



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

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MAR 08 2016

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Director
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Deputy Director

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MEMORANDUM

TO: Scott Glenn, Interim Director
State of Hawaii, Department of Health
Office of Environmental Quality Control

FROM: Carol K. Reimann, Director *CR*
Maui County Department of Housing and
Human Concerns

DATE: February 25, 2016

RE: **FONSI for Ma'alea Plantation Subdivision - Maui Tax Map Key No. 3-6-01:18**

This letter is to provide notice to withdraw the Finding of No Significant Impact ("FONSI") for the Ma'alea Plantation Subdivision, Wailuku, Maui, Hawaii (the "Project") published in *The Environmental Notice* on November 8, 2015.

Applicant MVI, LLC and the Department of Housing and Human Concerns have agreed with interested community organizations to withdraw the FONSI for this project and Applicant has agreed to conduct further studies and prepare an Environmental Impact Statement for the Project.

If you have questions please contact Buddy Almeida, Housing Administrator at (808) 270-7351, or via email at buddy.almeida@mauicounty.gov.

Enclosures

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APPLICANT PUBLICATION FORM

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Project Name:	Mā'alaea Plantation Subdivision 5(e) EISPN
Project Short Name:	Mā'alaea Plantation Subdivision
HRS §343-5 Trigger(s):	Use of state or county lands or funds
Island(s):	Maui
Judicial District(s):	Wailuku
TMK(s):	(2) 3-6-01:18
Permit(s)/Approval(s):	HRS § 201H-38 Affordable Housing Project, State Land Use District Boundary Amendment
Approving Agency:	Maui County Department of Housing and Human Concerns ("DHHC")
Contact Name, Email, Telephone, Address	Buddy Almeida, Buddy.Almeida@co.maui.hi.us 2200 Main Street, Suite 546, Wailuku, HI 96793
Applicant:	MVI, LLC
Contact Name, Email, Telephone, Address	Douglas Spencer, maalaeplantation@gmail.com (808) 283-5242, 67 E. Waiko Road, Wailuku, HI 96793
Consultant:	Alston Hunt Floyd & Ing
Contact Name, Email, Telephone, Address	Annie Yi, avi@ahfi.com (808) 524-1800, 1001 Bishop Street, Suite 1800, Honolulu, HI 96813

Status (select one) DEA-AFNSI**Submittal Requirements**

Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice.

 FEA-FONSI

Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.

 FEA-EISPN

Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.

 Act 172-12 EISPN
("Direct to EIS")

Submit 1) the approving agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.

 DEIS

Submit 1) a transmittal letter to the OEQC and to the approving agency, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.

 FEIS

Submit 1) a transmittal letter to the OEQC and to the approving agency, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice.

 FEIS Acceptance
Determination

The approving agency simultaneously transmits to both the OEQC and the applicant a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice.

 FEIS Statutory
Acceptance

The approving agency simultaneously transmits to both the OEQC and the applicant a notice that it did not make a timely determination on the acceptance or nonacceptance of the applicant's FEIS under Section 343-5(c), HRS, and therefore the applicant's FEIS is deemed accepted as a matter of law.

 Supplemental EIS
Determination

The approving agency simultaneously transmits its notice to both the applicant and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.

- Withdrawal Identify the specific document(s) to withdraw and explain in the project summary section.
- Other Contact the OEQC if your action is not one of the above items.

Project Summary

Applicant requests approvals for a 186 lot affordable rural-residential subdivision on approximately 257 acres of land located Mauka of Honapi'ilani Highway at Mā'alaea, Wailuku, Maui, Hawai'i. Applicant will process the Project with DHHC under HRS §201H-38 guidelines. At least 51% of the proposed lots will be offered for sale as house and lot packages to qualified families whose annual incomes are within 80% to 140% of Maui median income as determined by DHHC's Affordable Sales Price Guidelines. The remaining lots will be offered for sale as finished lots at market prices. In addition to Maui County Council approval, Applicant will seek a Land Use District Boundary Amendment to reclassify the Project to the State Land Use Rural District.

The Project's rural lot sizes will emphasize preservation of the rural character of the area. The Project will include a neighborhood park. Infrastructure improvements will consist of internal roadways, intersection improvements, drainage retention basins, utilities and wastewater treatment facilities.

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ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Mā‘alaea Plantation Affordable Housing Project & Related Improvements

Project to be Processed Pursuant to HRS §201H-38

Maui TMK No: 3-6-01:18

Mā‘alaea, Maui, Hawai‘i

Prepared for:

MVI, LLC

Approving Authority:

County of Maui, Department of Housing and Human Concerns

Prepared by:

Alston Hunt Floyd & Ing

This Environmental Impact Statement Preparation Notice (“EISPN”) is Prepared Pursuant to HRS Chapter 343, Environmental Impact Statement Law, and Chapter 200 of Title 11, HAR, Department of Health, Environmental Impact Statement Rules

February 25, 2016

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Description of the Proposed Action

The applicant for the Hawaii Revised Statutes (“HRS”) §201H-38 affordable housing project application is MVI, a Hawaii limited liability company (“Applicant”), whose mailing address is 67 E. Waiko Road, Wailuku, Hawaii 96793. The accepting authority is the County of Maui, Department of Housing and Human Concerns (“DHHC”).

Applicant proposes to develop a rural-residential subdivision, including a neighborhood park, and related improvements on approximately 257 acres of land identified as Maui Tax Map Key No. 3-6-01:18 (the “Project”). The proposed Project will be located at Mā‘alaea, Wailuku, Island of Maui, Hawaii. The Project consists of 186 rural-residential lots and house and lot packages, with at least 51% of the lots to be house and lot packages to be offered for sale at prices affordable by qualified families whose annual incomes are within 80% to 140% of Maui median income as determined by DHHC’s Affordable Sales Price Guidelines. Applicant will process the Project with DHHC under HRS §201H-38 guidelines. The remaining lots will be offered for sale as finished lots at market prices.

The Project’s rural lot sizes will emphasize preservation of the rural character of the area. The Project will include a neighborhood park. Infrastructure improvements will consist of internal roadways, intersection improvements, drainage retention basins, utilities and wastewater treatment facilities.

Determination

Applicant prepared an environmental assessment (“FEA”) for the Project, and DHHC issued a finding of no significant impact (“FONSI”) for the Project on October 26, 2015. The FEA and the FONSI were published in the Environmental Notice on November 8, 2015.

Following a legal challenge to the FONSI initiated by Mā‘alaea Community Association and Maui Tomorrow Foundation, Applicant and DHHC reconsidered and agreed to withdraw the FONSI because the Project may have a significant effect on the environment. Hawaii Administrative Rules (the “HAR”) §11-200-12 lists thirteen (13) significance criteria. The Project may substantially affect the economic or social welfare of the Mā‘alaea, Maui community (HAR §11-200-12(b)(4)) and the Project may affect a rare, threatened or endangered species or its habitat (HAR §11-200-12(b)(9)).

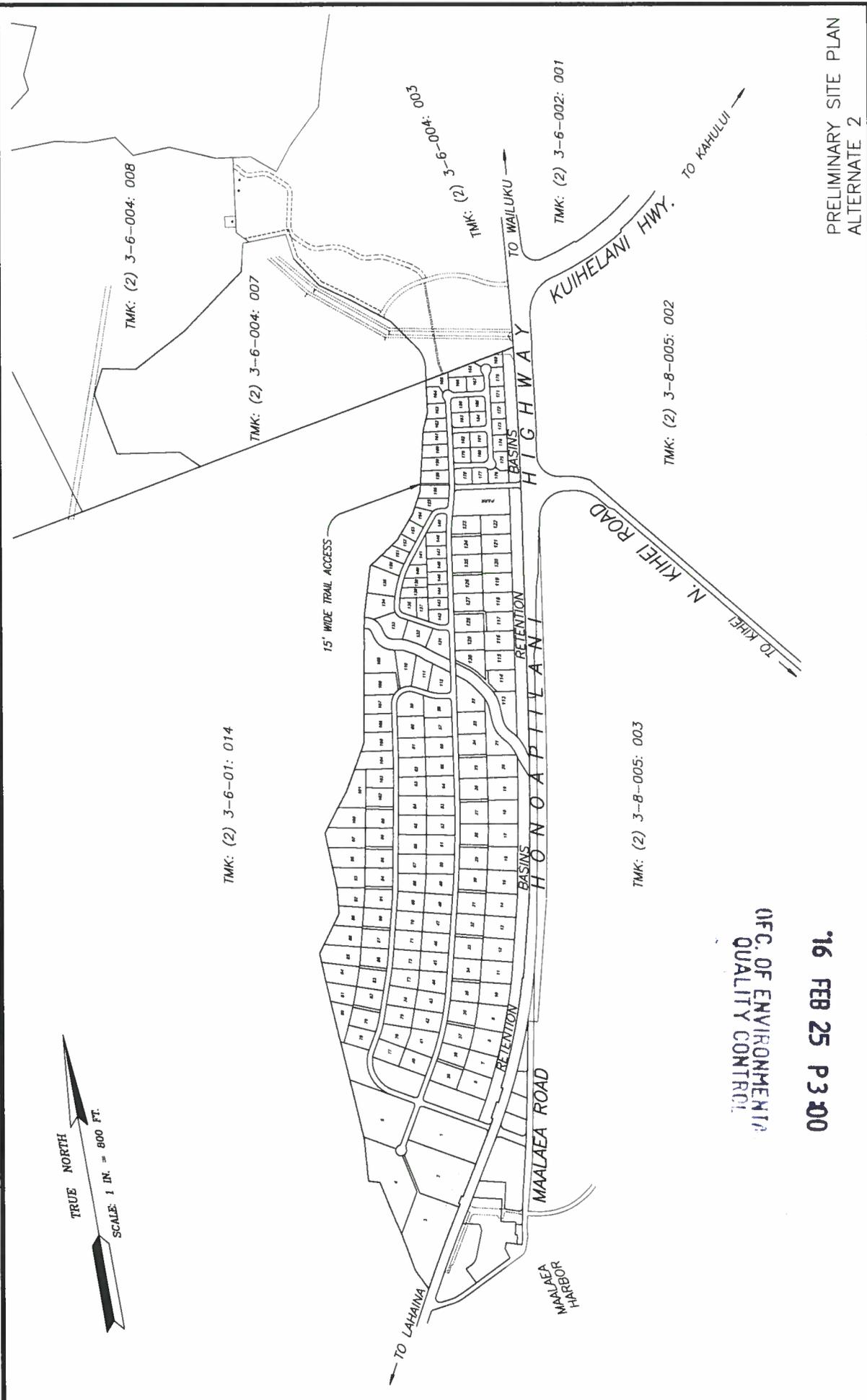
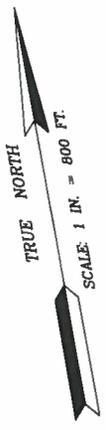
In addition, Applicant has re-examined Project feasibility, and has determined to increase the number of lots to be created in the Project. The Project will be redesigned in accordance with the attached preliminary site plan. Although the Project will no longer have an agricultural component, Applicant intends to request that the land on which the Project is to be developed be

classified in the State Land Use Rural District and County Rural Zoning District in order to maintain a lower density and “country” feeling.

Accordingly, the Project must undergo environmental review in accordance with HRS §343-5. Applicant and DHHC have determined that Applicant will prepare an EIS for the Project. The environmental review process being initiated by this EISPN is intended to fully and accurately disclose all of the Project’s impacts to the environment.

Contact Person for Further Information

William W.L. Yuen, Esq.
Alston Hunt Floyd & Ing
1001 Bishop Street, Suite 1800
Honolulu, HI 96813
Tel.: (808) 524-1800
Email: wyyuen@ahfi.com



TMK: (2) 3-6-004: 008

TMK: (2) 3-6-004: 007

TMK: (2) 3-6-01: 014

15' WIDE TRAIL ACCESS

TMK: (2) 3-6-004: 005

TMK: (2) 3-6-002: 001

TMK: (2) 3-8-005: 002

TMK: (2) 3-8-005: 003

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PRELIMINARY SITE PLAN
ALTERNATE 2