of Maui. The implementation of LID measures as identified in Appendix B-1 of the Draft EIS and the proposed drainage improvements consisting of retention basins and underground drainage systems are expected to control flooding so as not to adversely impact the proposed development.

Comment:

Page 28 -The EIS says that 1,000 long term jobs would be created in Olowalu. This number seems too high. How was this number arrived at? How many of the proposed 4,239 Olowalu residents are expected to commute to work out of Olowalu?

Response:

According to ACM Consultants, Inc. (ACM), the 1,000 jobs estimated to be created within the community is based on an average of one (1) employee per 300 square feet of commercial space projected to be developed within the OTMP. Information available

from the Institute of Traffic Engineers (ITE), U.S. Department of Energy and the San Diego Association of Governments was used to obtain the average.

The transportation consultant estimated, based on the data in the Traffic Impact Analysis Report (TIAR), approximately 60 percent to 70 percent of the jobs in OTMP are anticipated to be held by residents of the OTMP.

Comment:

Page 48 -The EIS says that 81% of the Master Plan area is within the UH soil productivity designations A and B. How much of this very productive land is proposed in the Olowalu Master Plan to be in future agricultural use?

Response:

A detailed Agricultural Assessment by Plasch Econ Pacific LLC has been prepared, which determined that 532 acres of the 636 acres of the project is potentially productive agricultural lands based on the U.S. Natural Resources Conservation Service (NRCS), Agricultural Lands of Importance to the State of Hawaii (ALISH) and Land Study Bureau (LSB) classification systems. Of the potentially productive agricultural lands approximately 504 acres will be used for non-agricultural purposes. Approximately 28 acres of potentially productive agricultural lands will remain as small farm lots. A copy of the Agricultural Assessment Report is attached as **Exhibit "1"**.

According to the Agricultural Assessment Report, Maui Island has approximately 72,100 acres of potentially productive farmland in the State Land use Agricultural District, of which over 29,600 acres are not currently in cultivation and are available for farming. However, farming much of this land would require major water improvements, including wells, stream diversions, and delivery systems. The removal of approximately 500 acres of potentially productive agricultural lands in Olowalu is not anticipated to adversely impact the inventory of potentially productive agricultural lands available for cultivation, and will not substantially impair actual or potential agricultural production in the vicinity of the OTMP or in the county or State. We note that agricultural lands within the OTMP are largely fallow and nonproductive.

Comment:

Page 58 -The EIS says that potential impacts from shoreline erosion and future sea level rise have not been identified. This is a very serious omission and the Final EIS should include analysis of both shoreline erosion and sea level rise.

Response:

The EIS includes a discussion on shoreline erosion and future sea level rise. See **Exhibit "2"**.

Comment:

Pages 61 & 132 -The EIS says that the Master Plan proposes areas and provides land where a new fire station and emergency services can be accommodated. Are the developers willing to donate land and build a new fire station at their expense?

Response:

As previously noted, we will work with State and County agencies to ensure that public facilities, such as a new fire station, are available for the future community. Where partnerships with other private development and government entities are possible, such partnerships for public facility development will be pursued.

Comment:

Page 134 & 135 -The EIS says that all public schools in Lahaina are already over capacity and that this project would produce 213 elementary students, 108 middle school students and 141 high school students. The EIS also says that the Master Plan has 10-15 acres for school facilities. Are the developers willing to donate land for a school and build a new school at their expense?

Response:

The OTMP falls within the West Maui School Impact District and coordination with the State Department of Education will be undertaken to ensure that assessment policy provisions are appropriately addressed. The DOE's practice is to require impact fees, land donations, or some combination of both.

Comment:

Page 140-142 -I agree with all of the comments submitted April 15, 2012 by registered traffic engineers Walton and Victoria Huffman and incorporate them all here by reference. The EIS' traffic report (TIAR) also generates the following comments and questions:

The project's impacts on the State highway outside of the project area are inadequately analyzed.

The project's trip generation numbers should be approximately triple the numbers in the TIAR.

Future projected traffic volumes on the State highway are too low.

The internal capture rate should be approximately 15%, not 55%.

Traffic from other developments between Lahaina and Maalaea, such as Launiupoko, Makila and Ukumehame were not included.

What bicycle, bus and pedestrian facilities are proposed?

The TIAR should include analysis of impacts from project construction.

What are State highway traffic counts during peak tourist season?

Response:

In response to your traffic-related comments, we have attached hereto the response letter to Walter and Victoria Huffman. See **Exhibit "3"**. With respect to your individual comments, we note that the Traffic Impact Analysis Report (TIAR) prepared by transportation consultant Roger Dyar was prepared in coordination with the State of Hawaii, Department of Transportation (HDOT) to identify the scope of the study. Further, a Final TIAR has been prepared by Roger Dyar in coordination with HDOT, with updated traffic counts taken in 2013, an agreed capture rate and scope for the study. Refer to **Exhibit "4"**.

As noted previously, the site plan for OTMP is conceptual and will be refined during the County of Maui Project District process which will include more detailed plans addressing proposed bicycle, bus, and pedestrian facilities. Also, as the OTMP progresses through the permitting process and prior to implementation of development, a construction traffic management plan will be prepared and submitted to HDOT and the County of Maui, Department of Public Works for review and approval.

Comment:

The Alternative section of the EIS should include analysis of a smaller Olowalu project.

Response:

The Alternatives Analysis includes Alternative 2. Alternative 2 excludes the area makai of Honoapiilani Highway from the OTMP, and reflects a geographically smaller project. See **Exhibit "5"**.

Comment:

Pages 160 & 165 -The General Plan Advisory Committee (GPAC) and Maui Planning Commission supported only the portion of this project mauka of the old State highway. The project area between the ocean and the old State highway should be open space.

Response:

Pages 160 and 165 of the Draft EIS have been updated to reflect the adoption of the MIP on December 28, 2012 which excluded the area makai of the existing Honoapiilani Highway. As noted above, the alternatives analysis in the EIS addresses this land use scenario. See **Exhibit "6"**.

Comment:

Page 161-Contrary to the EIS, the Olowalu Master Plan is NOT consistent with the Pali to Puamana Parkway Master Plan. The Pali to Puamana Plan shows more open space through Olowalu between the ocean and the old State highway.

Response:

Chapter 8 of the MIP includes the following footnote which relates to implementation of the proposed Pali to Puamana Plan:

> *"The future delineation of potential urban growth boundaries makai of the existing Honoapiilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan. Such delineation may consider the need to: protect adjacent coastal and marine ecosystems (including the reefs of Olowalu), enhance public shoreline access and open space, and implement the proposed Pali to Puamana Plan" (MIP at 8-64).*

Since implementation of the proposed Pali to Puamana Parkway Master Plan may be undertaken in the context of review of a Community Plan Amendment of the West Maui Community Plan, more specific land use allocations and relationships will be defined during the Community Plan Amendment review process. Refer to **Exhibit "6"**.

Comment:

Pages 176 & 203 -The County Planning Department did not recommend that Olowalu be within Urban Growth Boundaries because the Olowalu plan is inconsistent with the adopted Countywide Policy Plan stating that growth must be located in areas with infrastructure and near employment.

Response:

The Planning Department, during the Council's review of the MIP, supported inclusion of the entire OTMP in the Urban and Rural Growth Boundaries. As noted previously, the adopted MIP includes the OTMP on the mauka side of the existing Honoapiilani Highway within the Urban and Rural Growth Boundaries of the Directed Growth Map. The MIP also includes a provision that the area makai of Honoapiilani Highway may be considered in the context of the West Maui Community Plan review process or amendment to the Community Plan. The guidance provided by the MIP is deemed to be consistent with the Countywide Policy Plan.

Comment:

Page 187 -The project's workforce housing numbers include units costing 160% of median income. Houses 160% of median income are not affordable to Maui's workforce.

Response:

In accordance with Maui's Workforce Housing Policy, the affordable units will be sold to residents with the income requirements for Maui Island as determined by the Department of Housing and Human Concerns.

Comment:

Pages 199 & 202 -The EIS incorrectly states that there are inadequate areas in West Maui for needed housing. The Pulelehua project, Wainee project and Kaanapali 2020 project are three large projects more appropriately located to provide future West Maui housing near jobs and infrastructure.

Response:

For clarification, as stated in the Draft EIS "in the West Maui region, there are limited available infill areas to accommodate growth". By definition in the MIP, infill development is development of land that is largely vacant or underutilized within areas that are already largely developed. The MIP identified the Kahoma and Lahaina Infill developments. Projects such as Wainee and Kaanapali 2020 are identified as urban expansion projects similar to OTMP. Pulelehua meanwhile was granted county zoning during the preparation of the MIP. The MIP recognized urban expansion was necessary in West Maui in order to meet the future needs of the region. Since the preparation of the Draft EIS, the MIP has been adopted and determined that OTMP is also an appropriate area for future development of housing.

The EIS has been updated to clarify the statement. Refer to **Exhibit "6"**.

Comment:

Page 200 -The expense figures in the EIS do not include any funds for a new school or a new fire station.

Response:

According to the Department of Fire and Public Safety, a new fire station is estimated to cost approximately $11 million to construct, $1 million to equip, and will have an annual operating cost of $1.25 million. See **Exhibit "7"**. Relative to a new school, it has not been determined whether the school will be a public or private institution. However, the Olowalu Town Master Plan has made accommodations to include areas for an educational facility. Adoption of the West Maui School Impact District requires the applicants to pay its fair share for educational facilities in the West Maui school district to mitigate impacts resulting from an increase in student enrollment.

Comment:

Page 204 -The adopted West Maui Community Plan designates the Olowalu Master Plan area for agriculture and open space, not a development with 1500 housing units plus commercial.

Response:

As noted in Chapter I, Section I and Chapter III, Section E of the Draft EIS, we are aware that the West Maui Community Plan designates the area as agriculture and open space and a Community Plan Amendment will be required in order to implement the OTMP. The current West Maui Community Plan was adopted in 1996. However, the MIP, which designates most of the OTMP within the Urban Growth Boundary or Rural Growth Boundary, was adopted much more recently (December 2012).

Comment:

IV. Alternatives -the EIS says the project area could be developed into agricultural subdivisions. How many additional agricultural lots would be allowed by County regulations?

Response:

The maximum agricultural lots have been created and no additional lots are permitted pursuant to County zoning regulations. The No Action or Agricultural Subdivision Alternative refers to the continuation of the existing agricultural lots in agriculture which would allow two (2) farm dwellings and additional farm workers housing provided it meets the criteria of county zoning. See **Exhibit "8"**.

Comment:

V. Unavoidable Impacts & VII. Unresolved Issues --These sections should both include land and construction of a new school and a new fire station.

Response:

The Summary of Unresolved Issues have been expanded to include additional discussion of public facilities, such as a new school and fire station. Refer to **Exhibit "9"**. *As unresolved issues, unavoidable impacts relating to a new school and fire station have yet to be determined.*

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter and this response will be included in the Final EIS. Should you wish to receive a copy of the Final EIS document, or portion thereof, please submit your request in writing to Munekiyo Hiraga at 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town, LLC

David Ward
Olowalu Town, LLC

WF:DW
Enclosures
Cc: Peter Martin, Olowalu Ekolu, LLC
Jennifer Lim, Carlsmith Ball, LLP
Dominic Suguitan, ACM Consultants, Inc.
Stacy Otomo, Otomo Engineering,Inc.
Bruce Plasch, Plasch Econ Pacific LLC
Roger Dyar, Transportation Engineer
Colleen Suyama, Munekiyo Hiraga
K:\DATA\OlowaluTown\MasterPl\Draft EIS\Response Letters\Foley Response.doc

EXHIBIT "1"

Plasch Report on CD
Appendix "N-1" in EIS
(Attached with Original Letter Only)

silica and salt which are typical background constituents. It did not contain other detectable chemicals typical of leachate associated with an unlined landfill. As such, it does not appear that chemical pollutants from the closed landfill are leaching into the groundwater resources at Olowalu. See ~~Exhibit "C"~~**Appendix D"**.

Further, the Assessment of Marine Water Chemistry and Biotic Community Structure for Olowalu prepared by Marine Research Consultants, Inc. identified only nutrients associated with groundwater and stormwater discharges, which indicate leaching of chemical pollutants from the closed landfill is not occurring offshore. ~~See Exhibit "D"~~Refer to **Appendix "E"**.

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

The project site has not been in active sugarcane production for over 10 years since the closure of Pioneer Mill in 1999. Since that time, the area has largely remained fallow. There has been no large-scale use of pesticides or fertilizers on the property for over 10 years, as such no adverse significant impacts are anticipated.

The use of fertilizers for landscape maintenance within the Master Plan for Alternatives 1 and 2 will be minimal. Drainage improvements for the proposed project are designed to ensure that increases in runoff due to the development are retained on-site and do not impact downstream properties and nearshore marine environments.

6. <u>Natural Hazards</u>

a. <u>Existing Conditions</u>

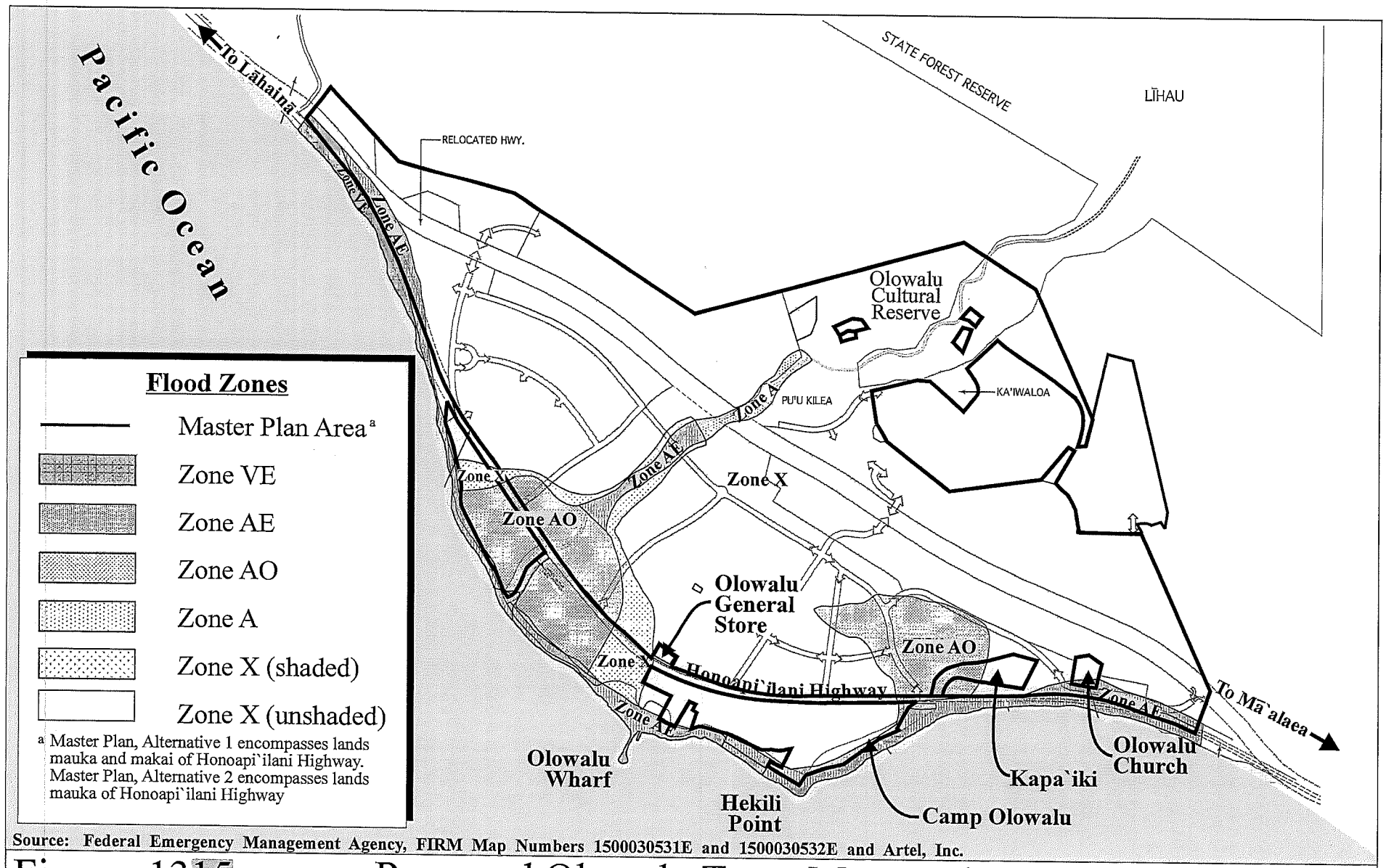
The Federal Emergency Management Agency (FEMA) manages the National Flood Insurance Program under which flood-prone areas are identified and flood insurance is made available. FEMA produces Flood Insurance Rate Maps (FIRM), an insurance and floodplain map that identifies the areas subject to flooding during a 1 percent annual chance (100-year) flood event, as well as areas inundated by the 0.2 percent annual chance flood. The 100-year floodplain is the boundary of the flood that has a 1 percent chance of being equaled or exceeded in any given year, while the 500-year floodplain is

EXHIBIT 2

the boundary of the flood that has a 0.2 percent chance of being equaled or exceeded in any given year. FEMA's Flood Insurance Rate Map (FIRM) adopted by the County of Maui on September 19, 2012, indicates ~~The~~the Master Plan ~~area is~~areas in Alternatives 1 and 2 are located in Flood Zone "X" (unshaded), Zone "X" (shaded), Zone "A", Zone "AE", Zone "AO", and Zone "VE". See **Figure 15**.

Zone "X" (unshaded) is an area of minimal flooding, while Zone "X" (shaded) is an area of moderate flood hazard with average depths of less than 1 foot, usually the area between the limits of the 100-year and 500-year floods. Zone "X" (shaded) is located on the outer fringes of Olowalu Stream. Zone "A" are areas with a 1 percent chance of flooding; Zone "AE" is the base floodplain where base flood elevations are provided; and Zone "AO" is river or stream flood hazard areas and areas with a 1 percent or greater chance of shallow flooding with a depth of 1 foot. Zones "A", "AE" and "AO" are located along the shoreline and along Olowalu Stream and Gulch and an area near Kapa`iki. Zone "VE" is the coastal flood area located along the shoreline and are coastal areas with a 1 percent or greater chance of flooding and an additional hazard from storm waves. The flood elevation in this area is 7 feet above mean sea level (amsl). ~~See~~Refer to **Figure ~~13~~15**.

Maui's coastal lands, along with other coastal areas around the world, are susceptible to erosion, accretion and sea level change. Because significant variability in sea level can occur, determining global mean sea level changes are complex. Nevertheless, numerous studies have sought to measure sea level rise. Global sea level rise is assumed to be caused by melting of ice reservoirs in Greenland and Antarctica, as well as various other alpine glaciers and ice sheets, and thermal expansion of the upper ocean water column due to heating of the atmosphere. ~~In Olowalu, erosion rates and potential impacts from sea level rise have not been identified.~~



Source: Federal Emergency Management Agency, FIRM Map Numbers 1500030531E and 1500030532E and Artel, Inc.

Figure ~~13~~15

Proposed Olowalu Town Master Plan

Flood Insurance Rate Map

NOT TO SCALE

MUNEKIYO HIRAGA

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

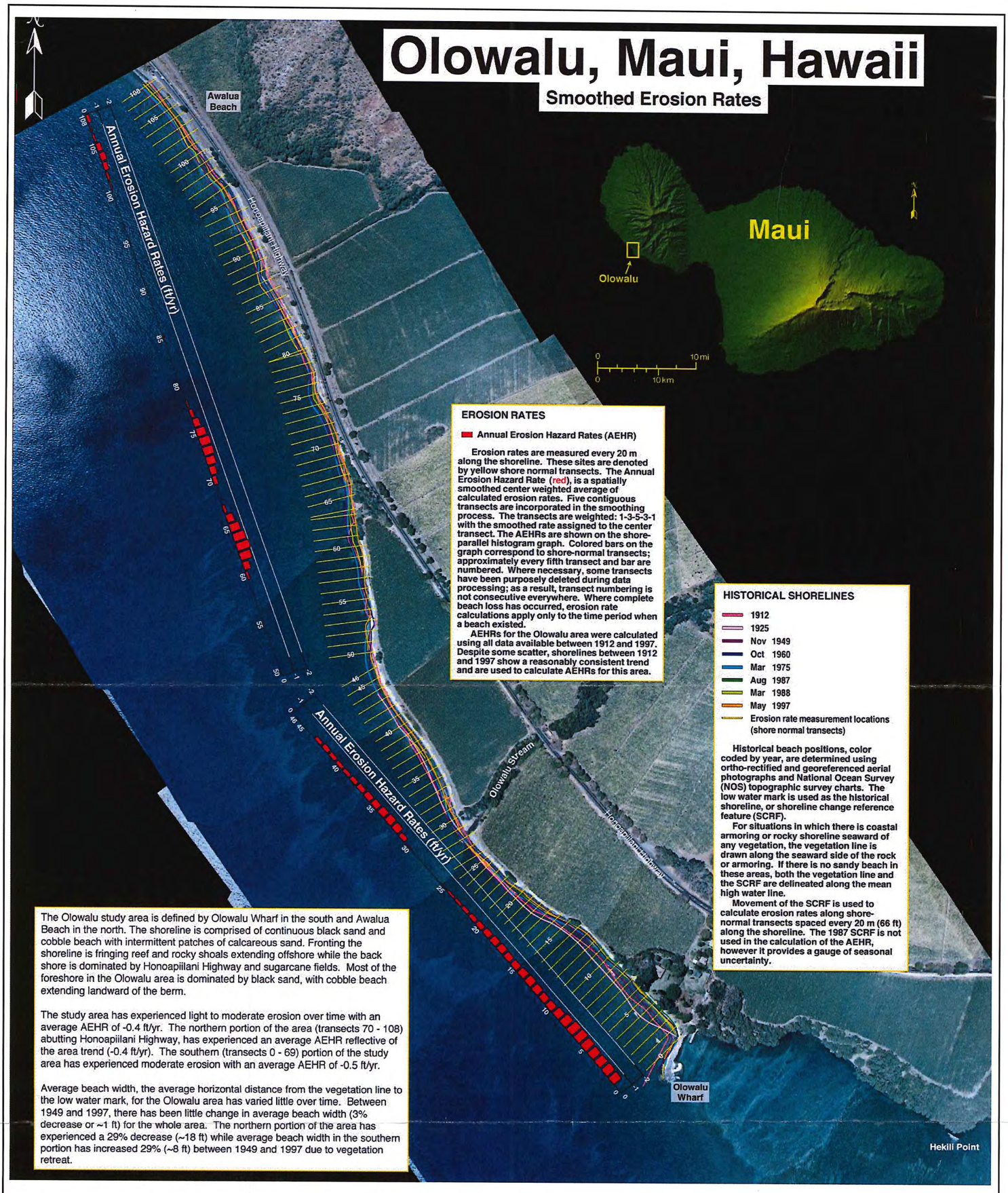
Olowalu Town/MasterPl/Final EIS\FIRM

Since the preparation of the Draft EIS, the County of Maui has adopted erosion rate maps for Olowalu. According to the Erosion Maps prepared for the County of Maui Department of Planning, the Olowalu study area is defined by Olowalu Wharf and Hekili Point. Olowalu Wharf erosion map encompasses the shoreline segment from Olowalu Wharf to the south to Awalua Beach to the north while the Hekili Point erosion map encompasses the shoreline segment from Olowalu Wharf to the north to Ukumehame Gulch to the southwest. The shoreline on the Olowalu Wharf erosion map is comprised of continuous black sand beach and cobble beach with intermittent patches of calcerous sand, while the Hekili Point erosion map is comprised of both sand and cobble beaches. Fronting the shoreline is a fringing reef and rocky shoals extending offshore while the back shore is dominated by Honoapi`ilani Highway and former sugarcane fields and kiawe trees. See **Figure 16** and **Figure 17**.

The Olowalu Wharf erosion map study area experiences light to moderate erosion over time with an average Annual Erosion Hazard Rate (AEHR) of -0.4 ft/year. The northern portion of the area (transacts 70-108) abutting Honoapi`ilani Highway has an average AEHR reflective of the trend of -0.4 ft/yr. The southern area (transects 0-69) has experienced moderate erosion with an average of -0.5 ft/ yr. Refer to **Figure 16**.

Average beach width, the average horizontal distance from the vegetation line to the low water mark, for the Olowalu Wharf erosion map area has varied little over time. Between 1949 through 1997, there has been little change in average beach width (3 percent decrease or 1 foot) for the whole area. However, the northern portion of the area has experienced a 29 percent decrease (~18 ft) while average beach width in the southern portion has increased 29 percent (~8 ft) between 1949 and 1997 due to vegetation retreat.

The Hekili Point erosion map study area as a whole has experienced a consistent trend of moderate erosion with an average AEHR of -0.7 ft/ yr. The shoreline along the western portion of the area (transects 105-210) is dominated by stands of kiawe trees. This section has experienced moderate erosion over time reflecting the area trend (-0.7 ft/yr). The eastern portion (transects 24-104) is backed by Honoapi`ilani Highway. Here, several sections of the highway are directly threatened by shoreline change. This



Source: Coastal Geology Group, School of Ocean and Earth Science and Technology, University of Hawai`i at Manoa

Figure 16

Proposed Olowalu Town Master Plan

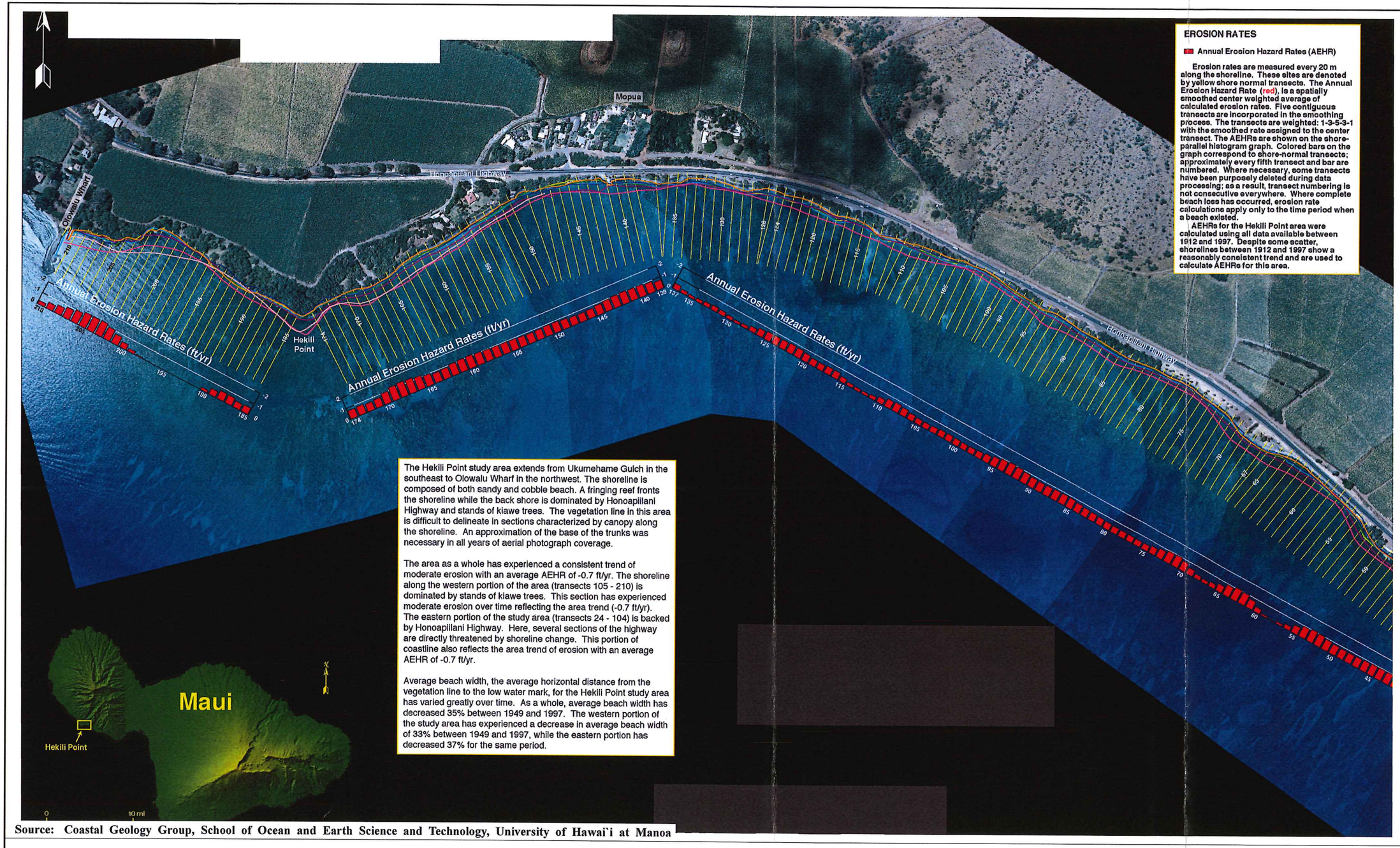
Olowalu Wharf Shoreline Erosion Rates Map

NOT TO SCALE

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

MUNEKIYO HIRAGA

Olowalu Town\MasterPl\Final EIS\OlowaluShoreErosion1



EROSION RATES

Annual Erosion Hazard Rates (AEHR)

Erosion rates are measured every 20 m along the shoreline. These sites are denoted by yellow shore normal transects. The Annual Erosion Hazard Rate (red), is a spatially smoothed center weighted average of calculated erosion rates. Five contiguous transects are incorporated in the smoothing process. The transects are weighted: 1-3-5-3-1 with the smoothed rate assigned to the center transect. The AEHRs are shown on the shore-parallel histogram graph. Colored bars on the graph correspond to shore-normal transects; approximately every fifth transect and bar are numbered. Where necessary, some transects have been purposely deleted during data processing; as a result, transect numbering is not consecutive everywhere. Where complete beach loss has occurred, erosion rate calculations apply only to the time period when a beach existed.

AEHRs for the Hekili Point area were calculated using all data available between 1912 and 1997. Despite some scatter, shorelines between 1912 and 1997 show a reasonably consistent trend and are used to calculate AEHRs for this area.

The Hekili Point study area extends from Ukumehame Gulch in the southeast to Olowalu Wharf in the northwest. The shoreline is composed of both sandy and cobble beach. A fringing reef fronts the shoreline while the back shore is dominated by Honoapiilani Highway and stands of kiawe trees. The vegetation line in this area is difficult to delineate in sections characterized by canopy along the shoreline. An approximation of the base of the trunks was necessary in all years of aerial photograph coverage.

The area as a whole has experienced a consistent trend of moderate erosion with an average AEHR of -0.7 ft/yr. The shoreline along the western portion of the area (transects 105 - 210) is dominated by stands of kiawe trees. This section has experienced moderate erosion over time reflecting the area trend (-0.7 ft/yr). The eastern portion of the study area (transects 24 - 104) is backed by Honoapiilani Highway. Here, several sections of the highway are directly threatened by shoreline change. This portion of coastline also reflects the area trend of erosion with an average AEHR of -0.7 ft/yr.

Average beach width, the average horizontal distance from the vegetation line to the low water mark, for the Hekili Point study area has varied greatly over time. As a whole, average beach width has decreased 35% between 1949 and 1997. The western portion of the study area has experienced a decrease in average beach width of 33% between 1949 and 1997, while the eastern portion has decreased 37% for the same period.

Source: Coastal Geology Group, School of Ocean and Earth Science and Technology, University of Hawai`i at Manoa

Figure 17

Proposed Olowalu Town Master Plan
Hekili Point Shoreline Erosion Rates Map

NOT TO SCALE

MUNEKIYO HIRAGA

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

OlowaluTown/MasterPl/Final EIS/HekiliShoreline

portion of coastline also reflects the area trend of erosion with an average AEHR of -0.7 ft/yr. Refer to **Figure 17**.

Average beach width for the Hekili Point study area has varied greatly. As a whole, average beach width has decreased 35 percent between 1949 and 1997. The western portion has experienced a decrease in average beach width of 33 percent between 1949 and 1997, while the eastern portion has decreased 37 percent for the same period.

In addition, the U.S. Geological Survey (USGS) Technical Hazard Map for the Olowalu region between Launiupoko Point and the southern limits of Ukumehame State Beach Park has an overall hazard rate from moderate to high which is a direct function of the low coastal slope of this area. To the east, where the individual hazards are mitigated by the increase in coastal slope and harder substrate, it is reduced to moderate to low (USGS, 2002).

The tsunami hazard is ranked high along this entire low-lying coastal terrace. It is reduced to moderately high for the steeper rocky head-lands to the east. The stream-flooding hazard is moderately high for the Ukumehame Beach area and moderately low only along the steep head-lands to the east. Along the Olowalu coast, it is ranked high where larger streams drain the increasingly wetter mountains to the west. The threat from high waves is ranked moderately low here where the greatest waves reaching the shoreline are associated with the southern swell. The storm hazard however, is ranked moderately high along this coast which faces south-west toward the majority of passing storms that track to the west. Erosion is greatest along the lowest-lying beach areas between Ukumehame Beach and Mōpua, where it is ranked high. Sections of the coastal highway, the sole southern access to West Maui, are threatened by coastal erosion and have been protected with armoring by the State Department of Transportation (HDOT). At Mōpua, the rocky point partly mitigates erosion, so this hazard is reduced to moderately low. Beyond Hekili Point, the erosion threat is ranked moderately high. The sea level and volcanic/seismic hazards are moderately high because of the low coastal slope and Olowalu's location within seismic hazard zone 2 (USGS, 2002).

The tsunami evacuation zone for Olowalu is the area seaward (makai) of Honoapi`ilani Highway near Olowalu General Store. See **Figure 18.** The zone moves 400 feet mauka of the highway in areas where the highway is close to the shoreline mainly south of Kapa`iki and north near the County's Recycling and Refuse Convenience Center. The sloping topography of the mauka lands provides higher ground for evacuation purposes through the existing Olowalu roadways.

According to the University of Hawai`i (UH) Sea Grant College Program, *"Sea-Level Rise and Coastal Land Use in Hawaii: A Policy Tool Kit for State and Local Governments, 2011"* report sea levels are rising due to climate change. Over the past century, global mean sea level rose about six (6) to eight (8) inches and the rate of global sea level rise has doubled since 1990. According to the report, it recommends using sea level rise benchmarks of 1-foot by year 2050 and 3-feet by 2100 for Hawai`i.

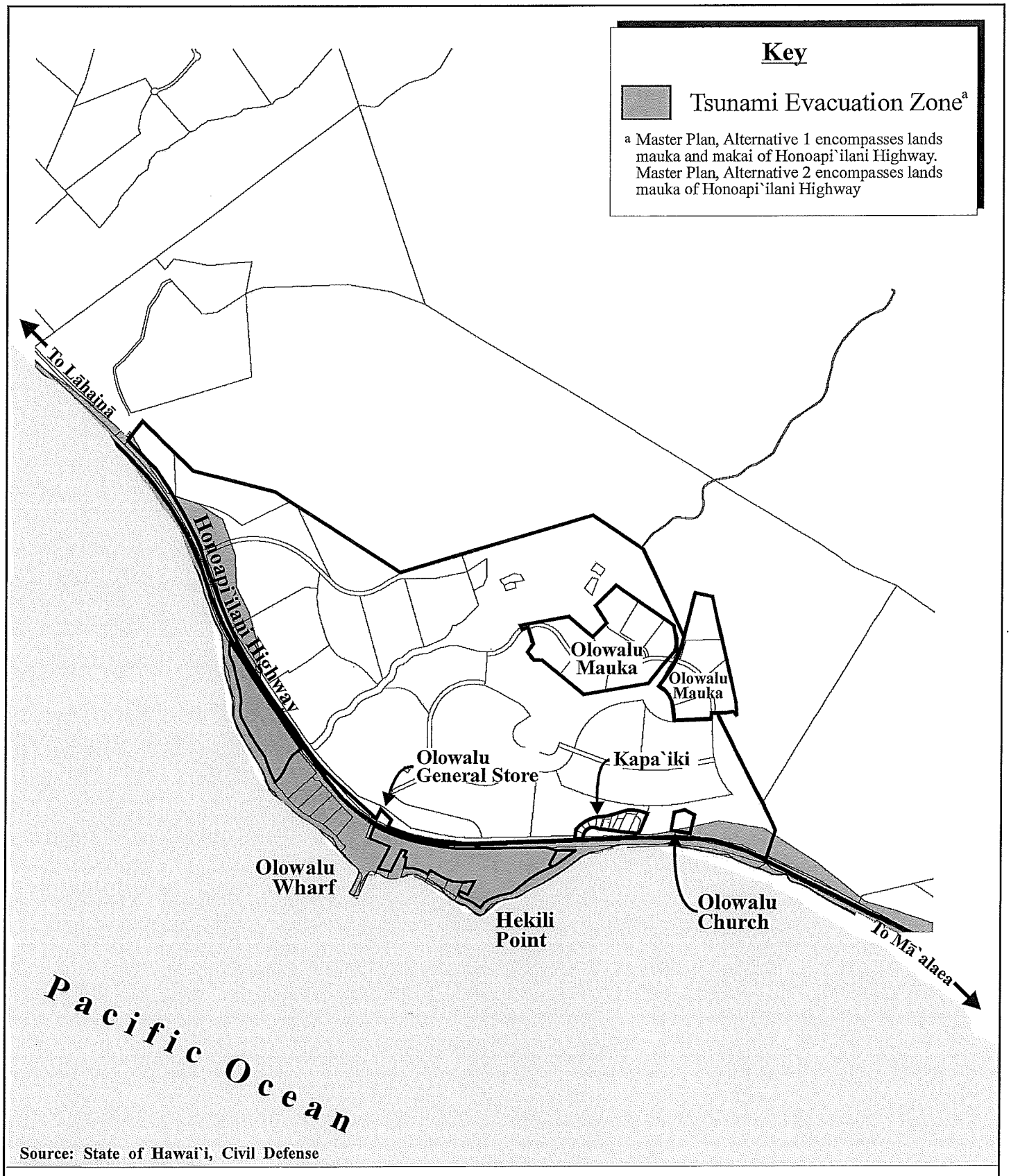
Three (3) basic approaches to sea-level rise adaptation have been identified:

- *Accommodation.* Adjustment of an existing system to changing natural conditions (e.g., strengthening flood-proofing regulations or expanding hazard zones).

- *Protection.* Hardening of a system in its existing location to withstand impacts from changing conditions (e.g., shoreline hardening such as seawalls and revetments).

- *Retreat.* Relocating existing structures to avoid impacts.

Located in Hawai`i, the project site is also susceptible to hurricanes. The Central Pacific hurricane season starts on June 1st and ends on November 11th. The Hawai`i State Civil Defense operates a system of outdoor sirens throughout the State to alert people of emergencies and natural hazards, including hurricanes and tsunamis. There is an existing siren on the makai side of Honoapi`ilani Highway (entering Olowalu from Mā`alaea) near Camp Olowalu.



Source: State of Hawai`i, Civil Defense

Figure 18

Proposed Olowalu Town Master Plan

Tsunami Evacuation Map

NOT TO SCALE

MUNEKIYO HIRAGA

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

Olowalu Town\MasterPl\Final EIS\TsunamiEvacuation

The region of West Maui that the project is located in is susceptible to wild fire hazards, particularly during the long dry seasons. Lands that were formerly cultivated for sugarcane in West Maui have reverted to dry grassland and shrubland following the end of sugar production in the region. Also, State lands abutting these areas are not maintained and are also susceptible to wildfires. Dry vegetation on these private and State lands serve as a fuel hazard for fires. In 2007, a large fire in the area of Olowalu and Launiupoko swept up into the nearby West Maui Natural Area Reserve and in May 2010, another fire broke out in the region.

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

~~As previously noted, portions of the Master Plan fall within flood hazard areas. The proposed Master Plan does not involve any development within the portion of the Master Plan area that is within Flood Zone VE, the area along the shoreline with a 1 percent or greater chance of flooding and additional hazards from storm waves. Portions of the Master Plan will be located in Zones AO (Depth 1 foot) and X (shaded) which may be prone to shallow flooding.~~

A major portion of the Master Plan area for Alternatives 1 and 2 is located within Flood Zone "X" (unshaded), an area of minimal flooding and outside of the 0.2 percent annual chance flood. In Alternative 1, the remaining portion of the Master Plan is located within Flood Zone "X" (shaded) along Olowalu Stream and Special Flood Hazard Areas Zones "A" along the upper portion of Olowalu Stream in the OCR, "AE" along the shoreline mainly in the 150 shoreline setback area, "AO" along Olowalu Stream, and "VE" coastal flood area with velocity hazard (wave action). Refer to **Figure 15**.

In Alternative 2 the areas makai of Honoapi`ilani Highway are not included in the Master Plan, therefore, Alternative 2 is not located within Zones "AE" and "VE". Portions of the Master Plan for Alternative 2 mauka of the highway are located in the flood zones similar to Alternative 1. Refer to **Figure 15**.

Generally, lands of the Master Plan for Alternatives 1 and 2 which lie within the Special Flood Hazard Area are envisioned for agriculture, OCR, or parks and open space. Construction within ~~other~~special flood hazard areas will be

in compliance with Section 16.62.060, MCC, relating to standards for development within special flood hazard areas. Flood Hazard Area Development Permits will be obtained prior to the initiation of construction activities, as applicable.

~~While it is difficult to forecast specific sea-level rise patterns in the future, the applicant recognizes that changes in global sea-levels are an ongoing process that may cause changes to coastal landscapes. As such, the~~According to the National Oceanic and Atmospheric Administration's (NOAA) digital coastal map, by year 2100 a 3-feet or 1-meter sea level rise for the Olowalu coastline will be limited to the area of the Master Plan in Alternative 1 along the shoreline. See **Figure 19** (Hekili Point) and **Figure 20** (Olowalu). The northern side of the Olowalu coast line appears to have the greater inland inundation.

The proposed Master Plan ~~provides for a~~for Alternative 1 observes an existing 150-foot setback from the coastline within which no development will occur. See **Figure 21**. The 150-foot shoreline setback is an existing condition that was established as part of a Special Management Area (SMA) Use Permit approved in 2000. See **Appendix "S"**. The anticipated inundation zone from sea level rise by the year 2100 is located near the shoreline in many cases on the beach area. As such, the 150-foot setback area is adequate to ensure that development is not adversely affected by future sea level rise.

To mitigate potential impacts associated with natural disasters, all buildings within the proposed Master Plan for Alternatives 1 and 2 will comply with the Uniform Building Code, as amended for Maui County, and provided for in Section 16.26 of the MCC. In addition, the ~~a~~Applicants will coordinate with the Hawaii State Civil Defense agency to determine whether public facilities within the Master Plan for Alternatives 1 and 2 meet public shelter specifications and can serve as a shelter during emergencies, including wildfire, tsunami or hurricane events. As appropriate, the Applicants will coordinate with the Hawai`i State Civil Defense agency to develop an evacuation plan that would include, at minimum, appropriate signage directing the public to safe locations in the event of an emergency.

Note: Delineations are approximate and are intended to be illustrative only.

Source: Google Earth and NOAA, Office for Coastal Management Digital Coast

Figure 19

Proposed Olowalu Town Master Plan

Three (3) Feet Sea Level Rise Map South of Olowalu Wharf

NOT TO SCALE

MUNEKIYO HIRAGA

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

OlowaluTown/MasterPl/Final EIS/SeaLevelRiseSouthOlowalu

Note: Delineations are approximate and are intended to be illustrative only.

Source: Google Earth and NOAA, Office for Coastal Management Digital Coast

Figure 20

Proposed Olowalu Town Master Plan

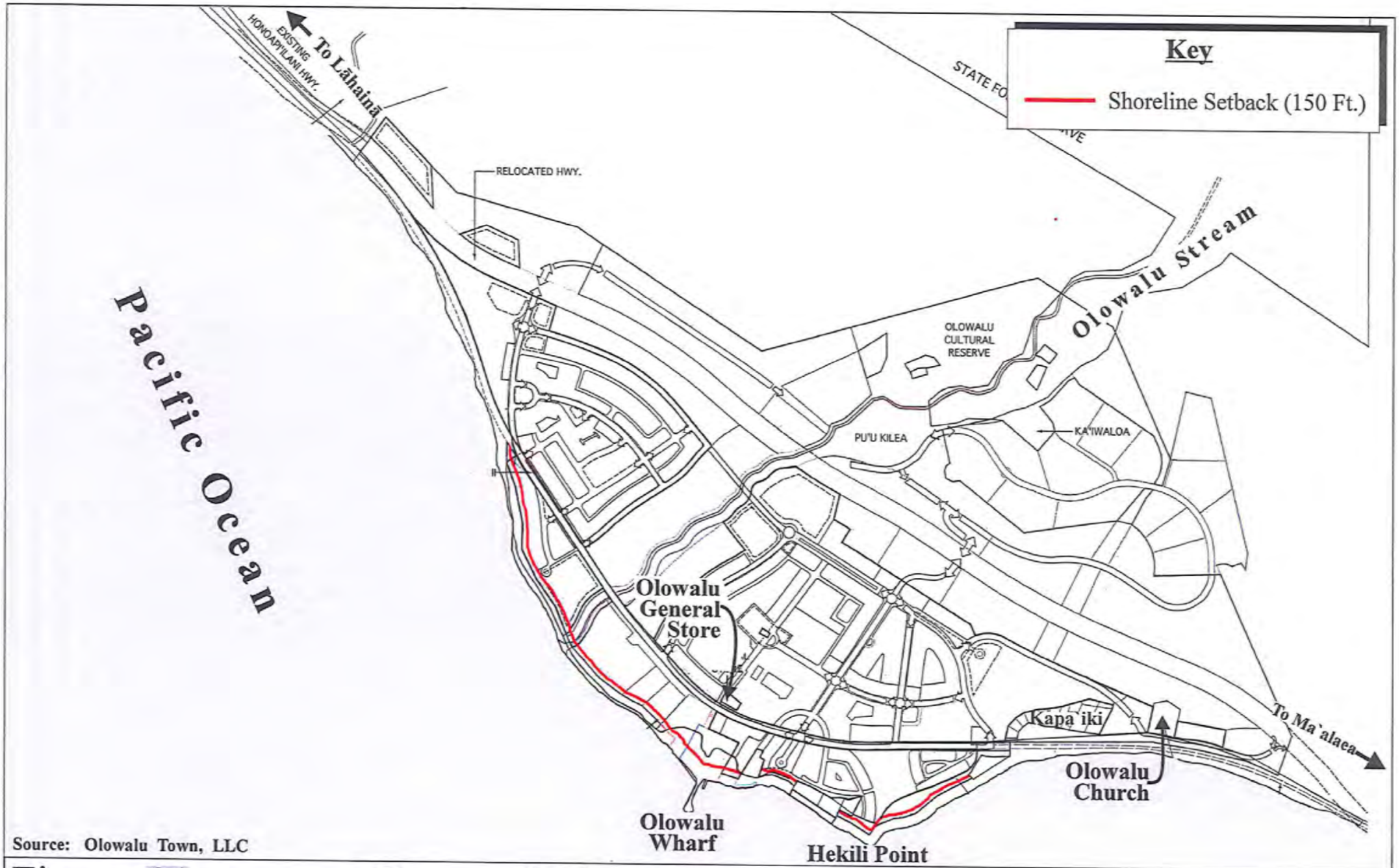
Three (3) Feet Sea Level Rise Map North of Olowalu Wharf

NOT TO SCALE

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

MUNEKIYO HIRAGA

OlowaluTown/MasterPl/Final EIS/SeaLevelRiseNorthOlowalu



Source: Olowalu Town, LLC

Figure 21

Proposed Olowalu Town Master Plan

Existing 150 Ft. Shoreline Setback Map (Established Through SMA Use Permit No. SM1 990021)

NOT TO SCALE

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

MUNEKIYO HIRAGA

Olowalu Town/MasterPl/Final EIS/150 ft Shoreline Setback

Regarding wildfire hazards, both fuel breaks and certain grazing patterns can greatly reduce fuel loading and thereby protect against fire hazard. Currently, a portion of the land is being used to graze cattle and horses to reduce grasses that provide fuel to wildfires. The proposed Master Plan for Alternatives 1 and 2 includes the OCR and will provide for parks, greenways, and open space interspersed among residential and commercial development. This development pattern will provide for fuel breaks that will reduce the risk of fire hazard in the region. The Master Plan for Alternatives 1 and 2 will upgrade the existing water system, including fire protection improvements to the existing and future community.

The Master Plan for Alternatives 1 and 2 also proposes areas where a new fire station can be accommodated which will enhance the Fire Department's service areas in West Maui.

7. Flora, Fauna, and Aquatic Resources

a. Existing Conditions

A Flora and Fauna Survey was conducted for the Master Plan area in May 2010. The survey covered 636 acres of ~~land~~the Alternative 1 lands. The Alternative 2 lands are encompassed in the study area. See **Appendix "~~E~~F"**. The majority of the project area is heavily disturbed from over 100 years of intensive agricultural activity. In pre-contact times, the area would have been characterized as a dry native shrubland with a few scattered trees. By the latter half of the 1800s, the entire area was converted to sugarcane cultivation. Following the end of sugar production in the region, most of the land stands idle and has reverted to a dry grassland/shrubland dominated by hardy, non-native species.

Two (2) species dominate the property: buffelgrass (*Cenchrus ciliaris*) and opiuma (*Pithecellobium dulce*). Buffelgrass has spread throughout the dry leeward districts of Maui. `Opiuma has also spread dramatically in former sugarcane lands. Within the project site, `opiuma is most prolific along Olowalu Stream and on the coastal plain where its deep roots can access ground water resources. Koa haole (*Leucaena leucocephala*), Java plum (*Syzygium cumini*), `uhaloa (*Waltheria indica*), kiawe (*Prosopis pallida*),

Olowalu Town
BY MAUI, FOR MAUI
2035 MAIN STREET WAILUKU HAWAI'I 96793
OFFICE: 808-249-2224 / FAX: 249-2333

October 26, 2015

Victoria and Walton Huffman
9909 Lemon Avenue
La Mesa, CA 91941

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Mr. and Mrs. Huffman:

We thank you for your letter responding to our request for comments on the Draft Environmental Impact Statement (EIS) for the proposed Olowalu Town Master Plan (OTMP). We offer the following information in response to the comments noted in the letter.

Comment:

We are very concerned by the lack of existing or planned roadway infrastructure to support a development the size of the proposed Olowalu Town Master Plan. As California Registered Traffic Engineers with a combined 60 years experience in a variety of traffic engineering fields including reviewing traffic studies and environmental documents for development projects, we are sending you these comments in an effort to provide you with an understanding of this project's impacts to circulation. If this project is approved as proposed, traffic flow between West Maui and Central and South Maui will become extremely constrained. Honoapi`ilani Highway between Pali and Ma`alaea (which is not identified for improvements in the draft Maui Island Plan) would be a critical choke point restricting island circulation. This could have a profound negative economic impact on the island.

Response:

We appreciate your comment on the Draft EIS. For your information since then the Maui Island Plan (MIP) has been adopted and includes the realignment of Honoapi`ilani Highway.

EXHIBIT 3

Comment:

The DEIS does not disclose the proposed project's impacts to Honoapi`ilani Highway (State Route 30) outside the project site and the substantial affect this impact could have on public safety and on the economic welfare of the community and the State. Additionally, the DEIS does not analyze each phase of the development as required by HAR Section 11-200-17. For these reasons, we have found the DEIS for the Olowalu Town Master Plan to be inadequate.

Response:

A Final Traffic Impact Analysis Report (TIAR) in coordination with the State of Hawaii, Department of Transportation (HDOT) has been prepared addressing your comment and has been included in the Final EIS as "Appendix P-1". A copy of the TIAR is provided. See **Exhibit "1"**.

Comment:

The DEIS and its Preliminary Traffic Impact Analysis Report ("TIAR") does not acknowledge or disclose any significant impact to Honoapi`ilani Highway for the following reasons:

The TIAR assumes Honoapi`ilani Highway is widened to four lanes north of the project site; however, there is no identified funding for this costly infrastructure improvement.

The TIAR assumes Honoapi`ilani Highway can accommodate substantially more traffic than it actually can before failing. The TIAR assumes Honoapi`ilani Highway south of the project site can accommodate 33,300 average daily vehicle trips (ADT) based on the assumption that this highway is an uninterrupted flow highway rather than an arterial with access points to the beach and to scenic lookouts. The Proposed Roadway Development Program dated January 2007 prepared for the County of Maui Planning Department for the draft Maui Island Plan assumed Honoapi'ilani Highway south of the Olowalu Town Master Plan site could accommodate about 22,000 ADT before failing.

Response:

Regarding the foregoing comments, we offer the following responses in the order presented:

- A Draft EIS for the Realignment and Widening of Honoapi`ilani Highway (Maalaea to Launiupoko) is being prepared for the HDOT. Although not currently funded, completion of the EIS process will enable the HDOT to seek funding

sources for the highway improvements. Consideration of this improvement is appropriate since development of the OTMP will take several years to implement. We are aware that construction of the highway improvement is necessary in order to implement the total Master Plan. As such, a future highway corridor is included in the Master Plan. As a follow-up to discussions with the HDOT, the Final TIAR includes recent traffic counts obtained in 2013 to estimate the average daily traffic (ADT) of 33,300 vehicles. As such, the ADT in the TIAR is more current than the 2007 Planning Department study.

- In addition to access points to scenic lookouts on the "pali", the Ukumehame Rifle Range and a parking lot to a beach park along the shoreline, there are two (2) access points to a subdivision at Ukumehame south of the project site. According to the transportation consultant the current roadway operates in many ways like a highway with very limited access for much of the day. Honoapi`ilani Highway south of the project site has wide shoulders, limited points of access, and very few left turns which enables the highway to function similar to a facility having uninterrupted flow of traffic.

Comment:

An unreasonably high, and technically unjustified, internal capture rate of 55% for project generated trips is assumed in the TIAR. Consequently, not enough project trips are distributed to Honoapi`ilani Highway. The Institute of Traffic Engineers (ITE) defines internal trip capture rate as a percentage reduction that can be applied to the trip generation estimates for the individual land uses to account for trips internal to the site. A nationally recognized methodology used by traffic engineers, such as the Trip Generation Handbook, 2nd Edition, by the Institute of Traffic Engineers (ITE) should be used to calculate internal capture. This methodology was used to calculate internal capture for both the Wail`ele project in Central Maui and the Honua`ula project in South Maui. The internal capture rates for Wail`ele and Honua`ula were about 10% and 15%, respectively. (See Attachment A). Using the Trip Generation Handbook methodology, the internal capture of the Olowalu Master Plan would be about 15%.

Response:

Methodologies used in jurisdictions across the country show the ability of Honoapi`ilani Highway to handle larger volumes of traffic than a typical two-lane road and the estimated 22,000 average daily vehicle trips (ADT) identified in the 2007 Report prepared for the Planning Department. The Final TIAR estimated the ADT in the OTMP would be between 31,775 to 34,220 vehicles at full buildout. The Final TIAR estimated the capacity of the existing 2-lane Honoapi`ilani Highway as 33,300 ADT and the estimated daily maximum capacity of the realigned 4-lane Honoapi`ilani Highway as 55,500 vehicles.

- According to the traffic consultant, the Institute of Traffic Engineers (ITE) Trip Generation Handbook (9th Edition) procedure for internal capture relies on data for developments such as Honua`ula and Waiale which follow more typical land use spatial allocations and relationships. The OTMP differs from these projects in that it proposes to follow the principals of the Hawaiian ahupua`a system of land management. The ITE methodology does not adequately address a sustainable new town such as the OTMP which follows the principals of the Hawaiian ahupua`a system. The 55 percent internal capture rate was developed as indicated in the report taking into account the type and style of the OTMP and its ability to support the anticipated retail and office developments. The methodology used is generally that of the Florida Department of Transportation in recent publications as noted in the report along with information from other states. As a follow-up to discussions with the HDOT, the Final TIAR was prepared with a project recommended internal capture rate of 64/36 percent and a HDOT internal capture rate of 25/75 percent.

Comment:

An unreasonably high, and technically unjustified, number of pass-by and diverted linked trips were assumed in the TIAR. Consequently not enough project trips are distributed to Honoapi`ilani Highway. Pass-by trip reductions should not be applied to re-aligned Honoapi`ilani Highway because it is not anticipated driveways would be allowed on this access controlled facility. The diverted linked trip reductions are high compared to documented rates in ITE and other credible sources.

Future traffic volumes on Honoapi`ilani Highway are underestimated, due to the following:

Existing traffic counts used by the TIAR to develop future traffic volumes are too low. These existing counts were gathered in October 2010 during low tourist season and after the Great Recession of 2008. The TIAR states Honoapi`ilani Highway south of the project site carried 22,840 vehicles per day in October 2010. In contrast, this roadway west of the Pali tunnel is shown as carrying 24,422 ADT in Year 2003 in the Proposed Roadway Development Program prepared for the County of Maui Planning Department for the draft Maui Island Plan.

Traffic from other known projects in the area, such as Ukumehame, and traffic from other reasonably foreseeable projects were not assumed in the future analysis.

Additionally, it cannot be confirmed whether the 1% annual growth factor used in the TIAR to estimate future volumes on Honoapi`ilani Highway is reasonable, since no

supporting data was provided showing how the 1% annual growth factor was determined.

Response:

- According to the TIAR, due to the isolated nature to the site, with long travel distance to other populated areas on the island, it is less likely that residents on other parts of the island would make special trips to Olowalu Town for employment, shopping opportunities, or other services that could be found closer to their respective home region. However, a significant number of trips that will be made to and from Olowalu Town that are not generated within Olowalu Town will be from travelers already on Honoapi`ilani Highway or "pass-by or diverted trips".

  An analysis of trip length frequency curves from the Maui Long Range Transportation Plan (LRTP) was made to assist in estimating the amount of "pass-by" trips that would have destinations or origins in Olowalu Town that would already be on the highway. Table 2 of the Preliminary TIAR (Appendix "M" of the Draft EIS) estimated the proportion of "pass-by and diverted" trips. The traffic consultant affirms that based on this methodology and assumption set, the results of the pass-by and diverted linked trips are appropriate.

- The Preliminary TIAR does indicate the rationale for the annual growth rate. Based on a review of current data provided by the HDOT, an annual traffic volume growth rate of approximately one (1) percent was used for Honoapi`ilani Highway resulting in a total growth rate of eight (8) percent between 2011 and full buildout of the OTMP. This eight (8) percent growth rate was applied to the existing volumes on Honoapi`ilani Highway to derive future year traffic volumes without the OTMP project in place. The Final TIAR utilized a nine (9) percent growth rate applied to traffic counts obtained in 2013. The Final TIAR estimated the background growth rate would be eleven (11) percent from 2013 to full buildout in 2024.

Comment:

As an example demonstrating how the future volumes are underestimated in the TIAR, the future volumes estimated on Honoapi`ilani Highway south of the project site in the TIAR without project traffic is 24,670 ADT, but this roadway segment is shown to carry 24,422 in 2003 in the Proposed Roadway Development Program prepared for County of Maui Planning Department for the draft Maui Island Plan. (See Attachment B.) This is an increase of only 248 vehicles on Honoapi`ilani Highway in 17 years.

It should also be noted that the TIAR indicates that Honoapi`ilani Highway south of the project site would operate at level of service (LOS) E at full build out of the project, but the Proposed Roadway Development Program shows this segment to be failing in the peak hour in Year 2003.

Using professionally accepted standards, we estimate that the proposed project would add about 12,000 ADT to Honoapi`ilani Highway north of the project site and about 8,000 ADT to Honoapi`ilani Highway south of the project site. This is more than three times the amount of project traffic estimated in the TIAR. Honoapi`ilani cannot accommodate this much added traffic.

The TIAR should be revised to use nationally recognized and accepted methodologies for determining project trip generation and analyzing transportation impacts. When this is done, it will be clear that the Olowalu Master Plan would have significant impacts to Honoapi'ilani Highway.

Response:

The transportation consultant concurs that the 2010 ADT is below historical data collected in 2003 which is outdated and conditions affecting traffic have occurred since then in which traffic volumes have declined. However, the annual traffic volume growth rate accommodate for these changes in traffic conditions. For this reason, the transportation consultant concludes that the traffic counts derived in the Preliminary TIAR are reliable and appropriate. It is noted that as the project progresses through the entitlement process, updated TIARs with updated traffic counts will be prepared. As noted previously, a Final TIAR has been prepared with updated traffic counts. Refer to **Exhibit "1"**.

The preliminary TIAR does not include a review of the methodology used in developing the referenced Proposed Roadway Development Program. We do not know how that study developed the referenced future volumes as compared to our analysis. Again, the preliminary TIAR did not include any peak hour analysis. However, the Final TIAR based on the 2013 traffic counts determined 7:00 to 8:00 a.m. and 4:00 to 5:00 p.m. as the peak hours of traffic.

The preliminary TIAR did use ITE rates (modified based on the site development plan) and reasonable internal capture estimates based on the town plan. The Final TIAR has been completed. Refer to **Exhibit "1"**. As noted previously, as the project progresses and further refinements to the development are made updated TIARs will be prepared.

Comment:

Potential Substantial Affects on Public Health Not Disclosed or Discussed:

Traffic safety impacts to Honoapi`ilani Highway from the development of the proposed Olowalu project were not addressed. Honoapi`ilani Highway would be heavily congested with stopped queues of vehicles, and there would be fewer gaps for vehicles to turn into. Consequently, there would be an increased potential for a higher accident rate along this highway.

Additionally, the proposed "O-turns" along Honoapi`ilani Highway may also compromise public safety. Therefore, the DEIS should evaluate and discuss:

The potential increase in vehicular accidents on Honoapi`ilani Highway caused by the weaving and merging maneuvers of O-turns.

The potential increase in pedestrian and bicycle accidents on Honoapi`ilani Highway since pedestrians would not be provided a safe crossing as would be provided by traffic signals. The DEIS should address how pedestrians and bicyclists will be prevented from crossing Honoapi`ilani Highway.

Response:

Regarding the proposed "O-turns" along the realigned and widened Honoapi`ilani Highway, extensive discussions have been conducted with the HDOT. Although not used in Hawaii, the HDOT is aware that "O-turns" are extensively used in Michigan and other areas of the country. There is substantial evidence that the use of "O-turns" which allows the free flow of traffic has safety benefits over traditional intersection design. Bike and pedestrian crossings from one side of the highway to the other will be made via grade separated connections under the anticipated bridge structures. As requested by HDOT, the Final TIAR analyzes the proposed intersections with "O-Turns" and with traditional traffic signals. Refer to **Exhibit "1"**.

We agree that traffic safety must be addressed as implementation of the OTMP proceeds. Specificity in traffic safety measure will be identified in coordination with the HDOT. It is noted that internal pedestrian and bicycle routes within the OTMP are intended to provide pedestrians and bicycle mobility separate from the highway, thereby providing a significant measure of public safety. The locations, alignments and geometric configurations for these measures will be developed as part of the project implementation phase of development. With respect to pedestrian and bicycle crossings from one side of the highway to the other, We envision grade separated connections, as may be permitted, for example the Olowalu Cultural Reserve (OCR) bridge crossing.

Comment:

Phased Analysis Not Provided:

The DEIS indicates in many places that the project would be developed in phases spread out over a period of approximately 10 years. However, only one scenario, Full Buildout Year 2020, was analyzed in TIAR. The TIAR should be revised to include an analysis of each phase of the project; otherwise, the DEIS does not comply with Hawaii Administrative Rules (HAR) Section 11-200-17 I which states that a DEIS, " ... shall include a statement of the probable impact of the proposed action on the environment, and impacts of the natural or human environment on the project, which shall include consideration of all phases of the action and consideration of all consequences of the environment; direct and indirect effect shall be included."

It should also be noted that the internal capture rate of the project would vary with different phases of the development. For example, if the residential phase of the project were to be constructed first with no commercial, then the project's internal capture rate would be zero. This variation in internal capture rate by phase should be accounted for in the analyses.

Response:

Pursuant to Hawaii Administrative Rules (HAR) Section 11-200-17, the 10-year buildout scenario analyzed in the TIAR considers the project in totality. It addresses the probable impact of the total proposed development on the environment and impacts on the natural or human environment on the project. However, in consultation with HDOT a Final TIAR has been prepared. Refer to **Exhibit "1"**. Additionally, as may be required by HDOT, TIAR updates will be prepared over the course of project development. HDOT requires updates once every three (3) years.

Regarding your comments on the internal capture rate, the intent is to construct the town center and residential units as a unified phase which would ensure relative stability over time in the internal capture rate identified in the TIAR. As the plan progresses, monitoring of the internal capture rate will be conducted and adjusted accordingly, as necessary.

Comment:

Other Specific Comments to the DEIS:

Comment 1. The DEIS should provide more details to support its claim that the proposed project is a smart growth development. For example, it should describe what specific design features would be incorporated to ensure the development is a

pedestrian & bicycle friendly community. Specifically, the DEIS should describe whether roadways within the project site would provide non contiguous sidewalks, street trees, and traffic calming features such as bulb-outs, road humps, traffic circles. The DEIS should also describe what type of bicycle amenities (e.g. bicycle racks, lockers, showers, bicycle corrals) and bicycle facilities (e.g. bicycle paths, bicycle lanes) would be provided to ensure the site is a bicycle friendly community.

Response:

The OTMP proposes to follow the Leadership in Energy and Environmental Design (LEED) Neighborhood Development recommended standards to accomplish "Smart Growth". See Appendix "A-1" of the DEIS. Olowalu Town is master planned to incorporate LEED criteria that meet its goal of creating a community that follow the Hawaiian ahupua`a system of land management where people co-exist with nature. See pp 12-15, Draft EIS.

While specific standards of development are generally identified at the more detailed project design stage of development, we are committed to LEED principles and anticipate incorporating measures such as bicycle amenities, traffic calming measures, and noncontiguous sidewalks.

Comment:

Comment 2. The DEIS should state the "Purpose and Need" for the proposed action as required by HAR Section 11-200-17 D. The DEIS only states the project's need (which the DEIS states is to increase the supply of housing for Maui residents) but does not state the project's purpose. Without a statement of purpose, it is impossible to identify reasonable alternatives since reasonable alternatives are those that substantially meet both the purpose and the need.

Response:

As noted in the Draft EIS, OTMP is to provide needed resident housing as a sustainable community following appropriate LEED standards incorporated within the Hawaiian ahupua`a system of land management.

Comment:

Comment 3. A reduced project alternative should be proposed, since a reduced project alternative may have fewer impacts to Honoapi'ilani Highway.

Response:

The Alternatives Analysis has been revised to include the MIP Alternative which removed the lands makai of Honoapi`ilani Highway from the Directed Growth Map. See **Exhibit "2"**. This Alternative is the reduced project alternative. Further, a planned sustainable community Olowalu Town encourages residents to use alternative modes of travel, such as walking and bicycling, to reduce traffic rather than your suggested approach that less densities creates less traffic. Olowalu Town is planned where centers of activities such as shopping, employment, public services and recreation are conveniently planned to be within a five (5) minute walk of residences to encourage people to walk rather than use an automobile for their daily needs.

Comment:

Comment 4. The TIAR conclusions are contingent on specific land uses with precise square footage being constructed on the proposed project site. The DEIS should indicate how it would be assured that these land uses, and their square footages, would be constructed.

Response:

Throughout implementation of the Master Plan, several TIARs will be prepared with increasing specificity as site specific plans are developed. As these reports are prepared, they will include updated analyses of the specific land uses with precise square footage being constructed. Beyond the Draft EIS, opportunity will be given throughout the implementation process for public review and comment of the updated TIARs.

Comment:

Comment 5. Should the Olowalu Master Plan be approved, the project should be conditioned to construct development not to exceed the ADT, a.m. peak-hour inbound trips, a.m. peak-hour outbound trips, p.m. peak-hour inbound trips, and the p.m. peak-hour outbound trips evaluated in the Final TIAR. Additionally, these thresholds should be tracked as the project site is developed. If the project site were to generate more traffic than assumed and analyzed in the Final TIAR, then the project could have other traffic impacts not disclosed to the approving agency in the Master Plan's FEIS.

Response:

One of the key purposes of the TIAR in the land use entitlement process is to ensure that project-related impacts are mitigated by the proposing entity in a manner which is deemed relational and fair. Project development and accompanying traffic analysis are

considered process-based; that is, they must examine conditions on an ongoing basis and provide current assessments and applicable mitigation measures at the time of development implementation. For this reason, it is expected that updated TIARs will be required over the course of project implementation. As circumstances warrant, the HDOT will require that we adhere to appropriate performance and mitigation conditions. For this reason, we have, and will continue working with the HDOT during the various stages of the land use entitlements process to ensure that HDOT requirements are appropriately addressed.

Comment:

Comment 6. The DEIS should discuss the effects of construction traffic on Honoapi'ilani Highway.

Response:

Construction-related impacts are expected to include traffic delays and temporary detours to accommodate construction procedures. The specific nature of these impacts, however, will be determined as construction plans are prepared, and traffic safety and mitigation measures can be identified based on the construction locations, surrounding roadway systems, and the proposed scope of construction activities. Construction plans will be reviewed by the HDOT. Mitigation measures anticipated to be incorporated in these plans would include Best Management Practices for erosion control and traffic safety plans. Other mitigation measures generally associated with roadway construction activities include procedures for public notification and procedures for coordination with local authorities having emergency response responsibilities.

Comment:

Comment 7. The DEIS should discuss the effect the proposed O-turns would have on pedestrian connectivity mauka and makai of Honoapi'ilani Highway.

Response:

As noted previously, pedestrian and bicycle crossings from one side of the highway to the other is proposed via grade separated connections under the anticipated bridge structure(s), primarily through the OCR. As a sustainable community a comprehensive pedestrian and bicycle circulation system will be developed for the OTMP which proposes to incorporate open space and park areas.

Comment:

Comment 8. A Transportation Demand Management Plan (TDM) should be provided by this project in an effort to meet the goals and objectives of the Maui General Plan. The DEIS should provide a discussion of this TDM Plan.

Response:

As noted previously, as the project progresses through the numerous processes and refinements to the development are made updated TIARs as required by HDOT will be prepared as well as a Transportation Demand Management Plan (TDM) at the appropriate time of development as determined by HDOT.

Comment:

Specific Comments to the TIAR:

Comment 1. Page 1, Introduction, Purpose and Methodology: The TIAR states the TIAR utilizes data from several other TIARs which have been done for other projects on the west side of Maui over the last five years. The TIAR should specifically name which reports it utilized.

Response:

The project sources referenced on Page 1 of the Preliminary TIAR has been included in the Final TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 2. Page 1, Introduction, Purpose and Methodology: The TIAR states the TIAR uses information from studies done by Maui County. The TIAR should name which studies it utilized.

Response:

The County sources referenced on Page 1 of the Preliminary TIAR has been included in the Final TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 3. Page 1, Introduction, Purpose and Methodology: The TIAR states, "The Final TIAR will address peak hour traffic flows and utilize the methods that are normally employed in standard traffic assessments. That TIAR will also analyze in detail the

predicted traffic operations at the access points to Honoapi'ilani Highway. It will assess the need for any mitigation and analyze the need for traffic control measures and devices that may be required for proper functioning of the street system. This preliminary report will not cover all items that may be studied and analyzed in the future detailed TIAR and it is not intended to substitute for that more comprehensive analysis." The TIAR provided in this DEIS should provide a full analysis to determine significant impacts of the proposed project, and these impacts should be disclosed to the public during the public review period.

Response:

As noted previously, the Final TIAR determined peak hour traffic and an assessment of the proposed intersections. Refer to **Exhibit "1"**. Further, as the project progresses through the numerous processes refinements to the development will be made and updated TIARs will be prepared in coordination with the HDOT. These subsequent processes will allow for public review and disclosure.

Comment:

Comment 4. Page 2, Introduction, Purpose and Methodology: The TIAR states that the level of analysis in the TIAR does not include detailed analysis of all traffic movements at individual intersections. The TIAR provided in this DEIS should provide a full analysis to determine significant impacts of the proposed project, and these impacts should be disclosed to the public during the public review period.

Response:

As noted previously, a Final TIAR has been prepared with an assessment of the proposed intersections. Refer to **Exhibit "1"**. As the project progresses, updated TIARs will be prepared in coordination with the HDOT, as well as the Department of Public Works (DPW). As appropriate and as the hierarchy of roads are developed, detailed analysis of traffic movements at individual intersections will be included in the updated TIARs. The public will have the opportunity to review the updated TIARs during the subsequent public review processes.

Comment:

Comment 5. Page 2, Introduction, Purpose and Methodology: The TIAR states that the TIAR is intended to illustrate that the increase in vehicular traffic along the Honoapi`ilani Highway attributed to Olowalu Town will be successfully mitigated by way of implementing the proposed transportation plan and the related improvements, including the relocation and widening of the segment of Honoapi`ilani Highway which traverses

the subject property. Clarify in this section of the TIAR what is specifically meant by the "proposed transportation plan."

Response:

The "proposed transportation plan" refers to the future widening and relocation of Honoapi`ilani Highway further inland within the OTMP as well as the HDOT's plan for the relocation and widening of Honoapi`ilani Highway (Maalaea to Launiupoko) towards Lahaina.

Comment:

Comment 6. Page 3, Description of Olowalu Town: The first paragraph of this section should describe how much square footage of office and how much square footage of commercial retail is proposed by this project rather than just describing the number of dwelling units proposed.

Response:

Page 8 of the Preliminary TIAR (Appendix "M" of DEIS) includes a table summarizing the land uses proposed for the OTMP. In addition to the number of residential units, the table includes the square footage of the proposed office and commercial uses. Approximately 15,000 square feet (sq. ft.) of government offices; 60,000 sq. ft. of general office space; 239,000 sq. ft. of commercial retail space and 5,000 sq. ft. of public (post office) space are proposed.

Comment:

Comment 7. Page 3, Description of Olowalu Town: The TIAR states the design of Olowalu Town incorporates smart growth principles. One of the 10 accepted principles that define Smart Growth is to create walkable neighborhoods. The TIAR should describe specific examples of design features that would be incorporated to create walkable neighborhoods.

Response:

The project is at the preliminary stage of the numerous processes. As it progresses more specificity in project development will occur. As appropriate, specific examples of design features to create walkable neighborhoods will be discussed in updated TIARs.

Comment:

Comment 8. Page 8, Figure 5, Summary of Trip Generation for Olowalu Town: For ITE Code 730, Government Office Building, the proper trip rate per unit is 68.93 trips per 1,000 sf; therefore, the estimated traffic generated by that component of the site is of 1034 trips. Therefore, the total traffic generated by the site would be 33,655 ADT rather than the 32,800 ADT shown in the table. Revise the TIAR and its analyses accordingly.

Response:

As noted previously, the Final TIAR estimated the ADT in the OTMP would be 31,250 to 34,220 vehicles at the three (3) proposed intersections at full buildout.

Comment:

Comment 9. Page 10, Background Traffic Growth: The TIAR states that several studies were made available which analyzed traffic growth trends on Honoapi`ilani Highway and that these studies are included in the appendices. However, this data was not included in the appendices. This data should be included in an appendix.

Response:

As noted previously, the studies referenced in the Preliminary TIAR have been included in the Final TIAR.

Comment:

Comment 10. Page 10, Background Traffic Growth: In determining future volumes for the Year 2020 analysis, other reasonably foreseeable development project traffic be added to Honoapi'ilani Highway in addition to using an appropriate growth rate based on historical data.

Response:

According to the transportation consultant, due to the uncertainty of when developments would come on line, a single background growth rate was utilized in the TIAR.

Comment:

Comment 11. Page 10, Background Traffic Growth: Provide a copy of the existing count data for Honoapi`ilani Highway in the appendix of the TIAR.

Response:

Updated traffic count data has been included in the Final TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 12. Page 10, Background Traffic Growth: Existing counts on Honoapi`ilani Highway were taken during October 2010 during low tourist season. However, existing counts should be taken during peak tourist season.

Response:

The Final TIAR traffic counts were taken during 2013. Refer to **Exhibit "1"**.

Comment:

Comment 13. Page 10, Background Traffic Growth: The 24,667 ADT assumed on Honoapi`ilani Highway in Year 2020 is only 248 ADT more than existed in Year 2003 per the Proposed Roadway Development Program prepared for County of Maui Planning Department for the draft Maui Island Plan. Provide an explain why only 248 more vehicles per day would be expected to use Honoapi`ilani Highway in Year 2020.

Response:

Access to the methodology used in the study was not available for comparison. However, as noted previously, a Final TIAR has been prepared. Refer to **Exhibit "1"**.

Comment:

Comment 14. Page 10, Traffic Analysis in Year 2020 without Olowalu Town Project: HighPlan software is not appropriate to use to determine the capacity and level of service of Honoapi`ilani Highway, since it has beach access points and driveways to scenic lookouts, and therefore should not be considered an uninterrupted flow highway.

Response:

According to the transportation consultant, use of the HighPlan software is appropriate since beach and scenic lookouts are rarely accessed in the a.m. and p.m. peak hours. In this context, the transportation consultant has concluded that Honoapi`ilani Highway functions as a highway with limited access. However, the TIAR provides operational data for comparison to intersections on arterial streets.

Comment:

Comment 15. Page 11, Figure 6, Output from Highplan Software for Honoapi`ilani Highway for Year 2020 without Project in Place:

Clarify why the output sheet says "yes" under median type.

Clarify why the output sheet says "no" under left turn impact when no left tum pockets are provided for the beach access points or scenic outlooks.

The assumed maximum capacity at LOS E of 1500 vehicles per hour per lane (vphpl) is too high. Per the FDOT 2009 Quality/Level of Service Handbook which provides guidance on using the FDOT software, the maximum capacity at LOS E should be assumed to be 850 vphpl. (See Attachment C). It should be noted that agencies in southern California assume much lower capacities for roadways constructed and functioning similar to Honoapi'ilani Highway. As an example, the County of San Diego assigns the capacity of 16,200 ADT to a two-lane rural facility. (See Attachment D).

Response:

According to the transportation consultant, Honoapi`ilani Highway does not function as a rural two-lane facility. It is a much higher design type with almost no passing, and few access points, and with a left turn lane design that approximates median and wide shoulders, it operates much like an uninterrupted facility.

Comment:

Comment 16. Page 12, Traffic Generation for Olowalu Town: The TIAR takes a 15% reduction in trip generation to account for walking and bicycling within the project site and cites other local governments such as the City of Frederick, Maryland as allowing this as well. However, the reduction allowed by the City of Frederick includes walking, bicycling, and internal capture. (See Attachment E). Therefore, using the City of Frederick as an example is not correct and this reference (as well as the associated page included in Appendix 4 of the TIAR) should be removed from the TIAR.

Response:

The transportation consultant notes that the 15 percent reduction in the Preliminary TIAR is indicative that the town will have many pedestrian oriented trips and that the residents will want a community that relies less on the automobile. The 85 percent value was selected to reflect this assumption set. Town residents are expected to travel about 15 percent less by motor vehicle than the national average, owing to the sustainable design of the town. The Final TIAR utilized a project recommended 64/36 percent

internal capture rate and a HDOT 25/75 percent internal capture rate. Refer to Appendix 8 in **Exhibit "1"**.

Comment:

Comment 17. Page 12, Traffic Generation for Olowalu Town: Reducing the ITE trip generation rate by 15% for walking and bicycling is not appropriate. The internal capture rate already accounts for this reduction.

Response:

According to the transportation consultant internal capture and community capture rates are two different rates.

Comment:

Comment 18. Page 12, Traffic Generation for Olowalu Town: The TIAR states that based on the anticipated plan for the proposed project, the TIAR determined that significant proportions of total travel could and would be made within the town itself, without any requirement to travel on Honoapi`ilani Highway to Lahaina, Ma`alaea or elsewhere on the island. Please clarify how this statement can be supported since:

Facilities such as schools, a library, and a post office are not assured but require public funds to be constructed and/or operated.

There is no assurance that the Olowalu Master Plan would provide land uses to serve all residents day to day needs such as a grocery store, pharmacy, and restaurants.

The proposed project would not provide enough jobs for all its residences.

Response:

As a sustainable community, the OTMP includes uses for shopping, employment, public services and recreation that is expected to reduce the daily commute outside of Olowalu. The project is anticipated to take 10 years for full build-out which will allow the employment and shopping uses to be established as well as public agencies to plan and fund necessary public facilities and services. The development time frame will also allow the developer to investigate opportunities for private-public partnerships to fund public facilities.

During the initial development phases of Olowalu Town, it is expected that the need to commute will be greater than at full buildout as employment, shopping, public facilities and recreation are developed. At full buildout, the project does not expect to provide

employment for all its residents and there will be commutes outside of Olowalu Town to employment centers although it may reduce the commute distance and time for these employees. The Preliminary and Final TIARs account for external travel by these employees.

Olowalu Town is proposed as a Project District in which land use standards as well as conditions may be imposed by approving agencies to ensure that Olowalu Town is developed in accordance with representations made by the applicant including the applicant's intent to develop residential units concurrent with necessary public infrastructure and services.

Comment:

Comment 19. Page 12, Traffic Generation for Olowalu Town: The amount of internal capture rate assumed by the TIAR should be calculated using worksheets in the ITE Trip Generation Handbook, 2nd edition, and completed worksheets should be provided in an appendix of the TIAR. Alternatively, the methodology outlined in the NCHRP Report 684, Enhancing Internal Trip Capture Estimation for Mixed-Use Developments, by the Transportation Research Board of the National Academies could be used although its researchers do not recommend its use on sites over 300 acres. (See Attachment F).

Response:

The transportation consultant noted that the OTMP is not a "standard" mixed use development, but instead is a town that can stand alone for many of its needs, such as shopping, employment, public services and recreation. Behavioral response to contextual factors such as density, diversity, design, and regional accessibility is expected to influence travelers' trip-making decisions such as walking and biking to these services rather than traveling by automobile. The typical ITE methodology is not necessarily applicable because there are several proposed land uses not included in current ITE methodology. Also, the ITE method does not address a new town, but are geared toward multi-use developments in existing urban and suburban areas. As such, the TIAR uses a methodology appropriate to the OTMP. Refer to Appendix 8 in **Exhibit "1"**.

Comment:

Comment 20. Page 12, Traffic Generation for Olowalu Town: The TIAR states that due to the design of the town and its street network, many of the trips within the town will likely be made via walking or cycling and not require use of the automobile. This element will be addressed in detail in the final TIAR. This element of the TIAR should be addressed in the DEIS rather than the FEIS.

Response:

Alternatives modes of travel such as walking and bicycling are appropriately addressed in the Draft EIS. As refinement of the development are made, as appropriate, the updated TIARs will address trips within the town likely to be made by walking or cycling.

Comment:

Comment 21. Page 13, Traffic Generation for Olowalu Town, Table 1, Internal Capture of Trips in Olowalu Town: The internal capture rates shown for each land use in Table 1 should be supported by appropriate technical data; otherwise, the ITE Trip Generation Handbook, 2nd edition methodology should be used for computing internal capture.

Response:

As noted previously, the typical ITE methodology is not applicable because this is not a "standard" mixed use development, but instead is a town that can stand alone for many of its needs.

Comment:

Comment 22. Page 13, Traffic Generation for Olowalu Town: The TIAR states that the Maui LRTP was used to assist in estimating the amount of "pass-by" trips to Olowalu Town. However, "Pass-by trips" are defined by ITE as trips made as intermediate stops on the way from an origin to a primary trip destination without a route diversion. Since the proposed project's land uses have no direct access to Honoapi`ilani Highway, the number of pass-by trips for this project would be zero.

Response:

Since publication of the Draft EIS, a final TIAR has been prepared and your comments on "pass-by" trips are no longer applicable.

Comment:

Comment 23. Page 13, Traffic Generation for Olowalu Town: Revise the name of Table 2 from "Pass-by and Diverted Trips on Honoapi`ilani Highway" to simply, "Diverted Linked Trips on Honoapi'ilani Highway."

Response:

Table 2 in the Preliminary TIAR has been renamed as "Diverted Linked Trips on Honoapi`ilani Highway" in the Final TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 24. Page 13, Traffic Generation for Olowalu Town: The percent of diverted linked trips for each land use should be based on empirical data from a reliable source such as the ITE Trip Generation Handbook or San Diego Association of Government's (SANDAG) (Not So) Brief Guide of Vehicular Traffic Generation Rates For The San Diego Region, available on-line at the following URL: http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf

Response:

As noted previously, this is not the typical mixed use development and requires a different analytical approach. In coordination with the HDOT, the HighPlan methodology was deemed appropriate and utilized in the Preliminary TIAR.

Comment:

Comment 25. Pages 12 -14, Tables 2 -4: Table 2, Table 3, and Table 4 list an elementary school as a land use but Figure 5 on Page 8, which is the trip generation summary, does not. Please explain this apparent discrepancy.

Response:

A Final TIAR has been prepared with current tables. Refer to **Exhibit "1"**.

Comment:

Comment 26. Page 16, Trip Distribution: Table 4 should be renamed, "Trip Distribution for Diverted Linked Trips" assuming there are no proposed land uses with direct access to Honoapi'ilani Highway.

Response:

As noted previously, a Final TIAR has been prepared with current tables.

Comment:

Comment 27. Page 17, Traffic Assignment: The TIAR does not include analysis of travel from the mauka side to/from the makai side of the Olowalu Town and the trips made between mauka and makai side via the connector street, and that these items will be reviewed in detail in the final TIAR. These analyses should be provided in this DEIS and available for public review and comment

Response:

The Final TIAR includes an analysis of travel from the mauka side to/from the makai side of Olowalu Town and the trips between through the connector street. Refer to **Exhibit "1"**.

Comment:

Comment 28. Page 18, Development of Future Traffic Data: Clarify why a 15% growth rate is used for Figure 10 and the access analyses in Appendix 3, but other portions of the document indicate an 8% growth rate was used.

Response:

According to the transportation consultant the growth rate should be 1 percent per year which has been corrected in the Final TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 29. Page 19, Figure 7, Existing Traffic Volumes on Honoapi`ilani Highway: Provide another figure depicting the traffic volumes on Honoapi`ilani Highway from counts taken during February which is peak tourist season. Use whichever figure has the higher volumes to develop future volumes.

Response:

The Final TIAR includes traffic counts taken in 2013. Refer to **Exhibit "1"**.

Comment:

Comment 30. Page 20, Figure 8, Future Year 2020 Traffic Volumes without Project on Honoapi`ilani Highway: Revise this figure to include traffic from other reasonably foreseeable projects that would be constructed and occupied by Year 2020 (in addition to the background growth factor already assumed).

Response:

The transportation consultant notes that the background growth factor reasonably accommodates the foreseeable projects by Year 2024 without the project and the requested revision will yield a double counting of traffic without the project. Refer to **Exhibit "1"**.

Comment:

Comment 31. Page 21-22, Figures 9-10, Traffic added from Olowalu Town project and Olowalu Town Study Network Traffic with Full Buildout of Project in Place: Revise these figures to address our comments regarding trip generation, internal capture, and diverted linked trip rates.

Response:

The Final TIAR for the project addresses your comments regarding trip generation, internal capture and diverted linked trip rates. Refer to **Exhibit "1"**.

Comment:

Comment 32. Page 23, Future Roadway Network: Conduct a weaving analysis for the proposed "O-turns". The results of these weaving analyses should be provided in an appendix of the TIAR. Additionally, the effects of weaving on capacity of the proposed re-aligned Honoapi`ilani Highway should be evaluated.

Response:

The Final TIAR includes an analysis of the proposed "O-turns" and the typical signalized intersections. Refer to **Exhibit "1"**.

Comment:

Comment 33. Page 23, Future Roadway Network: Provide a queuing analysis to determine if the proposed left turn pockets for the proposed O-turns are sufficient to accommodate the vehicular demand without having vehicles spill into the through lane.

Response:

The Final TIAR includes a queuing analysis of the left turn pockets for the proposed "O-turns" and the typical signalized intersection. Refer to **Exhibit "1"**.

Comment:

Comment 34. Page 23, Future Roadway Network: Provide calculations to determine the appropriate length of the acceleration and deceleration lanes of the proposed O-turns.

Response:

The Final TIAR includes calculations to determine the appropriate length of the acceleration and deceleration lanes for the proposed O-turns. Refer to **Exhibit "1"**.

Comment:

Comment 35. Page 23, Future Roadway Network: Data should be provided demonstrating the proposed "O-turns" weaving will not comprise public safety by creating a higher incidence of side swipe and rear end collisions caused by merging.

Response:

The Final TIAR includes an analysis that demonstrates that the proposed O-turns will not compromise public safety during merging. Refer to **Exhibit "1"**.

Comment:

Comment 36. Page 23, Future Roadway Network: Discuss the effects of the proposed O-tums on pedestrian connectivity between the mauka and makai side of Honoapi'ilani Highway.

Response:

The Final TIAR discusses the effects of the proposed O-turns on pedestrian connectivity between the mauka and makai side of Honoapi`ilani Highway. Grade separated connection from mauka to makai sides of the OTMP will accommodate pedestrian and bicyclists and local travel without utilizing Honoapi`ilani Highway. Refer to **Exhibit "1"**.

Comment:

Comment 37. Page 23, Future Roadway Network: Evaluate pedestrian safety issues of the proposed O-turns, since the O-turns do not provide protected pedestrian crossings across Honoapi`ilani Highway as would be provided by signalized intersections. Also discuss how pedestrians would be prevented from crossing Honoapi`ilani Highway.

Response:

The Final TIAR evaluates pedestrian safety issues relating to the proposed O-turns. The OTMP encourages pedestrians and bicyclists to utilize the proposed pathways that connect the mauka and makai area through the OCR. As previously stated, grade separated connection from mauka to makai sides of the OTMP will accommodate pedestrians and bicyclists and local travel without utilizing Honoapi`ilani Highway. Refer to **Exhibit "1"**.

Comment:

Comment 38. Page 25, Analysis of Impacts of Olowalu Town Project: HighPlan software is not appropriate to use to determine the capacity and level of service of Honoapi'ilani Highway south of the project site, since it would still have beach access points and scenic lookout points in Year 2020 and therefore cannot be considered an uninterrupted flow highway. If FDOT software were to be used, ArtPlan would be the appropriate software to utlize.

Response:

As previously mentioned, use of the HighPlan software is appropriate since beach and scenic lookouts are rarely accessed in the a.m. and p.m. peak hours. As such, Honoapi`ilani Highway is appropriately considered to be an uninterrupted flow highway.

Comment:

Comment 39. Page 25, Analysis of Impacts of Olowalu Town Project: The estimated daily maximum capacity of 56,600ADT and predicted speed of 50 mph Honoapi`ilani Highway within the project site is too high since there would be weaving, merging, acceleration, and deceleration associated with the proposed O-turns.

Response:

According to the transportation consultant, discussions with professionals in other states with similar facilities indicate the volumes are well within the range of capacity for multilane roads containing O-turns with signal control. The proposed "O-turn" will not have signal control but will allow by-pass traffic to move freely through the area at the higher speed while allowing traffic diversion in and out of Olowalu Town following a right-in/ right-out traffic pattern.

Comment:

Comment 40. Page 25, Analysis of Impacts of Olowalu Town Project: The predicted speed of 29 mph for Honoapi`ilani Highway and maximum capacity of 33,300 ADT south of the project is too high as this highway segment would not have uninterrupted flow.

Response:

As previously mentioned, Honoapi`ilani Highway approximates an uninterrupted flow highway, rather than a rural two-lane road. As such the predicted speed of 29 mph and maximum capacity of 33,300 ADT south of the project is considered valid in the Final TIAR.

Comment:

Comment 41. Page 25, Analysis of Impacts ofOlowalu Town Project: The TIAR indicates detailed program outputs for the Highplan analyses sheets shown are Figures 12 -14 are provided in the appendices. However, these sheets are not provided in the appendices.

Response:

The Final TIAR includes the detailed program outputs for the HighPlan analyses sheets referenced as Figures 12-14 in the appendices of the Preliminary TIAR. Refer to **Exhibit "1"**.

Comment:

Comment 42. Page 26, Figure 14, Output from Highplan Software for Portion of Honoapi`ilani Highway with Existing Roadway Configuration:

The roadway variables portion of the data sheet shows "yes" for median type but this portion of Highway 30 has no median.

The LOS E maximum capacity of 1,500 vehicles per hour per lane (vphpl) is too high. The Proposed Roadway Development Plan by Fehr & Peers assumed 1000 vehicles per hour at level of service E, using the Highway Capacity Manual. (See Attachment H).

The LOS E maximum capacity of 33,300 ADT is too high.

Response:

Although this portion of Highway 30 does not include a median, according to the transportation consultant the left turn lane approximates a median. As previously mentioned, a Final TIAR has been prepared. Refer to **Exhibit "1"**.

Comment:

Comment 43. Page 27, Figure 13, Output from Highplan Software with Relocated and Widened Honoapi'ilani Highway in Place at Full Buildout of Olowalu Town:

The data sheet indicates the segment from the Old Land Fill to Mile 14 is 5 miles long but this same segment is shown as 2.6 miles long on Figure 6.

The LOS E maximum capacity of 2,950 vphpl is too high.

The LOS E maximum capacity of 56,600 ADT is too high.

Response:

According to the transportation consultant these capacities are for the ultimate four-lane divided facility with access control and a high-type design in accordance with the Realignment and Widening of Honoapi`ilani Highway (Maalaea to Launiupoko).

Comment:

Comment 44. Page 28, Figure 14, Output from Highplan Software for Portion of Honoapi'ilani Highway South of the Project Site at Full Buildout of Olowalu Town:

The data sheet indicates the number of through lanes is 4 but this is a two-lane facility.

The data sheet shows "yes" for median type but this portion of Highway 30 has no median.

The assumed free flow speed of 50 miles/hour is too high.

The LOS E maximum capacity of 1500 vphpl is too high. The LOS E maximum capacity of 33,300 ADT is too high.

Response:

As previously mentioned, these capacities are for the ultimate four-lane divided facility with access control and a high-type design in accordance with the Realignment and Widening of Honoapi`ilani Highway (Maalaea to Launiupoko). Speed surveys of existing flows confirmed the free flow speeds which are also observed at low flow times of the day.

Comment:

Comment 45. Page 29, Table 6, Capacity, ADTs and Levels of Service for Honoapi`ilani Highway In Full Buildout Year of 2020:

The assumed daily maximum capacity of 56,600 for the segments between the southern project boundary and north of the transfer station is too high.

The assumed daily maximum capacity of 33,300 for the segment called "existing roadway south of Olowalu Town Project" is too high.

The table indicates the segment north of the transfer station is widened to two through lanes in each direction. Clarify in the TIAR on what basis this is assumed. Only projects that are fully funded and scheduled for construction prior to Year 2020 should be assumed.

Response:

As previously mentioned, discussions with professionals in other states with similar facilities indicate the volumes are well within the range of capacity for multilane roads containing O-turns. The OTMP is to be developed over a ten-year timeframe. Within that timeframe it is expected that the Realignment and Widening of Honoapi`ilani Highway north and south of Olowalu Town will occur concurrently with the development.

Comment:

Comment 46. Appendix 3, Intersection Turning Movements: Clarify why the data sheets indicate 15 percent growth when the TIAR indicates an 8 percent growth rate was used to develop Year 2020 ADT volumes.

Response:

As previously noted, the Final TIAR reflects the correct annual growth rate of 1 percent. Refer to **Exhibit "1"**.

Comment:

Comment 47. Appendix 4, Traditional Development of Trip Generation Characteristics: The internal capture rates for the developments discussed in this paper do not support the 55% internal capture assumed in the TIAR.

Response:

The Final TIAR supports the project recommended internal capture rate of 64/36 percent for the developments proposed in the OTMP. Refer to **Exhibit "1"**.

Comment:

Comment 48. Appendix 4, Traditional Development of Trip Generation Characteristics: The conclusion of this paper indicates the authors support the use of internal capture estimates produced using the ITE Trip Generation Handbook methodologies. The TIAR should use this method to determine internal capture.

Response:

As noted previously, the Final TIAR supports the project recommended internal capture rates for the developments proposed in the OTMP. In this regard, the analysis and conclusions of the Final TIAR are considered valid. Refer to Appendix 8 of **Exhibit "1"**.

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter and this response will be included in the Final EIS. Should you wish to receive a copy of the Final EIS document or portion thereof, please submit your request in writing to Munekiyo Hiraga at 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town LLC

David Ward
Olowalu Town LLC

WF:DW
cc: Peter Martin, Olowalu Ekolu LLC
Jennifer Lim, Carlsmith Ball, LLP
Roger Dyar, Transportation Engineer
Colleen Suyama, Munekiyo Hiraga
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EXHIBIT "4"

Updated TIAR on CD
Appendix "P-1" in EIS
(Included with Original Letter to Huffmans and Letter to Foley Only)

B. ALTERNATIVE 2: UTILIZE LANDS MAUKA OF HONOAPI`ILANI HIGHWAY (MIP SCENARIO)

Alternative 2 (the MIP scenario) also follows the principles of ahupua`a land management and is in concert with the directed growth boundaries of the MIP. In this regard, Alternative 2 does not include the makai portion or approximately 45 acres in the proposed OTMP. Except for the existing residential uses, this alternative limits the use of the makai area to the existing OCR, agriculture, and recreation uses. Refer to **Figure 5**. Portions of the vacant makai lands are currently overgrown with kiawe, shrubs and grasses. Except for Camp Olowalu, which is available to fee paying guests, the vacant lands have not been developed for parks or recreational uses beyond public access to and informal access along portions of the shoreline from both ends of Olowalu and a public beach access with unpaved parking from the former Olowalu Mill site. A portion of the makai area is located within the OCR and will be subject to land altering activities to implement the objectives of the OCR. As with Alternative 1, LID measures will need to be incorporated into any land altering work necessary to meet the objectives of the OCR to minimize impacts on the nearshore waters.

Alternative 2 will keep the makai land in its present condition and retain it in the State Land Use (SLU) Agricultural District. Existing, limited, and agricultural uses (tree farms) will continue on the makai properties. Development of future parks and public access improvements will require land acquisition and development funds by the County of Maui. Also, current drainage patterns will be maintained with stormwater runoff eventually sheet flowing into the ocean.

With respect to the mauka lands, similar to Alternative 1, Alternative 2 will retain as much runoff onsite as possible, primarily on the mauka side of Honoapi`ilani Highway, and discontinue the existing conditions in which stormwater runoff from the mauka vacant lands exit through existing culverts under Honoapi`ilani Highway directly into the ocean.

Alternative 2 maintains the same residential unit count and land uses as Alternative 1, except it limits development to the area mauka of Honoapi`ilani Highway. Alternative 2 may be perceived as more appropriate due to the distance from the shoreline and perceived lesser impact to the nearshore waters, primarily the reefs (coral) and marine biota (i.e. manta rays and black tip sharks). However, as noted previously, under Alternative 2 stormwater runoff from the makai lands will continue to sheet flow into the ocean. Although Alternative 2 will leave the makai lands available for implementation of the County of Maui's proposed Pali to Puamana Plan which identifies portions of the makai lands for park use, it will require land acquisition by the County of Maui.

EXHIBIT 5

Alternative 2 will have similar impacts on infrastructure and public services as those assessed for Alternative 1.

From a financial feasibility standpoint, Alternative 2, like Alternative 1, is considered to be a viable planning option. The overall total cost for Alternative 2 will be slightly lower than that of Alternative 1 as the costs of developing the makai park and open space lands would not be a cost component. However, the cost savings will be offset with the elimination of potential ocean front market units, which will reduce overall revenue benefits. While market attractiveness may be diminished without the makai lands, the value of housing units and commercial areas is expected to exceed the cost of infrastructure systems and vertical construction, yielding a benefit-cost indicator which would point to project viability.

C. ALTERNATIVE 3: NO ACTION

On September 12, 2000 the Olowalu lands were granted Special Management Area Use Permit No. 990021 to develop the existing agricultural lots, including the Olowalu Makai Subdivision and Olowalu Mauka Subdivision. Lots in the Olowalu Makai Subdivision and the Olowalu Mauka Subdivision have been sold. Of the remaining agricultural lots under the control of Olowalu Ekolu, LLC and Olowalu Town, LLC, there is limited diversified farming occurring on the properties. These include a tomato farm, tree farms, cattle and horse grazing. It is noted that these current limited agricultural enterprises share the benefit of low lease rents which support the business-side element of the farming operations.

Alternative 3 would result in the continued sale of the remaining agricultural lots and the current small-scale agricultural use of the lots. While this option is considered an alternative from a planning perspective, it does not provide needed housing for local residents through a comprehensively planned sustainable community. Alternatives 1 and 2 will provide housing employment and recreational opportunities. In addition, Alternative 3 does not include any improvements to address the current runoff of sediments into the ocean. Therefore, Alternatives 1 and 2 are considered to yield a greater community benefit than Alternative 3. The rationale for the foregoing is provided below.

With the demise of Pioneer Mill in 1999 and cessation of pineapple cultivation in West Maui in 2009, there is an abundance of agricultural lands available for farming operations. Existing constraints, such as the ease in getting out-of-State agricultural products to State-wide markets at lower cost, limits diversified agriculture from expanding at a pace that would absorb the available agricultural lands. In the foreseeable future, there is no cash crop similar to sugarcane or pineapple envisioned that will be able to absorb the available vacant agricultural

~~October 16, 2009 excluded the Master Plan from the MIP's directed growth boundaries. While the process for review and approval of the MIP is ongoing, the applicant will continue to be an active participant in the MIP process. Due to the uncertainties surrounding the timing of the County Council's approval of the MIP and the lengthy entitlement process for the proposed project, the applicant is continuing to proceed with land entitlement applications for the proposed project while the MIP review continues. If the MIP is adopted prior to the submittal of the Final EIS, the Final EIS will address the project's compliance with the MIP goals, objectives, and policies. It is noted that the respective regional community plans will be updated following the adoption of the MIP. Refer to **Appendix "O"**.~~The MIP is applicable to the island of Maui only, providing more specific policy-based strategies for population, land use, transportation, public and community facilities, water and sewage systems, visitor destinations, urban design, and other matters related to future growth.

As provided by Chapter 2.80B, the MIP shall include the following components:

1. *An island-wide land use strategy, including a managed and directed growth plan*
2. *A water element assessing supply, demand and quality parameters*
3. *A nearshore ecosystem element assessing nearshore waters and requirements for preservation and restoration*
4. *An implementation program which addresses the County's 20-year capital improvement requirements, financial program for implementation, and action implementation schedule*
5. *Milestone indicators designed to measure implementation progress of the MIP*

It is noted that Ordinance No. 4004 does not address the component relating to the implementation program. Chapter 2.80B of the Maui County Code, relating to the General Plan, was amended via Ordinance No. 3979, October 5, 2012, to provide that the implementation program component be adopted no later than one (1) year following the effective date of Ordinance No. 4004. In December 2013 and March 2014, the Council approved time extensions for approval and adoption of the implementation chapter of the MIP. The implementation program component of the MIP was adopted by Ordinance No. 4126 on May 29, 2014.

The MIP addresses a number of planning categories with detailed policy analysis and recommendations which are framed in terms of goals, objectives, policies and implementing actions. These planning categories address the following areas:

EXHIBIT 6

1. *Population*
2. *Heritage Resources*
3. *Natural Hazards*
4. *Economic Development*
5. *Housing*
6. *Infrastructure and Public Facilities*
7. *Land Use*

An essential element of the MIP is its directed growth plan which provides a management framework for future growth in a manner that is fiscally, environmentally, and culturally prudent. Among the directed growth management tools developed through the MIP process are maps delineating UGB, small town boundaries (STB), and RGB. The respective boundaries identify areas appropriate for future growth and their corresponding intent with respect to development character.

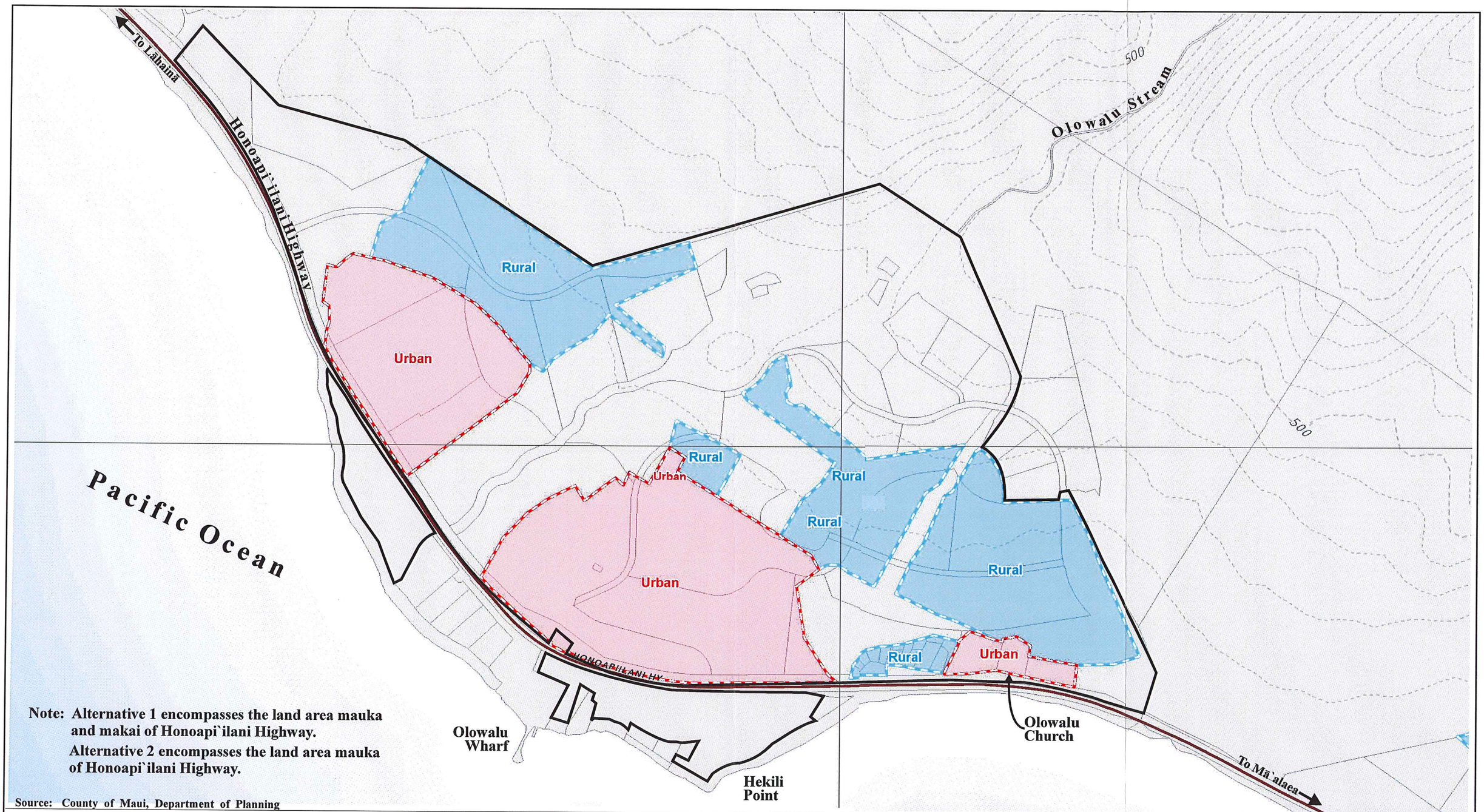
The MIP designates Olowalu as an appropriate location for future growth on its Directed Growth Maps. The mauka portion of the proposed Master Plan for Alternative 1 is located within the UGB and RGB. The lands makai of Honoapi`ilani Highway in Alternative 1 are not included in the UGB. However, the MIP states that "the future delineation of potential urban growth areas makai of the existing Honoapi`ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan" (MIP at 8-64). Such delineation may consider the need to protect adjacent coastal and marine ecosystems (including the reefs at Olowalu), enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway plan. See **Figure 29** and **Appendix "R"**.

Alternative 2 does not include the makai lands and is in the UGB and RGB in the MIP. Refer to **Figure 29** and **Appendix "R"**.

In addition, both Alternatives 1 and 2 have been reviewed with respect to pertinent goals, objectives, policies and implementing actions of the MIP. A summary of policy statements most relevant to the proposed action is provided below:

CHAPTER 1 POPULATION

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



Note: Alternative 1 encompasses the land area mauka and makai of Honoapi`ilani Highway.
Alternative 2 encompasses the land area mauka of Honoapi`ilani Highway.

Source: County of Maui, Department of Planning

Figure 29

Proposed Olowalu Town Master Plan

Maui Island Plan Map

NOT TO SCALE

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

MUNEKIYO HIRAGA

OlowaluTown/MasterPl/Final EIS/MIP Map

Objective: Greater retention and return of island residents by providing viable work, education, and lifestyle options.

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

CHAPTER 2 HERITAGE

Cultural, Historic, and Archaeological Resources

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

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

Policies: Ensure traditional public access routes, including native Hawaiian trails, are maintained for public use.

Support the education of visitors and new residents about the customs and etiquette of the Hawaiian culture, as well as other cultures.

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

Policy: Support opportunities for public involvement with the intent to facilitate the protection and restoration of historic and archeological sites, including consultation with stakeholders.

Shoreline, Reefs, and Nearshore Waters

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

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

Policy: Create additional mechanisms, where needed, to contain and control runoff and pollution.

Objective: Water quality that meets or exceeds State Clean Water Act standards.

Policies: Reduce the amount of impervious surface and devise site plan standards that aim to minimize storm runoff and Nonpoint Source (NPS) pollution.

Require an on-site monitoring program, where applicable, when grading may pose a threat to water quality or when recommended in the Erosion and Sediment Control Plan (ESCP).

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

Phase out cesspools and restrict the use of septic systems in ecologically sensitive coastal areas by converting to environmentally-friendly alternative sewage treatment systems, and connecting to central sewerage systems when and where feasible.

Prohibit the development of new wastewater injection wells, except when unavoidable for public health and safety purposes.

Implementing Action: Transition from the use of wastewater injection wells to appropriate, environmentally sound methods of wastewater disposal, and promote the beneficial reuse of wastewater effluent.

Objective: Acquire additional shoreline lands and shoreline access rights.

Watersheds, Stream and Wetlands

Goal: Healthy watersheds, streams, and riparian environments.

Objective: Greater protection and enhancement of watersheds, streams, and riparian environments.

Policies: All present and future watershed management plans shall incorporate concepts of ahupua`a management based on the interconnectedness of upland and coastal ecosystems/species.

Support regulations to require developments to utilize ahupua`a management practices.

Work with private and non-profit entities to educate the public about the connection between upland activities within the watershed and the impacts on nearshore ecosystems and coral reefs.

Objective: Decreased NPS and point source pollution.

Policies: Support the use of Low Impact Development (LID) techniques such as those described in the State of Hawai`i LID Practitioner's Guide (June 2006), as amended.

Encourage farmers and ranchers to use agricultural Best Management Practices (BMPs) to address NPS pollution.

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

Policies: Work with appropriate agencies to eliminate feral ungulate populations and invasive species.

Support the work of conservation groups and organizations that protect, reestablish, manage, and nurture sensitive ecological areas and threatened indigenous ecosystems.

Implementing Action: Develop strategic partnerships with conservation groups and organizations to maximize Federal, State, County, and private funding; and increase cooperation to achieve conservation goals.

Objective: Enhance the vitality and functioning of streams, while balancing the multiple needs of the community.

Wildlife and Natural Areas

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

Objective: A comprehensive management strategy that includes further identification, protection, and restoration of indigenous wildlife habitats.

Policy: Identify and inventory the following:

(1) Natural, recreational, and open space resources;
(2) Flora and fauna with medium, high, and very high concentrations of threatened or endangered species; and
(3) Location and extent of invasive species.

Objective: A decrease in invasive species through programs and partnerships that eradicate undesirable species and protect native habitat.

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

Policies: Secure an interconnected network of sensitive lands, greenways, watercourses, and habitats.

Protect Maui's sensitive lands.

Scenic Resources

Goal: Maui will continue to be a beautiful island steeped in coastal, mountain, open space, and historically significant views that are preserved to enrich the residents' quality of life, attract visitors, provide a connection to the past, and promote a sense of place.

Objective: A greater level of protection for scenic resources.

Policies: Protect views to include, but not be limited to, Haleakalā, `Īao Valley, the Mauna Kahalawai (West Maui Mountains), Pu`u O`la`i, Kaho`olawe, Molokini, Moloka`i, and Lāna`i, Mauna Kea, Mauna Loa, sea stacks, the Pacific Ocean, and significant water features, ridgelines, and landforms.

Protect "night sky" resources by encouraging the implementation of ambient light ordinances and encouraging conversion of all sources that create excessive light pollution, affecting our ability to view the stars.

Protect ridgelines from development where practicable to facilitate the protection of public views.

Protect scenic resources along Maui's scenic roadway corridors.

Implementing Action: Establish design guidelines that integrate techniques such as development clustering, greenbelts, and open space buffers, site plan configuration to protect view planes, building design and height limitations, setbacks from public roadways, landscaping, and other techniques.

CHAPTER 3 NATURAL HAZARDS

Goal: Maui will be disaster resilient.

Objective: Greater protection of life and property.

Policy: Encourage the use of construction techniques that reduce the potential for damage from natural hazards.

CHAPTER 4 ECONOMIC DEVELOPMENT

Economic Diversification

Goal: Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that is sensitive to resident needs and the island's unique natural and cultural resources.

Objective: A more diversified economy.

Policies: Support the creation of new jobs and industries that provide a living wage.

Facilitate and expedite permits and approvals.

Objective: Increase activities that support principles of sustainability.

Policies: Support industries that are sustainable, and culturally and environmentally sensitive.

Encourage and support local businesses.

Support the development of economic development clusters in targeted industry sectors.

Encourage all businesses to save energy, water, and other resources.

Objective: Improve the island's business climate.

Policies: Ensure an adequate supply of affordable workforce housing.

Develop neighborhoods and communities that are attractive to the workforce of a diversified economy.

Visitor Industry

Objective: Comprehensively manage future visitor-unit expansion.

Policy: Allow, where permitted by the community plan, the development of business hotels and small, sensitively-designed inns.

Agriculture

Goal: Maui will have a diversified agricultural industry contributing to greater economic, food, energy security, and prosperity.

Policies: Strive to substitute food/agricultural product imports with a reliable supply of locally produced food and agricultural products.

Encourage growing a diverse variety of crops and livestock to ensure the stewardship of our land while safeguarding consumer safety.

Implementing Action: Encourage the development of community gardens, including gardens on greenbelts that separate communities.

Emerging Sectors

Goal: A diverse array of emerging economic sectors.

Policy: Support new industries that are environmentally and culturally sensitive such as health and wellness, sports and outdoor activities, cultural activities, the arts, film-making, entertainment, and digital media.

Small Business Development

Goal: Small businesses will play a key role in Maui's economy.

Policies: Assist traditional "mom and pop" business establishments.

Support community markets and venues that sell locally-made produce, goods, and services.

Health Care Sector

Goal: Maui will have a health care industry and options that broaden career opportunities that are reliable, efficient, and provide social well-being.

Objective: Expand the economic benefits of the health care sector.

Policy: Encourage expansion and improved access to emergency care in all communities.

Education and Workforce Development

Goal: Maui will have effective education and workforce development programs and initiatives that are aligned with economic development goals.

Policy: Encourage the education and training of our residents to meet the needs of a diversified economy.

CHAPTER 5 HOUSING

Goal: Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.

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

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

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

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

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

Objectives: A wider range of affordable housing options and programs for those with special needs.

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

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

CHAPTER 6 INFRASTRUCTURE AND PUBLIC FACILITIES

Wastewater

Goal: Maui will have wastewater systems that comply with or exceed State and Federal regulations; meet levels-of-service needs; provide adequate capacity to accommodate projected demand; ensure efficient, effective, and environmentally sensitive operation; and maximize wastewater reuse where feasible.

Policy: Establish new wastewater treatment plant(s) outside the tsunami zone.

Objective: Adequate levels of wastewater service with minimal environmental impacts.

Policies: Meet or exceed all State and Federal standards regulating wastewater disposal or reuse.

Strongly encourage the phase out of cesspools.

Objective: Increase the reuse of wastewater.

Water

Goal: Maui will have an environmentally sustainable, reliable, safe, and efficient water system.

Objectives: More comprehensive approach to water resources planning to effectively protect, recharge, and manage water resources including watersheds, groundwater, streams, and aquifers.

Increase the efficiency and capacity of the water systems in striving to meet the needs and balance the island's water needs.

Policies: Maximize the efficient use of reclaimed wastewater to serve non-drinking water needs.

Acquire and develop additional sources of drinking water.

Transportation

Goal: An interconnected, efficient, and well-maintained, multimodal transportation system.

Objective: Provide for a more integrated island-wide transportation and land use planning program that reduces congestion and promotes more efficient (transit-friendly) land use patterns.

Policies: Plan for an integrated multi-modal transportation system comprised of public transit, bicycle, pedestrian, automobile, and other transportation modes.

Refocus transportation investment from the construction of additional roadways only for the automobile to the expansion of a multimodal transportation system.

Encourage the use of "complete streets" design methods.

Objective: Safe, interconnected transit, roadway, bicycle, equestrian, and pedestrian network.

Policies: Ensure transit-, roadway-, and pedestrian-facilities design and level-of-service standards respect the unique character of our communities.

Prioritize transportation improvements list to cost-effectively meet existing and future needs consistent with the MIP.

Require new development, where appropriate, to integrate sidewalks, pathways, bikeways, and transit infrastructure into new commercial and residential projects while enhancing community character.

Transit

Goal: An island-wide transit system that addresses the needs of residents and visitors and contributes to healthy and livable communities.

Objective: An integrated transit system that better serves all mobility needs of Maui's residents and visitors.

Policies: Maximize access to public transit in town centers, commercial districts, and employment centers.

Expand regional and inter-regional transit services, where appropriate, in heavily traveled corridors and within communities.

Increase the frequency of current service, add additional bus routes as demand requires, and transition to nonpolluting transit vehicles, as funding permits.

Provide adequate transit infrastructure (e.g., bus pullouts, waiting benches and shelters, signs) along existing and future transit right-of-ways.

Parks

Goal: Maui will have a diverse range of active and passive recreational parks, wilderness areas, and other natural-resource areas linked, where feasible, by a network of greenways, bikeways, pathways, and roads that are accessible to all.

Policies: Support, consistent with the MIP, the implementation of open-space and recreational plans, such as the Pali to Puamana Parkway Master Plan and the *Upcountry Greenways Master Plan.*

Utilize the ahupua`a approach by integrating mauka-to-makai natural landscapes into an island-wide parks and recreation functional plan.

Provide a balanced mix of passive and active parks, including neighborhood, community, and regional parks, in each community plan area.

Objective: Achieve parks and recreation opportunities to meet the diverse needs of our community.

Policies: Establish appropriate level-of-service standards at the neighborhood, community, and regional levels.

Identify and acquire parks and recreational facilities that address existing park inadequacies and complement and enhance neighborhoods, communities, and natural land features.

Design park facilities to preserve and enhance natural site characteristics, maximize views, protect environmental and cultural sites, and minimize water demands.

Acquire lands along the shoreline, between coastal roadways and the ocean.

Encourage the development of regional parks, district parks, and greenways in a manner that helps to contain sprawl, provide separation between distinct communities, or offer open space within urban communities.

Require large master-planned communities that incorporate a mixture of park facilities pursuant to parks standards and functional plans.

Support public-private partnerships to implement the acquisition and development of parks when consistent with the General Plan.

Objective: An expanded network of greenways, trails, pathways, and bikeways.

Policies: Link existing and future park sites, natural areas, the shoreline, and residential areas with a network of bikeways, pedestrian paths, trails, and greenways.

Collaborate with the State and private land owners to ensure perpetual access and proper stewardship of traditional trails and access systems.

Public Facilities

Goal: Maui will have adequate public facilities that meet the diverse needs of residents.

Policies: Adequately plan and fund public safety facilities (fire, police, ambulance, civil defense) to meet community needs.

Encourage public-private partnerships to identify and resolve public facility plan shortcomings when consistent with the General Plan.

Incorporate community/area residents' input to determine the appropriate location and design of public facilities.

Schools and Libraries

Goal: Maui will have school and library facilities that meet residents' needs and goals.

Objective: Assist in providing appropriate school and library facilities in a timely manner and in strategic locations.

Policies: Work in partnership with all educational institutions to meet current and future needs including appropriate location, timing, and design of future facilities.

Encourage the Department of Education to build and maintain smaller, community-oriented schools.

Support partnerships (public/private/nonprofit) to build and staff new schools and improve existing facilities.

Objective: Provide a more expansive network of safe and convenient pedestrian-friendly streets, trails, pathways, and bikeways between neighborhoods and schools where appropriate.

Policy: Encourage the State to build new school facilities in appropriate locations that minimize time and distance for students to travel to and from school.

Implementing Action: Encourage the State to build new school facilities in appropriate locations that minimize time and distance for students to travel to and from school.

Health Care

Goal: All of Maui residents will have the best possible health care to include healthy living, disease prevention, as well as acute and long-term care.

Policies: Support the immediate development of a critical access hospital in West Maui.

Improve medical service to remote and outlying regions.

Energy

Goal: Maui will meet its energy needs through local sources of clean, renewable energy, and through conservation.

Policies: Support energy efficient systems, processes, and methods in public and private operations, buildings, and facilities.

Encourage the installation of renewable energy systems, where appropriate.

CHAPTER 7 LAND USE

Agricultural Lands

Policy: Strongly discourage the conversion of productive and important agricultural lands (such as sugar, pineapple, and other produce lands) to rural or urban use, unless justified during the General Plan update, or when other overriding factors are present.

Objective: Support and facilitate connectivity between communities.

Policy: Discourage land use and urban design that impedes interconnectivity between adjacent communities.

Rural Areas

Goal: Maui will have a rural landscape and lifestyle where natural systems, cultural resources, and farm lands are protected and development enhances and compliments the viability and character of rural communities.

Policies: Focus development to areas inside urban, small town, and rural growth boundaries to preserve natural, cultural, and agricultural resources.

Encourage the use of alternative stormwater management techniques that minimize land disturbance and preserve natural drainage features.

Encourage green belts, open space buffers, and riparian zones to minimize conflicts between agriculture and residential uses.

Objective: More appropriate service/infrastructure standards to enhance and protect the island's rural character and natural systems.

Policies: Minimize impermeable surfaces within rural areas.

Use infrastructure, public service, and design standards that are appropriate to rural areas.

Discourage land use and urban design that impede interconnectivity between adjacent communities.

Urban Areas

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

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

Policies: Encourage the development and implementation of neighborhood design standards that are environmentally friendly, such as LEED for Neighborhood Development (LEED –ND) standards.

Promote agriculture by encouraging community gardening, community-supported agricultural programs, and farmers markets within and adjacent to urban areas.

Discourage land use and urban design that impedes inter-connectivity between adjacent communities.

Objective: Facilitate more self-sufficient and sustainable communities.

Policies: When developing new communities, provide sufficient lands for commercial, appropriate industrial, educational, spiritual, and non-profit uses to serve the daily needs of community residents.

Site community facilities such as schools, parks, libraries, and community centers within walking and biking distance of residences.

Develop communities that provide sufficient parks, schools, libraries, and other essential public facilities and services to serve resident needs.

Promote agriculture by encouraging community gardening, edible landscaping, community-supported agricultural programs, and farmers markets within and adjacent to urban areas.

CHAPTER 8: DIRECTED GROWTH

The Directed Growth Maps include UGB, RGB, and STB as a directed growth strategy for Maui island. According to the MIP the UGBs, STBs, and RGBs are used to identify and protect farms and natural areas from sprawl and to promote the efficient use of land, and the efficient provision of public facilities and services within the respective growth boundaries. The UGBs, STBs, and RGBs take into account future growth projections through 2030, the availability of infrastructure and services, environmental constraints, and an approximate density of land development to determine the placement of the boundary. Land outside of the UGB is intended to remain rural in character with a strong agricultural and natural-resource

presence. The MIP designated Olowalu as an appropriate location for future growth and establishes UGB and RGB boundaries in this locale.

Alternative 1 and Alternative 2 of the OTMP have been reviewed with respect to the following directed growth goals and policies of the MIP:

Urban and Small Town Growth Area

Goal: Maui will have well-serviced, complete, and vibrant urban communities and traditional small towns through sound planning and clearly defined development expectations.

Policies: Community plans shall provide for urban density land use designations only within UGBs and Small Towns. The County may only support and approve State Urban Land Use Designations for areas within UGBs, STBs, and Rural Villages.

New development shall be consistent with the UGBs, STBs, and all other applicable policies of the MIP. New urban-density development shall not be allowed outside of a UGB or STB.

Rural Growth Areas

Goal: Maui will maintain opportunities for agriculture and rural communities through sound planning and clearly defined development expectations.

Policies: New development shall be consistent with RGB and all other applicable policies and requirements of the MIP. Public, quasi-public, civic, and limited commercial or industrial uses may be allowed in the RGB when the proposed uses demonstrate a public need and are consistent with the Community Plan and zoning.

Environmental protection and compatibility will be a top priority in rural growth areas.

Rural growth areas include Rural Residential Areas and Rural Villages. Rural residential areas may be designated when they are located in association with or on the border of urban growth areas or small towns; and/or when they

provide for complete, self-sufficient rural communities with a range of uses to be developed at densities that do not require urban infrastructure.

Urban-scale infrastructure and public facilities shall not be provided in rural areas except as described in the defined Level-of-Service (LOS) standards. There should be no expectations of urban services in rural areas.

The unique character and function of existing small towns and rural communities shall be protected to retain and preserve their sense of place.

Preserve rural landscapes in which natural systems, cultural resources, and agricultural lands are protected and development compliments rural character and contributes to the viability of communities and small towns.

The MIP addresses the following regions: Wailuku-Kahului; Kīhei-Mākena, Makawao-Pukalani-Kula; Pa`ia-Ha`ikū; West Maui; and Hāna. The West Maui region includes the Olowalu sub-region. According to the MIP, Olowalu Town is intended to meet the needs of Maui residents as a revitalized and sustainable community. Olowalu Town will provide housing, employment, recreational, and cultural opportunities in the context of a mixed-use sustainable community that preserves the area's natural cultural and historic resources. It is envisioned as a pedestrian-friendly community that integrates a variety of housing types with employment opportunities, commercial, and recreational uses developed concurrently with public services and infrastructure.

Olowalu Town will be designed to recognize and perpetuate the land and resource management system of the ahupua`a, provide public access between the ocean and mountains, and protect the natural environment.

UGB and RGB were established in Olowalu mauka of Honoapi`ilani Highway. Refer to **Figure 29** and **Appendix "R"**. However, the MIP states that "the future delineation of potential urban growth areas makai of the existing Honoapi`ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan" (MIP at 8-64). Such delineation may consider the need to protect adjacent coastal and marine ecosystems, enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway plan. The distinct boundaries of parks and open space, specific location of the recreational uses, and the precise amenities will be further defined during the West Maui Community Plan update and

the project review and approval process. Both Alternatives 1 and 2 will require a Community Plan Amendment.

~~F~~G. WEST MAUI COMMUNITY PLAN

Within Maui County, there are nine (9) community plan regions. From a General Plan implementation standpoint, each region is governed by a community plan which sets forth desired land use patterns, as well as goals, objectives, policies, and implementing actions for a number of functional areas including infrastructure-related parameters. The proposed Master Plan project is located within the West Maui Community Plan region. The existing land use designations for the Master Plan area under the Community Plan are set forth in the existing West Maui Community Plan Land Use Map. The lands underlying the Master Plan area are designated "Agricultural", "Open Space", and "Park (Golf Course)" on the Land Use Map. Refer to **Figure 8** and **Table 4**.

At the appropriate time, the ~~a~~Applicants will file a Community Plan Amendment (CPA) application to change the designation from "Agricultural", "Conservation", and "Park (Golf Course)" to "Project District" to reflect the land use spatial relationships and allocations set forth in the proposed Master Plan. This land use entitlement action will apply to both Alternative 1 and Alternative 2.

Examples of goals, objectives, and policies from the West Maui Community Plan supporting the proposed Master Plan are provided below:

LAND USE

Goal:

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

Objectives and Policies:

- Protect and enhance the quality of the marine environment.

The Master Plan for Alternatives 1 and 2 includes future areas to accommodate facilities that may be necessary for police and fire protection and emergency service. Although the Lāhainā Fire Station is located just 7.5 miles away from the Master Plan area for Alternatives 1 and 2, the Maui Fire Department has indicated that 1,500 new homes would impact emergency services. The Fire Department indicated that a future facility for emergency services would help to mitigate the impact and compliment protection provided on the north (Lāhainā) side of the Honoapi`ilani Highway tunnel. The Master Plan for Alternatives 1 and 2 includes areas along the relocated and widened Honoapi`ilani Highway for future emergency facilities.

The Department of Fire and Public Safety (Fire) supports the establishment of the new fire station in OTMP. Discussion with Fire indicated that a new fire station will require a total of 15 personnel to cover three (3) shifts with five (5) personnel each. A new fire station will require a fully equipped fire engine which is estimated to cost approximately $1 million. To operate the new fire station will cost approximately $1.25 million annually. It is estimated that a new fire station will cost $11 million to construct (Haake, 2012).

The West Maui area is susceptible to wildfires and the location of a new fire station in Olowalu will improve ~~the~~ Fire's ~~Department's~~ response time to such fires in the Pali to Lāhainā Town area. Through consultation with Fire, the department has indicated that although the alternatives should diminish the likelihood of such fires, the project's design should include measures that may address impacts to the project from wildfires which originate in surrounding outside areas. The department provided the example of designing greenways at the outer edge of the project that offer a defensible space against wildfires. It is noted that a significant area of the alternatives are envisioned for parks, greenways and open space.

The ~~applicant~~Applicants will continue to dialogue with the police and fire departments to ensure the location and adequate area for future facilities within the Master Plan for Alternatives 1 and 2 are accommodated.

The existing siren will provide coverage of the central area of the OTMP. Additional omni-directional 121 db(c) sirens will be required to complete coverage of the proposed development for Alternatives 1 and 2. The Applicants will coordinate with the State Civil Defense Agency, the placement

EXHIBIT 7

Alternative 2 will have similar impacts on infrastructure and public services as those assessed for Alternative 1.

From a financial feasibility standpoint, Alternative 2, like Alternative 1, is considered to be a viable planning option. The overall total cost for Alternative 2 will be slightly lower than that of Alternative 1 as the costs of developing the makai park and open space lands would not be a cost component. However, the cost savings will be offset with the elimination of potential ocean front market units, which will reduce overall revenue benefits. While market attractiveness may be diminished without the makai lands, the value of housing units and commercial areas is expected to exceed the cost of infrastructure systems and vertical construction, yielding a benefit-cost indicator which would point to project viability.

C. ALTERNATIVE 3: NO ACTION

On September 12, 2000 the Olowalu lands were granted Special Management Area Use Permit No. 990021 to develop the existing agricultural lots, including the Olowalu Makai Subdivision and Olowalu Mauka Subdivision. Lots in the Olowalu Makai Subdivision and the Olowalu Mauka Subdivision have been sold. Of the remaining agricultural lots under the control of Olowalu Ekolu, LLC and Olowalu Town, LLC, there is limited diversified farming occurring on the properties. These include a tomato farm, tree farms, cattle and horse grazing. It is noted that these current limited agricultural enterprises share the benefit of low lease rents which support the business-side element of the farming operations.

Alternative 3 would result in the continued sale of the remaining agricultural lots and the current small-scale agricultural use of the lots. While this option is considered an alternative from a planning perspective, it does not provide needed housing for local residents through a comprehensively planned sustainable community. Alternatives 1 and 2 will provide housing employment and recreational opportunities. In addition, Alternative 3 does not include any improvements to address the current runoff of sediments into the ocean. Therefore, Alternatives 1 and 2 are considered to yield a greater community benefit than Alternative 3. The rationale for the foregoing is provided below.

With the demise of Pioneer Mill in 1999 and cessation of pineapple cultivation in West Maui in 2009, there is an abundance of agricultural lands available for farming operations. Existing constraints, such as the ease in getting out-of-State agricultural products to State-wide markets at lower cost, limits diversified agriculture from expanding at a pace that would absorb the available agricultural lands. In the foreseeable future, there is no cash crop similar to sugarcane or pineapple envisioned that will be able to absorb the available vacant agricultural

EXHIBIT 8

lands that were created with the demise of these two (2) plantations. While there may be interest in bio-fuel crops, from an economic feasibility perspective, growing of such crops will more than likely require large-scale commercial farms rather than smaller diversified agricultural lots, such as those found in Olowalu.

With the surplus of agricultural lands available for farming operations on Maui, planning for future communities on the island must then discern lands which are most appropriate for meeting the needs of the island's residents and businesses, from historic, spatial relationship, infrastructural and environmental points of view. Based on the planning analysis and technical studies conducted for the MIP and Olowalu Town, the Olowalu area is considered a functionally appropriate opportunity for new community development.

Alternative 3, No Action, may be perceived by some as advantageous from the standpoint of maintenance of the status quo regarding community character and environmental management. However, the existing problems associated with sedimentation into Olowalu Stream and the ocean, as well as traffic and erosion on Honoapi`ilani Highway continues or is further exacerbated under Alternative 3. The No Action alternative does not enhance the opportunity for physical activity or support social interaction, which are key components of a healthy community. The tradeoff considerations, then, relate to best use of the Master Plan lands from a community benefit perspective. As discussed previously, the Applicants believe that the creation of a master planned sustainable community which meets local housing and economic development needs in the context of the community character and its environmental management is the appropriate scenario for the use of lands at Olowalu.

D. ALTERNATIVE 4: DEFER ACTION

Alternative 4 is to defer development of the area and, hence, land use entitlement applications until a future date. As noted previously, the proposed action has been in the planning and analyses phases of work since 2005. The process for securing appropriate land use entitlements typically span a number of years, to be followed by detailed design and engineering. In order to successfully program work for new community development, careful plotting of development milestones is needed to ensure that unnecessary delays are minimized. Alternative 4 is not deemed to be in alignment with the need for local housing which falls within a more immediate timeframe which coincides with the County of Maui's comprehensive planning processes adopting the MIP and future update of the West Maui Community Plan.

In particular, Alternative 4 introduces the element of uncertainty with respect to future

VII. UNRESOLVED ISSUES

The evaluation of the Master Plan for Alternatives 1 and 2 in this Final Environmental Impact Statement (EIS) provides a thorough analysis of the potential environmental impacts. The following section ~~summarizes~~addresses the issues that remained unresolved at the time of ~~writing~~publication of the Draft EIS and have been considered in the Final EIS for the proposed Master Plan for Alternatives 1 and 2:

A. FORMULATION OF UNILATERAL AGREEMENT AND MARKETING PROGRAM FOR AFFORDABLE UNITS

Implementation of the project will address the shortage of affordable housing currently being experienced on Maui and will be processed in accordance with Chapter 2.96, Maui County Code (MCC). The Applicants will be working alongside the County of Maui, Department of Housing and Human Concerns (DHHC) as the project proceeds to formulate a unilateral agreement and marketing program for the Project's affordable units. The sales prices for affordable units will be established at the time of development and will be based on Maui's median family income at that time. The ~~a~~Applicants will formulate and execute the affordable housing agreement with the DHHC prior to project implementation. Prior to obtaining building permits for the construction of the first units in Olowalu Town, the Applicants will be required to enter into an affordable housing agreement with the DHHC. The agreement will establish the sale and rental prices of the affordable units as well as include a marketing program for the units. It is anticipated that construction will commence sometime in 2018.

B. ~~COMPLETION OF 2030 GENERAL PLAN UPDATE (MIP)~~MAUI ISLAND PLAN

On December 28, 2012, the Maui Island Plan (MIP) was enacted by the County of Maui through Ordinance No. 4004. The implementation program component of the MIP was adopted by Ordinance No. 4126 on May 29, 2014.

The proposed Master Plan for Alternative 1 mauka of Honoapi`ilani Highway is located within the Urban Growth Boundary (UGB) and Rural Growth Boundary (RGB). The lands makai of Honoapi`ilani Highway in Alternative 1 are not included in the UGB. However, the MIP states that "*the future delineation of potential urban growth areas makai of the existing*

EXHIBIT 9

Honoapi`ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan" (MIP at 8-64). Such delineation may consider the need to protect adjacent coastal and marine ecosystems (including the reefs at Olowalu), enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway plan. This unresolved issue will require further review by the Maui County Council in the context of a Community Plan Amendment.

Alternative 2 is located mauka of Honoapi`ilani Highway and within the UGB and RGB of the MIP.

C. SATISFACTION OF PUBLIC FACILITIES CONTRIBUTION REQUIREMENTS

Olowalu Town LLC and Olowalu Ekolu LLC are proposing to facilitate the construction of a school and emergency services (i.e., police, fire and ambulance) within the Master Plan for Alternatives 1 and 2 through the contribution of land and have designated lands that would be appropriate for such uses. Development of these facilities will offset the impact of the proposed Master Plan for Alternatives 1 and 2. Although preliminary discussions have been held with the appropriate government agencies, additional coordination with the agencies will be undertaken to determine specific locations for such uses as well as the ~~a~~Applicant's fair share contribution prior to project implementation.

Prior to the issuance of construction permits sometime in 2018 by the County of Maui, including building permits, fulfillment of impact fees for education and park facilities will be required to ensure the Applicants pay their fair share for public facilities. Lacking similar impact fees for police, fire and emergency services, the Applicants will work with the appropriate agencies to establish facility requirements which most effectively meet the needs of the community.

D. REALIGNMENT OF HONOAPI`ILANI HIGHWAY

The Olowalu Town Master Plan (OTMP) for Alternatives 1 and 2 includes the corridor for the realignment of Honoapi`ilani Highway inland from the shoreline. The specific realignment and design parameters through Olowalu have not yet been determined by the State of Hawai`i Department of Transportation (HDOT)~~ who are in the process of preparing~~, as they are continuing the preparation of the Environmental Impact Statement (EIS) for the Realignment/Widening of Honoapi`ilani Highway (Mā`alaea to Launiupoko). The Applicants

will continue coordination with HDOT ~~as work on the HDOT EIS continues. Once determined, the Master Plan will be revised to be consistent with the HDOT's preferred realignment~~on the alignment as it traverses Olowalu. The OTMP makes accommodations for a future right-of-way (ROW) that also include enough width to accommodate a future transit system. It is anticipated that the HDOT planning process will take several years to complete. As the OTMP is implemented, the Applicants will coordinate with HDOT to ensure that ROW alignment, construction phasing and integration requirements for the realigned Honoapi`ilani Highway are satisfactory to the HDOT.

E. TRAFFIC IMPROVEMENTS

Although a Final Traffic Impact Analysis Report (TIAR) (**Appendix "P-1"**) was prepared, as the project progresses through the land use entitlement and permitting processes, more defined project plans will be developed. As more specific details are developed, additional TIARs will be prepared and additional traffic improvements may be required by the HDOT and Department of Public Works (DPW). These improvements will be implemented in coordination with HDOT and DPW.

The Applicants' are committed to continue providing current traffic studies at appropriate implementation intervals. The Final TIAR (**Appendix "P-1"**), which has been submitted to the HDOT, will establish the basis for continued dialogue with HDOT to ensure that program concepts for mitigation measures and their implementation timeframes can be advanced. While multiple meetings/conferences have been held with the HDOT, coordination with the HDOT is considered an ongoing process, with actions and agreements evolving as conditions change over time. In this regard, the HDOT's review of the Final TIAR is addressed herein as an unresolved issue. Additionally, as coordination with HDOT continues, the Applicants' total financial contribution for area roadway improvements will be addressed.

F. CULTURAL RESOURCES

Cultural participants identified several concerns related to management of ocean resources, commercialized ocean activities, preservation of cultural sites, and preservation of cultural traditions. The following concerns expressed by the participants will require further discussions between the cultural participants, the Applicants, and as may be appropriate, with Federal, State and County agencies, as plans are refined and implemented throughout the land use and permitting processes:

- Creation of an Olowalu Community Marine Management Group as a community group that could function as a shoreline monitoring check both during construction and periodically following construction.

- Implementation of shoreline restrictions, similar to traditional kapu seasons or periods, as a means to maintain the health of the environment and allow recovery.

- Creation of a protected area that extended from the shoreline to 20 fathoms out.

- Future assessments of makai resources by Native Hawaiian cultural practitioners and integrating these assessments with scientific assessments to provide guidance for resource management decisions.

- Urban design guidelines to maintain open space and visual connection mauka to makai from the built environment.

- Recommendations relating to access, preservation and maintenance of Ka`iwaloa Heiau (SIHP 50-50-08-0004).

- Potential funding sources for the Olowalu Cultural Reserve.

JAN 30 2012

January 27, 2012

Aloha Michael Munekiyo,

This response letter to Frampton is a chronology of the facts explaining what has happened in our subdivision, which is grounds for our request to deny the developers application.

Randy Ragon

Olowalu Mauka Lot 6 Homeowner

713 A Front Street

Lahaina, HI 96761

808-298-1461

RR077@hotmail.com

Jan 24, 2012

Olowalu Town LLC.
2035 Main St. Suite 1
Wailuku Hi. 96793

Attention: Bill Frampton

SUBJECT: Response to December 28, 2011 letter
Re: Comments on the Environmental Impact Statement Preparation Notice (EISPN) for the Olowalu Town Master Plan at Olowalu, Maui, Hawaii

Dear Mr. Frampton:

Your letter dated December 28, 2011 states that the numerous Subdivision Land Entitlement Violations filed on behalf of Olowalu Mauka with the Maui Planning Department have since been resolved by that agency.

You also state that the Olowalu Town Master Plan is proposed by Olowalu Town, LLC and Olowalu Ekolu, LLC. and you claim they are separate entities from Olowalu Elua Associates, LLC.

As the former president of the Olowalu Mauka HOA and the father of a family, I have endured the daily disruption of my life for over five years in order to force you and your developer clients into subdivision compliance. You clearly had no intention of honoring your development obligations. Your letter once again misrepresents the reality that our homeowners and my family continue to face in our non compliant Subdivision.

As a developer and land planner on Maui, your firm is well aware that the County of Maui Department of Planning has no final inspections for SMA permits. The administration for the Coastal Zone Management Environmental Program relies solely on developer's and their consultant's integrity and on citizen's complaints for the monitoring of developer compliance with issued permits. In the case with Olowalu Mauka, the SMA Major Permit and conditions were unfulfilled by the developer and the permit expired in 2005. Despite the fact the developer violated their land entitlement conditions without public notice, the developer continued to market and sell properties to the general public which raises multiple issues that only further civil remedies will resolve.

In accordance with the State of Hawaii Uniform Land Sales Act the developer was required to register their subdivision with the State of Hawaii. This public registration is intended to protect buyers as it insures that the developer provides full disclosure of all relevant conditions, restrictions, and obligations related to the subdivision. The State of Hawaii has confirmed in writing that the Olowalu Mauka developers did not register the subdivision and are in violation of the Uniform Land Sales Act.

Had the developer followed the State Laws and registered the subdivision with full disclosures of the specific conditions, restrictions, and obligations outlined in the consultant studies and mandated by government agencies there would have been notice to the general public prior to recordation of any sales contracts. In accordance with state law, the remedy for this violation could include rescission of sales contracts. Personally, I would have never entered into a purchase contract had I known the truth related to this non compliant subdivision.

There is also a strong legal argument that in accordance with Title 18 of the Maui County Code that the underlying subdivision map expired when the conditions of approval were left unfulfilled prior to the specific dates set forth in the original subdivision approvals. This also raises the question of vesting and clear land title.

As we now know, when the subdivision map was recorded there was a written condition by the State Department of Transportation that the subdivision was to remain unoccupied until there was full compliance with the issued permits. Knowingly and intentionally the developers and their agents solicited innocent buyers and recorded the sale of properties in the Olowalu Mauka Subdivision placing them in harms way with incomplete fire roads and unsafe ingress and egress from a major highway along with many other unfulfilled obligations.

As you are well aware there have been multiple fires in our subdivision that resulted in life threatening evacuations of our families from their homes that should never have been permitted and occupied. These original conditions of approval remain incomplete as well as many other conditions and unfulfilled obligations.

During this entire exhausting process when this information was exposed you and your consulting firm partner Dave Ward and the Olowalu Mauka developer chose to continue to manipulate and deceive our homeowners and government agencies rather than simply fulfill your developer obligations in our subdivision. At the very same time that my family and our HOA was seeking compliance for these unfulfilled obligations you and the developer were seeking community support for your next development venture Olowalu Town.

In response to your unwillingness to bring our subdivision into compliance a complaint was filed with the County of Maui Planning Department. Ultimately, as a harmed homeowner, I was advised to file a lawsuit to force you back in the direction of compliance of your ethical and developer obligations. As a result of this lawsuit, the County issued a letter on December 16, 2010 which you refer to as **Exhibit A** agreeing with my position that the developer had knowingly and intentionally violated their land entitlement conditions.

Consequently, you were required to go back to the Maui County Planning Commission to start over and seek new SMA permits. Rather than simply completing the original underlying subdivision conditions and engineering roadway and drainage designs in accordance with your approvals which we based our purchases on, you shifted the

multiple violations into an opportunity to amend and eliminate your prior obligations and agreements. You fooled the Maui County Planning Commission into believing there was a verbal agreement between Olowalu Elua Associates and the Maui County Department of Transportation for an occupancy phasing plan for our subdivision.

There is nothing in the Maui County Code or for that matter any other government approval process that allows for undisclosed retroactive verbal agreements between developers and government agencies at the expense and safety of unknowing purchasers.

This decision completely contradicted the prior written opinion of the State of Hawaii Director of Transportation Brennen Morioka who stated "that the subdivision was not to be occupied until the permit conditions were met unless there was a phasing plan of which there was none on record." He also stated that the County of Maui was responsible for the enforcement of the subdivision permit conditions.

Because of the disjointed communications between the Department of Public Works which issues building permits and the Department of Planning, building permits were issued to unaware purchasers in Olowalu Mauka in direct violation of the written agency conditions of approval for the underlying subdivision.

All of these further manipulations of government agencies orchestrated by your planning firm, the developer, their, and their agents took place after the sale of the entire subdivision, the formation of our homeowner's association, and after occupancies within the Olowalu Mauka development. By circumventing the vested homeowner's rights you took it upon yourselves to amend the engineering subdivision design to our development without the approval or authority of our board.

Additionally, the 2372 Lot Line Consolidation and Resubdivision Ordinance that the subdivision was developed under was intended to preserve agriculture. The developer's attorney Tom Welch testified years ago at a County Council meeting that the proposed 2372 Ordinance would not result in any quote "development activities".

Subsequently, and without full disclosure, attorney Tom Welch self amended our homeowner's bylaws to allow for further division of the resulting parcels via state land use laws pertaining to condominiumization. Unknown to us at the time is the fact this action violated the County of Maui Ordinance 2372 which the Olowalu Mauka subdivision was approved under with specific language and limitations for further land division in our subdivision.

While you may publicly claim Olowalu Town, LLC. and Olowalu Ekolu LLC are separate entities from Olowalu Elua Associates, the principals involved in the companies are the same and in fact share the same office location and employ the same lawyers, agents and consultants. The only separation is the name on your letterhead.

You are a partner in Olowalu Town LLC., along with the principals who were involved in developing Olowalu Mauka. Despite your partner Dave Ward's statement in a public

hearing that he had nothing to do with Olowalu Mauka or the highway improvements for our subdivision it has since been documented and verified by the Department of Transportation that he was very involved in the promises made to that agency as a planner for the Olowalu Mauka developer.

Before you move on with your next development venture, you must immediately address the deficient deceptive approvals you have recently received and the documented financial impacts on my family for being forced to be your personal watchdog.

You have knowingly and intentionally manipulated the State Department of Transportation, State Real Property and Disclosure Act, and the State Real Property Division Laws as well as many County agencies at the personal expense, safety and well being of my family and other homeowners. If you continue down this manipulative and deceptive path you will once again leave me and others no choose but to seek civil remedies to reconcile the consequences of your actions.

In closing, it is imperative that the State Land Use Commission understands how all of your developer manipulations of Olowalu Mauka tie together. The underlying land areas that created the Olowalu Mauka subdivision are once again being altered and incorporated into the application for Olowalu Town that is currently under review.

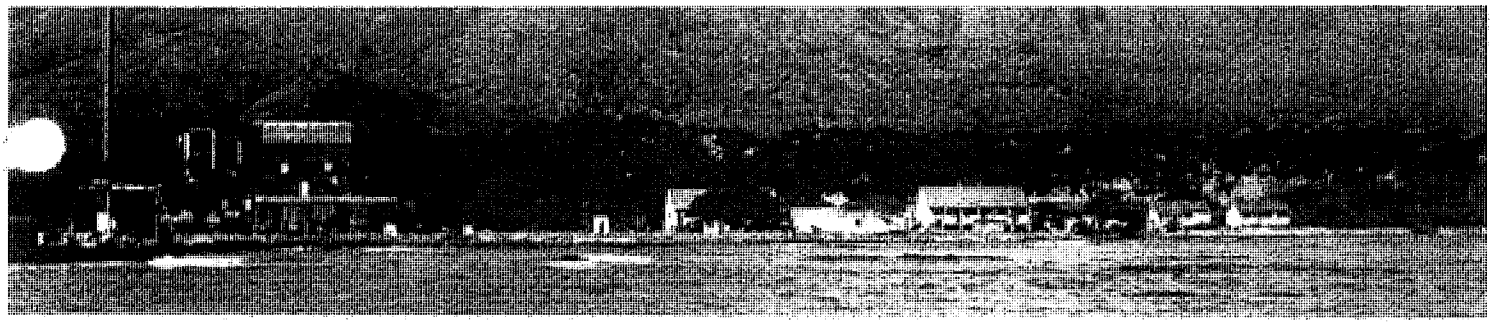
It is my hope that the Land Use Commission will use the information provided in this correspondence to initiate an investigation that will address the multiple violations and manipulation of State and County agencies that have harmed my family and have created a nightmare of real property disclosures and title issues.

Through this correspondence I am hereby requesting the State Land Use Commission deny your application for Olowalu Town.

Sincerely,

Randy D. Ragon
Olowalu Mauka Lot 6 Homeowner

'cc. Orlando "Dan" Davidson, Executive Director, Land Use Commission
Michael Munikiyo, Munekiyo & Hiraga, Inc.
William Spence, Maui Planning Director
Maui County Council Members



Olowalu Talk Story
A Community-Based Planning Process

March 2, 2012

Mr. Orlando Davidson
Executive Officer
State Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359

Re: LUC Docket No. A10-786
Olowalu Town, LLC and Olowalu Ekolu, LLC
Olowalu Town Master Plan at Olowalu, Maui, Hawaii

Dear Mr. Davidson:

You recently received a copy of a letter dated January 24, 2012, from Mr. Randy D. Ragon addressed to me. The letter contained false and misleading claims and allegations against me and my business partner David Ward, our company Frampton & Ward, LLC (F&W), Olowalu Elua Associates, LLC (OEA), as well as the County of Maui. By way of his letter, Mr. Ragon requests the Land Use Commission (LUC) use these false and misleading claims and allegations as justification to deny our proposed Olowalu Town Master Plan; as well as requests the LUC to initiate an investigation to address his claims and allegations. Accordingly, I am respectfully submitting this letter to provide you with the facts.

1. **F&W did *not* plan or develop Olowalu Mauka Subdivision** - Mr. Ragon's claim that F&W played a role in obtaining the land use approvals for the Olowalu Mauka Subdivision is both legally impossible and unfounded. F&W was established and registered with the State Department of Commerce and Consumer Affairs (DCCA) on ***May 30, 2002***. The land use and entitlement approvals for Olowalu Mauka Subdivision were granted *before* F&W was established; including:
   - Special Management Area Use Permit (SMA) in ***September 2000***;
   - Conservation District Use Approval (CDUA) in ***October 2001***; and
   - Final Subdivision Approval from the County in ***April 2002***.

Olowalu Town LLC
2073 Wells Street
Suite 101
Wailuku, HI 96793

Tel: 808 249.2930
Fax: 808 249.2333
[illegible]tory@olowalu.net
[illegible].olowalu.net

Photo: Olowalu Sugar Mill and Oceanside Camp, Hawaii State Archives.

As such, there is no basis for Mr. Ragon to claim F&W assisted OEA in obtaining the required land use approvals for Olowalu Mauka Subdivision since F&W wasn't even in existence until after the approval was granted. Further, given that F&W does not have any ownership interest in OEA; accordingly F&W does not have any responsibilities related to the development of Olowalu Mauka Subdivision[1].

2. **Mr. Ragon files lawsuit against County for failure to enforce all permits; then Mr. Ragon dismisses the County from lawsuit -** In 2010, Mr. Ragon sued the County of Maui (*Randy Ragon v. County of Maui, et al., Civil No. 10-1-0160(3)* claiming that it failed to enforce the land use permits and approvals for Olowalu Mauka Subdivision, which are the same claims and allegations referenced in his January 24, 2012 letter. Mr. Ragon alleged that the Olowalu Mauka Subdivision approval expired; the SMA Major Use Permit conditions were unfulfilled and thus the SMA expired; and that OEA and F&W had "knowingly and intentionally violated the land entitlement conditions." The County of Maui rejected his claims and filed a motion to dismiss Mr. Ragon's lawsuit. Faced with the facts, Mr. Ragon agreed to delete the County of Maui as a party to that lawsuit. *Attachment No. 1* is a copy of this January 2011 stipulation to dismiss and to stop pursuing claims against County.

3. **Mr. Ragon files lawsuit against F&W; then Mr. Ragon dismisses F&W from lawsuit -** After the County rejected Mr. Ragon's claims and allegations, he subsequently amended his complaint by naming F&W and OEA as the new defendants; while counting on the same claims used in his initial failed lawsuit against the County. In his January 24, 2012 letter, Mr. Ragon re-states many of the same claims used in his lawsuits; including:
   - F&W played a role in planning and developing Olowalu Mauka Subdivision,
   - F&W failed to comply with the land use approvals,
   - F&W knowingly and intentionally violated the land entitlement conditions, and
   - F&W has manipulated and deceived Olowalu residents and government agencies.

   F&W filed a motion with the court rejecting Mr. Ragon's claims and requesting that F&W be dismissed from the lawsuit. As was the case with the County's lawsuit; when confronted with the facts and our motion to dismiss; Mr. Ragon offered to dismiss F&W from that lawsuit. *Attachment No. 2* is a copy of the March 2011 agreement dismissing F&W from the lawsuit.

4. **Mr. Ragon files lawsuit against OEA; then Mr. Ragon dismisses OEA from lawsuit -** As noted above, Mr. Ragon amended his earlier lawsuit against the County by

[1] After the approvals for Olowalu Mauka Subdivision were granted, F&W acted as consultants for OEA; however, this was only limited to assisting with satisfying conditions of approval for the Olowalu subdivisions; and did ***not*** include obtaining final approvals of Olowalu Mauka Subdivision as alleged by Mr. Ragon.

naming F&W and OEA as the new defendants. Again, the lawsuit raised many of the claims he asserted in his January 24, 2012 letter. Mr. Ragon was asked by OEA to provide the documents which he believed substantiated his claims against them. Mr. Ragon refused to provide the documents. Mr. Ragon was then ordered by the court to produce these documents and to pay the attorney's fees of OEA that were incurred in forcing Mr. Ragon to provide the documents he felt substantiated his claims. Instead of providing documents and paying the attorney's fees, Mr. Ragon offered to dismiss his claims against OEA with prejudice - meaning that Mr. Ragon could not assert those claims against OEA any time in the future. *Attachment No. 3* is copy of the August 2011 stipulation dismissing those claims and OEA. Again, when faced with the actual facts; it was Mr. Ragon who again offered to dismiss the lawsuit which he had filed against OEA and give up his claims forever.

5. **Mr. Ragon claims OEA violated the Uniform Land Sales Practice Act -** Mr. Ragon's assertion that the developer of the Olowalu Mauka subdivision violated the Hawaii Uniform Land Sales Practices Act is baseless. Chapter 484, Hawaii Revised Statutes, is the Hawaii Uniform Land Sales Practices Act. Section 484-3(b)(6) states that the sale of less than twenty (20) lots are exempt from the Act. OEA has sold a total of fourteen (14) lots in Olowalu Mauka Subdivision. As such, OEA is exempt from the provisions of the Act. Thus, Mr. Ragon's assertions that the developer of the Olowalu Mauka subdivision violated the Hawaii Uniform Land Sales Practices Act are baseless as the sale of 14 lots was exempt from the provisions of that Act.

6. **Mr. Ragon and other individual lot owners; *not* OEA, amended the subdivision declaration to allow Condominium Property Regimes -** Mr. Ragon claims that the developer of the Olowalu Mauka subdivision, OEA, and their attorney, unilaterally acted to increase the density of use of the subdivision by amending the Declaration of Covenants, Conditions and Restrictions ("Declaration") to allow for condominiumization of lots within the subdivision. This is completely false. In truth, it was the owners of ten (10) of the fourteen (14) lots in the subdivision (none of which were OEA) who voted and agreed to make the change. Although OEA as the declarant had the right to amend the Declaration, OEA did not exercise that right. This fact was known to Mr. Ragon as he was one of the 10 individuals who signed and notarized the document amending the Declaration. *Attachment No. 4* is a copy of the document (executed by Mr. Ragon) amending the Olowalu Mauka Declaration and recorded on December 5, 2007 in the Bureau of Conveyances of the State of Hawaii.

In conclusion, Mr. Ragon's January 24, 2012 letter addressed to me contains false and misleading claims and allegations. Mr. Ragon filed lawsuits against the County of Maui, F&W, and OEA regarding Olowalu Mauka Subdivision in which he made erroneous and flawed claims; many of the claims which are identified in his

Olowalu Talk Story

January 24, 2012 letter. All of the lawsuits have been dismissed; furthermore, the dismissals of the lawsuits were at the beckoning of Mr. Ragon.

Lastly, please note that we will provide a separate and more detailed letter responding to each issue raised by Mr. Ragon in conjunction with our Final Environmental Impact Statement for our proposed Olowalu Town Master Plan.

Thank you very much for your time and consideration. We regret that you have to spend your valuable time reviewing these unfounded and inaccurate claims; nonetheless, we are compelled to provide you with the facts. If you have any questions, or if you require further clarification on any of the above issues, please feel free to contact me.

Very truly yours,

William Frampton

Enclosures

cc: Randy D. Ragon (with enclosures)
Mrs. Colleen Suyama, Munekiyo & Hiraga, Inc. (with enclosures)

ATTACHMENT NO. 1

FILED

2011 JAN 12 PM 2:52

V. ISHIHARA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

McCORRISTON MILLER MUKAI MacKINNON LLP

RANDALL K. SCHMITT 3752-0
500 Ala Moana Boulevard
Five Waterfront Plaza, 4th Floor
Honolulu, Hawaii 96813
Telephone: (808) 529-7300
Facsimile: (808) 524-8293

Attorney for Plaintiff
RANDY RAGON
59424

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

RANDY RAGON, Plaintiff, vs. COUNTY OF MAUI; JOHN DOES 1-20, JANE DOES 1-20; DOE PARTNERSHIPS 1-20; DOE CORPORATIONS 1-20; DOE ENTITIES 1-20 and DOE GOVERNMENTAL AGENCIES 1-20, Defendants.	CIVIL NO. 10-1-0610 (Contract) STIPULATION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT AND ORDER; EXHIBITS "1" AND "2"

STIPULATION FOR LEAVE
TO FILE FIRST AMENDED COMPLAINT

IT IS HEREBY STIPULATED by and between Plaintiff RANDY RAGON and Defendant COUNTY OF MAUI, through their respective counsel, that Plaintiff shall be permitted to file a First Amended Complaint in the form attached hereto as Exhibit "1," pursuant to Rule 15 of the Hawai'i Rules of Civil Procedure.

RECEIVED
JAN 14 2011
N. YOTSUYA

The First Amended Complaint deletes Defendant County of Maui as a party, and adds as Defendants Olowalu Elua Associates, LLC, a Hawai'i limited liability company, and Frampton & Ward, LLC, a Hawai'i limited liability company. The First Amended Complaint also includes a number of other changes which are identified in the redlined copy attached hereto as Exhibit "2."

DATED: Honolulu, Hawai'i, JAN 10 2011.

FOR RANDALL K. SCHMITT

Attorney for Plaintiff
RANDY RAGON

DATED: Wailuku, Maui, Hawai'i, January 6 2011.

PATRICK K. WONG
Acting Corporation Counsel
MARY BLAINE JOHNSTON
Deputy Corporation Counsel

Attorneys for Defendant
COUNTY OF MAUI

APPROVED AND SO ORDERED:

JUDGE OF THE ABOVE-ENTITLED COURT

Randy Ragon v. County of Maui, et al.; Civil No. 10-1-0610; STIPULATION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT AND ORDER; EXHIBITS "1" AND "2"

ATTACHMENT NO. 2

FILED
2011 MAR 18 AM 11:28

McCORRISTON MILLER MUKAI MacKINNON LLP

RANDALL K. SCHMITT 3752-0
500 Ala Moana Boulevard
Five Waterfront Plaza, 4th Floor
Honolulu, Hawaii 96813
Telephone: (808) 529-7300
Facsimile: (808) 524-8293

Attorney for Plaintiff
RANDY RAGON
59424

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

RANDY RAGON, Plaintiff, vs. OLOWALU ELUA ASSOCIATES, LLC, a Hawai'i limited liability company; FRAMPTON & WARD, LLC, a Hawai'i limited liability company; JOHN DOES 1-20; JANE DOES 1-20; DOE PARTNERSHIPS 1-20; DOE CORPORATIONS 1-20; DOE ENTITIES 1-20 and DOE GOVERNMENTAL AGENCIES 1-20, Defendants.	)	CIVIL NO. 10-1-0610(3) (Contract) STIPULATION FOR PARTIAL DISMISSAL WITHOUT PREJUDICE OF ALL CLAIMS AGAINST DEFENDANT FRAMPTON & WARD, LLC No Trial Has Been Date Set

STIPULATION FOR PARTIAL DISMISSAL WITHOUT PREJUDICE OF ALL CLAIMS AGAINST DEFENDANT FRAMPTON & WARD, LLC

IT IS HEREBY STIPULATED, by and between Plaintiff RANDY RAGON ("Plaintiff") and Defendant FRAMPTON & WARD, LLC, through their respective undersigned counsel, that all claims asserted by Plaintiff against Defendant FRAMPTON & WARD, LLC in the above-entitled matter are hereby dismissed

without prejudice pursuant to Rule 41(a)(1) of the Hawai'i Rules of Civil Procedure.

Upon entry of this Stipulation, Plaintiff's claims against Defendant OLOWALU ELUA ASSOCIATES, LLC remain active in this action. This Stipulation has been signed by all appearing parties. The parties further agree that this Stipulation may be signed in counterparts with the same effect as if all parties had signed the same document.

No trial date has been set. Each party is to bear its own attorneys' fees and costs.

DATED: Honolulu, Hawai'i, MAR 1 6 2011.

RANDALL K. SCHMITT
Attorney for Plaintiff

DATED: Kahului, Hawai'i, MAR 1 5 2011.

JAMES W. GEIGER
Attorney for Defendants
FRAMPTON & WARD, LLC and
OLOWALU ELUA ASSOCIATES, LLC

ATTACHMENT NO. 3 AUG 25 20

FILED

2011 AUG 23 AM 8:12

D. MORIOKA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

McCORRISTON MILLER MUKAI MacKINNON LLP

RANDALL K. SCHMITT #3752-0
500 Ala Moana Boulevard
Five Waterfront Plaza, 4th Floor
Honolulu, Hawai'i 96813
Telephone: (808) 529-7300
Facsimile: (808) 524-8293

Attorney for Plaintiff
RANDY RAGON

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

RANDY RAGON, Plaintiff, vs. OLOWALU ELUA ASSOCIATES, LLC, a Hawai'i limited liability company; FRAMPTON & WARD, LLC, a Hawai'i limited liability company; JOHN DOES 1-20; JANE DOES 1-20; DOE PARTNERSHIPS 1-20; DOE CORPORATIONS 1-20; DOE ENTITIES 1-20 and DOE GOVERNMENTAL AGENCIES 1-20, Defendants.	CIVIL NO. 10-1-0610 (3) (Contract) STIPULATION FOR DISMISSAL OF ALL CLAIMS AND ALL PARTIES WITH PREJUDICE NO TRIAL DATE SET

STIPULATION FOR DISMISSAL WITH PREJUDICE
OF ALL CLAIMS AND ALL PARTIES

IT IS HEREBY STIPULATED by and among all of the parties who have appeared and remain herein that, pursuant to Rule 41(a)(1)(B) of the Hawai'i Rules of Civil Procedure, this action is hereby dismissed with prejudice as to all remaining claims and all parties.

I hereby cert
corre

Clerk

59424/251915.1

Each party is to bear his or its own attorneys' fees and costs.

There is no trial date, and there are no other parties and/or issues that remain to be resolved or dealt with in this case. Defendant Framton & Ward, LLC was dismissed from this case by way of that Stipulation for Partial Dismissal Without Prejudice of All Claims Against Defendant Frampton & Ward, LLC, filed March 24, 2011. Defendant County of Maui was originally named as a defendant in this action, but was removed as a party in Plaintiff Randy Ragon's First Amended Complaint, filed January 18, 2011, by way of that Stipulation for Leave to File First Amended Complaint and Order, dated January 12, 2011.

Dated: Lāhaina, Hawai'i, July 29, 2011.

RANDY RAGON

Plaintiff

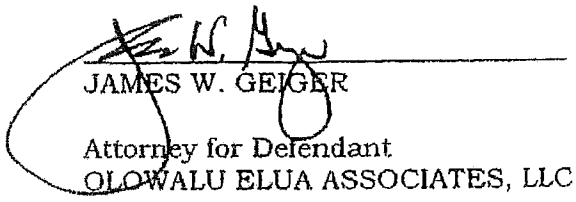
AUG 17 2011

DATED: Honolulu, Hawai'i, Randall K. Schmitt.

RANDALL K. SCHMITT

Attorney for Plaintiff
RANDY RAGON

DATED: Kahului, Hawai'i, AUG 11 2011.



JAMES W. GEIGER

Attorney for Defendant
OLOWALU ELUA ASSOCIATES, LLC

ATTACHMENT NO. 4

This is a copy of Bureau of Conveyances
Document No. 2007-209922 - 2007-209923, and / or
Land Court Document No. _____,
affecting Certificate of Title No. _____,
recorded on 12.6.07 at 8:01 o'clock a.m.
TITLE GUARANTY OF HAWAII, INCORPORATED

LAND COURT SYSTEM | REGULAR SYSTEM

Return by Mail (X) Pickup ( ) to:

MANCINI, WELCH & GEIGER LLP (just)
33 LONO AVENUE, SUITE 470
KAHULUI, HI 96732

102347 tdw wd mz
Tax Key: (2) 4-8-3:10, 69 & 76

Total No. of Pages: 6

Amendment to Olowalu Mauka Declaration
of Covenants, Conditions and Restrictions

This Amendment is made this 19th day of November, 2007 and is executed by the following persons, who are the President and Treasurer of the Olowalu Mauka Homeowners Association Inc., a Hawaii nonprofit corporation, and the owners of two Properties in Olowalu Mauka:

1. DEBRA ARAKAKI, of 506 Kai Hele Ku Street, Lahaina, Hawaii 96761, President of said Association

2. ELLEN B. ERNISSE, of 5295 Lower Honoapiilani Road, #C-21, Lahaina, Hawaii 96761, Treasurer of said Association

3. ENGLISH MOUNTAIN ESTATES, INC., a Nevada corporation, whose mailing address is P. O. Box 915, Carson City, Nevada 89702, owner of Lot 11 of Olowalu Mauka, and

4. RANDY D. RAGON, Trustee of the Randy D. Ragon Revocable Trust dated July 2, 1996, of 713 Front Street A, Lahaina, Hawaii 96761, owner of Lot 6 of Olowalu Mauka.

RECITALS. Reference is made to the Olowalu Mauka Declaration of Covenants, Conditions and Restrictions dated as of July 15, 2002, recorded in the State of Hawaii Bureau of Conveyances as Document No. 2002-138595 (the "Declaration"). Pursuant to Section 11.04 of the Declaration, the owners of ten (10) Properties in Olowalu Mauka have executed and delivered to the Association their written consent to amend the Declaration as set forth below. The Association holds said written consents in its official records and they are available for inspection at any time. Said Properties constitute not less than 65% of all Properties which are subject to the Declaration as required by Section 11.04 of the Declaration.

Further, the written consent of Olowalu Elua Associates to this Amendment is attached hereto.

AMENDMENT. The Declaration is hereby amended as follows:

1. Section 3.19 is hereby amended by deleting the prohibition on the division of ownership of any property by condominium conversion. Said Section 3.19, as so amended, shall hereby read in its entirety as follows:

> "3.19 Further Additional and Divisions of Properties. Declarant reserves the right to add additional Properties to this Declaration. See Section 11.4 below. This Declaration hereby prohibits the division of any Property into smaller lots by subdivision but shall not prohibit the division of ownership by submission of a Property to a Condominium Property Regime under HRS Chapter 514B or any successor statute."

2. The following additional sentence is added to Section 2.06:

> "For purposes of allocating and assessing common expenses under Section 5.03 of this Declaration and the Bylaws, and for allocating and casting votes in the affairs of the Association, any condominium unit established on a "Property"

shall not be deemed to be a separate "Property" or "Lot". For example, if two condominium units are established on an individual Lot each of said units shall have one-half of the vote and one-half of the common expense share which was originally allocated to said Lot as a whole. The owner of each condominium unit shall be deemed to be a co-"Owner" (with the Owner(s) of each other condominium unit) of the Property on which said Condominium Property Regime has been established."

3. In all other respects the Declaration shall remain in full force and effect and unmodified.

Each of the undersigned hereby swears to the truth of all of the Recitals set forth above and that the Association has received the affirmative written consent of owners of 10 lots in Olowalu Mauka, constituting more than 65% of all Properties subject to the Declaration.

Executed the day and year above first written.

Debra Aeakoki
Printed name: Debra Aeakoki

Robert Hughes for ENGLISH MOUNTAIN ESTATES, INC.
Printed name: Robert Hughes
CORPORATE SECRETARY

Ellen B. Ernisse
Printed name: ELLEN B. ERNISSE

Randy Lagon
Printed name: RANDY LAGON
Trustee aforesaid

Printed name:

Printed name:

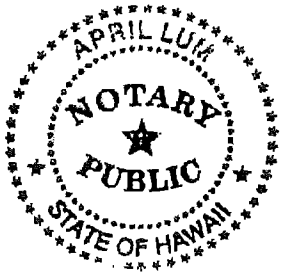
STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 19 day of NOVEMBER, 2007, before me personally appeared DEBRA ARAKAKI, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

Notary Public, State of HAWAII
Printed Name: APRIL LUM
My Commission Expires: SEPTEMBER 9, 2009

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

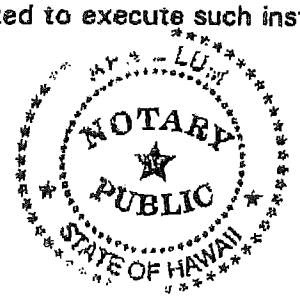
On this 19 day of NOVEMBER, 2007, before me personally appeared ROBERT HUGHES, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.



Notary Public, State of HAWAII
Printed Name: APRIL LUM
My Commission Expires: SEPTEMBER 9, 2009

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

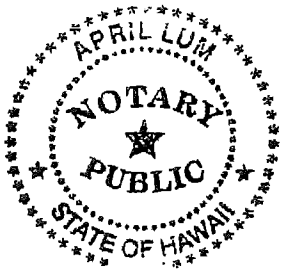
On this 19 day of NOVEMBER, 2007, before me personally appeared ELLEN B. ERNISSE, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.



Notary Public, State of HAWAII
Printed Name: APRIL LUM
My Commission Expires: SEPTEMBER 9, 2009

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 19 day of NOVEMBER, 2007, before me personally appeared RANDY RAGON, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.



Notary Public, State of HAWAII
Printed Name: APRIL LUM
My Commission Expires: SEPTEMBER 9, 2009

Consent of Declarant

Olowalu Elua Associates LLC, of 33 Lono Avenue, Suite 450, Kahului, Maui, Hawaii 96732, the "Declarant" under the Olowalu Mauka Declaration of Covenants, Conditions and Restrictions, hereby consents to the foregoing Amendment.

Dated November 20, 2007

Olowalu Elua Associates LLC

By: Olowalu Land Company, LLC,
Its: Managing Member,

By: Peter K. Martin
Its: Managing Member

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 20th day of November, 2007, before me personally appeared Peter K. Martin, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

L.S.

Notary Public, State of Hawaii
Printed Name: Laura Gima
My Commission Expires: February 29, 2008

April 19, 2012

Mr. Orlando Davidson
Executive Officer
State Land Use Commission
P.O. Box 2359
Honolulu, Hi. 96804-2359

LAND USE COMMISSION
STATE OF HAWAII
2012 APR 23 A 8:37

Re: **Luc Docket No. A10-786**
Olowalu Town, LLC and Olowalu Ekolu LLC
Olowalu Town Master Plan at Olowalu, Maui, Hawaii

Dear Mr. Davidson,

This letter is in response to a March 2, 2012 letter sent to you by William Frampton. In that letter Mr. Frampton accuses me of using false and misleading claims and allegations as justification for the Commission (LUC) to deny their proposed Olowalu Town Master Plan as well as requesting the Commission to initiate an investigation to address my claims and allegations.

On behalf of the homeowners participating in the Intervention process I am also asking the LUC to investigate and address the continued blatant misrepresentations made by the applicant to your agency and for the LUC to take appropriate action to prevent further harm to the parties involved in the Intervention as well as the other homeowners in the proposed Olowalu Town Master Plan area.

Although I do not agree with the language in the numerical bold headings in the March 2, 2012 letter from Mr. Frampton to you because they are nothing more than another attempt to mislead government agencies, I will nonetheless use his headings to further illustrate to the LUC how deceptive this group can be.

1. F&W did not plan or develop Olowalu Mauka Subdivision- in my January 24, 2012 letter to Mr. Frampton that he refers to I did not state that F&W planned or developed the Olowalu Mauka Subdivision. References were made regarding the relationship between the developer and Dave Ward and Bill Frampton where I stated that all parties chose to manipulate and deceive our homeowners and government agencies rather than fulfill their obligations in our subdivision.

By F&W's own admission they are partners with the developer in Olowalu Town. Where Mr. Frampton is misleading you involves the participation by Dave Ward and himself in the Olowalu Mauka Subdivision. As developer representatives and planners they acted as the public face of the developer in many aspects of the developer's non fulfillment of the SMA permit conditions and particularly in the non fulfillment of the developer's obligations of the highway improvements which are still not completed over 12 years after the original SMA permit was granted.

This is not surprising because one of the key issues regarding the Olowalu Mauka Subdivision and the proposed Olowalu Town Plan is the relocation of the original approved access to the Olowalu Mauka Subdivision as well as the proposed location of a new four lane highway that heads mauka of the existing highway toward the subdivision at approximately the same location as the original approved Olowalu Mauka ingress and egress location.

In a letter dated December 16, 2010 from the Maui Planning Department to developer Peter Martin (exhibit A in the December 28, 2012 letter from Frampton to me) the County made a determination that the developer had complied with the violations of the permit conditions that I had noticed except for the completion of the highway improvements. In that letter they also noted that a new SMA application for the relocation of the original approved entryway to a new location (driveway "D") had been received by their department.

Their approval was based on a verbal agreement between the developer and the Maui DOT office that apparently established a phasing plan for the subdivision. They did not note, however, that the decision circumvented the State of Hawaii Department of Transportation Director's position that there should have been no occupancy in the subdivision until the SMA permit conditions were met unless a phasing plan was established of which they had none on record. Mr. Morioka also stated that it was the County of Maui's responsibility to enforce the permit conditions. **(See Exhibit A- March 24, 2010 letter from director Morioka to me).**

To this day, Director Morioka has not approved the ingress and egress for the Olowalu Mauka subdivision and has not approved a phasing plan. Both Dave Ward and developer Peter Martin have been aware of the State DOT's position since 2003. They were also well aware that they could not occupy the subdivision until the improvements were completed but they ignored the director and sold and occupied anyway. **(See Exhibit B- June 26, 2003 letter from developer Peter Martin to Maui DOT engineer Ferdinand Cajigal).**

While Mr. Frampton's statement that F&W was not established until 2002 and they were not involved in the land use and entitlement approvals for Olowalu Mauka and they have no ownership interest in OEA is true it is grossly misleading for Mr. Frampton to say that F&W does not have any responsibilities related to the development of the Olowalu Mauka Subdivision.

In fact, they have been participating with the developer to mislead government officials, the public and the homeowners in the Olowalu area for years as they are the leaders and co- beneficiaries of any approvals for Olowalu Town. **(See exhibit C-documents 1-9) for a detailed analysis of F&W's involvement with the Olowalu Mauka Subdivision).**

2. Mr. Ragon files lawsuit against County for failure to enforce all permits; then Mr. Ragon dismisses the County from lawsuit- True, I filed suit against the County when

they stated it was not their responsibility to enforce the permit conditions against the developer after they determined that the developer was noncompliant on 9 of the 36 permit conditions. Shortly after I filed the suit the County forced the developer to comply with the unfulfilled conditions and made their December 16, 2010 decision stating that the subdivision was now compliant except for the highway improvements.

In that decision the County acknowledged that the developer was not compliant and that the original SMA Permit had expired in 2005. Their objection to my claim was based on whether a private citizen had a right to bring a claim against a government agency for not enforcing SMA permit conditions.

While I did not agree with the decision and strongly felt that the County of Maui did not enforce against the developer according to the law and that they circumvented the authority of the State of Hawaii DOT I decided to release the County without prejudice knowing that I could re-establish the claim against the County in the future if I chose to do so.

I made the decision to release the County knowing that I had accomplished part of the goal which was to get the County to act against the developer and to issue a decision which at least on paper made the subdivision compliant so that homeowners in the subdivision who wanted to sell could do so with disclosure of the County's decision. Prior to the County's decision the subdivision was noncompliant making it virtually impossible for owners to sell.

My decision to release the County was also a strategic decision as I realized that there were other avenues that other owners and I could take to recover our damages and force the County to follow the laws.

3. Mr. Ragon files lawsuit against F&W; then dismisses F&W from lawsuit- true, I amended my complaint against the County by naming F&W and OEA as the new defendants using the same or similar claims. I don't agree with Mr. Frampton's assessment that the County rejected my claim or that my lawsuit failed because as pointed out earlier in this correspondence, the County did take action against the developer after I filed the claim.

Given the history of the County's refusal to enforce against developers, the subsequent action and decision by the County after I filed the claim was a milestone accomplishment for a citizen in the County of Maui.

I also don't agree with Mr. Frampton's assessment of the claims filed in the lawsuit as he states them in his letter to you. Rather than respond to them, I believe that the exhibits I attached to this correspondence will provide clear evidence of F&W's involvement in the Olowalu Mauka Subdivision as well as their involvement in the marketing and propaganda campaign for the approval of Olowalu Town.

F&W was dismissed not because of being confronted with the facts and their motion to dismiss, as stated by Mr. Frampton. They were dismissed by way of Partial Dismissal Without Prejudice which also allows me to re-establish a claim against them. Once again, this was a strategic move based on other options available to other homeowners and myself which includes but is not limited to filing claims in other jurisdictions beside the Maui District Court.

4. Mr. Ragon files lawsuit against OEA; then Mr. Ragon dismisses OEA from lawsuit- Once again Mr. Frampton's assessment of what transpired in that suit is not factual and is way off base. His statement that I refused to provide documents is completely untrue. My attorney testified that he gave OEA's attorney Jim Geiger over 1,000 pages of documents. Mr. Frampton's attorney in my claim was Jim Geiger of the law firm of Mancini, Welch and Geiger. It should be noted that Tom Welch is the developer's attorney who created the Olowalu Mauka Subdivision and is the mastermind behind the developer's other subdivisions in the West Maui Mountains.

All of these subdivisions were created under Ag Ordinance 2372, which is a lot line readjustment. The purpose of the ordinance was to help local farmers subdivide their ag properties without going through the normal subdivision process. The ordinance was intended to preserve agriculture.

In a County Council meeting in 1994 attorney Tom Welch testified that this ordinance would never be used by his developer clients to create subdivisions. Despite this testimony this is exactly what Tom Welch did to create the Olowalu Mauka Subdivision as well other subdivisions in the West Maui Mountains for his developer clients whose principals are partners in OEA and with F&W in Olowalu Town. **(See Exhibit D- Ag District and Ordinance 2372).**

My decision to dismiss OEA was once again a strategic decision knowing that claims would and have been filed by other owners in jurisdictions other than the Maui District Court where historically decisions have favored developers over citizens. The Superferry case was a prime example of this as the Maui District Court was overruled by the Hawaii Supreme Court on a case brought by citizens against government agencies not enforcing or following the rules.

5. Mr. Ragon claims the developer violated the Uniform Land Sales Practice Act- Mr. Frampton's statement that Section 484-3(b)(6) states that the sale of less than twenty (20) lots are exempt from the Act is true. What he doesn't mention is that the Final Subdivision Map approved for the Olowalu Mauka Subdivision is 38 lots and is therefore not exempt. Even if his assertion that OEA has sold only 14 lots was valid, OEA is still in violation according to Lorie Beth Wong with the State Subdivision registration office who stated that the developer must still apply for an exemption and that she has never received any application from the OEA development group.

The 38 lots approved in the Final Subdivision Approval are in the subject land area that the LUC is being asked to approve for a boundary amendment from ag to

urban and rural. The 14 lots in the Olowalu Mauka subdivision is part of the 38 lots that the developer admitted in the EIS study that they do not own. The subdivision has never been completed. (see Exhibit E- April 30, 2002 letter from Maui Public Works director David Goode to Project Manager Robert Horcajo and refer to Figure 4 and 7 maps in the EIS submitted by the developer).

6. Mr. Ragon and other lot owners; not OEA, amended the subdivision declaration to allow Condominium Property Regimes- It is true that the owners of the subdivision voted and agreed to make the change to amend the CC&R's to allow for condominiumization of lots within the subdivision. It is also true that I was one of ten individuals who voted in favor of amending the CC&R's. It is also a fact that the developer had to approve the amendment and did so through their attorney Tom Welch.

At the time that the other owners and I approved the amendment we were unaware of several material facts that were not disclosed to us by the developer or their attorney Tom Welch. Because we had witnessed other homeowners cpr in developer ag subdivisions in the West Maui Mountains we asked the developer if we could do the same in Olowalu Mauka. We were told we could if 10 of the 14 owners voted favorably.

The most important fact that was never disclosed to us was that the Olowalu Mauka subdivision was illegal from the beginning. As previously stated, the subdivision was not properly registered so we had no disclosure information. We were also unaware that it should never have been occupied until the SMA permit conditions had been met, which they had not.

We also were not informed by the developer or their attorneys that the SMA permit had expired in 2005 and that the developer had not reapplied for a new permit.

Most important, we were unaware that condominiumization in a 2372 ag subdivision was never approved by any legislative act. In reality, our subdivision was nothing more than a manipulation of the subdivision laws by the developer's attorney that was approved by the County Director's who acted outside of their authority.

A legislative opinion was never given by the County Council who approved the 2372 ag Ordinance to begin with. Had this occurred, it is very likely that condominiumization would never have been allowed or that the subdivision would never have been allowed because it violated the purpose and the intent of the 2372 ordinance which was to preserve agriculture, not to create a vehicle for developer's to build subdivisions by circumventing the subdivision laws.

The key questions that the LUC must address are as follows:

1. Can a developer rezone land that is a portion of an ag subdivision that has not been subdivided out of the Final Subdivision Map via the Title 18 Subdivision Process?

2. Can a developer rezone a land area on a ag subdivision map where the developer has never completed the conditions of the underlying application where the SMA permit has expired?

3. Can a developer rezone land without the approval of the owners when the underlying map and roadway lots are what were sold to the owners?

4. Can 2372 ag ordinance lots be further divided when County law does not allow further division?

5. Can a developer rezone land in a subdivision that was never registered with the state and is in violation of the Uniform Land Sales Act?

6. Can the developer rezone land that is a portion of a subdivision where the State DOT director has never approved the ingress and egress to the state highway and has never approved occupancy in a subdivision that is part of the developer's original map?

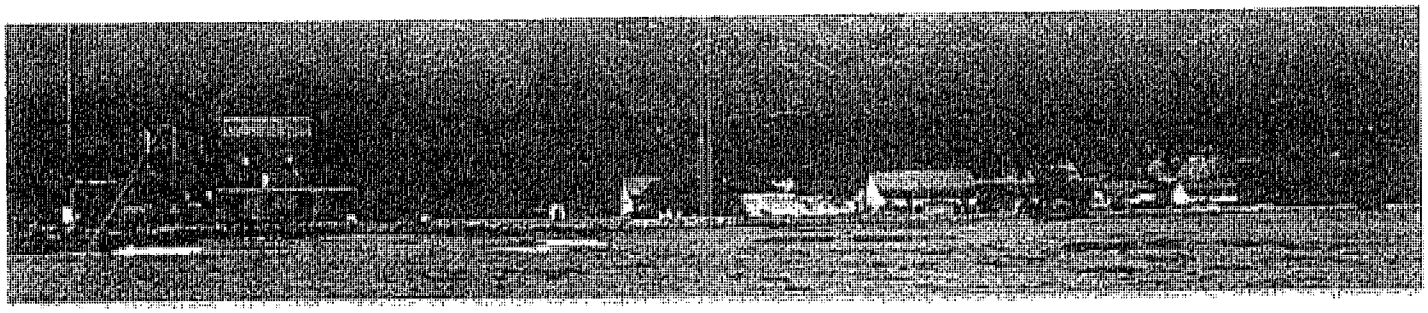
In conclusion, I trust that this letter helps clarify the issues addressed in the March 2, 2012 letter to you from William Frampton as well as addresses the issues and concerns of the residents in Olowalu who filed the Notice of Intent to Intervene. We also trust that it provides further evidence of the ongoing false and misleading claims by the applicants of the Olowalu Town Master Plan. In light of the fact that the applicant is flat out lying to the LUC we ask that you immediately deny their application.

Thank you for your consideration in this matter.

Sincerely,

Randy D. Ragon
Olowalu Mauka Lot 6

cc. Frampton and Ward



Olowalu Talk Story
A Community-Based Planning Process

March 2, 2012

Mr. Orlando Davidson
Executive Officer
State Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359

LAND USE COMMISSION
STATE OF HAWAII
2012 APR 23 A 8:43

Re: LUC Docket No. A10-786
Olowalu Town, LLC and Olowalu Ekolu, LLC
Olowalu Town Master Plan at Olowalu, Maui, Hawaii

Dear Mr. Davidson:

You recently received a copy of a letter dated January 24, 2012, from Mr. Randy D. Ragon addressed to me. The letter contained false and misleading claims and allegations against me and my business partner David Ward, our company Frampton & Ward, LLC (F&W), Olowalu Elua Associates, LLC (OEA), as well as the County of Maui. By way of his letter, Mr. Ragon requests the Land Use Commission (LUC) use these false and misleading claims and allegations as justification to deny our proposed Olowalu Town Master Plan; as well as requests the LUC to initiate an investigation to address his claims and allegations. Accordingly, I am respectfully submitting this letter to provide you with the facts.

1. **F&W did *not* plan or develop Olowalu Mauka Subdivision** - Mr. Ragon's claim that F&W played a role in obtaining the land use approvals for the Olowalu Mauka Subdivision is both legally impossible and unfounded. F&W was established and registered with the State Department of Commerce and Consumer Affairs (DCCA) on ***May 30, 2002***. The land use and entitlement approvals for Olowalu Mauka Subdivision were granted *before* F&W was established; including:
   - Special Management Area Use Permit (SMA) in ***September 2000***;
   - Conservation District Use Approval (CDUA) in ***October 2001***; and
   - Final Subdivision Approval from the County in ***April 2002***.

Olowalu Town LLC
073 Wells Street
uite 101
Wailuku, HI 96793

el: 808 249.2930
ax: 808 249.2333
dkstory@olowalu.net
www.olowalu.net

Olowalu Talk Story

As such, there is no basis for Mr. Ragon to claim F&W assisted OEA in obtaining the required land use approvals for Olowalu Mauka Subdivision since F&W wasn't even in existence until after the approval was granted. Further, given that F&W does not have any ownership interest in OEA; accordingly F&W does not have any responsibilities related to the development of Olowalu Mauka Subdivision[1].

2. **Mr. Ragon files lawsuit against County for failure to enforce all permits; then Mr. Ragon dismisses the County from lawsuit** - In 2010, Mr. Ragon sued the County of Maui (*Randy Ragon v. County of Maui, et al., Civil No. 10-1-0160(3)* claiming that it failed to enforce the land use permits and approvals for Olowalu Mauka Subdivision, which are the same claims and allegations referenced in his January 24, 2012 letter. Mr. Ragon alleged that the Olowalu Mauka Subdivision approval expired; the SMA Major Use Permit conditions were unfulfilled and thus the SMA expired; and that OEA and F&W had "knowingly and intentionally violated the land entitlement conditions." The County of Maui rejected his claims and filed a motion to dismiss Mr. Ragon's lawsuit. Faced with the facts, Mr. Ragon agreed to delete the County of Maui as a party to that lawsuit. *Attachment No. 1* is a copy of this January 2011 stipulation to dismiss and to stop pursuing claims against County.

3. **Mr. Ragon files lawsuit against F&W; then Mr. Ragon dismisses F&W from lawsuit** - After the County rejected Mr. Ragon's claims and allegations, he subsequently amended his complaint by naming F&W and OEA as the new defendants; while counting on the same claims used in his initial failed lawsuit against the County. In his January 24, 2012 letter, Mr. Ragon re-states many of the same claims used in his lawsuits; including:
   - F&W played a role in planning and developing Olowalu Mauka Subdivision,
   - F&W failed to comply with the land use approvals,
   - F&W knowingly and intentionally violated the land entitlement conditions, and
   - F&W has manipulated and deceived Olowalu residents and government agencies.

   F&W filed a motion with the court rejecting Mr. Ragon's claims and requesting that F&W be dismissed from the lawsuit. As was the case with the County's lawsuit; when confronted with the facts and our motion to dismiss; Mr. Ragon offered to dismiss F&W from that lawsuit. *Attachment No. 2* is a copy of the March 2011 agreement dismissing F&W from the lawsuit.

4. **Mr. Ragon files lawsuit against OEA; then Mr. Ragon dismisses OEA from lawsuit** - As noted above, Mr. Ragon amended his earlier lawsuit against the County by

[1] After the approvals for Olowalu Mauka Subdivision were granted, F&W acted as consultants for OEA; however, this was only limited to assisting with satisfying conditions of approval for the Olowalu subdivisions; and did *not* include obtaining final approvals of Olowalu Mauka Subdivision as alleged by Mr. Ragon.

naming F&W and OEA as the new defendants. Again, the lawsuit raised many of the claims he asserted in his January 24, 2012 letter. Mr. Ragon was asked by OEA to provide the documents which he believed substantiated his claims against them. Mr. Ragon refused to provide the documents. Mr. Ragon was then ordered by the court to produce these documents and to pay the attorney's fees of OEA that were incurred in forcing Mr. Ragon to provide the documents he felt substantiated his claims. Instead of providing documents and paying the attorney's fees, Mr. Ragon offered to dismiss his claims against OEA with prejudice - meaning that Mr. Ragon could not assert those claims against OEA any time in the future. *Attachment No. 3* is copy of the August 2011 stipulation dismissing those claims and OEA. Again, when faced with the actual facts; it was Mr. Ragon who again offered to dismiss the lawsuit which he had filed against OEA and give up his claims forever.

5. **Mr. Ragon claims OEA violated the Uniform Land Sales Practice Act** - Mr. Ragon's assertion that the developer of the Olowalu Mauka subdivision violated the Hawaii Uniform Land Sales Practices Act is baseless. Chapter 484, Hawaii Revised Statutes, is the Hawaii Uniform Land Sales Practices Act. Section 484-3(b)(6) states that the sale of less than twenty (20) lots are exempt from the Act. OEA has sold a total of fourteen (14) lots in Olowalu Mauka Subdivision. As such, OEA is exempt from the provisions of the Act. Thus, Mr. Ragon's assertions that the developer of the Olowalu Mauka subdivision violated the Hawaii Uniform Land Sales Practices Act are baseless as the sale of 14 lots was exempt from the provisions of that Act.

6. **Mr. Ragon and other individual lot owners; *not* OEA, amended the subdivision declaration to allow Condominium Property Regimes** - Mr. Ragon claims that the developer of the Olowalu Mauka subdivision, OEA, and their attorney, unilaterally acted to increase the density of use of the subdivision by amending the Declaration of Covenants, Conditions and Restrictions ("Declaration") to allow for condominiumization of lots within the subdivision. This is completely false. In truth, it was the owners of ten (10) of the fourteen (14) lots in the subdivision (none of which were OEA) who voted and agreed to make the change. Although OEA as the declarant had the right to amend the Declaration, OEA did not exercise that right. This fact was known to Mr. Ragon as he was one of the 10 individuals who signed and notarized the document amending the Declaration. *Attachment No. 4* is a copy of the document (executed by Mr. Ragon) amending the Olowalu Mauka Declaration and recorded on December 5, 2007 in the Bureau of Conveyances of the State of Hawaii.

In conclusion, Mr. Ragon's January 24, 2012 letter addressed to me contains false and misleading claims and allegations. Mr. Ragon filed lawsuits against the County of Maui, F&W, and OEA regarding Olowalu Mauka Subdivision in which he made erroneous and flawed claims; many of the claims which are identified in his

Olowalu Talk Story

January 24, 2012 letter. All of the lawsuits have been dismissed; furthermore, the dismissals of the lawsuits were at the beckoning of Mr. Ragon.

Lastly, please note that we will provide a separate and more detailed letter responding to each issue raised by Mr. Ragon in conjunction with our Final Environmental Impact Statement for our proposed Olowalu Town Master Plan.

Thank you very much for your time and consideration. We regret that you have to spend your valuable time reviewing these unfounded and inaccurate claims; nonetheless, we are compelled to provide you with the facts. If you have any questions, or if you require further clarification on any of the above issues, please feel free to contact me.

Very truly yours,

William Frampton

Enclosures

cc: Randy D. Ragon (with enclosures)
Mrs. Colleen Suyama, Munekiyo & Hiraga, Inc. (with enclosures)

LINDA LINGLE
GOVERNOR

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

BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO SUMADA

IN REPLY REFER TO:

HWY-PS
2.4811

March 24, 2010

Mr. Randy Ragon
President
Olowalu Mauka Homeowners Association
713-A Front Street
Lahaina, Hawaii 96761

2012 APR 23 A 8:43
LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Ragon:

Subject: Olowalu Mauka Subdivision Roadway Improvements
Request for Information
Maui, Lahaina, TMK: (2) 4-8-3:10, 50-70, 73-82 and 84; 4-8-4: 11-16

We apologize for the delay in responding to your request for information regarding the highway improvements for the Olowalu Mauka Subdivision and understand your concerns with the development.

The developer had been required to complete all necessary roadway improvements prior to occupancy under the conditions set forth by the Special Management Area Permit (SMA) approval letter dated September 19, 2000 from the Maui County Department of Planning which defines under condition No. 32 that the "Construction of the improvements shall be completed prior to occupancy of the agricultural lots unless a phasing plan for the improvements is reviewed and approved by the Department of Transportation." Per our records, no such approval of a phasing plan has been granted to the developer. Do keep in mind that the State Department of Transportation is not responsible for enforcing any conditions set forth by the County. The responsibility of the conditions imposed upon the developer and established within the SMA approval lies with Maui County.

We understand that you were provided access to the files in the Highways Division, Maui District Office and were given copies of various documents that you needed. It is our understanding from the attachments in your request that you already have the SMA approval, Environmental Assessment (EA), and Traffic Impact Analysis Report (TIAR) for the subject

EXHIBIT A

subdivision. The files within our Highways Division branch offices include the aforementioned documents and several departmental correspondence letters from various years. We will be glad to offer you copies of the correspondence we have for a fee of $0.25 per page as described in Part 2, Chapter 4 Government Records, Processing Requests to Inspect or Copy, of the Department's Service Manual.

Additionally, we have been consulted on the relocation of Driveway "D" for the subject subdivision. For your information, a supplemental EA is not required, as determined by the accepting agency, Department of Land and Natural Resources (DLNR). A copy of DLNR's letter dated January 21, 2010 to our Department is attached. Also, it is our understanding that the relocation of the driveway will trigger a SMA.

If you have any questions, please contact Ken Tatsuguchi, Head Planning Engineer, Highways Division, at (808) 587-1830.

Very truly yours,

BRENNON T. MORIOKA, Ph.D., P.E.
Director of Transportation

Attachment

WEST MAUI LAND COMPANY, INC.

LAUNIUPOKO ▪ OLOWALU ▪ KAUAULA ▪ KAHOMA ▪ MAKILA

33 Lono Ave., Suite 450
Kahului, Maui, Hawaii 96732

Phone: (808) 877-4202
Fax: (808) 877-9409

2003 JUN 26 PM 5:57

2012 APR 23 A 8:43

LAND USE COMMISSION
STATE OF HAWAII

June 26, 2003

Mr. Ferdinand Cajigal
State Department of Transportation, Maui Division
650 Palapala Drive
Kahului, HI 96732

Re: Follow-up on May 22, 2003 meeting regarding DOT sign off on three Building Permits to construct farm dwellings on existing lots and construction plan approval for Olowalu Mauka Subdivision.

Dear Mr. Cajigal:

On May 22, 2003, Kirk Tanaka, David Ward, Heidi Bigelow and I met with you to discuss the Proposed Highway Access for Olowalu Mauka, building permits being delayed until the County obtains an approval letter from the State DOT and construction plan approval for 14 lot Olowalu Mauka Subdivision. In the meeting, it felt as though we found solutions to the concerns at hand that could be fairly efficiently resolved. More than a month later, we have not made much progress. I understand you are busy, but we are anxious to resolve these issues and move forward. To my knowledge, our consultants have provided you with all the information requested in a timely manner.

Of the items discussed, my highest priority is getting the building permits processed for the three Olowalu Mauka lot owners who are unable to obtain building permits until an 'Approval letter from the State Department of Transportation for access onto a State Highway' is received. (Copies of the Department of Public Work's comments are attached.) In our meeting, it was agreed that DOT would write approval letters.

To review, the Olowalu Mauka lots, which have been in existence since the early 1900s, were consolidated and reconfigured under County Ordinance No. 2372 in April 2002. This process is also called a lot line adjustment subdivision. Each lot has the same legal rights as before the consolidation/resubdivision. There were no additional lots created in the Olowalu Mauka Subdivision. As these lot owners hold legal title and pay real property taxes, they are allowed to build houses. Before the re-configuration and still today, lot owners can access the highway at any of the numerous permitted accesses from the Olowalu Dump along our property to the Ukumehame Access. Perhaps until the access across from Camp Pecussa is approved, we could direct the lot owners to use our cane road to access at the Olowalu dumpsite for safety reasons. Please let us know how we get this resolved quickly and efficiently.

My second priority is to obtain construction plan approval from the State DOT for roadway and related infrastructure for the fourteen Olowalu Mauka Subdivision lots. In the May 22, 2003 meeting you questioned why the plans were even sent to your office since the improvements do not touch a State Highway. In fact, the improvements are approximately ½ mile away. We agreed, but acknowledge that once the County sent them to DOT and required approval, we must get a response. My understanding was that DOT would notify Public Works that they would not be reviewing the construction plans other than for drainage since the improvements were not in the vicinity of the State Highways. We have received all approvals from all other agencies, and are anxious to receive approval from DOT.

I will call to set up a meeting. The lot owners are frustrated. Please call me at 877-4202 or 283-1273 if you would like to discuss further.

Sincerely,
WEST MAUI LAND COMPANY, INC.

Peter Martin

Enclosures

EXHIBIT B

ME 02-01 DOT 22 1201

Frampton & Ward's Involvement in the Olowalu Mauka Subdivision

Dave Ward publically testified that he and Bill Frampton had nothing to do with the development of the Olowalu Mauka Subdivision. This assertion was made in order to convince the GPAC that the serious problems that have arisen in the development of the subdivisions in Olowalu by Olowalu Elua Associates (OEA) will not reoccur. However, the statements made by Mr. Ward at the GPAC hearing that his company was not involved in the development of the Olowalu Mauka Subdivision are false. Frampton & Ward were intimately involved in the project and closely connected to OEA. The following is a mere sampling of documents evidencing their ties to the project:

1. **Final Compliance Report for the Olowalu Mauka Lands (Redacted).** A letter dated September 19, 2000 on behalf of the Planning Commission to OEA is contained in the report wherein SMA approval was provided subject to 36 conditions. Special note should be taken as to conditions 2, 4, 12, 14, 19, and 32. Of particular importance, all required infrastructural improvements including traffic related improvements were to be constructed concurrently with the development and be completed prior to final subdivision approval or be bonded. (Condition 12). Further, roadway improvements to the highway, including left storage lanes, acceleration and deceleration lanes, were to be provided and constructed prior to occupancy of the lots unless a phasing plan for the improvements was approved by the Department of Transportation. (Condition 32.) OEA's "Response to the SMA Use Permit Conditions-Mauka Report" was included in Final Compliance Report and represented that all infrastructure improvements would be constructed concurrently with the development or bonded (Item no. 12) and that highway improvement plans had been reviewed and approved by the DOT and that such improvements would be constructed prior to lot occupancy unless a phasing plan was approved (Item 32.)

2. **Letter dated February 11, 2003 to the DOT** stating that David Ward and Bill Frampton had met with Mr. Cajigal of the local DOT related to the highway improvements for the Olowalu Mauka Subdivision.

3. **Fax letter dated February 19, 2003 to the DOT** related to the highway improvements in preparation for a meeting with the DOT, which was to take place on February 24, 2003 with David Ward.

4. **Letter dated April 16, 2003 from Frampton & Ward to the Department of Planning** in response to the Department's concerns related to construction plans for the Olowalu Mauka Subdivision. Of particular importance, under item #4 related to "SMA Compliance," Mr. Ward reverses the prior position of OEA stated in its final compliance report and contends that the SMA permit requirement that the subdivision improvements be bonded only applied to the Makai subdivision. (See g,

LAND USE COMMISSION
STATE OF HAWAII
2007 APR 23 A 8:43

EXHIBIT "C"

Condition #12.) This is not true, especially since many of the infrastructure improvements such as the highway intersections are in or impact the SMA. Of even greater importance, Mr. Ward represents to the Planning Department that OEA was then processing approval from the DOT to relocate the highway improvements. (See m, condition #32.)

5. **Letter dated May 15, 2003 from Frampton & Ward to the Department of Planning** in follow up to a discussion that took place between Mr. Ward and the department relevant to SMA compliance for the subdivision. It discussed construction related structures, landscaping, the irrigation system, and roadway improvements within the subdivision. Of particular importance, see item #4 wherein Mr. Ward references that Olowalu Mauka Construction Plan approval was contingent upon State DOT approval or resolution of the relocation of the mauka highway access.

6. **Memo from Frampton & Ward dated May 22, 2003 to the developer's engineers** outlining a meeting which took place with representative of the DOT, OEA and Dave Ward related to the highway access for the Mauka subdivision.

7. **Emails dating June 3, 2003 to and from David Ward to the Planning Department** related to approval of the Construction Plans for the Subdivision, including the approval of landscaping plans and the highway improvements.

8. **Undated letter from David Ward to the DOT** urging the DOT to sign a letter which had been drafted for its use providing an "exemption" from an Environmental Assessment for the proposed highway improvements.

9. **Letter dated September 19, 2003 from the DOT** to David Ward stating that the highway improvements for the subdivision did not qualify for the EA exemption. The DOT declined to sign the letter Mr. Ward had previously forwarded for it to place on its letterhead and sign.

The above referenced documents clearly show that Frampton and Ward were heavily involved in the development of the Olowalu Mauka Subdivision, contrary to their representations to the GPAC and others. It should be noted, many of the conditions of both the Special Management Area Permit (SMA) and the Conservation District Use Application (CDUA) related to the subdivision have to this date not been met. The deadlines for completion of the project have long expired, yet the subdivision and its infrastructure improvements have not been fully constructed. Many of the most serious developer defaults related to the subdivision can be directly linked to the activities of Frampton & Ward in their representation of OEA. The highway improvements were never made, no amendment to the EA or SMA permit was ever filed and the developer at

one point met with homeowners and told them it would not be installing the mandated intersection at all. No bond is on file for the improvements and the DOT was completely unaware that the highway improvements had not been installed until homeowners complained in the fall of 2008. In response to those complaints, the local representative contacted Frampton & Ward and accused them of "burning him." Most recently, OEA has admitted it has done nothing for years to construct the intersection with the only excuse being that one of the principal members, Peter Martin, didn't feel it, "was any big deal." Obviously, should Olowalu Town be included in the 2030 Plan, impacts from that project will be much greater and widespread. The type of attitude exemplified by the developers involved does not give much hope that such impacts will be appropriately mitigated should development be allowed.

Frampton & Ward have attempted at all times to distance themselves from Olowalu Elua Associates in order to get Olowalu Town approved for the 2030 General Plan. However, Olowalu Town, LLC is a business entity formed by OEA and Frampton & Ward for the sole purpose of promoting and developing Olowalu Town. The venture may be launched under a different name, but the parties involved are the same. The main capital contributor to the project is OEA and it is unmistakable that they have influenced and will continue to influence the development.

Exhibit 1

FINAL COMPLIANCE REPORT

SPECIAL MANAGEMENT USE PERMIT

(SM1 990021)

'02 MAR 15 P3:44

OLOWALU MAUKA LANDS

LAHAINA, MAUI

March 2002

Olowalu Elua Associates, Inc.
173 Ho'ohana Street, Suite 201
Kahului, Hawaii 96732
Telephone: (808) 877-4202
Fax: (808) 877-9409

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FINAL COMPLIANCE REPORT

SPECIAL MANAGEMENT USE PERMIT
(SM1 990021)

OLOWALU MAUKA LANDS
LAHAINA, MAUI

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INTRODUCTION

Olowalu Elua Associates, LLC applied for a Special Management Area Use Permit for the subdivision of lands at Olowalu, Lahaina, Maui. At a public hearing on September 12, 2000, the Maui Planning Commission granted approval of the SMA Use Permit, subject to thirty six (36) conditions.

Pursuant to Condition # 10 of the SMA Use Permit, a Preliminary Compliance Report dated November 29, 2000 was submitted to the Maui County Planning Department for review and approval. Based on comments from the Planning Department review, this Final Compliance Report is being submitted to the Planning Department for review and approval.

As the project is being developed in phases, namely makai (oceanside of highway) and mauka (mountainside of highway), separate Final Compliance Reports will be submitted for each phase. The Final Compliance Report for the makai lands was approved September 28, 2001. This report is for the mauka lands.

SPECIAL MANAGEMENT AREA USE PERMIT APPROVAL LETTER AND REVIEW OF PRELIMINARY COMPLIANCE REPORT

SEP 2 1 2000

JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 19, 2000

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

Dear Mr. Horcajo:

RE: Special Management Area (SMA) Use Permit for the Proposed Olowalu Subdivision at TMK: 4-8-003:5, 10 (Por.), 41, 42, 43, 50 (Por.), 63 (Por.), and 78 (Por.) and 4-8-004:11, 12, 13, 14, 15, and 16 at Olowalu, Maui, Hawaii (SM1 990021)

At its regular meeting on September 12, 2000, the Maui Planning Commission (Commission) conducted a public hearing on the above-referenced application. At the meeting, the Commission clarified the record as follows:

1. Commissioner Star Medeiros who was a member of the Citizens Advisory Committee (CAC) for the West Maui Community Plan clarified the park designation and language. During the CAC's discussions on the park site at Olowalu, the reduction of 50 percent of agriculture related to the reduction of sugar cane cultivation and not to other agricultural crops that could be grown on the site. As such, the 50 percent reduction of agriculture has occurred. Based on the language, the applicant is advised that a 30-acre park should be reserved on the Camp Pecusa side of the makai lands in Olowalu.

2. Commissioner Joe Bertram III requested that the applicant work with Maui Electric Company to encourage energy efficiency in the project and use of alternative energy options such as solar panels.

The Commission, after due deliberation, voted to grant approval of the Special Management Area Use Permit, subject to the following conditions:

STANDARD CONDITIONS:

1. That construction of the proposed project shall be initiated by September 30, 2002. Initiation of construction shall be determined as construction of offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Failure to comply

within this two (2) year period will automatically terminate this Special Management Area Use Permit unless a time extension is requested no later than ninety (90) days prior to the expiration of said two (2) year period. The Planning Director shall review and approve a time-extension request but may forward said request to the Maui Planning Commission for review and approval.

2. That the construction of the project shall be completed within five (5) years after the date of its initiation. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The Planning Director shall review and approve a time-extension request but may forward said request to the Maui Planning Commission for review and approval.

3. The permit holder or any aggrieved person may appeal to the Maui Planning Commission any action taken by the Planning Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Commission.

4. That final construction shall be in accordance with preliminary subdivision plans included in the submittal received on November 9, 1999.

5. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.

6. That the subject Special Management Area Use Permit shall not be transferred without prior written approval in accordance with Section 12-202-17(d) of the Special Management Area Rules of the Maui Planning Commission. However, in the event that a contested case hearing preceded issuance of said Special Management Area Use Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

7. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Special Management Area Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Management Area Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County

of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Planning Department within ninety (90) calendar days from the date of transmittal of the decision and order.

8. That full compliance with all applicable governmental requirements shall be rendered.

9. That the applicant shall submit plans regarding the location of any construction-related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase to the Maui Planning Department for review and approval.

10. That the applicant shall submit to the Planning Department five (5) copies of a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. A preliminary report shall be reviewed and approved by the Planning Department prior to issuance of a grading permit. A final compliance report shall be submitted thirty (30) days after the completion of the subdivision to the Planning Department for review and approval.

11. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Special Management Area Use Permit. Failure to so develop the property may result in the revocation of the permit.

PROJECT SPECIFIC CONDITIONS:

12. That the applicant shall be responsible for all required infrastructural improvements including, but not limited to water source and system improvements for both domestic and fire protection, drainage improvements, traffic-related improvements, wastewater system improvements, and utility upgrades. Said improvements shall be constructed concurrently with the development and shall be completed prior to final subdivision approval or bonded in accordance with Title 18, Maui County Code, relating to the subdivision ordinance.

13. That as represented by the applicant, an approximate 54-acre cultural reserve for historic and cultural preservation operated and managed by the Olowalu Cultural Reserve, a non-profit organization, shall be established in perpetuity to ensure preservation of historic and cultural resources, as well as to perpetuate the Hawaiian culture and continued access to Native Hawaiians to "gather", to perform religious practices, and to attend to their own kuleana. Access to the cultural reserve shall be open to the general public as a cultural reserve. Access for recreational purposes shall be as approved by the Olowalu Cultural Reserve (as amended).

14. As represented by the applicant, the roadways for the proposed subdivisions shall be constructed in substantial compliance with the proposed greenway plan identified in the application. For each phase of development, final plans for the applicable increments of the approximate sixty (60) acres of greenways shall be submitted to the Maui Planning Department for review and approval. Said greenway areas shall be regularly maintained and access to the greenways shall be open to the general public for access and recreational purposes (as amended).

15. That the applicant shall establish an irrigation system for the proposed agricultural subdivisions which addresses the supply, storage, and distribution of irrigation water to the proposed lots, and is secured in terms of permit acquisition, quality, quantity, availability, and year-round operations and maintenance. Documentation that the irrigation system has been established shall be submitted to the Maui Planning Department within ninety (90) days of construction of the subdivision.

16. That the applicant shall prepare a dust- and erosion-control plan for review and approval by the Maui Planning Department to ensure that any fallow agricultural lands do not create future adverse dust and erosion impacts on the surrounding area. Said plan shall be reviewed and approved by the appropriate State of Hawaii agencies and implemented as soon as practicable by the applicant and its assigns and successors. A copy of the approved dust- and erosion-control plan for the agricultural lands shall be submitted to the Maui Planning Department and the Department of Public Works and Waste Management for our records (as amended).

17. That potential buyers will be advised that the lots are for sale as commercial agricultural lots and of Hawaii's Right to Farm Act which prohibits conditions, covenants, and restrictions that will prevent or impede reasonable agricultural use of the lots.

18. That the Maui/Lanai Islands Burial Council shall review the mitigation proposals for all burials.

bh

19. That the applicant shall submit a detailed preservation plan (scope of work) for the sites identified for preservation to the Department of Land and Natural Resources, State Historic Preservation Division (SHPD), for approval. This plan will include buffer zones, interim protection measures (as needed), and long-range preservation plans. No land alteration may occur in the vicinity of these sites until minimally the buffer zones and interim protection measures are approved and the SHPD verifies the interim protection measures are in place. No preservation activities may occur in these sites until the preservation plan is approved. The SHPD shall verify in writing to the County when the plan has been successfully executed.

20. That archaeological data recovery shall occur at the sites identified in the survey reports. The applicant shall submit an archaeological data recovery plan (scope of work) for these sites to the SHPD for approval. The SHPD shall verify in writing to the County when the plan has been successfully executed. Further, as noted, the gleyed marsh soils shall also undergo archaeological data recovery. Minimally, data recovery fieldwork must be successfully concluded (and verified in writing by SHPD) prior to land alteration in this part of the project area. The SHPD shall verify in writing to the permitting agencies when the plan has been successfully completed.

21. That archaeological monitoring of land-altering construction in the sand areas along the shore shall occur, as a contingency to identify, document, and treat any burials that might be found. A monitoring plan (scope of work) shall be submitted to and be approved by the SHPD prior to the beginning of the monitoring. This plan must specify how any burials that are found will be documented archaeologically, notification procedures, and treatment measures that will be taken. This scope should be completed before a monitoring contract is negotiated.

22. All preservation areas and buffer zones shall be clearly marked on the subdivision plans and recorded with the property documents to ensure that future owners of the lots are aware of these restrictions to the lots.

23. That as represented by the applicant, the oral history work shall be expanded to include more people of the Olowalu area, such as existing and former residents, persons who have knowledge of their ancestors living in the area, and the kupunas.

24. That adequate buffers between the cultural preserve areas and the agricultural lots shall be established to ensure that the cultural experience is not impacted by the agricultural use and structures on the adjoining lots. Mitigation measures from high boundary

walls, residences, farm buildings, and operations shall be submitted to the Maui Planning Department for review and approval.

25. Unless removal is necessary for intersection improvements, to the extent practicable, the Monkey Pod trees within the subject property on both sides of Honoapiilani Highway shall be retained and consideration shall be given to extending the Monkey Pod trees as part of the cultural landscape (as amended).

26. That structures located within the floodway Flood Zone A0 and A4 shall be constructed above the flood elevation. Measures such as post and pier construction shall be considered to conform to the Flood Hazard District and to allow flood waters to continue to traverse the property (as amended).

27. That future buyers of lots shall be informed that development within flood hazard areas shall be implemented in accordance with Chapter 19.62, Maui County Code (as amended).

28. That use of soil as fill is prohibited within the Shoreline Setback Area, except for clean sand. Further, any grading or mining of a coastal dune is prohibited.

29. That a minimum shoreline setback of 150 ft. from the certified shoreline shall be established for all lots on the makai portion of the subdivision regardless of a government beach reserve fronting the subdivided lots. No structures shall encroach into the Shoreline Setback Area to ensure that future shoreline erosion and storm-wave action will not adversely affect structural development on the properties.

30. That public lateral pedestrian access along the shoreline within the Shoreline Setback Area shall be provided. Landscaping in the area within 50 ft. of the shoreline should be spaced far enough apart so as not to interfere with lateral access. Further, as represented by the applicant, mauka/makai public shoreline access from Honoapiilani Highway and public beach parking shall be provided near the Olowalu Mill site to Olowalu Landing, as well as access points to the shoreline from both ends of the makai Olowalu lands. Documentation that access, as required, has been provided shall be filed with the Departments of Public Works and Waste Management, Parks and Recreation, and Planning prior to final subdivision approval (as amended).

31. As represented by the applicant, the existing cane haul road (approximately 80 ft. wide) on the mauka side of Honoapiilani Highway shall be set aside as a reserve (Roadway Lot 39) for

future roadway expansion or relocation of Honoapiilani Highway (as amended).

32. That roadway improvements to Honoapiilani Highway, including left-turn storage lanes, acceleration and deceleration lanes, driveway connections, etc., as identified in the applicant's Traffic Impact Assessment Report (TIAR), and as required by the Department of Transportation shall be provided in conjunction with the development of the subdivision. The roadway improvements shall be reviewed and approved by the Department of Transportation. Construction of the improvements shall be completed prior to occupancy of the agricultural lots unless a phasing plan for the improvements is reviewed and approved by the Department of Transportation.

33. That the outdoor lighting plans for the subdivision shall be submitted to the Maui Planning Department for review and approval to reduce the negative impacts on seabirds, especially the dark-rumped petrel (Pterodroma phaeopygia sandwichensis) which is a federally endangered species. All potential owners of the lots shall be informed that appropriate measures approved by the Maui Planning Department shall be taken to reduce the negative impacts of night lights (as amended).

34. That future buyers of the lots shall be informed that there may be potential waste from the old mill site (Olowalu Mill) and other vacated agricultural industrial areas. Remedial cleanup must be conducted before any new development occurs.

35. That future buyers of the lots shall be informed of the survey monuments located within the boundaries of their lots which need to be protected from any development activities. Further, in the event the survey monuments are disturbed or destroyed during development of the subdivision or properties, it will be the responsibility of the applicant, assigns or successors to reference and replace the monuments.

36. That Condition Nos. 16, 17, 21, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, and 35 shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances within sixty (60) days from the date of receipt of this decision. A copy of the recorded unilateral agreement shall be filed with the Planning Director and the Director of the Department of Public Works and Waste Management within ten (10) days of recordation.

The conditions of this Special Management Area Use Permit shall be enforced pursuant to Sections 12-202-23 and 12-202-25 of the Special Management Area Rules for the Maui Planning Commission.

Lh

Further, the Commission adopted as its Findings of Fact, Conclusions of Law, Decision and Order the Planning Department's Report and Recommendation Report prepared for the September 12, 2000 meeting and authorized the Planning Director to transmit said Decision and Order for the Commission.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,

JOHN E. MIN
Planning Director

JEM:CMS:cmb

c: Clayton Yoshida, AICP, Deputy Planning Director
Aaron Shinmoto, Planning Program Administrator (2)
LUCA (2)
Department of Water Supply
Michael Munekiyo, AICP, Munekiyo, Arakawa & Hiraga, Inc.
Patricia Nishiyama, Na Kupuna O Maui
Ed Lindsey
Buck Buchanan
Timothy Johns, Department of Land and Natural Resources
Kazu Hayashida, Department of Transportation
James Nakatani, Department of Agriculture
Gary Gill, Department of Health
Colleen Suyama, Staff Planner
Project File
General File

(K:\\Planning\SM1\99SM121\99SM121v)

RESPONSE TO SMA USE PERMIT CONDITIONS-MAUKA REPORT

Conditions:

1. Applicant is expected to initiate construction of the proposed project by September 30, 2002.

2. Applicant expects that the construction of the project will be completed within five (5) years after the date of its initiation.

3. Applicant understands that applicant or any aggrieved person may appeal to the Maui Planning Commission any action taken by the Planning Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Commission.

4. Applicant acknowledges that final construction shall be in accordance with preliminary subdivision plans included in the SMA submittal received by the Planning Department on November 9, 1999.

5. Applicant acknowledges that appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.

6. Applicant understands that subject SMA Use Permit shall not be transferred without prior written approval by the Planning Commission.

7. A $1,000,000 comprehensive liability insurance policy naming the County of Maui as additional insured, is attached under **IV. Individual Reports-Insurance Binder.**

8. Applicants intends to comply will all government requirements.

9. A *Revised* Construction Related Structures Plan is herewith submitted under **IV. Individual Reports-*Revised* Construction Related Structures Plan.** This plan was approved on September 28, 2001 with the Final Compliance Report for the makai lands.

10. A Preliminary Compliance Report dated November 29, 2000 was submitted to the Planning Department for review and approval. This Final Compliance Report for the makai lands was approved September 28, 2001.

11. Applicant intends to develop the property in substantial compliance with the representations made to the Commission in obtaining the SMA Use Permit.

12. Applicant acknowledges that all required infrastructure improvements shall be constructed concurrently with the development and shall be completed prior to final subdivision approval or bonded in accordance with Title 18, Maui County Code.

13. Applicant acknowledges that an approximate 54-acre cultural reserve will be established in perpetuity, to be managed by the Olowalu Cultural Reserve, a non-profit organization. Access shall be open to the general public as a cultural reserve, however, access for recreational purposes shall be as approved by the Olowalu Cultural Reserve.

14. A *Revised* Greenway System Plan is herewith submitted under **IV. Individual Reports-*Revised* Greenway System Plan**. This plan was approved on September 28, 2001 with the Final Compliance Report for the makai lands.

15. An Irrigation System Plan for the proposed agricultural subdivision is herewith submitted under **IV. Individual Reports-Irrigation System Plan**.

16. A *Revised* Dust and Erosion Control Plan is herewith submitted under **IV. Individual Reports-*Revised* Dust and Erosion Control Plan**. This plan was approved on September 28, 2001 with the Final Compliance Report for the makai lands. Copies of the approved plan were previously submitted to the Planning Department and Department of Public Works and Waste Management.

17. Through the recordation of the SMA Unilateral Agreement and the Declaration of Covenants, Conditions and Restrictions, as encumbrances on the property, potential buyers will be advised of Hawaii's Right to Farm Act and that lots are being sold as commercial agricultural lots.

18. The Maui/Lanai Island Burial Council approved the Preservation Plan for the mauka lands during its February 22, 2000 meeting. A copy of the Preservation Plan and approval letter are herewith attached **under IV. Individual Reports-Burial Preservation Plan-Mauka Lands.**

19. The State Historic Preservation Division (SHPD) has reviewed and approved the Mitigation and Preservation Plan for archaeological sites within the Olowalu mauka lands. A copy of the final approval letter dated March 7, 2002 is herewith submitted with this report under **IV. Individual Reports-Archaeological Mitigation and Preservation Plan-Mauka Lands.** No land alteration will occur in the vicinity of any sites without verification by SHPD that the approved interim protection measures are in place.

20. The State Historic Preservation Division (SHPD) has reviewed the Mitigation and Preservation Plan for archaeological sites within the Olowalu Mauka

Lands. As all the sites were being preserved, no data recovery actions were taken. A copy of the final approval letter dated March 7, 2002 is herewith submitted with this report under **IV. Individual Reports- Archaeological Mitigation and Preservation Plan-Mauka Lands.**

21. The State Historic Preservation Division (SHPD) has reviewed the Mitigation and Preservation Plan for archaeological sites within the Olowalu Mauka Lands. There are no required monitoring areas within the mauka lands, therefore, no report is being submitted.

22. All archaeological preservation areas and buffer zones are identified on the subdivision final plat and will be noted as an encumbrance on conveyance documents for the affected lots. Upon recordation, a copy of the final plat will be forwarded to the Planning Department. **See Exhibit D.**

23. It was the intent that most of the oral history work previously started by applicant would be expanded by the Olowalu Cultural Reserve (OCR), the Lessee of the cultural reserve. The Olowalu Cultural Reserve however, have not organized themselves enough to continue the oral history at this time.

24. A *Revised* Cultural Reserve Buffer Plan is herewith submitted **under IV. Individual Reports-*Revised* Cultural Reserve Buffer Plan.** This plan was approved on September 28, 2001 with the Final Compliance Report for the makai lands.

25. Unless removal is necessary for intersection improvements, applicant will retain the Monkey Pod trees along the highway, both within applicants property and the State Honoapiilani Highway right of way. Applicant will consider the addition of Monkey Pod trees along the highway corridor, as part of the cultural landscape.

26. Through the recordation of the Unilateral Agreement and the Declaration of Covenants, Conditions and Restrictions, as encumbrances on the property, all lots within the Flood Zone AO and A4 will be subject to requirements that structures will be constructed above the flood elevation and that measures such as post and pier construction shall be considered to allow flood waters to traverse the property.

27. Through the recordation of the Unilateral Agreement and the Declaration of Covenants, Conditions and Restrictions, as encumbrances on the property, future buyers of lots shall be informed that development within flood hazard areas shall be implemented in accordance with Chapter 19.62, Maui County Code.

28. As none of the mauka lands front the shoreline, there is no report being submitted regarding the prohibition of soil as fill material or coastal dune actions.

29. Through the recordation of the Unilateral Agreement and the Declaration of Covenants, Conditions and Restrictions, as encumbrances on the property, a shoreline setback of 150 ft from the certified shoreline will be established for all the makai lots of the subdivision regardless of a government beach reserve fronting the subdivided lots. No structures shall encroach into this Shoreline Setback Area.

30. This condition pertains to lateral shoreline access and mauka/makai access from Honoapiilani Highway to the shoreline, therefore, no report is being submitted.

31. Roadway lot #39 of the mauka subdivision, 80 ft wide and within the existing cane haul road corridor, is being set aside as a reserve for future roadway expansion or relocation of Honoapiilani Highway. **See Exhibit D**.

32. Plans for required roadway improvements involving Honoapiilani Highway have been reviewed and approved by the State Department of Transportation. Roadway improvements shall be provided in accordance with said approval prior to occupancy of the subdivided lots, unless a phasing plan for said improvements is approved by the DOT.

33. An *Revised* Outdoor Lighting Plan is herewith submitted under **IV. Individual Reports-*Revised* Outdoor Lighting Plan.** This plan was approved on September 28, 2001 with the Final Compliance Report for the makai lands.

34. Through the recordation of the "Unilateral Agreement" and the "Declaration of Covenants, Conditions and Restrictions" as encumbrances on the property, future buyers of lots shall be informed that there may be potential waste from the old Olowalu Mill site and other vacated agricultural industrial areas, and that remedial cleanup must be conducted before any new development occurs.

35. Through the recordation of the "Unilateral Agreement" and the "Declaration of Covenants, Conditions and Restrictions" as encumbrances on the property, future buyers of lots shall be informed that any survey monuments within their property, if any, need to be protected from any development activities. Also, it is the lot owners responsibility to reference or replace any disturbed or destroyed monuments.

36. An executed and recorded Unilateral Agreement is herewith submitted under **IV. Individual Reports-Unilateral Agreement**.

Exhibit 2

FINAL COMPLIANCE REPORT

SPECIAL MANAGEMENT USE PERMIT

(SM1 990021)

OLOWALU MAUKA LANDS

LAHAINA, MAUI

March 2002

Olowalu Elua Associates, Inc.
173 Ho'ohana Street, Suite 201
Kahului, Hawaii 96732
Telephone: (808) 877-4202
Fax: (808) 877-9409

Paul - Have their [illegible] [illegible]. I can't [illegible] what [illegible] [illegible]

Tanaka
ENGINEERS INC

CIVIL & STRUCTURAL ENGINEERING • LAND SURVEYING • CONSTRUCTION MANAGEMENT & INSPECTIONAL SERVICES

February 11, 2003

[illegible] 8/20/03

State of Hawaii
Department of Transportation
Highways Division
650 Palapala Drive
Kahului, HI 96732

Attention: Mr. Ferdinand Cajigal, P.E.
District Engineer

Re: Proposed Access Relocation
Lahaina-Wailuku Road
Olowalu-Pali Section
for F.A.P. No. F 30(3)
for Olowalu Mauka Subdivision
I.D. No. ME 02-01

Gentlemen:

Pursuant to a meeting with Mr. Paul Chung on August 28, 2002 and your more recent meeting with Mr. David Ward and Mr. Bill Frampton, we respectfully request your review and approval of our proposal to relocate the proposed driveway improvements from where they are currently designed at Honoapiilani Highway Station 65+68.68 to approximately across from the existing Camp Pecusa driveway at approximate Highway Station 36+40.

We believe that the relocation of this proposed driveway improvements would create a win-win situation for both the Owners and the State Department of Transportation due to the following reasons:

1. Improved sight distances along Honoapiilani Highway as the proposed driveway entrance is along a long highway tangent.

2. Creates a driveway access for the mauka property that is directly across from the existing Camp Pecusa access roadway.

3. The owners of the Olowalu Mauka Subdivision property are willing to exchange the two (2) existing 40 feet wide access permitted (approximate Highway Stas. 40+30 and 43+90) for the requested access at Sta. 36+40, thereby, consolidating the accesses for the existing residential lots and the Olowalu Mauka Subdivision lots through a driveway that would be built to current highway standards and shared by the Olowalu Mauka Subdivision and the existing residences.

871 KOLU STREET SUITE 201 • WAILUKU, MAUI, HAWAII 96793-1436 • PHONE 242-6861

4. The proposed driveway location (Sta. 36+40) provides a more central access to the Olowalu Mauka Subdivision and existing residences than the currently designed access.

5. The relocation of the proposed driveway (Sta. 36+40) would eliminate any conflicts with proposed passing lanes along Honoapiilani Highway in the vicinity of the presently designed access (Sta. 65+68.68).

Thank you for your assistance in this matter.

We will be eagerly awaiting your response to our request.

Should you have any questions or comments, please do not hesitate to call me.

Very truly yours,

Kirk T. Tanaka, P.E., L.S.
President

KTT:sh
cc: Mr. Peter Martin (via Fax)
Mr. Dave Ward (via Fax)

Exhibit 3

T. Tanaka Engineers, I

871 Kolu Street, Suite 201 Wailuku, Maui, Hawaii 96793-1436

Phone: (808) 242-6861 Fax:(808) 244-7287 E-Mail: rttanaka@gte.net

civil engineering land surveying construction management inspectional services

State of Hawaii
Department of Transportation
Highways Division
650 Palapala Drive
Kahului, HI 96732

Date February 19, 2003

Project: Olowalu Mauka Subdivision
ME 02-01
Proposed Access Relocation

Attn: Mr. Paul Chung, P.E.

Gentlemen:

We are sending you: ☑ Herewith ☐ Separately

Sent by: ☐ Mail ☑ Deliver ☐ Pick-Up ☐ Fax

☐ Revised Drawings	☑ Prints	☑ For Approval	☐ For Your Use
☐ Specifications	☐ Tracings	☐ As Requested	☐ Approved as Noted
☐ Letter	☐ Invoice	☐ For Submission	☐ Other: See Remarks

No. of Copies	Description
1	Print of Preliminary Layout of Proposed Subdivision Access on Highway at Sta. 36+40±

Remarks: Please review the attached intersection layout for our meeting on February 24 at 1:00 p.m. Mr. David Ward, owner's representative, will also be at the meeting.

Thank you for your support and attention to this matter.

Very truly yours,

RHidalgo

Rogelio Hidalgo, P.E., L.S.
Project Engineer

0323

sh

cc: Mr. David Ward (via Fax)

J.N. 01-099

Exhibit 4

FRAMPTON & WARD, LLC
Real Estate Consulting • Development • Project Management
173 Ho'ohana St., Suite 202A Kahului, HI 96732 Office (808) 893-2300

April 16, 2003

RECEIVED
APR 17 2003
RT TANAKA ENGINEERS, INC

Mr. Francis Cerizo
Department of Planning
County of Maui
250 South High Street
Wailuku, HI 96793

Via Hand Delivery

Re: Olowalu Mauka Construction Plan – Response to Comments

Dear Francis,

On behalf of Olowalu Elua Associates, LLC, the following address your comments on the Construction Plans for the Olowalu Mauka Subdivision:

1. *Protection of Archaeological Sites* - In compliance with the January 15, 2001 (Final Revisions – March 8, 2001) approved Preservation Plan for the Olowalu Mauka Area, the sites scheduled for preservation have been marked with orange-plastic construction fencing delineating the site preservation perimeters.
2. *100 Year Flood Limits* - The 100 yr. inundation limits have been added onto the construction plans; please note that the driveway access road has been relocated out of Lot 18.
3. *Flood Zones and Flood Permits* - The flood zones have been added to the construction plans. No work will be performed within the flood limits.
4. *SMA Compliance* - The Maui Planning Commission granted approval of an SMA Use Permit on September 12, 2000 subject to thirty-six conditions. Pursuant to Condition #10 of the SMA Permit, a Final Compliance Report for the Subdivision of Olowalu Mauka Lands was reviewed and approved by the Department of Planning on April 9, 2002. The following is a follow up review of the pertinent issues related to the Olowalu Mauka Construction Plans:
    a. Condition #1 – The "proposed project" listed in Condition # 1 relates to the construction of the improvements within the SMA application. These improvements are limited to the Makai Subdivision. Construction of the Makai Subdivision was initiated prior to September 30, 2002.
    b. Condition #2-3 – There is no update or change to the approved responses to these conditions.
    c. Condition #4 – The preliminary subdivision plans included in the November 9, 1999 submittal are for the Makai Subdivision plans. The final construction of the Makai Subdivision was in accordance with the preliminary subdivision plans.

d. Conditions #5-8 – There is no update or change to the approved responses to these conditions
e. Condition #9 - The construction related structures for this subdivision will include a small construction trailer and a 20 ft container to store materials. The temporary construction area will be established within the boundaries of the approved Construction Related Structures Plan on Lot 9 of the Olowalu Mauka Subdivision (see attached map highlighting this area). The temporary construction base yard will be limited to one base yard in operation at any given time.
f. Condition #10-11 - There is no update or change to the approved responses to these conditions.
g. Condition #12 – This condition relates to the construction of the improvements within the SMA application. These improvements are limited to the Makai Subdivision. The Makai Subdivision improvements were bonded in accordance with Title 18 relating to the subdivision ordinance.
h. Condition #13 – There is no update or change to the approved responses to these conditions.
i. Condition #14 – The approved responses to this condition have not changed. The requested Construction Plans will not greatly intensify the from agricultural or agricultural conservation practices of the parcels adjoining the Greenway Improvement Plan. As noted in the Revised Greenway System Plan within the Final Compliance Report, the perimeter portions adjacent to Lots #9-14 within Easement "13" (portion of Lot #24) will be defined by plantings of large and medium size trees in conjunction with the landscape improvements for the Olowalu Mauka Construction Plans.
j. Condition #15 – The Irrigation System Plan approved within the Compliance Report has not changed. The submitted construction plans include the installation of a potable and a non-potable water system with meters from each supplied to Lots #1-14. These construction plans have been reviewed and approved by the State Department of Health Clean Water Branch including the non-potable and potable water system.
k. Condition #16 – The Revised Dust and Erosion Control Plan within the Compliance Report has not changed. Olowalu Elua Associates, LLC has applied for and received a NPDES permit and will comply with restrictions related to such permit.
l. Condition #17-31 - There is no update or change to the approved responses to these conditions.
m. Condition #32 – The roadway improvements required in conjunction with the development of the subdivision (Makai Subdivision) have been completed. Please note that Olowalu Elua Associates, LLC is currently processing approval from the State Department of Transportation related to the relocation of mauka access including storage lanes.

n. Condition #33 – There is only one Roadway Lighting Light within the construction plans for Olowalu Mauka. Such light will meet the maximum wattage of 100W HPS as an internal road intersection.
o. Conditions #34-36 - There is no update or change to the approved responses to these conditions.

Please let me know if you have additional concerns or comments on these construction plans.

Sincerely,

David Ward

Cc: Jim Riley
Leslie Otani – Land Use and Codes (encl. Final Compliance Information)
Rogelio Hidalgo – Tanaka Engineers

Exhibit 5

FRAMPTON & WARD, LLC
Real Estate Consulting • Development • Project Management
173 Ho'ohana St., Suite 202A Kahului, HI 96732 Office (808) 893-2300

May 15, 2003

Mr. Francis Cerizo
Department of Planning
County of Maui
250 South High Street
Wailuku, HI 96793

Via Hand Delivery

4766

Re: Olowalu Mauka Construction Plan – Response to Comments
SM1 990021 – Compliance with Approved Final Compliance Report

Dear Francis,

Per our meeting yesterday, attached are the most recent construction plans for the construction of the infrastructure at Olowalu Mauka. The following address the issues we discussed yesterday in reviewing the SMA Compliance section of my April 15th letter:

1. Condition #9 - The construction related structures for this subdivision will include a small construction trailer and a 20 ft container to store materials. The temporary construction area will be established within the boundaries of the approved Construction Related Structures Plan on Lot 9 of the Olowalu Mauka Subdivision (see sheet C-4 of the enclosed plans). The temporary construction base yard will be limited to one base yard in operation at any given time.
2. Condition #14 – The approved responses to this condition have not changed. The requested Construction Plans will not greatly intensify the land use from agricultural or agricultural conservation practices of the parcels adjoining the Greenway Improvement Plan. As noted in the Revised Greenway System Plan within the Final Compliance Report, the perimeter portions adjacent to Lots #9-14 within Easement "13" (portion of Lot #24) will be defined by plantings of large and medium size trees in conjunction with the landscape improvements for the Olowalu Mauka Construction Plans (see sheet L-1 and L-5 of the enclosed plans). Please note that Colleen Suyama is in the process of approving the landscape plans for the Olowalu Mauka Subdivision (see attached transmittal).
3. Condition #15 – The Irrigation System Plan approved within the Compliance Report has not changed. The submitted construction plans include the installation of a potable and a non-potable water system with meters from each supplied to Lots #1-14 (see sheet C-2 of the enclosed plans). These construction plans have been reviewed and approved by the

State Department of Health Clean Water Branch including the non-potable and potable water system.

4. Condition #32 – The roadway improvements required in conjunction with the development of the subdivision (Makai Subdivision) have been completed. Please note that Olowalu Elua Associates, LLC is currently processing approval from the State Department of Transportation related to the relocation of mauka access including storage lanes. The Olowalu Mauka Construction Plan approval is contingent on the State Department of Transportation approval or resolution.

Please let me know if you have additional concerns or comments on these construction plans.

Sincerely,

David Ward

Cc: Jim Riley (w/o encl.)
Leslie Otani – Land Use and Codes (w/o encl.)
Rogelio Hidalgo – Tanaka Engineers (w/o encl.)
Colleen Suyama – Department of Planning (w/o encl.)

/cl

Exhibit 6

FRAMPTON & WARD, LLC

Real Estate Consulting • Development • Project Management

33 Lono Ave., Suite 450A
Kahului, HI 96732

Office (808) 893-2300
Fax (808) 893-0043

Memorandum

To: Kirk Tanaka

From: David Ward DW

Date: May 22, 2003

Cc: Freddie Cajigal, Paul Chung, Peter Martin, and Heidi Bigelow

Re: Olowalu Mauka Access - Follow-up for May 22nd SDOT Meeting

---

The following outlines our meeting today with Freddie Cajigal (SDOT), Peter Martin (Developer), Heidi Bigelow (West Maui Land), Kirk Tanaka (Tanaka Engineering) and David Ward (Frampton & Ward):

Meeting Overview – Kirk provided an overview of the access relocation for Olowalu Mauka (Olowalu Elua Associates mauka lots on the Ma'alaea side of Olowalu Stream). Kirk previously provided SDOT with a concept sketch and overview. The overview included the reduction in the number of permitted access location by consolidating two permitted accesses into a single revised access location. The revised access plan is currently being reviewed by SDOT in Honolulu. The following additional items were discussed:

1. **Olowalu Village Access** – Access for the various groups including the existing Olowalu Village owners was discussed. In order to provide all land owners the opportunity to access the highway at the safest location (the proposed revised access location), Peter Martin agreed to modify the location of the existing cane haul road outside of the State ROW to safely connect the cane road into the proposed revised access location.
   Follow-Up Item – Kirk Tanaka will update the proposed access location sketch with the proposed modification of the cane haul road.

2. **Building Permit Applications** – Three or four of the existing lot owners on the mauka side of the highway have received letters related to building permit applications that require an "Approval letter from State Department of Transportation for access onto a State Highway." Heidi Bigelow provided Freddie with these letters. Freddie agreed to provide the approval letter for the lot owners once he has reviewed the revised proposed access sketch (above).
   Follow-Up Item – Heidi Bigelow (877-4202) to communicate with SDOT to provide any additional required information.

DOT 23

3. **Construction Plan Approval** – The pending construction plan approval was discussed briefly. Development Services Administration (formerly LUCA) is requiring the developer to "Provide State Department of Transportation Approval". Freddie mentioned that drainage was the only concern of the Department of Transportation given that the subdivision does not neighbor the state highway.
   Follow-Up Item – David Ward to provide Paul Chung with the most recent construction plans and drainage report. DOT to review and provide "approval letter" to David Ward or Kirk Tanaka.

If you have any concerns related to this memo, please contact me at 893-2300.

Exhibit 7

From: Francis Cerizo
To: David Ward
Date: 6/3/03 10:15AM
Subject: Re: Olowalu Mauka Construction Plans

As discussed, the plans are acceptable for approval provided that DOT Highways approval is obtained.

>>> "David Ward" <dave@fwmaui.com> 05/28/03 04:26PM >>>
Francis,

Thanks for meeting with me yesterday related to the Olowalu Mauka Construction Plans approval. Based on our meeting, I understand that the 2 remaining issues are 1) Colleen's sign-off of landscape plans and 2) SDOT approval. I am hopeful that you will receive a response from Colleen in the next day or so related to the approval of the landscape plans. As we discussed, the only other major comment on the construction plans is "to obtain SDOT approval". As such, I am hopeful that you will forward your approval of the construction plans (once you hear from Colleen) to Development Services Administration with language that your approval is contingent on SDOT approval.

Please respond via e-mail or call me at 893-2300 with any questions.

Thanks,.

David Ward

FRAMPTON & WARD, LLC
Phone; (808) 893-2300
Fax: (808) 893-0043
Cell: (808) 357-1952
33 Lono Avenue - Suite 450A
Kahului, HI 96732

CC: Lance Nakamura; Lesli Otani

From: Lesli Otani
To: Francis Cerizo; Lance Nakamura
Date: 6/3/03 10:45AM
Subject: Re: Olowalu Mauka Construction Plans review

Thank you for the e-mail, we will add your conditional approval to our files

>>> Francis Cerizo 06/03/03 10:19AM >>>
We find the plans acceptable for approval provided state dot approval is obtained.

CC: Aaron Shinmoto; David; Howard Hanzawa

Exhibit 8

FRAMPTON & WARD, LLC

Real Estate Consulting • Development • Project Management

33 Lono Ave., Suite 450A
Kahului, HI 96732

Office (808) 893-2300
Fax (808) 893-0043

Mr. Ferdinand Cajigal
Maui District Engineer
State Department of Transportation
650 Palapala Dr.
Kahului, HI 96732

Re: Proposed Olowalu Intersection Improvements

Dear Freddie,

As you know, Olowalu Elua Associates, LLC is planning to relocate the "Olowalu Mauka Intersection" along Honoapiilani Highway. In conjunction with this relocation, Munekiyo & Hiraga, Inc. has been contracted to assist Olowalu Elua Associates, LLC with processing an amendment to the existing SMA permit. Attached is a DRAFT letter provided by Munekiyo & Hiraga related to an exemption from an Environmental Assessment for the proposed intersection improvements.

Please review this draft letter. If acceptable, please process, execute and forward the letter to Olowalu Elua Associates, LLC. If you have any questions, I will be happy to set up a meeting to discuss this letter. If you would like a "digital" copy of this letter to assist in processing, please contact Karlynn Kawahara at Munekiyo & Hiraga at 244-2015.

Please give me a call at 893-2300 with any questions.

Sincerely,

David Ward

Cc: Peter Martin – Olowalu Elua Associates
Kirk Tanaka – Tanaka Engineering
Karlynn Kawahara – Munekiyo & Hiraga

FREDDIE,
DID YOU DISCUSS ANY INTERIM IMPROVEMENTS? THE ONLY IMPROVEMENTS I KNOW ARE THE ULTIMATE ONES, WHICH INCLUDE RT. DECEL, LT. POCKETS, TAPERS, ETC. IF THIS IS THE CASE, I DON'T THINK THIS QUALIFY FOR EXEMPTION. | Ok!!
[illegible]

1633

DRAFT

Should you have any further questions, please do not hesitate to contact me at 873-3535.

Very truly yours,

FERDINAND CAJIGAL
Maui District Engineer

FC:tn
cc: Michael T. Munekiyo, Munekiyo & Hiraga, Inc.

DRAFT

August 21, 2003

Mr. Peter Martin
Olowalu Elua Associates, LLC
33 Lono Avenue #450
Kahului, Hawaii 96732

Dear Mr. Martin:

Subject: Olowalu Elua Associates' Proposed Intersection Improvements at Olowalu, Maui, Hawaii

We have reviewed the plans for the proposed Olowalu Elua Associates, LLC (OEA) intersection on Honoapiilani Highway in the Olowalu vicinity. We understand that OEA has filed a Special Management Area Use Permit Amendment with the County of Maui Planning Department to move the proposed "Intersection D" further west along Honoapiilani Highway. The new intersection site is located approximately 3,200 feet west of its original location.

In reviewing the plans and scope of this project, we find that an Environmental Assessment (EA) will not be required for this project as it qualifies for an exemption under the Department of Transportation's Comprehensive Exemption List as approved by the Environmental Council on December 16, 1992. The proposed action falls under Exemption Class 4 which states, "3. *Paving of shoulder areas within existing highway rights-of-way for driveways and subdivision street connections. These shoulder pavings will provide vehicular access to the highway pavement lanes from the adjacent common property line for residential and commercial driveways and subdivision street connections. These actions will not alter the character of the highway facility*".

Exhibit 9

LINDA LINGLE
GOVERNOR

RODNEY K. HARAGA
DIRECTOR

DEPUTY DIRECTOR
BRUCE Y. MATSUI

FILE COPY

IN REPLY FERER TO,
HWY-M 2.411-03

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

MAUI DISTRICT
650 PALAPALA DRIVE
KAHULUI, HAWAII 96732-2321

September 19, 2003

Mr. David Ward
Frampton & Ward, LLC
33 Lono Avenue, Suite 450A
Kahului, Hawaii 96732

Dear Mr. Ward:

SUBJECT: OLOWALU ELUA ASSOCIATES' PROPOSED INTERSECTION IMPROVEMENTS AT OLOWALU
I.D. NO. ME-02-01

It is our understanding that the relocation of the "Olowalu Mauka Intersection" will result in highway improvements, such as installation of a deceleration lane and left turn pocket, tapers and asphalt paved shoulders. Under the Department of Transportation's Comprehensive Exemption List, Class 4, Item 3, these improvements do not qualify for an Environmental Assessment exemption. The exemption is intended for minor alterations for driveway and subdivision street connections that will not alter the character of the highway.

If you wish to discuss this matter further, please call Paul Chung at 873-3535.

Very truly yours,

FERDINAND CAJIGAL
District Engineer, Maui

PMC:dmf

,DING THIN LITTER AT THE
12/08 BOARD MEETING, FRAMPTON
,JARD SAID THEY WERE AT THE MEETING
TO GET THE BOARD'S SUPPORT FOR OLOWALU TOWN
,ND IF WE WERE NOT GOING TO SUPPORT THEM, THERE WAS NO
REASON TO CONTINUE THE MEETING.

...m: "Debbie" <debarakaki@hawaii.rr.com>
To: "Randy Ragon" <rr077@hotmail.com>; "E Ernisse" <peaceandaloha@hotmail.com>; <loriekruse@aol.com>; <cabanaboy@ableweb.net>; <lars@valleyislebuilders.com>; <driverfamily@sbcglobal.net>; <dave@mchawaii.com>; <rich@richvon.com>; <mailjoanne@adelphia.net>; <gabija333@aol.com>; <jan@richvon.com>; <bill@mchawaii.com>; <peter@longhi.com>; <henry@seagoddess.net>; <wena49@cs.com>
Sent: Sunday, August 10, 2008 10:43 AM
Subject: Re: IMPORTANT!!!! PLEASE REPLY! Olowalu Mauka HOA Board MEETING, August 12, 2008

I also think that an endorsment to the Olowalu project should be on an individual basis , not necessarily from the entire community of Olowalu Mauka.

Deb

----- Original Message -----
From: Randy Ragon
To: E Ernisse ; loriekruse@aol.com ; cabanaboy@ableweb.net ; lars@valleyislebuilders.com ; driverfamily@sbcglobal.net ; dave@mchawaii.com ; rich@richvon.com ; debarakaki@hawaii.rr.com ; mailjoanne@adelphia.net ; gabija333@aol.com ; jan@richvon.com ; bill@mchawaii.com ; peter@longhi.com ; henry@seagoddess.net ; wena49@cs.com
Sent: Sunday, August 10, 2008 10:28 AM
Subject: RE: IMPORTANT!!!! PLEASE REPLY! Olowalu Mauka HOA Board MEETING, August 12, 2008

I am off island and will not be able to attend the next board meeting. Safety issues and quality of initial infrastructure development remain my primary concerns. Another accident, another fire and no acceptable exits are placing all of our lives in danger. In the meantime, we still have common area problems and water problems and a list of items that have been promised to us and not delivered. While I support Frampton and Ward's concept of village communities on Maui, I can no longer support WML or anyone affiliated with them such as Frampton and Ward until they prove to me that they can develop high quality subdivisions that are safe for the homeowners. Instead of talking about building new communities, maybe they could help us clean up the existing problems, which I believe have mainly been caused by the developer who seem to always look for ways to save money and spend less instead of doing things right in the beginning.
The board needs to make a public records request to the county to obtain a copy of all records reflecting any conditions attached to the subdivision approval as well as the subdivision approvals so we can ascertain whether conditions have been met. I cannot believe that the county would allow a subdivision approval with the existing entrance/exit and with only one way out. How many more lives need to be lost? This should be the focus of any meeting with WML or any of their affiliates, not future development. Furthermore, I believe that WML and Frampton and Ward should be put on notice that Olowalu Mauka homeowners will oppose any future endeavors by this group until we are convinced they are delivering on their promises which means action instead of empty promises.

From: peaceandaloha@hotmail.com
To: loriekruse@aol.com; cabanaboy@ableweb.net; lars@valleyislebuilders.com; rr077@hotmail.com; peaceandaloha@hotmail.com; driverfamily@sbcglobal.net; dave@mchawaii.com; rich@richvon.com; debarakaki@hawaii.rr.com; mailjoanne@adelphia.net; gabija333@aol.com; jan@richvon.com; bill@mchawaii.com; peter@longhi.com; henry@seagoddess.net; wena49@cs.com
Subject: IMPORTANT!!!! PLEASE REPLY! Olowalu Mauka HOA Board MEETING, August 12, 2008
Date: Sat, 9 Aug 2008 14:44:29 -1000

IMPORTANT! PLEASE REPLY! before August 12, 2007

NEITHER FRAMPTON AND DAVE WARD OR WML HAS DONE ANYTHING TO CORRECT THE PROBLEMS OR FULFILL THEIR PROMISES TO OLOWALU MAUKA

Aloha All,

Bill Frampton and Dave Ward of Olowalu Town LLC/WML will attend our Board Meeting on Tuesday, August 12, 2008 at 9 a.m. at the Olowalu Plantation House to provide information to Olowalu Mauka Homeowners regarding the upcoming General Plan meetings to be held in Lahaina on August 21 and 23rd, since no one from Olowalu Mauka attended their meeting on August 3rd (see attached meeting notification.)

I consider this to be an excellent opportunity to ask questions concerning the past, present, and future status of our subdivision in relation to West Maui Land's ultimate plans for Olowalu. Are we supporters of Olowalu Town? Your Board MUST know your opinion since we will be testifying at these meetings representing Olowalu Mauka HOA.

PLEASE:

1. Let me know if you will be able to attend this meeting, and

2. If you are unable to attend, email your questions, comments and suggestions for me to ask Olowalu Town/WML at this meeting.

Thank you. I hope to see you at this VERY IMPORTANT meeting.

I apologize for the late notice, but I have been off-island.
Remember to email your questions, so, hopefully, we will have some answers regarding Olowalu Mauka!

Ellen Ernisse
President
Olowalu Mauka Homeowners Association
email: peaceandaloha@hotmail.com
phone: 808-669-9275

From: bill@mchawaii.com
Subject: Olowalu Town meeting date Sunday, August 3rd at 1:00 pm
Date: Thu, 31 Jul 2008 16:06:29 -1000

Aloha, Invitation attached to meet with the General Plan Advisory Committee (GPAC) to review a Draft General Plan.

Bill East
Community Association Manager
Management Consultants Hawaii (MCH)
Office (808) 661-8795
Fax (808) 667-7608
bill@mchawaii.com

Reveal your inner athlete and share it with friends on Windows Live. Share now!

AFTER READING THIS LETTER AT THE AUGUST 12/08 BOARD MEETING, FRAMPTON AND WARD SAID THEY WERE AT THE MEETING TO GET THE BOARD'S SUPPORT FOR OLOWALU TOWN AND IF WE WERE NOT GOING TO SUPPORT THEM, THERE WAS NO REASON TO CONTINUE THE MEETING.

Randy Ragon

From: "Debbie" <debarakaki@hawaii.rr.com>
To: "Randy Ragon" <rr077@hotmail.com>; "E Ernisse" <peaceandaloha@hotmail.com>; <loriekruse@aol.com>; <cabanaboy@ableweb.net>; <lars@valleyislebuilders.com>; <driverfamily@sbcglobal.net>; <dave@mchawaii.com>; <rich@richvon.com>; <mailjoanne@adelphia.net>; <gabija333@aol.com>; <jan@richvon.com>; <bill@mchawaii.com>; <peter@longhi.com>; <henry@seagoddess.net>; <wena49@cs.com>
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FACT SHEET

CHAPTER 19 AGRICULTURE DISTRICT AND ORDINANCE 2372

The subdivision falls under **Chapter 19.04 as an Agriculture District of the Maui County Code with the purpose and intent to discourage developing or subdividing.**

It was created under **Ordinance 2372. The purpose of the ordinance was to allow the consolidation of two or more developable lots and a resubdivision into the same or fewer developable lots for residents without having to comply with the full requirements of 18.04.020.**

It was never intended for developers to circumvent subdivision laws to build subdivisions for sale to the public.

See developer attorney Tom Welch's testimony in the minutes of the 1994 County Council meeting on Ordinance No. 2372, Bill No. 83.

Welch testifies that the ordinance was for neighbors or abutting property owners to relocate boundaries. Not a situation where it would increase the impact to the County or increase the burden on the County infrastructure which would be applicable to a "development situation".

Olowalu Mauka is clearly a subdivision along with the thousands of acres that have been developed along and have impacted the shoreline from Maalea to Lahaina.

A portion of the subdivision is located in the shoreline management area which triggered an SMA for the subdivision. Nonetheless, since the subdivision was processed under ordinance 2372 public works director Milton Arakawa returned the subdivision bond which would have insured compliance with the subdivision and SMA conditions.

What is disturbing is that the ENVIRONMENTAL ASSESSMENT WAS PREPARED BY MILTON ARAKAWA'S COMPANY JUST PRIOR TO HIS EMPLOYMENT WITH THE COUNTY OF MAUI.

2012 APR 23 A 8:43
LAND USE COMMISSION
STATE OF HAWAII

EXHIBIT "D"

ITEM NO. 9: PROPOSED BILL ENTITLED "A *BILL FOR AN ORDINANCE AMENDING TITLE 18 OF THE MAUI COUNTY CODE, PERTAINING TO SUBDIVISIONS*" (C.C. 94-227)

CHAIRMAN KAWANO: . .Okay, we're on. . .we're running a little late, and we're on Item 9. . .proposed bill ent. . .a bill, this is an ordinance amending Chapter 18 of the Maui Code, pertaining to subdivision. Okay. . .

MS. SUZUKI: Mr. Chair--

CHAIRMAN KAWANO: . . .Mr. Kaya, you have anything or. . .

VICE-CHAIRMAN MORROW: Martha--

CHAIRMAN KAWANO: . . .Corp. . .Corp. Counsel, go ahead.

VICE-CHAIRMAN MORROW: . . .Move to approve.

CHAIRMAN KAWANO: . . .Okay. Howard, can. . .can you hang on? We have somebody who wish to testify.

. . .Martha, who. . .go ahead.

MS. SUZUKI: The first person to testify is Thomas Welch.

CHAIRMAN KAWANO: Thomas. . .Thomas, you may, please state your name. If. . .an organization you wanna represent or yourself. You have three minutes to give us your thought. Go ahead.

MR. WELCH: Yeah. Thank you, Mr. Chairman and Members of the Committee.

. . .I'm Tom Welch. . .in the law firm of Case and Lynch. And. . .I wanted to. . .testify that. . .as a. . .as a firm, we're strongly in favor of this. . .of this proposed amendment. Both, for our. . .on our own behalf because we think it makes good sense, and on behalf of many of our clients. We represent. . .of course, we represent developers, but we also represent people who. . .have smaller real estate problems--including neighbors or abutting property owners who want to relocate boundaries between them to correct. . .encroachments. . .to add, maybe, a little bit of land from one lot onto another. In a situation where it's not in. . .increasing the development, impact to the County or. . .or. . .increasing any burden on the County infrastructure. . .in a. . .and, under those circumstances. . .we've. . .lot of people have expressed frustration with the fact that they have to go to the County for a full subdivision approval process which. . .would be applicable to more of a development situation. We feel that this. . .this proposal is an excellent one.

. . .And, in that it abbreviates that process for those kinds of people where no new developable lots are created as a result of the subdivision change. Also, I wanna note that these, that this provision is essentially. . .well, similar to provisions in effect on Oahu and the Big Island where. . .and, I know on the Big Island, where I've done a lot of work. . .the. . .the. . .boundary line adjustment between properties is not subject to subdivision approval. There's an abbreviated process where a plan is filed.

. . .So, this conforms, I think, with the general trend. . concerning. . .the, the regulatory approach to these kinds of problems.

. . .It, it is clear that. . .the County, by adopting this, will not be giving up any measure of. . control and regulatory authority over true development situations because it's clear here that this does not change the requirement of zoning, SMA, building permit, driveway permit and all of the approve. . .the approval requirements that apply to. . .to. . .actual development. And, I think that this will. . .probably also alleviate some of the administrative, unnecessary administrative burden with the County. . .agencies dealing with subdivisions.

. . .Uh. . .that's basically it. There may be some. . .

. . .discussion concerning the best way, you know, the language and so forth, and. . .

. . .I think in principle, however, I think this is a very good measure. And. . .we hope that the Council will. . .will adopt it. Thank you very much, Mr. Chairman.

CHAIRMAN KAWANO: Thank you. Any questions?

. . .Thank you.

VICE-CHAIRMAN MORROW: . . .(inaudible). . .

CHAIRMAN KAWANO: . . .Okay, Martha, who else?

MS. SUZUKI: That was the last. . .

CHAIRMAN KAWANO: Julie, you have anything you. . .from Planning. . .you folks know Julie. You have anything you wanna say as far as that goes?

MS. HIGA: We. . .worked with. . .the Deputy Corporation Counsel on this and. . .he has addressed most of our concerns.

CHAIRMAN KAWANO: . . .Any of the Members have any questions for Planning?

. . .Thank you. Okay, Howard, lets go.

. . .Bring up. . .you can. . .you wanna explain the bill? No?

MR. FUKUSHIMA: Oh, yeah. . .essentially, Mr. Welch has. . .has explained it. . .quite well. The reason for this bill is to. . .alleviate some of the hardship that is created when. . .when adjoining property owners wish to correct the boundary line.

. . .Additionally, we have included. . .

. . .we have included. . .ingress and egress, or. . .or, excuse me, access easements. . .into the same category as these. . .consolidations and resubdivisions. Oftentimes, when somebody

ORDINANCE NO. 2372

BILL NO. 83 (1994)

A BILL FOR AN ORDINANCE AMENDING TITLE 18 OF THE MAUI COUNTY CODE, PERTAINING TO SUBDIVISIONS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. The purpose of this legislation is to allow the consolidation of two or more developable lots and a resubdivision into the same or fewer developable lots without having to comply with the full requirements of this title.

SECTION 2. Section 18.04.20, Maui County Code, is amended by adding a new subsection to be appropriately designated and to read as follows:

"18.04.020 Authority and scope.

A. Authorized by [8-6.3] 8-5.3 of the charter of the county of Maui, all subdivisions and consolidations, and all streets or ways within the county created for the purpose of subdividing land, shall be approved by the director in accordance with [these regulations] this title.

B. Any person desiring to subdivide or consolidate land shall submit plans and documents for approval as provided by this title. No subdivision plat may be filed with the bureau of conveyances or land court or state department of taxation until submitted to and approved by the director. Land shall not be offered for sale, lease or rent in any subdivision, nor shall options or agreements for the purchase, sale, lease or rental of land in any subdivision be made until approval for recordation of the final plat is granted by the director as provided [herein] in this title.

C. The requirements of this title shall not apply to a consolidation/resubdivision of two or more developable lots resulting in the same or fewer number of developable lots that existed before the consolidation/resubdivision action or to the establishment of easements for ingress and egress where no new developable lots are created together with the establishment of the easement subject to the following conditions.

1. Compliance with title 19 of this code or chapter 205, Hawaii revised statutes or both.

2. Compliance with chapter 18.08 of this title except for section 18.08.090.

3. Compliance with chapter 18.12 of this title except for Section 18.12.070.

4. Compliance with chapter 18.24 of this title.

D. Parcels that have undergone consolidation/resubdivision under this subsection shall not qualify for this exception with respect to any subsequent consolidation/resubdivision of any of the parcels.

E. If the director of public works and waste management finds that the subdivision will have a significant or substantial impact upon public facilities or infrastructure, the director of public works and waste management may impose those requirements in title 18 that are appropriate.

F. The director of public works and waste management shall adopt rules to implement the provisions of section 18.04.020E."

SECTION 3. Chapter 18.04, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

"18.04.111 Consolidation/resubdivision. "Consolidation/resubdivision" means a consolidation of lots concurrent with a subdivision."

SECTION 4. Chapter 18.04, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

"18.04.123 Developable lot. "Developable lot" means a lot with a minimum area of one thousand two hundred square feet."

SECTION 5. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material or the underscoring.

SECTION 6. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

HOWARD M. FUKUSHIMA
Deputy Corporation Counsel
County of Maui
c:\wp51\ords\title16.rev(pk)

WE HEREBY CERTIFY that the foregoing BILL NO 83 (1994)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 21st day of October, 1994, by the following votes:

Goro HOKAMA Chair	Dennis Y. NAKAMURA Vice-Chair	James H. APANA, Jr.	B. Lynn BRITTON	Patrick S. KAWANO	Alice L. LEE	Ricardo MEDINA	Manuel MONIZ, Jr.	Thomas P. MORROW
Aye	Aye	Aye	Aye	Aye	Aye	Excused	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 21st day of October, 1994.

DATED AT WAILUKU, MAUI, HAWAII, this 21st day of October, 1994.

GORO HOKAMA, CHAIR
Council of the County of Maui

DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 27th DAY OF October 1994.

LINDA CROCKETT LINGLE, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2372 of the County of Maui, State of Hawaii.

DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

Passed First Reading on October 7, 1994.
Effective date of Ordinance October 27, 1994.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2372, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

HRS Chapter 514B - Condominium Property

"Property" means the land, whether or not contiguous and including more than one parcel of land, but located within the same vicinity, the building or buildings, all improvements and all structures thereon, and all easements, rights, and appurtenances intended for use in connection with the condominium, which have been or are intended to be submitted to the regime established by this chapter. "Property" includes parcels with or without upper or lower boundaries, and spaces that may be filled with air or water.

"Record", "recordation", "recorded", or "recording" means to record in the bureau of conveyances in accordance with chapter 502, or to register in the land court in accordance with chapter 501.

"Resident manager" means any person retained as an employee by the association to manage, on-site, the operation of the property.

"Structures" includes but is not limited to buildings.

"Time share unit" means the actual and promised accommodations, and related facilities, that are the subject of a time share plan as defined in chapter 514E.

"Unit" means a physical or spatial portion of the condominium designated for separate ownership or occupancy, the boundaries of which are described in the declaration or pursuant to section 514B-35, with an exit to a public road or to a common element leading to a public road.

"Unit owner" means the person owning, or the persons owning jointly or in common, a unit and its appurtenant common interest; provided that to such extent and for such purposes as provided by recorded lease, including the exercise of voting rights, a lessee of a unit shall be deemed to be the unit owner.

[§514B-4] Separate titles and taxation. (a) Each unit that has been created, together with its appurtenant interest in the common elements, constitutes, for all purposes, a separate parcel of real estate.

(b) If there is any unit owner other than a developer, each unit shall be separately taxed and assessed, and no separate tax or assessment may be rendered against any common elements. The laws relating to home exemptions from state property taxes are applicable to individual units, which shall have the benefit of home exemption in those cases where the owner of a single-family dwelling would qualify. Property taxes assessed by the State or any county shall be assessed and collected on the individual units and not on the property as a whole. Without limitation of the foregoing, each unit and its appurtenant common interest shall be deemed to be a "parcel" and shall be subject to separate assessment and taxation for all types of taxes authorized by law, including, but not limited to, special assessments.

(c) If there is no unit owner other than a developer, the real estate comprising the condominium may be taxed and assessed in any manner provided by law.

[§514B-5] Conformance with county land use laws. Any condominium property regime established under this chapter shall conform to the existing underlying county zoning for the property and all applicable county permitting requirements adopted by the county in which the property is located, including any supplemental rules adopted by the county,

Chapter 19.30A

AGRICULTURAL DISTRICT

Sections:

19.30A.010	Purpose and intent.
19.30A.020	District criteria.
19.30A.030	District standards.
19.30A.040	Limitations on resubdivision.
19.30A.050	Permitted uses.
19.30A.060	Special uses.
19.30A.070	Private agricultural parks.
19.30A.080	Agricultural leases.
19.30A.090	Substandard agricultural lots.
19.30A.100	Exemptions pursuant to state law.
19.30A.110	Permits issued prior to the enactment of this ordinance.
19.30A.120	Rule-making authority.

19.30A.010 Purpose and intent.

A. Purpose. The purpose of the agricultural district is to:

1. Implement chapter 205, Hawai'i Revised Statutes, and the goals and policies of the Maui County general plan and community plans;

2. Promote agricultural development;

3. Preserve and protect agricultural resources; and

4. Support the agricultural character and components of the County's economy and lifestyle.

B. Intent. It is the intent of this chapter to:

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;

4. Discourage establishment of nonagricultural subdivisions;

5. Ensure that the rezoning of land from the agricultural district shall be open for public debate and in the overall public interest, as evidenced by conformance with the Maui County general plan and community plan land use designations and policies, State land use law, this chapter and good planning practices; and

6. Notify the public that lands within the agricultural district are used for agricultural purposes. Owners, residents, and other users of such property or neighboring properties may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations. Such normal and accepted agricultural practices and operations include but are not limited to noise, odors, dust, smoke, the operation of machinery of any kind, including aircraft, and the storage and disposal of manure. Owners, occupants, and users of such property or neighboring properties shall be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations. (Ord. 2749 § 3 (part), 1998)

19.30A.020 District criteria.

Agricultural lands that meet at least two of the following criteria should be given the highest priority for retention in the agricultural district:

A. Agricultural Lands of Importance to the State of Hawai'i (ALISH);

B. Lands not classified by the ALISH system whose agricultural land suitability, based on soil, topographic, and climatic conditions, supports the production of agricultural commodities, including but not limited to coffee, taro, watercress, ginger, orchard and flower crops and nonirrigated pineapple. In addition, these lands shall include lands used for intensive animal husbandry, and lands in agricultural cultivation in five of the ten years immediately preceding the date of approval of this chapter; and

C. Lands which have seventy-five percent or more of their boundaries contiguous to lands within the agricultural district. (Ord. 2749 § 3 (part), 1998)

19.30A.030 District standards.

Except as otherwise provided in this chapter, the following district standards shall apply for uses, facilities and structures in the agricultural district:

A. Minimum lot area: two acres;

B. Minimum lot width: two hundred feet;

C. Minimum yard setbacks: front yards, twenty-five feet; side and rear yards, fifteen feet;

D. Maximum developable area: ten percent of the total lot area. This restriction shall apply to farm dwellings, but shall not apply to any structure or portion thereof which is used to support agriculture, including but not limited to storage facilities, barns, silos, greenhouses, farm labor dwellings, and stables, and shall not apply to utility facilities as permitted by this chapter;

pursuant to section 514B-6, to ensure the conformance of condominium property regimes to the purposes and provisions of county zoning and development ordinances and chapter 205. In the case of a property which includes one or more existing structures being converted to condominium status, the condominium property regime shall comply with section 514B-32(a)(13) or 514B-84(a).

[§514B-6] Supplemental county rules governing a condominium property regime. Whenever any county deems it proper, the county may adopt supplemental rules governing condominium property regimes established under this chapter in order to implement this program; provided that any of the supplemental rules adopted shall not conflict with this chapter or with any of the rules adopted by the commission to implement this chapter.

[§514B-7] Construction against implicit repeal. This chapter being a general act intended as a unified coverage of its subject matter, no part of it shall be construed to be impliedly repealed by subsequent legislation if that construction can reasonably be avoided.

[§514B-8] Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

[§514B-9] Obligation of good faith. Every contract or duty governed by this chapter imposes an obligation of good faith in its performance or enforcement.

§514B-10 Remedies to be liberally administered. (a) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. Punitive damages may not be awarded, however, except as specifically provided in this chapter or by other rule of law.

(b) Any deed, declaration, bylaw, or condominium map shall be liberally construed to facilitate the operation of the condominium property regime.

(c) Any right or obligation declared by this chapter is enforceable by judicial proceeding.

PART II. APPLICABILITY

[§514B-21] Applicability to new condominiums. This chapter applies to all condominiums created within this State after July 1, 2006. The provisions of chapter 514A do not apply to condominiums created after July 1, 2006. Amendments to this chapter apply to all

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT

April 30, 2002

Mr. Robert Horcajo, Project Manager
OLOWALU ELUA ASSOCIATES, LLC
173 Hoohana Street, Suite 201
Kahului, Hawaii 96732

SUBJECT: OLOWALU MAUKA SUBDIVISION
TMK: (2) 4-8-003:010, 050-070, & 073-082
(2) 4-8-004:011-016
LUCA FILE NO. 4,766

Dear Mr. Horcajo

Final approval for the subject subdivision (consolidation of 38 lots and resubdivision into 34 lots and 5 roadway lots) has been granted on April 30, 2002. This final approval is based upon Section 18.04.020(C) of the Maui County Code (Ordinance 2372). An approved final plat is enclosed for your records.

The State of Hawaii, Department of Land and Natural Resources, State Historic Preservation Division has attached the following condition to this final approval:

"..the terms specified in the accepted preservation plan and burial treatment plan are followed and an acceptable archaeological monitoring plan for sites 4820 and 4821 is submitted to this office for review prior to the commencement of any ground-altering activities. In addition, an acceptable report documenting the findings of the monitoring activities will be submitted to this office for review upon 180 days following the completion of the proposed undertaking."

In accordance with Section 18.04.020(D) of the Maui County Code, the lots created by this subdivision shall not qualify for this exception with respect to any subsequent consolidation/resubdivision of any of the parcels.

EXHIBIT E

If you have any questions regarding this letter, please call Mr. Lance Nakamura of our Land Use and Codes Administration at 270-7252.

Very truly yours,

DAVID GOODE
Director of Public Works
And Waste Management

Enclosure: Approved Final Plat

cc: Dept. of Finance, Real Property Tax Division w/final plat
Dept. of Finance, Tax Map Division w/final plat
Building Permit Section w/final plat
Engineering Division w/final plat
Dept. of Planning w/final plat
Dept. of Water Supply w/final plat
Police Dept. w/final plat
State Dept. of Health w/final plat
Maui Electric Co. w/final plat

Olowalu Town
BY MAUI, FOR MAUI
2035 MAIN STREET WAILUKU HAWAI'I 96793
OFFICE: 808-249-2224 / FAX: 249-2333

October 26, 2015

Mr. Randy Ragon
713-A Front Street
Lahaina, Hawaii 96761

SUBJECT: Land Use Commission Docket No. A10-786
Olowalu Town, LLC and Olowalu Ekolu, LLC
Olowalu Town Master Plan at Olowalu, Maui, Hawaii

Dear Mr. Ragon:

We are in receipt of your letter dated April 19, 2012 to Orlando Davidson who was Executive Director of the Land Use Commission (LUC) at the time. Although you may disagree with our letter of March 2, 2012, we believe our responses reflect an accurate representation of the facts.

During the District Boundary Amendment process before the LUC, you will have the opportunity to be a participant in the proceedings should you choose to do so. Your six (6) questions addressed to the Executive Director can be addressed by the LUC during proceedings before the Commission.

A copy of your letter and this response will be included in the Final Environmental Impact Statement (EIS). Should you wish to receive a copy of the Final EIS document or portion thereof, please submit your request in writing to Munekiyo Hiraga at 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town LLC

David Ward
Olowalu Town LLC

WF:DW
Cc: Daniel Orodenker, Executive Director, Land Use Commission
Peter Martin, Olowalu Ekolu, LLC
Jennifer Lim, Carlsmith Ball LLP
Colleen Suyama, Munekiyo Hiraga
K:\DATA\OlowaluTown\MasterPl\Draft EIS\Response Letters\Ragon Response.doc

Prof. Dick Mayer **dickmayer@earthlink.net**
1111 Lower Kimo Dr.
Kula, Maui, HI 96790

April 21, 2012

Applicant: Olowalu Town, LLC and Olowalu Ekolu, LLC bill@fwmaui.com
2035 Main Street, Suite 1, Wailuku, Hawai'i 96793.
Contact: Bill Frampton, (808) -

Approving Agency: State Land Use Commission luc@dbedt.hawaii.gov
P.O. Box 2359, Honolulu, Hawai'i 96804.
Contact: Dan Davidson, (808) 587-3826

Consultant: Munekiyo & Hiraga, Inc. colleen@mhplanning.com
305 High Street, Suite 104, Wailuku, Hawai'i 96793.
Contact: Colleen Suyama, (808) 244-2015

Director, Planning Department william.spence@mauicounty.gov
County of Maui Kalana Pakui Building, Suite 200 planning@mauicounty.gov
250 High Street Wailuku, Hawaii 96793

Hawaii State Office of Environmental Quality
235 South Beretaina Street oeqc@doh.hawaii.gov
Honolulu, Hawaii, 96813-2419

Comments on Draft EIS for OLOWALU TOWN MASTER PLAN

Although I was the Vice-Chairman of the General Plan Advisory Committee (GPAC), I do not represent that committee in my comments here. However many of my comments below, will reflect my experience serving on that committee. I do very much appreciate having the opportunity to comment on this project's DEIS.

Despite the fact that this Draft-EIS is very lengthy and comes in 2 large volumes, it has many omissions and makes numerous assertions which are either untrue or incomplete. Hopefully, the Final EIS will give a complete description of the impacts and mitigations connected to this project proposal.

Note: All page references are to volume 1, except when specifically mentioning volume 2.

Ohana units: Page 20 makes it quite clear that there will be many ohana units in this project. All of the 15-20 agricultural homes are allowed ohana units. All of the 75-100 rural homes are allowed ohana units. And all of the 400-800 town lot homes are also allowed ohana units. That means there may be a total of up to 920 potential ohana units in addition to the 1,500 units off often cited for this project!

Nowhere in the subsequent analysis do these ohana units get analyzed, for example: the children who would be attending schools, the considerable traffic generated by each residence, the water consumption, the wastewater sent out, the parking spaces needed, the solid waste generated, etc. Although it will be a major effort, the Final EIS must include these ohana units in all of its calculations, impacts, and mitigations. Alternatively, the applicants may wish to make a statement in their application for a LUC boundary amendment that only a total of 1,500 units would be allowed in the Olowalu project and that there will be a prohibition on any ohana units.

Number of affordable/workforce homes: When the applicants came before the General Plan Advisory Committee (GPAC), they stated explicitly that there would be 1,000 below market price homes in the project. 500 of these homes would be in the affordable range; and 500 homes would meet the needs of gap housing at below market prices. Here is the graphic from the applicant's GPAC presentation:

> Space/Community/Roadways - 53%. The price ranges for all of the housing will be allocated into the following:
>
> - 500 units or 1/3 of project for affordable (below 120% median income level);
> - 500 units or 1/3 of project for gap-group/under-market (below existing average market prices); and
> - 500 units or 1/3 of project for market (above average market prices).

It was partially on the basis of that affordable housing assertion that the GPAC voted to recommend the inclusion of this project within the urban and rural growth boundaries.

Now the Draft EIS states that there will be a maximum of ONLY 750 affordable homes and hints that there may be even fewer if the County's Workforce Housing policy would allow a lower number. The Final EIS should make it clear what the exact number of affordable homes will be. Hopefully, it will be at the promised 1,000 unit level. Otherwise, this would be a classic case of "bait and switch".

Is the Olowalu Town project even needed? There is inadequate analysis in the DEIS of West Maui's housing needs and potential "already entitled" supply. If that analysis is done, it will show that the proposed Olowalu Town project is not needed. On page 25 of the Draft EIS it states that there will be a need for an additional 3,456 units by the year 2030.

The Maui County Planning Department's Long-Range Division has prepared an updated list of the already fully entitled housing units in West Maui. Please see:
http://www.co.maui.hi.us/documents/Planning/Long%20Range%20Division/GIS%20Maps/Web_20110215DevProjs_WestMauiNorth_sm.PDF

The County Planning Department's list shows that were 3,963 already entitled units in early 2011. Subsequently during 2011, ML&P's Pulelehua project was fully entitled providing an additional 882 units plus ohanas. Given the fact that there are already about 5,000 fully entitled units available in West Maui, much closer to available jobs, there is no need for the Olowalu Town project at this time and no need for a Boundary Amendment.

Furthermore, the GPAC, Maui Planning Commission, and the County's planning department have all recommended to the County Council urban growth boundaries (UGBs) in West Maui that would permit several thousand additional entitled units much closer to the job locations in Lahaina, Kaanapali, and Kapalua.

Size of the Commercial Area (Page 105): When the applicants came before the General Plan Advisory Committee (GPAC), they stated explicitly that the commercial area would be a modest 25,000 sq. ft. with an additional 15,000 sq. ft. for restaurants. Now, this Draft DEIS claims a desire to build 300,000 sq. ft. of commercial space for this "small town". Another "bait and switch". The Final EIS must include a comprehensive justification for whatever commercial space is being proposed, and an explanation why the large existing (and growing) shopping areas in West Maui and Central Maui cannot meet the needs of Olowalu.

Public Infrastructure Costs: When the applicants came before the General Plan Advisory Committee (GPAC), they explicitly proposed that, *"A significant component of OT includes the design and building of innovative infrastructure systems at no cost to the state or county (applicant's underlining). . . .OT believes strongly in responsible development and will construct and pay for the following infrastructure systems:"* The applicants then provided a long list of infrastructure and public facility improvements which they would pay for. Unfortunately, no similar list exists within the Draft EIS.

Infrastructure – Mauka Highway: The Draft EIS makes it clear that the applicant plans to relocate the highway in a mauka direction within a 200 ft. right-of-way. The applicant proposes to construct a two-lane highway within that corridor, a pair of "O" turns to reduce the need for left-hand turns, and space between the two lanes for a future transit line that presumably would run from Central Maui to West Maui.

Several transportation related issues arise:
a) Page 3 of Appendix L in Volume 2 states that only $18 million has been set aside for this rather long and probably much more expensive infrastructure project that also includes a bridge. It would seem that this commitment of only $18 million for the mauka realignment will be grossly inadequate and the applicant may come to the county or state begging for additional funding.

b) The maps in the Draft EIS did not give a clear indication of the roads connecting the makai and mauka sections of this project. How many intersections will there be on the new mauka highway? How will traffic get across the highway? Lights? Using the "O" turns? What difficulties will the existing mauka agricultural lot residents encounter to get to the ocean?
c) The maps in the Draft EIS are not very clear as to all of the internal roads that will be contained within the project. The routes of each of the roads should be indicated as well as the width of the roads so that they may be properly assessed by the fire department.
d) What provision is being made for the future transit rail line to cross the two "O" turns?
e) What space provisions are being made for a transit station and an adjacent parking and bus connections?

Infrastructure – Existing Honoapi'ilani Highway: The plan is to cut the existing coastal highway in two locations so that travelers on the road would have less access to the Olowalu coastline. The Final EIS should indicate the specific parking facilities, access routes/rights-of-way to the ocean, restrooms that will be available to both the Olowalu town residents and the tourists who now use the Olowalu coastline for snorkeling, fishing etc. Who will own/manage this State property where the present highway will no longer be located? Since visitors would no longer pass the Olowalu store and restaurant, what provision is being made for these changes? How will the owners be compensated for their loss of business?

Infrastructure – Schools: This is one of the biggest issues because the proposed town is so isolated from the existing school infrastructure. On page 31 the Draft EIS states, "**As a mixed-**

> **use community, public facilities such as schools, community centers, police, fire and emergency services are proposed** which will serve the existing and new residential community. The improvement in public facilities will improve the quality of life for existing and future residents of Olowalu."

On page 134 the Draft EIS indicates that all four of the schools in West Maui are already over-capacity!! Then on page 135 the Draft EIS projects that there will be 462 additional students coming from the 1,500 units. However, this projection is much too low because it fails to include the many students that will come from the potential 920 ohana units. Because these ohana units will most likely have young families with school-age children there could be a considerably larger number than 462 students.

There are several implications that can be drawn from the above paragraph.

a) There will be a need to build a new elementary and middle and high school if students from Olowalu are to attend schools in Lahaina. However, funds for these three schools are unavailable as can be noted by the fact that South Maui with a population of 30,000 still does not have a high school.

b) The DOE needs to assess impact fees on not only the 1,500 units but also the ohana units. The DOE impact fees are much too low to cover the costs of constructing even one school let alone the three needed ones.
c) Will the applicant be willing to build the necessary schools in Olowalu?

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Finally, there should be a complete discussion of (both fire and tsunami) evacuation plans for Olowalu residents with consideration of the likelihood that the highway traffic between Central Maui and Lahaina would be stopped and backed up, making evacuation even more difficult. Given the large number of fires in this area, an effective evacuation plan is absolutely essential to the survival of this community.

Infrastructure – Parks: On page 137 there is an effort to show that this project will meet its parks requirement by providing 223 acres of park and open space. It would be much clearer to indicate separately the number of acres of park land, since open space does not necessarily indicate an ability to use the land for recreational purposes.

Infrastructure – Ambulance: There needs to be an explanation about emergency medical care for a community of this size. What provisions are there for ambulances within the community, or will the community need to rely on an ambulance coming from Lahaina or Central Maui?

Infrastructure – Beach Access: With a resident population of over 4,000, many of whom will be buying homes because of the proximity to the ocean, describe the facilities that will be available to accommodate this large number plus the usual users of this wonderful coral reef area. How will the reef be protected from so many users?

Infrastructure – Hydro-Electricity: On page 170 there is a mention of developing hydroelectric power. Please describe in considerable detail the environmental impacts of utilizing hydroelectric power. What streams will be affected? Will it be on the 640 acres? Etc.

Public Facilities and Financing: County and State Expenditures: Appendix "L": *Economic and Fiscal Impact Assessment, Olowalu Town Master Plan Development* attempts to provide information and analysis to determine the impacts of the Olowalu Town on County and State finances.

It fails miserably!! Its primary weakness is its lack of ability (or intentional desire) to hide the very real and high costs of needed government expenditures. Those results should not be a surprise since the two authors are "appraisers", and not economists or CPAs. They have assumed (without any basis) that only 5% of the residents in Olowalu will be in-migrants to Maui; only these people will need additional government services. The authors incorrectly assume that there will be very little additional government expenditure to take care of the needs of 95% of the town's residents. This totally neglects the large amount of public funds that will be needed to build and maintain schools, police protection, fire protection, ambulance service, solid waste removal, etc.

Phony Numbers: Both Appendix K and L, by the same two authors, develop a set of phony numbers to make the Olowalu Town project look good. For example, they multiply by a factor of 10, all job numbers, residents supported, and households that will benefit!! For example: 477 jobs on Maui and Oahu are made to look like 4,770 jobs; 351 households magically and inappropriately become 3,510. They hope no one will notice.

Number of Jobs: Throughout the Draft EIS mention is made that there will be 1,000 jobs within the community. This number arises on page 5 of Appendix L, out of nowhere, and then is used throughout the Draft EIS. This nice round guesstimate looks like a piece of fiction. Provide supporting data and information in the Final EIS on how this number was derived. This is very important because if the number is significantly lower, it will mean that much more commuter traffic will be leaving the town in both directions.

Agricultural Land: A major concern is the protection of prime agricultural lands; in fact there are both State constitutional requirements as well as obligations within the State's General Plan. The Draft EIS has considerable discussion about agriculture and agricultural land in general and makes a strong effort to say that this former sugarcane land is only a small part of Maui's agricultural land. It entirely misses the point.

The real issue here is that the agricultural lands being proposed for a boundary amendment and eventual development into an urbanized area are "PRIME" agricultural lands. These are very special and need to be preserved for Hawaii's future generations. On the bottom of page 112 the EIS indicates that for a mere $1 million the irrigation system could be repaired and the water could be made available to hundreds of acres of Olowalu's prime agricultural lands. As stated (bottom of page 124) biofuel crops (in addition to those that could be grown in Central Maui) could be a very valuable crop on these sunny lands and would provide real jobs. That is what this land should be used for.

Management and ownership issues: Throughout the Draft EIS it is asserted that certain infrastructure will be maintained by the applicant, and not by the County or State. The Final EIS should clearly indicate who will be responsible for maintaining the infrastructure, the applicant? A homeowners association? Some kind of civil improvement district (County Code chapter 19.34)? The responsible entity will not only make decisions on maintenance, but also will need to have a source of funds to do the maintenance. What is that source of funds? How will it be guaranteed so that the County and/or the State do not have to subsidize the project?

Vagueness: Almost every section that discusses infrastructure ends with a paragraph indicating that plans still need to be developed in that area because discussions are underway with government agencies. Consequently, it is very difficult for the public and decision-makers to do the necessary assessment of whether the EIS is adequately analyzing the impacts and proposing the necessary mitigation measures.

Some Other issues:

1. The Draft EIS makes no statement on the chronological order in which development will take place:
   What infrastructure will be complete when the first homeowners are ready to move in? The statement in the middle of page 129 is too vague. "Infrastructure improvements will be phased concurrently with residential development within the Master Plan to ensure that new residences are adequately served by basic services." There should be an infrastructure schedule.
   Which houses will be built first: the needed affordable units or the profitable market units?
2. The Draft EIS is mute with regard to vacation rentals and timeshares. Given the strong promises of smart growth and small-town living it would seem inappropriate for these types of developments. The Final EIS should make it clear that vacation rentals and timeshares will play no role in this residential community.

3. Solid Waste Near the top of page 131 there is a use of the word "considered". It would be far better to indicate the methods by which the solid waste issue will be handled. "Consideration" is not an operative word in an environmental impact statement.

4. Page 160. The Draft EIS mis-states the position of the GPAC and the Maui Planning Commission whose recommendations for the Urban and Rural Growth boundaries differ from the Olowalu Town Master Plan, specifically on the makai side of Honoapi'ilani Highway.

5. There seems to have been no contact with the adjacent community of residents on the mauka side of the property: their concerns, effects on their lifestyle, etc.

6. On page 105 next to last paragraph: suddenly the Draft EIS says that there will be "industrial" jobs. There is no basis elsewhere for such an assertion.

Olowalu Town
BY MAUI, FOR MAUI
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October 26, 2015

Dick Mayer
1111 Lower Kimo Drive
Kula, Hawaii 96790

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Mr. Mayer:

Thank you for your letter of April 21, 2012 providing comments on the Draft Environmental Impact Statement (EIS) for the Olowalu Town Master Plan. We offer the following information to the comments noted in your letter.

Comment:

Despite the fact that this Draft-EIS is very lengthy and comes in 2 large volumes, it has many omissions and makes numerous assertions which are either untrue or incomplete. Hopefully, the Final EIS will give a complete description of the impacts and mitigations connected to this project proposal.

Note: All page references are to Volume 1 except when specifically mentioning Volume 2.

Ohana units: Page 20 makes it quite clear that there will be many ohana units in this project. All of the 15-20 agricultural homes are allowed ohana units. All of the 75-100 rural homes are allowed ohana units. And all of the 400-800 town lot homes are also allowed ohana units. That means there may be a total of up to 920 potential ohana units in addition to the 1,500 units off often cited for this project!

Nowhere in the subsequent analysis do these ohana units get analyzed, for example: the children who would be attending schools, the considerable traffic generated by each residence, the water consumption, the wastewater sent out, the parking spaces needed, the solid waste generated, etc. Although it will be a major effort, the Final EIS must include these ohana units in all of its calculations, impacts, and mitigations.

Alternatively, the applicants may wish to make a statement in their application for a LUC boundary amendment that only a total of 1,500 units would be allowed in the Olowalu project and that there will be a prohibition on any ohana units.

Response:

Ohana units will be an option allowed in the Olowalu Town Master Plan (OTMP). Although it is anticipated that some owners will exercise this option there are others who will not. Planning for infrastructure and public services utilize historical information available for Maui Island, such as the average water use in a region by general use categories (i.e. single-family, multi-family, commercial, etc.). These historic averages include ohana units that have been built on existing lots. The consultants utilized the available State and County criteria in their analysis of infrastructure and public services.

Comment:

Number of affordable/workforce homes: When the applicants came before the General Plan Advisory Committee (GPAC), they stated explicitly that there would be 1,000 below market price homes in the project. 500 of these homes would be in the affordable range; and 500 homes would meet the needs of gap housing at below market prices. Here is the graphic from the applicant's GPAC presentation:

Space/Community/Roadways - 53%. The price ranges for all of the housing will be allocated into the following:

- 500 units or 1/3 of project for affordable (below 120% median income level)
- 500 units or 1/3 of project for gap-group/under-market (below existing average market prices); and
- 500 units or 1/3 of project for market (above average market prices)

It was partially on the basis of that affordable housing assertion that the GPAC voted to recommend the inclusion of this project within the urban and rural growth boundaries.

Now the Draft EIS states that there will be a maximum of ONLY 750 affordable homes and hints that there may be even fewer if the County's Workforce Housing policy would allow a lower number. The Final EIS should make it clear what the exact number of affordable homes will be. Hopefully, it will be at the promised 1,000 unit level. Otherwise, this would be a classic case of "bait and switch".

Response:

Since the preparation of the Draft Environmental Impact Statement (EIS), the Maui Island Plan (MIP) was adopted by the County of Maui through Ordinance No.4004 on

December 28, 2012. The Directed Growth Plan included in Chapter 8 of the MIP describes OTMP as having 1,500 units. It also makes provisions that additional units may be permitted through a transfer of development rights program or to provide more affordable housing in excess of what is required. During this conceptual phase of the process, a total of 1,500 units are proposed. Minimally, the affordable housing units will be in accordance with Chapter 2.96, Residential Workforce Housing Policy, Maui County Code. The intent of the OTMP is to provide as much affordable housing as possible balancing the cost of development with sales prices.

Comment:

Is the Olowalu Town project even needed? There is inadequate analysis in the DEIS of West Maui's housing needs and potential "already entitled" supply. If that analysis is done, it will show that the proposed Olowalu Town project is not needed. On page 25 of the Draft EIS it states that there will be a need for an additional 3,456 units by the year 2030.

The Maui County Planning Department's Long-Range Division has prepared an updated list of the already fully entitled housing units in West Maui. Please see: http://www.co.maui.hi.us/documents/Planning/Long%20Range%20Division/GIS%20Maps/Web_20110215DevProjs_WestMauiNorth_sm.PDF

The County Planning Department's list shows that were 3,963 already entitled units in early 2011. Subsequently during 2011, ML&P's Pulelehua project was fully entitled providing an additional 882 units plus ohanas. Given the fact that there are already about 5,000 fully entitled units available in West Maui, much closer to available jobs, there is no need for the Olowalu Town project at this time and no need for a Boundary Amendment.

Furthermore, the GPAC, Maui Planning Commission, and the County's planning department have all recommended to the County Council urban growth boundaries (UGBs) in West Maui that would permit several thousand additional entitled units much closer to the job locations in Lahaina, Kaanapali, and Kapalua.

Response:

The MIP reviewed the future housing needs for not only the West Maui region but the entire island. Consideration was given to the existing and future housing inventory for each region to establish housing projections as a long range planning tool with a degree of flexibility. While the projections are a satisfactory planning tool, it is not necessarily a good predictor of how the housing market will react in the next decade. The conditions of the market will determine which projects get built.

Although proposed, for various reasons, history has shown that not all planned projects get built. As such, the long range land use plans in the MIP included OTMP in the Directed Growth Plan as a future growth area. As stated in the MIP, "the project is intended to meet the needs of Maui residents as a revitalized and sustainable Olowalu community. The OTMP will provide housing, employment, recreational, and cultural opportunities in the context of a mixed-use sustainable community that preserves the area's natural, cultural, and historic resources". The market will determine the sequencing of units built, their location and target customers. The question of need also ignores the fact that unlike older style developments, OTMP is a master planned, mixed-use community designed to be pedestrian-friendly which will allow residents to live within walking distance of stores, schools, parks, employment opportunities, community centers, beaches, and social and civic resources, ultimately reducing reliance on automobiles. OTMP proposes infrastructure improvements that will incorporate innovative, efficient, and sustainable technology to minimize adverse impacts upon the natural environment. In addition, the OTMP will include an internal roadway network, consisting of an assortment of interconnected greenways and bikeways linkages in the community that support overall well-being and health of residents while reducing dependency on automobiles. These differences will give OTMP a distinct market advantage over other more traditional suburban developments.

Comment:

Size of the Commercial Area (Page 105): When the applicants came before the General Plan Advisory Committee (GPAC), they stated explicitly that the commercial area would be a modest 25,000 sq. ft. with an additional 15,000 sq. ft. for restaurants. Now, this Draft DEIS claims a desire to build 300,000 sq. ft. of commercial space for this "small town". Another "bait and switch". The Final EIS must include a comprehensive justification for whatever commercial space is being proposed, and an explanation why the large existing (and growing) shopping areas in West Maui and Central Maui cannot meet the needs of Olowalu.

Response:

Since the General Plan Advisory Committee (GPAC,) several years have passed in which the conceptual plans have been modified several times as technical studies were developed. Prior to the adoption of the MIP, it was disclosed to the County of Maui and the public that the OTMP would include approximately 300,000 sq. ft. of commercial use. The commercial uses within the OTMP is to provide services and employment for the residents as a mixed-use sustainable community as envisioned in the MIP. We note that the project's Market Study prepared by ACM concludes that the proposed commercial uses can be expected to be absorbed within the project's development timetable. See Appendix "K" in the Draft EIS. The Draft EIS included an Assessment of

Economic and Fiscal Impacts from the OTMP, associated with the proposed 300,000 sq. ft. of commercial uses. See Appendix "L" in the Draft EIS.

ACM Consultants, Inc. (ACM) recently reviewed the economic data and overall economic condition of Maui since the preparation of the Assessment of Economic and Fiscal Impact report. According to ACM, although sectors of the real estate market have improved, overall economic indicators have improved only slightly as evidenced by minimal upward changes in the Consumer Price Index. Although overall revenue may have increased slightly, costs have also increased at a similar pace. The overall rate of inflation in the past three (3) to four (4) years has been nominal but steady as the economy continues to recover. ACM determined the findings in the Fiscal Impact Study are still deemed applicable.

Comment:

Public Infrastructure Costs: When the applicants came before the General Plan Advisory Committee (GPAC), they explicitly proposed that, "A significant component of OT includes the design and building of innovative infrastructure systems at no cost to the state or county (applicant's underlining). . . .OT believes strongly in responsible development and will construct and pay for the following infrastructure systems:" The applicants then provided a long list of infrastructure and public facility improvements which they would pay for. Unfortunately, no similar list exists within the Draft EIS.

Response:

As represented, infrastructure systems will be constructed in phases in conjunction with the development phases of the OTMP. Much of the improvements will be by Olowalu Town, LLC and Olowalu Ekolu, LLC, however, it does not preclude opportunities to partner with public and private organizations and/or agencies in the development of school, recreational and public facilities.

Comment:

Infrastructure – Mauka Highway: The Draft EIS makes it clear that the applicant plans to relocate the highway in a mauka direction within a 200 ft. right-of-way. The applicant proposes to construct a two-lane highway within that corridor, a pair of "O" turns to reduce the need for left-hand turns, and space between the two lanes for a future transit line that presumably would run from Central Maui to West Maui.

Several transportation related issues arise:

a) Page 3 of Appendix L in Volume 2 states that only $18 million has been set aside for this rather long and probably much more expensive infrastructure project that

also includes a bridge. It would seem that this commitment of only $18 million for the mauka realignment will be grossly inadequate and the applicant may come to the county or state begging for additional funding.

b) *The maps in the Draft EIS did not give a clear indication of the roads connecting the makai and mauka sections of this project. How many intersections will there be on the new mauka highway? How will traffic get across the highway? Lights? Using the "O" turns? What difficulties will the existing mauka agricultural lot residents encounter to get to the ocean?*

c) *The maps in the Draft EIS are not very clear as to all of the internal roads that will be contained within the project. The routes of each of the roads should be indicated as well as the width of the roads so that they may be properly assessed by the fire department.*

d) *What provision is being made for the future transit rail line to cross the two "O" turns?*

e) *What space provisions are being made for a transit station and an adjacent parking and bus connections?*

Response:

The following addresses your comments in the order of your letter:

a. *Appendix "L" in the Draft EIS is an Assessment of Economic and Fiscal Impacts prepared in 2011. The $18 million was a preliminary estimate of cost in 2011 used in the foregoing report. As part of the District Boundary Amendment, an updated projected cost for the relocation of Honoapiilani Highway inland and bridge crossings will be provided to the Land Use Commission (LUC).*

b. *In coordination with the State of Hawaii, Department of Transportation (HDOT), access from the relocated highway will be limited to three (3) access points. The three (3) access points are shown on Figure 4 in the Draft EIS. The mid- and north-access points will provide access to the mauka lands above the relocated highway, including the 14-lot Olowalu Mauka Subdivision. Also, a bridge crossing will be located at Olowalu Stream crossing, providing pedestrian and bicycle connectivity between the mauka and makai areas of the OTMP. Figure 17 in the Draft EIS conceptually illustrates how traffic is expected to cross the new mauka highway utilizing the O-turns.*

c. *At this conceptual phase of the OTMP, the primary streets are shown on the Conceptual Land Use Plan. Refer to Figure 4 in the Draft EIS. The smaller secondary internal roadways will be developed as each development site is planned and designed. As required, the future roadways will meet the urban and*

rural roadway standards established by the County of Maui to ensure access for emergency vehicles including fire trucks.

d. *The right of way for the mauka highway is 160 feet which should be able to accommodate a future transit rail line. Future planning and design of a transit rail line will need to make accommodations for the proposed O-turn.*

e. *Future planning for a transit rail line will need to make accommodations for a transit station within the proposed right-of-way.*

Comment:

Infrastructure – Existing Honoapi`ilani Highway: The plan is to cut the existing coastal highway in two locations so that travelers on the road would have less access to the Olowalu coastline. The Final EIS should indicate the specific parking facilities, access routes/rights-of-way to the ocean, restrooms that will be available to both the Olowalu town residents and the tourists who now use the Olowalu coastline for snorkeling, fishing etc. Who will own/manage this State property where the present highway will no longer be located? Since visitors would no longer pass the Olowalu store and restaurant, what provision is being made for these changes? How will the owners be compensated for their loss of business?

Response:

As shown on Figure 4 in the Draft EIS, the existing Honoapiilani Highway will connect to the new mauka highway at the north and south end of the OTMP. Travelers through OTMP will have the option to utilize the mauka bypass or the existing highway. The Olowalu General Store will be within the commercial core of the OTMP. As such, the number of patrons to the General Store is expected to increase to include residents in the OTMP.

The public will continue to have access to the shoreline through the existing Honoapiilani Highway segment. As a slower speed roadway, there will be the opportunity to create driveway accesses to the existing Honoapiilani Highway that will provide safer access to the shoreline. Conceptually, the OTMP proposes to include access driveways, parking, restrooms, and recreational facilities within a network of cultural, park and open space areas. The intent of the OTMP is to create enhanced public access to the shoreline.

It is envisioned that the portion of the State right-of-way to be realigned near the shoreline would be incorporated into this network of cultural, park and open space amenities. Unless and until title to the property is transferred, the State land will remain under State control. Specific management considerations will be addressed as part of the OTMP's implementation phase of development.

Comment:

Infrastructure – Schools: This is one of the biggest issues because the proposed town is so isolated from the existing school infrastructure. On page 31 the Draft EIS states, "As a mixed- use community, public facilities such as schools, community centers, police, fire and emergency services are proposed which will serve the existing and new residential community. The improvement in public facilities will improve the quality of life for existing and future residents of Olowalu."

On page 134 the Draft EIS indicates that all four of the schools in West Maui are already over-capacity!! Then on page 135 the Draft EIS projects that there will be 462 additional students coming from the 1,500 units. However, this projection is much too low because it fails to include the many students that will come from the potential 920 ohana units. Because these ohana units will most likely have young families with school-age children there could be a considerably larger number than 462 students.

There are several implications that can be drawn from the above paragraph.

a) There will be a need to build a new elementary and middle and high school if students from Olowalu are to attend schools in Lahaina. However, funds for these three schools are unavailable as can be noted by the fact that South Maui with a population of 30,000 still does not have a high school.

b) The DOE needs to assess impact fees on not only the 1,500 units but also the ohana units. The DOE impact fees are much too low to cover the costs of constructing even one school let alone the three needed ones.

c) Will the applicant be willing to build the necessary schools in Olowalu?

Response:

For long range planning purposes, the OTMP envisions the 1,500 units to include an option for an ohana unit available to future owners. Although some owners will exercise this option, there are others who will not. The Department of Education (DOE) utilized available historical information during the preparation of the West Maui Impact Fee report to determine average student generation rates (SGR). According to the DOE, the SGR may give a rough estimate of the number of students expected to reside in the OTMP at maturity.

Olowalu Town, LLC and Olowalu Ekolu, LLC have initiated discussions with the DOE to determine the educational requirements for the OTMP. The OTMP's land use plan makes accommodation for a future school site. Refer to Figure 4 in the Draft EIS. The

applicants will comply with the requirements of the DOE and at the appropriate time enter into an agreement with the DOE to address school impact issues.

Comment:

Infrastructure – Police and Fire: Page 133 trivializes the additional costs of establishing a new police substation and fire station. The provision of land to the County is not adequate; there will be considerable expenses in constructing the stations and ongoing costs to maintain their presence. Estimates of these County costs should be clearly specified. A more robust discussion of the multiple causes and significant effects of fires in this area needs to be included.

Will the County have adequate funds to build the needed fire and police facilities in a timely manner to meet the needs of this project? Those facilities will each need to go through the environmental process as well as receive allocations within the County budget. There are competing needs in other communities for those scarce funds, and there are proposed residential projects in other communities much closer to existing fire and police facilities.

Response:

For planning purposes, provision has been made to include potential sites for a police and/or fire station site to accommodate future population growth. Through the entitlement process, the agencies will have the opportunity to review police and fire protection services. As may be required, the applicants will provide their fair share contribution to such services.

Funding for the construction and maintenance of such facilities is the function of the County Administration and Council. The Council, through their budgetary process, will determine the allocation of monies to be utilized for such facilities. Olowalu Town, LLC and Olowalu Ekolu, LLC will work with the County of Maui to ensure that the needed facilities are constructed. We noted that tax revenues generated from OTMP will support the County's budget process.

As requested, the EIS has been revised to include additional discussion on police and fire protection. See **Exhibit "1"**. Olowalu Town, LLC and Olowalu Ekolu, LLC will provide their fair share contributions toward police and fire protection to be determined by the County of Maui. Examples of contribution may include the dedication of land and/or provision of design support. As noted previously, the Council through their budgetary process, will determine the allocation of monies to be utilized for such facilities. The Applicants intend to work with the County of Maui to ensure that the needed facilities are constructed. Further, tax revenues generated from OTMP will support the County's budget process. Opportunities to partner with public and private

organizations and/or agencies in the development of public facilities, such as fire and police, will also be explored.

Relating to fires, the OTMP will reduce the vacant acreage and vegetation that would be susceptible to wildfires. Additionally, the Olowalu Cultural Reserve (OCR), and as noted in the Draft EIS, the creation of parks, greenways and open space areas, are anticipated to provide a buffer to the adjacent State lands that may be susceptible to wildfires.

Comment:

Finally, there should be a complete discussion of (both fire and tsunami) evacuation plans for Olowalu residents with consideration of the likelihood that the highway traffic between Central Maui and Lahaina would be stopped and backed up, making evacuation even more difficult. Given the large number of fires in this area, an effective evacuation plan is absolutely essential to the survival of this community.

Response:

During implementation of the OTMP, Olowalu Town, LLC and Olowalu Ekolu, LLC will work with the State and County Civil Defense agencies to develop an emergency notification and evacuation plan that would include, at minimum, appropriate signage directing the public to safe locations in the event of an emergency.

As noted previously, the OTMP will reduce the vacant acreage and vegetation that would be susceptible to wildfires. Additionally, the OCR and creation of parks, greenways, and open space areas are anticipated to provide a buffer to the adjacent State lands that may be susceptible to wildfires.

Comment:

Infrastructure – Parks: On page 137 there is an effort to show that this project will meet its parks requirement by providing 223 acres of park and open space. It would be much clearer to indicate separately the number of acres of park land, since open space does not necessarily indicate an ability to use the land for recreational purposes.

Response:

Currently, the OTMP is a conceptual land use plan for planning purposes. There are approximately 223 acres available for open space and park use, which is more than sufficient to ensure that adequate park lands for recreational purposes will be available for the OTMP. As plans for the OTMP move forward, consideration of environmental constraints such as topography, cultural sites, etc. will be analyzed to determine the

optimum areas for park development in relation to the residential, public, and commercial land uses.

Comment:

Infrastructure – Ambulance: There needs to be an explanation about emergency medical care for a community of this size. What provisions are there for ambulances within the community, or will the community need to rely on an ambulance coming from Lahaina or Central Maui?

Response:

As with other emergency services (i.e. fire and police), ambulance service will be coordinated with the County of Maui in conjunction with the implementation of the OTMP. As appropriate, ambulance service may be co-located with the proposed fire station.

Comment:

Infrastructure – Beach Access: With a resident population of over 4,000, many of whom will be buying homes because of the proximity to the ocean, describe the facilities that will be available to accommodate this large number plus the usual users of this wonderful coral reef area. How will the reef be protected from so many users?

Response:

According to the marine water quality report (Appendix "D" of Draft EIS), the major stressor of coral reefs in the area is from sediments. A reduction of sediment deposits is expected in conjunction with the proposed stormwater quality enhancements that will be implemented as part of the OTMP.

Notwithstanding, protection of reefs from human intrusion will also need to be considered as part of the overall recreation area management regime. Tools such as signage and interpretive placards, combined with educational programs are deemed an effective means of resource protection and management, and will be implemented as part of the OTMP.

Comment:

Infrastructure – Hydro-Electricity: On page 170 there is a mention of developing hydroelectric power. Please describe in considerable detail the environmental impacts of utilizing hydroelectric power. What streams will be affected? Will it be on the 640 acres? Etc.

Response:

A hydro-electric facility may be considered for the OTMP. However, at this preliminary stage of infrastructure systems analysis, we are unable to provide specifics on a future hydro-electric facility at this time. However, should Olowalu Town, LLC and Olowalu Ekolu, LLC decide to develop such a facility, then appropriate environmental and permit review will be undertaken.

Comment:

Public Facilities and Financing: County and State Expenditures: Appendix "L": Economic and Fiscal Impact Assessment, Olowalu Town Master Plan Development attempts to provide information and analysis to determine the impacts of the Olowalu Town on County and State finances.

It fails miserably!! Its primary weakness is its lack of ability (or intentional desire) to hide the very real and high costs of needed government expenditures. Those results should not be a surprise since the two authors are "appraisers", and not economists or CPAs. They have assumed (without any basis) that only 5% of the residents in Olowalu will be in-migrants to Maui; only these people will need additional government services. The authors incorrectly assume that there will be very little additional government expenditure to take care of the needs of 95% of the town's residents. This totally neglects the large amount of public funds that will be needed to build and maintain schools, police protection, fire protection, ambulance service, solid waste removal, etc.

Response:

The growing population of the island of Maui will result in an increase in housing needs, basic goods and services. However, the increase in population, together with socio-economic development, will also provide for an increase in the tax base for both the State and County, resulting in an increase in amount of public funds available for the increases in demand and needs for government services. On Page 7 of the "Economic and Fiscal Impact Assessment" report (See Appendix L in the Draft EIS), it was assumed that 95 percent of residents that will reside in OTMP will come from other areas of Maui and the need of existing services in other areas would be re-allocated to OTMP without necessarily creating the need for all "new" services.

A key factor which helps to determine where to allocate needed government services is based upon the geographic distribution of approved areas to build and develop communities. For instance, if a certain geographic location is selected for future development, and as new growth and development occurs over time, government will allocate appropriate resources to that geographic location to address various

government services which would be funded by the increased tax base attributed from the new development. Thus, the additional cost for in-migrants or new residents from outside of the island of Maui is expected to be minimal.

Comment:

Phony Numbers: Both Appendix K and L, by the same two authors, develop a set of phony numbers to make the Olowalu Town project look good. For example, they multiply by a factor of 10, all job numbers, residents supported, and households that will benefit!! For example: 477 jobs on Maui and Oahu are made to look like 4,770 jobs; 351 households magically and inappropriately become 3,510. They hope no one will notice.

Response:

To clarify your example, the multiplier of "10" is *not* a factor but the number of years projected to complete the OTMP. Thus, any annual figure identified in the report is multiplied by 10 to arrive at the total over the projected 10-year development period. The multiplier of "10" is based on the anticipated timeframe for full buildout of OTMP.

Comment:

Number of Jobs: Throughout the Draft EIS mention is made that there will be 1,000 jobs within the community. This number arises on page 5 of Appendix L, out of nowhere, and then is used throughout the Draft EIS. This nice round guesstimate looks like a piece of fiction. Provide supporting data and information in the Final EIS on how this number was derived. This is very important because if the number is significantly lower, it will mean that much more commuter traffic will be leaving the town in both directions.

Response:

In discussion with ACM, the 1,000 jobs estimated to be created within the community is based on an average of one (1) employee per 300 square feet of commercial space projected to be developed within the OTMP. A copy of the information is attached as **Exhibit "2"** for your information.

Comment:

Agricultural Land: A major concern is the protection of prime agricultural lands; in fact there are both State constitutional requirements as well as obligations within the State's General Plan. The Draft EIS has considerable discussion about agriculture and

agricultural land in general and makes a strong effort to say that this former sugarcane land is only a small part of Maui's agricultural land. It entirely misses the point.

The real issue here is that the agricultural lands being proposed for a boundary amendment and eventual development into an urbanized area are "PRIME" agricultural lands. These are very special and need to be preserved for Hawaii's future generations. On the bottom of page 112 the EIS indicates that for a mere $1 million the irrigation system could be repaired and the water could be made available to hundreds of acres of Olowalu's prime agricultural lands. As stated (bottom of page 124) biofuel crops (in addition to those that could be grown in Central Maui) could be a very valuable crop on these sunny lands and would provide real jobs. That is what this land should be used for.

Response:

According to our agricultural consultant, modern technology has altered the way in which farming is conducted in the 21st Century. For example, there is a strong and well-established trend of growing food hydroponically in greenhouses. In comparison to field farming, hydroponic farming in greenhouses provides higher quality produce; generates far higher yields, allows for year-round production regardless of season, provides secure production unaffected by droughts and storms, does not require good-quality farmland, requires much less land, water and energy, and requires no pesticides or herbicides. In this regard, modern farming is not dependent on the use of prime agricultural lands. We note that current agricultural use within the OTMP is limited.

Comment:

Management and ownership issues: Throughout the Draft EIS it is asserted that certain infrastructure will be maintained by the applicant, and not by the County or State. The Final EIS should clearly indicate who will be responsible for maintaining the infrastructure, the applicant? A homeowners association? Some kind of civil improvement district (County Code chapter 19.34)? The responsible entity will not only make decisions on maintenance, but also will need to have a source of funds to do the maintenance. What is that source of funds? How will it be guaranteed so that the County and/or the State do not have to subsidize the project?

Response:

The private water system and sewage treatment plant will be operated and maintained through the Olowalu Water Company and a private wastewater company anticipated to be formed to operate the wastewater treatment facility. Both are to be regulated by the Public Utilities Commission. The Applicants will be responsible for the design and construction of these improvements. As with other developments within Maui County,

once constructed in accordance with County standards, the drainage system and roadway networks will be dedicated to the County of Maui.

Olowalu Town, LLC and Olowalu Ekolu, LLC propose to continue discussions with the various State and County agencies throughout the entitlement and permitting process to determine its pro rata share for public improvements.

As with other development projects, Olowalu Town, LLC and Olowalu Ekolu, LLC will front the costs of initial infrastructure improvements to the extent required. Where partnerships with other private development and governmental entities are possible, such partnerships for funding will be pursued. As the project is implemented and product sales and tenant leases are executed, revenues from these transactions will be used to repay infrastructure financing debt and enable financing arrangements for subsequent phases of the OTMP.

Capital improvements for project development are not anticipated to be borne by the homeowners association.

Comment:

Vagueness: Almost every section that discusses infrastructure ends with a paragraph indicating that plans still need to be developed in that area because discussions are underway with government agencies. Consequently, it is very difficult for the public and decision-makers to do the necessary assessment of whether the EIS is adequately analyzing the impacts and proposing the necessary mitigation measures.

Response:

The evolution of land planning concepts and attendant engineering solutions are a phased process which includes feedback on early stage planning schemes such as those presented in the EIS document. As comments are received, plans are refined and solidified as they progress through the various land entitlement processes. With commitments made at each stage of land use approval, engineering solutions can be defined with greater certainty. This progression of infrastructure planning and engineering is considered appropriate given the stage of land use approvals being sought.

Comment:

1. *The Draft EIS makes no statement on the chronological order in which development will take place:*

What infrastructure will be complete when the first homeowners are ready to move in? The statement in the middle of page 129 is too vague. "Infrastructure improvements will be phased concurrently with residential development within the Master Plan to ensure that new residences are adequately served by basic services." There should be an infrastructure schedule.

Which houses will be built first: the needed affordable units or the profitable market units?

Response:

Implementation of the OTMP will begin with backbone infrastructure systems, including water, wastewater and roadway facilities needed to initiate each specific increment of residential and commercial development. The spatial progression of development will, in part be determined by market conditions, but will by necessity, include the concurrent provision of market and workforce housing. In general, the Applicants will develop commercial elements of the OTMP in coordination with development of residential components, and will coordinate with governmental agencies such as the Department of Education, Department of Fire and Public Safety and Department of Parks and Recreation to ensure that applicable provisions of law are addressed to meet public facility development requirements.

Comment:

2. *The Draft EIS is mute with regard to vacation rentals and timeshares. Given the strong promises of smart growth and small-town living it would seem inappropriate for these types of developments. The Final EIS should make it clear that vacation rentals and timeshares will play no role in this residential community.*

Response:

The OTMP is being proposed as a Project District. During Project District processing, consideration may be given to include a small hotel or inn in the project district to allow guests of residents to stay within the OTMP. Other transient accommodation formats such as bed and breakfast homes will be required to comply with applicable zoning ordinances such as Section 19.64 of the Maui County Code relating to "Bed and Breakfast Homes". Timeshare units are not permitted within lands zoned Project District, as set forth in Section 19.37, "Time Sharing Plans".

Comment:

3. *Solid Waste Near the top of page 131 there is a use of the word "considered". It would be far better to indicate the methods by which the solid waste issue will be handled. "Consideration" is not an operative word in an environmental impact statement.*

Response:

As noted in our response to Comment No. 20, above, the phased progression of infrastructure and public service parameters for the project will be refined through the land use entitlement processes. We note that as new technologies and methods for managing solid waste are developed over the next few years, such technologies and methods will be incorporated into the project plans, as appropriate.

Comment:

4. *Page 160. The Draft EIS mis-states the position of the GPAC and the Maui Planning Commission whose recommendations for the Urban and Rural Growth boundaries differ from the Olowalu Town Master Plan, specifically on the makai side of Honoapi'ilani Highway.*

Response:

Appendix "O" of the Draft EIS included the Directed Growth Maps prepared by the Maui Planning Department of both the GPAC and the Maui Planning Commission (MPC). Although both bodies did not approve the entire Olowalu Master Plan, they did recommend a significant portion of the Master Plan to be included in the Urban Growth Boundary and Rural Growth Boundary. The MIP was adopted on December 28, 2012. The EIS includes a section on the MIP and the adopted Directed Growth Map for Olowalu. See **Exhibit "3"**.

Comment:

5. *There seems to have been no contact with the adjacent community of residents on the mauka side of the property: their concerns, effects on their lifestyle, etc.*

Response:

Throughout this process, Olowalu Town, LLC and Olowalu Ekolu, LLC have conducted meetings with the residents on the mauka side of Honoapiilani Highway, in particular the

long-time residents of Kapaiki Village, as well as residents in the 14-lot Olowalu Mauka Subdivision. Dialogue with these residents will continue throughout the process.

Comment:

6. *On page 105 next to last paragraph: suddenly the Draft EIS says that there will be "industrial" jobs. There is no basis elsewhere for such an assertion.*

Response:

Infrastructure such as the sewage treatment plant, R-1 Recycled water and drinking water facilities will generate industrial jobs in order to operate and maintain these facilities.

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter and this response letter will be included in the Final EIS. Should you wish to receive a copy of the Final EIS document or portion, thereof, please submit your request in writing to Munekiyo Hiraga at 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town, LLC

David Ward
Olowalu Town, LLC

WF:DW
Enclosures
Cc: Peter Martin, Olowalu Ekolu, LLC
Dominic Suguitan, ACM Consultants, Inc.
Jennifer Lim, Carlsmith Ball, LLP
Colleen Suyama, Munekiyo Hiraga
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~~of the tunnel. These services currently are provided by the Lāhainā Fire Station.~~

The Master Plan for Alternatives 1 and 2 is not anticipated to adversely impact medical services.

3. Police and Fire Protection and Emergency Services

a. Existing Conditions

The Master Plan area ~~is~~for Alternatives 1 and 2 is within the Lāhainā Police Station service area, which services all of the Lāhainā district. The Lāhainā Station is located in the Lāhainā Civic Center complex at Wahikuli, approximately 7.5 miles from the Master Plan area.

Fire prevention, suppression and protection services for the Lāhainā District are provided by the Lāhainā Fire Station, also located in the Lāhainā Civic Center and the Napili Fire Station, located in Napili. The Lāhainā Fire Station includes an engine and a ladder company. The Napili Fire Station consists of an engine company. Ambulance service is provided from the Napili Fire Station.

Information received from the State Civil Defense agency confirms that there is an existing civil defense siren located on the makai side of Honoapi`ilani Highway near Camp Olowalu.

b. Potential Impacts and Mitigation Measures

The Maui Police Department commented that OTMP at full build-out will require an additional patrol beat. A new patrol beat will require six (6) police officers to cover a 24-hour period over a seven-day work week and would operate out of the Lāhainā Police Station. The new police beat is estimated to cost $360,000.00 annually for salaries and benefits and $51,000.00 for a new police vehicle which is replaced every four (4) years. A new Police Station in OTMP is not required at this time. If deemed necessary in the future, a police substation can be accommodated in Olowalu Town (Hudson, 2012).

EXHIBIT 1

The Master Plan for Alternatives 1 and 2 includes future areas to accommodate facilities that may be necessary for police and fire protection and emergency service. Although the Lāhainā Fire Station is located just 7.5 miles away from the Master Plan area for Alternatives 1 and 2, the Maui Fire Department has indicated that 1,500 new homes would impact emergency services. The Fire Department indicated that a future facility for emergency services would help to mitigate the impact and compliment protection provided on the north (Lāhainā) side of the Honoapi`ilani Highway tunnel. The Master Plan for Alternatives 1 and 2 includes areas along the relocated and widened Honoapi`ilani Highway for future emergency facilities.

The Department of Fire and Public Safety (Fire) supports the establishment of the new fire station in OTMP. Discussion with Fire indicated that a new fire station will require a total of 15 personnel to cover three (3) shifts with five (5) personnel each. A new fire station will require a fully equipped fire engine which is estimated to cost approximately $1 million. To operate the new fire station will cost approximately $1.25 million annually. It is estimated that a new fire station will cost $11 million to construct (Haake, 2012).

The West Maui area is susceptible to wildfires and the location of a new fire station in Olowalu will improve ~~the~~ Fire's ~~Department's~~ response time to such fires in the Pali to Lāhainā Town area. Through consultation with Fire, the department has indicated that although the alternatives should diminish the likelihood of such fires, the project's design should include measures that may address impacts to the project from wildfires which originate in surrounding outside areas. The department provided the example of designing greenways at the outer edge of the project that offer a defensible space against wildfires. It is noted that a significant area of the alternatives are envisioned for parks, greenways and open space.

The ~~applicant~~Applicants will continue to dialogue with the police and fire departments to ensure the location and adequate area for future facilities within the Master Plan for Alternatives 1 and 2 are accommodated.

The existing siren will provide coverage of the central area of the OTMP. Additional omni-directional 121 db(c) sirens will be required to complete coverage of the proposed development for Alternatives 1 and 2. The Applicants will coordinate with the State Civil Defense Agency, the placement

of the additional sirens and the timing when installation of the sirens are warranted.

4. Educational Facilities

a. Existing Conditions

The West Maui region is served by four (4) public schools (Lāhaināluna High School, Lāhainā Intermediate School, Princess Nahi`ena`ena Elementary School, and Kamehameha III Elementary School) operated by the State of Hawai`i, Department of Education (DOE) and two (2) smaller private schools (Sacred Hearts School and Maui Preparatory Academy). All four (4) of the public schools are located within Lāhainā town and three (3) of those schools are located along Lāhaināluna Road, mauka of Honoapi`ilani Highway. The enrollments in the four (4) schools have grown significantly in concert with the growth of residential development in the West Maui area. See **Table ~~19~~31**.

Table ~~19~~31. Actual and Projected Enrollments at Department of Education Schools in West Maui

~~School~~	~~Actual Enrollment~~				~~Projected Enrollment~~
	~~SY 09-10~~	~~SY 10-11~~	~~SY 11-12~~	~~Rated Capacity~~	~~SY 15-16~~
~~Lāhaināluna High School~~	~~969~~	~~1027~~	~~1057~~	~~969~~	~~1081~~
~~Lāhainā Intermediate~~	~~693~~	~~653~~	~~651~~	~~571~~	~~672~~
~~Kamehameha III Elementary~~	~~713~~	~~733~~	~~760~~	~~646~~	~~788~~
~~Princess Nahi`ena`ena Elementary~~	~~610~~	~~607~~	~~643~~	~~612~~	~~675~~
~~Source: Department of Education, 2011.~~					

BUILDING AREA PER EMPLOYEE BY BUSINESS TYPE

	ITE		USDOE	SANDAG
Land-Use	**Land-Use Code**	**Sq.Ft./ Employee**	**Sq.Ft./ Employee**	**Sq.Ft./ Employee**
Commercial Airport	21	224		
General Aviation Airport	22	392		
Truck Terminal	30	427		
General Light Industrial	110	463		
Heavy Industrial	120	549		
Industrial Park	130	500		
Manufacturing	140	535		
Warehousing	150	781	2114	
Elementary School	520	1250	1131	
High School	530	1587		
Hospital	610	372	486	
General Office - Suburbs	710	304		
Corporate HQ - Suburbs	714	260		
Single Tenant Office	715	295		
Medical-Dental Building	720	207		
U.S. Post Office	732	230		
Office Park	750	278		
Research & Development Center	760	405		
Business Park	770	332		249
Building Material - Lumber Store	812	806		
Specialty Retail Store	814	549		
Discount Store	815	654		
Hardware Store	816	1042		
Nursery-Garden Center	817	529		
Quality Restaurant (Sit Down)	831	134		
High Turnover (Sit Down)	832	100		
Fast Food w/o drive-thru	833	70		
Fast Food w/ drive-thru	834	92		
Grocery			938	
Lodging			1124	917
Bank				317
Office under 100,000 sq.ft.				228
Office over 100,000 sq.ft.				221
Neighborhood Retail				588
Community Retail				383

Sources:
ITE -- Institute of Transportation Engineers
USDOE -- U.S. Department of Energy
SANDAG -- San Diego Assn of Governments

EXHIBIT 2

~~project and will incorporate innovative, efficient, and sustainable technologies to minimize adverse impacts to the environment.~~

~~The Master Plan will preserve important open space and cultural resources. Approximately 223 acres of parks and open space will be provided. In addition, no development will occur within 150 feet of the shoreline.~~

The development of ~~the Master Plan~~both Alternatives 1 and 2 embodies the core principles advocated by the Countywide Policy Plan. Importantly, since 2005, the Maui community, especially the Olowalu community, has been involved in the project's planning process. Respecting its natural environment and cultural heritage, ~~the Master Plan is~~both Alternatives 1 and 2 are modeled after the Hawaiian ahupua`a system of land use recognizing the importance of Olowalu Stream and the connection between the ocean and mountain environments, as well as the rich cultural heritage of the area. ~~The Master Plan~~ Both Alternatives 1 and 2 incorporate~~s~~ the principles of sustainability, cultural preservation and economic diversity to create neighborhoods sensitive to its environment and cultural heritage.

~~The Master Plan~~ Both Alternatives 1 and 2 propose~~s~~ to establish an economic base consisting of agriculture, community needs, and support services and new entrepreneurialism to support the community's sustainability goals. The Master Plan ~~is~~for Alternatives 1 and 2 is envisioned to disperse population growth into a distinct community from Lāhainā Town separated by agricultural open space and topographic boundaries. The Master Plan alternatives include~~s~~ retaining approximately 28 acres of agricultural lands in Olowalu as 14 agricultural homestead~~s and~~, as ~~part of~~well as expand the OCR in order to perpetuate native Hawaiian agricultural practices.

In summary, ~~the Master Plan is~~both Alternatives 1 and 2 are consistent with the themes and principles of the Countywide Policy Plan.

<u>Maui Island Plan</u>

~~The second component of the Maui County General Plan 2030 is the MIP. The MIP will set forth an islandwide land use strategy for Maui and encompasses a managed and directed growth plan which includes the delineation of urban and rural growth boundaries. The MIP has undergone review by the GPAC and the MPC and is currently under review by the Maui County Council. Both the GPAC and MPC recommended the inclusion of the Master Plan in the MIP. The Planning Director's transmittal of the MIP to the Maui County Council on~~

EXHIBIT 3

~~October 16, 2009 excluded the Master Plan from the MIP's directed growth boundaries. While the process for review and approval of the MIP is ongoing, the applicant will continue to be an active participant in the MIP process. Due to the uncertainties surrounding the timing of the County Council's approval of the MIP and the lengthy entitlement process for the proposed project, the applicant is continuing to proceed with land entitlement applications for the proposed project while the MIP review continues. If the MIP is adopted prior to the submittal of the Final EIS, the Final EIS will address the project's compliance with the MIP goals, objectives, and policies. It is noted that the respective regional community plans will be updated following the adoption of the MIP. Refer to **Appendix "O"**.~~The MIP is applicable to the island of Maui only, providing more specific policy-based strategies for population, land use, transportation, public and community facilities, water and sewage systems, visitor destinations, urban design, and other matters related to future growth.

As provided by Chapter 2.80B, the MIP shall include the following components:

1. *An island-wide land use strategy, including a managed and directed growth plan*
2. *A water element assessing supply, demand and quality parameters*
3. *A nearshore ecosystem element assessing nearshore waters and requirements for preservation and restoration*
4. *An implementation program which addresses the County's 20-year capital improvement requirements, financial program for implementation, and action implementation schedule*
5. *Milestone indicators designed to measure implementation progress of the MIP*

It is noted that Ordinance No. 4004 does not address the component relating to the implementation program. Chapter 2.80B of the Maui County Code, relating to the General Plan, was amended via Ordinance No. 3979, October 5, 2012, to provide that the implementation program component be adopted no later than one (1) year following the effective date of Ordinance No. 4004. In December 2013 and March 2014, the Council approved time extensions for approval and adoption of the implementation chapter of the MIP. The implementation program component of the MIP was adopted by Ordinance No. 4126 on May 29, 2014.

The MIP addresses a number of planning categories with detailed policy analysis and recommendations which are framed in terms of goals, objectives, policies and implementing actions. These planning categories address the following areas:

1. *Population*
2. *Heritage Resources*
3. *Natural Hazards*
4. *Economic Development*
5. *Housing*
6. *Infrastructure and Public Facilities*
7. *Land Use*

An essential element of the MIP is its directed growth plan which provides a management framework for future growth in a manner that is fiscally, environmentally, and culturally prudent. Among the directed growth management tools developed through the MIP process are maps delineating UGB, small town boundaries (STB), and RGB. The respective boundaries identify areas appropriate for future growth and their corresponding intent with respect to development character.

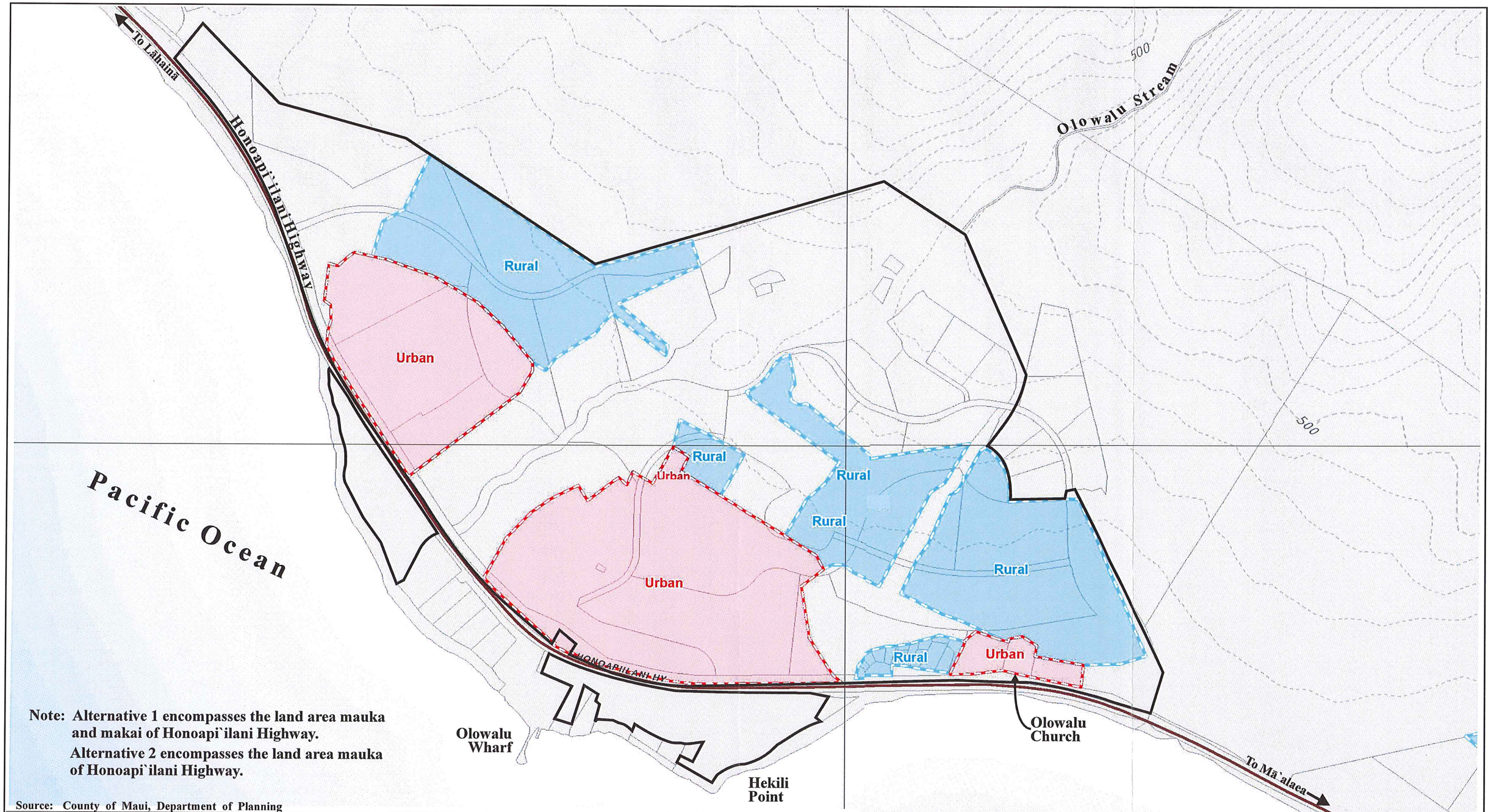
The MIP designates Olowalu as an appropriate location for future growth on its Directed Growth Maps. The mauka portion of the proposed Master Plan for Alternative 1 is located within the UGB and RGB. The lands makai of Honoapi`ilani Highway in Alternative 1 are not included in the UGB. However, the MIP states that "the future delineation of potential urban growth areas makai of the existing Honoapi`ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan" (MIP at 8-64). Such delineation may consider the need to protect adjacent coastal and marine ecosystems (including the reefs at Olowalu), enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway plan. See **Figure 29** and **Appendix "R"**.

Alternative 2 does not include the makai lands and is in the UGB and RGB in the MIP. Refer to **Figure 29** and **Appendix "R"**.

In addition, both Alternatives 1 and 2 have been reviewed with respect to pertinent goals, objectives, policies and implementing actions of the MIP. A summary of policy statements most relevant to the proposed action is provided below:

CHAPTER 1 POPULATION

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



Note: Alternative 1 encompasses the land area mauka and makai of Honoapi`ilani Highway.
Alternative 2 encompasses the land area mauka of Honoapi`ilani Highway.

Source: County of Maui, Department of Planning

Figure 29

Proposed Olowalu Town Master Plan

Maui Island Plan Map

NOT TO SCALE

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

MUNEKIYO HIRAGA

OlowaluTown/MasterPl/Final EIS/MIP Map

Objective: Greater retention and return of island residents by providing viable work, education, and lifestyle options.

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

CHAPTER 2 HERITAGE

Cultural, Historic, and Archaeological Resources

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

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

Policies: Ensure traditional public access routes, including native Hawaiian trails, are maintained for public use.

Support the education of visitors and new residents about the customs and etiquette of the Hawaiian culture, as well as other cultures.

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

Policy: Support opportunities for public involvement with the intent to facilitate the protection and restoration of historic and archeological sites, including consultation with stakeholders.

Shoreline, Reefs, and Nearshore Waters

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

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

Policy: Create additional mechanisms, where needed, to contain and control runoff and pollution.

Objective: Water quality that meets or exceeds State Clean Water Act standards.

Policies: Reduce the amount of impervious surface and devise site plan standards that aim to minimize storm runoff and Nonpoint Source (NPS) pollution.

Require an on-site monitoring program, where applicable, when grading may pose a threat to water quality or when recommended in the Erosion and Sediment Control Plan (ESCP).

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

Phase out cesspools and restrict the use of septic systems in ecologically sensitive coastal areas by converting to environmentally-friendly alternative sewage treatment systems, and connecting to central sewerage systems when and where feasible.

Prohibit the development of new wastewater injection wells, except when unavoidable for public health and safety purposes.

Implementing Action: Transition from the use of wastewater injection wells to appropriate, environmentally sound methods of wastewater disposal, and promote the beneficial reuse of wastewater effluent.

Objective: Acquire additional shoreline lands and shoreline access rights.

Watersheds, Stream and Wetlands

Goal: Healthy watersheds, streams, and riparian environments.

Objective: Greater protection and enhancement of watersheds, streams, and riparian environments.

Policies: All present and future watershed management plans shall incorporate concepts of ahupua`a management based on the interconnectedness of upland and coastal ecosystems/species.

Support regulations to require developments to utilize ahupua`a management practices.

Work with private and non-profit entities to educate the public about the connection between upland activities within the watershed and the impacts on nearshore ecosystems and coral reefs.

Objective: Decreased NPS and point source pollution.

Policies: Support the use of Low Impact Development (LID) techniques such as those described in the State of Hawai`i LID Practitioner's Guide (June 2006), as amended.

Encourage farmers and ranchers to use agricultural Best Management Practices (BMPs) to address NPS pollution.

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

Policies: Work with appropriate agencies to eliminate feral ungulate populations and invasive species.

Support the work of conservation groups and organizations that protect, reestablish, manage, and nurture sensitive ecological areas and threatened indigenous ecosystems.

Implementing Action: Develop strategic partnerships with conservation groups and organizations to maximize Federal, State, County, and private funding; and increase cooperation to achieve conservation goals.

Objective: Enhance the vitality and functioning of streams, while balancing the multiple needs of the community.

Wildlife and Natural Areas

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

Objective: A comprehensive management strategy that includes further identification, protection, and restoration of indigenous wildlife habitats.

Policy: Identify and inventory the following:

(1) Natural, recreational, and open space resources;
(2) Flora and fauna with medium, high, and very high concentrations of threatened or endangered species; and
(3) Location and extent of invasive species.

Objective: A decrease in invasive species through programs and partnerships that eradicate undesirable species and protect native habitat.

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

Policies: Secure an interconnected network of sensitive lands, greenways, watercourses, and habitats.

Protect Maui's sensitive lands.

Scenic Resources

Goal: Maui will continue to be a beautiful island steeped in coastal, mountain, open space, and historically significant views that are preserved to enrich the residents' quality of life, attract visitors, provide a connection to the past, and promote a sense of place.

Objective: A greater level of protection for scenic resources.

Policies: Protect views to include, but not be limited to, Haleakalā, `Īao Valley, the Mauna Kahalawai (West Maui Mountains), Pu`u O`la`i, Kaho`olawe, Molokini, Moloka`i, and Lāna`i, Mauna Kea, Mauna Loa, sea stacks, the Pacific Ocean, and significant water features, ridgelines, and landforms.

Protect "night sky" resources by encouraging the implementation of ambient light ordinances and encouraging conversion of all sources that create excessive light pollution, affecting our ability to view the stars.

Protect ridgelines from development where practicable to facilitate the protection of public views.

Protect scenic resources along Maui's scenic roadway corridors.

Implementing Action: Establish design guidelines that integrate techniques such as development clustering, greenbelts, and open space buffers, site plan configuration to protect view planes, building design and height limitations, setbacks from public roadways, landscaping, and other techniques.

CHAPTER 3 NATURAL HAZARDS

Goal: Maui will be disaster resilient.

Objective: Greater protection of life and property.

Policy: Encourage the use of construction techniques that reduce the potential for damage from natural hazards.

CHAPTER 4 ECONOMIC DEVELOPMENT

Economic Diversification

Goal: Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that is sensitive to resident needs and the island's unique natural and cultural resources.

Objective: A more diversified economy.

Policies: Support the creation of new jobs and industries that provide a living wage.

Facilitate and expedite permits and approvals.

Objective: Increase activities that support principles of sustainability.

Policies: Support industries that are sustainable, and culturally and environmentally sensitive.

Encourage and support local businesses.

Support the development of economic development clusters in targeted industry sectors.

Encourage all businesses to save energy, water, and other resources.

Objective: Improve the island's business climate.

Policies: Ensure an adequate supply of affordable workforce housing.

Develop neighborhoods and communities that are attractive to the workforce of a diversified economy.

Visitor Industry

Objective: Comprehensively manage future visitor-unit expansion.

Policy: Allow, where permitted by the community plan, the development of business hotels and small, sensitively-designed inns.

Agriculture

Goal: Maui will have a diversified agricultural industry contributing to greater economic, food, energy security, and prosperity.

Policies: Strive to substitute food/agricultural product imports with a reliable supply of locally produced food and agricultural products.

Encourage growing a diverse variety of crops and livestock to ensure the stewardship of our land while safeguarding consumer safety.

Implementing Action: Encourage the development of community gardens, including gardens on greenbelts that separate communities.

Emerging Sectors

Goal: A diverse array of emerging economic sectors.

Policy: Support new industries that are environmentally and culturally sensitive such as health and wellness, sports and outdoor activities, cultural activities, the arts, film-making, entertainment, and digital media.

Small Business Development

Goal: Small businesses will play a key role in Maui's economy.

Policies: Assist traditional "mom and pop" business establishments.

Support community markets and venues that sell locally-made produce, goods, and services.

Health Care Sector

Goal: Maui will have a health care industry and options that broaden career opportunities that are reliable, efficient, and provide social well-being.

Objective: Expand the economic benefits of the health care sector.

Policy: Encourage expansion and improved access to emergency care in all communities.

Education and Workforce Development

Goal: Maui will have effective education and workforce development programs and initiatives that are aligned with economic development goals.

Policy: Encourage the education and training of our residents to meet the needs of a diversified economy.

CHAPTER 5 HOUSING

Goal: Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.

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

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

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

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

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

Objectives: A wider range of affordable housing options and programs for those with special needs.

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

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

CHAPTER 6 INFRASTRUCTURE AND PUBLIC FACILITIES

Wastewater

Goal: Maui will have wastewater systems that comply with or exceed State and Federal regulations; meet levels-of-service needs; provide adequate capacity to accommodate projected demand; ensure efficient, effective, and environmentally sensitive operation; and maximize wastewater reuse where feasible.

Policy: Establish new wastewater treatment plant(s) outside the tsunami zone.

Objective: Adequate levels of wastewater service with minimal environmental impacts.

Policies: Meet or exceed all State and Federal standards regulating wastewater disposal or reuse.

Strongly encourage the phase out of cesspools.

Objective: Increase the reuse of wastewater.

Water

Goal: Maui will have an environmentally sustainable, reliable, safe, and efficient water system.

Objectives: More comprehensive approach to water resources planning to effectively protect, recharge, and manage water resources including watersheds, groundwater, streams, and aquifers.

Increase the efficiency and capacity of the water systems in striving to meet the needs and balance the island's water needs.

Policies: Maximize the efficient use of reclaimed wastewater to serve non-drinking water needs.

Acquire and develop additional sources of drinking water.

Transportation

Goal: An interconnected, efficient, and well-maintained, multimodal transportation system.

Objective: Provide for a more integrated island-wide transportation and land use planning program that reduces congestion and promotes more efficient (transit-friendly) land use patterns.

Policies: Plan for an integrated multi-modal transportation system comprised of public transit, bicycle, pedestrian, automobile, and other transportation modes.

Refocus transportation investment from the construction of additional roadways only for the automobile to the expansion of a multimodal transportation system.

Encourage the use of "complete streets" design methods.

Objective: Safe, interconnected transit, roadway, bicycle, equestrian, and pedestrian network.

Policies: Ensure transit-, roadway-, and pedestrian-facilities design and level-of-service standards respect the unique character of our communities.

Prioritize transportation improvements list to cost-effectively meet existing and future needs consistent with the MIP.

Require new development, where appropriate, to integrate sidewalks, pathways, bikeways, and transit infrastructure into new commercial and residential projects while enhancing community character.

Transit

Goal: An island-wide transit system that addresses the needs of residents and visitors and contributes to healthy and livable communities.

Objective: An integrated transit system that better serves all mobility needs of Maui's residents and visitors.

Policies: Maximize access to public transit in town centers, commercial districts, and employment centers.

Expand regional and inter-regional transit services, where appropriate, in heavily traveled corridors and within communities.

Increase the frequency of current service, add additional bus routes as demand requires, and transition to nonpolluting transit vehicles, as funding permits.

Provide adequate transit infrastructure (e.g., bus pullouts, waiting benches and shelters, signs) along existing and future transit right-of-ways.

Parks

Goal: Maui will have a diverse range of active and passive recreational parks, wilderness areas, and other natural-resource areas linked, where feasible, by a network of greenways, bikeways, pathways, and roads that are accessible to all.

Policies: Support, consistent with the MIP, the implementation of open-space and recreational plans, such as the Pali to Puamana Parkway Master Plan and the *Upcountry Greenways Master Plan.*

Utilize the ahupua`a approach by integrating mauka-to-makai natural landscapes into an island-wide parks and recreation functional plan.

Provide a balanced mix of passive and active parks, including neighborhood, community, and regional parks, in each community plan area.

Objective: Achieve parks and recreation opportunities to meet the diverse needs of our community.

Policies: Establish appropriate level-of-service standards at the neighborhood, community, and regional levels.

Identify and acquire parks and recreational facilities that address existing park inadequacies and complement and enhance neighborhoods, communities, and natural land features.

Design park facilities to preserve and enhance natural site characteristics, maximize views, protect environmental and cultural sites, and minimize water demands.

Acquire lands along the shoreline, between coastal roadways and the ocean.

Encourage the development of regional parks, district parks, and greenways in a manner that helps to contain sprawl, provide separation between distinct communities, or offer open space within urban communities.

Require large master-planned communities that incorporate a mixture of park facilities pursuant to parks standards and functional plans.

Support public-private partnerships to implement the acquisition and development of parks when consistent with the General Plan.

Objective: An expanded network of greenways, trails, pathways, and bikeways.

Policies: Link existing and future park sites, natural areas, the shoreline, and residential areas with a network of bikeways, pedestrian paths, trails, and greenways.

Collaborate with the State and private land owners to ensure perpetual access and proper stewardship of traditional trails and access systems.

Public Facilities

Goal: Maui will have adequate public facilities that meet the diverse needs of residents.

Policies: Adequately plan and fund public safety facilities (fire, police, ambulance, civil defense) to meet community needs.

Encourage public-private partnerships to identify and resolve public facility plan shortcomings when consistent with the General Plan.

Incorporate community/area residents' input to determine the appropriate location and design of public facilities.

Schools and Libraries

Goal: Maui will have school and library facilities that meet residents' needs and goals.

Objective: Assist in providing appropriate school and library facilities in a timely manner and in strategic locations.

Policies: Work in partnership with all educational institutions to meet current and future needs including appropriate location, timing, and design of future facilities.

Encourage the Department of Education to build and maintain smaller, community-oriented schools.

Support partnerships (public/private/nonprofit) to build and staff new schools and improve existing facilities.

Objective: Provide a more expansive network of safe and convenient pedestrian-friendly streets, trails, pathways, and bikeways between neighborhoods and schools where appropriate.

Policy: Encourage the State to build new school facilities in appropriate locations that minimize time and distance for students to travel to and from school.

Implementing Action: Encourage the State to build new school facilities in appropriate locations that minimize time and distance for students to travel to and from school.

Health Care

Goal: All of Maui residents will have the best possible health care to include healthy living, disease prevention, as well as acute and long-term care.

Policies: Support the immediate development of a critical access hospital in West Maui.

Improve medical service to remote and outlying regions.

Energy

Goal: Maui will meet its energy needs through local sources of clean, renewable energy, and through conservation.

Policies: Support energy efficient systems, processes, and methods in public and private operations, buildings, and facilities.

Encourage the installation of renewable energy systems, where appropriate.

CHAPTER 7 LAND USE

Agricultural Lands

Policy: Strongly discourage the conversion of productive and important agricultural lands (such as sugar, pineapple, and other produce lands) to rural or urban use, unless justified during the General Plan update, or when other overriding factors are present.

Objective: Support and facilitate connectivity between communities.

Policy: Discourage land use and urban design that impedes interconnectivity between adjacent communities.

Rural Areas

Goal: Maui will have a rural landscape and lifestyle where natural systems, cultural resources, and farm lands are protected and development enhances and compliments the viability and character of rural communities.

Policies: Focus development to areas inside urban, small town, and rural growth boundaries to preserve natural, cultural, and agricultural resources.

Encourage the use of alternative stormwater management techniques that minimize land disturbance and preserve natural drainage features.

Encourage green belts, open space buffers, and riparian zones to minimize conflicts between agriculture and residential uses.

Objective: More appropriate service/infrastructure standards to enhance and protect the island's rural character and natural systems.

Policies: Minimize impermeable surfaces within rural areas.

Use infrastructure, public service, and design standards that are appropriate to rural areas.

Discourage land use and urban design that impede interconnectivity between adjacent communities.

Urban Areas

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

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

Policies: Encourage the development and implementation of neighborhood design standards that are environmentally friendly, such as LEED for Neighborhood Development (LEED –ND) standards.

Promote agriculture by encouraging community gardening, community-supported agricultural programs, and farmers markets within and adjacent to urban areas.

Discourage land use and urban design that impedes inter-connectivity between adjacent communities.

Objective: Facilitate more self-sufficient and sustainable communities.

Policies: When developing new communities, provide sufficient lands for commercial, appropriate industrial, educational, spiritual, and non-profit uses to serve the daily needs of community residents.

Site community facilities such as schools, parks, libraries, and community centers within walking and biking distance of residences.

Develop communities that provide sufficient parks, schools, libraries, and other essential public facilities and services to serve resident needs.

Promote agriculture by encouraging community gardening, edible landscaping, community-supported agricultural programs, and farmers markets within and adjacent to urban areas.

CHAPTER 8: DIRECTED GROWTH

The Directed Growth Maps include UGB, RGB, and STB as a directed growth strategy for Maui island. According to the MIP the UGBs, STBs, and RGBs are used to identify and protect farms and natural areas from sprawl and to promote the efficient use of land, and the efficient provision of public facilities and services within the respective growth boundaries. The UGBs, STBs, and RGBs take into account future growth projections through 2030, the availability of infrastructure and services, environmental constraints, and an approximate density of land development to determine the placement of the boundary. Land outside of the UGB is intended to remain rural in character with a strong agricultural and natural-resource

presence. The MIP designated Olowalu as an appropriate location for future growth and establishes UGB and RGB boundaries in this locale.

Alternative 1 and Alternative 2 of the OTMP have been reviewed with respect to the following directed growth goals and policies of the MIP:

Urban and Small Town Growth Area

Goal: Maui will have well-serviced, complete, and vibrant urban communities and traditional small towns through sound planning and clearly defined development expectations.

Policies: Community plans shall provide for urban density land use designations only within UGBs and Small Towns. The County may only support and approve State Urban Land Use Designations for areas within UGBs, STBs, and Rural Villages.

New development shall be consistent with the UGBs, STBs, and all other applicable policies of the MIP. New urban-density development shall not be allowed outside of a UGB or STB.

Rural Growth Areas

Goal: Maui will maintain opportunities for agriculture and rural communities through sound planning and clearly defined development expectations.

Policies: New development shall be consistent with RGB and all other applicable policies and requirements of the MIP. Public, quasi-public, civic, and limited commercial or industrial uses may be allowed in the RGB when the proposed uses demonstrate a public need and are consistent with the Community Plan and zoning.

Environmental protection and compatibility will be a top priority in rural growth areas.

Rural growth areas include Rural Residential Areas and Rural Villages. Rural residential areas may be designated when they are located in association with or on the border of urban growth areas or small towns; and/or when they

provide for complete, self-sufficient rural communities with a range of uses to be developed at densities that do not require urban infrastructure.

Urban-scale infrastructure and public facilities shall not be provided in rural areas except as described in the defined Level-of-Service (LOS) standards. There should be no expectations of urban services in rural areas.

The unique character and function of existing small towns and rural communities shall be protected to retain and preserve their sense of place.

Preserve rural landscapes in which natural systems, cultural resources, and agricultural lands are protected and development compliments rural character and contributes to the viability of communities and small towns.

The MIP addresses the following regions: Wailuku-Kahului; Kīhei-Mākena, Makawao-Pukalani-Kula; Pa`ia-Ha`ikū; West Maui; and Hāna. The West Maui region includes the Olowalu sub-region. According to the MIP, Olowalu Town is intended to meet the needs of Maui residents as a revitalized and sustainable community. Olowalu Town will provide housing, employment, recreational, and cultural opportunities in the context of a mixed-use sustainable community that preserves the area's natural cultural and historic resources. It is envisioned as a pedestrian-friendly community that integrates a variety of housing types with employment opportunities, commercial, and recreational uses developed concurrently with public services and infrastructure.

Olowalu Town will be designed to recognize and perpetuate the land and resource management system of the ahupua`a, provide public access between the ocean and mountains, and protect the natural environment.

UGB and RGB were established in Olowalu mauka of Honoapi`ilani Highway. Refer to **Figure 29** and **Appendix "R"**. However, the MIP states that "the future delineation of potential urban growth areas makai of the existing Honoapi`ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan" (MIP at 8-64). Such delineation may consider the need to protect adjacent coastal and marine ecosystems, enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway plan. The distinct boundaries of parks and open space, specific location of the recreational uses, and the precise amenities will be further defined during the West Maui Community Plan update and

the project review and approval process. Both Alternatives 1 and 2 will require a Community Plan Amendment.

~~F~~G. WEST MAUI COMMUNITY PLAN

Within Maui County, there are nine (9) community plan regions. From a General Plan implementation standpoint, each region is governed by a community plan which sets forth desired land use patterns, as well as goals, objectives, policies, and implementing actions for a number of functional areas including infrastructure-related parameters. The proposed Master Plan project is located within the West Maui Community Plan region. The existing land use designations for the Master Plan area under the Community Plan are set forth in the existing West Maui Community Plan Land Use Map. The lands underlying the Master Plan area are designated "Agricultural", "Open Space", and "Park (Golf Course)" on the Land Use Map. Refer to **Figure 8** and **Table 4**.

At the appropriate time, the ~~a~~Applicants will file a Community Plan Amendment (CPA) application to change the designation from "Agricultural", "Conservation", and "Park (Golf Course)" to "Project District" to reflect the land use spatial relationships and allocations set forth in the proposed Master Plan. This land use entitlement action will apply to both Alternative 1 and Alternative 2.

Examples of goals, objectives, and policies from the West Maui Community Plan supporting the proposed Master Plan are provided below:

LAND USE

Goal:

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

Objectives and Policies:

- Protect and enhance the quality of the marine environment.

Pauline Fiene
PO. Box 627, Kihei, HI 96753

April 21, 2012

To: State Land Use Commission
PO Box 2359
Honolulu, HI 96804
Attention: Dan Davidson

Re: Comments regarding the DEIS for Proposed Olowalu Town Master Plan, TMK (2) 4-8-003: 84, 98-118, and 124 Olowalu, Maui Hawaii

Aloha Land Use Commission Members and Staff:

I am writing to provide comments on the DEIS for the Olowalu Town Project. I am a diver and biologist with over 8,000 dives in Maui waters since 1987. I mainly study a group of shell-less mollusks called Opisthobranchs, but I also have broad interests in coral reef ecology.

My comments are in regard to Appendix D - The Assessment of Marine Water Chemistry and Biotic Community Structure in the Vicinity of the Olowalu Town Master Plan.

The study surveyors spent just 4 days surveying an area of over 450 acres. The study correctly characterizes the sediment problem on the Olowalu reefs, but fails to correctly assess the species composition, caliber and uniqueness of the reef itself. This is understandable given the extreme minimum of time spent there surveying. As a result, this study downplays this reef's diversity and one-of-kind status, its value and importance to Maui, and its place in the entire state.

1. The study notes that the offshore reef at Olowalu is unusual in that it is an actively accreting aggregate reef. This is true, but it fails to say just how unusual. I've attached a map made by NOAA's National Centers for Coastal Ocean Science in 2007.

The dark red areas with purple lines are living aggregate coral reef structure. This is not coral colonies growing on lava; this is high structure, coral skeleton that has been growing for hundreds of years, 5-40 feet thick. Coral reef provides many more places for reef fish and other animals to live than do isolated colonies of coral growing on rock. It is a complicated network of channels that is home to millions of other animals.

The first thing that jumps out from this map is just how little living aggregate coral reef we have on Maui, compared to how much coastline there is. I don't think

most people realize what a precious and limited natural feature this is. The second striking thing is just how close the Olowalu reef is to shore and to human impacts.

As you can see on this map, extensive areas containing living aggregate coral reef are limited to only **THREE** areas on the whole island. There are some narrow bands along the west side but they are not extensive. Of these 3, only **TWO**. Kihei and Olowalu, have over 50-90% live coral coverage and only **ONE** of those grows very close to the shoreline. Kihei's reef is offshore in 50-80 feet of water, a relatively safe distance from land pollutants, but also inaccessible to anyone without a boat/kayak. The single extensive aggregate coral reef on the whole island with over 50-90% live coral coverage that grows in accessible water is the Olowalu reef. That makes it unique, not unusual.

2. The study found a total of 12 species of corals, but there are actually twice that many. Expert marine invertebrate biologist, Cory Pittman, who has studied the Olowalu reef for the past 34 years, has recorded 24 species of corals (personal communication). This area is home to several species of rare corals and it also has the highest diversity of *Porites* species and growth forms in the entire island chain, with three particularly rare species (*P. duerdeni, P. solida, P. cf. annae*). Dr. Zac Forsman of the Hawaii Institute of Marine Biology told me that "one of the most amazing things about the site is that Cory was able to find nearly every species of rare coral in Hawaii at this one site!"

3. The study noted the coral micro-atolls on the inner reef flat, but it failed to correctly identify the 3 species (not one) of corals growing as micro-atolls, and there is no mention of this area's unique status in the state of Hawaii. There are a few individual micro-atolls in Kaneohe Bay, some in NWHI lagoons, and some off Lahaina, but Olowalu has by far the best-developed, most extensive micro-atoll area in all the islands. To me, this area is literally an outdoor museum of rare coral species and growth forms.

4. The study notes some large ("up to several meters") *Porites lobata* colonies offshore but it didn't note that one colony is over 23 feet (7 meters) in diameter and is estimated by Cory Pittman to be around 500 years old. There are numerous other century colonies here as well. Dr. Zac Forsman of HIMB said to me "I've seen large *Porites* colonies, but there are some ancient giants there."

5. The study makes mention of "numerous small black-tip reef sharks" but doesn't say that this area has been a nursery area for them for decades and that it is one of the few in the entire state. Pregnant females know to come specifically to this area generation after generation to give birth due to its calm, shallow, protected water.

6. Although the surveyors spent only 4 days onsite it was obvious enough to them to note several times throughout their report that sediment was the major

factor affecting this reef.

> "In the case of Olowalu, the predominant controlling factor appears to be effects from sediment, originating both from terrestrial runoff and resuspension of naturally occurring marine sediment (note that the lack of wave energy may also result in less removal of sediment from coral surfaces than in areas of higher water velocity). Sediment is the main stressor in this area due to limited water circulation."

If this area were designated urban and if construction were allowed to occur upslope, does anyone believe the proposed project "will not have any significant negative effects" on this this reef as claimed? Especially with the "limited water circulation" referenced in the study.

It is stated that grading and drainage improvements will meet or exceed County standards, but County standards haven't proven effective at preventing degradation of reefs in the past. We all know from the many developments built in our lifetime that major deposits of soil have occurred no matter what "mitigations" the developers plan. Chocolate brown water has poured into the ocean during construction of the Grand Wailea, Four Seasons, Makena Landing properties, the Maui Ocean Center, North Kihei, the new Kapalua Hotel, etc. And these developments were on relatively level ground! Once in the ocean this dirt doesn't just go away. It gets resuspended every time there is even small surf in the area, blocking sunlight critical to coral growth. There is no doubt in my mind that the same would occur with a project the size of Olowalu, especially considering the much greater slope of the land here.

In addition, the small amount of low-lying, relatively level land at Olowalu, which in the past has functioned as a partial run-off filtration area during storm events, is, in the proposed master plan, covered with residences and impervious surfaces – as well as a wastewater treatment facility?

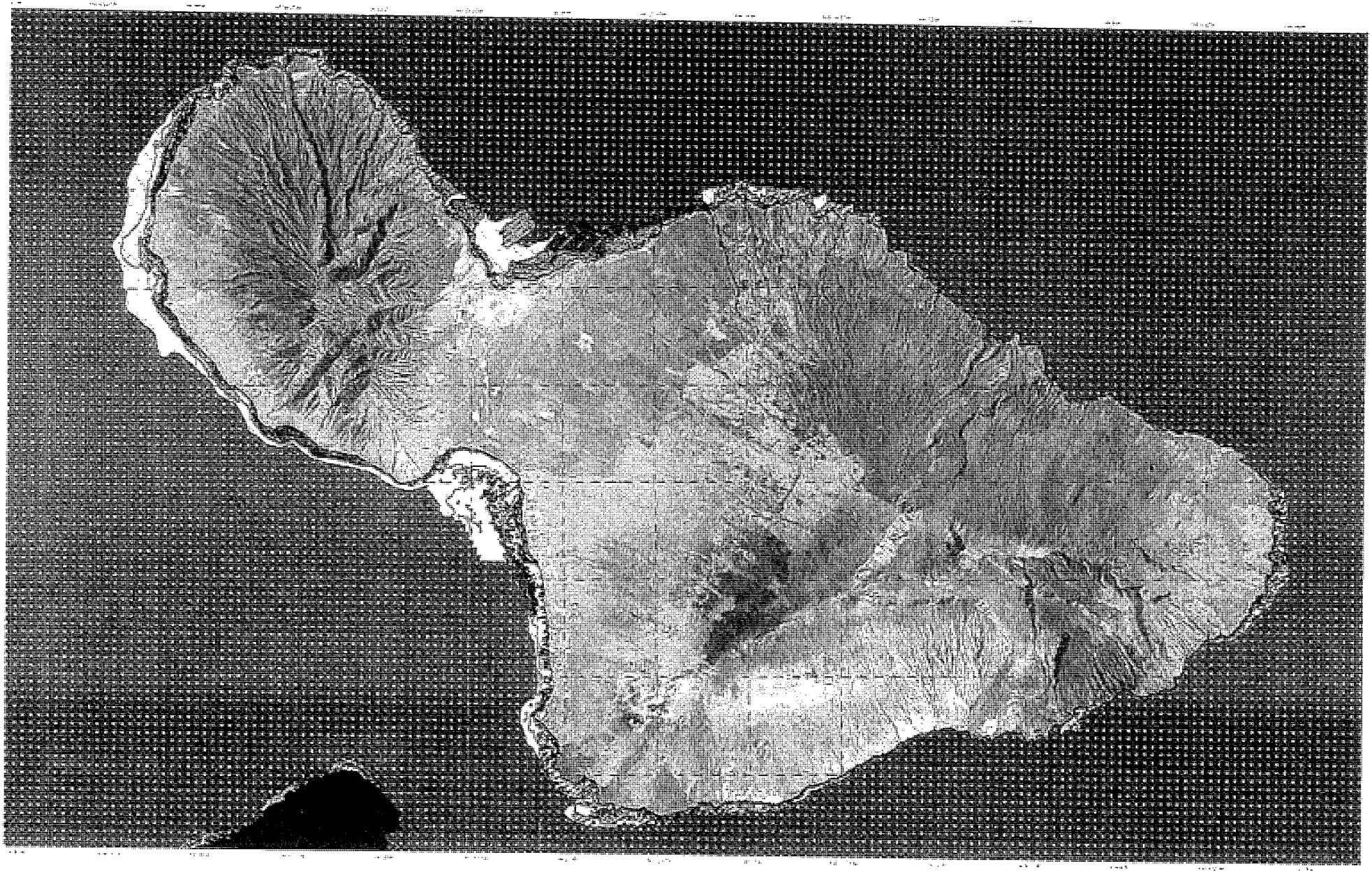
Why would we take this chance? There is simply no compelling reason for a major development here. It doesn't even fit most of the criteria for urban designation, being that it is so isolated from services and other developments. I am baffled why urbanization is even being considered.

We don't get to decide where our special natural places are on Maui. Nature decides that. All we can decide is where our development is going to be. And if there were a reef on the whole island that cries out for respite and exemption from urban development above it, it would be Olowalu. It has developed over centuries and there is literally nothing to replace it.

Mahalo for this opportunity to comment.

Pauline Fiene

Main 8 Hawaiian Islands (Maui) : Shallow-water Benthic Habitats



10 15 km

Map prepared by the National Ocean Service, Biogeography Branch,
in cooperation with Analytical Laboratories of Hawaii, 2007
For more information: http://coral.noaa.gov/ecosystems/coralreef/main8hi_mapping.html

coral reef

Olowalu Town
BY MAUI, FOR MAUI
2035 MAIN STREET WAILUKU HAWAI'I 96793
OFFICE: 808-249-2224 / FAX: 249-2333

October 26, 2015

Pauline Fiene
P.O. Box 627
Kihei, Hawaii 96753

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Ms. Fiene:

We thank you for your letter of April 21, 2012 providing comments on the Draft Environmental Impact Statement (EIS) for the Olowalu Town Master Plan (OTMP). We offer the following information in response to the comments noted in your letter.

Comment:

My comments are in regard to Appendix D - The Assessment of Marine Water Chemistry and Biotic Community Structure in the Vicinity of the Olowalu Town Master Plan.

The study surveyors spent just 4 days surveying an area of over 450 acres. The study correctly characterizes the sediment problem on the Olowalu reefs, but fails to correctly assess the species composition, caliber and uniqueness of the reef itself. This is understandable given the extreme minimum of time spent there surveying. As a result, this study downplays this reef's diversity and one-of-kind status, its value and importance to Maui, and its place in the entire state.

1. The study notes that the offshore reef at Olowalu is unusual in that it is an actively accreting aggregate reef. This is true, but it fails to say just how unusual. I've attached a map made by NOAA's National Centers for Coastal Ocean Science in 2007.

The dark red areas with purple lines are living aggregate coral reef structure. This is not coral colonies growing on lava; this is high structure, coral skeleton that has been

growing for hundreds of years, 5-40 feet thick. Coral reef provides many more places for reef fish and other animals to live than do isolated colonies of coral growing on rock. It is a complicated network of channels that is home to millions of other animals.

The first thing that jumps out from this map is just how little living aggregate coral reef we have on Maui, compared to how much coastline there is. I don't think most people realize what a precious and limited natural feature this is. The second striking thing is just how close the Olowalu reef is to shore and to human impacts.

As you can see on this map, extensive areas containing living aggregate coral reef are limited to only THREE areas on the whole island. There are some narrow bands along the west side but they are not extensive. Of these 3, only TWO. Kihei and Olowalu, have over 50-90% live coral coverage and only ONE of those grows very close to the shoreline. Kihei's reef is offshore in 50-80 feet of water, a relatively safe distance from land pollutants, but also inaccessible to anyone without a boat/kayak. The single extensive aggregate coral reef on the whole island with over 50-90% live coral coverage that grows in accessible water is the Olowalu reef. That makes it unique, not unusual.

Response:

We note that the study surveyors spent four (4) days to survey over 450 acres utilizing methods employed by the National Oceanic and Atmospheric Administration (NOAA) to delineate habitats by visually interpreting geo-referenced imagery, such as aerial photographs, satellite imagery, and side scan sonar. This methodology is deemed to be an appropriate scientific method to survey such a large area. The four (4) survey days were used to define the overall structure and function of the area in order to predict the effects of the proposed changes in land use.

We appreciate the additional information that you have provided from the NOAA relating to the uniqueness of the Olowalu reef. As noted, this "uniqueness" is recognized and speaks to the need to protect the reef as a valuable natural resource. The EIS has also been revised to include a section on marine resources and additional information from the Shallow-Water Benthic Habitats on the Main Hawaiian Islands 2007 study. See **Exhibit "1"**.

Comment:

2. The study found a total of 12 species of corals, but there are actually twice that many. Expert marine invertebrate biologist, Cory Pittman, who has studied the Olowalu reef for the past 34 years, has recorded 24 species of corals (personal communication). This area is home to several species of rare corals and it also has the highest diversity of Porites species and growth forms in the entire island chain, with three particularly rare species (P. duerdeni, P. solida, P. cf. annae). Dr. Zac Forsman of the Hawaii Institute of

Marine Biology told me that "one of the most amazing things about the site is that Cory was able to find nearly every species of rare coral in Hawaii at this one site!"

Response:

Thank you for the information on coral species in the Olowalu reef. We agree that the Olowalu reef is an important marine resource that requires protection. As noted in the Draft EIS, sedimentation from stormwater runoff currently impacts the reef. The OTMP proposes to incorporate Low Impact Development (LID) measures that mimic the way nature processes water, which is advocated by the West Maui Ridge to Reef Project and the Maui Nui Marine Resources Council. (Appendix B-1 in the Draft EIS.)

Comment:

3. The study noted the coral micro-atolls on the inner reef flat, but it failed to correctly identify the 3 species (not one) of corals growing as micro-atolls, and there is no mention of this area's unique status in the state of Hawaii. There are a few individual micro-atolls in Kaneohe Bay, some in NWHI lagoons, and some off Lahaina, but Olowalu has by far the best-developed, most extensive micro-atoll area in all the islands. To me, this area is literally an outdoor museum of rare coral species and growth forms.

Response:

As noted previously, we agree that the Olowalu reef, including the micro-atolls, is an important marine resource. Also, as stated, the study was to define the overall structure and function of the area in order to predict the effects of the proposed changes in land use for the Draft EIS. It is not an extensive research project, as conducted by the marine experts cited. Such extensive research is also relied upon by our consultant. Mitigation measures intended to protect marine resources are addressed in the EIS document.

Comment:

4. The study notes some large ("up to several meters") Porites lobata colonies offshore but it didn't note that one colony is over 23 feet (7 meters) in diameter and is estimated by Cory Pittman to be around 500 years old. There are numerous other century colonies here as well. Dr. Zac Forsman of HIMB said to me "I've seen large Porites colonies, but there are some ancient giants there."

Response:

We recognize that there may be other colonies in the area, including the colony noted in your comments. As an important marine resource, the OTMP proposes to implement LID measures to reduce the impacts on the Olowalu reef from sedimentation from stormwater runoff.

Comment:

5. The study makes mention of "numerous small black-tip reef sharks" but doesn't say that this area has been a nursery area for them for decades and that it is one of the few in the entire state. Pregnant females know to come specifically to this area generation after generation to give birth due to its calm, shallow, protected water.

Response:

Thank you for the information on the black-tip reef sharks in Olowalu and their use of the area as a nursery. The information has been included in the EIS. Refer to **Exhibit "1"**.

Comment:

6. Although the surveyors spent only 4 days onsite it was obvious enough to them to note several times throughout their report that sediment was the major factor affecting this reef.

"In the case of Olowalu, the predominant controlling factor appears to be effects from sediment, originating both from terrestrial runoff and resuspension of naturally occurring marine sediment (note that the lack of wave energy may also result in less removal of sediment from coral surfaces than in areas of higher water velocity). Sediment is the main stressor in this area due to limited water circulation."

If this area were designated urban and if construction were allowed to occur upslope, does anyone believe the proposed project "will not have any significant negative effects" on this this reef as claimed? Especially with the "limited water circulation" referenced in the study.

It is stated that grading and drainage improvements will meet or exceed County standards, but County standards haven't proven effective at preventing degradation of reefs in the past. We all know from the many developments built in our lifetime that major deposits of soil have occurred no matter what "mitigations" the developers plan. Chocolate brown water has poured into the ocean during construction of the Grand Wailea, Four Seasons, Makena Landing properties, the Maui Ocean Center, North

Kihei, the new Kapalua Hotel, etc. And these developments were on relatively level ground! Once in the ocean this dirt doesn't just go away. It gets resuspended every time there is even small surf in the area, blocking sunlight critical to coral growth. There is no doubt in my mind that the same would occur with a project the size of Olowalu, especially considering the much greater slope of the land here.

Response:

An Assessment of Marine Water Chemistry and Biotic Community Structure Report prepared by Marine Research Consultants, Inc. was included in the Draft EIS as Appendix "D". Effects on the marine communities is mainly from the deposition of sediments entering the ocean primarily from Olowalu Stream. Sediment loads of streamwater into the ocean occurs during high intensity rainfall or storm events. The Hawaiian land management system of ahupuaa which manages resources from the mountains to the ocean was reviewed in developing the Stormwater Quality Enhancement Study. LID or nontraditional measures are proposed to improve the method in which stormwater runoff is handled. Natural solutions such as green space, bio-retention gardens, vegetated swales, etc. are proposed in conjunction with traditional retention systems.

Recognizing the sensitivity of the existing marine communities, the Applicants sought stormwater solutions utilized successfully in other environmentally sensitive areas within the United States. The Stormwater Quality Enhancement Study in "Appendix B-1" of the Draft EIS is a compilation of these measures which are available for use at Olowalu.

In the context of the foregoing comprehensive stormwater management program, adverse stormwater quality impacts are anticipated to be minimized.

Comment:

7. In addition, the small amount of low-lying, relatively level land at Olowalu, which in the past has functioned as a partial run-off filtration area during storm events, is, in the proposed master plan, covered with residences and impervious surfaces – as well as a wastewater treatment facility?

Why would we take this chance? There is simply no compelling reason for a major development here. It doesn't even fit most of the criteria for urban designation, being that it is so isolated from services and other developments. I am baffled why urbanization is even being considered.

We don't get to decide where our special natural places are on Maui. Nature decides that. All we can decide is where our development is going to be. And if there were a reef on the whole island that cries out for respite and exemption from urban development

above it, it would be Olowalu. It has developed over centuries and there is literally nothing to replace it.

Response:

As represented in Figure 4 of the Draft EIS, roughly 50 percent of the low-lying area makai of Honoapiilani Highway is proposed to remain as part of the Olowalu Cultural Reserve (OCR) along Olowalu Stream, and a system of open space and parks. The proposed wastewater reclamation facility is proposed to be located mauka of the highway at a higher elevation and outside of the potential tsunami and flood inundation zones.

The OTMP is an opportunity to create a sustainable community in which liveable neighborhoods co-exists with nature. The OTMP will include a network of transportation options (i.e. pedestrian, bicycle and transit), agriculture, residential and employment opportunities, archaeological and cultural protection associated with the OCR and provisions for public services, recreation and open space. As a comprehensively developed community, with innovative technologies and Best Management Practices, OTMP provides an ideal opportunity to meet quality of life needs for Maui residents.

Thank you again for your comments. A copy of your letter and this response letter will be included in the Final EIS. Should you wish to receive a copy of the Final EIS document, or portion thereof, please submit your request in writing to Munekiyo Hiraga, 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town, LLC

David Ward
Olowalu Town, LLC

WF:DW
Enclosures
cc: Peter Martin, Olowalu Ekolu, LLC
Steven Dollar, Marine Research Consultants, Inc.
Jennifer Lim, Carlsmith Ball, LLP
Colleen Suyama, Munekiyo Hiraga

developed within the 150 ft. shoreline setback for the project. Work within the shoreline setback will be limited to landscaping and public access to and along the shoreline. As such, structures will be set back from the shoreline at a minimum of 150 ft., with a substantial portion of areas envisioned for town centers located several hundred feet beyond the 150 ft. setback. Refer to **Figure 4**. In Alternative 2, no development will occur makai of Honoapi`ilani Highway. The existing uses will be maintained. Refer to **Figure 5**.

In general, designs for outdoor lighting will consider the need to respect the night sky and its impacts to wildlife.

With the implementation of the aforementioned mitigation measures, ~~the proposed project is~~Alternatives 1 and 2 are not expected to have a significant ~~negative~~adverse impact on botanical~~ or~~, fauna, or aquatic resources in this part of West Maui.

The OCR is currently restoring taro fields (lo`i) in its restoration of native Hawaiian plants and agricultural practices which will be enhanced by the Master Plan for Alternatives 1 and 2. Portions of the land adjacent to Olowalu Stream are included in the OCR. A goal of the OCR is to eventually restore stream flow to the ocean. Once stream flow to the ocean is restored, a riparian restoration program for Olowalu Stream can be developed with the approval of the OCR.

8. Marine Resources

a. Existing Conditions

NOAA's National Centers for Coastal Ocean Science initiated a coral reef research program in 1999 to map, assess, inventory, and monitor U.S. coral reef ecosystems. The Shallow-Water Benthic Habitats on the Main Hawaiian Islands 2007 study mapped the eight (8) main Hawaiian Islands, including Maui. The study found that on the Island of Maui the coral reef habitat can generally be characterized as described in **Table 20**:

EXHIBIT 1

Table 20. Coral Reef Structure for Maui Island

Coral Reef Structure Type	Major and Detailed Habitat Area (km²)
Pavement	32.529
Spur and Groove	4.201
Individual Patch Reef	0.127
Aggregated Patch Reef	0.462
Aggregated Reef	18.360
Rock/Boulder	46.169
Pavement with Sand Channels	0.595
Rubble	0.110
Scattered Coral/Rock	0.148
Total Coral Reef and Hard Bottom	**102.702**
Sand	98.996
Mud	0.657
Pavement with Sand Channels	**99.623**
Rubble	0.200
Scattered Coral/Rock	**0.200**
Total Coral Reef and Hard Bottom	**202.525**
Source: NOAA, 2007	

Map 71 of the study covers the Olowalu area and identifies the benthic habitats offshore. The classification scheme defines benthic habitats on the basis of large geographic "zones" which are comprised of smaller geomorphological structure and biological cover of the reef system. Biological cover indicates the predominate biological component colonizing the surface of the feature. Geomorphological structure indicates the physical structural composition of the feature (NOAA, 2007).

Zones identified in Olowalu by the 2007 NOAA Study from land to open water included lagoon, fore reef, and bank shelf, while the geomorphological structure types were pavement, aggregate reef, spur and grove, and sand.

The Assessment of Marine Water Chemistry and Biotic Community Structure surveyed approximately 454 acres of the nearshore waters in Olowalu. Refer to **Appendix "E"**. As noted in **Appendix "E"**, the aggregate reef structure is located mostly south of Olowalu Point. The overall coral cover in the

survey area was about 37 percent of bottom cover, while macroalgae accounted for about 8 percent of bottom cover; 21 percent of the bottom was covered with sand and 33 percent of the bottom consisted of mud and sediment bound in algal turf.

The reefs at Olowalu are considered somewhat unique in that sediment deposition (or lack thereof), rather than wave forces, appears to be the major determinant of physical and biotic reef structure. Along the northern side of Olowalu Point, deposition of terrigenous sediment emanating from Olowalu Stream creates a habitat where coral communities are limited to species and growth forms that can withstand the sub-optimal conditions created by high rates of sediment deposition. South of Olowalu Point, a shallow, wide, triangular-shaped reef flat, formed from deposition of alluvial material from Olowalu Stream, terminates in a fore reef composed of actively accreting coral assemblages that show little or no effect of sediment stress. The outer reefs consist of extensive actively accreting coral formations where growth and community composition are not controlled by wave forces, as is the typical situation on most Hawaiian open coastal areas. Also, reefs at the southeastern end of the project site (near 14-Mile Marker) showed distinct indications of sediment stress, although no major streams discharge regularly in this area. Refer to **Appendix "E"**.

Populations of reef fish in the area are typical of Hawai`i reefs, although numbers of larger fish were very low, likely as a result of fishing pressure. The most abundant families consisted of wrasses, damselfish and surgeonfish. The highest abundance of fish was on the outer fore reef with the rarest in the areas with the heaviest deposition of mud. Reef communities on the outer reef flat and fore reef represent essentially pristine ecological settings unaffected by most human activities, with the exception of fishing.

Numerous sharks were also observed on the inner reef flat. Marine biologist Pauline Feine states in her comments on the Draft EIS that the Olowalu area is a nursery for black-tip sharks.

Information received from the NOAA, National Marine Fisheries Service (NMFS) identified three (3) marine species protected under the Endangered Species Act that frequent the area and may potentially be affected by the proposed project. The three (3) marine species identified include the

threatened green sea turtle (*Chelonia mydas*), the endangered hawksbill sea turtle (*Eretmochelys imbricate*), and the endangered Hawaiian monk seal (*Monachus schauinslandi*). Maui hosts a nesting population of hawksbill sea turtles on the southern shore of the island. Green sea turtles also occur offshore of the area and may bask onshore. Several green sea turtles were observed during the course of fieldwork for the *Assessment of Marine Water Chemistry and Biotic Community Structure in the Vicinity of the Olowalu Town Master Plan.* Refer to **Appendix "E"**. According to NOAA, the Olowalu area may provide a suitable shoreline habitat to support sea turtle nesting. Hawaiian monk seals are also known to occur in the area and have been frequently sighted hauled out on beaches.

In addition, nine (9) species of corals found in Hawai`i were petitioned for listing under the Endangered Species Act. One of these coral species, *Montipora patula*, was found to occur in the nearshore waters off of the project area. In 2014, NOAA listed 20 corals as threatened but the list did not include the nine (9) candidate species that are found in Hawai`i (Garden Island, 2014). Refer to **Appendix "E"**.

Since the preparation of the *Assessment of Marine Water Chemistry and Biotic Community Structure in the Vicinity of the Olowalu Town Master Plan* new circumstances have occurred that have altered the results of my previous surveys. Recent elevated ocean temperatures around the State of Hawai`i have resulted in bleaching of corals in at least some nearshore settings. Visual inspection of the reef at Olowalu conducted on September 24, 2015 indicated that such bleaching has occurred at the Olowalu study sites, resulting in a reduction of live corals. See **Appendix "E-1"**.

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

The change in character of the Olowalu reef observed in 2015 by natural phenomenon is not directly related to activities on land. There is no reason to suggest the possibility of different or likely increased environmental impacts not previously dealt with in the 2011 report. Rather, decreasing sediment delivery to the ocean over the existing situation will likely provide an enhancement to recover the reef that survives the bleaching event. Refer to **Appendix "E-1"**.

From:	Robin Newbold
To:	luc@dbedt.hawaii.gov; oeqc@doh.hawaii.gov
Subject:	Comments on DEIS for Proposed Olowalu Town Master Plan from MNMRC
Date:	04/23/2012 05:04 PM
Attachments:	Microsoft Word - MNMRC Olowalu.doc.pdf

LAND USE COMMISSION
STATE OF HAWAII

2012 MAY 11 P 1:46

Thank you for accepting and taking into consideration testimony from Maui Nui Marine Resource Council

Mahalo

MAUI NUI MARINE RESOURCE COUNCIL

April 22, 2012

State Land Use Commission
PO Box 2359
Honolulu, HI 96804
Contact: Dan Davidson

Re: Recommend Against development at Olowaul
Comments on DEIS for Proposed Olowalu Town Master Plan
TMK (2) 4-8-003: 84, 98-118 and 124

Aloha Land Use Commissioners and Staff:

Maui Nui Marine Resource Council (MNMRC) consists of 28 voting members and non-voting advisors. Voting members represent a broad spectrum of the community including commercial, recreational and subsistence fishers, ocean tourism businesses, scientists, educators and cultural practitioners from Maui County.

MNMRC has convened a Coral Reef Recovery Team and is in the process of completing a Coral Reef Recovery Plan for Maui, with support from National Fish & Wildlife Foundation. The purpose of the Maui Coral Reef Recovery Plan is to use both scientific and place-based, traditional knowledge of coral reef ecosystems to develop technical and policy related remedies to address reef decline.

MNMRC appreciates the opportunity to offer comments on the DEIS for the Proposed Olowalu Town Master Plan. After reviewing the portions of the DEIS relating to the project and its potential impacts on natural resources we offer the following comments:

1. MNMRC asks the LUC to consider this DEIS inadequate and unacceptable. The characterization of the Olowalu reef system in Appendix D (Marine Water Quality , etc) is both inadequate and misleading. Scientists who have researched this reef system for a number of years were very disappointed to read the descriptions and conclusions brought forth in Dr. Dollar's report in the Olowalu DEIS.

2. Using the limited and inaccurate information and conclusions found in the Marine Water Quality report and other parts of the Olowalu Town DEIS to guide decision-making, will not result in sound policy decisions.

Background:

MNMRC members and advisors have been engaged in reef monitoring and enhancement projects throughout West Maui for many years. Their perspective has informed our opinion that the Ukumehame / Olowalu nearshore reef complex is the last intact large coastal reef flat along the leeward side of Maui. We are not alone in this view. The statewide Coral Reef Working Group

convened by the DLNR Aquatic Resources Division chose Olowalu as one of the 10 most important reef sites state wide in the 2009 strategic plan. Noted coral researcher, Dr. Eric Brown described this reef as "the best leeward reef in Maui and probably within the whole state" in his 2003 assessment of the area[1]. Olowalu Reefs have been the subject of various monitoring and research programs over the past two decades, due to their rich biodiversity and relative lack of human impacts.

In 2010, Hawaii's Department of Aquatic Resources published a report[2] describing the alarming trend of coral decline around Maui. Reefs adjacent to shoreline development experienced 25% – 90% loss of coral over the past decade alone.

Dr. Brown, and many other marine scientists have concluded that any large-scale development in Olowalu would likely negatively impact the adjacent reef. MNMRC believes that it makes sense to take extra precautions to keep Olowalu reefs healthy.

Unfortunately, the preservation/ mitigation strategies offered in the Olowalu Town DEIS, Appendix D, and summarized in the body of the DEIS, are the same ones that have been applied to development after development in West Maui. If County grading regulations, Best Management Practices and retention basins were the answer to preventing degradation of our reefs, we would not have had such extensive degradation to our reefs.

We wish to call the attention of the Commission to specific assumptions in the DEIS that are presented as proven facts, but actually are not supported by reliable research or data:

1. **Groundwater intrusion does not travel beyond shoreline "mix-zone" and therefore it will have no impact on reefs.**

Groundwater from upslope does travel seaward beyond the inshore waters. Wind and waves mix this surface water into the water column where, if loaded with nutrients, it can damage the reef ecosystem.

Meghan Dailer's research provided evidence of this mixing at Kahekili Reef (Ka'anapali Maui), which indicated, increased amounts of human-generated nitrogen (N15) in the reef area.

2. **Thousands of square feet of new commercial and housing units in Olowalu will not generate runoff and impact reefs due to mitigations like rain-gardens and bio-swales.**

Rain-gardens, bio-swales and other urban watershed remediation are reasonable strategies for reducing flooding in an already degraded, flood-prone urban area. They are unlikely to be effective on 375,000 sq ft of new commercial roof space, and 1500 new housing units just uphill from West Maui's last stable, relatively pristine reef system. There is also no guarantee such mitigations will be widely adopted and properly maintained. The proper mitigation for resources of the caliber of Olowalu reefs is avoidance of impacts.

The DEIS Marine consultant proposes retention basins and underground storage areas as the solution to the millions of gallons of storm-water that can naturally pass through the project area in a heavy rain. The Reality: West Maui retention basins are notorious for becoming choked with silt and carrying not only storm water but concentrated silt towards the ocean when overwhelmed by storm flows.

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[1] 1. Brown, E. (2003). Status of Maui's Coral Reefs? Report

[2] Williams, I., Sparks, R., and Smith, C. (2010). Status of Maui's Coral Reefs. Hawaii Department of Aquatic Resources & Hawaii Coral Reef Initiative Report.

3. **Olowalu marine resource consultant's professional opinion: "as long as BMPs are utilized and retention basins maximize sediment trapping, there is no rationale to indicate potential changes that could be considered negative impacts to the marine environment"**

The DEIS mentions that flows which exceed the basin capacity will continue naturally down the existing drainage channel towards the ocean. Since there is no plan in the DEIS showing where the proposed retention basins will be located, it is difficult to access how effective they may be for preventing non-point discharges into the ocean and reefs, as the consultant claims.

The DEIS acknowledges the proposed project will boost storm water flows by around 73 ac ft. (24 mil gal) each major storm event, and send the water down the same channels it now travels in. The main difference being that there will be more water and it will be concentrated into the retention basins until their capacity is exceeded, then head towards the ocean with possibly greater force. The DEIS should make clear that there is no example of this being an effective long term strategy for reef protection in West Maui.

4. **Urbanization with the addition of retention basins could actually create less run-off than pre-development conditions.**

While the DEIS estimates figures for pre-development and post development storm flows, it does not evaluate the valuable biological services already provided by the naturally low elevation areas mauka of and makai of Honoapiilani Highway. These areas currently hold, filter and absorb a great deal of storm runoff. The DEIS fails to evaluate and compare this existing capacity with the expensive engineering solutions proposed. It is estimated by water quality researchers that undeveloped areas absorb up to 16 times more water than the same area post-development. Given this, it is likely the supposed "improvement" would be mathematical rather than actual.

5. **The DEIS claims that 85% of the surface runoff from the existing site reaching the ocean does so through the Olowalu stream channel.**

If this is accurate, and no data was provided to determine that, riparian restorations and improvements along the stream should be discussed in the DEIS, but they are not.
We also are not provided any information about how much storm run off is currently being successfully absorbed on site and must ask: what amount of the over 1000 cfs 100 year storm flow actually reaches the ocean now?

6. **A 6% reduction in existing groundwater discharge to nearshore waters will have no effect on marine ecosystems, since the consultant concluded that "at present, groundwater is so restricted in distribution that there is no effect on marine community structure."**

The Olowalu DEIS gives no proof that groundwater is "restricted in distribution" or has "no effect on marine community structure." Freshwater intrusion has long played a role in marine ecosystems on the leeward shore of Maui. Freshwater discharges were noted in a 2007 Submarine Groundwater Discharge (SGD) study (J.H. Street et al) that included West Maui, as the only significant continuous source of nutrients for the ocean in leeward areas. The study tracked fresh water inputs through long and short-lived radium isotopes.

Cultural practitioners inform us that freshwater seepage into the ocean is necessary for the survival of beneficial *limu*, which many fish species depend upon. Fishing families are aware of areas where groundwater flows enter the ocean.

A USGS study in the 1990's noted that land-based pumping of groundwater wells on the leeward coast of Hawaii Island reduced measured groundwater inputs to nearshore waters by around 3%, and this was considered significant.

The 6% per cent reduction predicted for Olowalu should be discussed in relationship to the USGS's new computer based groundwater model for West Maui. It is very likely that the combination of a reduction in fresh water discharge due to proposed heavy pumping increases in the Olowalu aquifer (pumping is currently a maximum of 90,000 gpd and could go to as much as 1 mgd or more at peak demand with Olowalu buildout) and a substitution of seepage from storm runoff (redirected by newly impervious surfaces) and effluent used for nearshore irrigation could substantially alter nearshore water chemistry.

As discussed earlier, the DEIS also assumes with no data, that there is no presence of groundwater beyond the nearshore "mixing zone," which is disputed by recent research in the West Maui area.

The most recent USGS study of West Maui Groundwater (Gingerich and Engott, 2012) notes that freshwater (groundwater) discharge along most West Maui shorelines (including Olowalu) has been declining. **The DEIS should look at a broad range of data that may be available, not sidestep the issue with unsupported assumptions**

7. Substituting treated effluent irrigation water for stream water on 100 acres of the project site will have no influence on marine ecosystems.

The impacts of nutrient rich irrigation water or reclaimed wastewater discharging into the nearshore waters and reef ecosystems is dismissed as a non-issue in the DEIS and the Water Quality report. Yet, it is very likely that some of the treated effluent will travel through the ground and into the ocean.

The DEIS Fig 18 map shows three green "recycled water" lines going to the shoreline areas in the north, south and middle of the subject property. The DEIS should discuss the expected volumes of effluent to be discharged at these locations and test the background nutrient levels already existing in the nearshore waters.

The assumption that the background levels of Nitrogen and Phosphorus in shoreline waters are higher that the levels in the effluent seepage begs the question of cumulative impacts to reefs due to even subtle changes in nutrient loads. It is mentioned in the DEIS that areas where effluent is used for irrigation will not require any additional application of nitrogen or phosphorus based fertilization.This would lead to the conclusion that the WTF will not attempt to produce effluent with low levels of these nutrients.

If effluent is regularly used, how much will be absorbed by plants and how much will continue into the groundwater stream? Has actual testing been done using Olowalu soil types? The DEIS predicts that overall ground water discharge to the coastal waters will decline, but does not make it clear if that is ground water originating from aquifer sources, storm run off or irrigation?

If, for example, high level ground water, with its typical low salinity, is diminished or replaced by effluent seepage with its typically higher salinity and the effluent seeps into nearshore waters in locations that may are not adapted to this type of groundwater discharge, marine ecosystems can be affected. **This important question is neither posed nor researched by the Olowalu marine consultant in the DEIS.**

8. The DEIS and Water Quality Report assumes that the proposed Olowalu sewage treatment plant would always function perfectly and not pose any impacts to land or ocean,

No wastewater facilities currently exist in this area, therefore the plant should be regarded as an unknown entity, with potential impacts. The plant location appears to be in a tsunami zone, a high fire risk zone, adjacent to a high risk flood zone and in close proximity to the ocean. As such, there are potential impacts. Since the project's maps are rather vague in the DEIS, the distance from the WTF to the ocean is not known.

If a large storm event caused flooding beyond the capacity of the facility's proposed wetland overflow area (no capacity is given for the wetlands other than it will span 2 acres and lead to a 4.7 ac leachfield); or power outages interfered with pumping of effluent from the WTF, raw, or partially treated, sewage mixed with storm water could be released into a popular recreation area. Most private wastewater facilities are required to install injection wells, even if they plan to recycle the waste water. The DEIS does not make it clear if the wetland/leach field is approved as a substitution for the injection wells. This detail may be buried somewhere in the DEIS, but it certainly is not made apparent.

In the event of fire, plant operations may be impaired, but this is not discussed. We are not informed what size tsunami wave would have an effect on the plant at it's proposed location. None of these risk factors are mentioned in the DEIS, its Preliminary Engineering or Water Quality Analyses Reports in Appendix B or D. **Our environment laws require all potential impacts to be discussed, not just dismissed by unsupported assumptions that there will be no impacts.**

9. **The nature, density and diversity of marine biota found in the Olowalu reef area has been misrepresented or under represented in the DEIS Appendix D study, downplaying the very unique biological value of the reef and its resources.**

It appears from the Dollar report (Appendix D, Olowalu Town DEIS) that the entire marine survey area (over 450 acres) was surveyed in just four days. It is not surprising that important features were overlooked.

The fact that the majority of studies Dr. Dollar references in his report are over 20 years old, and are not specific to any of the tremendous amount of past research work done on the Olowalu reefs and nearshore environment, may contribute to many oversights. This selective approach to reference materials appears to have led to selective conclusions. In the interests of sound scientific decision making, we list a few conclusions that are based on incomplete or erroneous information:

a) Twelve species of coral noted on Olowalu reefs.
Actually, twice that many species have been recorded in recent years in studies done by well known marine invertebrate researcher, Cory Pittman, who has investigated Olowalu reefs since the 1970's.

Previous research at Olowalu reefs has been extensive and has shown that Olowalu has the highest diversity of Porites species and growth forms in the entire island chain, with three particularly rare species (P. duerdeni, P. solida, P. cf. annae).

While the presence of some large Porites lobata coral colonies offshore is mentioned, the fact that one colony is estimated to have been in place for half a millennium, and spans 23 feet in diameter is not noted. Perhaps it was not even observed.

Olowalu's reefs hold a unique status in Hawaii due to the presence of three species of rare coral microatolls in the inner reef flat, but this is not acknowledged in the Dollar report, and only one of the three species present is noted.

Olowalu has the best-developed, most extensive micro-atoll area in all the islands. According to one researcher: the Olowalu reef "is literally an outdoor museum of rare coral species and growth forms." This fact would not be known or recognized from the Dollar study.

Researchers, such as Dr. Zac Forsman of the Hawai'i Institute of Marine Biology (HIMB), have commented that nearly every species of rare coral in Hawaii can be found at the Olowalu reef site, but that fact is not reflected in the marine resources report in Appendix D of the DEIS.

b) Dollar observed low numbers of large fish on the Olowalu reef.

Recent DAR research indicated high incident of fish biomass in Olowalu, equivalent to that found in most of Maui's marine protected areas. Large parrotfish are commonly observed, but the Olowalu study noted only small parrotfish. While the Dollar study noted a low number of fish valued as food, and attributed this to fishing pressures, **there was no discussion of what impacts adding 4,000 plus residents to the immediate Olowalu area would have on existing Olowalu fish stocks.**

c) The Dollar Marine Biota report failed to mention Olowalu's remarkable Manta Ray feeding station.

Three scientific publications[3],[4],[5] and a doctoral dissertation[6] [4] completed by Dr. Mark Deakos describe in detail a Maui County resident population of over 300 manta rays that utilize the Olowalu reef for the removal of unwanted parasites (cleaning stations) and for social and reproductive behaviors. This unique manta ray aggregation area is one of only a few known in the world.

Dr. Deakos submitted testimony during the Maui Island Plan review to GPAC and the Planning Commission advising against development at Olowalu due to the likelihood that development would compromise the reef and the critical habitat being used by the manta rays. The manta rays off Kona, Hawaii, support a multi-million dollar industry for this small community alone.

d) Olowalu's Marine Biota study notes "numerous small black-tip reef sharks" with no mention of their significance to the area.

The Olowalu area has been known as a nursery area for the black tip sharks for decades, one of the few in the entire state. This important biological function is not included in the Marine Biota

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[3] Deakos, M. H. (2010). Paired-laser photogrammetry as a simple and accurate system for measuring the body size of free-ranging manta rays Manta alfredi. Aquatic Biology, 10(1), 1-10.

[4] Deakos, M. (2010). The ecology and social behavior of a resident manta ray (Manta alfredi) population off Maui, Hawaii. Ph.D. Doctoral, University of Hawaii, Honolulu, Hawaii.

[5] Deakos, M. H. (2011). The reproductive ecology of resident manta rays (Manta alfredi) off Maui, Hawaii, with an emphasis on body size. Environmental Biology of Fishes.

[6] Deakos, M. (2010). The ecology and social behavior of a resident manta ray (Manta alfredi) population off Maui, Hawaii. Ph.D. Doctoral, University of Hawaii, Honolulu, Hawaii.

study, which appears to concentrate on listing organisms but not offering much context of their biological importance.

IN CONCLUSION:

The economic and social benefits coral reefs provide the people of Hawaii are rarely considered when estimating the true cost of a development. This has been the number one flaw in our accounting system, and is responsible for the demise of our natural systems and the quality of life of the people who depend on them for food, for protection from storm surges, for recreation, and for work. Our children and grandchildren pay the true cost of poor long-term planning.

Hawaii's coral reefs are the cornerstone of Hawaii's culture and economy, attracting millions of tourists to our islands each year and providing millions of dollars in revenue for our communities. We have options to build a small town elsewhere but there is no option to move the reef. Once the reef is gone, as the Ma'alaea reef is, we cannot bring it back.

MNMRC urges all concerned, developers, regulatory agencies and decision making panels such as the Land Use Commission to consider an alternative location for this development so that we may protect Maui's last remaining healthy reef.

Mahalo for this opportunity to share our comments

Robin Newbold, Chair
Maui Nui Marine Resources Council

Olowalu Town
BY MAUI, FOR MAUI
2035 MAIN STREET WAILUKU HAWAI'I 96793
OFFICE: 808-249-2224 / FAX: 249-2333

October 26, 2015

Robin Newbold, Chair
Maui Nui Marine Resource Council
P.O. Box 532533
Kihei, Hawaii 96753

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Ms. Newbold:

We thank you for your letter of April 22, 2012 responding to our request for comments on the Draft Environmental Impact Statement (EIS) for the proposed Olowalu Town Master Plan. We offer the following information in response to the comments noted in your letter.

Comment

1. *MNMRC asks the LUC to consider this DEIS inadequate and unacceptable. The characterization of the Olowalu reef system in Appendix D (Marine Water Quality, etc) is both inadequate and misleading. Scientists who have researched this reef system for a number of years were very disappointed to read the descriptions and conclusions brought forth in Dr. Dollar's report in the Olowalu DEIS.*
2. *Using the limited and inaccurate information and conclusions found in the Marine Water Quality report and other parts of the Olowalu Town DEIS to guide decision-making, will not result in sound policy decisions.*

Background:

MNMRC members and advisors have been engaged in reef monitoring and enhancement projects throughout West Maui for many years. Their perspective has informed our opinion that the Ukumehame/Olowalu nearshore reef complex is the last intact large coastal reef flat along the leeward side of Maui. We are not alone in this

view. The statewide Coral Reef Working Group convened by the DLNR Aquatic Resources Division chose Olowalu as one of the 10 most important reef sites state wide in the 2009 strategic plan. Noted coral researcher, Dr. Eric Brown described this reef as "the best leeward reef in Maui and probably within the whole state" in his 2003 assessment of the area. Olowalu Reefs have been the subject of various monitoring and research programs over the past two decades, due to their rich biodiversity and relative lack of human impacts.

In 2010, Hawaii's Department of Aquatic Resources published a report describing the alarming trend of coral decline around Maui. Reefs adjacent to shoreline development experienced 25% -90% loss of coral over the past decade alone.

Dr. Brown, and many other marine scientists have concluded that any large-scale development in Olowalu would likely negatively impact the adjacent reef. MNMRC believes that it makes sense to take extra precautions to keep Olowalu reefs healthy.

Unfortunately, the preservation/mitigation strategies offered in the Olowalu Town DEIS, Appendix D, and summarized in the body of the DEIS, are the same ones that have been applied to development after development in West Maui. If County grading regulations, Best Management Practices and retention basins were the answer to preventing degradation of our reefs, we would not have had such extensive degradation to our reefs.

Response:

Olowalu Town, LLC and Olowalu Ekolu, LLC acknowledge that the Olowalu nearshore reef complex is an important statewide reef site and commend the efforts of the statewide Coral Reef Working Group and the Department of Land and Natural Resources Aquatic Division in protecting our coral reefs. As the Applicants, we share similar concerns regarding the declining coral reefs near areas of shoreline development.

The State of Hawaii Department of Land and Natural Resources, Commission on Water Resource Management (CWRM) has published "A Handbook for Stormwater Reclamation and Reuse Best Management Practices in Hawaii" (December 2008) with the expressed intention of "encouraging the management of stormwater as a resource rather than as a nuisance to be discharged to our streams and coastal waters". The publication outlines alternative stormwater measures that have been used to mitigate stormwater impacts in environmentally-sensitive communities in the United States, such as the Puget Sound area of Washington State. The State of Hawaii's handbook was used to identify a menu of best management practices that are appropriate for implementation at Olowalu Town. The Olowalu Town Stormwater Quality Enhancements Study (Appendix "B-1" of the Draft EIS), prepared by Brown and

Caldwell, proposes Best Management Practices (BMPs) that go well beyond the current County of Maui Rules for the Design of Storm Drainage Facilities adopted in 1995 and the Rules for the Design of Storm Water Treatment Best Management Practices adopted on November 9, 2012, which encourages Low Impact Developments (LID). By implementing the BMPs in conjunction with the County's standards, as the Applicants, we will be providing a level of environmental protection that goes well beyond what has been provided at existing Maui developments.

The goals of the BMPs proposed are 1) to increase the volume of stormwater that infiltrates into the soil, 2) reuse stormwater where feasible, and 3) improve the quality of stormwater that does run off. As noted in Table 10, Proposed Stormwater BMPs for Olowalu Town Master Plan (OTMP), on page 70 of the Draft EIS, the following measures in the stormwater management plan are recommended in the Master Plan: (Refer to Appendix "B-1" of the Draft EIS)

- Bio-retention rain gardens (landscaped depressions) to collect and treat runoff from impervious surfaces
- Rain barrels and rain tanks to collect rainfall to be used for irrigation
- Subsurface tanks to store stormwater for reuse or to allow infiltration into the ground
- Permeable paving allowing infiltration of stormwater through the pavement
- Subsurface chamber stormwater management systems that act as detention, retention, infiltration and/or first-flush storage
- Hydrodynamic devices that utilize the energy and velocity of stormwater to remove sediments, debris, floatables and oil to improve stormwater quality
- Reinforced turf surfaces to increase stormwater percolation rates
- Infiltration trenches that allow stormwater to percolate into the ground

As noted in Appendix "D" of the Draft EIS, these measures are expected to be designed to keep post-development peak rates and volumes of runoff at the same or less than existing conditions for a 100-year, 24-hour design storm. The installed retention volumes for this design storm will have a more substantial impact on the more frequent smaller rainfall events, in which 100 percent of the runoff will be contained resulting in less surface runoff than under the existing, undeveloped condition. It is expected that there will be no increase in surface runoff discharge along the shoreline.

Comment:

We wish to call the attention of the Commission to specific assumptions in the DEIS that are presented as proven facts, but actually are not supported by reliable research or data:

1. *Groundwater intrusion does not travel beyond shoreline "mix-zone" and therefore it will have no impact on reefs.*

Groundwater from upslope does travel seaward beyond the inshore waters. Wind and waves mix this surface water into the water column where, if loaded with nutrients, it can damage the reef ecosystem.

Meghan Dailer's research provided evidence of this mixing at Kahekili Reef (Ka`anapali Maui), which indicated, increased amounts of human-generated nitrogen (N15) in the reef area.

Response:

Although Meghan Dailer's research at Kahekili Reef in Kaanapali found evidence of mixing with increased human-generated nitrogen, it is noted that the geological conditions in Kaanapali and other areas of West Maui differ from Olowalu. In Olowalu there is a sedimentary wedge that forms a confining caprock which limits the mixing of groundwater with the nearshore waters. Measurements taken along the shoreline did not find any evidence of mixing occurring along the shoreline. If mixing is occurring it is so small that it is quickly diluted to background levels.

Comment:

2. *Thousands of square feet of new commercial and housing units in Olowalu will not generate runoff and impact reefs due to mitigations like rain-gardens and bio-swales.*

Rain-gardens, bio-swales and other urban watershed remediation are reasonable strategies for reducing flooding in an already degraded, flood-prone urban area. They are unlikely to be effective on 375,000 sq. ft. of new commercial roof space, and 1500 new housing units just uphill from West Maui's last stable, relatively pristine reef system. There is also no guarantee such mitigations will be widely adopted and properly maintained. The proper mitigation for resources of the caliber of Olowalu reefs is avoidance of impacts.

The DEIS Marine consultant proposes retention basins and underground storage areas as the solution to the millions of gallons of storm-water that can naturally pass through the project area in a heavy rain. The Reality: West Maui retention basins are notorious for becoming choked with silt and carrying not only storm water but concentrated silt towards the ocean when overwhelmed by storm flows.

Response:

Olowalu Town, LLC and Olowalu Ekolu, LLC appreciate your comment that the best mitigation for Olowalu and its reefs is avoidance of impacts. In keeping with LID

principles and to avoid impacts to the nearshore waters as the Applicants we propose to implement a comprehensive plan of BMPs identified in Table 10 of the Draft EIS to 1) capture, store and reuse stormwater for irrigation purposes or to allow runoff to percolate into the ground and 2) to improve water quality of stormwater that does runoff. These measures through proper maintenance have been shown to be effective in other environmentally sensitive areas. As such, as the Applicants we commit to implementing an operations and maintenance plan to ensure these measures remain effective.

Comment:

3. *Olowalu marine resource consultant's professional opinion: "as long as BMPs are utilized and retention basins maximize sediment trapping, there is no rationale to indicate potential changes that could be considered negative impacts to the marine environment"*

The DEIS mentions that flows which exceed the basin capacity will continue naturally down the existing drainage channel towards the ocean. Since there is no plan in the DEIS showing where the proposed retention basins will be located, it is difficult to assess how effective they may be for preventing non-point discharges into the ocean and reefs, as the consultant claims.

The DEIS acknowledges the proposed project will boost storm water flows by around 73 ac ft. (24 mil gal) each major storm event, and send the water down the same channels it now travels in. The main difference being that there will be more water and it will be concentrated into the retention basins until their capacity is exceeded, then head towards the ocean with possibly greater force. The DEIS should make clear that there is no example of this being an effective long term strategy for reef protection in West Maui.

Response:

Olowalu Town, LLC and Olowalu Ekolu, LLC understand the MNMRC's concern that use of retention basins alone may not be an effective long term strategy for reef protection. As previously noted, the Olowalu Town Stormwater Quality Enhancements Study (Appendix "B-1" of the Draft EIS) includes BMPs (refer to Table 10 of the Draft EIS) beyond the practice of utilizing retention basins. It is a comprehensive plan to capture rainfall from the smallest sources, such as residential rooftops and driveways, and much larger sources of runoff, such as onsite stormwater that currently flow through the former sugarcane lands. Implementation of these measures will capture stormwater runoff to be stored and recycled for irrigation purposes or to allow percolation into the ground which is expected to reduce runoff to the ocean as well as improve water quality by removing sediments.

These measures are expected to be designed to keep post-development peak rates and volumes of runoff at the same or less than existing conditions for a 100-year, 24-hour design storm. The installed retention volumes for this design storm will have a more substantial impact on the more frequent smaller rainfall events in which 100 percent of the runoff will be contained resulting in less surface runoff than under the existing, undeveloped condition. It is expected that there will be no increase in surface runoff discharge along the shoreline, as well as improved water quality of runoff.

The project will require several land entitlements and permits which will be reviewed by the State of Hawaii Land Use Commission, County of Maui Council, Maui Planning Commission and Maui Planning Department. As the project continues through the entitlement and permitting process, greater design specificity on drainage and BMPs will be provided in accordance with the applicants' objectives 1) to increase the volume of stormwater that infiltrates into the ground, 2) reuse stormwater where feasible, and 3) improve the quality of stormwater that does run off.

Comment:

4. *Urbanization with the addition of retention basins could actually create less run-off than pre-development conditions.*

While the DEIS estimates figures for pre-development and post development storm flows, it does not evaluate the valuable biological services already provided by the naturally low elevation areas mauka of and makai of Honoapiilani Highway. These areas currently hold, filter and absorb a great deal of storm runoff. The DEIS fails to evaluate and compare this existing capacity with the expensive engineering solutions proposed. It is estimated by water quality researchers that undeveloped areas absorb up to 16 times more water than the same area post-development. Given this, it is likely the supposed "improvement" would be mathematical rather than actual.

Response:

As noted in the Draft EIS there are no existing drainage improvements within the project site, however, Olowalu stream as well as several unnamed drainageways traverse the site in the northeast to northwest direction, and surface runoff is directed towards Honoapiilani Highway. The highway acts as a berm retaining or trapping a majority of the runoff mauka of the highway. Although the lands mauka of the highway currently serves as a natural filter there is limited retention on the makai lands. The mauka runoff primarily from Olowalu Stream and the unnamed drainageways that is not retained by the existing highway is currently conveyed to the ocean through culverts under the highway and bridge over Olowalu Stream.

As the Applicants our objectives are to 1) increase the volume of stormwater that infiltrates into the soil, 2) reuse stormwater where feasible, and 3) improve the quality of stormwater that does run off is expected to reduce impacts on the reefs from stormwater runoff. As noted previously, as the project continues through the entitlement and permitting process greater design specificity on drainage will be provided.

Comment:

5. *The DEIS claims that 85% of the surface runoff from the existing site reaching the ocean does so through the Olowalu stream channel.*

If this is accurate, and no data was provided to determine that, riparian restorations and improvements along the stream should be discussed in the DEIS, but they are not. We also are not provided any information about how much storm run off is currently being successfully absorbed on site and must ask: what amount of the over 1000 cfs 100 year storm flow actually reaches the ocean now?

Response:

In response to your comment regarding surface runoff data, according to the water resources consultant, the approximate 5000+ acres in the Olowalu area lack specific data. The nearest United States Geological Survey (USGS) gauge is downstream of the existing diversion in Olowalu Stream. The consultant estimated that 85 percent of the surface runoff measured from the USGS gauge actually reaches and discharges into the ocean.

A goal of the non-profit organization, Olowalu Cultural Reserve (OCR), is to eventually restore stream flow to the ocean. Riparian restoration and improvements along Olowalu Stream were initiated with formation of the OCR who has a 99-year lease. The OCR continues to work towards riparian restoration including the planting of native plants within the OCR. The applicants will continue to work with the OCR to further the efforts of the OCR within the OTMP.

Stormwater runoff in the Preliminary Engineering Report (Appendix "B" in the Draft EIS) estimated the pre- and post-development runoff in the Olowalu area. The existing runoff is estimated as 1,010 cubic feet per second (cfs) and approximately 322 acre-ft of runoff volume. Estimated runoff with the OTMP will be 1,710 cfs and approximately 395 acre-feet of runoff volume, an increase in runoff of 700 cfs and 73 acre-feet of runoff volume.

The existing berms along Olowalu Stream and higher elevation of Honoapiilani Highway keep much of the surface runoff mauka of the highway. Most of the runoff into the ocean is at Olowalu Stream or the unnamed drainageways.

As noted previously, as the project continues through the entitlement and permitting process greater design specificity on drainage and BMPs will be provided in accordance with the objectives 1) to increase the volume of stormwater that infiltrates into the ground, 2) reuse stormwater where feasible, and 3) improve the quality of stormwater that does run off.

Comment:

6. *A 6% reduction in existing groundwater discharge to nearshore waters will have no effect on marine ecosystems, since the consultant concluded that "at present, groundwater is so restricted in distribution that there is no effect on marine community structure."*

The Olowalu DEIS gives no proof that groundwater is "restricted in distribution" or has "no effect on marine community structure." Freshwater intrusion has long played a role in marine ecosystems on the leeward shore of Maul. Freshwater discharges were noted in a 2007 Submarine Groundwater Discharge (SGD) study J.H. Street et al) that included West Maui, as the only significant continuous source of nutrients for the ocean in leeward areas. The study tracked fresh water inputs through long and short-lived radium isotopes.

Response:

Thank you for your comments regarding freshwater intrusion studied in 2007. Since 2007, the United States Geological Survey (USGS) released the 2012 Groundwater Availability in the Lahaina District study which indicated that coastal groundwater discharge is lower in the Launiupoko, Olowalu, and Ukumehame aquifer systems. According to the USGS study, the low permeability sedimentary material stretching from south of Ukumehame Stream to north of Kahoma Stream acts as a confining unit that impedes fresh groundwater discharge to the coast. The caprock extends offshore, beyond the seaward extent of the freshwater lens. Beneath the caprock, groundwater flow is confined. The findings of the USGS study supports the Impact on Water Resources Study that the geological conditions in Olowalu differ from areas north of Kahoma, especially in the Kaanapali area where the County's Wastewater Reclamation Facility is located.

Groundwater in Olowalu exists in the unweathered volcanics. Along the Olowalu shoreline and extending inland, over most of the project area is a thick wedge of alluvium which covers the volcanics. The alluvium is poorly permeable particularly in comparison to the volcanics, but the older deposits at depth and in contact with the volcanics below are consolidated and essentially impermeable. As such, they function as a caprock, confining the groundwater in the volcanics at depth and forcing this

groundwater's discharge a substantial distance offshore where it is quickly mixed to background salinities and is essentially undetectable.

This hydro-geologic circumstance is why the only brackish water discharge which is detectable along the shoreline is due to intermittent surface runoff and very modest amounts of seepage from the poorly permeable alluvial caprock.

Calculations of the impact on groundwater discharge in the "Impact on Water Resources of the Olowalu Town Project" show a net decrease of approximately 6% of groundwater discharge into the marine environment. This decrease will be to the discharge that is occurring from the volcanics into the marine environment offshore and at depth. Due to the project's activities, there will actually be a slight increase in the modest discharge from the alluvial caprock along the shoreline. Those amounts are tabulated in Table 3 of the report as "Returns to Groundwater". In this regard, the analysis and conclusions of the Impact on Water Resources Study are considered appropriate and reliable.

Comment:

Cultural practitioners inform us that freshwater seepage into the ocean is necessary for the survival of beneficial limu, which many fish species depend upon. Fishing families are aware of areas where groundwater flows enter the ocean.

Response:

In the Cultural Impact Assessment prepared for the project, cultural informants did not indicate any freshwater seepage into the ocean in Olowalu. However, they did voice concerns regarding protection of the ocean. In particular, the group Polanui Ahupua`a Community Managed Marine Area (Polanui Hiu) recommended formation of the Olowalu Community Marine Management Group as a community group that could function as a shoreline monitoring entity both during construction and periodically post-construction. As the Applicants, we strongly agree that education and community group involvement are critical to the long-term protection of the reef and environment. As the Applicants, we are willing to continue to work with community groups, such as Polanui Hiu.

Comment:

A USGS study in the 1990's noted that land-based pumping of groundwater wells on the leeward coast of Hawaii Island reduced measured groundwater inputs to nearshore waters by around 3%, and this was considered significant.

The 6% percent reduction predicted for Olowalu should be discussed in relationship to the USGS's new computer based groundwater model for West Maui. It is very likely that the combination of a reduction in fresh water discharge due to proposed heavy pumping increases in the Olowalu aquifer (pumping is currently a maximum of 90,000 gpd and could go to as much as 1 mgd or more at peak demand with Olowalu buildout) and a substitution of seepage from storm runoff (redirected by newly impervious surfaces) and effluent used for nearshore irrigation could substantially alter nearshore water chemistry.

As discussed earlier, the DEIS also assumes with no data, that there is no presence of groundwater beyond the nearshore "mixing zone," which is disputed by recent research in the West Maui area.

The most recent USGS study of West Maui Groundwater (Gingerich and Engott, 2012) notes that freshwater (groundwater) discharge along most West Maui shorelines (including Olowalu) has been declining. The DEIS should look at a broad range of data that may be available, not sidestep the issue with unsupported assumptions.

Response:

The Impact on Water Resources Study was conducted prior to the release of the 2012 USGS Study. However, the Impact on Water Resources Study was prepared in consultation with the USGS. Our water consultant's review of the 2012 USGS Study finds it to be consistent with the analysis and conclusions of the Impact on Water Resources Study. The 2012 USGS Study and its computer model provides a general analysis of groundwater resources in the West Maui region. However, it does not analyze all aspects that may impact groundwater resources in the project area. The Impact on Water Resources Study analyzed area specific conditions in Olowalu and the specific details of the Master Plan that may influence groundwater discharge to determine the approximate 6 percent reduction in groundwater discharge.

As noted previously, because water chemistry data reveals that input of groundwater at the shoreline is negligible, and mixing of groundwater and ocean water at the nearshore zone is rapid, the estimated 6 percent reduction of groundwater resulting from the project will have minimal and localized effects on water quality on a magnitude that will not alter marine biota presently inhabiting the reef environments off Olowalu.

Comment:

7. *Substituting treated effluent irrigation water for stream water on 100 acres of the project site will have no influence on marine ecosystems.*

The impacts of nutrient rich irrigation water or reclaimed wastewater discharging into the nearshore waters and reef ecosystems is dismissed as a non-issue in the DEIS and the Water Quality report. Yet, it is very likely that some of the treated effluent will travel through the ground and into the ocean.

The DEIS Fig 18 map shows three green "recycled water" lines going to the shoreline areas in the north, south and middle of the subject property. The DEIS should discuss the expected volumes of effluent to be discharged at these locations and test the background nutrient levels already existing in the nearshore waters.

Response:

Although the OTMP proposes to utilize recycled water from the wastewater treatment facility (WTF), the recycled water will not be discharged at point locations near the shoreline. The park and open space areas inland of the shoreline will receive the majority of the "recycled water" for irrigation purposes. It is also anticipated that the controlled release of recycled water used for irrigation purposes will be quickly absorbed in the plant root zone and used by landscape vegetation. According to the Water Resources Study (Appendix "C" in Draft EIS), for all landscape irrigation regardless of source, approximately 10 percent of the applied water passes below the plant root zone to groundwater below. It carries with it approximately 10 percent of the applied nitrogen and approximately five (5) percent of the applied phosphorus. It is estimated that approximately 0.205 million gallons per day (MGD) of irrigation and recycled water will be returned to groundwater. This includes any excess recycled water not used for irrigation purposes that will be directed to the constructed wetlands and disposed of at a leach field inland of the project. Nutrient load from recycled water is expected to be less than the nutrient uptake of the vegetation that will be grown. The net impact of recycled water is expected to be equal or less than the impact of irrigation from other water sources.

Comment:

The assumption that the background levels of Nitrogen and Phosphorus in shoreline waters are higher that the levels in the effluent seepage begs the question of cumulative impacts to reefs due to even subtle changes in nutrient loads. It is mentioned in the DEIS that areas where effluent is used for irrigation will not require any additional application of nitrogen or phosphorus based fertilization. This would lead to the conclusion that the WTF will not attempt to produce effluent with low levels of these nutrients.

If effluent is regularly used, how much will be absorbed by plants and how much will continue into the-groundwater stream? Has actual testing been done using Olowalu soil types? The DEIS predicts that overall ground water discharge to the coastal waters will

decline, but does not make it clear if that is ground water originating from aquifer sources, storm run off or irrigation?

If, for example, high level ground water, with its typical low salinity, is diminished or replaced by effluent seepage with its typically higher salinity and the effluent seeps into nearshore waters in locations that may are not adapted to this type of groundwater discharge, marine ecosystems can be affected. This important question is neither posed nor researched by the Olowalu marine consultant in the DEIS.

Response:

Review of the consultant reports indicate that there will be very low levels of nitrogen and phosphorus in groundwater discharging into shoreline waters. Table 3 of the Water Resources Report quantified the existing and anticipated discharge of nitrogen and phosphorus into the groundwater. According to the Table, the total increase for nitrogen is approximately 10 percent and for phosphorus it decreases by approximately one (1) percent. The treated R-1 effluent is expected to have a total nitrogen (TN) concentration of 10 milligram/liter (mg/l) or less and total phosphorus (TP) of 5 mg/l or less.

Natural processes are expected to reduce the nutrient loading for all uses of water for which a portion is ultimately returned to groundwater. These processes take place during the downward passage through the unsaturated zone and lateral movement in groundwater to the shoreline. Nitrogen removal, primarily by denitrification, is expected to be 75 percent while phosphorus removal, primarily by absorption, is expected to be 90 percent. It is estimated there will be a reduction of approximately six (6) percent of the existing groundwater flowrate discharged into the marine environment. Salinity in groundwater is not expected to affect the marine environment.

In summary, from existing conditions, Table 3 of the Water Resources Report indicates a reduction of approximately six (6) percent of the groundwater flowrate discharged into the marine environment, a 10 percent increase in the amount of nitrogen, and a one (1) percent decrease in phosphorus.

The water quality report indicated that nutrient concentrations from effects from land can only be detected in the sub-tidal zone near the shoreline and in selected locations. The effects do not reach the offshore areas with viable reef habitats and biotic communities. In addition, nutrient subsidies from land are contained within a thin surface layer that does not come into contact with the reef surface. On both horizontal and vertical scales, there is little contact between groundwater and biotic communities.

The wastewater treatment process will incorporate biological nutrient removal to reduce nutrient levels in the recycled water. The use of R-1 quality recycled water in golf

courses for irrigation has demonstrated that after treatment there is sufficient nutrient content so additional fertilization is not necessary. As such, the use of recycled water is expected to eliminate the need for fertilizers to be applied on the ground surface. The potential for dissolved fertilizers in stormwater runoff in areas along the shoreline will be reduced and prevented from entering the nearshore waters.

Comment:

8. *The DEIS and Water Quality Report assumes that the proposed Olowalu sewage treatment plant would always function perfectly and not pose any impacts to land or ocean,*

No wastewater facilities currently exist in this area, therefore the plant should be regarded as an unknown entity, with potential impacts. The plant location appears to be in a tsunami zone, a high fire risk zone, adjacent to a high risk flood zone and in close proximity to the ocean. As such, there are potential impacts. Since the project's maps are rather vague in the DEIS, the distance from the WTF to the ocean is not known.

Response:

The proposed WTF has been sited mauka of the existing Honoapiilani Highway (approximately 400 feet inland). The proposed site is in Zone X, an area of minimal flood hazard, and outside of any flood hazard zone including the tsunami inundation zone as identified as Zone VE on the Flood Insurance Rate Maps (FIRM) in Figure 13 of the Draft EIS. The recently adopted FIRM map for Olowalu dated September 19, 2012 did not change the flood hazard zone for the WTF site. As such, the plant site is not located within a high hazard flood zone.

Fires in the Olowalu area are attributed to the dry climate and vegetation on the existing vacant agricultural lands, as well as surrounding undeveloped State lands. Future implementation of the OTMP will include parks, greenways and open space areas which are expected to diminish the risk of fires in the area and provide an irrigated buffer from the undeveloped State-owned lands which may be susceptible to wildfires.

Comment:

If a large storm event caused flooding beyond the capacity of the facility's proposed wetland overflow area (no capacity is given for the wetlands other than it will span 2 acres and lead to a 4.7 ac leachfield); or power outages interfered with pumping of effluent from the WTF, raw, or partially treated, sewage mixed with storm water could be released into a popular recreation area. Most private wastewater facilities are required to install injection wells, even if they plan to recycle the waste water. The DEIS does not make it clear if the wetland/leach field is approved as a substitution for the injection

wells. This detail may be buried somewhere in the DEIS, but it certainly is not made apparent.

Response:

The wetlands and soil aquifer treatment system will be designed to accommodate peak wet weather flow to ensure that discharge to surface water will not occur. In the event of a power outage there will be emergency generators at the facility and pump stations to ensure the wastewater system continues to operate. Injection wells will not be required at the WTF. As the Applicants we have been in discussion with the Department of Health (DOH) to ensure that appropriate contingency measures are in place for emergency conditions. As the project continues through the implementation process more specificity will be provided to DOH to ensure the system meets their requirements.

Comment:

In the event of fire, plant operations may be impaired, but this is not discussed. We are not informed what size tsunami wave would have an effect on the plant at it's proposed location. None of these risk factors are mentioned in the DEIS, its Preliminary Engineering or Water Quality Analyses Reports in Appendix B or D. Our environment laws require all potential impacts to be discussed, not just dismissed by unsupported assumptions that there will be no impacts.

Response:

The WTF itself will be constructed of non-combustible materials and will include appropriate fire suppression measures. However, in the event of a major fire in the area which may pose a threat to the WTF, operations will be temporarily suspended and the facility secured to prevent any spills until the threat is over and it is safe to resume operations. In coordination with the County of Maui Civil Defense and Department of Fire and Public Safety, customers will be notified of the temporary suspension of service and to take precautionary action. As noted previously, the proposed location of the facility is outside of the tsunami inundation zone, as such tsunami waves should not pose a threat.

Comment:

9. *The nature, density and diversity of marine biota found in the Olowalu reef area has been misrepresented or under represented in the DEIS Appendix D study, down playing the very unique biological value of the reef and its resources.*

It appears from the Dollar report (Appendix D, Olowalu Town DEIS) that the entire marine survey area (over 450 acres) was surveyed in just four days. It is not surprising that important features were overlooked.

The fact that the majority of studies Dr. Dollar references in his report are over 20 years old, and are not specific to any of the tremendous amount of past research work done on the Olowalu reefs and nearshore environment, may contribute to many oversights. This selective approach to reference materials appears to have led to selective conclusions. In the interests of sound scientific decision making, we list a few conclusions that are based on incomplete or erroneous information:

Response:

The studies referenced by Marine Research Consultants, Inc. are peer-reviewed scientific literature and are referenced with respect to coral reef structure and function in Hawaii which has proceeded for a period far longer than 20 years. The work referenced in these publications is relevant to the evaluation of the status of the reefs at Olowalu.

In response to your comments that due to the short survey period important features were overlooked, new technology enabled the field work to be completed within four (4) days but the study data took longer than four (4) days to complete. State-of-the art methods using satellite imagery and data from 200 points examined in the field were used to map the entire reef which covered about 1.8 million square meters (454 acres).

We note that the Marine Research Consultants' 2011 study area identified the impact from the land on the marine environment is primarily from sediments conveyed through Olowalu Stream. If the proposed changes in land use include reducing sediment delivery to the ocean, the result of the project is expected to be positive.

Comment:

a) Twelve species of coral noted on Olowalu reefs.

Actually, twice that many species have been recorded in recent years in studies done by well - known marine invertebrate researcher, Cory Pittman, who has investigated Olowalu reefs since the 1970's.

Previous research at Olowalu reefs has been extensive and has shown that Olowalu has the highest diversity of Porites species and growth forms in the entire island chain, with three particularly rare species (P. duerdeni, P. solida, P. cf. annae).

While the presence of some large Porites lobata coral colonies offshore is mentioned, the fact that one colony is estimated to have been in place for half a millennium, and spans 23 feet in diameter is not noted. Perhaps it was not even observed.

Olowalu's reefs hold a unique status in Hawaii due to the presence of three species of rare coral microatolls in the inner reef flat, but this is not acknowledged in the Dollar report, and only one of the three species present is noted.

Olowalu has the best-developed, most extensive micro-atoll area in all the islands. According to one researcher: the Olowalu reef "is literally an outdoor museum of rare coral species and growth forms." This fact would not be known or recognized from the Dollar study.

Researchers, such as Dr. Zac Forsman of the Hawai'i Institute of Marine Biology (HIMB), have commented that nearly every species of rare coral in Hawaii can be found at the Olowalu reefsite, but that fact is not reflected in the marine resources report in Appendix D of the DEIS.

Response:

Many of the rare species noted *(Porites duerdeni, P. solida, P. annae)* are not easily distinguishable in the field from two of the most common Hawaiian corals *(Porites lobata, P. compressa)*, as gradation between these species is often difficult or impossible to distinguish. Hence, these rare species are included as part of the common species or genera. This is particularly noteworthy in that the quantitative methodology used to create coral habitat maps is not dependent on the identification of single coral colonies. Unless there is quantitative data that these "rare" species have some specifically different physiological level of susceptibility to environmental stress as the common species of the same genera, then their occurrence will have no specific bearing of the results and conclusions of the study relating to impacts from changes of land uses.

The comments regarding the "micro-atolls" in shallow regions of the Olowalu reef flats are discussed in detail, and photo-documented in the assessment report (Appendix "D" in the Draft EIS).

Comment:

b) Dollar observed low numbers of large fish on the Olowalu reef.

Recent DAR research indicated high incident of fish biomass in Olowalu, equivalent to that found in most of Maui's marine protected areas. Large parrotfish are commonly observed, but the Olowalu study noted only small parrotfish. While the Dollar study

noted a low number of fish valued as food, and attributed this to fishing pressures, there was no discussion of what impacts adding 4,000 plus residents to the immediate Olowalu area would have on existing Olowalu fish stocks.

Response:

The marine assessment provided a census of fish populations at the time of the survey. Survey results may vary during different times of the year and under different ocean conditions. Populations of reef fish in the area were typical of Hawaii reefs, although numbers of larger fish were low, likely as a result of fishing pressure. The most abundant families consist of wrasses, damselfish and surgeonfish. As is generally the case, density of fish was the highest abundance on the outer fore-reef. Reef fish were rarest in the areas with heaviest deposition of mud.

It is possible to measure fish stocks in an area over time and determine factors that may influence the number of fish, such as increased fishing or destruction of habitat. The potential impact of Olowalu's future residents on fish populations will depend upon management protocols implemented over the course of time. As the Applicants we are open to working with governmental agencies to ensure that appropriate land-side mitigation measures are identified and utilized as part of a comprehensive marine resource management regime.

Comment:

c) The Dollar Marine Biota report failed to mention Olowalu's remarkable Manta Ray feeding station.

Three scientific publications 3,4,5 and a doctoral dissertation 6 4 completed by Dr. Mark Deakos describe in detail a Maui County resident population of over 300 manta rays that utilize the Olowalu reef for the removal of unwanted parasites (cleaning stations) and for social and reproductive behaviors. This unique manta ray aggregation area is one of only a few known in the world.

Dr. Deakos submitted testimony during the Maui Island Plan review to GPAC and the Planning Commission advising against development at Olowalu due to the likelihood that development would compromise the reef and the critical habitat being used by the manta rays. The manta rays off Kona, Hawaii, support a multi-million dollar industry for this small community alone.

Response:

Regarding the "Manta Ray feeding station," review of the listed publications by Dr. Mark Deakos reveal that while the exact location of the sites where he studied the manta rays

were "withheld to avoid the potential for commercial exploitation", the area is generally located a minimum of 450 meters (m) or ~1,500 feet from shore. This area was chosen because of "high reliability of encountering manta rays, thereby maximizing encounter rates." As no manta rays were observed during the fieldwork for the 2011 marine assessment, and there is no specificity of the location of the manta aggregation site in the Deakos studies, it cannot be determined if the area of high density of manta rays was indeed located in the area of Olowalu fronting the OTMP.

We note that results of analyses of the effects of marine water chemistry indicate that chemical effects from land are restricted to generally less than 100 meters from shore, which is likely not within the aggregating area. It is also concluded in the marine assessment that the reduction in surface water flow to the nearshore reef environment as a result of increased drainage detention/retention structures would result in the potential to increase water quality, and hence increase suitability for coral reef growth. None of these factors associated with the proposed development present the potential to "compromise the reef and the critical habitat being used by manta rays."

Review of the Deakos papers by Dr. Dollar indicates that the only cited threats to manta rays attributable to human activities are entanglement with monofilament fishing lines and unregulated swim-with-manta programs. Neither of these potential threats are directly related to the proposed changes in land uses for Olowalu.

Comment:

d) Olowalu's Marine Biota study notes "numerous small black-tip reef sharks" with no mention of their significance to the area.

The Olowalu area has been known as a nursery area for the black tip sharks for decades, one of the few in the entire state. This important biological function is not included in the Marine Biota study, which appears to concentrate on listing organisms but not offering much context of their biological importance.

Response:

Cultural informants indicated the waters of Olowalu along Hekili Point are well-known as a nursery for the Black Tip Shark and are often frequented by tiger sharks just off of the fringing reef. The marine assessment noted there were numerous small sharks observed on the inner reef flat south of Olowalu Point. According to the assessment the proposed project does not present a potential to alter the habitat that exists for Black Tip Shark behavior.

Comment:

The economic and social benefits coral reefs provide the people of Hawaii are rarely considered when estimating the true cost of a development. This has been the number one flaw in our accounting system, and is responsible for the demise of our natural systems and the quality of life of the people who depend on them for food, for protection from storm surges, for recreation, and for work. Our children and grandchildren pay the true cost of poor long-term planning.

Hawaii's coral reefs are the cornerstone of Hawaii's culture and economy, attracting millions of tourists to our islands each year and providing millions of dollars in revenue for our communities. We have options to build a small town elsewhere but there is no option to move the reef. Once the reef is gone, as the Ma'alaea reef is, we cannot bring it back.

MNMRC urges all concerned, developers, regulatory agencies and decision making panels such as the Land Use Commission to consider an alternative location for this development so that we may protect Maui's last remaining healthy reef.

Response:

Olowalu Town, LLC and Olowalu Ekolu, LLC, in recognition of the benefits of our coral reefs seek to develop OTMP in a sustainable manner following the land and resource management system of ahupuaa. The eight (8) principles of the ahupuaa land management concepts are incorporated into the OTMP for the preservation of and respect for culture, people, and the natural resources that sustain a community over time.

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter and this response letter will be included in the Final EIS. Should you wish a copy of the Final EIS document or portion thereof, please submit your request in writing to Munekiyo Hiraga at 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town, LLC

David Ward
Olowalu Town, LLC

CS:tn
cc: Peter Martin, Olowalu Ekolu, LLC
Steven Dollar, Marine Research Consultants, Inc.
Tanya Lee-Greig, Cultural Surveys Hawaii
Craig Lekven, Brown & Caldwell
Stacy Otomo, Otomo Engineering, Inc.
Tom Nance, Water Resource Engineer
Jennifer Lim, Carlsmith Ball, LLP
Colleen Suyama, Munekiyo Hiraga

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MAUI TOMORROW

Protecting Maui's Future

April 23, 2012

Approving Agency: State Land Use Commission luc@dbedt.hawaii.gov
P.O. Box 2359, Honolulu, Hawai'i 96804.
Contact: Dan Davidson

Re: Comments on DEIS for Proposed Olowalu Town Master Plan TMK (2) 4-8-003: 84, 98-118 and 124

Aloha Mr. Davidson, Commissioners and Staff,

Maui Tomorrow Foundation, Inc appreciates the opportunity to comment on the DEIS for the Proposed Olowalu Town Master Plan. We understand this DEIS was prepared in order to review the impacts and mitigations that would result from the reclassification of 636 acres of agricultural land into the state Urban Land Use boundary and the subsequent construction of 1,500 new residences, a wastewater treatment plant, commercial areas, a realignment of Honoapiilani Hwy, construction of other roads, parks, new wells and other infrastructure.

We appreciate that many of the concerns commented on in the EISPN have been discussed in some form in the DEIS. However, a number of significant concerns are not discussed or been given sufficient information. We ask that the following topics be clarified.

Proposed Boundary Amendment Action- Compliance with LUC Rules:
§15-15-77 HAR: *Decision-making criteria for boundary amendments, in Section 5. of 15-15-77 asks that decision making include consideration of: "The representations and commitments made by the petitioner in securing a boundary change, including a finding that the petitioner has the necessary economic ability to carry out the representations and commitments relating to the proposed use or development;"*

Past commitments have been made by co-applicant, Olowalu Elua LLC to existing homeowners and county regulatory agencies. Many of these commitments have been ignored, possibly due to the cost of compliance. Will the many complex and expensive actions referred to in the applicant's DEIS be implemented if the Boundary Amendment is granted? These measures would be vital to mitigate the impacts of this development.

How will existing homeowner parcels, owned by other entities, be connected to the proposed community? The project will cause major changes to the original design of the existing Olowalu Mauka subdivision plan, which was accepted by Maui County in 2002. These impacts should be clearly identified on comparative maps, and discussed.

Extensive green way easements surrounding Olowalu Mauka are recorded on the 2002 subdivision maps, along with a second ingress/egress route for the community but don't appear in the Olowalu Town plan.

The DEIS states that its scope covers an area of approximately 700 acres, and includes lands beyond the 636-ac project footprint, but provides no details on how the existing Olowalu Mauka will be serviced in the new community.

One greenbelt area is pictured on maps in the Olowalu Mauka vicinity, but the others, clearly marked as easements on the subdivision map, appear to be replaced by proposed rural subdivisions thus impacting existing property owners.

The Land Use Commission (LUC) is presented maps showing the 23 parcels involved with the proposed project but don't make clear that the majority of lands proposed for the new project Olowalu Town, were also part of the former 39 lot subdivision ("Olowalu Mauka") created in 1999- 2001.

The 39 agricultural parcels were created under Maui County Ordinance 2372 which amended MCC Title 18.04.20 Subdivision procedures to allow "consolidation and re-subdivision" of existing "developable lots" of 1,500 sq. feet or more. Olowalu Mauka was not required to go through the County's formal subdivision review process. Instead, the county allowed twenty-nine Royal Patent or Grant parcels, four formerly subdivided parcels, two road remnant lots and 3 portions of other lots with existing TMKs, to undergo "consolidation and re-subdivision" into Lots 1 through 39 of the new Olowalu Mauka subdivision. This resulted in a one-time "lot line readjustment" with a prohibition on further consolidation and re-subdivision provided in Ordinance 2372. It is our understanding from the DEIS and, based upon 2002 Olowalu Elua Plat map for the Olowalu Mauka lot line adjustment, a number of these formerly consolidated and re-subdivided lots, such as lots 16, 17, 19, 20, 22, 23, 24, 38, 36, 39, are being proposed to be re-subdivided as part of the Olowalu Town Master Plan process, and further broken down into other rural, urban and ag house sites.

The county has informed the applicants that their SMA permit for the 39 parcels is no longer valid and that conditions of SMA approval have not been met. It is unclear if the 23 subdivided lots that are the basis of this proposed action have been formally subdivided. The intention of the streamline procedure of Ordinance 2372 is not to create additional developable lots. Whether further subdivision of these lands, is a permissible action, under existing county law, should be clarified by state and county agencies.

Several of the lots may have been sold to the Olowalu Mauka homeowner's association but never utilized for their intended purpose. These same lots appear to be proposed for a boundary amendment consideration and use for rural subdivisions, roadways or other improvements without owner's being consulted. This should be addressed in the FEIS.

A map should be provided in the FEIS that overlays the original parcels involved in the Olowalu Mauka subdivision and indicates which parcels or portions thereof, are under jurisdiction of the homeowner's association or other private owners , and what their role would be in the Olowalu Mauka Master Plan. Impacts to existing residents must be discussed in the EIS to comply with HRS Ch 343.

Maui Island Plan Consistency:
HRS CH 343 requires an EIS to fully discuss viable project alternatives. This DEIS fails the most basic level of consistency with Maui County community and general plans. Maui Island Plan (MIP) maps are included in an obscure Appendix ("O") at the end of Vol. II of the DEIS, with no

discussion of the discrepancies in the recommendations shown for Olowalu Town on the three maps.

LUC rules require the proposed District Boundary Amendment (DBA) to be consistent with state and county long range plans. The West Maui Community Plan shows the subject parcel as Agricultural and strongly recommends that continued status. Three MIP maps show different recommendations of West Maui Urban and Rural Growth Boundaries. The proposed project, as shown on maps throughout the DEIS, does not conform to any of these three recommendations. This is not mentioned in the DEIS as the document states that the Olowalu Master Plan has been recommended by both GPAC and Maui Planning Commission MIP review.

The General Plan Advisory Committee (GPAC) MIP map shows mauka portions of Olowalu Town in a rural and urban growth boundary, but deletes the northern makai section of the project. The Maui Planning Commission MIP map shows mauka portions of Olowalu Town in a rural and urban growth boundary, but deletes the entire makai section of the project. The Maui Planning Director's MIP map shows only the existing uses in the Olowalu area. The Planning Department has consistently not supported including the Olowalu Town in the Rural or Urban growth Boundary. No map or text in the DEIS refers to any of these three scenarios.

The Olowalu Town DEIS does not reveal that all versions of the MIP West Maui directed growth maps show a surplus of several thousand units over the actual projected housing demand if Olowalu is included.

The LUC should consider that Olowalu Town is proposed for an area with no existing public infrastructure and potentially high impacts to natural and cultural resources. Many expensive and non-traditional design options are being proposed to "prove" that the project will do no harm and provide beneficial services. If these proposed actions are not followed during the development process, it is almost certain that serious impacts will occur and promised benefits will not be realized.

Historically, after LUC and county approvals are given appropriate conditions projects pass through successive ownerships. Succeeding owners often petition authorities to be relieved of the very same conditions that were considered essential to mitigate public and agency concerns. The result is environmental degradation and loss of promised public benefits.

We see from comments in the DEIS that both the County and State Planning offices asked for much more detailed maps and other needed information to be included in the DEIS but appear to be overlooked in the DEIS.

Key issues:

Affordable Housing

The DEIS offers no specifics as to how the 50% affordable housing mentioned on p. 24 will be provided. It states the average market priced home is expected to be $600,000 and that the project will comply with the county's Residential Workforce Housing Policy. That policy now provides that developers, where market price units are $600,000 or less, need only to supply 25% of the unit count within the HUD affordable guidelines. Will an agreement be signed that obligates present or future owners to provide 50% affordable units, regardless of county statute provisions allowing less units to satisfy affordable housing requirements?

Public Services:

Schools - Will Olowalu have onsite schools for its 462 students? Other developments of this size have substantial discussions with the state DOE in place by the time of their DEIS. This project appears to only to discuss "impact fees" with the DOE, not the building of future schools, yet its literature describes children walking to nearby schools. Impact fees would suggest that students would attend schools in Lahaina, but the DEIS assumes schools would be onsite and does not account for traffic impacts of transporting students to Lahaina schools or explain if there is a level of impact fee that could actually provide the facilities needed for the 400 plus students over a ten year horizon. Would the Olowalu schools be private? A project that expects to be completed in 10 years should have a firmer plan for this essential community amenity.

Fire Station - Olowalu is a high impact fire area. Developing the area and providing firebreaks will not free it from fire danger, as the majority of past wildfires came from lands either to the east or west, outside the subject lands and fanned by high winds, common in Olowalu. USGS Maui Hazard Maps rate the Olowalu area as a "high" fire risk and the county fire department thought a fire station in the area would be a "good idea," but key information is missing. How much would it cost to build and staff such a facility? Where would funding come from? How long would it take to implement that process? What impacts to existing Lahaina fire /emergency services are anticipated if Olowalu Town develops and no fire station is available on site? How will these be mitigated?

Also of key importance is the availability of sufficient water supply for fire flow requirements to serve an urbanized Olowalu area. While fire flow requirements in terms of number of gallons per unit or number of hydrants needed, are listed in various sections of the report, no overall fire flow water demand figure is mentioned. This information is usual in EIS documents.

Fire flow demand is listed but not calculated to reflect in the project's potable or non-potable water use demand totals. If such figures were provided, based upon the standards listed in the DEIS, over 2 million gallons of (presumably non-potable) water would be needed over a 24 hour period to effectively control fire outbreak. The storage capacity of the existing reservoirs still used onsite is not given but historic reviews note that two reservoirs had a combined capacity of 1mgd. This is half of what would be needed during a fire event.

The DEIS should make clear how many of the 4 existing reservoirs are planned to be used; what their combined capacity is; what other mitigations are needed to provide adequate fire flow resources; and if provision of this amount of water for fire flow could impact ag, domestic or traditional and customary water uses in the project area.

Police Services - The existing Olowalu area has a low demand for police services. That will change if Olowalu Town proceeds. The DEIS states that areas will be "provided" in the Master Plan for public facilities such as police station, library, fire station, schools, etc. but it should be specific about the projected building and staffing costs for these services; expected timing of a future police facility and what impacts the additional development areas at Olowalu would have on existing Lahaina public safety services. The DEIS should state if land for future public safety facilities will be donated or offered for sale to respective county departments.

Infrastructure

Potable Water - Information provided in the DEIS regarding both demand and availability of potable water resources for the project is inconsistent. How much water the Olowalu hydrological unit (surface and stream water) has available and where it should go is left largely unexplored by this DEIS, even with the 21 page "Impact on Water Resources Report" in Appendix. C.

The average Olowalu household will use between 250 and 550 gpd of potable water and between 590 and 785 gpd of potable, non-potable and reclaimed water combined. This assumption is made with no statistics that households in Olowalu or other dry areas of West Maui maintain similar usage rates.

Olowalu aquifer's sustainable yield of 2 mgd is underestimated and may be as high as 6 or 7 mgd due to recharge data updated by USGS in a 2007 study. The DEIS does not refer to other USGS studies showing a trend of diminishing rainfall levels in West and Central Maui, or the latest USGS report (2012) which specifically re-evaluates Olowalu's recharge data downward from the 2007 study.

The assumption is made that the primary well for the Olowalu private water system, which has never undergone substantial pumping for any period of time, is capable of increasing its production ten fold with no impacts on groundwater or stream flow even though the Olowalu well is in close proximity to Olowalu stream and their water chemistry appears to link them to the same basal source.

It is also assumed that additional wells, planned in the vicinity of the existing well and proposed to serve the Olowalu system, will have no impacts on stream flows, cultural uses of the stream water or near shore discharges of freshwater necessary for the marine ecosystem. General trends in the area would indicate otherwise.

Another assumption is that consistent low chloride levels in the low elevation Olowalu well will remain reliable even if pumping increases from 50,000 gpd to over half a million gpd with no cumulative impacts on water quality. These assumptions have not been tested.

No drought water management plan for the development is discussed, even though world weather trends forecast increasing drought conditions and the project's consultant acknowledged the plantation wells became too salty for agriculture during a 1970s drought (with a pumping demand of several mgd)

The Olowalu Town water use analyses assumes that .7 mgd average, up to1 mgd maximum of potable water will be withdrawn from Olowalu aquifer at project build out. A recently released USGS water modeling study for West Maui , commissioned by Maui County, bases its calculations of safe yield for Olowalu aquifer on groundwater withdrawals of no more than .53 mgd by 2030. The difference is not mentioned in the DEIS. The FEIS should be updated to reflect this study.

Nearly five thousand residents, businesses and public facilities could be dependent upon the Olowalu well system for their only water supply. The DEIS fails to discuss any plans to install a monitoring well to track the health of the aquifer that currently has very limited data. It refers to Commission on Water Resource Management (CWRM) and Department of Health (DOH) requiring monitoring data, but does not clarify that his will consist of limited water testing and continuing pump reports, not assessments of the aquifer health and water levels.

No mention is made in water calculations if ohana units will be permitted in Olowalu above the stated unit counts which could affect water calculations

Inconsistencies in Data Provided:

The DEIS states that current potable water use on the private Olowalu Water system is 75,000 gal/day (.075mgd) and that the water company relies on one well with a reported average pumping of 55,000 gal/day (.055 mgd). Does .055 mgd or .075 mgd represent current average usage of the system?

Potable Water Demand Forecasts are Unrealistically Low:
CWRM, the county's Dept of Water Supply (DWS) and others have commented that the project's projected potable water use of 250 to 550 gpd per dwelling unit, 590 gpd total water use for multifamily and 785 mgd total use for single family units is unsupported and does not reflect any recognized county planning standard. 1000 gpd/household is a minimum standard in dry areas of Maui. The Olowalu EISPN in 2010 projected water use of .75 mgd. The DEIS specifies .7 mgd., 500,000 gpd less yet the difference is not addressed.

EPA estimates average American water use at around 100 gal/day per individual for potable purposes. Olowalu Town DEIS is assuming that 930 residential units, both single and multi family will use less than 70 gal/person/day. While water conservation is desirable and needed, it is unlikely, without some sort of stringent "enforcement" that these idealized demand figures will be the norm. It is not made clear if this strict water budget will mean that private swimming pools (which require potable water) will be prohibited.

The DEIS provides a list of very low projected water demands both for potable water and for potable, non- potable and reclaimed water use combined (Table I2 in Append. C. Water Resources study), but does not say how they will be achieved except that the non-potable system providing stream water will relieve potable demand and stream flows will remain the same, due to ditch repairs.

Will this strict water type separation need to be monitored or enforced? If there is no enforcement proposed, the FEIS should examine project impacts based upon a more realistic potable and non-potable water demand. It appears the demand calculations are being manipulated to not exceed the sustainable yield limits of the aquifer as this does not reflect current use patterns.

Current Water Use Patterns in Olowalu: current use = 75,000 gal/day potable water. Existing residential hookups = 25 to 30 plus the plantation manager's house, Olowalu store and restaurant, and Camp Olowalu. The estimated 35 users dividing the 75,000 demand would mean 2,142 gpd per hook up. Current domestic users have access to well over 1000 gpd average per hookup with usage going higher in dry summer months.

Is it realistic to assume that future users will limit their total use (potable & non-potable) to 600 to 785 gpd or assume that 1500 housing units will use 225-550 gpd of potable water consistently? The DEIS provides no detailed use figures for present potable and non-potable system users.

Kapaiki Village has 13 hookups. Olowalu Mauka has 7. If the DEIS provided us with use figures for these residences (which are readily available from company billing records) we could have a better idea of realistic water use by future residents.

The DEIS acknowledges that the Olowalu Water Company has been operating at a substantial loss over the past few years, and has recently sought and been granted a rate hike by the PUC. Will the Olowalu Water Company realistically be able to invest in the upfront infrastructure promised in the DEIS? Does it plan to sell shares? No strategy for its viability is discussed, yet it will be the sole source for any future resident's water supply.

The FEIS should include two additional analyses of residential potable water use:
Analysis 1 - Use of at least 500 gal/day /housing unit for a total potable demand of .9 mgd and a peak demand of 1.35 mgd. Comments from the Maui DWS Aug. 2010 letter noted: water demand would be between 900,000 and a little more than 2 mgd of water "according to system standards." The Department reminded the applicant that the Olowalu aquifer sustainable Yield is 2 mgd.

Analysis 2 - Use of 1000 gpd for the 450 units not served by non-potable systems = .45 mgd and 500 gpd day for the 930 units that have access to dual systems =.465 mgd
This scenario would project a demand of 1.22 mgd with a peak demand of 1.83 mgd.

This scenario would project potable use at full build out at the present sustainable yield of Olowalu aquifer and should be discussed in the FEIS as this may prove to be the project's actual water demand. Given that the average water use of West Maui residents with no access to non-potable systems is 1200 to 1500 gpd or higher, these analyses should be considered.

Groundwater Impacts:
Pioneer Mill wells in the area pumped brackish water during plantation operations. Olowalu Elua Water Company should conduct substantial testing of its existing wells before committing to a project of this size. While abbreviated water quality samplings from two of the three system wells and Olowalu stream were included in the DEIS, they were in a format that was difficult to interpret. It seems the project's consultant is depending on the Olowalu wells steady performance under low pumping demands to demonstrate that no further information about the aquifer's characteristics is needed.

The DEIS states that CWRM, Public Utilities Commission (PUC) and DOH will make sure the system is sound and functioning properly. MTF believes that 10 day well testing at successively higher rates should be conducted. The test should record chloride, nitrate and head levels observed in the subject well, as well as fluctuations in stream flows. Test results should be included in the FEIS.

Stream Waters:
No figure is given for current stream water withdrawals through the existing non-potable system. Information provided in the DEIS agriculture use discussion states that at least 50,000 gpd is currently utilized for 30 acres of agricultural activities. Is it realistic to assume that only .39 mgd of stream water would be needed if two-thirds of the residents are depending on non-potable water for irrigation, with some are engaged in agriculture on 161 acres set aside for that purpose? If present levels of agricultural water demands (1,600 gal per ac) extended to the 161 acres, agricultural water demand alone could be .268 mgd. This combined with the surface water allotted in the DEIS for conservation lands, 112,500 gpd, results in a total of .38 mgd required for these two activities, virtually all of the proposed supply. The FEIS should present more realistic alternative stream water use scenarios and analyze potential impacts.

How much stream water is currently utilized by local residents with kuleana rights; are there unmet claims or needs? 112,500 gpd of stream water is allotted for conservation lands in the water demand table; if kalo water use is included in that allotment, it should be made clear.

The DEIS Water Impacts report (Appendix. C) concludes that a 6% reduction of coastal groundwater discharge in Olowalu would have no impact on the near shore fisheries. No studies were given to support this conclusion. The Impact report quotes USGS gaging records from the

1960's that showed 20% of Olowalu stream flow reaching the ocean annually. USGS recently completed a West Maui groundwater study and included a model where stream flows were restored from Ukumehame to Honokowai to prolong aquifer life. The FEIS should consult with USGS staff and include any updated information available on Olowalu stream flows beyond the one visual observation referred to.

The water impact report also assumed that over the years hydrological conditions would remain static, even as increased groundwater pumping was needed. The FEIS should work with the USGS now completed computer model of West Maui hydrological conditions. Several scenarios of pumping and well location should be considered in light of impacts of well draws on "leakage of high level groundwater." (the consultant's description). Such groundwater may be a part of an "unconfined aquifer "supplying Olowalu stream.

Former Olowalu Plantation wells were located near reservoirs and may have depended upon them leaking for groundwater recharge. The FEIS should report any current pump tests that show the backup viability of Pump O, now that the nearby reservoir is dry. Also, it should be determined how much leakage is occurring from the unlined reservoir still in use near the Olowalu Mauka subdivision; what its capacity is; and whether there are plans to line it as part of the ditch system repairs described.

Careful monitoring of the Olowalu aquifer and stream needs to be part of any development process. It has been noted in the DEIS that Olowalu stream has gaining and losing sections connected with what may be an unconfined aquifer. USGS studies point out that under light well pumpage 100 percent of the water supplied to a well comes from ground-water storage. Over time, and heavier pumping, this can change as underground water sources for the stream are "captured" by the well. Over the course of years, the well's dominant water source, particularly wells in an unconfined aquifer, commonly changes from ground-water storage to surface water and "the stream flow in general is reduced as an effect of pumpage."

The newest USGS (Gingerich & Engott, 2012) groundwater study of West Maui suggests that Olowalu stream provides 1.98 mgd of groundwater recharge to Olowalu aquifer. The report also notes that groundwater discharge at the coast in the Olowalu and Launiupoko areas has diminished over time. This updated information and consultation with USGS should be incorporated into the project's water planning model in the FEIS.

Although it is assumed that Olowalu Town's fire flow requirements will be met by non-potable surface water, this use was not included in the projected .39 mgd non-potable surface water use figure. The FEIS should address this issue, discuss actual cumulative amounts of water needed for fire flow, where it will be stored and any impacts the demand for 2 mg of fire flow over 24 hr would have on water resources over a variety of seasons. This is especially critical since low rainfall months where stream flows may be low, are usually high fire risk times.

There is no discussion of water operational needs of the proposed wastewater treatment facility. Will it depend upon treated effluent for backwashing filters and other standard maintenance or will additional surface water be needed for operational use? If so, how much would be required, and where are these amounts shown in the project's water demand calculations?

No specifics on the proposed hydro-electric facility was included in the DEIS. Would such a facility require additional diversions or modifications? Would there be impacts to stream life? The project consultant suggested that "due to high amount of ground seepage, even if dam were removed, the stream would still be intermittent" (Nance 2011) but offered no proof. Would

any future hydro-electric installation preclude additional stream flow restoration? Please discuss in the final EIS.

The applicant's water consultant refers to Olowalu Stream having a base flow of 4 mg between the years 1911-1967. It is clear from reports on file and company records that the plantation was often short of stream water, hence the drilling of the groundwater wells. The FEIS should acknowledge that rainfall conditions in Central and West Maui post 1967 have steadily declined, according to USGS report-5103 (Engott and Vana, 2007).

Reduction of demand for stream water in the Olowalu project to .39 mgd is dependent in part on production and availability of reclaimed waste water from the project being treated at its wastewater facility. The DEIS (p. 158) gives a figure of .24 mgd of treated effluent available for irrigation, but does not specify how many residences would need to be in place before that amount is reached. A different figure of .391 mgd of available effluent is given in Appendix C. Table 2: "R-1 treated Effluent available for Irrigation Re-use". Which figure is correct?

Is there a back up plan if the community develops more slowly than expected and only minimal effluent is available for many years; would landscape design be modified accordingly? The FEIS should discuss the timing, phasing of pipe infrastructure to deliver the reclaimed water, and residential build out level necessary to produce enough effluent to relieve pressure on stream resources.

Wastewater:
No costs are given for the proposed state-of-the- art wastewater facility. In Appendix B (Preliminary Engineering Report- p. 9) estimated dry weather wastewater discharge was 533,000 gal day. In Appendix C. (Table 2) it is stated that 391,380 gpd of wastewater effluent is available for irrigation. In the body of the DEIS the figure of 24,000 gpd of irrigation effluent is given without explanation for the difference; please clarify in the FEIS.

The DEIS refers to a 2-acre constructed wetland in conjunction with the waste water treatment facility (WTF) for storm events, then states that the wetland will use .14 mgd of effluent. Please state the wetland's capacity and whether it will function year round or only for storm events.

The WTF Plan (p.166 fig 19) does not show the proposed wetlands in relationship to the WTF or distance to the ocean. Is the proposed plant within 100 meters, 1000 meters; is it subject to sea level rise? The proposed Olowalu sewer system relies on pumping; is there a back-up generator incorporated into the plan if power supplies fail? How much sludge or "bio-solids" will be generated from the WTF and where will it go? Please clarify in FEIS.

What is the capacity of the WTF's R-1 water storage tank and how does a "soil aquifer treatment system" function? Please state in FEIS how many existing Olowalu residences and businesses have septic systems and whether they will be able to hook up to the WTF, and if so, the expected cost to hook up.

The DEIS water report concludes (on p. 13) that the availability of R-1 wastewater will "significantly reduce demand for ground water resources". Since no integrated information is provided in the DEIS regarding existing use of stream water in the Olowalu system by cultural reserve users, farmers or homeowners, what is this statement based on? Will single family homeowners be able to use the reclaimed water for landscaping? The FEIS should provide specific comparison figures.

There are several natural drainage ways in the proposed vicinity of the WTF. Will these affect the plant's performance or put it at risk of overflow during storm events? The facility's general location is not discussed, except in terms of its proximity to the county waste transfer station.

Drainage:
Pg. 4 of the Preliminary Engineering Report (Append. B) refers to natural features in the Olowalu area such as "Pu'u Kaiwaloa." The report may be referring to Pu'u Kilea which is a natural feature while Wa'iwaloa is a heiau site. If this is an error, please correct.

Appendix B also refers to "several un-named drainage ways including Olowalu stream." (p. 5) Obviously Olowalu stream is a named drainage way. Several other gulches in the Olowalu area appear to have names on Maui County's large format resource maps of the area. The report should reveal that Olowalu stream drainage has been altered from its original path. The existence of the ditch and reservoir systems should also be included in the drainage discussion.

The Brown-Caldwell report (appendix B-1) in the DEIS spoke to the need to "aggressively implement" BMP's outlined in report due to the project's location adjacent to "one of the most significant, accessible coral reef systems on the island of Maui."

MTF requests the FEIS include an analyses of what the potential impacts would be if the Olowalu project is approved and these practices are only partially implemented or implementation is delayed. The FEIS should also discuss the cost of implementing all recommended BMPs and how this will affect the cost of a single dwelling.

The Brown and Caldwell report states their conclusions are "Based upon info provided by Olowalu Town, LLC. Unless otherwise expressly indicated, consultants have made NO INDEPENDENT INVESTIGATION AS TO VALIDITY, COMPLETENESS OR ACCURACY OF SUCH INFORMATION." Independent investigation should be required for a project promoted as "ahupua'a based."

On p.19 of Appendix C the report assumes that the construction of retention basins may "improve runoff conditions in Olowalu during smaller storm events" yet no empirical proof from West Maui has been offered. The FEIS should provide facts to support this statement.

The DEIS states that the project has 140 acres of "green space" available for drainage use,15 to 20% to be used for storm water retention basins. The DEIS should include a map indicating the design of basin system. Does any of the "green space "proposed for drainage lie adjacent to the cultural preserve areas, burial areas, and cultural sites or are they in a separate protective zone. MTF requests that the FEIS include a map of retention areas overlaid on cultural site locations to clarify and avoid unintended consequences.

On p. 8 Appendix -B the DEIS states: Onsite and underground detention basins located within park and green space will have a storage capacity of 105 ac ft and are expected to reduce present run off by 10%. Overflow from the basins will continue down stream at "no greater than pre-development rates" therefore there will be no "adverse affect on downstream properties." This statement does not analyze if there are already adverse affects to the shoreline and marine environment under current conditions?

The DEIS fails to mention who or what monitoring program will be used to evaluate the effectiveness of the basins and other BMP practices. Who is responsible for maintaining the basins and will homeowners be able to afford the upkeep? Other retention basins in West Maui

have proven ineffective because they were neglected. The FEIS should clarify monitoring and maintenance efforts.

A statement is made that Olowalu's marine life, reefs and near shore waters have had "limited" impact from human activities, therefore a water quality report was prepared to address any potential impacts. The DEIS dismisses the possibility that low-lying areas of the project site, have functioned in the past as intermittent wetlands providing run-off filtration areas during storm events. Now that these areas are proposed for high-density residential development, please provide information on how retention basins placed elsewhere on the property provide the same capacity to protect the reef. Could the project be designed to avoid development in natural, low lying retention areas?

MTF asks that the FEIS address these topics under the "Alternatives" Section
Traffic Impacts:
Substantial traffic impacts of this project are not addressed in the DEIS's Traffic Impact Analyses Report. (TIAR) Impacts to Honoapiilani Hwy are not discussed, other than the relocated segment of the highway proposed to pass through the project. Traffic bottlenecks that may occur at either end of the new alignment are not addressed.

The Olowalu TIAR assumes that Honoapiilani Hwy will become four lanes on the Lahaina side of the project. This widening project may by on a STIP list but it's unclear when funding would be available. The likelihood of this road being built concurrently with any future Olowalu project should not be treated as an automatic mitigation for the traffic impacts that urbanization of Olowalu will bring to the area's only through road.

The DEIS states that the existing Honoapiilani Hwy will become a "low-volume, low speed coastal roadway." It appears from the maps included that the applicants propose to remove several segments of the road and merge the former State ROW lands into their project lands. The DEIS does not discuss if this removal would lead to coastal access challenges.

The phasing of various roadway infrastructure projects is not discussed. Would portions of Olowalu be built before Honoapiilani Hwy is moved inland? What are the impacts from the disruption in traffic patterns on the existing highway? How many phases will the project's construction have? The DEIS is a disclosure document and should contain this information.

Since it is unclear whether the Olowalu project will have new residential neighborhoods before the realigned roadway is constructed the DEIS should discuss impacts and mitigations such as a temporary traffic light during high use times to allow pedestrians and bicyclists to cross the road safely. Impacts of construction vehicles in the area should also be discussed.

The DEIS notes that the newly aligned Honoapiilani Hwy will have two primary access points but the map provided in the DEIS appears to have a confusing web of roads for navigation through Olowalu. It appears that this new "small town" built around "walking" will be separated by a 200 ft wide road right of way.

Natural Environment:
Flood and Tsunami Hazards and Sea Level Rise - The Olowalu area faces multiple natural hazard risks as it is an area of high winds, wild fires, low lying erosion-prone coasts, is subject to flooding from storm events, tsunami inundation and seismic activity. The DEIS downplays these factors and emphasizes compliance with county building codes as the only needed mitigation. Avoidance of high impact areas should be discussed.

The DEIS (p. 8) stated "In Olowalu, erosion rates and potential impacts from sea level rise have not been identified." This is not entirely accurate. There are historic (1912-1997) coastal erosion rate maps for Olowalu posted at: ftp://soest.hawaii.edu/coastal/webftp/Maui/Posters/Olowalu.jpg

USGS has a synopsis of impacts affecting Olowalu in their web-based "Index to Technical Hazard Maps." The region is described as "moderate to high" in the USGS Overall Hazard Assessment due to "the low coastal slope." The tsunami hazard is ranked "high along this entire low-lying coast." The report concludes that the "erosion threat is ranked moderately high" beyond Hekili Pt. and "sea level and volcanic/seismic hazards are moderately high because of the low coastal slope and Olowalu's location within seismic hazard zone." Information such as this should be incorporated into an environmental document as it describes the surrounding environment as assessed by hazard management professionals.

A map should be provided in the DEIS of the proposed housing unit locations, parks, open space etc. overlaid on the FEMA Special Flood Hazard Areas, as well as the County Planning Department's Sea Level Rise Maps. The State Office of Planning asked for such a map to be included in their 2010 EISPN comments., but no action was taken.

Coastal Access:
The DEIS refers to a 150 ft set back along the shore. It should be clarified if this 150 buffer includes an 100 ft-wide state beach reserve along much of the oceanfront portion of the Olowalu property. If it does, it would be more accurate to describe a fifty-foot shoreline setback buffer beyond the existing beach reserve. The FEIS should discuss why a two hundred ft building setback is not proposed: 100 ft state reserve and a 100 ft buffer beyond that.

How many additional coastal access points will be created; how much parking area will be provided; and will current cultural and recreational access be impacted by the proposed Honoapiilani road realignment and removal of road segments? Will the land that was public right of way remain public? Where will new camping areas be established? The FEIS should provide specific information comparing present and future coastal access in the Olowalu area.

Coastal Zone Impacts:
The DEIS shows the SMA zone as affecting very little of the proposed project yet the Maui County Planning Department points out that the entire project area will need to comply with SMA permit review. The FEIS should make this clear and discuss strategies to meet coastal zone policies, including improved access. While the DEIS promises the project will have "minimal grading" no specific amount of cubic yards moved is given to qualify that statement as accurate. Coastal grading is already going on what appears to be Olowalu Elua land near Camp Pecusa. Is this part of the Master Plan?

Wetlands:
On p. 27 the DEIS claims the project "does not endanger any wetland" and affirms that there are no wetlands nearby or in project area. It is our understanding that lands in Ukumehame are considered wetlands. An area of "gley soils" consistent with intermittent wetlands is found near burial site no. 4693 in the Makai section of Olowalu Elua land. The area is recorded in Fredricksen's 1999 AIS. Olowalu needs functional wetlands to keep its reefs healthy.

Marine Resource Impacts:

Scientists, researchers, recreational users and regulatory agencies agree that the reef system from Olowalu to Ukumehame is outstanding in its variety of species and biological importance. They also agree that the this is the last well functioning reef system on the West Maui coast.

The importance of this reef was so great that in 2000 Native Hawaiian group Na Kupuna O Maui attempted to intervene in the SMA permit process for the proposed Olowalu Mauka subdivision. As a result of a private settlement for the intervention, Na Kupuna O Maui was given around $20,000 to use for a marine resources baseline study of the area's reefs, marine water quality and biological diversity.

Dr. Eric Brown was contracted to do the study which was designed to span both wet and dry seasons. The study results were published in 2003 and were included in the Olowalu Town EISPN (2010) . It was the understanding of Na Kupuna O Maui that periodic updates of the baseline study would be done to monitor the effects, if any, of the development of the Olowalu Mauka subdivisions and the two makai subdivisions. The funding provided was sufficient for a two year process and appears to have been utilized. No additional monitoring work appears to have been done until the recent study by Dr. Dollar. It is essential that the FEIS discuss the applicant's plans for ongoing monitoring of the marine ecosystem in Olowalu and adaptive management strategies to deal with any impact trends identified.

Comments on Appendix D-Marine Resources Report:
The Olowalu Town DEIS includes a report dealing with marine resources and analyses of potential impacts to near shore waters. The project consultant spent four days surveying the area, conducting one water quality sampling, and his conclusions downplay any potential impacts to the area.

Earlier baseline studies of this same reef from ca. 2000-2001 (Brown, et al, 2003) included varied seasonal components but their conclusions are not referred to in the DEIS. The current marine resource study results support a forgone conclusion of "no impacts" as long as Best Management Practices (BMP) are implemented but does not discuss what would happen if BMP's are not followed, or prove ineffective. This is the key information required under Ch 343 guidelines and discussion of impacts is incomplete without this comparison.

Successive West Maui coastal and coastal uplands developments have made the same assumption: retention basins would be in place; BMP's would be followed; there would be no impacts yet the reefs of Honolua, Kaanapali, and Napili have been degraded. The reefs of Kahekili have declined sharply in the last decade and only the Olowalu reef has held its own.

This is not mentioned in the Appendix D report on Marine Waters and Biotic Resources. Nor is it mentioned that Olowalu's marine consultant was a frequent consultant on other West Maui projects where his reports also reached the conclusion that with proper mitigation there would be no impacts.

The DEIS Marine Resources study states that the near shore "mixing zone" for groundwater and seawater is restricted to tens of meters from shore yet experienced divers have observed that daily afternoon wind and waves mix surface freshwater into the water column beyond this near shore groundwater discharge area where it interacts with the reef ecosystem. Studies at Kahekili reef in Kaanapali illustrate that ground water goes beyond the "mix zone."

Scientists have observed elevated nitrogen levels at many natural dry land areas on Maui. One explanation given is that many common plants fix their own nitrogen (i.e. kiawe) and this excess

nitrogen enters into the ground water. Areas like Olowalu have fairly high nitrogen levels entering the system and this has likely been the case for hundreds of years. As a result the ecosystem has likely adapted to this condition. Local fish and sea urchins keep the nitrogen fed limu population down. Changes to this system, like alterations in the amount and location of groundwater discharges, can have substantial impact on the reef ecosystem in that area. We can not predict what these impacts will be yet the DEIS does not acknowledge even the possibility of these future impacts.

Groundwater discharges will likely decrease 6% but it is presumed to have no effect on marine ecosystems since the consultant concludes that "at present, groundwater is so restricted in distribution that there is no effect on marine community structure." Dr. Dollar and Tom Nance offer no sound scientific proof for this statement. Future development patterns may cause groundwater now discharged in one location to be reduced but may increase in other locations from irrigation and other alterations on land. A city of 1,500 units will significantly increase the water use on land and water will seep into the ground and enter the water somewhere. These changes are likely to affect the marine ecosystems in some form. The DEIS ignores the need to consider the likely effect of changes in groundwater discharge patterns by avoiding any in-depth research and offering an unverified assumption as fact.

The developers state that the use of treated effluent for irrigation will have no influence on marine ecosystems but treated effluent may seep into the ground and work its way to the ocean. The project's marine consultant does not comment on whether this may happen in locations not adapted to this type of groundwater discharge.

They also state that aggressive use of retention basins will improve conditions resulting is less sediment run-off. While sediment retention in the Olowalu area can be absorbed it should be improved after over 100 years of sugar farming. It is important to note that Olowalu's low lands are mostly undeveloped at this point, allowing heavy rainfall to flood the area and be absorbed with less impact on residents and near shore waters.

Development proposed for these lowlands will change this pattern as increased urbanization means more roads, homes, lawns and other surfaces that do not naturally retain rainfall. Water will move down slope more quickly and this will result in increased land-based pollution reaching the reef. Despite engineering claims made in the DEIS, it is unlikely that a development of this scale will improve overall conditions.

It is stated that individual residences and structures will use rain gardens to minimize run-off, and this will minimize impacts the project might have on near shore water quality. Building and landscape design and individual efforts have an important role to play in minimizing non-source pollution and runoff impacts but no solid evidence is offered regarding what proportion of residents will participate or how many structures will incorporate these measures into their design and maintenance. It should be acknowledged that under the most likely scenario there will be an overall increase in impervious surfaces that will likely increase run-off. The DEIS should evaluate the possible impacts of run-off rather than taking the position that it will never reach the ocean as this has not proved true anywhere on Maui.

Dr. Dollar's observation, taken over a brief time span, that the number of large fish on Olowalu reef is very low most likely due to fishing pressure, does not match the observations of ongoing researchers in the area who characterize Olowalu as one of Maui's "prime marine ecosystems." Researchers point out that overall, fish biomass in Olowalu is equal to that of most of our Marine Life Conservation Districts, where fishing is prohibited or strictly regulated. These researchers

describe Olowalu's offshore reef structure as: "very healthy, diverse and provides excellent structured fish habitat. Even with heavy fishing pressure, we regularly see large parrotfish in this area."

The DEIS should examine whether a major development would change the existing marine ecosystem. Unlike the project consultant, local marine researchers characterize Ukumehame/Olowalu reef complex as "the last well functioning large coastal reef flat along the leeward side of Maui." It is home to some of the rarest coral species still remaining on Maui. Marine scientists, cultural practitioners, and researchers urge policy makers to seriously consider the consequences of development in this area.

The conclusion of the Olowalu marine resources consultant that as long as BMPs are utilized and retention basins maximize sediment trapping, "there is no rationale to indicate potential changes that could be considered negative impacts to the marine environment" is not based on sufficient research and does not take into account other reviews of the area such as Dr. Brown's earlier baseline study.

In Conclusion:
The Olowalu Town DEIS is missing essential information needed to evaluate the project's impacts to local residents, natural resources, and existing infrastructure. As such it does not comply with HAR 11-200-16: "*The environmental impact statement shall contain an explanation of the environmental consequences of the proposed action. The contents shall fully declare the environmental implications of the proposed action and shall discuss all relevant and feasible consequences of the action.*"

The DEIS does not conform to the West Maui Community Plan (1996). It ignores the major changes in project design recommended and shown in adopted maps of citizen advisory groups who reviewed the project for inclusion in the Maui Island Plan, (MIP) yet repeatedly refers to the fact that both bodies recommended the project be included in the MIP growth boundaries.

The Olowalu Town DEIS does not review, describe, or consider any meaningful alternative design, density or configurations for the project that could reduce its environmental impacts.

Such alternatives could include:

- A smaller project footprint and unit-count to avoid impacts to groundwater supplies
- Deletion of development areas maikai of the current Honoapiilani Hwy (as recommended by the Maui Planning Commission and adopted in their MIP map)
- Project redesign to avoid development in low lying regions along the existing highway.
- Minimizing urban elements of the project into a smaller footprint
- 5. Proposing a similar project design in a more inland location

Because the DAR does not discuss any of these alternatives it does not comply with disclosure and discussion standards required under HAR 11-200-17: "*The draft EIS shall describe in a separate and distinct section alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected. The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks" including alternatives related to different design or details of the proposed actions which would present different environmental impacts. In each case, the*

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October 26, 2015

Maui Tomorrow Foundation
55 N. Church Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Sir:

Thank you for your Foundation's letter of April 23, 2012 providing comments on the Draft Environmental Impact Statement (EIS) for the Olowalu Town Master Plan (OTMP). Also, since your letter, two (2) Alternatives are under consideration. Alternative 1 includes the lands mauka and makai of Honoapiilani Highway and Alternative 2 includes only the lands mauka of the highway. Further, we offer the following information to the comments noted in your letter.

Comment No. 1:

Proposed Boundary Amendment Action- Compliance with LUC Rules:

§15-15-77 HAR: Decision-making criteria for boundary amendments, in Section 5. of 15-15-77 asks that decision making include consideration of: "The representations and commitments made by the petitioner in securing a boundary change, including a finding that the petitioner has the necessary economic ability to carry out the representations and commitments relating to the proposed use or development;"

Past commitments have been made by co-applicant, Olowalu Elua LLC to existing homeowners and county regulatory agencies. Many of these commitments have been ignored, possibly due to the cost of compliance. Will the many complex and expensive actions referred to in the applicant's DEIS be implemented if the Boundary Amendment is granted? These measures would be vital to mitigate the impacts of this development.

Response:

The Applicants for the OTMP project are Olowalu Town, LLC and Olowalu Ekolu, LLC which are separate entities from Olowalu Elua, LLC. To clarify, therefore, Olowalu Elua, LLC is not a party to the State Land Use Commission (LUC) petition.

We acknowledge the LUC as a matter of practice, includes a condition of approval during the State District Boundary Amendment process that requires compliance with the representations and commitments made by the Applicants. Both Olowalu Town, LLC and Olowalu Ekolu, LLC will respect and comply with all conditions of the LUC.

Comment No. 2:

How will existing homeowner parcels, owned by other entities, be connected to the proposed community? The project will cause major changes to the original design of the existing Olowalu Mauka subdivision plan, which was accepted by Maui County in 2002. These impacts should be clearly identified on comparative maps, and discussed.

Extensive green way easements surrounding Olowalu Mauka are recorded on the 2002 subdivision maps, along with a second ingress/egress route for the community but don't appear in the Olowalu Town plan.

Response:

During implementation of the OTMP, Luawai Street will be reconfigured but will continue to provide access to the 14-lot Olowalu Mauka Subdivision parcels. The OTMP includes park lands and rural lots adjacent to the 14-lot Olowalu Mauka Subdivision. The State Land Use Conservation District lands adjacent to the 14-lot Olowalu Mauka Subdivision will not be affected by the State District Boundary Amendment.

During implementation of the OTMP, new subdivision maps will be filed with the County of Maui which will replace the 2002 maps. The existing greenways within the 14 lots of the Olowalu Mauka Subdivision will remain. The new greenways proposed for the OTMP will connect to these existing greenways in the 14-lot Olowalu Mauka Subdivision. The network of greenways will expand into the proposed OTMP which will eventually provide an open space buffer between the OTMP and 14-lot Olowalu Mauka Subdivision, as well as a connection to commercial/office, public/quasi-public and recreational uses in the OTMP.

The reconfigured roadway system in the OTMP will include several accesses to the existing Honoapiilani Highway while limiting access to the relocated Honoapiilani Highway to three (3) access points as coordinated with the State of Hawaii Department of Transportation.

Comment No. 3:

The DEIS states that its scope covers an area of approximately 700 acres, and includes lands beyond the 636-ac project footprint, but provides no details on how the existing Olowalu Mauka will be serviced in the new community.

Response:

As noted in the Draft Environmental Impact Statement (EIS), the existing infrastructure (i.e. water and roadways) in Olowalu will be upgraded during implementation of the OTMP. The 14-lot Olowalu Mauka Subdivision will continue to be serviced by this infrastructure, which will be upgraded as part of the development of the OTMP.

Comment No. 4:

One greenbelt area is pictured on maps in the Olowalu Mauka vicinity, but the others, clearly marked as easements on the subdivision map, appear to be replaced by proposed rural subdivisions thus impacting existing property owners.

Response:

As previously mentioned, during implementation of the OTMP, the existing greenways within the 14-lot Olowalu Mauka Subdivision will remain. New greenways are proposed for the OTMP which will connect to these existing greenways. The new greenways proposed by the OTMP will require reconfiguration of the existing easements outside of the 14-lot Olowalu Mauka Subdivision as part of the plans for the rural lots.

Comment No. 5:

The Land Use Commission (LUC) is presented maps showing the 23 parcels involved with the proposed project but don't make clear that the majority of lands proposed for the new project Olowalu Town, were also part of the former 39 lot subdivision ("Olowalu Mauka") created in 1999- 2001.

The 39 agricultural parcels were created under Maui County Ordinance 2372 which amended MCC Title 18.04.20 Subdivision procedures to allow "consolidation and re-subdivision" of existing "developable lots" of 1,500 sq. feet or more. Olowalu Mauka was not required to go through the County's formal subdivision review process. Instead, the county allowed twenty-nine Royal Patent or Grant parcels, four formerly subdivided parcels, two road remnant lots and 3 portions of other lots with existing TMKs, to undergo "consolidation and re-subdivision" into Lots 1 through 39 of the new Olowalu Mauka subdivision. This resulted in a one-time "lot line readjustment" with a prohibition on further consolidation and re-subdivision provided in Ordinance 2372. It is our

understanding from the DEIS and, based upon 2002 Olowalu Elua Plat map for the Olowalu Mauka lot line adjustment, a number of these formerly consolidated and re-subdivided lots, such as lots 16, 17, 19, 20, 22, 23, 24, 38, 36, 39, are being proposed to be re-subdivided as part of the Olowalu Town Master Plan process, and further broken down into other rural, urban and ag house sites.

The county has informed the applicants that their SMA permit for the 39 parcels is no longer valid and that conditions of SMA approval have not been met. It is unclear if the 23 subdivided lots that are the basis of this proposed action have been formally subdivided. The intention of the streamline procedure of Ordinance 2372 is not to create additional developable lots. Whether further subdivision of these lands, is a permissible action, under existing county law, should be clarified by state and county agencies.

Response:

The original Olowalu Mauka Subdivision included 23 parcels identified in the OTMP. The original agricultural subdivision was processed pursuant to Ordinance No. 2372 which allowed the consolidation and resubdivision of the lots. However, in order to further subdivide and develop these parcels, additional land use entitlements are required. Such entitlements will be obtained by the Applicants prior to implementation of the OTMP. The 14-lot Olowalu Mauka Subdivision is not part of the OTMP and no additional entitlements are being sought by the Applicants for development within the Olowalu Mauka Subdivision. To summarize, no additional developable lots were created, in conformance with Ordinance No. 2372.

As noted previously, Olowalu Town LLC and Olowalu Ekolu, LLC are separate entities from Olowalu Elua, LLC, who was the applicant in the Special Management Area (SMA) Permit granted by the Maui Planning Commission for the Olowalu Mauka Subdivision. Compliance to conditions of approval is the responsibility of Olowalu Elua LLC with enforcement by the Maui Planning Department. By letter dated December 16, 2010 (See **Exhibit "1"**) the Planning Department determined that Olowalu Elua, LLC was in compliance with the conditions of approval and subsequently processed and approved a new SMA Permit for Driveway "D" and related improvements. Refer to **Exhibit "2"**. As may be required by the County of Maui, the Applicants for the OTMP will seek appropriate SMA Permits prior to construction of the various Master Plan components located within the SMA.

Comment No. 6:

Several of the lots may have been sold to the Olowalu Mauka homeowner's association but never utilized for their intended purpose. These same lots appear to be proposed for

a boundary amendment consideration and use for rural subdivisions, roadways or other improvements without owner's being consulted. This should be addressed in the FEIS.

A map should be provided in the FEIS that overlays the original parcels involved in the Olowalu Mauka subdivision and indicates which parcels or portions thereof, are under jurisdiction of the homeowner's association or other private owners, and what their role would be in the Olowalu Mauka Master Plan. Impacts to existing residents must be discussed in the EIS to comply with HRS Ch 343.

Response:

Figure 4 in the Draft EIS identifies the fourteen (14) lots in the Olowalu Mauka Subdivision under the jurisdiction of the homeowner's association which lots were either sold or are available for sale and are not included in the OTMP. As such, the 14 lots in the Olowalu Mauka Subdivision are not included in the OTMP and will not be included in the Applicants' Petition for a District Boundary Amendment. The OTMP includes lands adjacent to the 14-lot Olowalu Mauka subdivision. Those lands are proposed for reclassification into the State Land Use Rural District in accordance with the Maui Island Plan (MIP).

Comment No. 7:

Maui Island Plan Consistency:

HRS CH 343 requires an EIS to fully discuss viable project alternatives. This DEIS fails the most basic level of consistency with Maui County community and general plans. Maui Island Plan (MIP) maps are included in an obscure Appendix ("O") at the end of Vol. II of the DEIS, with no discussion of the discrepancies in the recommendations shown for Olowalu Town on the three maps.

LUC rules require the proposed District Boundary Amendment (DBA) to be consistent with state and county long range plans. The West Maui Community Plan shows the subject parcel as Agricultural and strongly recommends that continued status. Three MIP maps show different recommendations of West Maui Urban and Rural Growth Boundaries. The proposed project, as shown on maps throughout the DEIS, does not conform to any of these three recommendations. This is not mentioned in the DEIS as the document states that the Olowalu Master Plan has been recommended by both GPAC and Maui Planning Commission MIP review.

The General Plan Advisory Committee (GPAC) MIP map shows mauka portions of Olowalu Town in a rural and urban growth boundary, but deletes the northern makai section of the project. The Maui Planning Commission MIP map shows mauka portions of Olowalu Town in a rural and urban growth boundary, but deletes the entire makai

section of the project. The Maui Planning Director's MIP map shows only the existing uses in the Olowalu area. The Planning Department has consistently not supported including the Olowalu Town in the Rural or Urban growth Boundary. No map or text in the DEIS refers to any of these three scenarios.

Response:

Since filing of the Draft EIS, the Maui County Council completed its review of the MIP and adopted the MIP via Ordinance No. 4004 in December 2012. The MIP included portions of the OTMP in the Urban and Rural Growth Boundaries. Although the Directed Growth Map excluded the area makai of Honoapiilani Highway, the MIP states the following:

"The future delineation of potential urban growth areas makai of the existing Honoapiilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan."

The decision making criteria for boundary amendments under the LUC rules includes the requirement that the LUC "specifically consider" various criteria, including that "In establishing the boundaries of the districts in each county, the commission shall give consideration to the general plan, and community, development, or community development plans of the county in which the land is located." See HAR Section 15-15-77. The Final EIS addresses MIP considerations including goals, objectives, policies and implementing actions of the MIP. See **Exhibit "3"**. We note that the Final EIS addresses the MIP's alternative in greater detail.

Comment No. 8:

The Olowalu Town DEIS does not reveal that all versions of the MIP West Maui directed growth maps show a surplus of several thousand units over the actual projected housing demand if Olowalu is included.

Response:

As mentioned previously, the MIP has been adopted by the County of Maui and includes the OTMP and its 1,500 housing units. During the MIP review process, the General Plan Advisory Committee (GPAC), Maui Planning Commission (MPC) and Maui County Council (Council) were aware that the demand projections and projects included in the growth boundaries, including Olowalu Town (OT), would exceed the projections. Notwithstanding, we understand that the projections prepared by the Planning Department held value and purpose with respect to guiding land use allocation decisions during the MIP development process.

Comment No. 9:

The LUC should consider that Olowalu Town is proposed for an area with no existing public infrastructure and potentially high impacts to natural and cultural resources. Many expensive and non-traditional design options are being proposed to "prove" that the project will do no harm and provide beneficial services. If these proposed actions are not followed during the development process, it is almost certain that serious impacts will occur and promised benefits will not be realized.

Response:

The OTMP is anticipated to take ten (10) years to complete, and will involve detailed review at the State and County level. The OTMP is proposed as a Project District, and portions of the OTMP are located in the Special Management Area (SMA). With this in mind, additional permits and public reviews will be required which include approvals from the Maui Planning Commission. The County of Maui and the public will have the opportunity to monitor the progress of the OTMP and to ensure that reliable and environmentally sound public infrastructure is provided. The systematic and comprehensive nature of the development process ensures that impacts to natural and cultural resources are appropriately mitigated.

Comment No. 10:

Historically, after LUC and county approvals are given appropriate conditions projects pass through successive ownerships. Succeeding owners often petition authorities to be relieved of the very same conditions that were considered essential to mitigate public and agency concerns. The result is environmental degradation and loss of promised public benefits.

Response:

Any amendments to project approvals that may be sought in the future will follow the procedures established by the agency having jurisdictional authority, which includes a process for public participation. Prior to any amendments being granted, the Applicants will need to provide adequate information to the agency to ensure there is no environmental degradation or loss of public benefits. In general, authorities issuing discretionary approvals will delete conditions of approval only after evidence of compliance has been submitted.

Comment No. 11:

We see from comments in the DEIS that both the County and State Planning offices asked for much more detailed maps and other needed information to be included in the DEIS but appear to be overlooked in the DEIS.

Response:

The County and State Planning Offices request for detailed maps and other needed information were addressed in our responses to the agencies. Attached for your information are copies of our letters to the Maui Planning Department and the State of Hawaii Office of Planning. See **Exhibit "4"** and **Exhibit "5"**.

Comment No. 12:

Affordable Housing:

The DEIS offers no specifics as to how the 50% affordable housing mentioned on p. 24 will be provided. It states the average market priced home is expected to be $600,000 and that the project will comply with the county's Residential Workforce Housing Policy. That policy now provides that developers, where market price units are $600,000 or less, need only to supply 25% of the unit count within the HUD affordable guidelines. Will an agreement be signed that obligates present or future owners to provide 50% affordable units, regardless of county statute provisions allowing less units to satisfy affordable housing requirements?

Response:

The OTMP is in the initial entitlement process with the LUC. As the project progresses through the various land use entitlements processes, we expect that specific conditions relating to the number and types of units and other restrictions related to workforce housing will be identified by and discussed with the reviewing State of Hawaii and County of Maui agencies. In recent years, the standard practice of the Maui County Council has been to impose a condition that requires for each market unit constructed, a corresponding workforce unit is built. The Applicants will comply with workforce housing conditions associated with the respective land use approvals.

Comment No. 13:

Schools - Will Olowalu have onsite schools for its 462 students? Other developments of this size have substantial discussions with the state DOE in place by the time of their DEIS. This project appears to only to discuss "impact fees" with the DOE, not the building of future schools, yet its literature describes children walking to nearby schools.

Impact fees would suggest that students would attend schools in Lahaina, but the DEIS assumes schools would be onsite and does not account for traffic impacts of transporting students to Lahaina schools or explain if there is a level of impact fee that could actually provide the facilities needed for the 400 plus students over a ten year horizon. Would the Olowalu schools be private? A project that expects to be completed in 10 years should have a firmer plan for this essential community amenity.

Response:

The OTMP includes public areas where public amenities, such as a school can be accommodated. The Applicants have had preliminary discussions with the State Department of Education (DOE) but it has not progressed to the level where specific educational facility type or governance model has been developed. In this regard, Olowalu Town, LLC and Olowalu Ekolu, LLC will continue its dialogue with the DOE and other education stakeholders to further develop educational facility concepts and alternatives.

The implementation of a school for the OTMP is anticipated to extend beyond the initial housing development phase of the project. During the initial construction and occupancy of the OTMP, students from OTMP will be bussed to existing schools in the West Maui District. Discussion with the bus transportation coordinator with the DOE indicates there is adequate bus service to accommodate future students. The use of student bus transportation is expected to minimize the need to use private vehicles to transport students to existing schools in West Maui, thereby minimizing traffic impacts on Honoapiilani Highway. See **Exhibit "6"**.

As noted in the Draft EIS, the applicants will be subject to the West Maui School Impact Fees established by the DOE. The impact fees analyzed population growth and projected housing units (single-family and multi-family) in West Maui, projected the future school facilities needed to accommodate growth and estimated the cost of construction to provide these facilities. Based on these factors, the DOE adopted the West Maui School Impact Fees which the Applicants understand the OTMP will be subject to.

Comment No. 14:

Fire Station - Olowalu is a high impact fire area. Developing the area and providing firebreaks will not free it from fire danger, as the majority of past wildfires came from lands either to the east or west, outside the subject lands and fanned by high winds, common in Olowalu. USGS Maui Hazard Maps rate the Olowalu area as a "high" fire risk and the county fire department thought a fire station in the area would be a "good idea," but key information is missing. How much would it cost to build and staff such a facility? Where would funding come from? How long would it take to implement that

process? What impacts to existing Lahaina fire /emergency services are anticipated if Olowalu Town develops and no fire station is available on site? How will these be mitigated?

Also of key importance is the availability of sufficient water supply for fire flow requirements to serve an urbanized Olowalu area. While fire flow requirements in terms of number of gallons per unit or number of hydrants needed, are listed in various sections of the report, no overall fire flow water demand figure is mentioned. This information is usual in EIS documents.

Fire flow demand is listed but not calculated to reflect in the project's potable or non-potable water use demand totals. If such figures were provided, based upon the standards listed in the DEIS, over 2 million gallons of (presumably non-potable) water would be needed over a 24 hour period to effectively control fire outbreak. The storage capacity of the existing reservoirs still used onsite is not given but historic reviews note that two reservoirs had a combined capacity of 1mgd. This is half of what would be needed during a fire event.

Response:

As noted in your comments, the Department of Fire and Public Safety (DFPS) sees opportunity to improve fire mitigation conditions. The OTMP would benefit the community in regards to fire protection, life safety, and emergency medical services. According to the DFPS, the subject project should diminish the likelihood of wildfires in the area, provided the project includes measures to address impacts from wildfires that originate on surrounding areas, such as greenways that provide defensible space for the outer edges of the project site.

In discussions with the DFPS, a new fire station is expected to require a total of 15 personnel to cover three (3) shifts with five (5) personnel each. According to DFPS a new fire station will require a fully equipped fire engine which is estimated to cost approximately $1 million. To operate the new fire station will cost approximately $1.25 million annually. The DFPS estimated that a new fire station will cost $11 million to construct. Funding mechanisms for a new fire station will be identified in coordination with the County of Maui once a capital improvement programming timeline for the project is better defined. See **Exhibit "7"**.

The OTMP is in the preliminary stages of the land entitlement process and at this stage we are unable to provide specific development parameters for the fire station. It should be noted that the Maui County Council and Maui Planning Commission during the County land use entitlements, including the Project District processing, will consider public service requirements for the project, including fire protection services. It is

anticipated that detailed project phasing and concurrency requirements will be addressed at this later stage of land use approvals.

Until a new fire station is constructed in the OTMP, the existing services from the Lahaina Fire Station, which covers the area from Lahaina to the Pali, will be utilized. As with other development projects, the applicants will work with State and County agencies to ensure that public amenities, including the new fire station, are available for the future community. Where partnerships with other private development and government entities are possible, such partnerships for funding as well as land acquisition will be pursued.

The DFPS confirmed in their April 25, 2012 comment letter that the proposed water supply for fire protection is in line with the Department's current standards. However, when detailed plans are submitted in the subdivision process or finalization of the project's design, the DFPS will provide additional comments on the project. Our water resources and engineering consultants also confirmed there are adequate water resources available to accommodate the OTMP, including fire protection. The OTMP is conceptual and identifies preliminary uses, standards and estimated water usage for the proposed development, which will be continually refined during the processing of the land use entitlements and ministerial permits required by the County of Maui.

With respect to fire flow, the Preliminary Engineering Report (Appendix "B" in the Draft EIS), utilizes a standard of 2,000 gallons per minute for a two (2) hour duration. Design of the fire water system will utilize the foregoing standard, which is considered an acceptable basis of design by the Department of Water Supply.

Comment No. 15:

The DEIS should make clear how many of the 4 existing reservoirs are planned to be used; what their combined capacity is; what other mitigations are needed to provide adequate fire flow resources; and if provision of this amount of water for fire flow could impact ag, domestic or traditional and customary water uses in the project area.

Response:

Two (2) existing lined reservoirs connected to the existing non-drinking water system will remain in use by the OTMP. These reservoirs consist of the linear-shaped reservoir just below the existing 0.5 million gallon (MG) drinking water storage tank, and the reservoir north of Puu Kilea. Refer to Figure 18 in the Draft EIS. These reservoirs can be used to supplement fire protection for the OTMP. The source of water for the non-drinking water system, including these reservoirs, is from the existing diversion ditch at Olowalu Stream. The OTMP's non-drinking water system, including R1 water from the wastewater treatment facility, will be utilized primarily for irrigation purposes and its use

during emergencies to supplement fire protection in OTMP is not expected to impact agriculture, domestic or traditional and customary water uses in the project area.

Comment No. 16:

Police Services - The existing Olowalu area has a low demand for police services. That will change if Olowalu Town proceeds. The DEIS states that areas will be "provided" in the Master Plan for public facilities such as police station, library, fire station, schools, etc. but it should be specific about the projected building and staffing costs for these services; expected timing of a future police facility and what impacts the additional development areas at Olowalu would have on existing Lahaina public safety services. The DEIS should state if land for future public safety facilities will be donated or offered for sale to respective county departments.

Response:

In discussions with the Maui Police Department (MPD), OTMP at full build-out is expected to require an additional patrol beat. A new patrol beat will require six (6) police officers to cover a 24-hour period over a seven-day work week and would operate out of the Lahaina Police Station. According to the MPD, a new Police Station in OTMP will not be required. However, if deemed necessary in the future, a police substation can be accommodated in OTMP. Refer to **Exhibit "7"**.

As noted previously for the new fire station, the OTMP is in the preliminary stages of the land entitlement process and at this stage, we are unable to provide more detailed program and service parameters for police protection. However, the Applicants will work with State and County agencies to ensure that police services are available for the future community. As previously mentioned, where partnerships with other private development and government entities are possible, such partnerships for funding will be pursued.

Comment No. 17:

Potable Water - Information provided in the DEIS regarding both demand and availability of potable water resources for the project is inconsistent. How much water the Olowalu hydrological unit (surface and stream water) has available and where it should go is left largely unexplored by this DEIS, even with the 21 page "Impact on Water Resources Report" in Appendix C.

The average Olowalu household will use between 250 and 550 gpd of potable water and between 590 and 785 gpd of potable, non-potable and reclaimed water combined. This assumption is made with no statistics that households in Olowalu or other dry areas of West Maui maintain similar usage rates.

Response:

According to our water resources consultant, the water use amounts in the Draft EIS are year-round averages and are appropriate for the lot sizes and the market of the residential units for the project. The excessive residential water use in Kihei, Wailea, and Makena is driven by extensive landscape irrigation in upscale residential projects and is not comparable to the proposed OTMP which will be constructed under the principles of New Urbanism which focus on larger public spaces instead of expanded private yards. Such public spaces are proposed to incorporate sustainable principles such as drought tolerant landscaping, water efficient irrigation, and utilize non-drinking water.

We note that according to the Olowalu Water Company (OWC), the single-family residential usage in Kapaiki Village between January to October 2014 was approximately 450 gpd. The Department of Water Supply (DWS) for single-family units utilizes 600 gpd and 560 gpd for multi-family units, which is greater than the current water usage in Olowalu. The DWS standard includes water used for domestic purposes, including household irrigation.

Comment No. 18:

Olowalu aquifer's sustainable yield of 2 mgd is underestimated and may be as high as 6 or 7 mgd due to recharge data updated by USGS in a 2007 study. The DEIS does not refer to other USGS studies showing a trend of diminishing rainfall levels in West and Central Maui, or the latest USGS report (2012) which specifically re-evaluates Olowalu's recharge data downward from the 2007 study.

The assumption is made that the primary well for the Olowalu private water system, which has never undergone substantial pumping for any period of time, is capable of increasing its production ten fold with no impacts on groundwater or stream flow even though the Olowalu well is in close proximity to Olowalu stream and their water chemistry appears to link them to the same basal source.

It is also assumed that additional wells, planned in the vicinity of the existing well and proposed to serve the Olowalu system, will have no impacts on stream flows, cultural uses of the stream water or near shore discharges of freshwater necessary for the marine ecosystem. General trends in the area would indicate otherwise.

Another assumption is that consistent low chloride levels in the low elevation Olowalu well will remain reliable even if pumping increases from 50,000 gpd to over half a million gpd with no cumulative impacts on water quality. These assumptions have not been tested.

Response:

According to the project's water resources consultant, the diminishing rainfalls cited in your comment are from the 2012 Rainfall Atlas of Hawaii by the University of Hawaii Geography Department and not from the U.S. Geological Survey (USGS). The Atlas presents rainfalls over the 30-year base period, from 1978 to 2007, and notes that these amounts are less than during the period covered by the prior 1976 Atlas. These reduced rainfalls are incorporated in the USGS-completed recharge in USGS Scientific Investigative Report 2007-5103 by Engott and Vana. The principle author of the 2012 Rainfall Atlas, Dr. Thomas Gimbelluca (Professor of Geography, University of Hawaii Manoa), stated during his presentation of the Atlas to the State LUC that he expected a further decrease in rainfall on the order of 5 to 10 percent in the coming century.

The more recent USGS study cited, USGS Scientific Investigations Report 2012-5010 by Gingerich and Engott, does modify the method of computing recharge in the earlier 2007 USGS report. These modifications resulted in a slight increase in the weighted average recharge in the Olowalu Aquifer over the 1926 to 2004 period, 16.12 million gallons per day (MGD) (USGS, 2007) versus 17.15 MGD (USGS, 2012). (Source: Table B-1 in Appendix B of USGS Scientific Investigations Report 2012-5010).

For planning purposes, USGS analyzed five (5) land use (LU) scenarios, two (2) of which were under drought conditions. Scenarios LU2 and LU3 are the closest representative scenario to the proposed OTMP. These hypothetical land use and rainfall calculations in Table B-1 have less recharge amounts, 14.47 MGD (LU2) and 14.53 MGD (LU3). These are hypothetical scenarios and are still far greater recharge amounts than the 3.89 MGD calculation of recharge utilized by the Commission on Water Resource Management (CWRM) in 1990 which is the basis for the 2.0 MGD sustainable yield figure. Under any scenario, hypothetical or otherwise, groundwater recharge is far greater than 3.89 MGD.

Comment No. 19:

No drought water management plan for the development is discussed, even though world weather trends forecast increasing drought conditions and the project's consultant acknowledged the plantation wells became too salty for agriculture during a 1970s drought (with a pumping demand of several mgd).

Response:

The Draft EIS noted that the plantation wells ("O" Pump and "N" Pump) pumped 1.0 MGD of slightly brackish irrigation water for large scale sugarcane cultivation which ceased in 1999. The agricultural uses proposed in the OTMP will be less than historically experienced and primarily located along Olowalu Stream. As such, surface

water sources will likely be used to meet agricultural water demands. As noted in the Draft EIS, historically, the ditch system has averaged four (4) to five (5) MGD and daily flows have rarely dropped below two (2) MGD. With the reduction in farmlands, as well as utilizing modern agricultural techniques such as hydroponics, it is anticipated that substantially less irrigation water will be required and during drought conditions there should be adequate water to accommodate agriculture.

Drinking water for the OTMP is proposed to be accommodated by the existing Olowalu-Elua well and an upgraded drinking water transmission system, as well as additional wells to be constructed. To obtain certification as a LEED Neighborhood Development, the OTMP will incorporate water efficiency measures in building design and in landscaping, as well as utilize the R-1 recycled water for irrigation. These measures will reduce the drinking and non-drinking water needs for the project to ensure that during drought conditions there is adequate water for the residents and visitors in OTMP.

Comment No. 20:

The Olowalu Town water use analyses assumes that .7 mgd average, up to1 mgd maximum of potable water will be withdrawn from Olowalu aquifer at project build out. A recently released USGS water modeling study for West Maui, commissioned by Maui County, bases its calculations of safe yield for Olowalu aquifer on groundwater withdrawals of no more than .53 mgd by 2030. The difference is not mentioned in the DEIS. The FEIS should be updated to reflect this study.

Response:

According to the project's water resources consultant, your comment that the 2012 USGS study based its calculation of "safe yield for the Olowalu Aquifer on groundwater withdrawals of no more than 0.53 MGD by 2030" is a misunderstanding of the withdrawal simulations done in the study. There are no "safe yield" simulations in the USGS report. They are simply simulations of possible future pumping scenarios. For the Olowalu Aquifer, the assumption made for its simulation was that all groundwater withdrawal would be from one well, the Olowalu-Elua well (State No. 4936-01) and does not account for the additional wells that are proposed for the OTMP. It should be noted that at the assumed rate of pumpage from the Olowalu-Elua well, in the USGS simulation, no salinity issue materialized over the 30-year period of simulation (Source: page 43 and Figure 25 on page 45 of USGS Scientific Investigations Report 2012-5010).

Comment No. 21:

Nearly five thousand residents, businesses and public facilities could be dependent upon the Olowalu well system for their only water supply. The DEIS fails to discuss any plans to install a monitoring well to track the health of the aquifer that currently has very

limited data. It refers to Commission on Water Resource Management (CWRM) and Department of Health (DOH) requiring monitoring data, but does not clarify that his will consist of limited water testing and continuing pump reports, not assessments of the aquifer health and water levels.

Response:

We agree that any and all legitimate monitoring of the groundwater in an aquifer is of value. However, the Applicants have been advised the most direct indication of an aquifer's status (health) is the salinity of its pumping wells. Such monitoring and reporting is a requirement of any Well Construction/Pump Installation permit. At the level of pumping at present and as forecasted with the development of the OTMP, such monthly monitoring and reporting will be conducted. To date, for example, there has been no change in the low salinity of water pumped by the Olowalu-Elua well. Additional wells appropriately spaced over the Olowalu Aquifer are proposed to ensure that the existing Olowalu-Elua well is not adversely impacted.

Comment No. 22:

No mention is made in water calculations if ohana units will be permitted in Olowalu above the stated unit counts which could affect water calculations.

Response:

OTMP will provide an opportunity for resident lot owners to install ohana units on their property. Although it is anticipated that some owners will exercise this option there are others who will not. Planning for infrastructure utilizes historical information available for Maui Island, such as the average water use in a region by general use categories (i.e. single family, multi-family, commercial, etc.). These historic averages include ohana units that have been built on existing lots. The consultants utilized the available County criteria in their analysis of the water demand for the OTMP.

Comment No. 23:

Inconsistencies in Data Provided:

The DEIS states that current potable water use on the private Olowalu Water system is 75,000 gal/day (.075mgd) and that the water company relies on one well with a reported average pumping of 55,000 gal/day (.055 mgd). Does .055 mgd or .075 mgd represent current average usage of the system?

Response:

Current usage of the existing private drinking water system is approximately 55,000 gpd (OWC, 2014). Since the 14-lot Olowalu Mauka subdivision properties are not fully developed, an estimated total demand of 75,000 gpd was utilized to include the built out demand that is not part of the OTMP.

Comment No. 24:

Potable Water Demand Forecasts are Unrealistically Low:

CWRM, the county's Dept of Water Supply (DWS) and others have commented that the project's projected potable water use of 250 to 550 gpd per dwelling unit, 590 gpd total water use for multifamily and 785 mgd total use for single family units is unsupported and does not reflect any recognized county planning standard. 1000 gpd/household is a minimum standard in dry areas of Maui. The Olowalu EISPN in 2010 projected water use of .75 mgd. The DEIS specifies .7 mgd. 500,000 gpd less yet the difference is not addressed.

EPA estimates average American water use at around 100 gal/day per individual for potable purposes. Olowalu Town DEIS is assuming that 930 residential units, both single and multi family will use less than 70 gal/person/day. While water conservation is desirable and needed, it is unlikely, without some sort of stringent "enforcement" that these idealized demand figures will be the norm. It is not made clear if this strict water budget will mean that private swimming pools (which require potable water) will be prohibited.

The DEIS provides a list of very low projected water demands both for potable water and for potable, non- potable and reclaimed water use combined (Table I2 in Append. C. Water Resources study), but does not say how they will be achieved except that the non-potable system providing stream water will relieve potable demand and stream flows will remain the same, due to ditch repairs.

Response:

We appreciate the opportunity to clarify water demand standards referenced in your comment. According to the Preliminary Engineering Report (Appendix B of the Draft EIS) the estimated daily consumption for the single-family units was 550 gallons/unit for units without non-drinking water services and 275 gallons/unit for units with non-drinking water service. For the multi-family units, the report estimates 400 gallons/unit for those units without non-drinking water service and 225 gallons/unit for units with non-drinking water service. The standards used are based on similar projects and a comparison with standards used by other counties in Hawaii.

For planning purposes the Department of Water Supply (DWS) utilizes 600 gallons per day (gpd) of drinking water for a single-family unit and 560 gpd for a multi-family unit. The DWS standard is based on the average daily drinking water consumption for residential units on Maui Island which includes landscape irrigation and any recreational use of drinking water such as swimming pools. The highest water usage is for single-family units. For planning purposes, the maximum possible single-family and multi-family units were estimated as 900 single-family and 600 multi-family. Based on DWS standards, the estimated maximum water usage is approximately 951,000 gpd. However, the use of sustainable design measures, recycled water and conservation is expected to reduce consumption as noted in the Preliminary Engineering Report.

Since the preparation of the Environmental Impact Statement Preparation Notice (EISPN), the engineering consultant has obtained more specificity in the proposed uses, as well as conservation measures to be implemented in the OTMP which resulted in a reduction in the estimated water demand for the project. As the project progresses toward implementation, further refinement of the OTMP is expected with further revisions anticipated for these estimates.

Regarding your comment on the possible prohibition of private swimming pools, at this time the Applicants do not plan to establish such restrictions in the OTMP. The OTMP is proposed to be a Project District requiring multi-tiered approvals from the County of Maui. Through the project district process, the project plans will be reviewed by the Maui Planning Department, as well as by the Applicants' design review committee, to ensure that sustainable measures identified in the Draft EIS are implemented.

To ensure the projected low water demand identified in Table 2 of Appendix "C" of the Draft EIS is achieved, the Applicants propose to incorporate water efficiencies and conservation measures identified in LEED 2009 for Neighborhood Development (Draft EIS, Appendix "A-1") which reduces consumption and promotes re-use of water.

Comment No. 25:

Will this strict water type separation need to be monitored or enforced? If there is no enforcement proposed, the FEIS should examine project impacts based upon a more realistic potable and non-potable water demand. It appears the demand calculations are being manipulated to not exceed the sustainable yield limits of the aquifer as this does not reflect current use patterns.

Response:

As required by the State of Hawaii Department of Health (DOH), the drinking and non-drinking water systems will be clearly marked as separate systems. To ensure compliance, future buyers will be notified of the separate systems, as well as

requirements to maintain proper warnings on the non-drinking water system within their properties. The treatment and distribution of the drinking and non-drinking water systems will be maintained by the OWC which is regulated by the Public Utilities Commission (PUC).

Planning for infrastructure utilizes historical information available for Maui Island, such as the average water use in a region by general use categories (i.e., single family, multi-family, commercial, etc.). As stated previously, use of DWS standards estimated drinking water demand of the proposed 1,500 units as approximately 951,000 gpd. However, use of sustainable design measures, recycled water and conservation is expected to reduce consumption.

Comment No. 26:

Current Water Use Patterns in Olowalu: current use = 75,000 gal/day potable water. Existing residential hookups = 25 to 30 plus the plantation manager's house, Olowalu store and restaurant, and Camp Olowalu. The estimated 35 users dividing the 75,000 demand would mean 2,142 gpd per hook up. Current domestic users have access to well over 1000 gpd average per hookup with usage going higher in dry summer months.

Is it realistic to assume that future users will limit their total use (potable & non-potable) to 600 to 785 gpd or assume that 1500 housing units will use 225-550 gpd of potable water consistently?

The DEIS provides no detailed use figures for present potable and non-potable system users.

Kapaiki Village has 13 hookups. Olowalu Mauka has 7. If the DEIS provided us with use figures for these residences (which are readily available from company billing records) we could have a better idea of realistic water use by future residents.

Response:

The current users are not included in the OTMP and their water usage is not expected to change. However, their existing usage of 55,000 gpd has been included in the estimated water demand, in addition to the future demand of 75,000 gpd from the full build-out of the 14-lot Olowalu Mauka Subdivision. We note that the OTMP will be designed to incorporate water conservation measures, including the R-1 recycled water transmission system for irrigation purposes. Future purchasers are buying into a sustainable community with these proposed water conservation measures. A market advantage for buying into the OTMP will be the attractiveness of living within a sustainable community. With this conservation framework in mind, it is realistic to

assume that the future users will limit their use of water consistent with the estimated water demand.

In this regard, both Kapaiki Village and Olowalu Mauka Subdivision are traditional residential and agricultural areas which are not deemed comparable to the OTMP. Information from the OWC indicates that between January to October 2014, the average water use in Kapaiki Village was approximately 450 gpd.

As noted previously, the current usage of the existing private drinking water system is approximately 55,000 gpd (OWC, 2014). Being that the 14-lot Olowalu Mauka subdivision properties are approximately half developed, an estimated total demand of 75,000 was utilized to represent the built out demand not part of the OTMP.

Comment No. 27:

The DEIS acknowledges that the Olowalu Water Company has been operating at a substantial loss over the past few years, and has recently sought and been granted a rate hike by the PUC. Will the Olowalu Water Company realistically be able to invest in the upfront infrastructure promised in the DEIS? Does it plan to sell shares? No strategy for its viability is discussed, yet it will be the sole source for any future resident's water supply.

Response:

Improvements to the OTMP's water system will be undertaken by the Applicants and dedicated to the OWC. The OWC is regulated by the PUC. The PUC will review the financial capability of the OWC to provide reliable services to existing and future users of the private water system. Any rate increases that may be sought to finance the operation of the OWC will also require approval from the PUC.

Comment No. 28:

The FEIS should include two additional analyses of residential potable water use:

Analysis 1 - Use of at least 500 gal/day /housing unit for a total potable demand of .9 mgd and a peak demand of 1.35 mgd. Comments from the Maui DWS Aug. 2010 letter noted: water demand would be between 900,000 and a little more than 2 mgd of water "according to system standards." The Department reminded the applicant that the Olowalu aquifer sustainable Yield is 2 mgd.

Analysis 2 - Use of 1000 gpd for the 450 units not served by non-potable systems = .45 mgd and 500 gpd day for the 930 units that have access to dual systems =.465 mgd. This scenario would project a demand of 1.22 mgd with a peak demand of 1.83 mgd.

This scenario would project potable use at full build out at the present sustainable yield of Olowalu aquifer and should be discussed in the FEIS as this may prove to be the project's actual water demand. Given that the average water use of West Maui residents with no access to non-potable systems is 1200 to 1500 gpd or higher, these analyses should be considered.

Response:

We appreciate your comments, however, as noted previously, for planning purposes the DWS utilizes 600 gpd of water for a single-family unit and 560 gpd for a multi-family unit. The DWS standards are based on the average daily consumption for potable use, landscape irrigation, and other uses of residences on Maui Island.

Comment No. 29:

Groundwater Impacts:

Pioneer Mill wells in the area pumped brackish water during plantation operations. Olowalu Elua Water Company should conduct substantial testing of its existing wells before committing to a project of this size. While abbreviated water quality samplings from two of the three system wells and Olowalu stream were included in the DEIS, they were in a format that was difficult to interpret. It seems the project's consultant is depending on the Olowalu wells steady performance under low pumping demands to demonstrate that no further information about the aquifer's characteristics is needed.

The DEIS states that CWRM, Public Utilities Commission (PUC) and DOH will make sure the system is sound and functioning properly. MTF believes that 10 day well testing at successively higher rates should be conducted. The test should record chloride, nitrate and head levels observed in the subject well, as well as fluctuations in stream flows. Test results should be included in the FEIS.

Response:

As stated in the Draft EIS, development of the drinking water wells for the OTMP will comply with the requirements of the CWRM, PUC and DOH. The Applicants will conduct testing of the wells in accordance with the requirements of these agencies.

Comment No. 30:

Stream Waters:

No figure is given for current stream water withdrawals through the existing non-potable system. Information provided in the DEIS agriculture use discussion states that at least 50,000 gpd is currently utilized for 30 acres of agricultural activities. Is it realistic to assume that only .39 mgd of stream water would be needed if two-thirds of the residents are depending on non-potable water for irrigation, with some are engaged in agriculture on 161 acres set aside for that purpose? If present levels of agricultural water demands (1,600 gal per ac) extended to the 161 acres, agricultural water demand alone could be .268 mgd. This combined with the surface water allotted in the DEIS for conservation lands, 112,500 gpd, results in a total of .38 mgd required for these two activities, virtually all of the proposed supply. The FEIS should present more realistic alternative stream water use scenarios and analyze potential impacts.

How much stream water is currently utilized by local residents with kuleana rights; are there unmet claims or needs? 112,500 gpd of stream water is allotted for conservation lands in the water demand table; if kalo water use is included in that allotment, it should be made clear.

Response:

According to the Water Resources Study, historically Olowalu Stream supplied four (4) to five (5) MGD of stream water for irrigation purposes, with daily flows rarely dropping below two (2) MGD. With the demise of sugarcane cultivation, much of this water is not being utilized.

In addition, two (2) existing skimming wells (Olowalu Shaft and Pump N) are located on the project site that are not currently being used for irrigation purposes. These wells can be used as a back-up source for non-drinking water, if needed. Without the R-1 recycled water, there is adequate stream and brackish well water for non-drinking water use. In the effort to create a sustainable community, R-1 recycled water is proposed to be utilized for irrigation purposes.

Water usage data for those using water from Olowalu Stream are not recorded separately for those who have kuleana claims. As such, we are unable to provide this information. To our knowledge, we are unaware of any complaints of unmet kuleana claims or needs. The stream water currently diverted in the OCR is being used for kalo cultivation, as well as establishing other native plants.

Comment No. 31:

The DEIS Water Impacts report (Appendix. C) concludes that a 6% reduction of coastal groundwater discharge in Olowalu would have no impact on the near shore fisheries. No studies were given to support this conclusion. The Impact report quotes USGS gaging records from the 1960's that showed 20% of Olowalu stream flow reaching the ocean annually. USGS recently completed a West Maui groundwater study and included a model where stream flows were restored from Ukumehame to Honokowai to prolong aquifer life. The FEIS should consult with USGS staff and include any updated information available on Olowalu stream flows beyond the one visual observation referred to.

The water impact report also assumed that over the years hydrological conditions would remain static, even as increased groundwater pumping was needed. The FEIS should work with the USGS now completed computer model of West Maui hydrological conditions. Several scenarios of pumping and well location should be considered in light of impacts of well draws on "leakage of high level groundwater." (the consultant's description). Such groundwater may be a part of an "unconfined aquifer "supplying Olowalu stream.

Former Olowalu Plantation wells were located near reservoirs and may have depended upon them leaking for groundwater recharge. The FEIS should report any current pump tests that show the backup viability of Pump O, now that the nearby reservoir is dry. Also, it should be determined how much leakage is occurring from the unlined reservoir still in use near the Olowalu Mauka subdivision; what its capacity is; and whether there are plans to line it as part of the ditch system repairs described.

Response:

The Water Resources report calculated the coastal groundwater discharge into Olowalu would be reduced by six (6) percent. It makes no conclusion that the discharge would have no impact on the near shore fisheries. The evaluation of impacts on the marine biota was presented in the Assessment of Marine Water Chemistry and Biota Community Structure Report (Appendix D in the Draft EIS.). The detailed evaluation of impacts on the marine biota considered the reduction of groundwater discharge as one factor. The comprehensive analysis in Appendix D determined that the main stressor of coral and marine biota is due to sediment discharge into the ocean.

Thank you for the information on the 2012 USGS study which included seven (7) 30-year simulations for West Maui. Simulation 3 used projected withdrawal rates and locations using 2000–04 land use without plantation-scale agriculture and 1926–2004 rainfall assuming no injection wells. Based on the 2000-04 land use, withdrawal in the Olowalu region would not meet the cautionary yield for withdrawal (salinity from 1 to 2

percent that of seawater) or threatened yield (salinity greater than 2 percent that of seawater). The consultant for the Water Resources report is familiar with the 2012 USGS Study and its value as a reference document. The Water Resources report, however, is a site specific analysis of the hydrology of the project area and the potential changes that may occur during project buildout.

The Water Resources report concluded that with implementation of proposed sustainability measures, the total draft from OTMP will be less than 1.0 MGD, which is less than the conservative sustainable yield for the Olowalu Aquifer of 2.0 MGD. Also, in Table 2 of the report (Appendix C in the Draft EIS), the estimated total non-drinking water use is 0.6 MGD with implementation of proposed sustainability measures. In conjunction with the proposed maintenance of the Olowalu Ditch, non-drinking water can be consistently provided. In extreme drought situations resulting in a deficit in the Olowalu Ditch system, either Well No. 4937-01 or Well No. 4837-01 could provide additional non-drinking water.

The Applicants do not have plans at this time to repair the existing unlined reservoir and ditch systems. As such, we are unable to address how much leakage is occurring or plans to repair the ditch systems. Should the Applicants decide to initiate these repairs, appropriate environmental and permit review will be undertaken.

Comment No. 32:

Careful monitoring of the Olowalu aquifer and stream needs to be part of any development process. It has been noted in the DEIS that Olowalu stream has gaining and losing sections connected with what may be an unconfined aquifer. USGS studies point out that under light well pumpage 100 percent of the water supplied to a well comes from ground-water storage. Over time, and heavier pumping, this can change as underground water sources for the stream are "captured" by the well. Over the course of years, the well's dominant water source, particularly wells in an unconfined aquifer, commonly changes from ground-water storage to surface water and "the stream flow in general is reduced as an effect of pumpage."

The newest USGS (Gingerich & Engott, 2012) groundwater study of West Maui suggests that Olowalu stream provides 1.98 mgd of groundwater recharge to Olowalu aquifer. The report also notes that groundwater discharge at the coast in the Olowalu and Launiupoko areas has diminished over time. This updated information and consultation with USGS should be incorporated into the project's water planning model in the FEIS.

Response:

For clarification, the Draft EIS did not state that "*Olowalu Stream was gaining and losing sections connected with what may be an unconfined aquifer*". According to the water resources consultant, the proposed two (2) new wells will draw water from an aquifer with a 5-foot water level which is the same as the existing Well No. 4936-01. The base flow in the adjacent stream on the other hand comes from high level groundwater compartments further inland with water levels at hundreds to several thousand feet above sea level. The existing and proposed wells will not draw water from these compartments and will not impact stream flow.

As with all wells approved by the CWRM, DOH and PUC monitoring of the wells will be required throughout its use. These agencies have the regulatory authority to require changes in the approvals should it be determined that adverse impacts are occurring.

As noted previously, the water resources consultant is familiar with the 2012 USGS Study.

Comment No. 33:

Although it is assumed that Olowalu Town's fire flow requirements will be met by non-potable surface water, this use was not included in the projected .39 mgd non-potable surface water use figure. The FEIS should address this issue, discuss actual cumulative amounts of water needed for fire flow, where it will be stored and any impacts the demand for 2 mg of fire flow over 24 hr would have on water resources over a variety of seasons. This is especially critical since low rainfall months where stream flows may be low, are usually high fire risk times.

Response:

Fire protection will be provided by the OTMP's water system. The non-drinking water and reclaimed water systems will not encompass the entire project limits. Fire flow requirements will be met in accordance with the DFPS and DWS standards and by constructing adequate storage as part of the development, meeting the required fire flow rate for a 2-hour duration.

Comment No. 34:

There is no discussion of water operational needs of the proposed wastewater treatment facility. Will it depend upon treated effluent for backwashing filters and other standard maintenance or will additional surface water be needed for operational use? If so, how much would be required, and where are these amounts shown in the project's water demand calculations?

Response:

The proposed wastewater reclamation facility will produce recycled water that will be used for its non-drinking water operational needs. Filter backwash flow and other standard maintenance needs like foam suppression sprays and screening washers return water to the treatment process. Therefore, these internal recycle flows must be accounted for during the wastewater treatment facility design process, but do not impose an additional water demand on the development.

Comment No. 35:

No specifics on the proposed hydro-electric facility was included in the DEIS. Would such a facility require additional diversions or modifications? Would there be impacts to stream life? The project consultant suggested that "due to high amount of ground seepage, even if dam were removed, the stream would still be intermittent" (Nance 2011) but offered no proof. Would any future hydro-electric installation preclude additional stream flow restoration? Please discuss in the final EIS.

Response:

A hydro-electric facility may be considered for the OTMP. However, at this preliminary stage of infrastructure systems analysis, we are unable to provide specifics on a future hydro-electric facility at this time. Should the Applicants decide to develop such a facility, appropriate environmental and permit review will be undertaken.

Comment No. 36:

The applicant's water consultant refers to Olowalu Stream having a base flow of 4 mg between the years 1911-1967. It is clear from reports on file and company records that the plantation was often short of stream water, hence the drilling of the groundwater wells. The FEIS should acknowledge that rainfall conditions in Central and West Maui post 1967 have steadily declined, according to USGS report-5103 (Engott and Vana, 2007).

Response:

As noted on page 7 of the Water Resources Study (Appendix C of the Draft EIS), the average flowrate over the 56 year period of record was 4.8 MGD. The records indicate this flowrate was available 98 percent of the time. During times of maintenance, less stream water was diverted and the ditch flowrate was lower than 2.0 MGD due to shutdowns for maintenance, rather than actual low flows.

USGS Scientific Report 2007-5103 utilized monthly rainfall information from rain gage 4887 (Puu Kukui). Mean monthly rainfall information was obtained through Giambelluca and others (Rainfall Atlas of Hawaii, 1986). In the study, three (3) rain gages were selected to be representative of low (Kihei), medium (Wailuku) and high (Puu Kukui) rainfall conditions. The USGS Scientific Report 2007-5103 did not indicate that rainfall conditions in Central and West Maui post 1967 have steadily declined.

Comment No. 37:

Reduction of demand for stream water in the Olowalu project to .39 mgd is dependent in part on production and availability of reclaimed waste water from the project being treated at its wastewater facility. The DEIS (p. 158) gives a figure of .24 mgd of treated effluent available for irrigation, but does not specify how many residences would need to be in place before that amount is reached. A different figure of .391 mgd of available effluent is given in Appendix C. Table 2: "R-1 treated Effluent available for Irrigation Re-use". Which figure is correct?

Is there a back up plan if the community develops more slowly than expected and only minimal effluent is available for many years; would landscape design be modified accordingly? The FEIS should discuss the timing, phasing of pipe infrastructure to deliver the reclaimed water, and residential build out level necessary to produce enough effluent to relieve pressure on stream resources.

Response:

Thank you for informing us of the discrepancy between the Draft EIS and Table 2 in Appendix C of the Draft EIS. As noted in the Waste Management Plan, Appendix N of the Draft EIS, the correct figure of 0.24 MGD of treated effluent is available for irrigation.

Recycled water production rates are established by the volume of wastewater produced by the development. The wastewater and recycled water systems have been planned and will be designed in accordance with Hawaii Administrative Rules (HAR) 11-62 which requires the use of applicable County wastewater flow standards. Experience has shown that the County wastewater flow standards are conservative, resulting in wastewater and recycled water systems that are somewhat larger in capacity than required. This extra capacity is an asset for environmental protection purposes because wastewater treatment includes biological processes that can be upset if overloaded. For water resources planning purposes, the recycled water production rates were "derated" based on experience at other projects in Hawaii to reflect expectations. Furthermore, recycled water supply will vary from day to day based on wastewater generation rates. Per the wastewater plan, if necessary, surface water from Olowalu Stream and brackish groundwater from existing wells may be used to supplement recycled water supply to meet the irrigation demands of the recycled water

users. This includes irrigation demands during the early period of development when recycled water production will be significantly less than the demand.

As noted previously, until such time as sufficient R-1 recycled water is available for irrigation use, non-drinking water from Olowalu Stream will be utilized.

The OTMP is in the preliminary phase of the various entitlements and permits required for the project, specific plans of the R-1 water system are not provided in the EIS. Instead general parameters are provided. During each phase of Master Plan implementation, greater specificity regarding system designs will be provided.

Comment No. 38:

Wastewater:

No costs are given for the proposed state-of-the- art wastewater facility. In Appendix B (Preliminary Engineering Report- p. 9) estimated dry weather wastewater discharge was 533,000 gal day. In Appendix C. (Table 2) it is stated that 391,380 gpd of wastewater effluent is available for irrigation. In the body of the DEIS the figure of 24,000 gpd of irrigation effluent is given without explanation for the difference; please clarify in the FEIS.

Response:

A preliminary estimate of cost for the wastewater facility is approximately $15 million at full build-out. As the project progresses to the design stage, the cost for the wastewater facility will be further refined.

As noted previously, the correct R-1 recycled water to be used is estimated as 0.24 MGD. Approximately 0.39 MGD of surface water will be used for irrigation. The project's preliminary estimate is that the wastewater facility will process approximately 391,380 gpd of dry weather effluent of which approximately 0.24 MGD will be processed into R-1 recycled water since a portion of the effluent water is lost during the treatment process.

Comment No. 39:

The DEIS refers to a 2-acre constructed wetland in conjunction with the waste water treatment facility (WTF) for storm events, then states that the wetland will use .14 mgd of effluent. Please state the wetland's capacity and whether it will function year round or only for storm events.

The WTF Plan (p.166 fig 19) does not show the proposed wetlands in relationship to the WTF or distance to the ocean. Is the proposed plant within 100 meters, 1000 meters; is it subject to sea level rise? The proposed Olowalu sewer system relies on pumping; is there a back-up generator incorporated into the plan if power supplies fail? How much sludge or "bio-solids" will be generated from the WTF and where will it go? Please clarify in FEIS.

What is the capacity of the WTF's R-1 water storage tank and how does a "soil aquifer treatment system" function? Please state in FEIS how many existing Olowalu residences and businesses have septic systems and whether they will be able to hook up to the WTF, and if so, the expected cost to hook up.

Response:

Recycled water will be added to the constructed wetland and soil aquifer treatment system throughout the year to maintain the health and vigor of the wetland vegetation and to maintain a wetland habitat. During periods of extended wet weather, when recycled water production exceeds recycled water demand, the excess recycled water will be sent to the constructed wetland and soil aquifer treatment system where it will receive additional natural treatment. Figure 3-1 in the wastewater report shows the schematic wastewater management system for the OTMP. As the project progresses through the various land entitlements, we expect development and design parameters will be expanded and refined estimates will be made available.

The treated overflow from the constructed wetland will be routed to the soil aquifer treatment system for disposal. The wetland is sized to treat the entire peak day wet weather flow from the wastewater treatment plant, approximately 2.01 MGD, as shown in Table 2-4 in the wastewater report. As such, the constructed wetland and soil aquifer treatment system will serve as an excess recycled water holding area during periods of extended wet weather when recycled water production exceeds demand.

The constructed wetland, soil aquifer treatment system, and wastewater treatment plant locations are shown in Figure 3-2 of the wastewater report. The wastewater treatment plant will be constructed above the flood elevation and will be protected from tsunami inundation as described on page 4-5 of the wastewater report. There will be a backup generator at the wastewater treatment plant as shown in page 4-4 of the wastewater report. Wastewater pump stations within OTMP will have emergency generators in accordance with State requirements.

At buildout, the wastewater treatment plant is expected to produce approximately nine (9) wet tons of dewatered sludge per week - about one (1) truckload. On page 4.4 of the wastewater report, the dewatered sludge will be hauled to the Central Maui Landfill for co-composting with green waste.

The R-1 storage tank volume will be approximately 1.0 MG. The soil aquifer treatment system and how it functions is described on page 8-3 of the wastewater report.

Currently, all residences and businesses in Olowalu are on an individual wastewater treatment system. As development is implemented and the wastewater transmission lines are constructed nearby, existing residences and businesses will have the opportunity to connect to the system. At this early phase of the project, we are unable to estimate the cost of such hook up to the proposed system.

Comment No. 40:

The DEIS water report concludes (on p. 13) that the availability of R-1 wastewater will "significantly reduce demand for ground water resources". Since no integrated information is provided in the DEIS regarding existing use of stream water in the Olowalu system by cultural reserve users, farmers or homeowners, what is this statement based on? Will single family homeowners be able to use the reclaimed water for landscaping? The FEIS should provide specific comparison figures.

Response:

The use of R-1 recycled water for irrigation purposes is expected at full buildout to reduce the use of surface and groundwater resources for irrigation purposes, and is expected to significantly reduce the demand for such resources within the OTMP. This will allow water from the Olowalu Stream to be used by other users such as the OCR and farmers and reserve groundwater for drinking water use. Except as may be necessary due to unforeseen circumstances, such as a drought, the existing brackish wells may be used to temporarily supplement irrigation water use.

It is anticipated that at full buildout there will be sufficient R-1 recycled water to be utilized in the parks and open spaces. If permitted by the DOH, homeowner associations for entire subdivisions may be permitted to use the reclaimed water in the common areas. However, the individual single-family homeowners will not be able to utilize the reclaimed water at this time since the DOH currently prohibits the use of recycled water on single-family parcels.

Comment No. 41:

There are several natural drainage ways in the proposed vicinity of the WTF. Will these affect the plant's performance or put it at risk of overflow during storm events? The facility's general location is not discussed, except in terms of its proximity to the county waste transfer station.

Response:

As noted on pages 4-4 and 4-5 of the wastewater report, storm water originating mauka of the wastewater reclamation facility parcel will be routed around or piped under the facility to preclude flooding. Storm water originating on the wastewater treatment plant parcel will be collected and held in an onsite retention basin or will be connected to the storm water system that is developed for the rest of the OTMP. The tops of the wastewater process tanks will be above the 100-year flood elevation to prevent storm water from entering the tanks, in accordance with State regulations. Also, the facility will be constructed outside of the tsunami inundation zone.

As noted previously, Figure 3-2 of the wastewater report identifies the location of the wastewater reclamation facility.

Comment No. 42:

Drainage:

Pg. 4 of the Preliminary Engineering Report (Append. B) refers to natural features in the Olowalu area such as "Pu'u Kaiwaloa." The report may be referring to Pu'u Kilea which is a natural feature while Wa'iwaloa is a heiau site. If this is an error, please correct.

Appendix B also refers to "several un-named drainage ways including Olowalu stream." (p. 5) Obviously Olowalu stream is a named drainage way. Several other gulches in the Olowalu area appear to have names on Maui County's large format resource maps of the area. The report should reveal that Olowalu stream drainage has been altered from its original path. The existence of the ditch and reservoir systems should also be included in the drainage discussion.

Response:

Thank you for the clarification. We acknowledge the natural feature in the Preliminary Engineering Report (PER) is Puu Kilea and Olowalu Stream is a named drainageway and has been realigned from its original course. Also, the USGS map for Olowalu has been reviewed by the engineering consultant to confirm the names of any named drainageways and, except for Olowalu Stream, there are no other named drainageways.

Comment No. 43:

The Brown-Caldwell report (appendix B-1) in the DEIS spoke to the need to "aggressively implement" BMP's outlined in report due to the project's location adjacent to "one of the most significant, accessible coral reef systems on the island of Maui."

MTF requests the FEIS include an analyses of what the potential impacts would be if the Olowalu project is approved and these practices are only partially implemented or implementation is delayed. The FEIS should also discuss the cost of implementing all recommended BMPs and how this will affect the cost of a single dwelling.

The Brown and Caldwell report states their conclusions are "Based upon info provided by Olowalu Town, LLC. Unless otherwise expressly indicated, consultants have made NO INDEPENDENT INVESTIGATION AS TO VALIDITY, COMPLETENESS OR ACCURACY OF SUCH INFORMATION." Independent investigation should be required for a project promoted as "ahupua'a based."

Response:

The BMP guidance documents prepared by the Applicants' consultants will be utilized by future developers within the OTMP. The protection of natural resources are important to the Applicants and these guidance documents will not be optional to future developers. In this regard, the Final EIS will assume that BMP measures will be implemented to the fullest extent and in a timely manner.

As noted previously, the OTMP is in the preliminary stage of the various land entitlements and permits required for the project, site specific BMP plans are not provided in the EIS. Instead, general parameters are provided. During each phase of Master Plan implementation, greater specificity will be provided. At such time, the impact on housing cost can be better determined.

In discussions with the consultant, we note that the "validity, completeness or accuracy" statement is standard language included in all Brown & Caldwell reports. This qualifying statement is not viewed as compromising the integrity of the report's analysis.

Comment No. 44:

On p.19 of Appendix C the report assumes that the construction of retention basins may "improve runoff conditions in Olowalu during smaller storm events" yet no empirical proof from West Maui has been offered. The FEIS should provide facts to support this statement.

Response:

The project drainage system will be designed to meet County standards based on a 50-year or 100-year design storm, as applicable. As there are no existing drainage facilities on the property, the addition of onsite retention basins and BMPs will reduce the runoff continuing downstream during smaller storm events.

Comment No. 45:

The DEIS states that the project has 140 acres of "green space" available for drainage use,15 to 20% to be used for storm water retention basins. The DEIS should include a map indicating the design of basin system. Does any of the "green space "proposed for drainage lie adjacent to the cultural preserve areas, burial areas, and cultural sites or are they in a separate protective zone. MTF requests that the FEIS include a map of retention areas overlaid on cultural site locations to clarify and avoid unintended consequences.

On p. 8 Appendix -B the DEIS states: Onsite and underground detention basins located within park and green space will have a storage capacity of 105 ac ft and are expected to reduce present run off by 10%. Overflow from the basins will continue down stream at "no greater than pre-development rates" therefore there will be no "adverse affect on downstream properties." This statement does not analyze if there are already adverse affects to the shoreline and marine environment under current conditions?

Response:

The PER estimates that approximately 15 to 20 percent of the "green space" will be utilized for the retention basins or approximately 21 to 28 acres. As such, there is more than adequate land area during subsequent design phases to ensure that the proposed retention basins do not impact culturally sensitive areas.

Rules for the Design of Storm Drainage Systems in the County of Maui requires drainage systems to be designed that will "not adversely affect downstream and adjoining properties". The drainage system will be designed to, at a minimum, meet this criteria, but it is too early in the planning process to determine the specifics of the drainage basin locations and sizes. Existing storm water runoff sheet flows across existing undeveloped lands and into the ocean. After development, stormwater runoff will be collected and conveyed to drainage retention systems which will allow for storage, settlement, infiltration, and evaporation prior to any release.

Comment No. 46:

The DEIS fails to mention who or what monitoring program will be used to evaluate the effectiveness of the basins and other BMP practices. Who is responsible for maintaining the basins and will homeowners be able to afford the upkeep? Other retention basins in West Maui have proven ineffective because they were neglected. The FEIS should clarify monitoring and maintenance efforts.

Response:

At this phase in the planning process, conceptual stormwater quality enhancements are being proposed. As Olowalu Town, LLC and Olowalu Ekolu, LLC progress through the process, refinement of the drainage plan will be developed with more specificity in the enhancements to be utilized. Olowalu Town, LLC and Olowalu Ekolu, LLC are not at the phase of the OTMP where monitoring programs, including the organizational context for accountability and responsibility, have been formulated. However, by the construction phase of the OTMP monitoring programs will be developed and reviewed by the appropriate agencies in conjunction with the issuance of construction permits.

During the initial phase of the development of the project, Olowalu Town, LLC and Olowalu Ekolu, LLC will be responsible for the maintenance of the basins. As noted above, at this early phase, the entity that will ultimately be responsible in the long term management of the monitoring programs, has not been identified.

Comment No. 47:

A statement is made that Olowalu's marine life, reefs and near shore waters have had "limited" impact from human activities, therefore a water quality report was prepared to address any potential impacts. The DEIS dismisses the possibility that low-lying areas of the project site, have functioned in the past as intermittent wetlands providing run-off filtration areas during storm events. Now that these areas are proposed for high-density residential development, please provide information on how retention basins placed elsewhere on the property provide the same capacity to protect the reef. Could the project be designed to avoid development in natural, low lying retention areas?

Response:

To meet the certification requirements of Leadership in Energy and Environmental Design for Neighborhood Development (LEED ND), the OTMP proposes to utilize strategies aimed at improving performance, in particular, the stewardship of resources, such as, but not limited to ocean and marine resources. A Handbook for Stormwater Reclamation and Reuse Best Management Practices in Hawaii was used as guidance in preparing the Stormwater Quality Enhancements Report which took a comprehensive look at the Olowalu ahupuaa from the mountains to the ocean. Low Impact Development (LID) or nontraditional measures are proposed to improve the method in which stormwater runoff is handled. Natural solutions such as green space, bio-retention gardens, vegetated swales, etc. are proposed in conjunction with traditional retention systems.

The stormwater quality enhancements are proposed to be incorporated into the OTMP from the mauka lands to the makai lands in order to reduce the amount of stormwater

runoff before it reaches the ocean. These enhancements will also improve the water quality of runoff. The goal of the OTMP is to retain stormwater runoff within the project as much as possible. The water quality of runoff that may eventually sheet flow into the ocean is expected to be improved over the existing runoff that flows through the existing culverts to the ocean. These measures are designed to protect ocean and marine resources.

During subsequent planning and design phases, consideration will be given to retaining as much of the natural low lying areas as green space.

Comment No. 48:

MTF asks that the FEIS address these topics under the "Alternatives" Section Traffic Impacts:

Substantial traffic impacts of this project are not addressed in the DEIS's Traffic Impact Analyses Report. (TIAR) Impacts to Honoapiilani Hwy are not discussed, other than the relocated segment of the highway proposed to pass through the project. Traffic bottlenecks that may occur at either end of the new alignment are not addressed.

Response:

Consultation with the State of Hawaii, Department of Transportation (HDOT) helped to define the geographic limits of the Preliminary Traffic Impact Analysis Report (TIAR) included as Appendix "M" of the Draft EIS. Since then, a new TIAR has been prepared in consultation with HDOT. The TIAR addresses traffic impacts associated with the OTMP and identifies appropriate mitigation measures. A copy of the TIAR is provided. See **Exhibit "8"**. As the project progresses through the entitlement and permitting process, additional traffic assessments will be prepared if required by the County or the HDOT.

Comment No. 49:

The Olowalu TIAR assumes that Honoapiilani Hwy will become four lanes on the Lahaina side of the project. This widening project may by on a STIP list but it's unclear when funding would be available. The likelihood of this road being built concurrently with any future Olowalu project should not be treated as an automatic mitigation for the traffic impacts that urbanization of Olowalu will bring to the area's only through road.

Response:

We note that the TIAR does assume that the four-lane bypass highway will continue and connect to the future planned widening towards Lahaina. The Environmental

Assessment for the portion of the highway from Lahaina to Olowalu is currently under review by the HDOT. Continuation of the bypass highway through Olowalu will be coordinated with this portion of the bypass. To the extent practicable, the bypass highway will be implemented with the implementation of the OTMP. To the extent that implementation phasing of the highway and OTMP is not aligned, coordination with HDOT will be undertaken to identify interim mitigation measures.

Comment No. 50:

The DEIS states that the existing Honoapiilani Hwy will become a "low-volume, low speed coastal roadway." It appears from the maps included that the applicants propose to remove several segments of the road and merge the former State ROW lands into their project lands. The DEIS does not discuss if this removal would lead to coastal access challenges.

Response:

The OTMP proposes realignment of the existing Honoapiilani Highway to the bypass highway at both ends of the highway as it traverses OTMP. To the extent that portions of the existing ROW can be utilized to enhance coastal access and use, it is the Applicants' goal to integrate excess State ROW into the makai lands to create a system of public open space and parks to the shoreline. As the OTMP is developed, parking areas and recreational amenities will be constructed to improve the recreational use of the shoreline.

Comment No. 51:

The phasing of various roadway infrastructure projects is not discussed. Would portions of Olowalu be built before Honoapiilani Hwy is moved inland? What are the impacts from the disruption in traffic patterns on the existing highway? How many phases will the project's construction have? The DEIS is a disclosure document and should contain this information.

Since it is unclear whether the Olowalu project will have new residential neighborhoods before the realigned roadway is constructed the DEIS should discuss impacts and mitigations such as a temporary traffic light during high use times to allow pedestrians and bicyclists to cross the road safely. Impacts of construction vehicles in the area should also be discussed.

The DEIS notes that the newly aligned Honoapiilani Hwy will have two primary access points but the map provided in the DEIS appears to have a confusing web of roads for navigation through Olowalu. It appears that this new "small town" built around "walking" will be separated by a 200 ft wide road right of way.

Response:

Implementation of the OTMP will begin with backbone infrastructure systems, including water, wastewater and roadway facilities needed to initiate each specific increment of residential and commercial development. The spatial progression of development will, in part be determined by market conditions, but will by necessity, include the provision of market and workforce housing. In general, the Applicants will develop commercial elements of the OTMP in coordination with development of residential components, and will coordinate with governmental agencies such as the Department of Education, Department of Fire and Public Safety and Department of Parks and Recreation to ensure that applicable provisions of law are addressed to meet public facility development requirements.

It is anticipated that a portion of the OTMP will be constructed prior to relocation of Honoapiilani Highway inland. In this initial phase of the OTMP, the existing intersection improvements on Honoapiilani Highway consisting of turning lanes, acceleration and deceleration lanes, will be utilized and should not disrupt traffic on the highway. As development of the OTMP progresses, improvements including the construction of the bypass highway, will be coordinated with the HDOT to ensure the safe movement of traffic through OTMP. The specifics of construction phasing for the highway will be developed as OTMP moves to the design phases of implementation.

As the OTMP nears the engineering design phase, a construction traffic management plan (TMP) will be prepared and reviewed by the appropriate agencies. Upon approval, the construction TMP will be implemented.

As noted in the Draft EIS and Figure 4 in the Draft EIS, at the request of HDOT, two (2) primary mauka to makai access points from the bypass highway is proposed and an additional third access entering from the south side of Olowalu from the proposed bypass to Honoapiilani Highway. Pedestrian and bicycle access across the bypass highway is proposed to cross via grade separations or under proposed bridges that will be required to cross existing gulches.

Comment No. 52:

Natural Environment:

Flood and Tsunami Hazards and Sea Level Rise - The Olowalu area faces multiple natural hazard risks as it is an area of high winds, wild fires, low lying erosion-prone coasts, is subject to flooding from storm events, tsunami inundation and seismic activity. The DEIS downplays these factors and emphasizes compliance with county building codes as the only needed mitigation. Avoidance of high impact areas should be discussed.

The DEIS (p. 8) stated "In Olowalu, erosion rates and potential impacts from sea level rise have not been identified." This is not entirely accurate. There are historic (1912-1997) coastal erosion rate maps for Olowalu posted at: ftp://soest.hawaii.edu/coastal/webftp/Maui/Posters/Olowalu.jpg

USGS has a synopsis of impacts affecting Olowalu in their web-based "Index to Technical Hazard Maps." The region is described as "moderate to high" in the USGS Overall Hazard Assessment due to "the low coastal slope." The tsunami hazard is ranked "high along this entire low-lying coast." The report concludes that the "erosion threat is ranked moderately high" beyond Hekili Pt. and "sea level and volcanic/seismic hazards are moderately high because of the low coastal slope and Olowalu's location within seismic hazard zone." Information such as this should be incorporated into an environmental document as it describes the surrounding environment as assessed by hazard management professionals.

A map should be provided in the DEIS of the proposed housing unit locations, parks, open space etc. overlaid on the FEMA Special Flood Hazard Areas, as well as the County Planning Department's Sea Level Rise Maps. The State Office of Planning asked for such a map to be included in their 2010 EISPN comments, but no action was taken.

Response:

Since the publication of the Draft EIS, the Department of Planning (PD), in conjunction with the University of Hawaii School of Ocean and Earth Science Technology (SOEST), has developed coastal erosion maps for Olowalu. According to the study, the Olowalu area has experienced an average Annual Erosion Hazard Rate (AEHR) of -0.4 ft. per year. The northern portion of Olowalu nearest Honoapiilani Highway has experienced an average AEHR reflective of the area while the southern portion has experienced moderate erosion at -0.5 ft. per year. The OTMP has an existing minimum shoreline setback of 150 feet. Based on the AEHR methodology in the Shoreline Setback Rules of the Maui Planning Commission, the shoreline setback for the makai property would average 45 ft., which is less than the existing 150 feet shoreline setback.

The current prediction is that sea level rise will be one (1) foot by 2050 and three (3) feet by 2100 (UH Sea Grant Program). At the recommendation of the PD, the Sea Level Rise Map for Olowalu forecasted by the National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management was reviewed. NOAA's forecast of a three (3) feet or one (1) meter (m) sea level rise in Olowalu is forecasted to remain close to the shoreline area. Utilizing a map scaling methodology, inundation from sea level rise is forecasted to be less than 150 feet from the shoreline by the year 2100. See **Exhibit "9"**.

The EIS has been revised to include information from the USGS Technical Hazard Map for the Olowalu region. See **Exhibit "10"**.

Figure 15 has been included in the EIS that overlays the 2012 FIRM over the conceptual land use plan. See **Exhibit "11"**.

Comment No. 53:

Coastal Access:

The DEIS refers to a 150 ft set back along the shore. It should be clarified if this 150 buffer includes an 100 ft-wide state beach reserve along much of the oceanfront portion of the Olowalu property. If it does, it would be more accurate to describe a fifty-foot shoreline setback buffer beyond the existing beach reserve. The FEIS should discuss why a two hundred ft building setback is not proposed: 100 ft state reserve and a 100 ft buffer beyond that.

Response:

The 150 ft. setback is based on criteria set forth in the MPC Shoreline Setback Rules. The MPC, in adopting the Rules, established the buffer area for development for shoreline properties. In the case of Olowalu, the MPC, through previous SMA permitting decisions, required the maximum setback, as well as maintaining a minimum width of 50 ft. for public access along the shoreline recognizing the effects of shoreline erosion. The OTMP proposes to maintain the 150 ft. shoreline setback as measured from a certified shoreline survey and maintaining a minimum width of 50 ft. for public access throughout the project.

Comment No. 54:

How many additional coastal access points will be created; how much parking area will be provided; and will current cultural and recreational access be impacted by the proposed Honoapiilani road realignment and removal of road segments? Will the land that was public right of way remain public? Where will new camping areas be established? The FEIS should provide specific information comparing present and future coastal access in the Olowalu area.

Response:

Conceptually, some of the area makai of Honoapiilani Highway is proposed to remain in the OCR, and other makai areas will be developed as open space and park. This will maintain existing cultural and recreational access as well as create greater access for the public in conjunction with amenities such as parking, restrooms, recreational

facilities, etc. The existing Camp Olowalu, which is a component of the OTMP, is proposed to remain in the general location, as well as the existing segment of Honoapiilani Highway through OTMP. A segment of Honoapiilani Highway currently undergoing shoreline erosion may be realigned further inland but will continue to remain as a public right of way and the existing right-of-way could be included in the proposed open space or park. It is anticipated that State right of way lands which may be integrated in the makai park and open space system will continue to remain in the public domain. As we progress towards development of the OTMP, additional specificity will be developed to address access, rights-of-way, parking and uses within the open space and park areas, and related design considerations. In this regard, specifics with respect to new camping areas will be determined in the future.

Comment No. 55:

Coastal Zone Impacts:

The DEIS shows the SMA zone as affecting very little of the proposed project yet the Maui County Planning Department points out that the entire project area will need to comply with SMA permit review. The FEIS should make this clear and discuss strategies to meet coastal zone policies, including improved access. While the DEIS promises the project will have "minimal grading" no specific amount of cubic yards moved is given to qualify that statement as accurate. Coastal grading is already going on what appears to be Olowalu Elua land near Camp Pecusa. Is this part of the Master Plan?

Response:

The DEIS, Chapter III, Section H, evaluates the OTMP in the context of the goals, objectives and policies of Chapter 205A, HRS, Coastal Zone Management (CZM) and the Special Management Area (SMA) Rules of the MPC. As the project progresses and prior to construction, Olowalu Town, LLC and Olowalu Ekolu, LLC will prepare and process appropriate SMA applications with the PD to ensure compliance with Chapter 205A, HRS and the SMA Rules of the MPC.

In this regard, at the time of SMA permit application preparation, the Applicants will coordinate with the Planning Department to confirm the scope of coverage for the application.

As we are in the preliminary state of the various land entitlements and permits required for the project, specific grading plans have not been included in the EIS. Instead, general parameters are provided. During each phase of Master Plan implementation, greater specificity regarding grading plans and designs will be provided. Minimizing earthwork operations is the goal for feasible and practical site development. At the time

of your comment, the grading work at Camp Olowalu (formerly Camp Pecusa) was for the construction of intersection "D" and a new driveway access to Camp Olowalu identified in SMA Permit No. 2010/0008 for the Olowalu Mauka Subdivision which was approved on March 22, 2011 by the MPC.

Comment No. 56:

Wetlands:

On p. 27 the DEIS claims the project "does not endanger any wetland" and affirms that there are no wetlands nearby or in project area. It is our understanding that lands in Ukumehame are considered wetlands. An area of "gley soils" consistent with intermittent wetlands is found near burial site no. 4693 in the Makai section of Olowalu Elua land. The area is recorded in Fredricksen's 1999 AIS. Olowalu needs functional wetlands to keep its reefs healthy.

Response:

The Applicants' biologist review of the project site and did not identify any wetlands within the OTMP. The existence of gley soils is one (1) factor utilized to determine if a wetland is present. Other considerations include hydrology and flora. A review of the project area indicates that there are no significant wetlands in the OTMP.

Comment No. 57:

Marine Resource Impacts:

Scientists, researchers, recreational users and regulatory agencies agree that the reef system from Olowalu to Ukumehame is outstanding in its variety of species and biological importance. They also agree that the this is the last well functioning reef system on the West Maui coast.

The importance of this reef was so great that in 2000 Native Hawaiian group Na Kupuna O Maui attempted to intervene in the SMA permit process for the proposed Olowalu Mauka subdivision. As a result of a private settlement for the intervention, Na Kupuna O Maui was given around $20,000 to use for a marine resources baseline study of the area's reefs, marine water quality and biological diversity.

Dr. Eric Brown was contracted to do the study which was designed to span both wet and dry seasons. The study results were published in 2003 and were included in the Olowalu Town EISPN (2010) . It was the understanding of Na Kupuna O Maui that periodic updates of the baseline study would be done to monitor the effects, if any, of the development of the Olowalu Mauka subdivisions and the two makai subdivisions.

The funding provided was sufficient for a two year process and appears to have been utilized. No additional monitoring work appears to have been done until the recent study by Dr. Dollar. It is essential that the FEIS discuss the applicant's plans for ongoing monitoring of the marine ecosystem in Olowalu and adaptive management strategies to deal with any impact trends identified.

Response:

The reef fronting Olowalu is a well-functioning reef system on the West Maui Coast. To maintain and enhance this system, the Stormwater Quality Enhancements Plan is proposed to reduce stormwater runoff and improve water quality. Since 2000, the applicants have engaged the native Hawaiian community, including Na Kupuna O Maui, to obtain their input in planning for the OTMP utilizing the Hawaiian ahupuaa system of land management. Towards understanding the outcomes of this land management system, it is the Olowalu Town, LLC and Olowalu Ekolu, LLC's intent to formulate and implement additional monitoring protocols.

A monitoring program will serve to verify if, and to what extent, environmental factors change from the pre-OTMP development baseline as a result of the OTMP. Such a monitoring program could provide a link between changes in water quality parameters, such as sediment discharge changes over time, and response by the reef community.

Comment No. 58:

Comments on Appendix D-Marine Resources Report:

The Olowalu Town DEIS includes a report dealing with marine resources and analyses of potential impacts to near shore waters. The project consultant spent four days surveying the area, conducting one water quality sampling, and his conclusions downplay any potential impacts to the area.

Earlier baseline studies of this same reef from ca. 2000-2001 (Brown, et al, 2003) included varied seasonal components but their conclusions are not referred to in the DEIS. The current marine resource study results support a forgone conclusion of "no impacts" as long as Best Management Practices (BMP) are implemented but does not discuss what would happen if BMP's are not followed, or prove ineffective. This is the key information required under Ch 343 guidelines and discussion of impacts is incomplete without this comparison.

Successive West Maui coastal and coastal uplands developments have made the same assumption: retention basins would be in place; BMP's would be followed; there would be no impacts yet the reefs of Honolua, Kaanapali and Napili have been degraded. The

reefs of Kahekili have declined sharply in the last decade and only the Olowalu reef has held its own.

This is not mentioned in the Appendix D report on Marine Waters and Biotic Resources. Nor is it mentioned that Olowalu's marine consultant was a frequent consultant on other West Maui projects where his reports also reached the conclusion that with proper mitigation there would be no impacts.
The DEIS Marine Resources study states that the near shore "mixing zone" for groundwater and seawater is restricted to tens of meters from shore yet experienced divers have observed that daily afternoon wind and waves mix surface freshwater into the water column beyond this near shore groundwater discharge area where it interacts with the reef ecosystem. Studies at Kahekili reef in Kaanapali illustrate that ground water goes beyond the "mix zone."

Response:

Olowalu Town, LLC and Olowalu Ekolu, LLC have similar concerns as Maui Tomorrow regarding the health of the reefs at Olowalu. We recognized that the areas cited in your comments looked at traditional engineering measures to handle stormwater runoff. OTMP took a different approach involving the native Hawaiian ahupuaa system of land management from the mountains to the ocean in developing the Stormwater Quality Enhancements Report. LID or nontraditional measures are proposed to improve the method in which stormwater runoff is handled. Natural solutions such as green space, bio-retention gardens, vegetated swales, etc. are proposed in conjunction with traditional subsurface retention systems.

The stormwater quality enhancements are proposed to be incorporated into the OTMP from the mauka lands to the makai lands in order to reduce the amount of stormwater runoff before it reaches the ocean. These enhancements will also improve the water quality of runoff. The goal of the OTMP is to retain stormwater runoff within the project as much as possible beginning at the residential lots (i.e. rooftops) by collecting runoff in bio-retention gardens to commercial developments (i.e. building roofs and parking lots) by utilizing landscape areas, vegetated swales and subsurface retention systems. The water quality of runoff that may eventually sheet flow into the ocean is expected to be improved over the existing untreated runoff that flows through the existing culverts directly into the ocean. These measures are anticipated to protect ocean and marine resources.

Should these measures not be implemented, as noted in the marine assessment, sediment discharge will continue to impact the coral reefs. To ensure compliance each developable site within OTMP will be required to implement the BMP measures outlined in the Stormwater Quality Enhancement Report.

Regarding your comments on the reefs at Kahekili, for clarity, the conditions off Kahekili differs from Olowalu. Impacts at Kahekili are from groundwater intrusion while at Olowalu impacts are from sediment discharge from Olowalu Stream. Also, according to our water quality consultant the terminology "mix zone" is the area where groundwater occurs and by the measured water chemistry at any particular time of sampling. It is not a specific location and varies both temporarily and spatially based on a particular set of conditions determined by groundwater input and physical conditions at one point in time. At the time of the marine water quality surveys at Olowalu, the mixing zone was confined to a narrow zone near the shoreline.

We note that Dr. Dollar's independent report was conducted specifically for the Applicants and are not related to other projects in the West Maui region.

Comment No. 59:

Scientists have observed elevated nitrogen levels at many natural dry land areas on Maui. One explanation given is that many common plants fix their own nitrogen (i.e. kiawe) and this excess nitrogen enters into the ground water. Areas like Olowalu have fairly high nitrogen levels entering the system and this has likely been the case for hundreds of years. As a result the ecosystem has likely adapted to this condition. Local fish and sea urchins keep the nitrogen fed limu population down. Changes to this system, like alterations in the amount and location of groundwater discharges, can have substantial impact on the reef ecosystem in that area. We can not predict what these impacts will be yet the DEIS does not acknowledge even the possibility of these future impacts.

Response:

We acknowledge that groundwater input to the ocean is a natural process that has been occurring throughout time, and coral reefs and other marine communities have adapted to these inputs. An example of the ability to adapt is a comparison of West Maui to the west coast of the island of Hawaii (West Hawaii). Groundwater input in terms of both volume and elevated nutrient concentrations on West Maui are substantially lower than on West Hawaii and the nutrient delivery to nearshore water at West Hawaii is substantially greater than West Maui. Yet coral communities off West Hawaii are probably the most prolific in the entire state, and marine algae is nearly absent from this coastline (particularly in terms of nuisance blooms). In addition, physical mixing processes (wind, waves) in West Hawaii are far less in degree than in Maui resulting in larger areas of groundwater influence.

From the documented cases at various locations around the State it is possible to predict the results of groundwater nutrient loading as a result of changes on land.

Comment No. 60:

Groundwater discharges will likely decrease 6% but it is presumed to have no effect on marine ecosystems since the consultant concludes that "at present, groundwater is so restricted in distribution that there is no effect on marine community structure." Dr. Dollar and Nance offer no sound scientific proof for this statement. Future development patterns may cause groundwater now discharged in one location to be reduced but may increase in other locations from irrigation and other alterations on land. A city of 1,500 units will significantly increase the water use on land and water will seep into the ground and enter the water somewhere. These changes are likely to affect the marine ecosystems in some form. The DEIS ignores the need to consider the likely effect of changes in groundwater discharge patterns by avoiding any in-depth research and offering an unverified assumption as fact.

The developers state that the use of treated effluent for irrigation will have no influence on marine ecosystems but treated effluent may seep into the ground and work its way to the ocean. The project's marine consultant does not comment on whether this may happen in locations not adapted to this type of groundwater discharge.

Response:

As previously noted, based on documented scenarios at other locations around the state, it is possible to predict the results in groundwater nutrient loading as a result of changes in land use. The decrease of groundwater discharges by approximately 6 percent and the no effect conclusion of the consultants is based on both the data collected at the site and the existing body of knowledge of the effects of groundwater in nearshore waters.

According to the wastewater management plan (Appendix N in the Draft EIS), OTMP will include an extensive water recycling program to put treated wastewater to beneficial use. DOH regulations require that recycled water be applied at rates that do not exceed the irrigation and nutrient requirements of the vegetation. Excess recycled water will receive further polishing treatment in the constructed wetland prior to additional land treatment in a soil aquifer treatment system. Recycled water percolating into the ground will mix with existing groundwater and is not expected to impact groundwater discharge into the ocean.

Comment No. 61:

They also state that aggressive use of retention basins will improve conditions resulting is less sediment run-off. While sediment retention in the Olowalu area can be absorbed it should be improved after over 100 years of sugar farming. It is important to note that

Olowalu's low lands are mostly undeveloped at this point, allowing heavy rainfall to flood the area and be absorbed with less impact on residents and near shore waters.

Development proposed for these lowlands will change this pattern as increased urbanization means more roads, homes, lawns and other surfaces that do not naturally retain rainfall. Water will move down slope more quickly and this will result in increased land-based pollution reaching the reef. Despite engineering claims made in the DEIS, it is unlikely that a development of this scale will improve overall conditions.

Response:

For clarification, although there are undeveloped lowlying areas on the mauka lands the majority of stormwater runoff from the mauka lands are currently exiting directly into the ocean through the existing culverts under Honoapiilani Highway depositing sediments into the ocean. A portion of the stormwater runoff on the makai open lands percolate into the ground while the excess runoff sheet flows into the ocean.

As noted previously, approximately 223 acres of green space is planned within the OTMP of which approximately 21 to 28 acres will be used for retention basins. The LID or stormwater quality enhancements propose to reduce and treat runoff from the initial sources of the increases (i.e. building rooftops) through onsite measures such as rain gardens. Runoff not treated onsite will be handled by retention measures (i.e. perforated pipes) designed to handle larger runoff in stages as it moves down slope before it reaches the ocean. The intent of these measures is to handle runoff mauka of Honoapiilani Highway. These enhancements are also expected to improve the water quality of runoff.

However, should runoff sheet flow into the ocean the utilization of the proposed LID or stormwater quality enhancements are expected to improve the water quality of runoff and protect ocean and marine resources.

Further, development in the OTMP on the makai side of Honoapilliani Highway is limited, with most of the lands kept in a cultural reserve, open space and park for recreational and cultural purposes. During subsequent planning and design phases, consideration will be given to retaining as much of the natural low lying areas as green space.

Comment No. 62:

It is stated that individual residences and structures will use rain gardens to minimize run-off, and this will minimize impacts the project might have on near shore water quality. Building and landscape design and individual efforts have an important role to play in minimizing non-source pollution and runoff impacts but no solid evidence is

offered regarding what proportion of residents will participate or how many structures will incorporate these measures into their design and maintenance. It should be acknowledged that under the most likely scenario there will be an overall increase in impervious surfaces that will likely increase run-off. The DEIS should evaluate the possible impacts of run-off rather than taking the position that it will never reach the ocean as this has not proved true anywhere on Maui.

Response:

Page 5-1 of the Stormwater Quality Enhancements Report (Appendix "B-1", Draft EIS) lists a menu of potential LID stormwater quality measures to be considered in development of the OTMP. Implementation of the OTMP will include stormwater BMP guidance documents developed for the community. All lots and developments in the OTMP will incorporate as many stormwater quality enhancement measures as may be practicable. These measures are expected to reduce the amount of runoff and enhance the quality of runoff that occurs.

In addition, the OTMP will have retention basins sized to contain at minimum the increase in runoff due to the development for the 100-year storm event in accordance with Maui County standards. The combination of the development stormwater quality enhancement measures and detention basins will create a system that is expected to contain stormwater in excess of Maui County standards.

We note that under certain high intensity rainfall conditions, runoff may reach the ocean. The mitigation measures proposed for the OTMP are intended to improve the quality of stormwater which may ultimately be discharged to the ocean.

Comment No. 63:

Dr. Dollar's observation, taken over a brief time span, that the number of large fish on Olowalu reef is very low most likely due to fishing pressure, does not match the observations of ongoing researchers in the area who characterize Olowalu as one of Maui's "prime marine ecosystems." Researchers point out that overall, fish biomass in Olowalu is equal to that of most of our Marine Life Conservation Districts, where fishing is prohibited or strictly regulated. These researchers describe Olowalu's offshore reef structure as: "very healthy, diverse and provides excellent structured fish habitat. Even with heavy fishing pressure, we regularly see large parrotfish in this area."

The DEIS should examine whether a major development would change the existing marine ecosystem. Unlike the project consultant, local marine researchers characterize Ukumehame/Olowalu reef complex as "the last well functioning large coastal reef flat along the leeward side of Maui." It is home to some of the rarest coral species still

remaining on Maui. Marine scientists, cultural practitioners, and researchers urge policy makers to seriously consider the consequences of development in this area.

The conclusion of the Olowalu marine resources consultant that as long as BMPs are utilized and retention basins maximize sediment trapping, "there is no rationale to indicate potential changes that could be considered negative impacts to the marine environment" is not based on sufficient research and does not take into account other reviews of the area such as Dr. Brown's earlier baseline study.

Response:

Unlike researchers who conduct observations over a larger span of time, the observations made by our marine consultant were to determine the likely marine biotic community and conditions of the area in order to evaluate potential impacts that may result from OTMP. At the time of the field survey there was a paucity of large fish observed, which is typical of reefs in the main Hawaiian Islands as a result of fishing pressure. Further, the size of fish does not necessarily equate to biomass. The most important determinate of fish abundance is the higher complexity of the bottom at Olowalu. Biomass at Olowalu may be equivalent to the Marine Life Conservation Districts.

We acknowledge the reef structure and function at Olowalu is unique primarily due to the physical structure of the area in terms of oceanographic structure and protection from storm waves. This will not change with changes in land use. The major impacts to the reef at present are a result of input of sediment from lands that are not pristine and have been affected over time by human activities. However, such activities are reversible. The implementation of recommended non-traditional stormwater measures is expected to reduce sedimentation and result in improvements to the marine environment.

Comment No. 64:

In conclusion:

The Olowalu Town DEIS is missing essential information needed to evaluate the project's impacts to local residents, natural resources, and existing infrastructure. As such it does not comply with HAR 11-200-16: "The environmental impact statement shall contain an explanation of the environmental consequences of the proposed action. The contents shall fully declare the environmental implications of the proposed action and shall discuss all relevant and feasible consequences of the action."

The DEIS does not conform to the West Maui Community Plan (1996). It ignores the major changes in project design recommended and shown in adopted maps of citizen

advisory groups who reviewed the project for inclusion in the Maui Island Plan, (MIP) yet repeatedly refers to the fact that both bodies recommended the project be included in the MIP growth boundaries.

Response:

Preparation of the EIS includes review of your cited documents, as well as available reports by other researchers to address your comments. We recognize the HRS Chapter 343 review as a process which involves revisions to the Draft EIS to address comments received. In this regard, we believe that the Final EIS has been prepared in accordance with the criteria for an EIS pursuant to HAR 11-200-16. Furthermore, the content requirements for a Draft EIS under HAR Section 11-200-17 have been met.

We have noted that the Draft EIS may not be in alignment with the West Maui Community Plan and that a Community Plan Amendment will be required to address the recently adopted MIP. As you know, the MIP has been adopted by the County of Maui and portions of the OTMP is within the UGB and RGB. Importantly, the MIP states that "the future delineation of potential urban growth areas makai of the existing Honoapiilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan".

Comment No. 65:

The Olowalu Town DEIS does not review, describe, or consider any meaningful alternative design, density or configurations for the project that could reduce its environmental impacts.

Such alternatives could include:

- *A smaller project footprint and unit-count to avoid impacts to groundwater supplies*
- *Deletion of development areas maikai of the current Honoapiilani Hwy (as recommended by the Maui Planning Commission and adopted in their MIP map)*
- *Project redesign to avoid development in low lying regions along the existing highway.*
- *Minimizing urban elements of the project into a smaller footprint*
- *5. Proposing a similar project design in a more inland location*

Because the DAR does not discuss any of these alternatives it does not comply with disclosure and discussion standards required under HAR 11-200-17: "The draft EIS shall describe in a separate and distinct section alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected. The section shall include a rigorous exploration and objective evaluation of the

environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks" including alternatives related to different design or details of the proposed actions which would present different environmental impacts. In each case, the analysis shall be sufficiently detailed to allow the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative. For any agency actions, the discussion of alternatives shall include, where relevant, those alternatives not within the existing authority of the agency."

Response:

The proposed OTMP is a refinement of the preferred alternative reached during a community-based planning effort that reviewed numerous alternatives in the context of the principles of "Smart Growth". The participants of "Olowalu Talk Story" during the community-based planning effort considered suggested alternatives for a smaller unit count, deletion of the areas makai of Honoapiilani Highway, avoidance of environmentally sensitive areas and consideration of a more mauka location. The various alternatives were evaluated by the participants in relationship to the historic, cultural and environmental constraints of Olowalu. The various alternatives were refined into the OTMP included in the Draft EIS.

The planning process undertaken by Olowalu Town, LLC and Olowalu Ekolu, LLC involved an extensive evaluation of alternatives. As noted previously, the OTMP in the Draft EIS is a refinement of these alternatives and have been evaluated in the Draft EIS.

The MIP Alternative, which addresses lands mauka of the existing Honoapiilani Highway, meets your request for 1) a smaller footprint, 2) delete development makai of Honoapiilani Highway, 3) avoid development in low lying regions and 4) propose a more inland location. The MIP Alternative will be included in the Final EIS. As such, the EIS discussion of Alternatives meet the standards under HAR 11-200-17. See **Exhibit "12"**.

Comment No. 66:

The DEIS dismisses the idea that the project could have secondary and cumulative impacts even though the project proposes urbanizing an area that last had a significant population several hundred years ago. We ask that the LUC find the project's DEIS incomplete.

Response:

As noted previously, Chapter 343 HRS defines a process which involves revisions to the Draft EIS to address comments received. As required, the Draft EIS contained a discussion on cumulative and secondary impacts. That discussion has been expanded in the Final EIS, which addresses foreseeable secondary and cumulative impacts. See **Exhibit "13"**.

Thank you for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter and this response letter will be included in the Final EIS. Should you wish to receive a copy of the Final EIS document or portion thereof, please submit your request in writing to Munekiyo Hiraga at 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town LLC

David Ward
Olowalu Town LLC

WF:DW
Enclosures
cc: Peter Martin, Olowalu Ekolu, LLC
Tom Nance, Water Resource Engineer
Craig Lekven, Brown & Caldwell
Steven Dollar, Marine Research Consultants, Inc.
Stacy Otomo, Otomo Engineering, Inc.
Roger Dyar, Transportation Engineer
Jennifer Lim, Carlsmith Ball, LLP
Colleen Suyama, Munekiyo Hiraga

CHARMAINE TAVARES
Mayor

KATHLEEN ROSS AOKI
Director

ANN T. CUA
Deputy Director

COUNTY OF MAUI

DEPARTMENT OF PLANNING

December 16, 2010

CERTIFIED MAIL – #7008 0500 0002 0444 6310

Mr. Peter Martin, President
Olowalu Elua Associates, LLC
33 Lono Avenue, Suite 450
Kahului, Hawaii 96732

Dear Mr. Martin:

SUBJECT: SECOND NOTICE OF WARNING - REQUEST FOR SERVICE NO. 10-0000452: FAILURE TO COMPLY WITH SPECIAL MANAGEMENT AREA (SMA) USE PERMIT FOR THE OLOWALU SUBDIVISION, LOCATED AT OLOWALU, ISLAND OF MAUI, HAWAII; TMK(S): (2) 4-8-003:005, 10 (POR.), 41, 42, 43, 50 (POR.), 63 (POR.), AND 78 (POR.); AND (2) 4-8-004:011, 12, 13, 14, 15, AND 16 (SM1 99/0021)

The County of Maui (County) issued a Second Notice of Warning on June 29, 2010, to clarify action steps that needed to be implemented in order to bring the Olowalu Mauka Subdivision project (Project) into SMA compliance. From that June 29, 2010 date, the Department of Planning (Department) has worked with the developer to further review each of the outstanding issues.

Condition No. 32, requiring the completion of roadway improvements to the Honoapiilani Highway, is stated as follows: *"That roadway improvements to Honoapiilani Highway, including left-turn storage lanes, acceleration and deceleration lanes, driveway connections, etc., as identified in the applicant's Traffic Impact Assessment Report (TIAR), and as required by the Department of Transportation shall be provided in conjunction with the development of the subdivision. The roadway improvements shall be reviewed and approved by the Department of Transportation. Construction of the improvements shall be completed prior to occupancy of the agricultural lots unless a phasing plan for the improvements is reviewed and approved by the Department of Transportation."*

At the time of the June 29, 2010 letter, the Department did not have any documentation that a phasing plan had been approved and therefore, was of the opinion that the project was not in compliance with Condition No. 32. In light of the June 29, 2010 opinion that Condition No. 32 had not been adequately met, the Department determined that the project was not in compliance with Conditions 2, 4, 8, 11, and 12.

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EXHIBIT 1

Subsequently, the developer in a letter dated October 25, 2010 as attached, provided documentation from the State Department of Transportation (DOT), Maui District Office, that a verbal agreement between Olowalu Elua Associates and the DOT established a phasing plan per Condition No. 32 which stated the following: *"DOT will permit issuance of building permits for dwellings on up to 50% of lots 1-14 in the Olowalu Mauka subdivision prior to construction of the Driveway "D" intersection in its new location."* Additionally, the developer has submitted an application for a new SMA permit for the relocation of Driveway "D".

With such a phasing plan confirmed by the DOT, the Department believes that the developer has adequately addressed the issues raised regarding Condition Nos. 2, 4, 8, 11, 12, and 32 in the Department's June 29, 2010 letter at this time. It is only until very recently that fifty percent (50%) of the lots 1-14 in the Olowalu Mauka subdivision have commenced construction. As the project has now reached this 50% threshold referenced in the phasing plan, completion of Driveway "D" and associated roadway improvements must commence.

Three (3) other conditions of concern were brought to the Department's attention. These conditions were of concern as a matter of continuing project monitoring. Condition No. 14 concerns the development of a phased greenway system. A site visit by the Department required that the developer give an accounting of the live trees and plants by species that have been planted to date. Additional mitigation and planting was required in order to bring the project into compliance. Some plantings had died over time and certain species were replaced.

Condition No. 19 concerns archaeological and site preservation with both long and short-term milestones. No specific timetable was developed for preservation. A recent site-visit confirms that the Olowalu Cultural Reserve is working on preservation throughout the site and has prioritized each of the projects. Therefore, the Department is satisfied that the developer is working on both short-term and long-range preservation projects, and this issue has been adequately addressed by the developer at this time.

Finally, Condition No. 33 was adhered to when a light bulb of a lower wattage was replaced, as required by the conditions of approval.

The developer has given evidence of a phasing plan for subdivision development and improvements to the Honoapiilani Highway. Additionally, a new SMA application for the relocated Driveway "D" has been received by the Department, and mitigation measures for other conditions have been completed or shall be according to a priority phasing plan. Based on the information available to the Department, the issues referenced in the Department's June 29, 2010, Second Notice of Warning has been adequately addressed at this time.

Thank you for your cooperation in addressing this matter. The Department looks forward to processing the new SMA application for the proposed Driveway "D" and related project improvements. Should you require further clarification, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789.

Sincerely,

Kathleen Ross Aoki

KATHLEEN ROSS AOKI
Planning Director

Attachment
xc: Ann T. Cua, Deputy Planning Director
Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Kurt F. Wollenhaupt, Staff Planner
Michael Hopper, Attorney, Corporation Counsel
Jay Arakawa, Supervisory Zoning Inspector
Michael T. Munekiyo, AICP, Principal, Munekiyo & Hiraga, Inc.
Colleen Suyama, Project Manager, Munekiyo & Hiraga, Inc.
David Ward, Frampton & Ward LLC
Dean Frampton, Frampton & Ward LLC
Project File
General File
KRA:KFW:vb
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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

APR 14 2011

COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 7, 2011

CERTIFIED MAIL - #7008 1140 0002 4319 5575

Mr. Peter K. Martin
Olowalu Elua Associates, LLC
33 Lono Avenue, Suite 450
Kahului, Hawaii 96732

Dear Mr. Martin:

SUBJECT: SPECIAL MANAGEMENT AREA (SMA) USE PERMIT APPROVAL FOR THE RELOCATION OF DRIVEWAY "D" FOR THE OLOWALU MAUKA SUBDIVISION AND RELATED IMPROVEMENTS AT THE INTERSECTION OF HONOAPI'ILANI HIGHWAY AND LUAWAI STREET, OLOWALU, MAUI, HAWAII; TMK: (2) 4-8-003:084 (POR.), 101 (POR.), 102 (POR.), AND 118 (POR.) (SM1 2010/0008)

At its regular meeting on February 8, 2011, the Maui Planning Commission (Commission) conducted a public hearing on the above request, and further deliberated on the application at the Commission's meetings of February 22, 2011, and March 22, 2011. The Applicant for the SMA application is Olowalu Elua Associates, Peter K. Martin.

After due deliberation, the Commission voted to grant approval of the SMA Use Permit, subject to the following twelve (12) Standard Conditions and six (6) Project Specific Conditions:

STANDARD CONDITIONS:

1. That construction of the proposed project shall be initiated by **March 31, 2014.** Initiation of construction shall be determined as construction of on-site and/or off-site improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a grading permit and initiation of grading, whichever occurs first. Failure to comply within this three (3) year period will automatically terminate this SMA Use Permit unless a time extension is requested no later than ninety (90) days prior to the expiration of said three (3) year period. The Planning Director (Director) shall review and may approve a time-extension request, but may forward said request to the Commission for review and approval.

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EXHIBIT 2

2. That the construction of the project shall be completed within two (2) years after the date of its initiation. Failure to complete construction of this project will require unfinished portions of the project to obtain a new SMA Use Permit unless a time extension is requested no later than ninety (90) days prior to the expiration of said two (2) year period. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The Director shall review and may approve a time-extension request, but may forward said request to the Commission for review and approval.

3. That the permit holder or any aggrieved person may appeal to the Commission any action taken by the Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Commission.

4. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to dust and soil erosion from wind and water, ambient noise levels, and traffic disruptions.

5. That the subject SMA Use Permit shall not be transferred without prior written approval in accordance with Section 12-202-17(d) of the *Special Management Area Rules of the Maui Planning Commission.* However, in the event that a contested case hearing preceded issuance of said SMA Use Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

6. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject SMA Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Management Area Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department of Planning (Department) within ninety (90) calendar days from the date of transmittal of the Decision and Order.

7. That full compliance with all applicable governmental requirements shall be rendered.

8. That the Applicant shall submit plans regarding the location of any construction related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase to the Department for review and approval.

9. That the Applicant shall submit to the Department five (5) copies of a detailed report addressing its compliance with the conditions established with the subject SMA Use Permit. A Preliminary Report shall be reviewed and approved by the Department prior to issuance of a grading permit. A Final Compliance Report shall be submitted to the Department, within thirty (30) days of acceptance of the highway improvements by the State Department of Transportation (DOT).

10. That the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the SMA Use Permit, and with preliminary plans outlined by the Department in the Staff Report presented to the Commission on February 8, 2011, and supplemental documents presented at the Commission's February 22, 2011, and March 22, 2011, meetings. Failure to so develop the property may result in the revocation of the permit.

11. That appropriate energy conservation measures shall be incorporated into the project, as applicable, which may include but are not limited to, energy conserving building materials, solar water heaters, state of the art air conditioning systems, photo voltaic systems, etc.

12. That all exterior illumination, if applicable, shall consist of fully shielded downward lighting throughout the project.

PROJECT SPECIFIC CONDITIONS:

13. That the project shall be reviewed for compliance with all applicable State and County requirements, during the grading permit application process, including receiving final approval from the State DOT prior to construction initiation.

14. That construction and demolition waste shall be disposed of in the Maui Construction & Demolition Landfill or at a certified site other than the County Landfill.

15. That the Applicant will submit domestic and irrigation calculations prepared, signed, and stamped by a certified engineer or architect during the grading permit process and provide domestic, irrigation and fire protection in accordance with system standards, as applicable for any irrigated landscaping.

16. That the Applicant utilize Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction and vehicle operations, and implement the following mitigation measures:

a. Prevent cement products, oil, fuel, and other toxic substances from falling or leaching into the water;

b. Properly and promptly dispose of all loosened and excavated soil and debris material from drainage structure work; and

c. Keep runoff on-site.

17. That the Applicant shall meet all requirements of the Department of Fire and Public Safety with regards to required fire code standards for this project.

18. That the Applicant shall post a bond with the County of Maui by procedures and policies approved by the Director, Finance Director, and Corporation Counsel in the amount of $675,000.00, to be held as a guarantee of project completion. The bond shall be posted within thirty (30) days of project approval by the Commission and the State DOT (whichever is later). Completion of the project per the preliminary plans approved by the Commission and in accordance with the timetable set out under these conditions, unless an extension is approved by the Commission, and upon receipt of acceptance of the highway improvements by the State DOT for the project shall deem the project complete and the bond shall be released to the Applicant or designated representative.

Further, the Commission adopted the Report and Addendum Reports, and Addendum Recommendation, prepared by the Department for the February 8, 2011, February 22, 2011, and March 22, 2011, meetings as the Findings of Fact, Conclusions of Law, and Decision and Order, attached hereto and made a part hereof. Parties to proceed before the Commission may obtain Judicial Review of Decision and Orders issued by the Commission in the manner set forth in Chapter 91-14, Hawaii Revised Statutes.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789.

Sincerely,

WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Kurt F. Wollenhaupt, Staff Planner
Ferdinand Cajigal, PE, State Department of Transportation
Glenn Okimoto, Director, State Department of Transportation
Department of Public Works
Department of Water Supply
Department of Fire and Public Safety
Police Department
Department of Environmental Management
Maui Electric Company
Dean Frampton, Frampton & Ward, LLC
Dave Ward, Frampton & Ward, LLC
Michael Munekiyo, AICP, Munekiyo & Hiraga, Inc.
CZM File (SM1)
Project File
General File

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~~project and will incorporate innovative, efficient, and sustainable technologies to minimize adverse impacts to the environment.~~

~~The Master Plan will preserve important open space and cultural resources. Approximately 223 acres of parks and open space will be provided. In addition, no development will occur within 150 feet of the shoreline.~~

The development of ~~the Master Plan~~both Alternatives 1 and 2 embodies the core principles advocated by the Countywide Policy Plan. Importantly, since 2005, the Maui community, especially the Olowalu community, has been involved in the project's planning process. Respecting its natural environment and cultural heritage, ~~the Master Plan is~~both Alternatives 1 and 2 are modeled after the Hawaiian ahupua`a system of land use recognizing the importance of Olowalu Stream and the connection between the ocean and mountain environments, as well as the rich cultural heritage of the area. ~~The Master Plan~~ Both Alternatives 1 and 2 incorporate~~s~~ the principles of sustainability, cultural preservation and economic diversity to create neighborhoods sensitive to its environment and cultural heritage.

~~The Master Plan~~ Both Alternatives 1 and 2 propose~~s~~ to establish an economic base consisting of agriculture, community needs, and support services and new entrepreneurialism to support the community's sustainability goals. The Master Plan ~~is~~for Alternatives 1 and 2 is envisioned to disperse population growth into a distinct community from Lāhainā Town separated by agricultural open space and topographic boundaries. The Master Plan alternatives include~~s~~ retaining approximately 28 acres of agricultural lands in Olowalu as 14 agricultural homestead~~s and~~, as ~~part of~~well as expand the OCR in order to perpetuate native Hawaiian agricultural practices.

In summary, ~~the Master Plan is~~both Alternatives 1 and 2 are consistent with the themes and principles of the Countywide Policy Plan.

<u>Maui Island Plan</u>

~~The second component of the Maui County General Plan 2030 is the MIP. The MIP will set forth an islandwide land use strategy for Maui and encompasses a managed and directed growth plan which includes the delineation of urban and rural growth boundaries. The MIP has undergone review by the GPAC and the MPC and is currently under review by the Maui County Council. Both the GPAC and MPC recommended the inclusion of the Master Plan in the MIP. The Planning Director's transmittal of the MIP to the Maui County Council on~~

EXHIBIT 3

~~October 16, 2009 excluded the Master Plan from the MIP's directed growth boundaries. While the process for review and approval of the MIP is ongoing, the applicant will continue to be an active participant in the MIP process. Due to the uncertainties surrounding the timing of the County Council's approval of the MIP and the lengthy entitlement process for the proposed project, the applicant is continuing to proceed with land entitlement applications for the proposed project while the MIP review continues. If the MIP is adopted prior to the submittal of the Final EIS, the Final EIS will address the project's compliance with the MIP goals, objectives, and policies. It is noted that the respective regional community plans will be updated following the adoption of the MIP. Refer to **Appendix "O"**.~~ The MIP is applicable to the island of Maui only, providing more specific policy-based strategies for population, land use, transportation, public and community facilities, water and sewage systems, visitor destinations, urban design, and other matters related to future growth.

As provided by Chapter 2.80B, the MIP shall include the following components:

1. *An island-wide land use strategy, including a managed and directed growth plan*
2. *A water element assessing supply, demand and quality parameters*
3. *A nearshore ecosystem element assessing nearshore waters and requirements for preservation and restoration*
4. *An implementation program which addresses the County's 20-year capital improvement requirements, financial program for implementation, and action implementation schedule*
5. *Milestone indicators designed to measure implementation progress of the MIP*

It is noted that Ordinance No. 4004 does not address the component relating to the implementation program. Chapter 2.80B of the Maui County Code, relating to the General Plan, was amended via Ordinance No. 3979, October 5, 2012, to provide that the implementation program component be adopted no later than one (1) year following the effective date of Ordinance No. 4004. In December 2013 and March 2014, the Council approved time extensions for approval and adoption of the implementation chapter of the MIP. The implementation program component of the MIP was adopted by Ordinance No. 4126 on May 29, 2014.

The MIP addresses a number of planning categories with detailed policy analysis and recommendations which are framed in terms of goals, objectives, policies and implementing actions. These planning categories address the following areas:

1. *Population*
2. *Heritage Resources*
3. *Natural Hazards*
4. *Economic Development*
5. *Housing*
6. *Infrastructure and Public Facilities*
7. *Land Use*

An essential element of the MIP is its directed growth plan which provides a management framework for future growth in a manner that is fiscally, environmentally, and culturally prudent. Among the directed growth management tools developed through the MIP process are maps delineating UGB, small town boundaries (STB), and RGB. The respective boundaries identify areas appropriate for future growth and their corresponding intent with respect to development character.

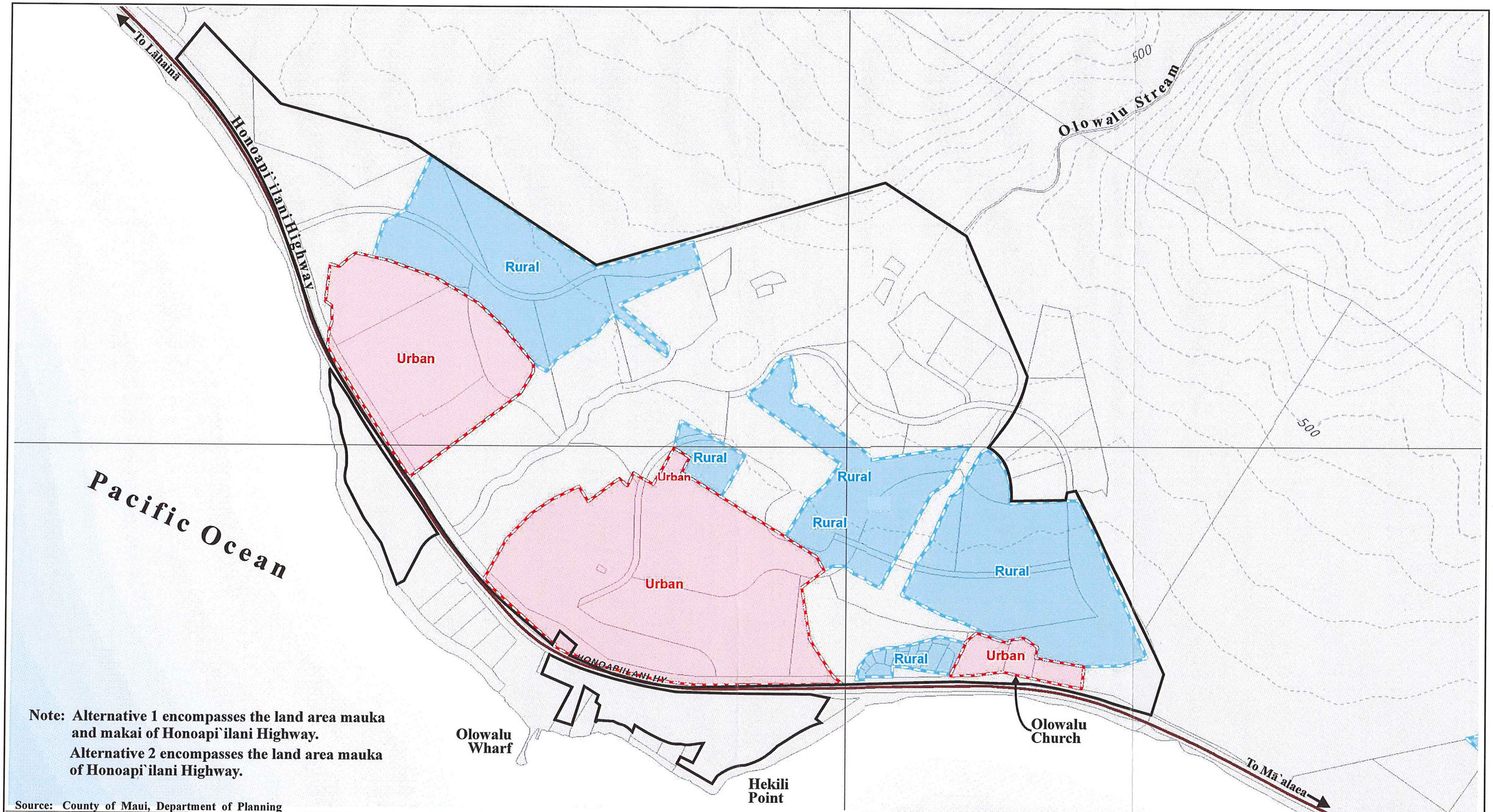
The MIP designates Olowalu as an appropriate location for future growth on its Directed Growth Maps. The mauka portion of the proposed Master Plan for Alternative 1 is located within the UGB and RGB. The lands makai of Honoapi`ilani Highway in Alternative 1 are not included in the UGB. However, the MIP states that "the future delineation of potential urban growth areas makai of the existing Honoapi`ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan" (MIP at 8-64). Such delineation may consider the need to protect adjacent coastal and marine ecosystems (including the reefs at Olowalu), enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway plan. See **Figure 29** and **Appendix "R"**.

Alternative 2 does not include the makai lands and is in the UGB and RGB in the MIP. Refer to **Figure 29** and **Appendix "R"**.

In addition, both Alternatives 1 and 2 have been reviewed with respect to pertinent goals, objectives, policies and implementing actions of the MIP. A summary of policy statements most relevant to the proposed action is provided below:

CHAPTER 1 POPULATION

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



Note: Alternative 1 encompasses the land area mauka and makai of Honoapi`ilani Highway.
Alternative 2 encompasses the land area mauka of Honoapi`ilani Highway.

Source: County of Maui, Department of Planning

Figure 29

Proposed Olowalu Town Master Plan

Maui Island Plan Map

NOT TO SCALE

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

MUNEKIYO HIRAGA

OlowaluTown/MasterPl/Final EIS/MIP Map

Objective: Greater retention and return of island residents by providing viable work, education, and lifestyle options.

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

CHAPTER 2 HERITAGE

Cultural, Historic, and Archaeological Resources

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

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

Policies: Ensure traditional public access routes, including native Hawaiian trails, are maintained for public use.

Support the education of visitors and new residents about the customs and etiquette of the Hawaiian culture, as well as other cultures.

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

Policy: Support opportunities for public involvement with the intent to facilitate the protection and restoration of historic and archeological sites, including consultation with stakeholders.

Shoreline, Reefs, and Nearshore Waters

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

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

Policy: Create additional mechanisms, where needed, to contain and control runoff and pollution.

Objective: Water quality that meets or exceeds State Clean Water Act standards.

Policies: Reduce the amount of impervious surface and devise site plan standards that aim to minimize storm runoff and Nonpoint Source (NPS) pollution.

Require an on-site monitoring program, where applicable, when grading may pose a threat to water quality or when recommended in the Erosion and Sediment Control Plan (ESCP).

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

Phase out cesspools and restrict the use of septic systems in ecologically sensitive coastal areas by converting to environmentally-friendly alternative sewage treatment systems, and connecting to central sewerage systems when and where feasible.

Prohibit the development of new wastewater injection wells, except when unavoidable for public health and safety purposes.

Implementing Action: Transition from the use of wastewater injection wells to appropriate, environmentally sound methods of wastewater disposal, and promote the beneficial reuse of wastewater effluent.

Objective: Acquire additional shoreline lands and shoreline access rights.

Watersheds, Stream and Wetlands

Goal: Healthy watersheds, streams, and riparian environments.

Objective: Greater protection and enhancement of watersheds, streams, and riparian environments.

Policies: All present and future watershed management plans shall incorporate concepts of ahupua`a management based on the interconnectedness of upland and coastal ecosystems/species.

Support regulations to require developments to utilize ahupua`a management practices.

Work with private and non-profit entities to educate the public about the connection between upland activities within the watershed and the impacts on nearshore ecosystems and coral reefs.

Objective: Decreased NPS and point source pollution.

Policies: Support the use of Low Impact Development (LID) techniques such as those described in the State of Hawai`i LID Practitioner's Guide (June 2006), as amended.

Encourage farmers and ranchers to use agricultural Best Management Practices (BMPs) to address NPS pollution.

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

Policies: Work with appropriate agencies to eliminate feral ungulate populations and invasive species.

Support the work of conservation groups and organizations that protect, reestablish, manage, and nurture sensitive ecological areas and threatened indigenous ecosystems.

Implementing Action: Develop strategic partnerships with conservation groups and organizations to maximize Federal, State, County, and private funding; and increase cooperation to achieve conservation goals.

Objective: Enhance the vitality and functioning of streams, while balancing the multiple needs of the community.

Wildlife and Natural Areas

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

Objective: A comprehensive management strategy that includes further identification, protection, and restoration of indigenous wildlife habitats.

Policy: Identify and inventory the following:

(1) Natural, recreational, and open space resources;
(2) Flora and fauna with medium, high, and very high concentrations of threatened or endangered species; and
(3) Location and extent of invasive species.

Objective: A decrease in invasive species through programs and partnerships that eradicate undesirable species and protect native habitat.

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

Policies: Secure an interconnected network of sensitive lands, greenways, watercourses, and habitats.

Protect Maui's sensitive lands.

Scenic Resources

Goal: Maui will continue to be a beautiful island steeped in coastal, mountain, open space, and historically significant views that are preserved to enrich the residents' quality of life, attract visitors, provide a connection to the past, and promote a sense of place.

Objective: A greater level of protection for scenic resources.

Policies: Protect views to include, but not be limited to, Haleakalā, `Īao Valley, the Mauna Kahalawai (West Maui Mountains), Pu`u O`la`i, Kaho`olawe, Molokini, Moloka`i, and Lāna`i, Mauna Kea, Mauna Loa, sea stacks, the Pacific Ocean, and significant water features, ridgelines, and landforms.

Protect "night sky" resources by encouraging the implementation of ambient light ordinances and encouraging conversion of all sources that create excessive light pollution, affecting our ability to view the stars.

Protect ridgelines from development where practicable to facilitate the protection of public views.

Protect scenic resources along Maui's scenic roadway corridors.

Implementing Action: Establish design guidelines that integrate techniques such as development clustering, greenbelts, and open space buffers, site plan configuration to protect view planes, building design and height limitations, setbacks from public roadways, landscaping, and other techniques.

CHAPTER 3 NATURAL HAZARDS

Goal: Maui will be disaster resilient.

Objective: Greater protection of life and property.

Policy: Encourage the use of construction techniques that reduce the potential for damage from natural hazards.

CHAPTER 4 ECONOMIC DEVELOPMENT

Economic Diversification

Goal: Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that is sensitive to resident needs and the island's unique natural and cultural resources.

Objective: A more diversified economy.

Policies: Support the creation of new jobs and industries that provide a living wage.

Facilitate and expedite permits and approvals.

Objective: Increase activities that support principles of sustainability.

Policies: Support industries that are sustainable, and culturally and environmentally sensitive.

Encourage and support local businesses.

Support the development of economic development clusters in targeted industry sectors.

Encourage all businesses to save energy, water, and other resources.

Objective: Improve the island's business climate.

Policies: Ensure an adequate supply of affordable workforce housing.

Develop neighborhoods and communities that are attractive to the workforce of a diversified economy.

Visitor Industry

Objective: Comprehensively manage future visitor-unit expansion.

Policy: Allow, where permitted by the community plan, the development of business hotels and small, sensitively-designed inns.

Agriculture

Goal: Maui will have a diversified agricultural industry contributing to greater economic, food, energy security, and prosperity.

Policies: Strive to substitute food/agricultural product imports with a reliable supply of locally produced food and agricultural products.

Encourage growing a diverse variety of crops and livestock to ensure the stewardship of our land while safeguarding consumer safety.

Implementing Action: Encourage the development of community gardens, including gardens on greenbelts that separate communities.

Emerging Sectors

Goal: A diverse array of emerging economic sectors.

Policy: Support new industries that are environmentally and culturally sensitive such as health and wellness, sports and outdoor activities, cultural activities, the arts, film-making, entertainment, and digital media.

Small Business Development

Goal: Small businesses will play a key role in Maui's economy.

Policies: Assist traditional "mom and pop" business establishments.

Support community markets and venues that sell locally-made produce, goods, and services.

Health Care Sector

Goal: Maui will have a health care industry and options that broaden career opportunities that are reliable, efficient, and provide social well-being.

Objective: Expand the economic benefits of the health care sector.

Policy: Encourage expansion and improved access to emergency care in all communities.

Education and Workforce Development

Goal: Maui will have effective education and workforce development programs and initiatives that are aligned with economic development goals.

Policy: Encourage the education and training of our residents to meet the needs of a diversified economy.

CHAPTER 5 HOUSING

Goal: Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.

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

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

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

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

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

Objectives: A wider range of affordable housing options and programs for those with special needs.

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

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

CHAPTER 6 INFRASTRUCTURE AND PUBLIC FACILITIES

Wastewater

Goal: Maui will have wastewater systems that comply with or exceed State and Federal regulations; meet levels-of-service needs; provide adequate capacity to accommodate projected demand; ensure efficient, effective, and environmentally sensitive operation; and maximize wastewater reuse where feasible.

Policy: Establish new wastewater treatment plant(s) outside the tsunami zone.

Objective: Adequate levels of wastewater service with minimal environmental impacts.

Policies: Meet or exceed all State and Federal standards regulating wastewater disposal or reuse.

Strongly encourage the phase out of cesspools.

Objective: Increase the reuse of wastewater.

Water

Goal: Maui will have an environmentally sustainable, reliable, safe, and efficient water system.

Objectives: More comprehensive approach to water resources planning to effectively protect, recharge, and manage water resources including watersheds, groundwater, streams, and aquifers.

Increase the efficiency and capacity of the water systems in striving to meet the needs and balance the island's water needs.

Policies: Maximize the efficient use of reclaimed wastewater to serve non-drinking water needs.

Acquire and develop additional sources of drinking water.

Transportation

Goal: An interconnected, efficient, and well-maintained, multimodal transportation system.

Objective: Provide for a more integrated island-wide transportation and land use planning program that reduces congestion and promotes more efficient (transit-friendly) land use patterns.

Policies: Plan for an integrated multi-modal transportation system comprised of public transit, bicycle, pedestrian, automobile, and other transportation modes.

Refocus transportation investment from the construction of additional roadways only for the automobile to the expansion of a multimodal transportation system.

Encourage the use of "complete streets" design methods.

Objective: Safe, interconnected transit, roadway, bicycle, equestrian, and pedestrian network.

Policies: Ensure transit-, roadway-, and pedestrian-facilities design and level-of-service standards respect the unique character of our communities.

Prioritize transportation improvements list to cost-effectively meet existing and future needs consistent with the MIP.

Require new development, where appropriate, to integrate sidewalks, pathways, bikeways, and transit infrastructure into new commercial and residential projects while enhancing community character.

Transit

Goal: An island-wide transit system that addresses the needs of residents and visitors and contributes to healthy and livable communities.

Objective: An integrated transit system that better serves all mobility needs of Maui's residents and visitors.

Policies: Maximize access to public transit in town centers, commercial districts, and employment centers.

Expand regional and inter-regional transit services, where appropriate, in heavily traveled corridors and within communities.

Increase the frequency of current service, add additional bus routes as demand requires, and transition to nonpolluting transit vehicles, as funding permits.

Provide adequate transit infrastructure (e.g., bus pullouts, waiting benches and shelters, signs) along existing and future transit right-of-ways.

Parks

Goal: Maui will have a diverse range of active and passive recreational parks, wilderness areas, and other natural-resource areas linked, where feasible, by a network of greenways, bikeways, pathways, and roads that are accessible to all.

Policies: Support, consistent with the MIP, the implementation of open-space and recreational plans, such as the Pali to Puamana Parkway Master Plan and the *Upcountry Greenways Master Plan.*

Utilize the ahupua`a approach by integrating mauka-to-makai natural landscapes into an island-wide parks and recreation functional plan.

Provide a balanced mix of passive and active parks, including neighborhood, community, and regional parks, in each community plan area.

Objective: Achieve parks and recreation opportunities to meet the diverse needs of our community.

Policies: Establish appropriate level-of-service standards at the neighborhood, community, and regional levels.

Identify and acquire parks and recreational facilities that address existing park inadequacies and complement and enhance neighborhoods, communities, and natural land features.

Design park facilities to preserve and enhance natural site characteristics, maximize views, protect environmental and cultural sites, and minimize water demands.

Acquire lands along the shoreline, between coastal roadways and the ocean.

Encourage the development of regional parks, district parks, and greenways in a manner that helps to contain sprawl, provide separation between distinct communities, or offer open space within urban communities.

Require large master-planned communities that incorporate a mixture of park facilities pursuant to parks standards and functional plans.

Support public-private partnerships to implement the acquisition and development of parks when consistent with the General Plan.

Objective: An expanded network of greenways, trails, pathways, and bikeways.

Policies: Link existing and future park sites, natural areas, the shoreline, and residential areas with a network of bikeways, pedestrian paths, trails, and greenways.

Collaborate with the State and private land owners to ensure perpetual access and proper stewardship of traditional trails and access systems.

Public Facilities

Goal: Maui will have adequate public facilities that meet the diverse needs of residents.

Policies: Adequately plan and fund public safety facilities (fire, police, ambulance, civil defense) to meet community needs.

Encourage public-private partnerships to identify and resolve public facility plan shortcomings when consistent with the General Plan.

Incorporate community/area residents' input to determine the appropriate location and design of public facilities.

Schools and Libraries

Goal: Maui will have school and library facilities that meet residents' needs and goals.

Objective: Assist in providing appropriate school and library facilities in a timely manner and in strategic locations.

Policies: Work in partnership with all educational institutions to meet current and future needs including appropriate location, timing, and design of future facilities.

Encourage the Department of Education to build and maintain smaller, community-oriented schools.

Support partnerships (public/private/nonprofit) to build and staff new schools and improve existing facilities.

Objective: Provide a more expansive network of safe and convenient pedestrian-friendly streets, trails, pathways, and bikeways between neighborhoods and schools where appropriate.

Policy: Encourage the State to build new school facilities in appropriate locations that minimize time and distance for students to travel to and from school.

Implementing Action: Encourage the State to build new school facilities in appropriate locations that minimize time and distance for students to travel to and from school.

Health Care

Goal: All of Maui residents will have the best possible health care to include healthy living, disease prevention, as well as acute and long-term care.

Policies: Support the immediate development of a critical access hospital in West Maui.

Improve medical service to remote and outlying regions.

Energy

Goal: Maui will meet its energy needs through local sources of clean, renewable energy, and through conservation.

Policies: Support energy efficient systems, processes, and methods in public and private operations, buildings, and facilities.

Encourage the installation of renewable energy systems, where appropriate.

CHAPTER 7 LAND USE

Agricultural Lands

Policy: Strongly discourage the conversion of productive and important agricultural lands (such as sugar, pineapple, and other produce lands) to rural or urban use, unless justified during the General Plan update, or when other overriding factors are present.

Objective: Support and facilitate connectivity between communities.

Policy: Discourage land use and urban design that impedes interconnectivity between adjacent communities.

Rural Areas

Goal: Maui will have a rural landscape and lifestyle where natural systems, cultural resources, and farm lands are protected and development enhances and compliments the viability and character of rural communities.

Policies: Focus development to areas inside urban, small town, and rural growth boundaries to preserve natural, cultural, and agricultural resources.

Encourage the use of alternative stormwater management techniques that minimize land disturbance and preserve natural drainage features.

Encourage green belts, open space buffers, and riparian zones to minimize conflicts between agriculture and residential uses.

Objective: More appropriate service/infrastructure standards to enhance and protect the island's rural character and natural systems.

Policies: Minimize impermeable surfaces within rural areas.

Use infrastructure, public service, and design standards that are appropriate to rural areas.

Discourage land use and urban design that impede interconnectivity between adjacent communities.

Urban Areas

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

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

Policies: Encourage the development and implementation of neighborhood design standards that are environmentally friendly, such as LEED for Neighborhood Development (LEED –ND) standards.

Promote agriculture by encouraging community gardening, community-supported agricultural programs, and farmers markets within and adjacent to urban areas.

Discourage land use and urban design that impedes inter-connectivity between adjacent communities.

Objective: Facilitate more self-sufficient and sustainable communities.

Policies: When developing new communities, provide sufficient lands for commercial, appropriate industrial, educational, spiritual, and non-profit uses to serve the daily needs of community residents.

Site community facilities such as schools, parks, libraries, and community centers within walking and biking distance of residences.

Develop communities that provide sufficient parks, schools, libraries, and other essential public facilities and services to serve resident needs.

Promote agriculture by encouraging community gardening, edible landscaping, community-supported agricultural programs, and farmers markets within and adjacent to urban areas.

CHAPTER 8: DIRECTED GROWTH

The Directed Growth Maps include UGB, RGB, and STB as a directed growth strategy for Maui island. According to the MIP the UGBs, STBs, and RGBs are used to identify and protect farms and natural areas from sprawl and to promote the efficient use of land, and the efficient provision of public facilities and services within the respective growth boundaries. The UGBs, STBs, and RGBs take into account future growth projections through 2030, the availability of infrastructure and services, environmental constraints, and an approximate density of land development to determine the placement of the boundary. Land outside of the UGB is intended to remain rural in character with a strong agricultural and natural-resource

presence. The MIP designated Olowalu as an appropriate location for future growth and establishes UGB and RGB boundaries in this locale.

Alternative 1 and Alternative 2 of the OTMP have been reviewed with respect to the following directed growth goals and policies of the MIP:

Urban and Small Town Growth Area

Goal: Maui will have well-serviced, complete, and vibrant urban communities and traditional small towns through sound planning and clearly defined development expectations.

Policies: Community plans shall provide for urban density land use designations only within UGBs and Small Towns. The County may only support and approve State Urban Land Use Designations for areas within UGBs, STBs, and Rural Villages.

New development shall be consistent with the UGBs, STBs, and all other applicable policies of the MIP. New urban-density development shall not be allowed outside of a UGB or STB.

Rural Growth Areas

Goal: Maui will maintain opportunities for agriculture and rural communities through sound planning and clearly defined development expectations.

Policies: New development shall be consistent with RGB and all other applicable policies and requirements of the MIP. Public, quasi-public, civic, and limited commercial or industrial uses may be allowed in the RGB when the proposed uses demonstrate a public need and are consistent with the Community Plan and zoning.

Environmental protection and compatibility will be a top priority in rural growth areas.

Rural growth areas include Rural Residential Areas and Rural Villages. Rural residential areas may be designated when they are located in association with or on the border of urban growth areas or small towns; and/or when they

provide for complete, self-sufficient rural communities with a range of uses to be developed at densities that do not require urban infrastructure.

Urban-scale infrastructure and public facilities shall not be provided in rural areas except as described in the defined Level-of-Service (LOS) standards. There should be no expectations of urban services in rural areas.

The unique character and function of existing small towns and rural communities shall be protected to retain and preserve their sense of place.

Preserve rural landscapes in which natural systems, cultural resources, and agricultural lands are protected and development compliments rural character and contributes to the viability of communities and small towns.

The MIP addresses the following regions: Wailuku-Kahului; Kīhei-Mākena, Makawao-Pukalani-Kula; Pa`ia-Ha`ikū; West Maui; and Hāna. The West Maui region includes the Olowalu sub-region. According to the MIP, Olowalu Town is intended to meet the needs of Maui residents as a revitalized and sustainable community. Olowalu Town will provide housing, employment, recreational, and cultural opportunities in the context of a mixed-use sustainable community that preserves the area's natural cultural and historic resources. It is envisioned as a pedestrian-friendly community that integrates a variety of housing types with employment opportunities, commercial, and recreational uses developed concurrently with public services and infrastructure.

Olowalu Town will be designed to recognize and perpetuate the land and resource management system of the ahupua`a, provide public access between the ocean and mountains, and protect the natural environment.

UGB and RGB were established in Olowalu mauka of Honoapi`ilani Highway. Refer to **Figure 29** and **Appendix "R"**. However, the MIP states that "the future delineation of potential urban growth areas makai of the existing Honoapi`ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan" (MIP at 8-64). Such delineation may consider the need to protect adjacent coastal and marine ecosystems, enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway plan. The distinct boundaries of parks and open space, specific location of the recreational uses, and the precise amenities will be further defined during the West Maui Community Plan update and

the project review and approval process. Both Alternatives 1 and 2 will require a Community Plan Amendment.

~~F~~G. WEST MAUI COMMUNITY PLAN

Within Maui County, there are nine (9) community plan regions. From a General Plan implementation standpoint, each region is governed by a community plan which sets forth desired land use patterns, as well as goals, objectives, policies, and implementing actions for a number of functional areas including infrastructure-related parameters. The proposed Master Plan project is located within the West Maui Community Plan region. The existing land use designations for the Master Plan area under the Community Plan are set forth in the existing West Maui Community Plan Land Use Map. The lands underlying the Master Plan area are designated "Agricultural", "Open Space", and "Park (Golf Course)" on the Land Use Map. Refer to **Figure 8** and **Table 4**.

At the appropriate time, the ~~a~~Applicants will file a Community Plan Amendment (CPA) application to change the designation from "Agricultural", "Conservation", and "Park (Golf Course)" to "Project District" to reflect the land use spatial relationships and allocations set forth in the proposed Master Plan. This land use entitlement action will apply to both Alternative 1 and Alternative 2.

Examples of goals, objectives, and policies from the West Maui Community Plan supporting the proposed Master Plan are provided below:

LAND USE

Goal:

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

Objectives and Policies:

- Protect and enhance the quality of the marine environment.

EXHIBIT "4"

Maui Planning Department Response Letter (on CD) (Included with Original Letter Only)

EXHIBIT "5"

State Office of Planning Response Letter (on CD) (Included with Original Letter Only)

	Actual Enrollment *SY 2014-15	**Projected Enrollment (SY 2015-16)
Lāhaināluna High School	1,014	1,081
Lāhainā Intermediate	635	672
Kamehameha III Elementary	773	788
Princess Nahi`ena`ena Elementary	724	675
Source: *Department of Education School Enrollment, 2014. **Analysis of the West Maui School Impact District, 2010.		

School bus transportation is currently provided to Olowalu residents to Princess Nahi`ena`ena Elementary, Lāhāina Intermediate and Lāhāinaluna High School. There is one (1) route from Olowalu Town which uses a 42-passenger bus (Joseph, 2012). University of Hawai`i Maui College (UH-Maui), which is located in Kahului, is a branch of the University of Hawai`i system. In addition, there is a UH-Maui Lāhainā Education Center that opened in West Maui in Fall 2007. UH-Maui is the primary higher education institution serving Maui.

The OCR currently provides educational experiences relating to its archaeological and cultural heritage to various groups, especially school children.

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

Initially, until a new educational facility is constructed in the Master Plan for Alternatives 1 and 2, students would utilize the available school bus service to Lāhainā Town. If the student enrollment increases beyond the existing 42-passenger bus, the bus can be increased to a 72-passenger bus or separate routes established to the different schools (Joseph, 2012). Ongoing dialogue with the DOE to assess the impact of the proposed Master Plan for Alternatives 1 and 2 upon regional educational facilities will continue throughout the land entitlement process and implementation of the project. Based on the DOE's ~~student generation rates~~formula to determine impact fees for the West Maui Impact District, the proposed project's 600 single-family units and 900 multi-family units are anticipated to generate 462 new elementary, middle, and high school students. See **Table ~~20~~32**.

EXHIBIT 6

~~of the tunnel. These services currently are provided by the Lāhainā Fire Station.~~

The Master Plan for Alternatives 1 and 2 is not anticipated to adversely impact medical services.

3. Police and Fire Protection and Emergency Services

a. Existing Conditions

The Master Plan area ~~is~~for Alternatives 1 and 2 is within the Lāhainā Police Station service area, which services all of the Lāhainā district. The Lāhainā Station is located in the Lāhainā Civic Center complex at Wahikuli, approximately 7.5 miles from the Master Plan area.

Fire prevention, suppression and protection services for the Lāhainā District are provided by the Lāhainā Fire Station, also located in the Lāhainā Civic Center and the Napili Fire Station, located in Napili. The Lāhainā Fire Station includes an engine and a ladder company. The Napili Fire Station consists of an engine company. Ambulance service is provided from the Napili Fire Station.

Information received from the State Civil Defense agency confirms that there is an existing civil defense siren located on the makai side of Honoapi`ilani Highway near Camp Olowalu.

b. Potential Impacts and Mitigation Measures

The Maui Police Department commented that OTMP at full build-out will require an additional patrol beat. A new patrol beat will require six (6) police officers to cover a 24-hour period over a seven-day work week and would operate out of the Lāhainā Police Station. The new police beat is estimated to cost $360,000.00 annually for salaries and benefits and $51,000.00 for a new police vehicle which is replaced every four (4) years. A new Police Station in OTMP is not required at this time. If deemed necessary in the future, a police substation can be accommodated in Olowalu Town (Hudson, 2012).

EXHIBIT 1

The Master Plan for Alternatives 1 and 2 includes future areas to accommodate facilities that may be necessary for police and fire protection and emergency service. Although the Lāhainā Fire Station is located just 7.5 miles away from the Master Plan area for Alternatives 1 and 2, the Maui Fire Department has indicated that 1,500 new homes would impact emergency services. The Fire Department indicated that a future facility for emergency services would help to mitigate the impact and compliment protection provided on the north (Lāhainā) side of the Honoapi`ilani Highway tunnel. The Master Plan for Alternatives 1 and 2 includes areas along the relocated and widened Honoapi`ilani Highway for future emergency facilities.

The Department of Fire and Public Safety (Fire) supports the establishment of the new fire station in OTMP. Discussion with Fire indicated that a new fire station will require a total of 15 personnel to cover three (3) shifts with five (5) personnel each. A new fire station will require a fully equipped fire engine which is estimated to cost approximately $1 million. To operate the new fire station will cost approximately $1.25 million annually. It is estimated that a new fire station will cost $11 million to construct (Haake, 2012).

The West Maui area is susceptible to wildfires and the location of a new fire station in Olowalu will improve ~~the~~ Fire's ~~Department's~~ response time to such fires in the Pali to Lāhainā Town area. Through consultation with Fire, the department has indicated that although the alternatives should diminish the likelihood of such fires, the project's design should include measures that may address impacts to the project from wildfires which originate in surrounding outside areas. The department provided the example of designing greenways at the outer edge of the project that offer a defensible space against wildfires. It is noted that a significant area of the alternatives are envisioned for parks, greenways and open space.

The ~~applicant~~Applicants will continue to dialogue with the police and fire departments to ensure the location and adequate area for future facilities within the Master Plan for Alternatives 1 and 2 are accommodated.

The existing siren will provide coverage of the central area of the OTMP. Additional omni-directional 121 db(c) sirens will be required to complete coverage of the proposed development for Alternatives 1 and 2. The Applicants will coordinate with the State Civil Defense Agency, the placement

of the additional sirens and the timing when installation of the sirens are warranted.

4. Educational Facilities

a. Existing Conditions

The West Maui region is served by four (4) public schools (Lāhaināluna High School, Lāhainā Intermediate School, Princess Nahi`ena`ena Elementary School, and Kamehameha III Elementary School) operated by the State of Hawai`i, Department of Education (DOE) and two (2) smaller private schools (Sacred Hearts School and Maui Preparatory Academy). All four (4) of the public schools are located within Lāhainā town and three (3) of those schools are located along Lāhaināluna Road, mauka of Honoapi`ilani Highway. The enrollments in the four (4) schools have grown significantly in concert with the growth of residential development in the West Maui area. See **Table ~~19~~31**.

Table ~~19~~31. Actual and Projected Enrollments at Department of Education Schools in West Maui

~~School~~	~~Actual Enrollment~~				~~Projected Enrollment~~
	~~SY 09-10~~	~~SY 10-11~~	~~SY 11-12~~	~~Rated Capacity~~	~~SY 15-16~~
~~Lāhaināluna High School~~	~~969~~	~~1027~~	~~1057~~	~~969~~	~~1081~~
~~Lāhainā Intermediate~~	~~693~~	~~653~~	~~651~~	~~571~~	~~672~~
~~Kamehameha III Elementary~~	~~713~~	~~733~~	~~760~~	~~646~~	~~788~~
~~Princess Nahi`ena`ena Elementary~~	~~610~~	~~607~~	~~643~~	~~612~~	~~675~~
~~Source: Department of Education, 2011.~~					

EXHIBIT "8"

Updated TIAR on CD
Appendix "P-1" in EIS
(Included with Original Letter Only)

Note: Delineations are approximate and are intended to be illustrative only.

Source: Google Earth and NOAA, Office for Coastal Management Digital Coast

Figure 19

Proposed Olowalu Town Master Plan

Three (3) Feet Sea Level Rise Map South of Olowalu Wharf

NOT TO SCALE

MUNEKIYO HIRAGA

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

EXHIBIT 9

OlowaluTown/MasterPl/Final EIS/SeaLevelRiseSouthOlowalu

Note: Delineations are approximate and are intended to be illustrative only.

Source: Google Earth and NOAA, Office for Coastal Management Digital Coast

Figure 20

Proposed Olowalu Town Master Plan

Three (3) Feet Sea Level Rise Map North of Olowalu Wharf

NOT TO SCALE

MUNEKIYO HIRAGA

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

OlowaluTown/MasterPl/Final EIS/SeaLevelRiseNorthOlowalu

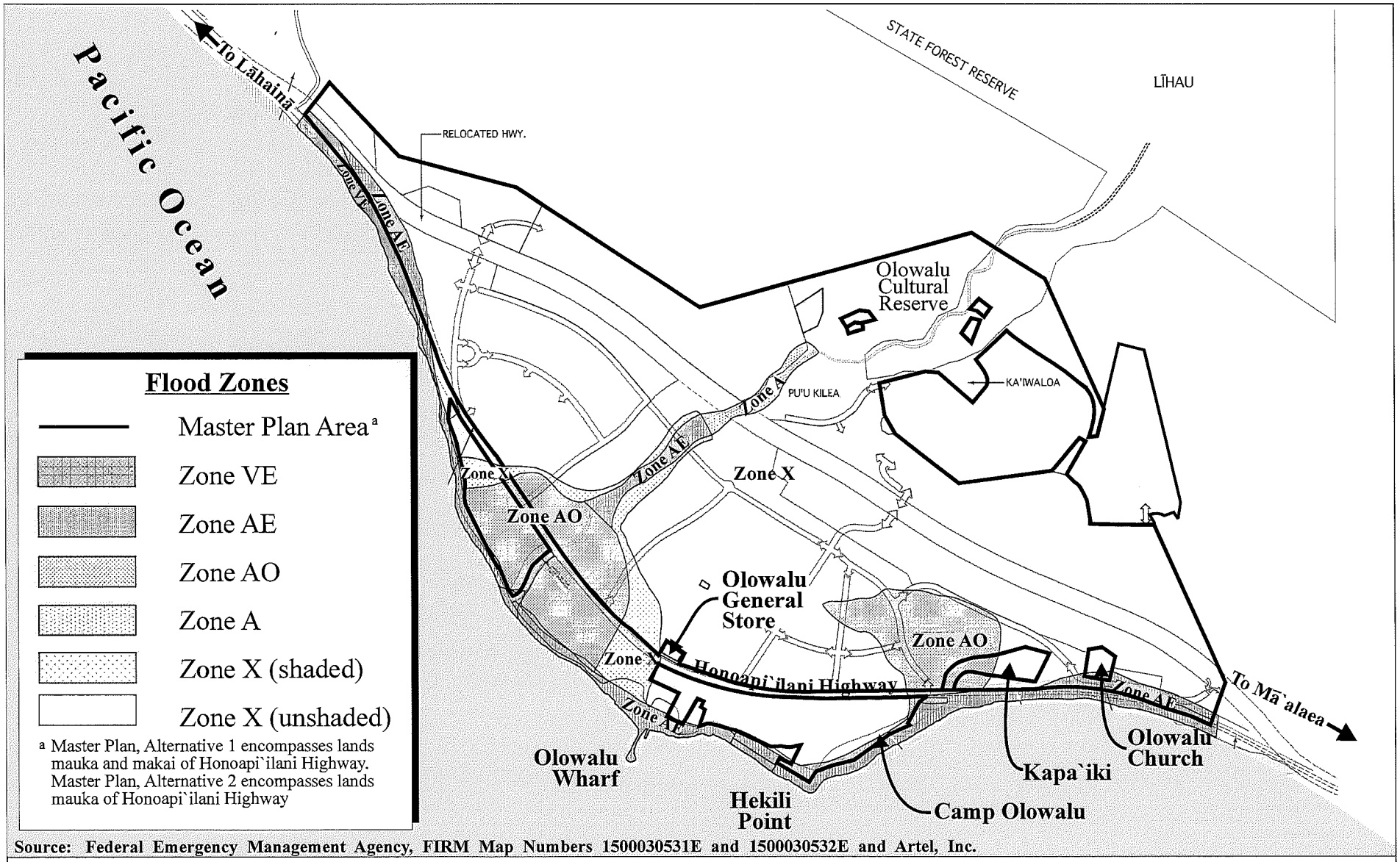
portion of coastline also reflects the area trend of erosion with an average AEHR of -0.7 ft/yr. Refer to **Figure 17**.

Average beach width for the Hekili Point study area has varied greatly. As a whole, average beach width has decreased 35 percent between 1949 and 1997. The western portion has experienced a decrease in average beach width of 33 percent between 1949 and 1997, while the eastern portion has decreased 37 percent for the same period.

In addition, the U.S. Geological Survey (USGS) Technical Hazard Map for the Olowalu region between Launiupoko Point and the southern limits of Ukumehame State Beach Park has an overall hazard rate from moderate to high which is a direct function of the low coastal slope of this area. To the east, where the individual hazards are mitigated by the increase in coastal slope and harder substrate, it is reduced to moderate to low (USGS, 2002).

The tsunami hazard is ranked high along this entire low-lying coastal terrace. It is reduced to moderately high for the steeper rocky head-lands to the east. The stream-flooding hazard is moderately high for the Ukumehame Beach area and moderately low only along the steep head-lands to the east. Along the Olowalu coast, it is ranked high where larger streams drain the increasingly wetter mountains to the west. The threat from high waves is ranked moderately low here where the greatest waves reaching the shoreline are associated with the southern swell. The storm hazard however, is ranked moderately high along this coast which faces south-west toward the majority of passing storms that track to the west. Erosion is greatest along the lowest-lying beach areas between Ukumehame Beach and Mōpua, where it is ranked high. Sections of the coastal highway, the sole southern access to West Maui, are threatened by coastal erosion and have been protected with armoring by the State Department of Transportation (HDOT). At Mōpua, the rocky point partly mitigates erosion, so this hazard is reduced to moderately low. Beyond Hekili Point, the erosion threat is ranked moderately high. The sea level and volcanic/seismic hazards are moderately high because of the low coastal slope and Olowalu's location within seismic hazard zone 2 (USGS, 2002).

EXHIBIT 10



Source: Federal Emergency Management Agency, FIRM Map Numbers 1500030531E and 1500030532E and Artel, Inc.

Figure ~~13~~15 Proposed Olowalu Town Master Plan

Flood Insurance Rate Map

NOT TO SCALE

MUNEKIYO HIRAGA

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

Olowalu Town/MasterPl/Final EIS\FIRM

EXHIBIT 11

II. ALTERNATIVES ANALYSIS

This chapter addresses alternatives considered in the development of the Master Plan and its various implementation components.

A. ALTERNATIVE 1: PREFERRED PLAN UTILIZING LANDS MAUKA AND MAKAI OF HONOAPI`ILANI HIGHWAY (OLOWALU TOWN MASTER PLAN)

Alternative 1, the Preferred Plan, described in Chapter I of this document was developed through an extensive community-based planning process referred to as "Olowalu Talk Story", which began in November 2005. Refer to **Figure 4**. The "Olowalu Talk Story" workshop or planning charette included the input of participants consisting of residents, community organizations, professionals, town planners, and government agencies. Project plans were continuously evaluated, assessed, and updated to incorporate the views of the participants and their stated desires in order to preserve Maui's quality of life, provide affordable housing for local residents, and preserve natural resources. Significant natural resources that were identified in the planning process for preservation or protection in recognition of the ahupua`a system of land management included the Olowalu Cultural Reserve (OCR), the archaeological and cultural resources of Olowalu, Olowalu Stream, Kapa`iki, the historic Olowalu Church, Camp Olowalu (formerly Pecusa), Olowalu Wharf, Olowalu General Store, the monkey pod trees on Honoapi`ilani Highway, the makai open spaces and recreational uses, and the coastal waters of Olowalu.

Refinement of the Master Plan has been through continued dialogue with interested parties established during "Olowalu Talk Story", especially with the residents of Olowalu. Preferred Alternative 1 of the Master Plan took six (6) years to develop and numerous iterations of the plan. Refer to **Appendix "A"**. The basic concepts of a sustainable and walkable community have been incorporated in the Master Plan. The country town centers are on relatively flat land and residential uses are within a five (5) minute walk to or one fourth mile of centers of activity to reduce the dependency on the automobile.

Concurrent with the refinement of the Master Plan, Olowalu Ekolu, LLC and Olowalu Town, LLC have participated in the Maui Island Plan (MIP) process to include the Master Plan in the Urban Growth Boundary (UGB) and Rural Growth Boundary (RGB). Both the General Plan Advisory Committee and Maui Planning Commission recommended the Master Plan for

EXHIBIT 12

the MIP. The MIP includes portions of the Olowalu Town Master Plan in the Urban and Rural Growth Boundaries. The MIP was adopted by the Maui County Council by Ordinance No. 4004 on December 28, 2012. The MIP did not include the two (2) makai properties in the directed growth boundaries.

According to the MIP, Olowalu Town will be designed to recognize and perpetuate the land and resources management system of ahupua`a. The town will provide public access between the ocean and the mountains; protect the natural environment, particularly Olowalu Stream, the shoreline, and coral reefs and marine resources; preserve mauka and makai view corridors and perpetuate the OCR. In order to achieve these goals, the MIP made provisions for potential expansion of the growth boundaries makai of the existing Honoapi`ilani Highway in the context of the West Maui Community Plan update or amendment process. Expansion of the growth boundaries may consider the need to: protect adjacent coastal and marine ecosystems (including the reefs at Olowalu), enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway Plan.

In order to create a sustainable community, perpetuating the land and resources management system of ahupua`a, use of both the mauka and makai lands are proposed in Preferred Alternative 1. Use of these lands allows for mauka to makai integration of a system of parks, public access, open space and the OCR with urban and rural uses and public infrastructure. Of particular importance is development of the mauka to makai drainage systems to protect the nearshore waters and ecosystems, as well as proposed plans by the Applicants to develop the park and open space lands. In keeping with implementation of the Pali to Puamana Parkway Plan, Preferred Alternative 1 allows relocation of Honoapi`ilani Highway landward and creation of enhanced recreation areas, such as parks, open space and public access makai of the existing Honoapi`ilani Highway.

According to the MIP, the Master Plan is intended to meet the needs of Maui residents as a revitalized and sustainable Olowalu community. Olowalu Town will provide housing, employment, recreational, and cultural opportunities in the context of a mixed-use sustainable community that preserves the area's natural, cultural, and historic resources. Olowalu Town is envisioned as a pedestrian-friendly community that integrates a variety of housing types with employment opportunities, commercial, and recreational uses developed concurrently with public services and infrastructure (MIP, pp. 8-63).

As a proposed sustainable community, the environment is a key element of the proposed Alternative 1 Master Plan. Of particular environmental concern is the relationship between project-related stormwater runoff and sediments and nearshore water quality conditions. As

such, stormwater quality enhancements incorporating Low Impact Development (LID) measures are proposed to mitigate impacts to the nearshore waters. The Master Plan proposes to retain as much runoff onsite as possible, primarily on the mauka side of Honoapi`ilani Highway and discontinue the existing conditions in which stormwater runoff from the mauka vacant lands exit through existing culverts under Honoapi`ilani Highway directly into the ocean. See **Appendices "C"** and **"C-2"**. As noted in the *Assessment of Marine Water Chemistry and Biotic Community Structure* study, the existing stormwater runoff is of concern to the area north of Hekili Point and south of Olowalu Stream due to the direct flow of runoff into the ocean. See **Appendix "E"**.

Creative solutions for new infrastructure will also be required for water, sewage, roadways, and related systems. These solutions will be implemented concurrent with the development of the Olowalu Town Master Plan (OTMP). Detailed discussion of infrastructure is provided in Chapter III of this EIS.

Alternative 1 utilizes vacant lands that were formerly used for agricultural cultivation and provides housing, shopping, and community-living opportunities for Maui residents, including seniors and first-time homebuyers. Infrastructure improvements will be necessary to provide needed services to the Master Plan community. These infrastructure improvements that will be built as part of the Master Plan community will also enhance and increase the services available to current Olowalu residents, such as upgraded water and fire protection systems, as well as the opportunity to eliminate individual wastewater systems through the construction of a state of the art wastewater treatment facility.

It is noted that cost benefit considerations were taken into account in affirming the viability of Alternative 1. As noted previously, the estimated construction cost for the project, including vertical construction and the Honoapi`ilani Highway realignment costs, is estimated to be $465.6 million. The Assessment of Economic and Fiscal Impacts (Appendix "M") further indicates that property values for the residential components at build-out is estimated to be $757.5 million while the value of commercial spaces is calculated to be about $52.5 million. While the valuations presented in the Assessment of Economic and Fiscal Impacts report are not framed in the context of a project development feasibility analysis, it does provide a positive indicator that the long-term feasibility of the project, under Alternative 1, is considered reasonable and appropriate.

B. ALTERNATIVE 2: UTILIZE LANDS MAUKA OF HONOAPI`ILANI HIGHWAY (MIP SCENARIO)

Alternative 2 (the MIP scenario) also follows the principles of ahupua`a land management and is in concert with the directed growth boundaries of the MIP. In this regard, Alternative 2 does not include the makai portion or approximately 45 acres in the proposed OTMP. Except for the existing residential uses, this alternative limits the use of the makai area to the existing OCR, agriculture, and recreation uses. Refer to **Figure 5**. Portions of the vacant makai lands are currently overgrown with kiawe, shrubs and grasses. Except for Camp Olowalu, which is available to fee paying guests, the vacant lands have not been developed for parks or recreational uses beyond public access to and informal access along portions of the shoreline from both ends of Olowalu and a public beach access with unpaved parking from the former Olowalu Mill site. A portion of the makai area is located within the OCR and will be subject to land altering activities to implement the objectives of the OCR. As with Alternative 1, LID measures will need to be incorporated into any land altering work necessary to meet the objectives of the OCR to minimize impacts on the nearshore waters.

Alternative 2 will keep the makai land in its present condition and retain it in the State Land Use (SLU) Agricultural District. Existing, limited, and agricultural uses (tree farms) will continue on the makai properties. Development of future parks and public access improvements will require land acquisition and development funds by the County of Maui. Also, current drainage patterns will be maintained with stormwater runoff eventually sheet flowing into the ocean.

With respect to the mauka lands, similar to Alternative 1, Alternative 2 will retain as much runoff onsite as possible, primarily on the mauka side of Honoapi`ilani Highway, and discontinue the existing conditions in which stormwater runoff from the mauka vacant lands exit through existing culverts under Honoapi`ilani Highway directly into the ocean.

Alternative 2 maintains the same residential unit count and land uses as Alternative 1, except it limits development to the area mauka of Honoapi`ilani Highway. Alternative 2 may be perceived as more appropriate due to the distance from the shoreline and perceived lesser impact to the nearshore waters, primarily the reefs (coral) and marine biota (i.e. manta rays and black tip sharks). However, as noted previously, under Alternative 2 stormwater runoff from the makai lands will continue to sheet flow into the ocean. Although Alternative 2 will leave the makai lands available for implementation of the County of Maui's proposed Pali to Puamana Plan which identifies portions of the makai lands for park use, it will require land acquisition by the County of Maui.

Alternative 2 will have similar impacts on infrastructure and public services as those assessed for Alternative 1.

From a financial feasibility standpoint, Alternative 2, like Alternative 1, is considered to be a viable planning option. The overall total cost for Alternative 2 will be slightly lower than that of Alternative 1 as the costs of developing the makai park and open space lands would not be a cost component. However, the cost savings will be offset with the elimination of potential ocean front market units, which will reduce overall revenue benefits. While market attractiveness may be diminished without the makai lands, the value of housing units and commercial areas is expected to exceed the cost of infrastructure systems and vertical construction, yielding a benefit-cost indicator which would point to project viability.

C. ALTERNATIVE 3: NO ACTION

On September 12, 2000 the Olowalu lands were granted Special Management Area Use Permit No. 990021 to develop the existing agricultural lots, including the Olowalu Makai Subdivision and Olowalu Mauka Subdivision. Lots in the Olowalu Makai Subdivision and the Olowalu Mauka Subdivision have been sold. Of the remaining agricultural lots under the control of Olowalu Ekolu, LLC and Olowalu Town, LLC, there is limited diversified farming occurring on the properties. These include a tomato farm, tree farms, cattle and horse grazing. It is noted that these current limited agricultural enterprises share the benefit of low lease rents which support the business-side element of the farming operations.

Alternative 3 would result in the continued sale of the remaining agricultural lots and the current small-scale agricultural use of the lots. While this option is considered an alternative from a planning perspective, it does not provide needed housing for local residents through a comprehensively planned sustainable community. Alternatives 1 and 2 will provide housing employment and recreational opportunities. In addition, Alternative 3 does not include any improvements to address the current runoff of sediments into the ocean. Therefore, Alternatives 1 and 2 are considered to yield a greater community benefit than Alternative 3. The rationale for the foregoing is provided below.

With the demise of Pioneer Mill in 1999 and cessation of pineapple cultivation in West Maui in 2009, there is an abundance of agricultural lands available for farming operations. Existing constraints, such as the ease in getting out-of-State agricultural products to State-wide markets at lower cost, limits diversified agriculture from expanding at a pace that would absorb the available agricultural lands. In the foreseeable future, there is no cash crop similar to sugarcane or pineapple envisioned that will be able to absorb the available vacant agricultural

lands that were created with the demise of these two (2) plantations. While there may be interest in bio-fuel crops, from an economic feasibility perspective, growing of such crops will more than likely require large-scale commercial farms rather than smaller diversified agricultural lots, such as those found in Olowalu.

With the surplus of agricultural lands available for farming operations on Maui, planning for future communities on the island must then discern lands which are most appropriate for meeting the needs of the island's residents and businesses, from historic, spatial relationship, infrastructural and environmental points of view. Based on the planning analysis and technical studies conducted for the MIP and Olowalu Town, the Olowalu area is considered a functionally appropriate opportunity for new community development.

Alternative 3, No Action, may be perceived by some as advantageous from the standpoint of maintenance of the status quo regarding community character and environmental management. However, the existing problems associated with sedimentation into Olowalu Stream and the ocean, as well as traffic and erosion on Honoapi`ilani Highway continues or is further exacerbated under Alternative 3. The No Action alternative does not enhance the opportunity for physical activity or support social interaction, which are key components of a healthy community. The tradeoff considerations, then, relate to best use of the Master Plan lands from a community benefit perspective. As discussed previously, the Applicants believe that the creation of a master planned sustainable community which meets local housing and economic development needs in the context of the community character and its environmental management is the appropriate scenario for the use of lands at Olowalu.

D. ALTERNATIVE 4: DEFER ACTION

Alternative 4 is to defer development of the area and, hence, land use entitlement applications until a future date. As noted previously, the proposed action has been in the planning and analyses phases of work since 2005. The process for securing appropriate land use entitlements typically span a number of years, to be followed by detailed design and engineering. In order to successfully program work for new community development, careful plotting of development milestones is needed to ensure that unnecessary delays are minimized. Alternative 4 is not deemed to be in alignment with the need for local housing which falls within a more immediate timeframe which coincides with the County of Maui's comprehensive planning processes adopting the MIP and future update of the West Maui Community Plan.

In particular, Alternative 4 introduces the element of uncertainty with respect to future

conditions. For example, revisions to regulatory protocols may result in added complexity in the land use entitlements processes resulting in lengthier approval durations and attendant higher costs of development (which ultimately translates to higher consumer costs). In this regard, project planning and land use entitlements processing for Olowalu Town is now approaching 10 years in length. Deferral of planning and land use entitlements will result in further delays in bringing new housing products to market for Maui's residents. The continued supply-demand imbalance has historically fueled higher housing costs for residents.

Delays in project implementation will also impact public-private partnership opportunities with respect to the realignment of Honoapi`ilani Highway, which is viewed to be a public interest infrastructure project. Delays in the realignment of Honoapi`ilani Highway is considered an adverse impact to the movement of people, goods and services for island businesses, residents and visitors. Delays in achieving a permanent transportation solution will then be replaced by interim and incremental improvements to address coastal erosion issues, and highway capacity concerns.

In addition, deferral of the project will result in a significant time lag of project benefits such as the implementation of sustainable LID stormwater management measures designed to enhance nearshore water quality conditions. Similarly, deferral of the project will place "on-hold" community sustainability benefits associated with new wastewater treatment technologies, water re-use practices, and agricultural infrastructure improvements. As a project designed to accommodate future growth, deferral of the OTMP will delay public-private partnership opportunities for addressing public service needs, including those related to police, fire, and educational system improvements.

E. ALTERNATIVE 5: RESORT AND RESORT RESIDENTIAL USE

From a master planning standpoint, alternative uses considered included developing resort uses, such as hotel units, with limited commercial support services to take advantage of the natural resources, especially the shoreline and ocean resources; as well as developing the area as a resort residential area as envisioned in Land Zoning Map No. 7. Refer to **Figure 9**. These types of uses could be established, however, these uses are viewed as taking away opportunity for focusing on a comprehensively planned sustainable community benefitting local residents including the provision of affordable housing. The Applicants' proposal is based on a philosophical priority embracing sustainability which yields the land uses, product mixes and spatial relationships identified in Alternatives 1 and 2, and which gives preference to local families.

The challenge for Alternative 5, then, is its focus on the visitor market and higher end housing product. The provision of public services, such as fire, police, recreational and educational services, would be provided to serve a market which in a larger context, may dilute and shift capital improvements programming and prioritization away from those needed by residents. The disadvantage of Alternative 5 is further illustrated by the likely housing product imbalance to be realized under this option. For example, resort residential housing is marketed to the higher-end customer who has the means to acquire housing products which have construction materials, quality and design amenities which lead to significantly higher sales prices. In today's market context, resort residential units are not sold to local families. Additionally, the 25 percent workforce housing requirement may not necessarily be located at Olowalu, which eliminates the locational advantage Olowalu offers to local residents from a commute efficiency standpoint. In general, the misalignment of Alternative 5 with the Applicants' values and desire to improve the quality of life for Maui's residents, results in an alternative which does not warrant further consideration.

Notwithstanding the foregoing disadvantages, Alternative 5 (Resort and Resort Residential Use) is considered financially viable. While vertical construction cost will be substantially higher than those presented for Alternatives 1 and 2, the values of the resort products at build-out will be substantially higher as well, likely yielding higher revenues to offset development costs. Specific quantifiable costs measuring feasibility potential of Alternative 5 is not presented because specific unit and product types have not been identified. However, if this alternative was to be considered, such costs would be developed through an iterative process of master plan development and cost estimating to ensure that units and products associated with the project yield a financially viable proposal. Notwithstanding, as noted previously, this alternative is not in keeping with the applicants' objective of providing housing for Maui residents.

F. ALTERNATIVE 6: OTHER LOCATIONS

Alternative 6 considered alternative locations within the West Maui region. Potential sites located within the UGB of the MIP do not have the geographic qualities to implement a sustainable community in accordance with the Hawaiian land management system of ahupua`a. Unfortunately, the lands within the UGB located in Lāhainā Town to Kapalua have been urbanized from Honoapi`ilani Highway to the shoreline and along the various stream systems, many of which have been channelized. As such, these alternative locations are not able to accommodate the sustainability plan proposed in Olowalu and does not meet the objectives of the Applicants.

Looking at lands beyond the UGB, alternative locations may be considered on State land use classified "Agricultural" lands mauka of Honoapi`ilani Highway between the Kā`anapali 2020 Master Plan area and the Pulelehua Master Plan area (near the West Maui Airport). Such lands, however, are not considered a viable option as they will require an amendment to the Maui Island Plan. This land use entitlement process will require the preparation of a new Chapter 343, Hawai`i Revised Statutes document, including new studies related to traffic, archaeology, engineering, flora and fauna, market and fiscal and economic impacts. In effect, consideration of lands beyond the UGB yields outcomes similar to Alternative 4, Defer Action.

G. INFRASTRUCTURE DEVELOPMENT CONSIDERATIONS

As a sustainable community, creative solutions for infrastructure systems will be required. The formulation of the preferred infrastructure system elements required careful engineering analysis, taking into account land use relationships, environmental impact mitigation, and relationships to existing and planned infrastructure systems. The basis for developing the preferred infrastructure system alternatives are described below.

Wastewater treatment and disposal requires utilization of technology that eliminates injection wells, locates facilities down gradient of water resources, locates facilities outside of any potential hazard area, such as the flood zones, and locates facilities in an area readily accessible, with limited impacts on existing and proposed residential and commercial uses. The wastewater facility site was placed on the northern portion of the property adjacent to the existing County of Maui's Recycling and Refuse Convenience Center which generates existing nuisances from noise, dust and odors and is accessible from an existing driveway. Additionally, the site needs to be accessible to large landscaped areas in order to utilize the R-1 recycled water for irrigation, as well as provide for the natural treatment systems consisting of a constructed wetland and soil aquifer treatment system. The facility's proposed location next to the County's Recycling and Refuse Convenience Center also will accommodate the solid waste to be generated by the project.

The existing private water system will be upgraded with additional source wells, storage and transmission lines. The area on the mauka side of the future relocated Honoapi`ilani Highway near the existing well and water storage tank was selected as the most likely area for the new source wells and storage for convenient connection to the existing system. This location is up-gradient to allow gravity flow transmission lines and minimize the need for pump stations to supply drinking water to the proposed and existing communities.

The alignment of the future relocated highway was designed to be consistent with the County's Pali to Puamana Master Plan, as well as the objectives of the Hawai`i Department of Transportation's (HDOT) Honoapi`ilani Highway Realignment/Widening Project (Mā`alaea to Launiupoko). The mauka alignment was selected based on the criteria of the Federal Highway Administration (FHWA) and HDOT, the topography of the site, and the existing natural constraints of the property where it narrows at both entrances to Olowalu along the shoreline. Relocating the highway further mauka will change the existing Honoapi`ilani Highway from a higher speed arterial to a lower-speed secondary roadway. The lower-speed secondary roadway will enhance and improve traffic safety of recreational users seeking to access the shoreline and create the opportunity to expand parks with associated amenities along the shoreline.

Drainage will be handled through a system of retention basins located within the approximate 140 acres of 223 acres (Alternative 1) and 200 acres (Alternative 2) of open space and park lands in the Master Plan, as well as Low Impact Development (LID) measures. There is adequate acreage of open space and park lands included in the Master Plan to handle not only drainage but to provide necessary open spaces and park lands for both passive and active recreation. As a fundamental design criterion, the drainage system also needed to retain all the post development flows, as well as some of the pre-development flows in order to minimize impacts on the nearshore water quality, especially at the Olowalu Stream outlet.

H. SUMMARY

The following criteria were used to evaluate the Alternatives:

1. Community Planning Effort
   - Community based planning effort initiated to develop Alternatives

2. Sustainability
   - Incorporates green infrastructure
   - Incorporates green buildings
   - Walkable community encourages transit, pedestrian, and bicycle transportation

3. Land Use
   - Consistent with Maui Island Plan Directed Growth Boundaries
   - Consistent with West Maui Community Plan Land Use Map
   - Supports agriculture

4. Natural Resources
   - Reduces sedimentation and protect water quality on mauka lands

- Reduces sedimentation and protect water quality on makai lands
- Protects scenic resources mauka of Honoapi`ilani Highway
- Enhances scenic resources mauka of Honoapi`ilani Highway
- Protects scenic resources makai of Honoapi`ilani Highway
- Enhances scenic resources makai of Honoapi`ilani Highway
- Protects open space resources

5. Infrastructure
   - Improve infrastructure (i.e., water, wastewater disposal, etc.)
   - Allows implementation of State Department of Transporation (HDOT) highway plans

6. Recreaction, Parks, and Public Access
   - Creates mauka recreational opportunities by providing additional parks
   - Creates shoreline recreational opportunities and access to the shoreline

7. Cultural Resources
   - Observe the Hawaiian land management system of ahupua`a
   - Expands the Olowalu Cultural Reserve or create Cultural Reserves

8. Housing
   - Provides housing for Maui residents
   - Provides affordable housing

9. Employment
   - Creates employment

10. Timeframe
    - Meets Applicants' timeframe (refer to **Table 5**)

Evaluation of the foregoing criteria is identified in the following **Table 6**.

Table 6. Evaluation of Criteria

CRITERIA	EVALUATION
1. Community Planning Effort	
Alternative 1	Olowalu Talk Story Provided Input on Master Plan; community desires considered during MIP process.
Alternative 2	Olowalu Talk Story Provided Input on Master Plan; community desires considered during MIP process.
Alternative 3	Community desires not considered.
Alternative 4	Community desires deferred to a later date in time.
Alternative 5	Community desires not considered. Requires community planning effort.
Alternative 6	Community desires not considered. Requires community planning effort.
2. Sustainability	
Alternative 1	Incorporates principles of green infrastructure and building design and walkable communities.
Alternative 2	Incorporates principles of green infrastructure and building design and walkable communities.
Alternative 3	Remains as is and does not promote green infrastructure, building design, or walkable communities.
Alternative 4	Defers consideration of green infrastructure, building design, and walkable communities to a later date in time.
Alternative 5	Does not promote green infrastructure or design.
Alternative 6	Does not promote green infrastructure or design.
3. Land Use	
Alternative 1	Partially consistent with MIP, requires community plan amendment, and includes agricultural lots.*
Alternative 2	Consistent with MIP, requires community plan amendment, and includes agricultural lots.
Alternative 3	Not consistent with MIP, consistent with community plan, and maintains agricultural land.
Alternative 4	Defers implementation of the MIP, community plan amendment, and temporarily maintains agricultural land.
Alternative 5	Not consistent with MIP and West Maui Community Plan.
Alternative 6	Requires finding an appropriate location and implementation of an amendment to the MIP and subsequent land entitlements.
4. Natural Resources	
Alternative 1	Proposed drainage system following Low Impact Development (LID) standards retains runoff mauka of Honoapi`ilani Highway in conjunction with LID measures makai of the highway and reduces sedimentation into the nearshore waters to protect water quality and marine biota. Scenic and open space resources mauka and makai of the highway are protected by the proposed system of parks, open space, greenways and expansion of the OCR.
Alternative 2	Proposed drainage system following LID standards retains runoff mauka of Honoapi`ilani Highway to reduce sedimentation into the nearshore waters to protect water quality and marine biota. Land makai of the highway will remain as is and will not decrease sedimentation into the nearshore waters. Scenic and open space resources mauka of the highway are protected by the proposed system of parks, open space, greenways and expansion of the OCR. Lands makai of the highway will remain unchanged.

Table 6. Evaluation of Criteria (Continued)

CRITERIA	EVALUATION
Alternative 3	The land remains unchanged and does not improve water quality or enhances scenic and open space resources.
Alternative 4	Defers improvements to reduce sedimentation and improve water quality and enhancement of scenic and open space resources to a later date in time
Alternative 5	Does not address LID drainage systems to reduce sedimentation and improve water quality or measures to enhance scenic and open space resources.
Alternative 6	No alternative location available.
5. Infrastructure	
Alternative 1	Improvements to existing infrastructure, including but not limited to drinking water and fire protection, is proposed, as well as a wastewater treatment facility that does not require injection wells. Provides corridor for Honoapi`ilani Highway inland.
Alternative 2	Improvements to existing infrastructure, including but not limited to drinking water and fire protection, is proposed, as well as a wastewater treatment facility that does not require injection wells. Provides corridor for Honoapi`ilani Highway inland.
Alternative 3	Remains unchanged, with no infrastructure improvements. Honoapi`ilani Highway remains in its present location.
Alternative 4	Improvements to infrastructure and relocation of Honoapi`ilani Highway is deferred to an indefinite timeframe.
Alternative 5	Improvements to infrastructure, including a wastewater treatment facility that does not require injection wells, have not been considered. Honoapi`ilani Highway remains in its present location.
Alternative 6	No alternative location available.
6. Recreation, Parks and Public Access	
Alternative 1	System of parks, open space, greenways, and expansion of the OCR mauka and makai of Honoapi`ilani is proposed to provide recreational opportunities, parks, and public access including to the shoreline.
Alternative 2	System of parks, open space, greenways, and expansion of the OCR mauka of Honoapi`ilani is proposed to provide recreational opportunities, parks, and public access on the mauka lands.
Alternative 3	Remains unchanged and does not provide new or improved recreational opportunities, parks, and public access.
Alternative 4	Defers development of parks, open space, greenways, and expansion of the OCR to an indefinite timeframe.
Alternative 5	Improvements to parks, open space, greenways, and expansion of the OCR are not addressed in this alternative.
Alternative 6	No alternative location available.
7. Cultural Resources	
Alternative 1	Is based on the ahupua`a Hawaiian system of land management and proposes to expand the OCR.
Alternative 2	Is based on the ahupua`a Hawaiian system of land management and proposes to expand the OCR.
Alternative 3	Remains unchanged and does not incorporate the ahupua`a system of land management and does not expand the OCR or create cultural reserves.
Alternative 4	Is based on the ahupua`a Hawaiian system of land management and proposes to expand the OCR but defers the project to an indefinite timeframe.

Table 6. Evaluation of Criteria (Continued)

CRITERIA	EVALUATION
Alternative 5	Is not based on the ahupua`a system of land management and does not expand the OCR.
Alternative 6	No alternative location available.
8. Housing	
Alternative 1	Provides housing for Maui residents and affordable housing.
Alternative 2	Provides housing for Maui residents and affordable housing.
Alternative 3	Remains unchanged and does not provide housing for Maui residents or affordable housing.
Alternative 4	Housing for Maui residents and affordable housing is deferred to a later date in time when the need is today.
Alternative 5	Provides resort residential housing that is for the off-island investor.
Alternative 6	No alternative location available.
9. Employment	
Alternative 1	Creates employment for future residents.
Alternative 2	Creates employment for future residents.
Alternative 3	The limited commercial uses remain unchanged and does not create future employment centers.
Alternative 4	Creates employment centers for future residents at a later date in time.
Alternative 5	Creates employment for hotel or resort workers.
Alternative 6	No alternative location available.
10. Timeframe	
Alternative 1	Meets Applicants' timeframe
Alternative 2	Meets Applicants' timeframe
Alternative 3	Require major redesign of Master Plan. Delay will not meet Applicants' timeframe.
Alternative 4	Does not meet Applicants' timeframe
Alternative 5	Requires major redesign of Master Plan. Delay will not meet Applicants' timeframe
Alternative 6	Requires locating an alternative location and initiating new environmental and land entitlement process. Delay will not meet Applicants' timeframe.
Note: * MIP includes footnote that potential urban growth areas makai of the existing Honoapi'ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan.	

The evaluation of the Development Alternatives are summarized below in **Table 7**.

Table 7. Summary of Evaluation of Alternatives

CRITERIA	ALTERNATIVES					
	1	2	3	4[a]	5	6[b]
Community Planning Effort						
Community Based Planning	Y	Y	N	Y	N	N/A
Sustainability						
Green Infrastructure	Y	Y	N	Y	N	N/A
Green Buildings	Y	Y	N	Y	N	N/A
Walkable Community	Y	Y	N	Y	N	N/A
Land Use						
Consistent with Maui Island Plan Directed Growth Boundaries	Y[c]	Y	N	Y	N	N/A
Consistent with West Maui Community Plan Land Use Map	N	N	Y	N	N	N/A
Support Agriculture	Y	Y	Y	Y	N	N/A
Natural Resources						
Reduces Sedimentation and Protect Water Quality on Mauka lands	Y	Y	N	Y	N	N/A
Reduces Sedimentation and Protect Water Quality on Makai Lands	Y	N	N	Y	N	N/A
Protects Scenic Resources Mauka of Honoapi`ilani Highway	Y	Y	N	Y	N	N/A
Enhances Scenic Resources Mauka of Honoapi`ilani Highway.	Y	Y	N	Y	N	N/A
Protects Scenic Resources Makai of Honoapi`ilani Highway	Y	Y	N	Y	N	N/A
Enhances Scenic Resources Makai of Honoapi`ilani Highway	Y	N	N	Y	N	N/A
Protects Open Space Resources	Y	Y	Y	Y	N	N/A
Infrastructure						
Improve Infrastructure	Y	Y	N	Y	Y	N/A
Implements HDOT Highway Plans	Y	Y	N	Y	N	N/A
Recreation, Parks and Public Access						
Improve Mauka Parks and Public Access	Y	Y	N	Y	N	N/A
Improve Makai Parks and Public Access	Y	N	N	Y	N	N/A
Cultural Resources						
Observes Hawaiian Land Management System (Ahupuaa)	Y	Y	N	Y	N	N/A
Expands the Olowalu Cultural Reserve or Create Cultural Reserves	Y	Y	N	Y	N	N/A
Housing						
Provides Housing for Residents	Y	Y	N	Y	N	N/A
Provides Affordable Housing	Y	Y	N	Y	Y	N/A
Employment						
Creates Employment	Y	Y	N	Y	Y	N/A
Timeframe						
Meets Applicants Timeframe	Y	Y	N	N	N	N/A
TOTAL	**23**	**20**	**3**	**22**	**3**	**0**

[a] Alternative 4 is the same as Alternative 1, except deferred to an indefinite date.
[b] N/A - Not Applicable (No Alternative Location Available).
[c] Partially consistent. MIP includes footnote that potential urban growth areas makai of the existing Honoapi'ilani Highway may be undertaken in conjunction with updates and amendments to the West Maui Community Plan.

Alternatives 1, 2, and 4 reflect positive attributes as related to the evaluation criteria, however, Alternative 4 would be deferred to a later date in time and will not provide housing for Maui residents that are needed today or meet the timeframe of the Applicants (refer to **Table 5**).

In general, the benefits of each alternative should be weighed against the project's goal of providing a comprehensively planned community for Maui's residents. Alternatives 1 and 2 reflect positive attributes as it relates to the evaluation criteria. Alternative 3 (No Action) is not aligned with the project's goal and Alternative 4 (Deferred Action) places "on-hold", the achievement of the project's goal and introduces an element of uncertainty as it relates to future conditions and circumstances.

The benefits of Alternatives 1 and 2 include the provision of a new mauka Honoapi`ilani Highway alignment which addresses coastal erosion issues and diverts traffic away from potential recreational opportunities along the existing Honoapi`ilani Highway corridor. Associated with the relocation of the highway is the opportunity to establish land use spatial allocations which respect the need to mitigate noise and air quality impacts, through the delineation of appropriate setbacks from the highway. Alternative 5 (Resort and Resort Residential Use) would likely include the realignment of Honoapi`ilani Highway as well, which would yield benefits similar to Alternatives 1 and 2.

Additionally, as a residential master planned community for Maui residents, Olowalu Town, under Alternatives 1 and 2, will provide the needed support facilities to ensure a fully integrated and functional community. Such facilities will include opportunities for new school, fire, and police infrastructure. Alternative 5 (Resort and Resort Residential Housing) could potentially include public service support facilities (fire and police), but will not likely provide new school facility opportunities based on this alternative's target population.

The evaluation summary, as presented in Table 7, indicates in a comprehensive fashion, the benefits associated with each alternative. The evaluation categories (e.g., sustainability, natural resources, recreation, land use, etc.) yield a rank order regime which places Alternatives 1, 2, and 4, as the leading options. As noted previously, however, Alternative 4 (Deferred Action) leads to implementation uncertainty which ultimately eliminates this option for the realm of development feasibility. Alternative 5 (Resort and Resort Residential Housing) yields a low rank order in terms of benefits, primarily due to its focus on the visitor industry as opposed to local resident needs.

Alternatives 1 and 2 satisfy the purpose and intent of Olowalu Town, LLC and Olowalu Ekolu, LLC to provide needed housing and employment opportunities to Maui residents in

a sustainable community in a timely manner. Formulation of plans and systems for the Master Plan for Alternatives 1 and 2 were based on lengthy study, in recognition that planning for a new sustainable community requires diligent and detailed analysis across a range of disciplines. The evaluation of these alternatives also involved a full process of community engagement which facilitated the identification of design and engineering options and their evaluative criteria. As such, Alternatives 1 and 2 are evaluated in this Environmental Impact Statement.

- Encourage building orientations that provide natural lighting and cooling effects to reduce dependency on artificial lighting and air conditioning.

- Incorporate on-site nonpolluting renewable energy generation, such as solar, wind, geothermal, small-scale or micro hydroelectric, and/or biomass, with production capacity of at least five (5) percent of the project's annual electrical and thermal energy cost.

- Encourage the development of energy-efficient neighborhoods by employing district heating and cooling strategies that reduce energy use and adverse energy-related environmental effects.

- Design, purchase, or work with the local government to install all new infrastructure, including but not limited to traffic lights, street lights, and water and wastewater pumps, to achieve a 15 percent annual energy reduction below an estimated baseline energy use for this infrastructure.

E. CUMULATIVE AND SECONDARY IMPACTS

1. Context for Cumulative Impact Analysis

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

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

A key element in understanding the requirement for assessing cumulative impacts, therefore, is the need to recognize what constitutes "reasonably foreseeable actions". Projects having relevance in this regard are the land use entitlements in Olowalu which are identified on the West Maui Community Plan, which include Kapa`iki and the surrounding agriculture designated lands.

2. Cumulative Impact Evaluation Parameters

To ensure that cumulative impacts are analyzed in a structured and systematic manner, parameters described in **Table ~~21~~39** have been used to address cumulative effects.

EXHIBIT 13

Table ~~21~~39. Criteria for Evaluating Cumulative Impacts

Assessment Criteria	Basis for Impact Evaluation
Time Crowding	Effects of frequent and repetitive actions on the environment
Time Lags	Delayed effects of a proposed action
Space Crowding	Effects of spatial density on the environment
Cross Boundary	Effects of an action occurring away from the source
Fragmentation	Effects or changes in landscape pattern
Compounding Effects	Effects arising out of multiple pathways
Indirect Effects	Secondary effects
Triggers and Thresholds	Effects defined by agency laws, policies or regulations

3. Methodology for Addressing Cumulative Impacts

A list of potential cumulative impact issues and concerns were identified through full review of comment letters received on the ~~EA/EISPN~~Draft EIS. While the issues and concerns addressed a broad range of impact considerations, screening of these issues and concerns was required to ensure that the scope of the cumulative impact assessment fell within the scope of a "cumulative impact" analysis, as set forth in Section 11-200-2 of the HAR, Chapter 200. Issues and concerns relating to cumulative impacts, as well as secondary impacts are listed below:

1. Impacts on natural resources, such as coastal ecosystems

2. Impacts to archaeological and cultural resources, including traditional and customary practices

3. Impacts of the proposed action on neighboring land uses, (e.g., Kapa`iki, Olowalu Makai Subdivision ~~and~~, 14-lot Olowalu Mauka Subdivision, and Olowalu General Store)

4. Implementation relationship between Master Plan for Alternatives 1 and 2 and the provision of infrastructure and public facilities systems

5. Impacts on State and County transportation systems (e.g., Honoapi`ilani Highway)

6. Impacts of the proposed action on shoreline access and recreational use of the shoreline

7. Impacts to the County land use plans

8. Impacts to the County water resources

The next step in the analysis involved the identification of applicable evaluative criteria to each of the issues and concerns raised. This step resulted in the formulation of an evaluative criteria matrix, as presented in **Table ~~22~~40**.

Table ~~22~~40. Evaluation Criteria Matrix

Assessment Criteria	Issues to be Addressed
Time Crowding	a. Impacts to natural resources b. Effects on water resources c. Impacts on archaeological and cultural resources d. Impacts on shoreline access and recreation
Time Lags	a. Impacts on County land use plans b. Effects on County water resources c. Effects on the State and County transportation systems
Space Crowding	a. Impacts to existing neighboring land uses b. Impacts to water resources c. Impacts on natural resources d. Impacts on archaeological and cultural resources
Cross Boundary	a. Effects on County land use plans b. Effects on State and County transportation systems
Fragmentation	a. Impacts upon existing neighboring land uses
Compounding Effects	a. Impacts on County land use plans b. Impacts on infrastructure systems and public services
Indirect Effects	a. Impacts to County land use plans b. Impacts on infrastructure systems and public services
Triggers and Thresholds	a. Effects on water resources b. Effects on State and County transportation systems

4. Cumulative Impact Assessment

Based on the methodology described in the previous sections, an analysis of each assessment criteria was undertaken for each applicable issue/concern. The analyses are presented below.

a. **Time Crowding Effects on Natural Resources, Water Resources, Archaeological and Cultural Resources and on Shoreline Access and Recreation**

Time crowding refers to the repetitive and frequent effects from an action upon a particular component of the environment. For example, from a natural resource perspective, time crowding effects may be possible depletion of a resource or opportunity based on recurring impacts on that resource or opportunity.

Natural Resources

Natural resources having a potential time crowding relationship to the Master Plan for Alternatives 1 and 2 include marine waters, marine biota, flora and fauna. The time crowding effect associated with marine waters, for example, includes potential water quality degradation, with repetitive contributions of stormwater runoff from the project site. The time crowding effect on flora and fauna relates to displacement of onsite flora and fauna and their habitat on an incremental basis over the anticipated construction build-out period.

With regard to the marine biota and flora and fauna, biological resource investigations have concluded that populations of reef fish in the area are typical of Hawai`i reefs~~ and there are no rare,~~. No threatened or endangered species ~~or their habitat~~ were found within the Master Plan area and along its offshore waters.

The endangered nēnē goose may use a portion of an irrigated pasture as a temporary habitat. Development of the Master Plan will retain some of the existing reservoirs that will remain available for wildlife. No mitigation measures are necessary. The OCR has succeeded in cultivating native dry land species which the Master Plan for Alternatives 1 and 2 will incorporate in its landscaping, to the extent practicable. Refer to **Appendices ~~"D"~~, "E"~~ and "E-1"~~, "F"**, and **"F-1"**.

~~With respect to marine waters, appropriate stormwater runoff mitigation will be required in accordance with County drainage regulations.~~ Information received from NOAA, NMFS identified three (3) marine species protected under the ESA. They included the threatened green sea turtle, endangered

hawksbill sea turtle, and endangered Hawaiian monk seal. Consultation with USFWS and NOAA will continue through project design to ensure the protection of ESA protected species, such as designing the outdoor lighting to be shielded and directionally downward. Measures such as developing an educational program, including appropriate signage within the project limits, to inform residents and visitors to Olowalu of the need to minimize human disturbances and interactions with Hawaiian monk seals will be coordinated with USFWS and NOAA. Although not listed under the ESA, it was noted by several commenters of the Draft EIS that the Olowalu waters are home to manta rays and is a nursery for black tip reef sharks, as well as frequented by tiger sharks.

Sediments from stormwater runoff is a major stressor of corals in the area. The OTMP proposes implementation of Stormwater Quality Enhancements (refer to **Table 21** and **Appendix "C-2"**) to reduce sediments and stormwater runoff from entering the ocean.

Proposed surface and subsurface retention basins, as well as LID measures in the Stormwater Quality Enhancements (refer to **Appendix "C-2")**, will handle 100 percent of the increased stormwater runoff from the project at full build-out as well as retaining a portion of the pre-development runoff. Project plans will also include mechanical filtration measures to mitigate impacts to the ocean's water quality. Properly managed, the use of the mechanical filtration measures and the retention basins with its natural filtering characteristics and implementation of the Stormwater Quality Enhancements and recommended BMPs will ensure that water quality degradation will not occur as a result of time crowding effects. It is anticipated the reduction of stormwater runoff to the ocean will improve water quality in the nearshore waters, especially at Olowalu Stream. Refer to **Appendices "~~B~~C"** and **"~~B-1~~C-2"**.

The implementation of BMPs and the reduction of stormwater runoff and sediments to the ocean primarily from Olowalu Stream is expected to improve the limited affected areas of the reefs off Olowalu and maintain the ecological settings unaffected by most human activities, with the exception of fishing. Refer to **Appendix "~~D~~E"**.

Water Resources

According to the Impact on Water Resources Study prepared by Tom Nance Water Resource Engineering, the Olowalu Aquifer has sufficient resource to accommodate existing users and the Master Plan. ~~Although the~~The CWRM in 2008 set the sustainable yield at two (2) MGD~~, the~~ using the low estimated recharge of 3.89 MGD. The 2012 USGS study suggests that the Olowalu Aquifer System may have a developable supply of approximately seven (7) MGD based on a higher estimated recharge of 16.12 MGD to 17.15 MGD. Preliminary calculations indicate that based on DWS standards at full build-out, utilizing for planning purposes 900 single-family and 600 multi-family units, it is estimated that daily ~~potable~~drinking water demand for the Master Plan~~ and~~, all existing users and the eventual buildout of the Olowalu Mauka Subdivision is approximately ~~672,300~~951,000 GPD, which is ~~well below~~within the threshold of the sustainable yield established by the CWRM. Refer to **Appendix "~~C~~D"**.

It is also estimated that approximately 0.65 MGD of total non-~~potable~~drinking water will be needed of which 0.24 MGD will be provided by the R-1 water from the wastewater system, and 0.39 MGD from surface water supplied by an improved Olowalu Ditch system that will reduce leakage from the system. Additionally, 0.02 MGD of brackish water (as a year round average) would be periodically supplemented by Pumps "N" or "O".

Archaeological and Cultural Resources

Several archaeological inventory surveys have been conducted within the project area. An Archaeological Literature Review was prepared by CSH for the proposed action. Refer to **Appendix "~~F-1~~G-1"**. Interim protection measures during construction will be implemented and long-term preservation measures shall be implemented in accordance with the Secretary of the Interior's Standards for Historic Preservation Projects to protect archaeological and cultural resources. As the Master Plan is developed during the ten (10) year period as may be required, site specific detailed archaeological surveys will be conducted and as appropriate, mitigation measures incorporated into the Master Plan, in consultation with SHPD.

A ~~Preliminary~~Final Cultural Impact Study prepared by CSH indicated there are traditional cultural practices that need to be preserved and safeguarded. Refer to **Appendix "H-1"**. Traditional access between the mountains and ocean, abundant ocean resources and rich forest resources need to be preserved and protected to ensure the quality of these resources are not degraded or over-used by the new residents and public. However, an increase in traditional Hawaiian fishing and gathering practices are viewed as a good thing.

Cultural participants noted that Olowalu, besides limu gathering, has excellent opportunities for fishing. The waters of Olowalu contain subsistence resources for the community and is known for its `ō`io, aku, and akule fishing. Concerns voiced included sediment-laden runoff and potential injection wells degrading the waters of Olowalu. As noted previously, measures proposed in the Stormwater Quality Enhancements are expected to reduce sediments and stormwater runoff from entering the ocean. Also, OTMP proposes to utilize a constructed wetland and soil aquifer treatment system to treat wastewater prior to reuse of the R-1 recycled water. These measures are proposed to mitigate potential impacts to water quality and marine resources at Olowalu. Refer to **Appendix "H-1"**.

The OCR will ensure that access between the mountains and ocean is maintained and preserved in perpetuity~~ and work~~. The ongoing work of the OCR includes the perpetuation of traditional Hawaiian agriculture, as well as restoration of native plants and historic properties, and educational and outreach programs developed by members of the OCR. Work in the OCR will safeguard the natural, archaeological and cultural resources in the Olowalu Ahupua`a. Development of the Master Plan for Alternatives 1 and 2 will incorporate environmental systems that will protect the environment. As such, adverse impacts to cultural resources are not anticipated.

<u>Shoreline Access and Recreation</u>

The shoreline area located within the State of Hawai`i beach reserve area is designated~~ as~~ "Conservation" ~~on the State land use map~~by the State Land Use Commission. The beach reserve is not included in the Master Plan for Alternatives 1 and 2. The Master Plan does not propose any changes to the SLU "Conservation" ~~designated lands~~district lands in ~~the Master Plan~~Olowalu. Accordingly, those lands will remain designated as

"Community Plan", "Open Space" or "Park" land under the West Maui Community Plan.

~~The~~As previously noted, the Master Plan observes an existing minimum 150 ~~feet~~-foot shoreline setback from the current shoreline where no development is proposed except for public access to and along the shoreline and non-structural recreational parks uses. It is noted that Alternative 1 encompasses both mauka and makai lands, while Alternative 2 covers land mauka of Honoapi`ilani Highway. Refer to **Figures 4** and **5**. The setback was established in 2000 as part of the SMA Use Permit granted for the Olowalu Mauka subdivison, as well as in~~In~~ recognition of potential concerns related to shoreline erosion and sea level rise that may result in an inland recession of the shoreline and disappearance of the beach reserve over time~~, a~~. The existing minimum 150-foot shoreline setback area will be maintained within the Master Plan during its development to prevent future endangerment of structures, as well as ensure public access to the shoreline. Refer to **Figure 4** and **Figure 5**.

Makai of the existing Honoapi`ilani Highway, the Master Plan for Alternative 1 proposes establishing significant land areas as "Open Space" or "Park" to provide continuous access to and along the shoreline and greater opportunities for recreational purposes. Alternative 2 will retain the makai lands in its existing use, which includes limited public access to the shoreline. Once Honoapi`ilani Highway is relocated further mauka, the existing highway will become a lower speed roadway that will provide safer access to the recreational uses in the makai shoreline area as well as to the Master Plan area.

b. <u>Time Lag Effects on County Land Use Plans, County Water Resources and State and County Transportation Systems</u>

Time lag effects refer to changes to the environment which may occur over a longer duration. Such effects, for example, may include changes in microclimates resulting from changes in land cover characteristics. Such changes may not be immediately identified, but may, over a period of time, become apparent. The applicability of time lag effects to cumulative impact issues has been evaluated with regard to the County's land use plans, County water resources and the State and County transportation systems.

County Land Use Plans

The Master Plan ~~is~~for Alternatives 1 and 2 is consistent with the themes and principles of the Maui County General Plan Countywide Policy Plan. Refer to Chapter ~~III~~IV, Section ~~D~~F. The ~~draft~~ Maui Island Plan (MIP) ~~which~~ will guide long range planning for the island ~~is currently under review by the Maui County Council. Both the General Plan Advisory Committee (GPAC) and Maui Planning Commission (MPC) recommended inclusion of the Master Plan in the Urban and Rural Growth Boundaries for the West Maui region. Olowalu Town, LLC and Olowalu Ekolu, LLC will continue to be an active participant in the MIP process to encourage the County Council to include the Master Plan in the growth boundaries of the MIP. If the MIP is adopted prior to the Final EIS, conformity with the MIP will be addressed.~~and was approved by Ordinance No. 4004 on December 28, 2012.

The MIP included portions of the OTMP in the Urban Growth Boundary (UGB) and the Rural Growth Boundary (RGB). The makai (ocean-side) portion of the OTMP was not included in the directed growth maps. However, the MIP includes language that the future delineation of potential urban growth areas makai of the existing Honoapi`ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan. Alternative 1, in an application for a community plan amendment, will request inclusion of the makai portion in the UGB. The proposed request is in accordance with the MIP in order "to enhance public shoreline access and open space; protect adjacent coastal and marine ecosystems (including the reefs of Olowalu); and implement the proposed Pali to Puamana Parkway Plan" (MIP at 8-64).

Alternative 2 implements OTMP in accordance with the current UGB and RGB of the MIP. However, exclusion of the makai lands leaves the area in its present use and does not enhance shoreline access, parks, and recreational facilities, or implement the intent of the Pali to Puamana Parkway Plan to provide shoreline parks.

It should be noted that "the distinct boundaries of the parks and open space, specific locations of the recreational uses, and the precise amenities will be further defined during the West Maui Community Plan Update and the project review and approval process" (MIP at 8-64). As such, during the community

plan amendment process, the parks and open space areas and uses will be further defined.

In addition to the State Land Use Commission district boundary amendment, the Master Plan for Alternatives 1 and 2 will require a community plan amendment and change in zoning to establish appropriate underlying land use designations. The approving authority for the community plan amendment request and the change in zoning request is the Maui County Council. Applications will be filed with the County of Maui~~ after the MIP has been adopted~~.

The County's proposed Pali to Puamana Parkway Master Plan proposes to preserve lands on the makai side of a future mauka relocation of Honoapi`ilani Highway for parks and open space. The plan includes the ~~Master Plan~~OTMP area and identifies a mauka alignment of the highway and parks makai of the existing and realigned Honoapi`ilani Highway at both ends of ~~the Master Plan~~Olowalu at Camp Olowalu and on lands north of Olowalu Stream. The ~~Master Plan~~OTMP as identified in Alternative 1 is consistent with the purpose of the proposed Pali to Puamana Parkway Master Plan and includes a future mauka relocation and widening of Honoapi`ilani Highway, an expanded Camp Olowalu area as "Park" and "Open Space", and a portion of the area north of Olowalu Stream and along the shoreline within the 150 feet shoreline setback area as "Park" and "Open Space". ~~A~~In Alternative 1, a sizable amount of park and open space area makai of the existing highway has been provided in the vicinities recommended by the Pali to Puamana Parkway Master Plan. Refer to **Figure 4**.

It is noted that the proposed Pali to Puamana Parkway Master Plan has not been adopted by the County of Maui through an amendment to the West Maui Community Plan. However, both Alternatives 1 and 2 include the corridor for the realignment of Honoapi`ilani Highway inland from the shoreline and retention of the existing highway. Alternative 1 also promotes the intent of the Pali to Puamana Parkway Master Plan to establish parks, open space, and recreational amenities on the makai-side of Honoapi`ilani Highway. Although it maintains existing public access to the shoreline and recreational uses, Alternative 2 lands lie mauka of Honoapi`ilani Highway and does not affect park and open space development potential on the makai side of the highway.

County Water Resources

The County's Water Use and Development Plan was adopted in 1990 and is currently being updated by the DWS. Significant changes have occurred since development of the plan such as the demise of large scale agriculture (sugarcane and pineapple) by Pioneer Mill Company and Maui Land and Pineapple Company, who were major users of surface water and groundwater in West Maui. The plan also envisioned the development of brackish groundwater sources as ~~potable~~drinking water in areas such as Olowalu by utilizing new technologies, such as reverse osmosis, electrophoresis, and solar powered stills to reduce chloride levels to acceptable levels.

The Master Plan for Alternatives 1 and 2 proposes to expand and upgrade the existing public water system servicing Olowalu Town, including those to existing users, and installing two (2) new ~~potable~~drinking water wells in the Olowalu Aquifer. Besides improving the ~~potable~~drinking water source, the upgrade of transmission lines will provide improved fire protection to Olowalu. The approximate total ~~potable~~drinking water demand, including current water users, is estimated as ~~672,300~~951,000 GPD, well below the two (2) MGD sustainable yield for the Olowalu Aquifer. The lower demand for ~~potable~~drinking water is due to the proposed reuse of R-1 recycled water and repair of the leaks in the Olowalu Ditch system for irrigation purposes, as well as on an as-needed basis brackish water from pumps "N" and "O".

The Master Plan for Alternatives 1 and 2 will require two (2) new wells in the Olowalu Aquifer. The future development of the new wells will follow the process for well construction and pump installation set forth under Chapter 174, HRS, with the likely imposition of conditions. Pump capacity limits for the wells, will be required to respect the Olowalu Aquifer's two (2) MGD sustainable yield, although the 2012 U.S.G.S. study has indicated the sustainable yield may be greater at 7.0 MGD.

Measures such as the use of recycled water and repairs to the existing Olowalu Ditch for irrigation reduces the use of ~~potable~~drinking water for such purpose and ensures long-term water availability will be provided for the project and existing users. As a self–sustaining privately-owned public water system with an independent source not connected to the County's West Maui water system,

the Master Plan for Alternatives 1 and 2 will not affect the County's water system.

State and County Transportation Systems

Both the Hawai`i Statewide Transportation Plan and Maui Long-Range Land Transportation Plan recommend improving Honoapi`ilani Highway to a four-lane roadway. The HDOT's Honoapi`ilani Highway Realignment/ Widening Mā`alaea to Launiupoko project and County's Pali to Puamana Master Plan proposes to relocate Honoapi`ilani Highway further mauka to facilitate the State's and County's vision to move the highway inland, away from its existing, more environmentally sensitive coastal alignment. In accordance with these plans the Master Plan for Alternatives 1 and 2 includes the corridor for a future relocated highway following a mauka alignment.

Existing traffic flows through Olowalu is primarily through traffic entering or leaving West Maui communities. Construction of the future relocated highway will allow traffic to continue to flow freely through Olowalu while the existing Honoapi`ilani Highway will become a local roadway providing access mainly to the Master Plan area and shoreline recreation areas. The future widening of the relocated highway to four (4) lanes will provide increased highway capacity to accommodate future traffic flows to the West Maui region as well as accommodate a future transit system.

In terms of time lag, therefore, processes are in place to ensure that the County's land use plans and State and County transportation plans are implemented and that water resources of the Olowalu Aquifer are adequately protected. Approval processes for the two (2) new wells ensure that long-term water availability will be provided for the project, within the context of protocols and measures designed to protect the integrity of the Olowalu Aquifer.

c. Space Crowding Effects on Existing Neighboring Land Uses, Water Resources, Natural Resources and Archaeological and Cultural Resources

Space crowding refers to the effects of added density of the proposed Master Plan for Alternatives 1 and 2 upon the Olowalu community, including

neighboring landowners. In this regard, comments were raised expressing concern regarding the density of the project and the effects of the project's added population.

Existing Neighboring Land Uses

The Master Plan for Alternatives 1 and 2 proposes the addition of another 1,500 dwelling units, plus commercial and public/quasi-public uses. The estimated population of the Master Plan for Alternatives 1 and 2 at full build out is approximately 4,239 persons. The Master Plan ~~was~~for Alternatives 1 and 2 was developed with the input of the residents of Olowalu and neighboring landowners to ensure that impacts on the existing community are appropriately addressed. In particular, the proposed SmartCode will be incorporated into the Project District ordinance development standards to encourage the orderly development of a sustainable community.

To minimize impacts to Kapa`iki, park land is proposed adjacent to Kapa`iki as a separation from the urban town center. To moderate the effects of added densities, the future relocation and widening of Honoapi`ilani Highway and lower density rural lots serve as a transition zone between the country town centers and the existing 14-lot Olowalu Mauka agricultural subdivision. The proposed agricultural lots along Olowalu Stream will minimize impacts to the OCR, while the Olowalu Makai agricultural subdivision will preserve the low density character along the shoreline. Olowalu Stream and the OCR preserve the physical connection between the ocean and mountains, as well as separating the urban densities into two (2) lower density urban centers to encourage a country town character rather than a single consolidated higher density urban center.

In summary, the Master Plan for Alternatives 1 and 2 considers spatial relationships which seek to ensure an integrated land plan encompassing density allocations which respect surrounding land uses, as well as land use transitions which preserve character distinctions among the various land use types (i.e., urban-agricultural conflicts are avoided with appropriate land use transitions).

Water Resources

The Master Plan for Alternatives 1 and 2 will create additional water usage needs in order to accommodate the increased population. The need for additional water will improve the existing service in Olowalu Town with an expanded and upgraded water source and transmission system, including fire protection, for the existing residents. The improved water system serves to mitigate space crowding effects on water resources which may otherwise occur.

Natural Resources

The Master Plan for Alternatives 1 and 2 will create increased stormwater runoff and additional wastewater and solid waste disposal needs.

Stormwater runoff will be collected by a system of retention basins and filtration measures that will accommodate 100 percent of the increased runoff as well as a portion of the pre-development runoff. The drainage system is expected to prevent flooding in the area, as well as improve the near shore water quality by removing a portion of the sediment that currently enters the ocean. The construction of an environmentally sound wastewater treatment facility adjacent to the County's Recycling and Refuse Convenience Center will provide the opportunity for portions of the existing community to connect to the system and eliminate individual cesspools and septic systems ~~and accommodate solid waste from the Master Plan~~.

The foregoing measures serve to mitigate the space crowding effects on natural resources which may otherwise occur.

Archaeological and Cultural Resources

As stated previously, the proposed agricultural lots along Olowalu Stream will minimize impacts to the OCR by providing a buffer from the two (2) country town centers. The OCR is an integral part of the Master Plan for Alternatives 1 and 2. The OCR, with the continued support of Olowalu Town LLC and Olowalu Ekolu, LLC, will be able to implement its mission to create an educational and cultural pu`uhonua or sanctuary in Olowalu.

d. **Cross Boundary Effects on County Land Use Plans and State and County Transportation Systems**

Cross boundary effects refer to the effects the proposed action will have on areas outside the limits of the affected action. For example, the ~~withdrawal of water in one aquifer may affect the water level in an adjacent aquifer or over pumping of a well in close proximity to another well can result in less pumpage capacity from the adjacent well~~effects of increased land uses and improved infrastructures may encourage intensification in the use of neighboring properties.

The evaluative criteria for cross boundary effect considers whether the proposed action will affect future land uses and transportation systems for the West Maui region.

County Land Use Plans

Future land uses are guided by the County's General Plan, including the community plans. As previously stated, the County of Maui as part of updating its General Plan ~~is in the process of adopting~~ adopted the MIP ~~which proposes to~~by Ordinance No. 4004 effective on December 28, 2012. The MIP established ~~Urban Growth Boundaries~~ UGB and ~~Rural Growth Boundaries~~RGB for the island of Maui. The MIP ~~is a comprehensive review of~~comprehensively considered the future land use needs for Maui to the year 2030 in order to accommodate anticipated growth. In the context of this comprehensive planning process for the West Maui region, ~~both the GPAC and MPC have recommended inclusion of the Master Plan in the Urban Growth Boundary and Rural Growth Boundary in Olowalu. Olowalu Town LLC and Olowalu Ekolu LLC continue to participate in the MIP process to ensure the Master Plan is included in the MIP. The General Plan update process then, seeks to look at the West Maui region comprehensively, with the results being full consideration of cross boundary effects.~~portions of the OTMP were included in the MIP UGB and RGB.

As noted previously, the MIP included a provision that allows consideration of the makai lands in the UGB in the context of the West Maui Community Plan Update or a community plan amendment. Alternative 1 will pursue inclusion of the makai lands in the UGB during the community plan

amendment process. Alternative 2 is in compliance with the MIP's UGB and RGB.

Further, during the General Plan Update and adoption of the MIP, the Maui County Council comprehensively reviewed the West Maui region and was fully aware of cross boundary effects on the adjacent land uses, especially on Kapai`ki, OCR, Olowalu General Store, and the 14-lot Olowalu Mauka Subdivision. Proposed mitigation includes developing park land as a buffer area adjacent to Kapai`ki, expansion of the OCR, and developing agricultural lots along Olowalu Stream, developing the commercial core adjacent to Olowalu General Store, and developing proposed rural lots as a transition in land uses between the urban uses and the 14-lot Olowalu Mauka agricultural subdivision.

State and County Transportation Systems

~~The 2002 Hawai`i Statewide Transportation Plan provides policy-guidance to the horizon year 2025 for the development and management of Hawai`i's transportation systems. The goals of the Plan were to achieve a multi-modal transportation system, ensure the safety and security of our transportation systems, protect and support Hawai`i's unique environment, improve the quality of life, support Hawai`i's economic vitality, and implement a Statewide planning process.~~The 2014 Federal-Aid Highways 2035 Transportation Plan for the District of Maui was prepared to aid the State of Hawai`i in its decision making process relating to its long range transportation planning to the Year 2035 to modernize its transportation systems, improve safety and meet the sustainable goals of the State of Hawai`i. To increase roadway capacity, safety, and multi-modal facilities, the 2035 Transportation Plan recommends two (2) additional travel lanes for Honoapi`ilani Highway. The Master Plan for Alternatives 1 and 2 include the corridor for the realignment of Honoapi`ilani Highway further inland while maintaining the existing highway. This will provide an additional two (2) lanes of travel in the Olowalu Town area.

As part of the Statewide planning process, the HDOT has initiated the Honoapi`ilani Realignment/Widening (Mā`alaea to Launiupoko) project to connect to the Lāhainā Bypass currently under construction. The relocation and widening project will relocate the highway away from existing shoreline

erosion problems, improve highway capacity, and improve the reliability of access to and from the West Maui region. HDOT is in the process of preparing an EIS for the project. Olowalu Town LLC and Olowalu Ekolu, LLC, in conjunction with discussions with the HDOT, have included a future relocated highway through Olowalu to accommodate a future four-lane divided highway and landscaping. Ongoing dialogue with the HDOT is envisioned to determine the preferred alignment of the relocated highway.

In 2012, the HDOT, in coordination with FHWA and with the cooperation of the landowner, West Maui Land Company, proposed the relocation of the Lāhainā By-Pass Southern Terminus to the vicinity of the former Olowalu landfill. This roadway improvement is included in the 2015-2018 STIP. The proposed realignment of Honoapi`ilani Highway in Olowalu connects to the Lāhainā By-Pass.

The County of Maui Long-Range Land Transportation Plan, February 1997, recommended island-wide highway improvements which included widening of Honoapi`ilani Highway to a four-lane roadway four (4) miles west of Mā`alaea Harbor to the Lāhainā Bypass. In 2005, the County prepared the Pali to Puamana Parkway Master Plan which recommended realigning the highway further mauka from the shoreline and development of open space and parks makai of the new highway alignment. The Master Plan ~~is~~for Alternatives 1 and 2 is a refinement of this Plan in Olowalu and is consistent with the purpose of the County's proposed Pali to Puamana Parkway Master Plan. The Master Plan for Alternatives 1 and 2 includes a mauka relocation of Honoapi`ilani Highway~~,~~. Makai of Honoapi`ilani Highway, Alternative 1 includes an open space/park north of Olowalu Stream and south at Camp Olowalu while Alternative 2 does not affect land use conditions makai of the highway. The Pali to Puamana Parkway Master Plan recommended approximately 28 acres for park use in Olowalu~~, while the Master Plan includes approximately 223 acres of green space which includes parks, open space, landscape medians and grassed swales along roadways and large lawns at public and civic facilities.~~ makai of Honoapi`ilani Highway. Alternative 1 proposes approximately 23 acres makai of Honoapi`ilani Highway for park use. Alternative 2 does not include the makai lands.

Inasmuch as the Master Plan ~~has~~for Alternatives 1 and 2 has been and will continue to be a part of larger ongoing planning processes, it is anticipated that cross boundary effects will be appropriately addressed.

e. **Fragmentation Effects on Existing Neighboring Land Uses**

Fragmentation refers to changes to landscape patterns as a result of a proposed action. For example, fragmentation of a historic district may occur if development approvals for a project having non-historic architectural design elements are approved and developed adjacent to such district. Fragmentation may also result with the construction of a new highway through a habitat area, where the functional continuity of the habitat may be disrupted by the highway.

Existing Neighboring Land Uses

In the case of the Master Plan for Alternatives 1 and 2, the development will create a new community in the once thriving plantation town of Olowalu which will alter the area's character. The issue is whether an increase in the urban and rural landscape is deemed to be an adverse effect on Olowalu and the West Maui region. As stated previously, in its comprehensive review of the West Maui region, the ~~GPAC and MPC recommended the Master Plan be included in the growth boundaries of the MIP. As such, if the MIP is adopted to include portions or the entire Master Plan then such changes are planned in the context of future growth in Olowalu and the West Maui region.~~Maui County Council included portions of OTMP in the UGB and RGB of the MIP through Ordinance No. 4004 effective on December 28, 2012. The MIP also included provisions that will allow consideration of the makai lands in the UGB through the proposed community plan amendment process. Location of population growth to Olowalu will disperse growth outside of the Lāhainā to Kapalua area and reduce the outward expansion of the urban boundaries between these existing urban centers.

Historically, Olowalu has been a distinct and separate community with its own sense of place. The Olowalu Ahupua`a boundaries and the mountain ridges surrounding Olowalu physically separates it from Ukumehame and Launiupoko. The Master Plan ~~has~~for Alternatives 1 and 2 has been developed in consultation with the existing Olowalu Town community in order to ensure

a cohesive development pattern compatible with the existing landscape. The Master Plan for Alternatives 1 and 2 proposes to develop two (2) small country town cores with a country town character that will integrate into the existing community.

The formulation of the preferred infrastructure system elements required careful engineering analysis, taking into account land use relationships, environmental impact mitigation, and relationships to existing and planned infrastructure systems. The alignment of the mauka Honoapi`ilani Highway and site planning for infrastructure, such as the wastewater facility and public services considered the location of sensitive habitat, endangered and threatened flora and fauna, archaeological and cultural sites and other environmental constraints. These constraints were evaluated to minimize any disruptions to the environment and community.

f. Compounding Effects on County Land Use Plans and Infrastructure Systems and Public Services

Compounding effects relate to the additive and synergistic effects of impacts arising out of multiple pathways. For example, the implementation of new infrastructure which will ultimately serve new residential communities must be analyzed not only in terms of the Master Plan for Alternatives 1 and 2 itself, but also the reasonable foreseeable future developments which may develop as a result of the Master Plan for Alternatives 1 and 2.

County Land Use Plans

With regard to the Master Plan for Alternatives 1 and 2, compounding effects were assessed in connection with anticipated growth within Olowalu and the West Maui region.

Implementation of the Master Plan for Alternatives 1 and 2 will accommodate future population growth outside of Lāhainā town reducing the land use practice of outward urban sprawl between Lāhainā and Kapalua. The physical constraints of the West Maui Mountains surrounding Olowalu, current land ownership and environmental constraints limit future opportunity to develop Olowalu beyond the Master Plan for Alternative 1. Also, the land uses north and south of the Master Plan area for Alternatives 1 and 2 are limited to

agriculture, park and open space and are not proposed for any housing developments.

Infrastructure Systems and Public Services

The nearest existing agricultural subdivisions located at Launiupoko and Ukumehame have self-contained infrastructure to serve their developments and are not conveniently located adjacent to Olowalu to take advantage of the new infrastructure being provided in the Master Plan for Alternatives 1 and 2. As such, benefits of new infrastructure, except for the regional highway improvement, to be constructed in conjunction with the Master Plan for Alternatives 1 and 2 in the foreseeable future will accrue primarily to existing residents and future residents of the Master Plan for Alternatives 1 and 2.

If public facilities, such as a school, police and fire station, are constructed within the Master Plan for Alternatives 1 and 2, these services will become available to existing residents creating new operational relationships among the Master Plan residents of Alternatives 1 and 2, existing residents and agencies providing the respective public services. For example, new police and fire protection services in Olowalu will reduce the service area limits of the Lāhainā fire and police stations, thereby creating operational improvements for these services. From a recreational services perspective, the OCR, as well as the open space and park lands proposed in the Master Plan for Alternatives 1 and 2, will be open to residents and visitors outside of Olowalu, thereby relieving demand on other existing recreational facilities.

g. ~~Indirect Effects~~Secondary Impacts on County Land Use Plans and Infrastructure Systems and Public Services

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

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

related effects on air and water and other natural systems, including ecosystems.

County Land Use Plans

The indirect effect associated with the Master Plan for Alternatives 1 and 2 pertains to its implications for future growth in Olowalu and the West Maui region. Implementation of the Master Plan for Alternatives 1 and 2 will accommodate future population growth outside of Lāhainā Town reducing the land use practice of outward urban sprawl. This particular indirect effect will allow for the development of a new sustainable community while enabling a more moderate pace of development in existing urbanized areas of West Maui. As stated previously, the physical constraints of the West Maui Mountains surrounding Olowalu, current land ownership and environmental constraints limit future opportunity to develop Olowalu beyond the Master Plan area for Alternative 1, while opportunity exists to expand into the makai lands. The Master Plan for Alternatives 1 and 2 as a sustainable community proposes to include potential employment centers and public services to reduce the need to commute outside of the Master Plan for Alternatives 1 and 2. Importantly, the Master Plan ~~is~~for Alternatives 1 and 2 is envisioned as a housing project for residents that will encourage in-migration from other areas of Maui so workers who work in West Maui but live outside of the district can reduce their commute time and distance.

Infrastructure Systems and Public Services

New infrastructure needs created by the Master Plan for Alternatives 1 and 2 will result in additional water usage, increased stormwater runoff; additional wastewater and solid waste disposal needs in order to accommodate the increased population. The need for these services will improve the existing services in Olowalu Town with an expanded and upgraded water source and transmission system, including fire protection, for the existing residents. Stormwater runoff will be collected by a system of retention basins and filtration measures that will prevent flooding in the area, as well as improve the near shore water quality by removing a portion of the sediment that currently enters the ocean. The construction of an environmentally sound wastewater treatment facility adjacent to the County's Recycling and Refuse Convenience Center will provide an opportunity for portions of the existing

community to connect to the system and eliminate individual cesspools and septic systems as well as create an opportunity for the convenience center to expand into the Master Plan area for Alternatives 1 and 2. The Master Plan for Alternatives 1 and 2 will also require an increase in energy. To reduce dependency on fossil fuels, the Master Plan for Alternatives 1 and 2 proposes to utilize renewable energy systems, such as hydro-electric power, photo voltaic, solar, etc.

In this context, the Master Plan for Alternatives 1 and 2 is anticipated to have beneficial indirect or secondary impacts in the West Maui region.

h. Triggers and Thresholds Effects on Water Resources and State and County Transportation Systems

Triggers and thresholds refer to impacts which may be tied to indicators established through laws, policies, regulations or standards. Triggers and thresholds may include standards which identify key indicators which, when exceeded, would require special study or mitigation efforts. In traffic analysis for example, the LOS "F" reflects a worst case condition in terms of traffic operations. Such a LOS would require that traffic mitigation be implemented to bring conditions back within the acceptable range of operations.

Water Resources

With regards to the Master Plan for Alternatives 1 and 2, the parameter identified as requiring evaluation with respect to triggers and thresholds is the effect of the project on water resources. The threshold which must be considered is the two (2) MGD sustainable yield of the Olowalu Aquifer. The Master Plan for Alternatives 1 and 2 will require two (2) additional wells, however, at full build-out the project is estimated to require ~~672,300~~951,000 GPD, ~~well below~~within the two (2) MGD sustainable yield for the Olowalu Aquifer, although the U.S.G.S. has indicated the sustainable yield may be greater at 7.0 MGD. The future development of the new wells will follow the process for well construction and pump installation set forth under Chapter 174, HRS. Pump capacity limits for the wells will be required to respect the Olowalu Aquifer's two (2) MGD sustainable yield.

State and County Transportation Systems

The proposed Master Plan for Alternatives 1 and 2 envisions a system of arterials, collectors and local roads, integrated to provide an efficient and effective network for multiple forms of transportation including automobiles, bicycles, pedestrian and mass transit. Traffic impact evaluation will be required on an ongoing basis, over the 10-year project development timeframe to ensure that appropriate design features are incorporated into project plans as each phase of transportation infrastructure is implemented. In particular, at each phase of Project District development, traffic operations will need to be considered to ensure that applicable HDOT and County of Maui operational thresholds are met, either through design measures or transportation management measures.

i. Summary

The evaluation of cumulative and secondary impacts addressed key issues raised through the EIS process. Each issue has been analyzed with respect to applicable cumulative impact evaluative criteria. In general, appropriate mitigation measures and/or regulatory oversight processes have been identified to ensure that cumulative impacts for each key issue is managed, such that adverse conditions affecting the natural and man-made environments are mitigated and/or minimized.

APR 26 2012

West Maui Taxpayers Association

P.O. Box 10338•Lahaina, HI 96761•Office (808) 661-7990• Fax (808) 661-7992 • Visit www.WestMaui.org

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April 24, 2012

TO: Mr. Bill Frampton
Mr. David Ward
Frampton and Ward
2035 Main Street, Suite 1
Wailuku, HI 96793

FROM: West Maui Taxpayers Association

RE: Olowalu Town DEIS

ALOHA;

The West Maui Taxpayers Association (WMTA) apologizes for missing the response date for comment on this DEIS, but we do want to participate in any future reviews. WMTA would appreciate your adding us to the list of commenters and reviewers as the project progresses. Thank you.

WMTA has no specific comments on the DEIS, but we do participate in West Maui development that will impact quality of life, public safety, the tax base, and infrastructure demands in our community.

WMTA looks forward to bringing more specific comments on Olowalu Town to the table at the appropriate time.

Donald E. Lehman
President, WMTA

cc: Orlando "Dan" Davidson, Executive Director, Land Use Commission
235 S. Beretania St.
Leiopapa A Kamehameha, Room 406
Honolulu, HI 96813

Colleen Suyama
305 High Street, Suite 104
Wailuku, HI 96793

WMTA is a non profit 501 c 4. WMTA, as a dedicated Lobbyist organization, has a mission for our West Maui Community. The objectives of this Organization are to associate the interests, concerns, and efforts of residents and taxpayers of the West Maui area, and others interested in the orderly development and improvement of the area, in a cooperative effort. whether provided by, or to be provided by, the State or County governments, or by others.

MUNEKIYO HIRAGA
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October 26, 2015

Tom Yamachika, President
West Maui Taxpayers Association
PO Box 10338
Lahaina, Hawaii 96761

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Mr. Yamachika:

On behalf of the Applicants, Olowalu Town, LLC and Olowalu Ekolu, LLC, we thank you for the West Maui Taxpayers' letter of April 24, 2012 responding to our request for comments on the Draft Environmental Impact Statement (EIS) for the proposed Olowalu Town Master Plan. We offer the following information in response to the comments noted in the letter.

Comment:

The West Maui Taxpayers Association (WMTA) apologizes for missing the response date for comment on this DEIS, but we do want to participate in any future reviews. WMTA would appreciate your adding us to the list of commenters and reviewers as the project progresses. Thank you.

WMTA has no specific comments on the DEIS, but we do participate in West Maui development that will impact quality of life, public safety, the tax base, and infrastructure demands in our community.

WMTA looks forward to bringing more specific comments on Olowalu Town to the table at the appropriate time.

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

Response: Thank you again for your review of the Draft EIS. We note that your association has no specific comments on the Draft EIS. Please be advised that the proposed Olowalu Town Master Plan will require several land use entitlement approvals in order to proceed. Such land use entitlement approvals include a State Land Use District Boundary Amendment, West Maui Community Plan Amendment, Change in Zoning, Project District approvals, as well as Special Management Area Use permits. As such, there are a number of opportunities provided to the public for review and comment on the project as the Master Plan implementation proceeds over time. Our office notes your interest in being informed during the various stages of public review. With this in mind, the West Maui Taxpayers Association has been included in the project's list of interested parties.

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter and this response letter will be included in the Final EIS. Should you wish to receive a copy of the Final EIS document or portion thereof, please submit your request in writing to Munekiyo Hiraga at 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

Colleen Suyama
Senior Associate

CS:tn
cc: David Ward, Olowalu Town, LLC
William Frampton, Olowalu Town, LLC
Peter Martin, Olowalu Ekolu LLC
Jennifer Lim, Carlsmith Ball, LLP
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LAND USE COMMISSION
STATE OF HAWAII
2012 MAY -9 A 8:08

Surfrider Foundation Maui Chapter
PO Box 790549 Paia, Maui HI 96779

SURFRIDER FOUNDATION

May 7, 2012

To: State Land Use Commission
PO Box 2359
Honolulu, HI 96804
Attention: Dan Davidson

Re: Comments on DEIS for Proposed Olowalu Town Master Plan
on TMK (2) 4-8-003: 84, 98-118 and 124

Greetings Land Use Commissioners:

Surfrider Foundation Maui Chapter (SFMC) is concerned with issues that affect our oceans and shorelines. We are grateful for a chance to offer these comments on the proposed project.
Our comments concern several topics: Impacts to Beach Access and Water Quality and Good Planning Design. We apologize for being beyond the comment deadline. We had to have board approval to send the comments.

Beach Access:

The Olowalu Draft EIS shows a new alignment of Honoapiilani Hwy that will be created to serve the proposed development. It also indicates that the existing road will remain as a low speed coastal road, but two sections of the existing highway will be removed at the north and south ends of the proposed project. Both stretches of Honoapiilani Hwy that proposed to be removed appear to be in areas well used for recreational access.

It seems from the map, that anyone wanting to access those shoreline areas after the proposed highway re-alignment was built would need to drive down a separate road from the new alignment to the coastal road. We didn't really see this discussed in the DEIS document, but it seems to us that this is a big change to people's ease of coastal access. Here's how a local website describes Olowalu:

"Just off the Honoapiilani Highway, Olowalu is the easiest spot to access on the island. You can literally go from driving on the highway to riding a wave in less than 2 minutes."

It's true, right now a shoreline user just has to pull over their vehicle, park and access the beach. Under the new arrangement a person needs to leave Honoapiilani Hwy and go on another road around the new development, and then follow that road back down to the remaining end of the old Honoapiilani Hwy. This is an impact that should be discussed.

We request that the Final EIS give specific information on the new proposed beach access routes, the length of road a beachgoer has to travel to get to the old road; the amount of traffic a beachgoer will have to go through to get to the shoreline if the route passes through the "new town;" the amount of parking available on the shore; and whether those on the new upper alignment will be able to still see the coast and check out the wave and weather conditions? We also request that the FEIS discuss how much of any

future beach parks along the Olowalu coast will be the publicly owned 100 ft wide State Beach Reserve and how much will be additional land provided by the landowner for park purposes?

Will there be new shoreline access points created? If so where and how many? Better Maps Please!

Water Quality:

We see that a sewage treatment plant is proposed across from a popular surf spot. The DEIS doesn't seem concerned that this location could effect the ocean water quality or ocean users like fishermen and women, surfers and divers. We would like to see information in the EIS about how large a storm it would take to overwhelm the treatment plant and its wetland storage site. What happens if there is a hurricane or tsunami on the West side?

Where is the wetland going to be? How will the odor of the plant affect ocean users? Will it have a constant odor like the plants in Lahaina and Kihei? The DEIS said that the plant location was chosen to get it far away from new housing and stores, and over near the old Olowalu Dump site. That's great for them, but what about folks who have used this shoreline for generations with no sewage smells? We are very surprised that none of this seems to be discussed in such a large document. There's no sewage treatment plant in Olowalu now. It seems unreasonable for the DEIS to pretend that building a wastewater plant will not expose the ocean to impacts. Nothing is perfect. We request that the FEIS discuss the plants vulnerabilities in more detail.

Good Planning Design:

SFMG representatives attended the Planning Commission meeting in Lahaina where the Maui Island Plan was discussed. We heard the debate and we understand that the Commission only recommended Olowalu be in the growth boundary <u>if everything makai of the Honoapiilaini Hwy was left out of the urban development boundary.</u> We see in the DEIS maps that the Planning Commission recommendation does not show up on any of your "proposed project" maps.They all have urban development shown makai of the current Honoapiilani Hwy.

Shouldn't the EIS show what the Planning Commission voted for: the whole project all set mauka of the current Honoapiilani Hwy, as an Alternative? How can this not be discussed when the DEIS tells the Land Use Commission that the Maui Planning Commission supports the project? Can you show a different project and pretend the Planning Commission supported it? Please show and discuss all the choices in the Final EIS.

Mahalo nui loa

Kyle Juk, Vice-Chair

Surfrider Foundation, Maui Chapter

Olowalu Town
BY MAUI, FOR MAUI
2035 MAIN STREET WAILUKU HAWAI'I 96793
OFFICE: 808-249-2224 / FAX: 249-2333

October 26, 2015

Kyle Juk, Vice Chair
Surfrider Foundation Maui Chapter
P.O. Box 790549
Paia, Hawaii 96779

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Mr. Juk:

We thank you for your letter of April 23, 2012 to the Land Use Commission providing comments on the Draft Environmental Impact Statement (EIS) for the Olowalu Town Master Plan. We offer the following information to the comments noted in your letter.

Comment:

Beach Access:

The Olowalu Draft EIS shows a new alignment of Honoapiilani Hwy that will be created to serve the proposed development. It also indicates that the existing road will remain as a low speed coastal road, but two sections of the existing highway will be removed at the north and south ends of the proposed project. Both stretches of Honoapiilani Hwy that proposed to be removed appear to be in areas well used for recreational access.

It seems from the map, that anyone wanting to access those shoreline areas after the proposed highway re-alignment was built would need to drive down a separate road from the new alignment to the coastal road. We didn't really see this discussed in the DEIS document, but it seems to us that this is a big change to people's ease of coastal access. Here's how a local website describes Olowalu:

"Just off the Honoapiilani Highway, Olowalu is the easiest spot to access on the island. You can literally go from driving on the highway to riding a wave in less than 2 minutes" It's true, right now a shoreline user just has to pull over their vehicle, park and access the beach. Under the new arrangement a person needs to leave Honoapiilani Hwy and go on another road around the new development, and then follow that road back down to the remaining end of the old Honoapiilani Hwy. This is an impact that should be discussed.

We request that the Final EIS give specific information on the new proposed beach access routes, the length of road a beachgoer has to travel to get to the old road; the amount of traffic a beachgoer will have to go through to get to the shoreline if the route passes through the "new town"; the amount of parking available on the shore; and whether those on the new upper alignment will be able to still see the coast and check out the wave and weather conditions? We also request that the FEIS discuss how much of any future beach parks along the Olowalu coast will be the publicly owned 100 ft wide State Beach Reserve and how much will be additional land provided by the landowner for park purposes?

Will there be new shoreline access points created? If so where and how many? Better Maps Please!

Response:

The Olowalu Town Master Plan (OTMP) recognizes the importance of public access to and along the shoreline. Two (2) alternatives for the makai lands will be addressed in the Final EIS. Alternative 1 assumes that lands makai of Honoapiilani Highway will be encompassed within the overall OTMP, while Alternative 2 assumes that lands makai of Honoapiilani Highway will not be a part of the OTMP. Should lands makai of Honoapiilani Highway be approved to be a part of the OTMP, these lands will be planned to enhanced shoreline access and the overall shoreline experience. Such planning will need to consider the interests of shoreline users, as you have described.

In coordination with the State Department of Transportation (HDOT), the access points to the future Bypass Highway through Olowalu was developed for the OTMP. Honoapiilani Highway will be realigned to connect the future Bypass at the north and south side of Olowalu Town. When this connection is made, portions of the existing Honoapiilani Highway will be abandoned as shown on Figure 4 of the Draft EIS. Although the existing highway right-of-way (ROW) is owned by the State of Hawaii, it is hoped that the abandoned ROW will be integrated into the proposed cultural areas, open space and parks.

Currently, the OTMP is a conceptual land use plan for planning purposes. The OTMP is in the preliminary stage of the various land entitlements and permits required for the

project. As such, general parameters on public access, parks and open space are provided in the EIS. During each phase of OTMP implementation, greater specificity will be provided, to include coastal access routes, and integration of State lands and private lands for recreational purposes.

Comment:

Water Quality:

We see that a sewage treatment plant is proposed across from a popular surf spot. The DEIS doesn't seem concerned that this location could effect the ocean water quality or ocean users like fishermen and women, surfers and divers. We would like to see information in the EIS about how large a storm it would take to overwhelm the treatment plant and its wetland storage site. What happens if there is a hurricane or tsunami on the West side?

Response:

The sewage treatment plant (STP) is located at the Lahaina end of Olowalu adjacent to the County's Olowalu Recycling and Refuse Convenience Center approximately 400 feet from the shoreline. The STP is located outside of the flood and tsunami hazard zones. (Figure 13 in the Draft EIS) During a hurricane event the STP will be shut down as it is currently occurring at other STPs, such as the Wailuku-Kahului Wastewater Reclamation Facility, to minimize adverse impacts associated with this type of catastrophic event.

The STP and its natural wetland and soil aquifer treatment systems will be designed to accomodate peak wet weather flow. The design capacity of the wetland and soil aquifer treatment systems will accommodate stormwater runoff as well as any excess R-1 recycled water from the STP. Also, the wetland and soil aquifer treatment systems will be constructed mauka of the proposed realigned Honoapiilani Highway. The proposed STP will be engineered such that discharge from the STP into the ocean is not expected to occur.

Comment:

Where is the wetland going to be? How will the odor of the plant affect ocean users? Will it have a constant odor like the plants in Lahaina and Kihei? The DEIS said that the plant location was chosen to get it far away from new housing and stores, and over near the old Olowalu Dump site. That's great for them, but what about folks who have used this shoreline for generations with no sewage smells? We are very surprised that none of this seems to be discussed in such a large document. There's no sewage treatment plant in Olowalu now. It seems unreasonable for the DEIS to pretend that building a

wastewater plant will not expose the ocean to impacts. Nothing is perfect. We request that the FEIS discuss the plants vulnerabilities in more detail.

Response:

As stated previously, an area away from the ocean and mauka of the proposed realigned Honoapiilani Highway will be considered for the wetland and soil aquifer treatment systems.

Potential nuisance odors are a concern. A Wastewater Management Plan (Plan) was prepared for OTMP and included as Appendix "N" of the Draft EIS. The Plan included measures to address odors beyond what is currently practiced at the Lahaina and Kihei STPs.

Engineers indicate that the exposed headworks where incoming sewage is received is commonly an odorous process area at wastewater treatment plants such as the Lahaina STP. The OTMP wastewater treatment plant headworks will be enclosed as a measure for odor control. The foul air will be treated as it flows through odor control biofilters (or a similar process).

Noxious odors are caused by an anaerobic process (lack of oxygen). The liquid treatment processes within the wastewater treatment plant is not anticipated to be a source of nuisance odors because the process tanks will be aerated to maintain dissolved oxygen concentrations at all times. Additionally, the waste solids will be pumped to an aerobic digester to prevent odors.

The solids dewatering process is another potential source of odors. The dewatering equipment will be enclosed in a room to facilitate foul air collection. The foul air will be routed to a biofilter for treatment. (Figure 19 in the Draft EIS)

Comment:

Good Planning Design:

SFMG representatives attended the Planning Commission meeting in Lahaina where the Maui Island Plan was discussed. We heard the debate and we understand that the Commission only recommended Olowalu be in the growth boundary if everything makai of the Honoapiilaini Hwy was left out of the urban development boundary. We see in the DEIS maps that the Planning Commission recommendation does not show up on any of your "proposed project" maps. They all have urban development shown makai of the current Honoapiilani Hwy.

Shouldn't the EIS show what the Planning Commission voted for: the whole project all set mauka of the current Honoapiilani Hwy, as an Alternative? How can this not be discussed when the DEIS tells the Land Use Commission that the Maui Planning Commission supports the project? Can you show a different project and pretend the Planning Commission supported it? Please show and discuss all the choices in the Final EIS.

Response:

Since your comments on the Draft EIS, the Maui Island Plan (MIP) was adopted by the County of Maui on December 28, 2012. The MIP included the lands mauka of Honoapiilani Highway of the OTMP in the Urban Growth Boundary and Rural Growth Boundary of the Directed Growth Map. The EIS includes the MIP Map for Olowalu and discussion on the MIP. See **Exhibit "1"**. *The EIS includes the original conceptual plan as Alternative 1 and Alternative 2 which reflects the MIP's growth boundaries. See* **Exhibit "2"**.

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter and this response letter will be included in the Final EIS. Should you wish to receive a copy of the Final EIS document or portion, thereof, please submit your request in writing to Munekiyo Hiraga at 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town, LLC

David Ward
Olowalu Town, LLC

WF:DW
Enclosures
cc: Peter Martin, Olowalu Ekolu, LLC
Jennifer Lim, Carlsmith Ball, LLP
Colleen Suyama, Munekiyo Hiraga

~~project and will incorporate innovative, efficient, and sustainable technologies to minimize adverse impacts to the environment.~~

~~The Master Plan will preserve important open space and cultural resources. Approximately 223 acres of parks and open space will be provided. In addition, no development will occur within 150 feet of the shoreline.~~

The development of ~~the Master Plan~~both Alternatives 1 and 2 embodies the core principles advocated by the Countywide Policy Plan. Importantly, since 2005, the Maui community, especially the Olowalu community, has been involved in the project's planning process. Respecting its natural environment and cultural heritage, ~~the Master Plan is~~both Alternatives 1 and 2 are modeled after the Hawaiian ahupua`a system of land use recognizing the importance of Olowalu Stream and the connection between the ocean and mountain environments, as well as the rich cultural heritage of the area. ~~The Master Plan~~ Both Alternatives 1 and 2 incorporate~~s~~ the principles of sustainability, cultural preservation and economic diversity to create neighborhoods sensitive to its environment and cultural heritage.

~~The Master Plan~~ Both Alternatives 1 and 2 propose~~s~~ to establish an economic base consisting of agriculture, community needs, and support services and new entrepreneurialism to support the community's sustainability goals. The Master Plan ~~is~~for Alternatives 1 and 2 is envisioned to disperse population growth into a distinct community from Lāhainā Town separated by agricultural open space and topographic boundaries. The Master Plan alternatives include~~s~~ retaining approximately 28 acres of agricultural lands in Olowalu as 14 agricultural homestead~~s and~~, as ~~part of~~well as expand the OCR in order to perpetuate native Hawaiian agricultural practices.

In summary, ~~the Master Plan is~~both Alternatives 1 and 2 are consistent with the themes and principles of the Countywide Policy Plan.

<u>Maui Island Plan</u>

~~The second component of the Maui County General Plan 2030 is the MIP. The MIP will set forth an islandwide land use strategy for Maui and encompasses a managed and directed growth plan which includes the delineation of urban and rural growth boundaries. The MIP has undergone review by the GPAC and the MPC and is currently under review by the Maui County Council. Both the GPAC and MPC recommended the inclusion of the Master Plan in the MIP. The Planning Director's transmittal of the MIP to the Maui County Council on~~

EXHIBIT 1

~~October 16, 2009 excluded the Master Plan from the MIP's directed growth boundaries. While the process for review and approval of the MIP is ongoing, the applicant will continue to be an active participant in the MIP process. Due to the uncertainties surrounding the timing of the County Council's approval of the MIP and the lengthy entitlement process for the proposed project, the applicant is continuing to proceed with land entitlement applications for the proposed project while the MIP review continues. If the MIP is adopted prior to the submittal of the Final EIS, the Final EIS will address the project's compliance with the MIP goals, objectives, and policies. It is noted that the respective regional community plans will be updated following the adoption of the MIP. Refer to **Appendix "O"**.~~ The MIP is applicable to the island of Maui only, providing more specific policy-based strategies for population, land use, transportation, public and community facilities, water and sewage systems, visitor destinations, urban design, and other matters related to future growth.

As provided by Chapter 2.80B, the MIP shall include the following components:

1. *An island-wide land use strategy, including a managed and directed growth plan*
2. *A water element assessing supply, demand and quality parameters*
3. *A nearshore ecosystem element assessing nearshore waters and requirements for preservation and restoration*
4. *An implementation program which addresses the County's 20-year capital improvement requirements, financial program for implementation, and action implementation schedule*
5. *Milestone indicators designed to measure implementation progress of the MIP*

It is noted that Ordinance No. 4004 does not address the component relating to the implementation program. Chapter 2.80B of the Maui County Code, relating to the General Plan, was amended via Ordinance No. 3979, October 5, 2012, to provide that the implementation program component be adopted no later than one (1) year following the effective date of Ordinance No. 4004. In December 2013 and March 2014, the Council approved time extensions for approval and adoption of the implementation chapter of the MIP. The implementation program component of the MIP was adopted by Ordinance No. 4126 on May 29, 2014.

The MIP addresses a number of planning categories with detailed policy analysis and recommendations which are framed in terms of goals, objectives, policies and implementing actions. These planning categories address the following areas:

1. *Population*
2. *Heritage Resources*
3. *Natural Hazards*
4. *Economic Development*
5. *Housing*
6. *Infrastructure and Public Facilities*
7. *Land Use*

An essential element of the MIP is its directed growth plan which provides a management framework for future growth in a manner that is fiscally, environmentally, and culturally prudent. Among the directed growth management tools developed through the MIP process are maps delineating UGB, small town boundaries (STB), and RGB. The respective boundaries identify areas appropriate for future growth and their corresponding intent with respect to development character.

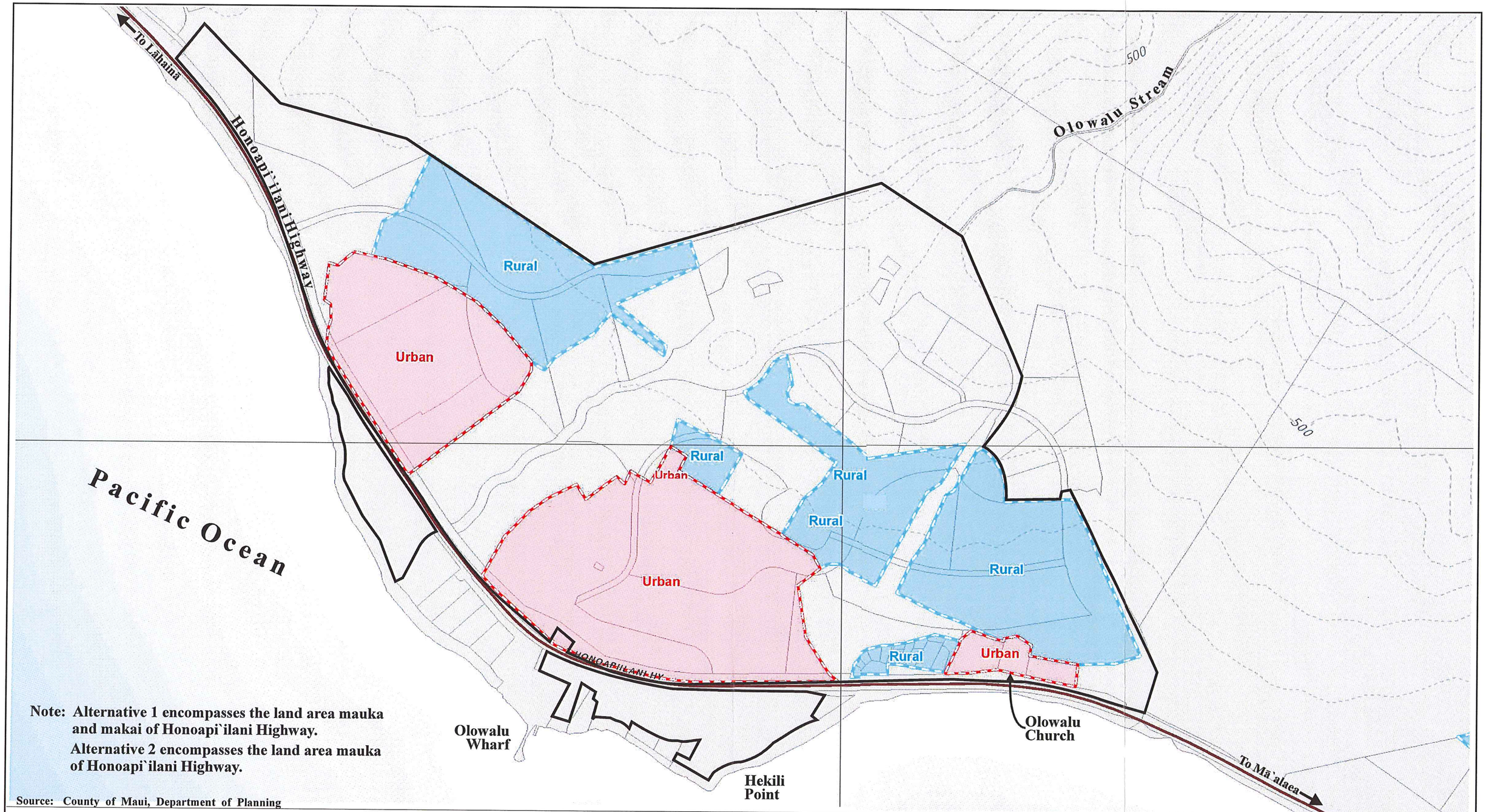
The MIP designates Olowalu as an appropriate location for future growth on its Directed Growth Maps. The mauka portion of the proposed Master Plan for Alternative 1 is located within the UGB and RGB. The lands makai of Honoapi`ilani Highway in Alternative 1 are not included in the UGB. However, the MIP states that "the future delineation of potential urban growth areas makai of the existing Honoapi`ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan" (MIP at 8-64). Such delineation may consider the need to protect adjacent coastal and marine ecosystems (including the reefs at Olowalu), enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway plan. See **Figure 29** and **Appendix "R"**.

Alternative 2 does not include the makai lands and is in the UGB and RGB in the MIP. Refer to **Figure 29** and **Appendix "R"**.

In addition, both Alternatives 1 and 2 have been reviewed with respect to pertinent goals, objectives, policies and implementing actions of the MIP. A summary of policy statements most relevant to the proposed action is provided below:

CHAPTER 1 POPULATION

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



Note: Alternative 1 encompasses the land area mauka and makai of Honoapi`ilani Highway.
Alternative 2 encompasses the land area mauka of Honoapi`ilani Highway.

Source: County of Maui, Department of Planning

Figure 29

Proposed Olowalu Town Master Plan

Maui Island Plan Map

NOT TO SCALE

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

MUNEKIYO HIRAGA

OlowaluTown/MasterPl/Final EIS/MIP Map

Objective: Greater retention and return of island residents by providing viable work, education, and lifestyle options.

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

CHAPTER 2 HERITAGE

Cultural, Historic, and Archaeological Resources

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

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

Policies: Ensure traditional public access routes, including native Hawaiian trails, are maintained for public use.

Support the education of visitors and new residents about the customs and etiquette of the Hawaiian culture, as well as other cultures.

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

Policy: Support opportunities for public involvement with the intent to facilitate the protection and restoration of historic and archeological sites, including consultation with stakeholders.

Shoreline, Reefs, and Nearshore Waters

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

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

Policy: Create additional mechanisms, where needed, to contain and control runoff and pollution.

Objective: Water quality that meets or exceeds State Clean Water Act standards.

Policies: Reduce the amount of impervious surface and devise site plan standards that aim to minimize storm runoff and Nonpoint Source (NPS) pollution.

Require an on-site monitoring program, where applicable, when grading may pose a threat to water quality or when recommended in the Erosion and Sediment Control Plan (ESCP).

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

Phase out cesspools and restrict the use of septic systems in ecologically sensitive coastal areas by converting to environmentally-friendly alternative sewage treatment systems, and connecting to central sewerage systems when and where feasible.

Prohibit the development of new wastewater injection wells, except when unavoidable for public health and safety purposes.

Implementing Action: Transition from the use of wastewater injection wells to appropriate, environmentally sound methods of wastewater disposal, and promote the beneficial reuse of wastewater effluent.

Objective: Acquire additional shoreline lands and shoreline access rights.

Watersheds, Stream and Wetlands

Goal: Healthy watersheds, streams, and riparian environments.

Objective: Greater protection and enhancement of watersheds, streams, and riparian environments.

Policies: All present and future watershed management plans shall incorporate concepts of ahupua`a management based on the interconnectedness of upland and coastal ecosystems/species.

Support regulations to require developments to utilize ahupua`a management practices.

Work with private and non-profit entities to educate the public about the connection between upland activities within the watershed and the impacts on nearshore ecosystems and coral reefs.

Objective: Decreased NPS and point source pollution.

Policies: Support the use of Low Impact Development (LID) techniques such as those described in the State of Hawai`i LID Practitioner's Guide (June 2006), as amended.

Encourage farmers and ranchers to use agricultural Best Management Practices (BMPs) to address NPS pollution.

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

Policies: Work with appropriate agencies to eliminate feral ungulate populations and invasive species.

Support the work of conservation groups and organizations that protect, reestablish, manage, and nurture sensitive ecological areas and threatened indigenous ecosystems.

Implementing Action: Develop strategic partnerships with conservation groups and organizations to maximize Federal, State, County, and private funding; and increase cooperation to achieve conservation goals.

Objective: Enhance the vitality and functioning of streams, while balancing the multiple needs of the community.

Wildlife and Natural Areas

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

Objective: A comprehensive management strategy that includes further identification, protection, and restoration of indigenous wildlife habitats.

Policy: Identify and inventory the following:

(1) Natural, recreational, and open space resources;
(2) Flora and fauna with medium, high, and very high concentrations of threatened or endangered species; and
(3) Location and extent of invasive species.

Objective: A decrease in invasive species through programs and partnerships that eradicate undesirable species and protect native habitat.

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

Policies: Secure an interconnected network of sensitive lands, greenways, watercourses, and habitats.

Protect Maui's sensitive lands.

Scenic Resources

Goal: Maui will continue to be a beautiful island steeped in coastal, mountain, open space, and historically significant views that are preserved to enrich the residents' quality of life, attract visitors, provide a connection to the past, and promote a sense of place.

Objective: A greater level of protection for scenic resources.

Policies: Protect views to include, but not be limited to, Haleakalā, `Īao Valley, the Mauna Kahalawai (West Maui Mountains), Pu`u O`la`i, Kaho`olawe, Molokini, Moloka`i, and Lāna`i, Mauna Kea, Mauna Loa, sea stacks, the Pacific Ocean, and significant water features, ridgelines, and landforms.

Protect "night sky" resources by encouraging the implementation of ambient light ordinances and encouraging conversion of all sources that create excessive light pollution, affecting our ability to view the stars.

Protect ridgelines from development where practicable to facilitate the protection of public views.

Protect scenic resources along Maui's scenic roadway corridors.

Implementing Action: Establish design guidelines that integrate techniques such as development clustering, greenbelts, and open space buffers, site plan configuration to protect view planes, building design and height limitations, setbacks from public roadways, landscaping, and other techniques.

CHAPTER 3 NATURAL HAZARDS

Goal: Maui will be disaster resilient.

Objective: Greater protection of life and property.

Policy: Encourage the use of construction techniques that reduce the potential for damage from natural hazards.

CHAPTER 4 ECONOMIC DEVELOPMENT

Economic Diversification

Goal: Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that is sensitive to resident needs and the island's unique natural and cultural resources.

Objective: A more diversified economy.

Policies: Support the creation of new jobs and industries that provide a living wage.

Facilitate and expedite permits and approvals.

Objective: Increase activities that support principles of sustainability.

Policies: Support industries that are sustainable, and culturally and environmentally sensitive.

Encourage and support local businesses.

Support the development of economic development clusters in targeted industry sectors.

Encourage all businesses to save energy, water, and other resources.

Objective: Improve the island's business climate.

Policies: Ensure an adequate supply of affordable workforce housing.

Develop neighborhoods and communities that are attractive to the workforce of a diversified economy.

Visitor Industry

Objective: Comprehensively manage future visitor-unit expansion.

Policy: Allow, where permitted by the community plan, the development of business hotels and small, sensitively-designed inns.

Agriculture

Goal: Maui will have a diversified agricultural industry contributing to greater economic, food, energy security, and prosperity.

Policies: Strive to substitute food/agricultural product imports with a reliable supply of locally produced food and agricultural products.

Encourage growing a diverse variety of crops and livestock to ensure the stewardship of our land while safeguarding consumer safety.

Implementing Action: Encourage the development of community gardens, including gardens on greenbelts that separate communities.

Emerging Sectors

Goal: A diverse array of emerging economic sectors.

Policy: Support new industries that are environmentally and culturally sensitive such as health and wellness, sports and outdoor activities, cultural activities, the arts, film-making, entertainment, and digital media.

Small Business Development

Goal: Small businesses will play a key role in Maui's economy.

Policies: Assist traditional "mom and pop" business establishments.

Support community markets and venues that sell locally-made produce, goods, and services.

Health Care Sector

Goal: Maui will have a health care industry and options that broaden career opportunities that are reliable, efficient, and provide social well-being.

Objective: Expand the economic benefits of the health care sector.

Policy: Encourage expansion and improved access to emergency care in all communities.

Education and Workforce Development

Goal: Maui will have effective education and workforce development programs and initiatives that are aligned with economic development goals.

Policy: Encourage the education and training of our residents to meet the needs of a diversified economy.

CHAPTER 5 HOUSING

Goal: Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.

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

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

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

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

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

Objectives: A wider range of affordable housing options and programs for those with special needs.

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

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

CHAPTER 6 INFRASTRUCTURE AND PUBLIC FACILITIES

Wastewater

Goal: Maui will have wastewater systems that comply with or exceed State and Federal regulations; meet levels-of-service needs; provide adequate capacity to accommodate projected demand; ensure efficient, effective, and environmentally sensitive operation; and maximize wastewater reuse where feasible.

Policy: Establish new wastewater treatment plant(s) outside the tsunami zone.

Objective: Adequate levels of wastewater service with minimal environmental impacts.

Policies: Meet or exceed all State and Federal standards regulating wastewater disposal or reuse.

Strongly encourage the phase out of cesspools.

Objective: Increase the reuse of wastewater.

Water

Goal: Maui will have an environmentally sustainable, reliable, safe, and efficient water system.

Objectives: More comprehensive approach to water resources planning to effectively protect, recharge, and manage water resources including watersheds, groundwater, streams, and aquifers.

Increase the efficiency and capacity of the water systems in striving to meet the needs and balance the island's water needs.

Policies: Maximize the efficient use of reclaimed wastewater to serve non-drinking water needs.

Acquire and develop additional sources of drinking water.

Transportation

Goal: An interconnected, efficient, and well-maintained, multimodal transportation system.

Objective: Provide for a more integrated island-wide transportation and land use planning program that reduces congestion and promotes more efficient (transit-friendly) land use patterns.

Policies: Plan for an integrated multi-modal transportation system comprised of public transit, bicycle, pedestrian, automobile, and other transportation modes.

Refocus transportation investment from the construction of additional roadways only for the automobile to the expansion of a multimodal transportation system.

Encourage the use of "complete streets" design methods.

Objective: Safe, interconnected transit, roadway, bicycle, equestrian, and pedestrian network.

Policies: Ensure transit-, roadway-, and pedestrian-facilities design and level-of-service standards respect the unique character of our communities.

Prioritize transportation improvements list to cost-effectively meet existing and future needs consistent with the MIP.

Require new development, where appropriate, to integrate sidewalks, pathways, bikeways, and transit infrastructure into new commercial and residential projects while enhancing community character.

Transit

Goal: An island-wide transit system that addresses the needs of residents and visitors and contributes to healthy and livable communities.

Objective: An integrated transit system that better serves all mobility needs of Maui's residents and visitors.

Policies: Maximize access to public transit in town centers, commercial districts, and employment centers.

Expand regional and inter-regional transit services, where appropriate, in heavily traveled corridors and within communities.

Increase the frequency of current service, add additional bus routes as demand requires, and transition to nonpolluting transit vehicles, as funding permits.

Provide adequate transit infrastructure (e.g., bus pullouts, waiting benches and shelters, signs) along existing and future transit right-of-ways.

Parks

Goal: Maui will have a diverse range of active and passive recreational parks, wilderness areas, and other natural-resource areas linked, where feasible, by a network of greenways, bikeways, pathways, and roads that are accessible to all.

Policies: Support, consistent with the MIP, the implementation of open-space and recreational plans, such as the Pali to Puamana Parkway Master Plan and the *Upcountry Greenways Master Plan.*

Utilize the ahupua`a approach by integrating mauka-to-makai natural landscapes into an island-wide parks and recreation functional plan.

Provide a balanced mix of passive and active parks, including neighborhood, community, and regional parks, in each community plan area.

Objective: Achieve parks and recreation opportunities to meet the diverse needs of our community.

Policies: Establish appropriate level-of-service standards at the neighborhood, community, and regional levels.

Identify and acquire parks and recreational facilities that address existing park inadequacies and complement and enhance neighborhoods, communities, and natural land features.

Design park facilities to preserve and enhance natural site characteristics, maximize views, protect environmental and cultural sites, and minimize water demands.

Acquire lands along the shoreline, between coastal roadways and the ocean.

Encourage the development of regional parks, district parks, and greenways in a manner that helps to contain sprawl, provide separation between distinct communities, or offer open space within urban communities.

Require large master-planned communities that incorporate a mixture of park facilities pursuant to parks standards and functional plans.

Support public-private partnerships to implement the acquisition and development of parks when consistent with the General Plan.

Objective: An expanded network of greenways, trails, pathways, and bikeways.

Policies: Link existing and future park sites, natural areas, the shoreline, and residential areas with a network of bikeways, pedestrian paths, trails, and greenways.

Collaborate with the State and private land owners to ensure perpetual access and proper stewardship of traditional trails and access systems.

Public Facilities

Goal: Maui will have adequate public facilities that meet the diverse needs of residents.

Policies: Adequately plan and fund public safety facilities (fire, police, ambulance, civil defense) to meet community needs.

Encourage public-private partnerships to identify and resolve public facility plan shortcomings when consistent with the General Plan.

Incorporate community/area residents' input to determine the appropriate location and design of public facilities.

Schools and Libraries

Goal: Maui will have school and library facilities that meet residents' needs and goals.

Objective: Assist in providing appropriate school and library facilities in a timely manner and in strategic locations.

Policies: Work in partnership with all educational institutions to meet current and future needs including appropriate location, timing, and design of future facilities.

Encourage the Department of Education to build and maintain smaller, community-oriented schools.

Support partnerships (public/private/nonprofit) to build and staff new schools and improve existing facilities.

Objective: Provide a more expansive network of safe and convenient pedestrian-friendly streets, trails, pathways, and bikeways between neighborhoods and schools where appropriate.

Policy: Encourage the State to build new school facilities in appropriate locations that minimize time and distance for students to travel to and from school.

Implementing Action: Encourage the State to build new school facilities in appropriate locations that minimize time and distance for students to travel to and from school.

Health Care

Goal: All of Maui residents will have the best possible health care to include healthy living, disease prevention, as well as acute and long-term care.

Policies: Support the immediate development of a critical access hospital in West Maui.

Improve medical service to remote and outlying regions.

Energy

Goal: Maui will meet its energy needs through local sources of clean, renewable energy, and through conservation.

Policies: Support energy efficient systems, processes, and methods in public and private operations, buildings, and facilities.

Encourage the installation of renewable energy systems, where appropriate.

CHAPTER 7 LAND USE

Agricultural Lands

Policy: Strongly discourage the conversion of productive and important agricultural lands (such as sugar, pineapple, and other produce lands) to rural or urban use, unless justified during the General Plan update, or when other overriding factors are present.

Objective: Support and facilitate connectivity between communities.

Policy: Discourage land use and urban design that impedes interconnectivity between adjacent communities.

Rural Areas

Goal: Maui will have a rural landscape and lifestyle where natural systems, cultural resources, and farm lands are protected and development enhances and compliments the viability and character of rural communities.

Policies: Focus development to areas inside urban, small town, and rural growth boundaries to preserve natural, cultural, and agricultural resources.

Encourage the use of alternative stormwater management techniques that minimize land disturbance and preserve natural drainage features.

Encourage green belts, open space buffers, and riparian zones to minimize conflicts between agriculture and residential uses.

Objective: More appropriate service/infrastructure standards to enhance and protect the island's rural character and natural systems.

Policies: Minimize impermeable surfaces within rural areas.

Use infrastructure, public service, and design standards that are appropriate to rural areas.

Discourage land use and urban design that impede interconnectivity between adjacent communities.

Urban Areas

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

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

Policies: Encourage the development and implementation of neighborhood design standards that are environmentally friendly, such as LEED for Neighborhood Development (LEED –ND) standards.

Promote agriculture by encouraging community gardening, community-supported agricultural programs, and farmers markets within and adjacent to urban areas.

Discourage land use and urban design that impedes inter-connectivity between adjacent communities.

Objective: Facilitate more self-sufficient and sustainable communities.

Policies: When developing new communities, provide sufficient lands for commercial, appropriate industrial, educational, spiritual, and non-profit uses to serve the daily needs of community residents.

Site community facilities such as schools, parks, libraries, and community centers within walking and biking distance of residences.

Develop communities that provide sufficient parks, schools, libraries, and other essential public facilities and services to serve resident needs.

Promote agriculture by encouraging community gardening, edible landscaping, community-supported agricultural programs, and farmers markets within and adjacent to urban areas.

CHAPTER 8: DIRECTED GROWTH

The Directed Growth Maps include UGB, RGB, and STB as a directed growth strategy for Maui island. According to the MIP the UGBs, STBs, and RGBs are used to identify and protect farms and natural areas from sprawl and to promote the efficient use of land, and the efficient provision of public facilities and services within the respective growth boundaries. The UGBs, STBs, and RGBs take into account future growth projections through 2030, the availability of infrastructure and services, environmental constraints, and an approximate density of land development to determine the placement of the boundary. Land outside of the UGB is intended to remain rural in character with a strong agricultural and natural-resource

presence. The MIP designated Olowalu as an appropriate location for future growth and establishes UGB and RGB boundaries in this locale.

Alternative 1 and Alternative 2 of the OTMP have been reviewed with respect to the following directed growth goals and policies of the MIP:

Urban and Small Town Growth Area

Goal: Maui will have well-serviced, complete, and vibrant urban communities and traditional small towns through sound planning and clearly defined development expectations.

Policies: Community plans shall provide for urban density land use designations only within UGBs and Small Towns. The County may only support and approve State Urban Land Use Designations for areas within UGBs, STBs, and Rural Villages.

New development shall be consistent with the UGBs, STBs, and all other applicable policies of the MIP. New urban-density development shall not be allowed outside of a UGB or STB.

Rural Growth Areas

Goal: Maui will maintain opportunities for agriculture and rural communities through sound planning and clearly defined development expectations.

Policies: New development shall be consistent with RGB and all other applicable policies and requirements of the MIP. Public, quasi-public, civic, and limited commercial or industrial uses may be allowed in the RGB when the proposed uses demonstrate a public need and are consistent with the Community Plan and zoning.

Environmental protection and compatibility will be a top priority in rural growth areas.

Rural growth areas include Rural Residential Areas and Rural Villages. Rural residential areas may be designated when they are located in association with or on the border of urban growth areas or small towns; and/or when they

provide for complete, self-sufficient rural communities with a range of uses to be developed at densities that do not require urban infrastructure.

Urban-scale infrastructure and public facilities shall not be provided in rural areas except as described in the defined Level-of-Service (LOS) standards. There should be no expectations of urban services in rural areas.

The unique character and function of existing small towns and rural communities shall be protected to retain and preserve their sense of place.

Preserve rural landscapes in which natural systems, cultural resources, and agricultural lands are protected and development compliments rural character and contributes to the viability of communities and small towns.

The MIP addresses the following regions: Wailuku-Kahului; Kīhei-Mākena, Makawao-Pukalani-Kula; Pa`ia-Ha`ikū; West Maui; and Hāna. The West Maui region includes the Olowalu sub-region. According to the MIP, Olowalu Town is intended to meet the needs of Maui residents as a revitalized and sustainable community. Olowalu Town will provide housing, employment, recreational, and cultural opportunities in the context of a mixed-use sustainable community that preserves the area's natural cultural and historic resources. It is envisioned as a pedestrian-friendly community that integrates a variety of housing types with employment opportunities, commercial, and recreational uses developed concurrently with public services and infrastructure.

Olowalu Town will be designed to recognize and perpetuate the land and resource management system of the ahupua`a, provide public access between the ocean and mountains, and protect the natural environment.

UGB and RGB were established in Olowalu mauka of Honoapi`ilani Highway. Refer to **Figure 29** and **Appendix "R"**. However, the MIP states that "the future delineation of potential urban growth areas makai of the existing Honoapi`ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan" (MIP at 8-64). Such delineation may consider the need to protect adjacent coastal and marine ecosystems, enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway plan. The distinct boundaries of parks and open space, specific location of the recreational uses, and the precise amenities will be further defined during the West Maui Community Plan update and

the project review and approval process. Both Alternatives 1 and 2 will require a Community Plan Amendment.

~~F~~G. WEST MAUI COMMUNITY PLAN

Within Maui County, there are nine (9) community plan regions. From a General Plan implementation standpoint, each region is governed by a community plan which sets forth desired land use patterns, as well as goals, objectives, policies, and implementing actions for a number of functional areas including infrastructure-related parameters. The proposed Master Plan project is located within the West Maui Community Plan region. The existing land use designations for the Master Plan area under the Community Plan are set forth in the existing West Maui Community Plan Land Use Map. The lands underlying the Master Plan area are designated "Agricultural", "Open Space", and "Park (Golf Course)" on the Land Use Map. Refer to **Figure 8** and **Table 4**.

At the appropriate time, the ~~a~~Applicants will file a Community Plan Amendment (CPA) application to change the designation from "Agricultural", "Conservation", and "Park (Golf Course)" to "Project District" to reflect the land use spatial relationships and allocations set forth in the proposed Master Plan. This land use entitlement action will apply to both Alternative 1 and Alternative 2.

Examples of goals, objectives, and policies from the West Maui Community Plan supporting the proposed Master Plan are provided below:

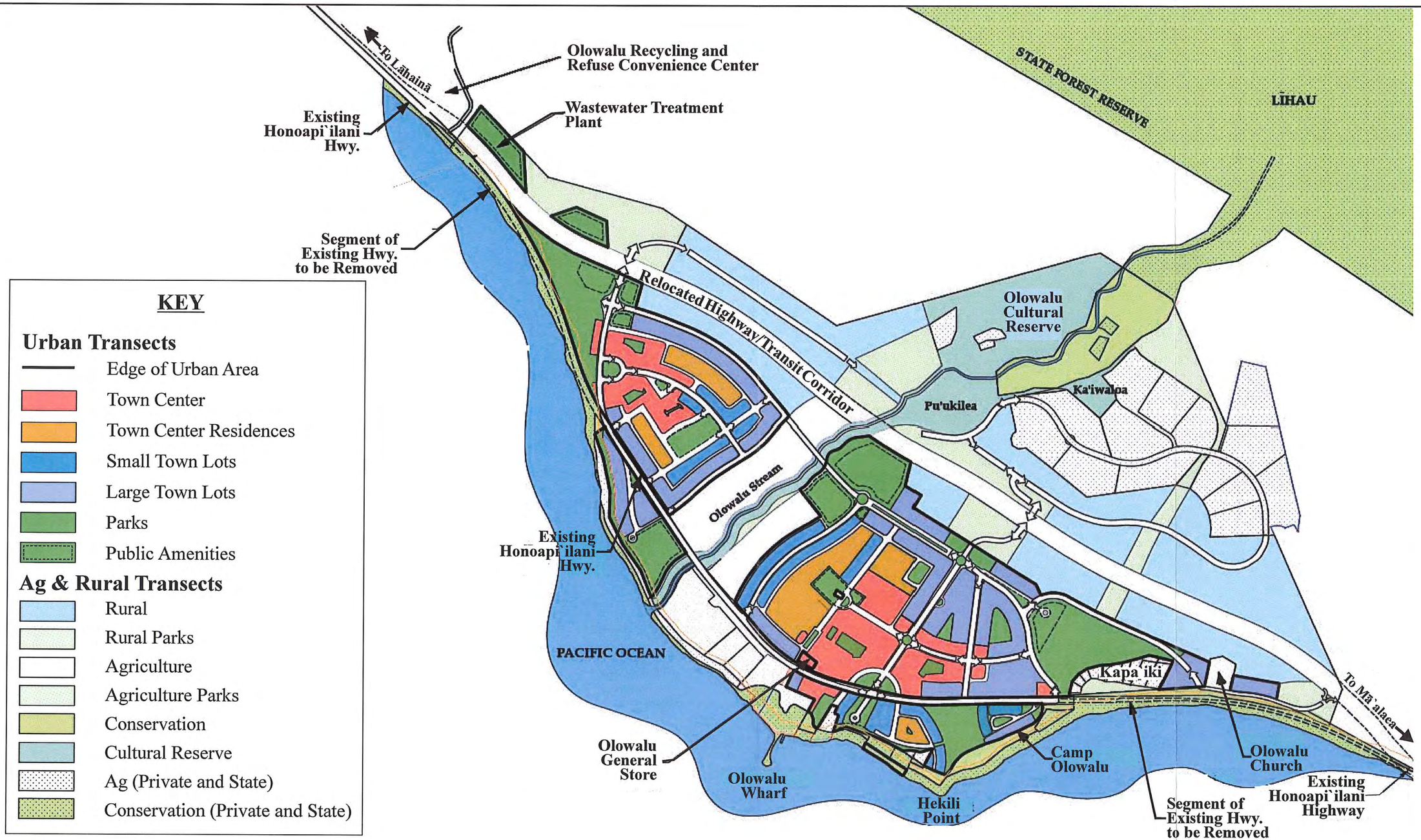
LAND USE

Goal:

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

Objectives and Policies:

- Protect and enhance the quality of the marine environment.



Source: Artel, Inc.

Figure 4

Proposed Olowalu Town Master Plan

Conceptual Master Plan
(Alternative 1, Preferred Plan)

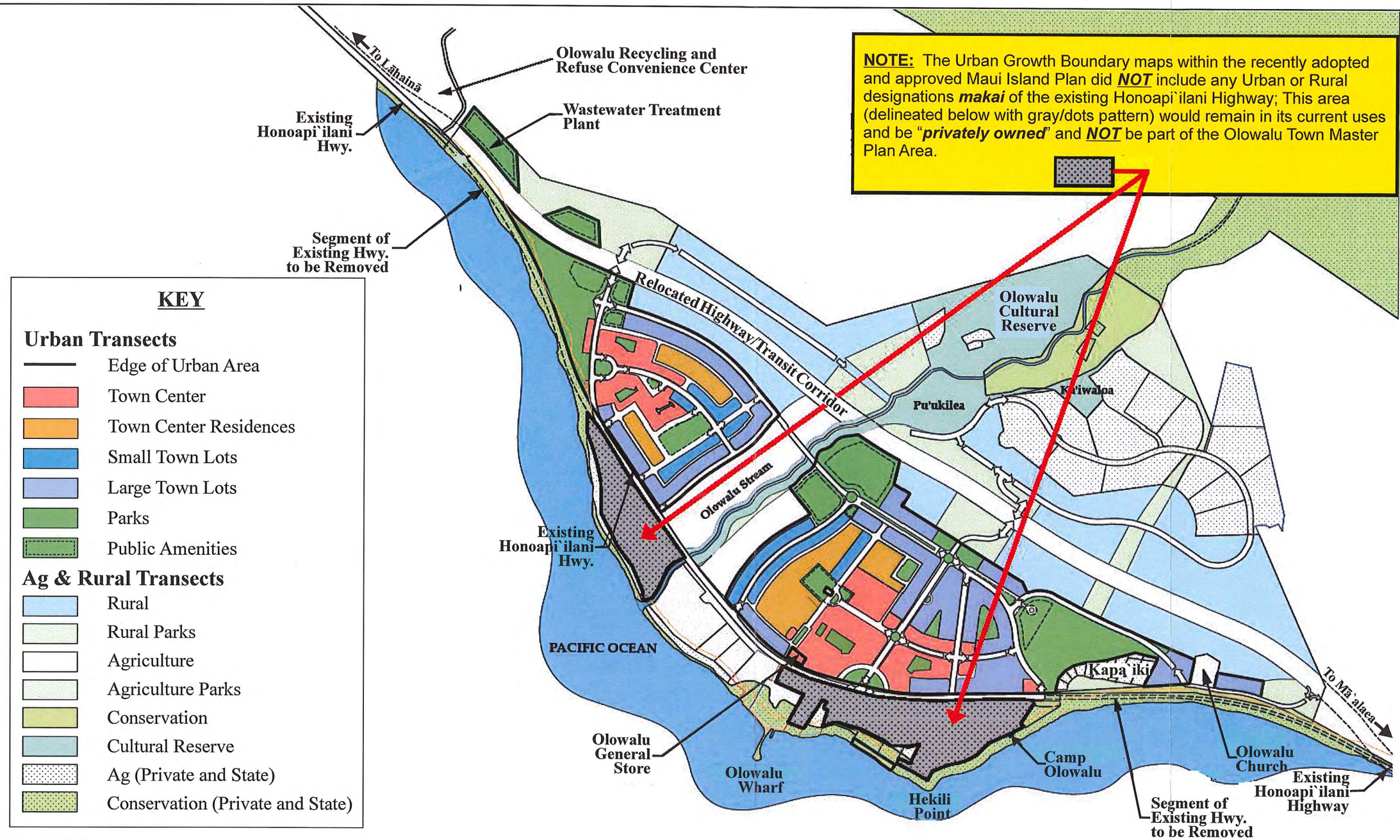
NOT TO SCALE

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

EXHIBIT 2

MUNEKIYO HIRAGA

OlowaluTown/MasterPl/Final EIS/conceptualplan(revised)



Source: Artel, Inc.

Figure 5

Proposed Olowalu Town Master Plan

Maui Island Plan Growth Boundary Conceptual Plan (Alternative 2)

NOT TO SCALE

Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

MUNEKIYO HIRAGA

OlowaluTown/MasterPl/Final EIS/Alt2 ConceptualPlan

CITIZENS FOR TRUTH AND JUSTICE
MAUI COUNTY

"Democracy is the whore of fascism and totalitarian corporate socialism.
She is the mistress of the bastard child of tyranny and oppression.
She is the merciless abortionist of Liberty
while posing as the midwife of Freedom."

POST OFFICE BOX 791071
PA`IA, MAUI, HAWAI`I, U. S. OCCUPIED TERRITORY 96779
TELEPHONE/FAX (808) 573-2350, E-MAIL [illegible]

Pete Muñoz, Director
Sam Miguel, Executive Director-Citizen Affairs

Kenneth K. Yasso, District Director
Richard I. Cherry, Media Advisor

15 October 2012

Bill Frampton, Project Manager
Frampton & Ward, LLC
2073 Wells Street, Suite 101
Wailuku, Maui, Hawaiian Islands, U. S. Occupied Territory 96793

Re: 600 Acre "Development" of Olowalu, Maui

Greetings Mr. Frampton:

We are writing to inquire if you folks have contacted the Legal Kingdom of Hawai`i Government concerning your proposed "development" in Olowalu, Maui.

It might be a fine gesture on your part to contact the reinstated government of the Kingdom of Hawai`i regarding your subjugation of this land, due to the fact that an estimated 90% of the total land area of the island of Maui was under the control of the crown and/or government of the Kingdom of Hawaii`i prior to the illegal act of war brought upon this once sovereign nation by America in 1893!

We would appreciate hearing from you regarding this question and request.

Sincerely,

Sam Miguel

Sam Miguel, Executive Director-Citizen Affairs

CC: Mr. Kent Hiranaga, Chairperon
Maui County Planning Commission

Olowalu Town
BY MAUI, FOR MAUI
2035 MAIN STREET WAILUKU HAWAI'I 96793
OFFICE: 808-249-2224 / FAX: 249-2333

October 26, 2015

Sam Miguel
Executive Director – Citizens Affair
Citizens for Truth and Justice Maui County
P.O. Box 791071
Paia, Hawaii 96779

SUBJECT: Draft Environmental Impact Statement for the Proposed Olowalu Town Master Plan at Olowalu, Hawaii

Dear Mr. Miguel:

We are in receipt of your letter dated October 15, 2012 regarding comments on the Draft Environmental Impact Statement (EIS) for the proposed Olowalu Town Master Plan. While we are not familiar with the Legal Kingdom of Hawaii Government, we welcome the input of that organization.

Thank you for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter and this response letter will be included in the Final EIS. Should you wish to receive a copy of the Final EIS document or portion thereof, please submit your request in writing to Munekiyo Hiraga at 305 High Street, Suite 104, Wailuku, Hawaii 96793 (Attention: Colleen Suyama).

Very truly yours,

William Frampton
Olowalu Town LLC

David Ward
Olowalu Town LLC

cc: Peter Martin, Olowalu Ekolu, LLC
Jennifer Lim, Carlsmith Ball, LLP
Colleen Suyama, Munekiyo Hiraga

K:\DATA\OlowaluTown\MasterPl\Draft EIS\Response Letters\Miguel Response.doc