

6.7 130-ACRE NATIVE PLANT PRESERVATION AREA

Several comments on the Draft EIS requested that the EIS include an alternative discussing a Native Plant Preservation Area of 130 acres. County of Maui Ordinance No. 3554 Condition 27 states, in part, that the Native Plant Preservation Area “shall not be less than 18 acres and shall not exceed 130 acres.” County of Maui Ordinance No. 3554 also includes a map showing the location of the Native Plant Preservation Area within the portion of the Property south of latitude 20°40’15.00”N. This map shows a Native Plant Preservation Area of 18 acres.

As discussed in Section 3.6 (Botanical Resources), in conformance with County of Maui Ordinance No. 3554 Condition 27, to protect and conserve an area that contains the highest density of representative native plant species within Honua’ula, Honua’ula Partners, LLC will dedicate in perpetuity a conservation easement titled “Native Plant Preservation Area.” As shown on Figure 1 and Figure 12, the Native Plant Preservation Area encompasses a contiguous 40-acre area within the southern portion of the Property. Section 3.6 (Botanical Resources) and Section 3.7 (Wildlife Resources) detail additional on-site measures to protect native plants also discusses off-site measures that that Honua’ula Partners, LLC will undertake to protect and enhance native plants and habitat for the Blackburn’s sphinx moth², including:

- Acquiring a perpetual conservation easement of approximately 224-acres on a currently unprotected portion of property owned by Ulupalakua Ranch adjacent to the eastern boundary of the State of Hawaii Kanaio Natural Area Reserve; and
- Funding and implementing the continuation and expansion of restoration efforts within the Auwahi Forest Restoration Project area, just north of the Kanaio Natural Area Reserve, including fencing of approximately 130 acres, ungulate removal, and plant restoration activities.

It is important to note that no Federal or State of Hawai’i listed threatened or endangered plant species have been identified on the Honua’ula Property³. The Property is not located within or immediately adjacent to critical habitat or recovery management units designated by the U.S. Fish and Wildlife Service (USFWS) and until recently there have been no efforts by any Federal, State, or local government agency, or non-governmental conservation organizations to acquire or protect any portion of the Honua’ula Property. The non-native tree tobacco (Nicotiana glauca) has been found at various locations throughout the Property and often appears quickly following grading, mowing, or related land disturbances. While insignificant as an introduced weedy plant species, it is a recognized host plant for the Federally-listed endangered Blackburn’s sphinx moth

² The on- and off-site mitigation measures and areas are subject to the approval of the Habitat Conservation Plan by USFWS and DLNR.

³ While no Federal or State of Hawai’i listed threatened or endangered plant species have been identified, five individual plants of the candidate endangered species, ‘awikiwiki (Canavalia pubescens), have been documented within the Property.

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(Manduca blackburni) (for information on the Blackburn's sphinx moth see Section 3.7 (Wildlife Resources)).

Chapter 19.90A, MCC (Kihei-Makena Project District 9 (Wailea 670)), sets forth Honua'ula's purpose and intent; land use sub-districts, including allowable densities and acreage; general standards of development; and specifications for each sub-district. Chapter 19.90A, MCC also includes an adopted conceptual land use map for Honua'ula that graphically shows Honua'ula's land use sub districts, golf course, circulation, and other elements. This map does not show a Native Plant Preservation Area of any size.

The Conceptual Master Plan shown in Figure 1 is in conformance with the requirements of Chapter 19.90A, MCC regarding Honua'ula's purpose and intent, land use subdistricts, allowable densities, and other elements, such as the provision of a golf course. It is also in conformance with the map provided with County of Maui Ordinance No. 3554 regarding the general size and location of the Native Plant Preservation Area.

Providing a Native Plant Preservation Area of 130 acres would result in significant changes to the Conceptual Master Plan (Figure 1), resulting in conflicts with several provisions of Chapter 19.90A, MCC. A Native Plant Preservation Area of 130 acres would necessitate shifting a significant number of single-family and multi-family homes to the northern section of the Property, thereby increasing density in this area. It would also significantly change the golf course layout or possibly make a golf course altogether infeasible. Simply reducing the number of homes or not providing a golf course could make Honua'ula economically unfeasible in light of the significant on and off-site improvements required as conditions of County of Maui Ordinance No. 3554. Reducing the number of homes and/or not providing a golf course would also dramatically decrease the economic benefits of Honua'ula, such as property tax revenues to the County, total gross tax revenues to the State; and impact fees paid to the County and State by Honua'ula Partners LLC.

To elaborate on how a Native Plant Preservation Area of 130 acres would be in conflict with the provisions of Chapter 19.90A, MCC, the following examples are provided:

- Section 19.90A.010, MCC states: "The purpose and intent of Kihei-Makena project district 9 (Wailea 670) ... is to establish permissible land uses and appropriate standards of development for a residential community consisting of single-family and multifamily dwellings complemented with village mixed uses, all integrated with an eighteen-hole golf course and other recreational amenities."
- Section 19.90A.010(B)(3), MCC states: "Integrate the golf course and recreational amenities with the different uses comprising the project."

A Native Plant Preservation Area of 130 acres would significantly impact the ability to integrate Honua'ula's single and multifamily homes with an 18-hole golf course and other recreational amenities, as shifting nearly all of the residential uses to the

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northern section of the Property would require most of the area to be used for residential uses, or if integrated with a golf course, require significantly higher density residential configurations.

- Section 19.90A.020(A), MCC sets forth maximum allowable densities and acreage for each sub-district. The single-family sub-district is limited to an average density of 2.5 units per acre or less and approximately 40 percent of Honua'ula's total dwelling units are required to be single-family. The multi-family sub-district is limited to an average density of 10 units per acre or less and approximately 60 percent of Honua'ula's total dwelling units are required be multi-family.

Shifting nearly all the single-family and multi-family homes to the northern section of the Property would require: 1) significantly higher density residential configurations in the northern section to provide the same amount of workforce and market priced homes; or 2) significantly less homes to comply with the density requirements of Section 19.90A.020(A), MCC. Reducing the total number of homes would make Honua'ula economically unfeasible in light of the significant on and off-site improvements required as conditions of County of Maui Ordinance No. 3554.

- Section 19.90A.020(B), MCC requires that 450 affordable homes shall be provided within the Honua'ula Property.

Shifting nearly all single-family and multi-family homes (affordable and market priced) would require significantly higher density residential design or a reduction in the total number of homes. Since 450 affordable homes are required, any reduction in the number of homes would result in less market priced homes. Reducing the number of market priced homes would make Honua'ula economically unfeasible in light of the significant on and off-site improvements required as conditions of County of Maui Ordinance No. 3554.

In addition, some Maui Meadows residents have expressed concerns about the density of affordable multi-family homes adjacent to the Maui Meadows boundary. On the Conceptual Master Plan included with the Draft EIS it was necessary to include multifamily homes in this area to accommodate the initial Native Plant Preservation Area. Providing a larger 130-acre Native Plant Preservation Area would necessitate increasing the number and density of units in the northern section of the Property thus adding to the concerns of some Maui Meadows residents.

- Section 19.90A.020(D), MCC references a conceptual land use map that "is adopted and is made a part of this section." The map graphically shows Honua'ula's land use sub districts, golf course, circulation, and other elements.

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The conceptual land use map adopted as part of Section 19.90A.020(D) has already been modified to accommodate the initial Native Plant Preservation Area and other conditions required under County of Maui Ordinance No. 3554. The Planning Department reviewed the changes necessary to implement the initial Native Plant Preservation Area and other conditions which included changes to sub-district configurations and densities, circulation design, and golf course layout. Increasing the Native Plant Preservation Area to 130 acres would require additional changes in sub-district configurations and densities, circulation design, golf course layout, and other critical design considerations. A significantly revised conceptual land use map incorporating a 130-acre Native Plant Preservation area would be inconsistent with the conceptual land use map referenced in Section 19.90A.020(D).

- Section 19.90A.030(A)(1), MCC requires: "Existing natural drainageways shall remain as open spaces and their hardening shall be discouraged, provided that landscaping, walkways, bikeways, roadways, fences, drainage, and minor recreational and other structures, which do not either detract from the natural environment or adversely affect drainageways and improvements, shall be permitted."

Shifting nearly all single-family and multi-family homes to the northern section of the Property would impact the ability to retain the natural drainage ways, buffer zones, and slope areas in their natural condition. Grading for home site pads would be drastically increased as a result of greater densities. This would have aesthetic impacts and, more importantly, create greater concentrations of run-off within the property. Increases in density would result increased non-permeable areas and create the need for increased detention basin area.

- Section 19.90A.030(A)(2), MCC states: "The drainage master plan shall incorporate the golf course and open spaces as areas for stormwater retention and desilting basins."

Increasing density in the northern section of the Property will impact the ability to create a golf course and a drainage plan required under Section 19.90A.030(A)(2), MCC. In all Honua'ula planning and engineering studies the golf course has been a critical element of the drainage design. If the golf course layout is significantly altered in its design, or becomes infeasible, the ability to use the golf course for drainage will be significantly impacted.

- Section 19.90A.030(A)(3) requires: "Grading of the project site shall be encouraged to retain the existing rolling topography and natural drainage ways."

Shifting nearly all single-family and multi-family homes to the northern section of the Property would dramatically increase grading of the Property, as significantly

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more grading would be necessary to create home site pads with the increased density.

County of Maui Ordinance No. 3554 contains conditions requiring Honua'ula to provide a private water system (Condition 1) and a private wastewater system (Condition 17). Significantly reducing the number of homes within Honua'ula to accommodate a 130-acre Native Plant Preservation Area could make providing these systems infeasible as the cost to build and operate these systems may not be supportable with less homes. In addition, Condition 17 also requires reclaimed water from the private wastewater system to be used for irrigation. A reduced number of homes would result in less output of reclaimed water from the private wastewater system, thereby possibly necessitating more non-potable well water for irrigation. Alternatively, if the same amount of homes were provided at increased densities, with a 130-acre Native Plant Preservation Area there would be less area available to dispose of the reclaimed water. Condition 17 prohibits injection wells.

County of Maui Ordinance No. 3554 requires Honua'ula to pay specific development fees, including:

- Traffic improvement fees of \$5,000 per residential unit, payable to the County of Maui (Condition 3);
- Park assessment fees, currently at \$17,240 per residential unit, payable to the County of Maui (Condition 11); and
- School impact fees, currently at \$5,560 per single family unit and \$3,000 per multifamily unit, payable to the State (Condition 22).

Together, these fees are at least \$25,240 per residential unit and total over \$29 million.. Any reduction in the number of units will result in a corresponding decrease in fees paid to the State and the County. County property tax revenues would also decrease with less homes or diminished property values resulting from higher density homes. State tax revenues, estimated on a per capita basis, would also decrease with fewer homes.

County of Maui Ordinance No. 3554 also requires Honua'ula Partners, LLC to:

- Widen Piilani Highway from Kilohana Drive to Wailea Ike Drive from two to four lanes⁴. The widening project is estimated to cost approximately \$26 million;
- Pay not less than \$5 million to the County for the development of the South Maui Community Park in-lieu of dedicating a Little League Field within Honua'ula (Condition 10);

⁴ Cost to be shared by Honua'ula Partners, LLC, A&B Wailea LLC, Keaka LLC, and ATC Makena Holdings; however County of Maui Ordinance No. 3554 Condition 2a requires the widening of Piilani Highway to be completed before any construction on the Honua'ula Property, with the exception of grading; therefore Honua'ula Partners, LLC may be required to pay the total amount if the other entities are not able to contribute before construction of Honua'ula begins.

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- Contribute \$550,000 to the County for the development of the new Kihei District Police Station in South Maui (Condition 24); and
- Provide the County two acres of land with direct access to the Pi'ilani Highway extension for the development of a fire station (Condition 24).

Reducing the number of homes within Honua'ula or not providing a golf course could make Honua'ula economically unfeasible in light of these significant fees that must be paid, in addition to overall on-site construction costs of Honua'ula.

In summary, the alternative with a 130-acre Native Plant Preservation Area would:

- Conflict with provisions of Chapter 19.90A, MCC;
- Conflict with several conditions of approval required under County of Maui Ordinance No. 3554
- Necessitate shifting a significant number of single-family and multi-family homes to the northern section of the Property, thereby increasing density in this area and requiring significant changes to the Conceptual Master Plan;
- Significantly change the golf course layout or possibly make a golf course altogether infeasible;
- Impact the ability to use the golf course for drainage as required under Section 19.90A.030(A)(2), MCC;
- Significantly increase grading of the Property to create home site pads required for the increased density;
- Impact the ability to use reclaimed water for irrigation;
- Decrease the economic benefits of Honua'ula, such as property tax revenues to the County, total gross tax revenues to the State, and impact fees paid by Honua'ula Partners LLC; and
- Make Honua'ula economically unfeasible in light of the significant on and off-site improvements required as conditions of County of Maui Ordinance No. 3554;

Honua'ula's on-site 40-acre Native Plant Preservation Area will protect and conserve the area of the Property that contains the highest density of representative native plant species. It also will allow for conformance with the requirements of Chapter 19.90A, MCC and the conditions of County of Maui Ordinance No. 3554. Combined, Honua'ula's on-site 40-acre Native Plant Preservation Area and proposed off-site mitigation measures discussed in Section 3.6 (Botanical Resources) and Section 3.7 (Wildlife Resources) provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants—a substantially greater area for native plant protection and Blackburn's sphinx moth habitat than would be provided solely by a 130-acre Native Plant Preservation area on the Honuaula Property.